



**UN Treaty Bodies:
 Observations and recommendations on caste-based discrimination and related issues (1996-2011)**
Updated February 2011

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UN treaty bodies and caste discrimination

UN treaty bodies have extensively addressed the issue of caste discrimination in reviews of affected countries. This compilation provides a comprehensive overview of observations and recommendations on caste-based discrimination and related issues by the independent expert committees between 1996-2011. The document refers to specific paragraphs in Concluding Observations and relevant General Comments. Key words have been highlighted in bold (e.g. Dalits, scheduled castes, 'untouchability', devidasi, manual scavenging, Buraku, etc). Links to shadow reports submitted by IDSN and/or associated members and partners have been inserted in the left column, when available.

The shadow reports are also available on IDSN's website: <http://idsn.org/international-advocacy/un/un-treaty-bodies/>

The UN treaty bodies are international committees of independent experts who monitor State parties' implementation of the core human rights treaties and their optional protocols. At present, there are nine treaty bodies/committees monitoring the implementation of the eight core international human rights conventions that are in force.

- The Committee on the Elimination of Racial Discrimination (**CERD**)
- The Committee on Economic, Social and Cultural Rights (**CESCR**)
- The Human Rights Committee (**HRC**)
- The Committee on the Elimination of Discrimination against Women (**CEDAW**)
- The Committee Against Torture (**CAT**)
- The Sub-committee on the Prevention of Torture (**SPT**)
- The Committee on the Rights of the Child (**CRC**)
- The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (**CMW**)
- The Committee on the Rights of Persons With Disabilities (**CRPD**)

Concluding Observations by UN treaty bodies can be found on this database: <http://www.universalhumanrightsindex.org/>.

More information and links to websites of the UN treaty bodies can be found here: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

States parties' treaty ratification chart

	CESCR	CCPR	CCPROP1	CCPROP2	CERD	CEDAW	CEDAWOP	CAT	CAT-OP	CRC	CRCOPAC	CRCOPSC	CMW
Bangladesh	1999	2000			1979	1984	2000	1998		1990	2002	2000	1998*
India	1979	1979			1969	1993		1997*		1993	2005	2005	
Pakistan					1969	1996				1990	2001*	2001*	
Nepal	1991	1991	1991	1998	1971	1991	2001*	1991		1990	2000*	2006	
Sri Lanka	1980	1980	1998		1982	1981	2003	1994		1991	2002	2002*	2003*

* with signature (but not ratified)

INDIA

Committee on the Elimination of Racial Discrimination (CERD)

2007 CERD Concluding Observations - India ([CERD/C/IND/CO/19](#))

Keywords: Interpretation of 'descent', CERD general recommendation XXIX, 'untouchability', caste-based discrimination, Dalit, disaggregated data, segregation, public education, violence against Dalit women, inter-caste marriage, post-tsunami relief, political participation, devadasi, impunity, manual scavenging, bonded labour, child labour, education, SC/CT Act, impunity, caste bias

Shadow Reports:

[India's Hidden Apartheid](#) by the Centre for Human Rights & Global Justice, NYU School of Law and Human Rights Watch

[CERD alternative report](#) by the National Campaign on Dalit Human Rights

[Making Things Worse](#) - tsunami report commissioned by Dalit Network Netherlands

3. The Committee notes with appreciation the comprehensive constitutional provisions and other legislation of the State party to combat discrimination, including discrimination based on race and **caste**.

4. The Committee welcomes the special measures adopted by the State party to advance the equal enjoyment of rights by members of **scheduled castes** and scheduled tribes, such as reservation of seats in Union and State legislatures and of posts in the public service.

5. The Committee welcomes the establishment of institutions responsible for the implementation of anti-discrimination legislation such as the **Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act (1989)** and for the monitoring of acts of discrimination and violence against members of **scheduled castes** and scheduled tribes, including the Ministry of Social Justice and Empowerment, the Union and State Parliamentary Committees on Social Justice, the Ministry of Tribal Affairs, and the **National Commissions on Scheduled Castes** and on Scheduled tribes.

6. The Committee notes with appreciation the declaration of the Indian Prime Minister before the **Dalit- Minority International Conference** in New Delhi on 27 December 2006 that "the only parallel to the practice of '**Untouchability**' was Apartheid in South Africa." Such a declaration underlines the renewed commitment to address the discriminatory practice of "**Untouchability**".

8. The Committee takes note of the State party's position that discrimination based on **caste** falls outside the scope of article 1 of the Convention. However, after an extensive exchange of views with the State party, the Committee maintains its position expressed in general **recommendation No. 29** "that discrimination based on '**descent**' includes discrimination against members of communities based on forms of social stratification such as **caste** and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights." [1] Therefore, the Committee reaffirms that discrimination based on the ground of **caste** is fully covered by article 1 of the Convention.

9. The Committee regrets the lack of information in the State party's report on concrete measures taken to implement existing anti-discrimination and affirmative action legislation, as well as on the de facto enjoyment by members of **scheduled castes** and scheduled and other tribes of the rights guaranteed by the Convention. (arts. 2 and 5) Notwithstanding the above-mentioned legal position of the State party, the Committee invites it to include in its next periodic report detailed information on measures taken to implement anti-discrimination and affirmative action legislation, disaggregated by **caste**, tribe, gender, State/district and rural/urban population. The State party should also provide disaggregated data on the percentages of the Union, State and district budgets allocated for that purpose and on the effects of such measures on the enjoyment by members of **scheduled castes** and scheduled and other tribes of the rights guaranteed by the Convention.

13. The Committee notes with concern that, despite the formal abolition of "**Untouchability**" by article 17 of the Indian Constitution, de facto **segregation of Dalits** persists, in particular in rural areas, in access to places of worship, housing, hospitals, education, water sources, markets and other public places. (arts. 3 and 5) The Committee urges the State party to intensify its efforts to enforce the Protection of Civil Rights Act (1955), especially in rural areas, including by effectively punishing acts of "**Untouchability**", to take effective

measures against segregation in public schools and residential segregation, and to ensure equal access for **Dalits** places of worship, hospitals, water sources and any other places or services intended for use by the general public.

14. The Committee is concerned about reports of arbitrary arrest, torture and extrajudicial killings of members of **scheduled castes** and scheduled tribes by the police, and about the frequent failure to protect these groups against acts of communal violence. (arts. 5 (b) and 6) The Committee urges the State party to provide effective protection to members of **scheduled castes** and scheduled and other tribes against acts of discrimination and violence, introduce mandatory training on the application of the **Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act (1989)** for police, judges and prosecutors and take disciplinary or criminal law measures against police and other law enforcement officers who violate their duty of protection and/or investigation in relation to crimes against **scheduled castes** and scheduled and other tribes.

15. The Committee is concerned about the alarming number of allegations of acts of sexual violence against **Dalit women** primarily by men from **dominant castes**, in particular rape, and about the sexual exploitation of **Dalit** and tribal women who are being trafficked and forced into prostitution. (art. 5 (b))The Committee urges the State party to effectively prosecute and punish perpetrators of acts of sexual violence and exploitation of **Dalit** and tribal women, sanction anyone preventing or discouraging victims from reporting such incidents, including police and other law enforcement officers, take preventive measures such as police training and public education campaigns on the criminal nature of such acts, and provide legal, medical and psychological assistance, as well as compensation, to victims. The State party should also consider adopting victim-sensitive rules of evidence similar to that of Section 12 of the Protection of Civil Rights Act (1955) and establishing special court chambers and task forces to address these problems.

