

IDSN recommendations

21st session of the Human Rights Council (10-28 Sept 2012)

CALL FOR HRC ACTION TO END CASTE DISCRIMINATION

IDSN calls on all UN Member States in the Human Rights Council (HRC) to:

- Issue a Joint Statement in the HRC calling for leadership, cooperation, and constructive engagement at the local, national, regional and international levels;
- Promote the sharing of good practices to eliminate caste discrimination by governments, Special Procedures, UN agencies and country teams, the private sector, and civil society;
- Adopt a resolution on discrimination based on work and descent, which welcomes the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, published by the HRC in 2009 (A/HRC/11/CRP.3); and decides to convene a panel debate on this topic;
- Systematically use the recommendations on caste discrimination by UN human rights bodies. For a comprehensive overview, see: www.idsn.org/UNcompilation

Read IDSN's Appeal to Member States, Special Procedures and UN agencies (full version): www.idsn.org/UNappeal

ITEM 3: PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS

Special Rapporteur on contemporary forms of slavery, Ms. Gulnara Shahinian: Thematic report on servile marriage

Forced marriage and prostitution of Dalit women and girls in South Asia

In her thematic report to the Human Rights Council ([A/HRC/21/41](http://www.unhcr.org/refugees/article/149226131.html)) the Special Rapporteur focuses on servile marriage as a contemporary form of slavery. In the report, the Rapporteur mentions how the social caste system in Asia divides people into separate communities and combines caste and honour with notions of total loyalty to the clan (para. 47). She also explains how some Dalit women are forced into prostitution as temple prostitutes in India and Nepal, as noted by UN treaty bodies (para. 61).

In fact, studies have found that thousands of Dalit women are pushed into forced marriage, prostitution, and sexual exploitation every year as a result of harmful, traditional practices inherited from the caste system. IDSN finds that the link between caste and forced marriage is particularly apparent in the context of the worrying trend of forced conversions of Hindu girls in Pakistan.

In Pakistan, Hindu women are faced with the problem of forced conversion under the disguise of marriage of choice. The worst victims are Scheduled Caste girls who are kidnapped or lured into conversion, sexually exploited and then abandoned. Girls are typically abducted, raped and kept in Madrassas, where they are forced to sign marriage certificates and claim that they have converted to Islam. Read more in the joint UPR submission by [IDSN and PDSN](#). In a recent submission on Pakistan (UPR 2012), [ALRC and ACAT-France](#) estimate that on average some 700 Christian and 300 Hindu girls are forcibly converted to Islam each year in Pakistan, notably in Punjab, Khyber Pakhtun Kha and Sindh provinces. Despite the 2011 Prevention of Anti-women Practices Act, which abolishes the practice of forced marriages and the exchange of girls in settling disputes, as well as the marriage of minor girls, the police refuse to intervene in such cases and courts are even complicit in this, by nullifying women's previous non-Islamic marriages and recognising their forced marriages instead.

CASE: FORCED CONVERSION OF HINDU GIRL IN SINDH, PAKISTAN

A case from late February 2012 clearly illustrates the need for immediate response by the government to the increase in these cases. iii Ms. Rinkel Kumari, a 17-year old Hindu girl from the town of Mirpur Mathelo, was kidnapped on February 24 2012. The kidnapping was allegedly ordered by a Member of the National Assembly (MNA) of the Pakistan People's Party (PPP). The same week that Rinkel was kidnapped three other Hindu girls were kidnapped and underwent the same harassment, conversion, and forced marriage including

*a physician who worked at a prestigious hospital in Karachi. The problem of faith conversion is a serious situation, which affects a minority and marginalized group in a country where the majority are Muslims.*Source: [UPR submission on Pakistan DSN and PDSN](#)

Suggestions for questions to be raised with the Special Rapporteur:

- Which positive measures does the Special Rapporteur recommend governments to take in order to prevent Dalit women and girls from being forced into prostitution – e.g. in the cases of the *devadasi* system in India and the Badi caste in Nepal - and from being forced to convert to Islam under the disguise of marriage in Pakistan?
- Has the Special Rapporteur encountered any good practices by state or non-state actors in tackling this form of abuse and servitude?

More information

- [Thematic report on servile marriage by the SR on contemporary forms of slavery \(A/HRC/21/41\)](#)
- [IDSN submission to UN Special Rapporteur on contemporary forms of slavery for the HRC21 thematic report](#)
- [Forced prostitution of Dalit women and girls \(IDSN key issue page\)](#)

Special Rapporteur on water and sanitation, Ms. Catarina de Albuquerque: Thematic report on Stigma and the realization of the right to water and sanitation

Stigmatization of Dalits and manual scavengers in access to water and sanitation

In her report ([A/HRC/21/42](#)) the Special Rapporteur is focusing on Stigma and the realization of the human rights to water and sanitation. Stigma as a result of “untouchability” practices and caste discrimination is one of the key focus areas in her report. In the report, the Rapporteur states that “caste systems across the world are deeply rooted in social segregation, based on ideas of purity and pollution and lending traditional “legitimacy” to discrimination,” and that “in terms of water and sanitation provision, Dalit habitations are often systematically excluded” (para. 32). [See most relevant extracts on caste and stigma in HRC report>>](#)

IDSN welcomes the Rapporteur’s distinct and precise characterization of “untouchability” and caste discrimination as a root cause of stigma and social segregation. Treated as “untouchables” on the basis of the notion of “pollution” and “impurity”, Dalits and other persons affected by [discrimination based on work and descent](#) suffer from extreme forms of stigma and denial of equal access to basic services as a consequence hereof. In India, for example, more than 20% of Dalits do not have access to safe drinking water, and 48.4% of Dalit villages are denied access to a water source.¹ One of the most degrading practices of the Dalit community is “manual scavenging” - the job of removing human excrement from dry toilets and sewers with their bare hands. Whereas Dalit men clean sewage pits, it is mostly Dalit women who clean dry toilets in homes and public places. Although it is banned by law in India, it continues to exist in a large scale. During humanitarian disasters, Dalits are often denied access to water and sanitation in relief camps and distribution of measures. For basic needs like water and food in the camp, they are under the power of dominant castes and if they resist, there can be violent physical retaliations.²

Despite the fact that steps and measures have been taken by affected governments to ban and eradicate caste-based discrimination, millions of Dalits are still treated as “untouchables”. It is estimated than 260 million persons suffer the stigma of discrimination based on work and descent in Asia, Africa, the Middle East and in the Diaspora.

As a comprehensive framework to address caste-based discrimination, the [draft UN Principles and Guidelines](#) on the effective elimination of discrimination based on work and descent recommends governments to provide equal access to health, food, water, and housing for Dalits ([para. 39-46](#)) among other things. Another important aspect is to ensure non-discrimination on the basis of caste in disaster management ([para. 56-58](#)).

Suggestions for questions to be raised with the Special Rapporteur:

- What can be done by state and non-state access to eradicate the stigma and exclusion suffered by an estimated 260 million persons affected by discrimination based on work and descent?
- How can international legal instruments and frameworks, incl. the [draft UN Principles and Guidelines](#) for the effective elimination on discrimination based on work and descent, be used more effectively to combat the stigma of Dalits in affected countries? To what extent can they be a useful tool for governments, bilateral and multilateral agencies to develop policies and National Action Plans to combat this problem?

¹ 'Untouchability in Rural India' by Ghanshyam Saha, Satish Deshpande, Sukhadeo Thorat, Harsh Mander, and Amita Baviskar Delhi, SAGE Publications, New Delhi, 2006.

² For more information on root cause and implications, see [NCDHR submission for the thematic report \(2012\)](#)

More information

- [Thematic report on stigma and the human right to water and sanitation \(A/HRC/21/42\)](#) and [Link to HRC21 report on stigma and the human right to water and sanitation - Extracts on stigma and caste](#)
- [NCDHR submission to UN Special Rapporteur on stigmatization of Dalits for the HRC21 thematic report](#)
- [Manual scavenging \(IDSN key issue page\)](#)
- [Dalit women \(IDSN key issue page\)](#)

ITEM 6: UNIVERSAL PERIODIC REVIEW

UPR India, 24 May 2012 (13th session)

In the outcome report from the second UPR of India (A/HRC/WG.6/13/L.8), ten recommendations specifically related to caste-based discrimination and the situation of Dalits in India. These recommendations were made by a cross-regional group of states, including Thailand, Ghana, Japan, Czech Republic, Germany, Norway, USA, and the Holy See. In addition, Chile, Canada, Luxembourg, Hungary, Denmark, and Slovenia asked questions or made observations related to caste and manual scavenging. As a follow up to the review, the Government of India is recommended to accept and implement all the recommendations made on caste, as explained below:

- [Balance sheet on UPR recommendations \(NCDHR, June 2012\)](#)
- [Analysis and observations on the outcome of the second UPR of India \(IDSN, May 2012\)](#)

UPR UK, 24 May (13th session)

During the second UPR of the UK, one strong recommendation was made to the Government by Nicaragua on the need for outlawing caste discrimination in the UK. In Recommendation No. 110.61, Nicaragua recommended that the UK “put in practice a national strategy to eliminate discrimination against caste, through the immediate adoption of the Equality Law of 2010 that prohibits such discrimination, in conformity with its international human rights obligations, including CERD’s General Recommendation 29 and recommendations of the Special Rapporteur on Contemporary Forms of Racism”. The UK Government is strongly urged to recognise the need for banning caste discrimination based on significant evidence, cases and a government-commissioned study confirming this problem.

- [Analysis and observations on the outcome of the second UPR of the UK \(IDSN, May 2012\)](#)

UPR Pakistan, 30 October (14th session)

Pakistan is going to be reviewed for the second time by the UPR Working Group at the 14th UPR session on 30 October 2012. During its first review in 2008, Pakistan was specifically recommended “to take measures to eliminate discrimination against castes and high degree of poverty suffered by castes (Luxembourg) and take specific and targeted measures to effectively prevent discrimination against Scheduled Castes (Denmark).” (Recommendation No. 31). Unfortunately, the Government has done little to act on its commitment to address this.

In advance of the 2012 review, Pakistan Dalit Solidarity Network (PDSN) and IDSN submitted a report on caste-based discrimination in Pakistan (April 2012), including the status quo of the implementation of relevant recommendations. Governments are highly encouraged to make recommendations on the basis of these findings:

- [UPR submission by PDSN and IDSN for the review of Pakistan at the 14th UPR session, 2012](#)

UN PRINCIPLES AND GUIDELINES ON CASTE DISCRIMINATION

The draft UN Principles and Guidelines for the effective elimination of discrimination based on work and descent is a comprehensive legal framework developed to eliminate “discrimination based on work and descent”, the UN terminology for caste discrimination. Based on existing human rights principles and obligations, the UN Principles and Guidelines constitute a strong tool to encourage anti-discrimination legislation and relevant policy measures for governments and their agencies, UN Special Procedures, international agencies, NGOs, educational institutions, and the private sector. The framework was published by the HRC in 2009 (A/HRC/11/CRP.3).

IDSN urges the Human Rights Council to adopt a resolution, which promotes and endorses the draft UN Principles and Guidelines for the effective elimination of discrimination based on work and descent, and which establishes an independent monitoring mechanism to promote and oversee human rights violations against persons affected by this form of discrimination. *Download here: www.idsn.org/UNPG*