17. The Committee notes with concern reports that **Dalit** candidates, especially women, are frequently forcibly prevented from standing for election or, if elected, forced to resign from village councils or other elected bodies or not to exercise their mandate, that many **Dalits** are not included in electoral rolls or otherwise denied the right to vote, and that public service posts reserved for **scheduled castes** and scheduled tribes are almost exclusively filled in the lowest category (e.g. sweepers). The Committee is also concerned that **scheduled castes** and scheduled and other tribes are underrepresented in the Union, State and local governments and legislatures, as well as in the public service. (arts. 5 (c) and 2 (2))The Committee recommends to the State party to effectively enforce the reservation policy; to ensure the rights of members of **scheduled castes** and scheduled and other tribes to freely and safely vote and stand for election and to fully exercise their mandate if elected to their reserved seats; to apply the reservation policy to all categories of public service posts, including the highest, and to extend it to the judiciary; to ensure adequate representation of **scheduled castes**, scheduled and other tribes and ethnic minorities in Union, State and local governments and legislatures; and to provide updated statistical data on such representation in its next periodic report.

18. The Committee is concerned about the persistence of social norms of purity and pollution which de facto preclude marriages between **Dalits** and non-**Dalits**; it is also concerned about violence and social sanctions against **inter-caste couples** and the continuing practices of child marriage and dowry, and **devadasi** whereby mostly **Dalit** girls are dedicated to temple deities and forced into ritualized prostitution. (art. 5 (d) (iv) and 5 (b))The Committee urges the State party to effectively enforce the prohibition of child marriage, the Dowry Prohibition Act (1961) and State laws prohibiting the practice of **devadasi**. The State party should punish such acts and acts of discrimination or violence against **inter-caste couples** and rehabilitate victims. Furthermore, it should conduct training and awareness-raising campaigns to sensitize police, prosecutors, judges, politicians, teachers and the general public as to the criminal nature of such acts.

20. The Committee is concerned about reports that **Dalits** are often denied access to and evicted from land by **dominant castes**, especially if it borders land belonging to such **castes**, and that tribal communities have been evicted from their land under the 1980 Forest Act or in order to allow private mining activities (art. 5 (d) (v) and 5 (e) (i) and (iii)).The Committee recommends that the State party ensure

that **Dalits**, including **Dalit women**, have access to adequate and affordable land and that acts of violence against **Dalits** due to land disputes are punished under the **Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act (1989)**. The State party should also ensure that tribal communities are not evicted from their lands without seeking their prior informed consent and provision of adequate alternative land and compensation, that bans on leasing tribal lands to third persons or companies are effectively enforced, and that adequate safeguards against the acquisition of tribal lands are included in the Recognition of Forest Rights Act (2006) and other relevant legislation.

21. The Committee notes with concern that **Dalits** who convert to Islam or to Christianity to escape **caste discrimination** reportedly lose their entitlement under affirmative action programmes, unlike converts who become Buddhists or Sikhs. (arts. 5 (d) (vii) and 2 (2))The Committee recommends that the State party restore the eligibility for affirmative action benefits of all members of **scheduled castes** and scheduled tribes having converted to another religion.

22. The Committee is concerned about reports that **Dalits** were denied equal access to emergency assistance during the **post-tsunami relief**, while noting that, according to the State party, those allegations merely concern isolated cases. (arts. 5 (e) and 2 (1) (a))The Committee recommends to the State party to investigate all alleged cases in which **Dalits** were denied assistance or benefits equal to that received by **caste fishermen** or cases in which they were otherwise discriminated against during the **post-tsunami relief** and rehabilitation process and to compensate or retroactively grant such benefits to the victims of such discrimination.

23. The Committee notes with concern that very large numbers of **Dalits** are forced to work as **manual scavengers** and **child workers** and are subject to extremely unhealthy working conditions and exploitative labour arrangements, including debt bondage. (art. 5 (e) (i) and (iv))The Committee recommends that the State party effectively implement the Minimum Wages Act (1948), the Equal Remuneration Act (1976), the **Bonded labour (System) Abolition Act (1976)**, the Child Labour (Prohibition and Regulation) Act (1986) and the Employment of **Manual Scavengers** and Construction of Dry Latrines (Prohibition) Act (1993). The State party should also adopt measures to enhance **Dalits'** access to the labour market, e.g. by extending the reservation policy to the private sector and issuing job cards under the National Rural Employment Guarantee Scheme to **Dalit** applicants, and report on the effects of the measures taken on the employment and working conditions of **Dalits** in its next periodic report.

24. The Committee is concerned about reports that members of **scheduled castes** and scheduled and other tribes are disproportionately affected by hunger and malnutrition, infant, child and maternal mortality, sexually transmitted diseases, including HIV/AIDS, tuberculosis, diarrhoea, malaria and other water borne diseases and that health care facilities are either unavailable in tribal areas or substantially worse than in non-tribal areas. (art. 5 (e) (iv)) The Committee recommends that the State party ensure equal access to ration shops, adequate health care facilities, reproductive health services, and safe drinking water for members of **scheduled castes** and scheduled and other tribes and to increase the number of doctors and of functioning and properly equipped primary health centres and health sub-centres in tribal and rural areas.

25. While noting the constitutional guarantee of free and compulsory education for all children up to the age of 14 and the rapid growth of the literacy rate among **Dalits**, in particular girls, the Committee remains concerned about the high dropout rate among **Dalit** pupils at the primary and secondary levels, reports of classroom segregation and discrimination against **Dalit** pupils, teachers and mid-day meal cooks, and the poor infrastructure, equipment, staffing and quality of teaching in public schools attended by **Dalit** and tribal children. (art. 5 (e) (v))The Committee recommends that the State party take effective measures to reduce dropout and increase enrolment rates among **Dalit** children and adolescents at all levels of schooling, e.g. by providing scholarships or other financial subsidies and by sensitizing parents as to the importance of education, combat classroom segregation and discrimination against **Dalit** pupils and ensure non-discriminatory access to the Mid-Day Meal Scheme, adequate equipment, staffing and quality of teaching in public schools, as well as physical access by **Dalit** and tribal pupils to schools in **dominant caste** neighbourhoods and armed conflict areas.

	<p>26. The Committee notes with concern allegations that the police frequently fail to properly register and investigate complaints about acts of violence and discrimination against members of scheduled castes and scheduled tribes, the high percentage of acquittals and the low conviction rate in cases registered under the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act (1989), and the alarming backlog of atrocities cases pending in the courts. (art. 6)The Committee urges the State party to ensure that members of scheduled castes and scheduled and other tribes who are victims of acts of violence and discrimination have access to effective remedies and, to that effect, encourage victims and witnesses to report such acts and protect them from acts of retaliation and discrimination; ensure that complaints under the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act (1989) and other criminal law provisions are properly registered and investigated, perpetrators prosecuted and sentenced and victims compensated and rehabilitated; and establish and make operational special courts trying atrocity cases as well as committees monitoring the implementation of the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act in all States and districts, as mandated by the Act. In this regard, the State party is invited to include in its next periodic report information on the number and nature of complaints registered, the convictions and sentences imposed on perpetrators, and the remedies and assistance provided to victims of such acts.</p> <p>27. The Committee notes with concern that caste bias as well as racial and ethnic prejudice and stereotypes are still deeply entrenched in the minds of wide segments of Indian society, particularly in rural areas. (art. 7)The Committee recommends that the State party strengthen its efforts to eradicate the social acceptance of caste-based discrimination and racial and ethnic prejudice, e.g. by intensifying public education and awareness-raising campaigns, incorporating educational objectives of inter-caste tolerance and respect for other ethnicities, as well as instruction on the culture of scheduled castes and scheduled and other tribes, in the National Curriculum Framework, and ensuring adequate media representation of issues concerning scheduled castes, tribes and ethnic minorities, with a view to achieving true social cohesion among all ethnic groups, castes and tribes of India.</p> <p><i>The Government of India is requested to submit its next periodic reports to CERD before 4 January 2012.</i></p>
<p>1996 CERD Concluding Observations – India (CERD/C/304/Add.13)</p> <p>Keywords: Interpretation of ‘descent’, caste-based discrimination, non-implementation, impunity, compensation, reparation, National Commission on Scheduled Castes, education campaign</p>	<p>2. The Committee expresses its appreciation for the opportunity to resume its dialogue with the State party on the basis of its tenth to fourteenth periodic reports. It regrets the brevity of the report, all the more so since 10 years have passed since the previous report was submitted. It also regrets that the report does not provide concrete information on the implementation of the Convention in practice; it furthermore regrets that the report and the delegation claim that the situation of the scheduled castes and scheduled tribes does not fall within the scope of the Convention.</p> <p>4. It is noted that India is a large multi-ethnic and multicultural society. It is also noted that the extreme poverty of certain groups in the population, the system of castes and the climate of violence in certain parts of the country are among the factors which impede the full implementation of the Convention by the State party.</p> <p>5. The leading role played by India in the struggle against racial discrimination and apartheid at the international level is welcomed by the Committee. The Committee also acknowledges the far-reaching measures adopted by the Government to combat discrimination against members of scheduled castes and scheduled tribes.</p> <p>10. Articles 15 (i) and 15 (ii) of the Constitution of India, prohibiting all forms of discrimination by the State and its agents, or between individuals, including discrimination based on race and castes, as well as article 153, paragraphs (a) and (b), and article 505 of the Penal Code, which prohibit actions that promote disharmony, hatred, feelings of enmity and ill-will on grounds of race or religion, are found to be mainly in conformity with article 2, paragraph 1, of the Convention.</p> <p>14. Noting the declaration in paragraph 7 of the report, reiterated in the oral presentation, the Committee states that the term "descent"</p>

mentioned in article 1 of the Convention does not solely refer to race. The Committee affirms that the situation of the **scheduled castes** and scheduled tribes falls within the scope of the Convention. It emphasizes its great concern that within the discussion of the report, there was no inclination on the side of the State party to reconsider its position.

18. It is regretted that no information has been provided to the Committee on the effective implementation of the penal provisions referred to in paragraph 10 above. In this regard, concern is expressed at numerous reports of acts of discrimination based on race, colour, **descent** or national or ethnic origin, although it was stated that no such case has yet been brought before the courts; this leads the Committee to wonder whether individuals are sufficiently informed about their rights.

23. It is noted that although constitutional provisions and legal texts exist to abolish **untouchability** and to protect the members of the **scheduled castes** and tribes, and although social and educational policies have been adopted to improve the situation of members of **scheduled castes** and tribes and to protect them from abuses, widespread discrimination against them and the relative **impunity** of those who abuse them point to the limited effect of these measures. The Committee is particularly concerned at reports that people belonging to the **scheduled castes** and tribes are often prevented from using public wells or from entering cafés or restaurants and that their children are sometimes separated from other children in schools, in violation of article 5 (f) of the Convention.

25. Although it is noted that the Supreme Court and the high courts have the jurisdiction to award **compensation** to victims of human rights violations, including in the field of racial discrimination, concern is expressed that there exists no specific statute providing for the right of individuals to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of acts of racial discrimination, as required by article 6 of the Convention.

26. The Committee recommends that the State party continue and strengthen its efforts to improve the effectiveness of measures aimed at guaranteeing to all groups of the population, and especially to the members of the **scheduled castes** and scheduled tribes, the full enjoyment of their civil, cultural, economic, political and social rights, as mentioned in article 5 of the Convention. In this regard, the Committee recommends that the next report to be submitted by the State party contain full and detailed information on the legislative aspects and the concrete implementation of the Directive Principles of the State Policy of the Constitution.

27. The Committee recommends that special measures be taken by the authorities to prevent acts of discrimination towards persons belonging to the **scheduled castes** and scheduled tribes, and, in cases where such acts have been committed, to conduct thorough investigations, to punish those found responsible and to provide just and adequate reparation to the victims. In this regard, the Committee particularly stresses the importance of the equal enjoyment by members of these groups of the rights to access to health care, education, work and public places and services, including wells, cafés or restaurants.

29. The Committee recommends that the next periodic report of the State party include information on the powers and functions, as well as on their effective implementation, of the **National Commission on Scheduled Castes** and Scheduled tribes and of the National Commission on Minorities.

30. The Committee also recommends that the Government provide in its next periodic report information, including the number of complaints lodged and sentences passed, about the **implementation** in practice of the legal provisions prohibiting acts of racial discrimination and organizations which promote and incite racial discrimination, in accordance with articles 2 and 4 of the Convention.

31. The Committee recommends a continuing **campaign to educate** the Indian population on human rights, in line with the Constitution of India and with universal human rights instruments, including the International Convention on the Elimination of All Forms of

	<p>Racial Discrimination. This should be aimed at eliminating the institutionalized thinking of the high-caste and low-caste mentality.</p> <p>32. The Committee reaffirms that the provisions of article 6 of the Convention are mandatory and that the Government of India should adopt legal provisions making it easier for individuals to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of acts of racial discrimination, including acts of discrimination based on belonging to a caste or a tribe.</p> <p><i>The Committee recommends that the State party's next periodic report, due on 4 January 1998, be a comprehensive report and that it address all the points raised in these concluding observations.</i></p>
<p>Committee on Economic Social and Cultural Rights (CESCR)</p>	
<p>2008 CESCR Concluding Observations – India (E/C.12/IND/CO/5)</p> <p>Keywords: Caste-based discrimination, access to justice, non-implementation, SC/ST Act, women, displacement and forced evictions, compensation and rehabilitation, primary education, disaggregated data, poverty and food insecurity, affordable and adequate housing, homelessness, sexual exploitation</p> <p>Shadow Report: Alternate Report on Economic, Social and Cultural Rights in India submitted by the National Campaign on Dalit Human Rights</p>	<p>13. The Committee is deeply concerned that in spite of the Constitutional guarantee of non-discrimination as well as the criminal law provisions punishing acts of discrimination, widespread and often socially accepted discrimination, harassment and/or violence persist against members of certain disadvantaged and marginalized groups, including women, scheduled castes and scheduled tribes, indigenous peoples, the urban poor, informal sector workers, internally displaced persons, religious minorities such as the Muslim population, persons with disabilities and persons living with HIV/AIDS. The Committee is also concerned about the obstacles faced by the victims in accessing justice, including the high costs of litigation, the long delays in court proceedings and the non-implementation of court decisions by government authorities.</p> <p>14. The Committee notes with concern the lack of progress achieved by the State party in combating the persistent de facto caste-based discrimination that continues to prevail in spite of the legal prohibitions in place, most notably the 1989 Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act. The Committee is particularly concerned at the low rate of prosecution of crimes against persons belonging to scheduled castes and scheduled tribes, and that discriminatory attitudes and prejudices in the enforcement of the law, especially by the police, is a serious obstacle in the victims' access to justice.</p> <p>27. The Committee notes with concern that trafficking in persons remains a serious problem faced by the State party. The Committee is particularly concerned that women and children belonging to scheduled castes and scheduled tribes make up a large proportion of victims of trafficking and sexual exploitation. The Committee is also concerned that victims of trafficking and sexual exploitation, rather than being afforded protection and rehabilitation, are prosecuted under the Immoral Trafficking Prevention Act (ITPA), and that there is no legislation that specifically criminalizes trafficking in persons.</p> <p>31. The Committee, while noting that the draft resettlement and rehabilitation bill is currently before Parliament, remains deeply concerned about the reports of displacement and forced evictions in the context of land acquisition by private and state actors for the purposes of development projects, including constructions of dams and mining, and that the members of disadvantaged and marginalized groups, in particular, the scheduled castes and scheduled tribes, are adversely affected by such displacement from their homes, lands and their sources of livelihood. The Committee is also concerned that urban renewal projects, sporting events, infrastructure expansion, environmental projects and more recently, the designation of large areas as tax-free special economic zones, have resulted in the displacement of millions of families, most of whom have not received adequate compensation and rehabilitation. Furthermore, the Committee is concerned about the lack of effective consultations and legal redress for persons affected by displacement and by forced evictions, and the inadequate measures to provide sufficient compensation or alternative housing to those who have been removed from their homes and/or their ancestral lands.</p>

	<p>40. The Committee is concerned that, despite the efforts made by the State party to achieve universal primary education, including the adoption of the Constitution (86th Amendment) Act in 2002 which makes the right to primary education a fundamental right, and the “Sarva Shiksha Abhiyan” (Education for All) programme, aimed at achieving 100 per cent primary enrolment, the wide disparity in enrolment and dropout rates in primary schools continue to persist, negatively affecting, in particular, girls, Muslim children and children belonging to scheduled castes and scheduled tribes.</p> <p>51. The Committee requests the State party to submit, in its next periodic report, updated annually collected comparative data disaggregated by sex, age, caste, ethnicity, religion and by region, regarding all the provisions in the Covenant, paying particular attention to the disadvantaged and marginalized individuals and groups. The Committee also requests the State party to include, in its next periodic report, annual comparative data, disaggregated by sex, age, caste, ethnicity, religion and by region, the percentage of the gross domestic product allotted for education, health and housing programmes in the country.</p> <p>53. The Committee stresses the need for a determined enforcement of the criminal justice system, and recommends that the State party strengthen procedures for prompt and impartial investigations and effective prosecutions of all allegations of violations under the 1989 Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act. The Committee also recommends that the State party improve awareness-raising and training programmes regarding the treatment of caste-based and other crimes related to discriminatory attitudes and prejudices, for professionals engaged in the administration of justice including judges, public prosecutors, lawyers and law enforcement officials, in particular members of the police, and remove any other existing obstacles faced by victims in accessing justice. The Committee further encourages the State party to expand throughout the State, preventive programmes to curb violence against persons belonging to scheduled castes and scheduled tribes, especially women.</p> <p>68. The Committee recommends that the State party, in the context of the Eleventh Plan (2007-12), take urgent measures to address the issue of poverty and food insecurity. In this regard, the Committee recommends that the State party review its national poverty threshold, taking into account its Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights, adopted on 4 May 2001 (E/2002/22-E/C.12/2001/17, annex VII) and establish specific mechanisms to monitor the implementation of poverty-reduction strategies and evaluate the progress achieved. The Committee requests the State party to provide, in its next periodic report, detailed annual data on the incidence and depth of poverty, disaggregated by gender, caste, ethnicity and by region.</p> <p>70. The Committee urges the State party to address the acute shortage of affordable housing by adopting a national strategy and a plan of action on adequate housing and by building or providing low-cost rental housing units, especially for the disadvantaged and low income groups, including those living in slums. In this connection, the Committee reminds the State party of its obligations under article 11 of the Covenant and refers to its general comment No. 4 (1991) on the right to adequate housing to guide the Government’s housing policies. The Committee also requests the State party to provide, in its next periodic report, detailed information on homelessness in the State party and the extent of inadequate housing, disaggregated by, inter alia, sex, caste, ethnicity and religion.</p> <p><i>The State party is requested to submit its sixth periodic report by 30 June 2011.</i></p>
Committee on Elimination of Discrimination Against Women (CEDAW)	
<p>2007 CEDAW Concluding Comments – India (CEDAW/C/IND/CO/3)</p>	<p>8. The Committee is concerned that the State party has not taken adequate steps to implement the recommendations in regard to some concerns raised in the Committee’s previous concluding comments adopted in 2000.[1] In particular, the Committee finds that its recommendations in paragraphs 67 (to introduce a sex discrimination act in order to make the standards of the Convention applicable to non-State action and inaction), 70 (to develop a national plan of action to address the issue of gender-based violence in a holistic manner),</p>

Keywords:

Dalit women, disaggregated data and statistical data, non-implementation, access to justice, atrocities and impunity, action plan against domestic violence, impunity, SC/ST Act, primary education, manual scavenging, devadasi.

Shadow Reports:

[NGO alternative report by Tamil Nadu Women's Forum](#)

75 (to enforce laws preventing discrimination against **Dalit women**) and 81 (to take affirmative action to increase women's participation in the judiciary) have been insufficiently addressed. The Committee is also concerned that it has not been provided with any information on the report of the committee established to review the Armed Forces Special Powers Act in response to its previous concluding comments.[2]

14. The Committee regrets that the report does not provide sufficient statistical data, disaggregated by sex, **caste**, minority status and ethnicity, on the practical realization of equality between women and men in all areas covered by the Convention and does not provide information on the impact of, and results achieved by, various legal and policy measures described in the report.

15. The Committee requests the State party to set benchmarks and to include adequate, appropriate and comparative statistical data and analysis, disaggregated by sex, **caste**, minority status and ethnicity, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention and trends over time in the practical realization of equality between women and men. In particular, it calls upon the State party to review and monitor the fulfilment of the provisions of the Convention in respect of **scheduled caste**, scheduled tribe, backward class and minority women in all sectors. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next periodic report.

19. The Committee urges the State party to provide free legal services to poor and marginalized women in rural and tribal areas in addition to urban areas and to monitor the quality and impact of such services in regard to ensuring women's **access to justice**. It requests the State party to provide information about access of women, including **scheduled caste**, scheduled tribe, backward class and minority women, to free legal services and the scope and effectiveness of such services in its next periodic report.

21. The Committee calls upon the State party to develop, in consultation with women's groups, a coordinated and comprehensive plan to combat all forms of violence against women taking a life cycle approach. It urges the State party to take steps in partnership with states and union territories to fully and consistently implement and enforce the Domestic Violence Act and to ensure that all women victims of domestic violence, including **scheduled caste**, scheduled tribe, backward class and minority women, are able to benefit from the legislative framework and support systems in place and that perpetrators are effectively prosecuted under the Penal Code and adequately punished. It recommends that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women, including domestic violence. It requests that adequate statistics on all forms of violence against women be collected in a consistent manner. In particular, it requests the State party to provide information, disaggregated by **caste**, minority status and ethnicity, in its next periodic report, on the number of cases of domestic violence reported to the police and other relevant authorities, the number of protection and other orders granted under the Domestic Violence Act and the number of convictions of perpetrators of domestic violence under the Penal Code.

28. The Committee is concerned about the ongoing atrocities committed against **Dalit women** and the culture of **impunity** for perpetrators of such atrocities. The Committee is concerned that, despite a law banning **manual scavenging**, this degrading practice continues with grave implications for the dignity and health of the **Dalit women** who are engaged in this activity.

29. The Committee recommends that the State party put in place a mechanism to monitor effective enforcement of the **Scheduled Castes and Scheduled tribes Prevention of Atrocities Act** in order to ensure accountability and end **impunity** for crimes committed against **Dalit women**. It calls upon the State party to increase **Dalit women's** legal literacy and improve their access to justice in bringing claims of discrimination and violation of rights. It requests the State party to report specifically on the impact of such initiatives in its next periodic report. The Committee also urges the State party to study the health implications of **manual scavenging** on **Dalits** engaged in this profession and on the community as a whole, and to address all the impediments to eradicating this practice, including by putting in place

	<p>modern sanitation facilities and providing the Dalit women engaged in this practice with vocational training and alternative means of livelihood.</p> <p>32. While appreciating the additional data provided by the State party during its dialogue with the Committee, which indicates improvements in enrolment rates of women in primary education, and while commending the State party's future plans of focusing efforts on education of marginalized sections of the population, the Committee is concerned about the continuing disparities in the educational status of scheduled caste, scheduled tribe and Muslim women and the limited access of these groups of women to higher education. It is also concerned about the educational performance disparities among regions and states, the continuing gap in literacy rates between men and women and the lack of information on the budgetary allocation to adult literacy programmes.</p> <p>33. The Committee recommends that the State party provide, in its next periodic report, comparable data disaggregated by sex, caste, minority status and ethnicity, on the enrolment and retention rates of girls and women at all levels of education, and trends over time. Given the particularly disadvantaged situation of Muslim women and girls, the Committee requests the State party to provide information in its next periodic report about the action taken on the recommendations of the Sachar Committee with regard to the education of Muslim women and girls. It urges the State party to increase efforts to enable scheduled caste, scheduled tribe and Muslim women to access higher education. The Committee calls upon the State party to strengthen its efforts, at the national, state and union territory levels, to close the gap in literacy rates between men and women, establish benchmarks in this regard and create mechanisms to monitor the achievement of such benchmarks. It also urges the State party to provide, in its next periodic report, information on the budgetary allocation to adult education programmes and the impact, and trends over time, of such programmes. Moreover, it calls upon the State party to meet its commitment of allocating 6 per cent of its gross domestic product to education in its eleventh five-year plan.</p> <p>37. The Committee calls upon the State party to ensure that rural women benefit de facto from the National Rural Employment Guarantee Act, 2005. It requests the State party to provide data disaggregated by sex, caste, minority status and ethnicity of the beneficiaries under this Act. The Committee recommends that the State party take proactive measures to bring financial institutions on board with the agenda of development and empowerment of women through issuance of microcredit. It urges the State party to establish, after consultation with women's groups, appropriate mechanisms to regulate the functioning of microcredit finance institutions that protect interests of poor women. The Committee also urges the State party to establish programmes, with goals and timelines, to issue credit to poor women who are not able to participate in the self-help groups and do not otherwise have access to credit.</p> <p>75. The Committee urges the Government to enforce laws preventing discrimination against Dalit women and prohibiting the devadasi system. It urges the Government to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Committee calls upon the Government to set a time-frame for those interventions and provide information on the progress made in the next report.</p> <p><i>The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. It invites the State party to submit its fourth periodic report, which was due in August 2006, and its fifth periodic report, which is due in August 2010, in a combined report in 2010.</i></p>
<p>2000 CEDAW Concluding Comments –India (A/55/38)</p> <p>Keywords: Dalit women,</p>	<p>74. The Committee is concerned with the continuing discrimination, including violence, suffered by women of the Dalit community, despite the passage of the Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act of 1989.</p> <p>75. The Committee urges the Government to enforce laws preventing discrimination against Dalit women and prohibiting the devadasi system. It urges the Government to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Committee calls upon the</p>

devadasi, affirmative action	Government to set a time-frame for those interventions and provide information on the progress made in the next report.
Committee on the Rights of the Child (CRC)	
<p>2004 CRC Concluding Observations – India (CRC/C/15/ADD.228)</p> <p>Keywords: Data collection and indicators, social discrimination, Untouchability, SC/ST Act, access to justice, manual scavengers, public education campaigns</p>	<p>22. The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, social status (Scheduled Castes and Tribes, or religious community), and urban and rural area and make it publicly available. This system should cover all children up to the age of 18 with specific emphasis on those who are particularly vulnerable. It further encourages the State party to use these indicators and data for the formulation of policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from UNICEF, UNDP and UNFPA, among others.</p> <p>25. In light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by girls, children living in certain states, rural areas and slums, and children belonging to certain castes and tribal and indigenous groups.</p> <p>27. The Committee is deeply concerned at persistent and significant social discrimination against children belonging to Scheduled Castes and Tribes and other tribal groups, reflected, inter alia, by the many violations of the 1989 Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act, the low number of such violations dealt with by the courts, and the fact that a majority of the states have failed to set up the special courts provided for under this Act.</p> <p>28. The Committee recommends that the State party, in accordance with article 17 of its Constitution and article 2 of the Convention, take all necessary steps to abolish the discriminatory practice of “untouchability”, prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, inter alia, special measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled tribes Rules (Prevention of Atrocities) and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination with a view to changing social attitudes, by involving, inter alia, religious leaders.</p> <p>32. The Committee recommends that all existing and future special temporary programmes be provided with specified goals and timetables, in order to evaluate their success and justify their continuation, expansion and dissemination. The Committee further recommends that the State party start to develop special programmes for the allocation of educational and other benefits that are based on the child’s needs and rights rather than on the basis of sex, caste or tribe, or any other characteristic that may result in unjustifiable discrimination.</p> <p>65. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Improve the education system with a view to achieving the aims mentioned in article 29, paragraph 1 of the Convention and the Committee’s general comment No. 1 on the aims of education, and introduce human rights, including children’s rights, into the school curricula; (b) Strengthen its efforts to progressively ensure that that all girls and boys, in urban, rural and least developed areas and children belonging to Scheduled Castes and Tribes, have equal access to educational opportunities; (c) Raise awareness of the importance of early childhood education and introduce it into the general framework of

	<p>education;</p> <p>(d) Encourage the participation of children at all levels of school life;</p> <p>(e) Take the necessary measures to improve the quality of education and to ensure better efficiency in the management of education, including by decreasing the dropout rate;</p> <p>(f) Hire more qualified teachers and provide them with more opportunities for training;</p> <p>(g) Take all necessary measures to curb teachers' absenteeism;</p> <p>(h) Build better infrastructure for schools; and</p> <p>(i) Seek assistance from UNICEF and UNESCO.</p> <p><i>The State party should submit its next 3rd and 4th periodic reports on 10 July 2008. The dates for the examination of India before the CRC has not yet been scheduled, but is expected to take place in 2010 or 2011.</i></p>
<p>2000 CRC Concluding Observations – India (CRC/C/15/ADD.115)</p> <p>Keywords: Caste-based discrimination, caste-motivated abuse, 'untouchability', bonded labour, affirmative measures, SC/ST Act, manual scavenging, public education, child labour, bonded labour, trafficking and sexual exploitation, rehabilitation, equal employment, devadasi/ritual prostitution.</p>	<p>28. In the light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by children living in different states, living in rural areas, living in slums and belonging to different castes, tribal and indigenous groups.</p> <p>30. In the light of article 2 of the Convention, the Committee is concerned at the existence of caste-based discrimination and discrimination against tribal groups, despite these practices being prohibited under the law.</p> <p>31. In accordance with article 17 of the Constitution and article 2 of the Convention, the Committee recommends that the State party take steps to ensure states abolish the discriminatory practice of "untouchability", prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, inter alia, affirmative measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled tribes Rules (Prevention of Atrocities) and the 1993 Employment of Manual Scavengers Act. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination. In line with the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.13), the Committee stresses the importance of the equal enjoyment by members of these groups of the rights in the Convention, including access to health care, education, work, and public places and services, such as wells.</p> <p>56. Welcoming the 83rd Constitutional Amendment Bill concerning the fundamental right to education, the Committee, however, expresses its concern at the prevailing poor situation in the State party with respect to education, which is characterized by a general lack of infrastructure, facilities and equipment, insufficient numbers of qualified teachers and a drastic shortage of text books and other relevant learning materials. There is serious concern regarding the striking disparities in terms of access to education, attendance at primary and secondary levels and drop-out rates between: different states, rural and urban areas, boys and girls, the affluent and poor, and children belonging to scheduled castes and tribes. The Committee emphasizes the importance of focusing attention on improving the provision and quality of education, especially in view of its potential benefit for addressing various concerns, including the situation of girls and reducing the incidence of child labour.</p> <p>66. The Committee encourages the State party to withdraw its declaration with respect to article 32 of the Convention, as it is unnecessary in the light of the efforts the State party is making to address child labour. The Committee recommends that the State party ensure the full implementation of the 1986 Child Labour (Prohibition and Regulation) Act, the 1976 Bonded labour (System Abolition) Act and the 1993 Employment of Manual Scavengers Act.</p>

	<p>74. The Committee notes the Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children. However, in view of the scale of the problem, the Committee is concerned about the sexual abuse and exploitation of children especially those belonging to the lower castes and from poor urban and rural areas, in the contexts of: religious and traditional culture; child domestic workers; children living and/or working on the streets; communal violence and ethnic conflict; abuse by the security forces in areas of conflict, such as Jammu and Kashmir, and the north-eastern states; and trafficking and commercial exploitation, especially girls from neighbouring countries, particularly Nepal. It is also concerned about the absence of adequate measures to combat this phenomenon and the lack of adequate rehabilitation measures.</p> <p>75. The Committee recommends that the State party ensure that legislation criminalizes the sexual exploitation of children and penalizes all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized. While noting that Devadasi, or ritual prostitution, is prohibited under the law, the Committee recommends that the State party take all necessary measures to eradicate this practice. In order to combat trafficking in children, including for commercial sexual purposes, the Penal Code should contain provisions against kidnapping and abduction. The Committee recommends that the State party ensure that laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement.</p>
Human Rights Committee (CCPR)	
<p>2000 CCPR Concluding Observations – India (CCPR/C/79/Add.81)</p> <p>Keywords: Traditional practices and customs, National Commission for Scheduled Castes and Scheduled Tribes, social discrimination, inter-caste violence, bonded labour, education programmes</p>	<p>5. It notes, moreover, that the size of the country, its huge population, the massive poverty and the great disparities in the distribution of wealth among various social groups affect the advancement of rights. The persistence of traditional practices and customs, leading to women and girls being deprived of their rights, their human dignity and their lives, and to discrimination against members of the underprivileged classes and castes and other minorities, and ethnic, cultural and religious tensions constitute impediments to the implementation of the Covenant.</p> <p>8. The Committee also welcomes the establishment of the National Commission for Scheduled Castes and Scheduled tribes and the National Commission for Women in 1992, and the National Commission for Minorities in 1993. These commissions have initiated some improvements, in particular in the levels of education and in the representation of the various groups concerned within elected bodies and other authorities.</p> <p>10. The Committee has noted that positions in elected bodies are reserved for members of scheduled castes and tribes and that a constitutional amendment has reserved one third of the seats in elected local bodies (Panchayati Raj) for women. The Committee also notes the introduction of a bill to reserve one third of the seats for women in the Federal Parliament and in state legislatures.</p> <p>15. The Committee notes with concern that, despite measures taken by the Government, members of scheduled castes and scheduled tribes, as well as the so called backward classes and ethnic and national minorities continue to endure severe social discrimination and to suffer disproportionately from many violations of their rights under the Covenant, inter alia inter-caste violence, bonded labour and discrimination of all kinds. It regrets that the de facto perpetuation of the caste system entrenches social differences and contributes to these violations. While the Committee notes the efforts made by the State party to eradicate discrimination: it recommends that further measures be adopted, including education programmes at national and state levels, to combat all forms of discrimination against these vulnerable groups, in accordance with articles 2, paragraph 1, and 26 of the Covenant.</p>

The Committee draws to the attention of the Government of India the provisions of paragraph 6 (a) of the guidelines regarding the form and content of periodic reports from States parties, and requests that, accordingly, its next period report, due on 31 December 2001, should contain material which responds to all these concluding observations. The Committee further requests that these concluding observations be widely disseminated among the public at large in all parts of India.

NEPAL

Committee on the Elimination of Racial Discrimination (CERD)

**2004
CERD Concluding
Observations – Nepal**
[\(CERD/C/64/CO/5\)](#)

Keywords:

National Dalit Commission, caste-based discrimination, impunity, inter-caste marriage, segregation in public and private places, enforcement of criminal justice system, police abuse, Badi, forced prostitution, bonded labour, discriminatory traditional customs and societal attitudes, due representation in the mass media

Shadow Reports:

[Report by HRTMCC, The Human Rights Treaty Monitoring Co-ordinating Committee](#)

[Report by Asian Human Rights Commission and Asian Legal Resource Centre](#)

4. The Committee welcomes the adoption of several action plans within the framework of the State party's Ninth and Tenth Periodic Plans, in particular the programmes for **Dalits**, nationalities and indigenous peoples of Nepal.

5. The Committee notes with satisfaction that a number of institutions have recently been established with the aim of promoting human rights and combating discrimination, including the **National Dalit Commission**, the National Committee for the Upliftment of the Depressed, the Oppressed and **Dalits Community**, the Academy to Uplift Nationalities and Indigenous Peoples, and the National Foundation for the Development of Indigenous People and Nationalities.

11. While the Committee welcomes the establishment of the **National Dalit Commission**, it is concerned that the Commission lacks a statutory basis, as long as the Parliament is not restored and a necessary act is not adopted. The Committee recommends that the State party consider, as a priority, the adoption of the relevant statutory law to enable the **National Dalit Commission** to carry out its mandate effectively.

12. The Committee remains deeply concerned at the persistence of the de facto **caste-based discrimination** and the culture of **impunity** that apparently permeates the higher strata of a hierarchical social system. In particular, it is concerned at information on the existence of segregated residential areas for **Dalits**, social exclusion of **inter-caste couples**, restriction to certain types of employment, and denial of access to public spaces, places of worship and public sources of food and water, as well as at allegations that public funds were used for the construction of separate water taps for **Dalits**. The Committee recommends that the State party, as a matter of priority, take measures to prevent, prohibit and eliminate private and public practices that constitute **segregation** of any kind, and make determined efforts to ensure the practical and effective implementation of these measures. The Committee further requests that information be included in the next periodic report on any follow-up measures taken by the State party to **general recommendation XXIX on descent-based discrimination**.

14. The Committee regrets the lack of information on prosecutions launched and penalties imposed in cases of offences which relate to racial discrimination, and the role of the National Human Rights Commission and the **National Dalit Commission** in dealing with such cases. The Committee stresses the need for a determined **enforcement of the criminal justice system**, and reminds the State party that the absence of complaints and legal action by victims of racial discrimination may be the result of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute. The Committee requests that the State party include in its next periodic report statistical information on complaints lodged, prosecutions launched and penalties imposed in cases of offences which relate to racial or ethnic discrimination. In particular, the Committee would welcome further information on cases invoking article 88 and article 11, paragraph 4, of the Constitution and the Miscellaneous Chapter of

	<p>the Country Code. The Committee also requests information on legal measures that prohibit activities and organizations which promote or incite discrimination, or participation in them.</p> <p>15. The Committee is concerned at the allegations of ill-treatment and ineffective protection of and discrimination against Dalits and other vulnerable groups in society, by law enforcement officials, especially the police. The Committee stresses that prompt and impartial investigations are paramount in counteracting discriminatory attitudes and practices. The Committee recommends that the State party intensify its efforts to end such discriminatory practices. It further recommends that the procedure relating to the investigation of complaints with respect to the work of the police be conducted and overseen by a body independent of the police.</p> <p>16. The Committee notes the lack of information in the periodic report on the situation of women belonging to disadvantaged groups who are victims of multiple discrimination, and expresses concern over the situation of forced prostitution of girls and women of the Badi caste. The Committee recommends that the State party consider issues of political representation, personal security, employment and education, in line with general recommendations XXV (2000) on gender-related dimensions of racial discrimination and XXIX (2002) on descent-based discrimination, in taking measures to eliminate multiple discrimination against women who belong to vulnerable groups. The Committee further requests the State party to include in its next report the measures taken in this regard, including specific action taken to eradicate forced prostitution of Badi girls and women.</p> <p>18. The Committee is concerned that, although the system of agricultural bonded labour known as Kamaiya was abolished in July 2000, the emancipated Kamaiyas are facing many problems, including lack of housing, land, work and education for their children. The Committee recommends that the State party ensure effective enforcement of the Bonded labour Prohibition Act 2002 and programmes adopted to put an end to the practice and discrimination against Kamaiyas. It further requests the State party to include information on the implementation of the act in its next periodic report.</p> <p>20. The Committee notes that governmental action has been taken to sensitize the general public, including members of vulnerable groups, against discriminatory traditional customs and societal attitudes. The Committee recommends that the State party take further measures to ensure the training and education of teachers, social workers and law enforcement officials, especially those deployed against the insurgents as well as the political segments of the society. The Committee encourages the State party to carry out comprehensive public education campaigns and to include intercultural education in school curricula.</p> <p>21. The Committee notes that the Government broadcasts in several national languages. The Committee is concerned, however, with the lack of representation of disadvantaged groups in the State-owned media, and that issues such as racial discrimination and human rights receive little coverage by the media in general. The Committee invites the State party to consider introducing special measures to ensure due representation in the mass media of members of disadvantaged groups, including Dalits.</p> <p><i>The Committee recommends that the State party ensure the timely submission of its seventeenth, eighteenth and nineteenth periodic reports, combined in one document, due on 1 March 2008, and that it be an updating report, addressing all the points raised in the present observations.</i></p>
<p>2001 CERD Concluding Observations – Nepal (CERD/C/304/ADD.108)</p> <p>Keywords:</p>	<p>5. The Committee welcomes the adoption of the State party's Ninth Plan, containing important policies, strategies and programmes, which aim inter alia, to eradicate racial discrimination against disadvantaged groups by addressing their socio-economic development.</p> <p>6. In light of the multi-ethnic and multicultural society of the State party, the Committee notes that the existence of certain traditional customs, i.e. the caste system, and social attitudes are obstacles to efforts to combat discrimination. The Committee further notes that extreme poverty, which affects a significant part of Nepal's population, and the presence of a large number of refugees from neighbouring</p>

<p>Caste system, disaggregated data, caste-based discrimination, caste-motivated abuse public education campaigns</p>	<p>countries are factors which represent serious difficulties in the fulfillment of the State party's obligations under the Convention.</p> <p>9. The Committee expresses concern about the absence in the report of disaggregated data on the population, including by age, sex, nationality, ethnic origin, religion, including caste, and language. The Committee recommends that the State party provide these data in subsequent reports.</p> <p>11. The Committee remains concerned at the existence of caste-based discrimination, and the denial which this system imposes on some segments of the population of the enjoyment of the rights enshrined in the Convention. The Committee reiterates its previous recommendation that the State party provide information in its next periodic report on the implementation of practical and substantive measures to eradicate the practice of the caste system, including measures for the prevention of caste-motivated abuse and the prosecution of State and private actors responsible for such abuse. Moreover, the State party is encouraged to implement, inter alia, affirmative measures to advance and protect persons subjected to caste-based discrimination.</p> <p>14. In connection with the implementation of article 7 of the Convention, the Committee reiterates its previous recommendation that the State party take all necessary measures to ensure the training and education of law enforcement officials, teachers and social workers, and include the teaching of human rights in school curricula. The Committee encourages the State party to carry out comprehensive public education campaigns to combat discriminatory traditional customs and societal attitudes. The Committee would welcome information in subsequent reports on the effectiveness of these measures.</p> <p><i>The Committee recommends that the State party ensure the submission of its fifteenth periodic report, and that it be an updating report, addressing all the points raised in the present observations.</i></p>
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Committee on Economic Social and Cultural Rights (CESCR)

<p>2008 CESCR Concluding Observations – Nepal (E/C.12/NPL/CO/2)</p> <p>Keywords: Dalits, Untouchability, bonded labour, child labour, caste-based discrimination, access to justice, impunity, Badi caste, poverty, food, land rights, access to public wells, women at risk, primary education, disaggregated data, judicial and administrative remedies, political participation, food security</p>	<p>7. The Committee welcomes the measures taken by the State party to abolish discrimination on the basis of caste and feudal practices detrimental to the enjoyment of economic, social and cultural rights of traditionally marginalized groups, including the Dalit, Kamaiya, Madhesi, Tharu and others. In this regard, it welcomes the prohibition of untouchability and other discrimination on the basis of caste in the Interim Constitution and the enactment of the Bonded labour (Prohibition) Act of 2002.</p> <p>11. The Committee regrets that most of its 2001 recommendations in relation to the initial report have not been implemented, and that the State party has not addressed in an effective manner the following principal subjects of concern, which continue to be relevant:</p> <ul style="list-style-type: none"> - The extent of poverty in Nepal, in particular in rural areas where poverty and discrimination against women are most pronounced, and the lack of disaggregated data on the incidence and depth of poverty; - The continuing inequalities that exist between men and women in Nepali society, despite legislative guarantees of equality, as reflected in the low representation of women in public service, the high female illiteracy rate and the unequal wages for equal work; - The large number of women and girls being trafficked for prostitution, and the absence of a demonstrably effective response from the State party with regard to this practice; - The high rate of domestic violence and the absence of specific legislation in this field; - The high unemployment and underemployment rates in Nepal and the lack of skills-oriented education; - The problems faced by emancipated Kamaiyas, including lack of housing, land, work, and education for their children; - The inadequacy of the legal minimum wage to provide an adequate standard of living for workers and their families, in particular in the agricultural sector;
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and access to water, segregation

- The high incidence of **child labour** in Nepal, especially in rural areas.

13. The Committee notes with concern that, in spite of the provisions in the Interim Constitution prohibiting **caste-based discrimination**, such discrimination persists with **impunity**. The Committee is particularly concerned about the obstacles that victims of **caste-based discrimination** reportedly face in accessing justice.

15. Although certain harmful traditional practices have been prohibited by law, the Committee expresses its continuing concern about the persistence of such practices that violate the rights of women and girls as deuki (dedicating girls to a god or goddess), **badi** (widespread practice of prostitution among the **Badi caste**), chaupadi (isolating a woman during menstruation because she is considered to be impure), marrying child brides, and witchcraft,. In this regard, the Committee regrets the lack of information contained in the State party's second periodic report about the full extent of such practices and the efforts being made to eradicate them.

18. The Committee is concerned that, in spite of the abolition in 2002 of the system of **bonded labour**, there are still significant difficulties faced by the freed **bonded labourers** regarding their access to work and livelihood and appropriate education for their children. The Committee is also concerned that the lack of employment opportunities in the State party hinders the advancement from feudal relations to relations based on equality, particularly for ex-**Kamaiyas** and **ex-Haliyas**, many of whom have returned to the same condition of **bonded labour** from which they were supposedly freed.

19. The Committee is concerned that despite the efforts of the State party to abolish the worst forms of child labour, the prevalence of child labour remains high, particularly in hazardous conditions of work in agriculture and in manual crafts and in industrial work, domestic work, and ragpicking. The Committee notes with grave concern that children continue to work in conditions of **bonded labour**.

21. The Committee is deeply concerned that, in spite of the State party's progress made in its Ninth Development Plan to reduce poverty, there remains a **high level of poverty** in the State party where over 30 per cent of the population lives under the official poverty line. The Committee also regrets the absence of detailed annual data on the incidence and depth of poverty, disaggregated by gender, **caste**, ethnicity and region, as requested in the list of issues prepared by the Committee in relation to the State party's second periodic report.

22. The Committee is deeply concerned that as much as a quarter of the population is undernourished. The seasonal food deficits experienced in most of the mountain and hill districts by the majority who are farmers engaged in low-productivity subsistence farming on small plots of land, are exacerbated by the rigid social structures that prevent the **lower castes** from benefiting from communal lands and public services and from engaging in other kinds of business activities. Freed **bonded labourers**, often denied work by the landlords from whom they were freed and unable to claim their entitlements under the Land Reform Act and other programmes intended to help them adjust to free life, are particularly vulnerable to food insecurity.

24. The Committee is concerned by the denial of access of persons belonging to the **lower castes** to **public wells**, thereby directly threatening their right to an adequate standard of living and their right to the highest attainable standard of health.

26. The Committee is deeply concerned that the inadequate number, quality, staffing and supplies of health posts and the cost of reproductive health services continue to place **women at risk**, and that traditional attitudes among some **castes** and ethnic groups contribute to reproductive health problems of women.

27. The Committee is concerned that in practice **primary education** is not completely free due to various fees charged to parents, such as for school supplies and uniforms. The Committee notes with concern that the State party has yet to adopt a policy of compulsory

education. It further notes the great disparity in enrolment in primary schools between girls and boys and between the Brahmin and other **castes**, ethnic or indigenous groups, the high repeat and dropout rate among pupils, and the generally low quality of education in public schools.

30. The Committee requests the State party to provide in its next periodic report detailed, updated information including **disaggregated data** on a comparative basis, on the effective measures undertaken to implement its treaty obligations. The Committee urges the State party to ensure that, in the Constitutional process currently underway, all sectors of society, including disadvantaged and marginalized groups, in particular the **Dalit**, the Madhesi and indigenous communities, and especially women within these groups, are represented in decision-making bodies at all levels. It recommends that concrete and active efforts be made to promote the participation of these groups in the Constituent Assembly, which, following the election of its members in 2007, will embark on the drafting of a new Constitution.

32. The Committee recommends that a thorough review of national laws be undertaken with a view to identifying and rectifying all provisions that directly or indirectly permit discrimination on the basis of **caste** and multiple discrimination of women from certain groups. It urges the State party to strengthen its efforts to make widely known the prohibition of such discrimination and to improve effectively access to **judicial and administrative remedies** in cases of alleged violations. The Committee further recommends that special units be established to monitor the implementation of programmes to protect and promote the full enjoyment without discrimination of their economic, social and cultural rights by disadvantaged and marginalized groups, in particular the **Dalit**, the Madhesi and indigenous communities, and especially women within these groups.

37. The Committee recommends that the State party strengthen its efforts to promote labour-intensive industries and increase productivity in the agricultural sectors. The Committee also recommends that special programmes for ex-**Kamaiyas** and ex-**Haliyas**, **Dalits**, indigenous persons and groups, and particularly women belonging to these groups, be expanded in the rural areas as a matter of priority.

42. The Committee recommends that the State party take urgent steps to ensure **food security and access to water** for all, particularly those who belong to the most disadvantaged and marginalized groups. It recommends that agricultural policies aim effectively at improving not only productivity and commercialization but also access and distribution. In this regard, the Committee urges that specific measures be implemented with a view to enhancing the participation of the **lower castes** in the production, distribution and consumption of food. The Committee requests the State party to provide in its third periodic report detailed information about the extent of food insecurity, the groups most vulnerable to it, and the concrete measures envisaged to address it. In this regard, the Committee draws the attention of the State party to its general comment No. 12 (1999) on the right to adequate food and general comment No. 15 (2002) on the right to water.

43. The Committee recommends the immediate application of the Interim Constitution and laws prohibiting **caste-based discrimination** and **segregation** in cases of denial of access to public water sources. It recommends that access to public wells be closely monitored by the District Development Committees or by another appropriate local body.

49. The Committee requests the State party to include in its next periodic report a specific section on the results of the measures taken to combat discrimination and enhance respect, protection and fulfilment of all economic, social and cultural rights. The Committee further requests the State party to include in its next periodic report, annual data, disaggregated by **caste**, ethnicity and sex, as well as specific benchmarks, to enable adequate monitoring and evaluation of the progress achieved.

The Committee requests the State party to submit its third periodic report by 30 June 2011 and to include in that report, detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.

<p>2001 CESCR Concluding Observations – Nepal (E/C.12/1/Add.66)</p> <p>Keywords: Caste, Dalit, Discrimination, Education, customary practices, Badi caste, temple prostitution, trafficking, effective enforcement, primary and basic education, access to water</p> <p>Shadow Report: NGO alternative report by Human Rights Treaty Monitoring Committee (HRTMCC)</p>	<p>10. The Committee notes that the State party has adopted measures to abolish and punish the practices of polygamy, dowry, Deuki (a tradition of dedicating girls to a god or goddess; the girls become “temple prostitutes”) and prostitution among the Bedi caste.</p> <p>18. The Committee is deeply concerned at the high number of women and girls being trafficked for prostitution. The Committee also regrets the continuation of polygamy and the practices of dowry, Deuki and prostitution among the Bedi caste, particularly in rural areas.</p> <p>22. The Committee is concerned that although the system of agricultural bonded labour known as Kamaiya was abolished in July 2000, the emancipated Kamaiyas are facing many problems, including lack of housing, land, work, and education for their children.</p> <p>43. The Committee urges the State party to enact or enforce legislation prohibiting customary practices, such as polygamy, dowry, Deuki and prostitution among the Bedi caste, and restricted ownership by women of land and family property, which violate the rights of women and girl children and to take measures to combat such practices by all means, including national educational programmes.</p> <p>46. The Committee urges the State party to enforce effectively legislation and programmes to put an end to discrimination, in particular with regard to access to housing, work and education, against persons belonging to the Dalits and the liberated Kamaiyas.</p> <p>57. The Committee recommends that primary and basic education be made free and compulsory for all without discrimination on the grounds of gender, ethnicity, religion or social status.</p> <p>60. The Committee recommends that the State party ensure that projects involving privatization of water supply provide for continued, assured and affordable access to water by local communities, indigenous people, and the most disadvantaged and marginalized groups of society.</p> <p><i>The Committee requests the State party to submit its second periodic report by 30 June 2006 and to include in the report detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.</i></p>
<p>Committee on the Elimination of Discrimination against Women (CEDAW)</p>	
<p>2004 CEDAW Concluding Comments – Nepal (A/59/38 (SUPP))</p> <p>Keywords: National Dalit Commission, implementation, disadvantaged castes, education, badi, forced prostitution, traditional harmful practices, domestic violence, marriage laws, public awareness-raising campaigns</p>	<p>193. The Committee commends the State party for establishing the Ministry of Women, Children and Social Welfare and for creating several other institutional mechanisms, including the National Commission on Women, gender focal points in other ministries, a National Human Rights Commission, the National Dalit Commission and a national committee to monitor the implementation of the Convention.</p> <p>205. The Committee urges the State party to intensify its efforts to address the literacy gap between men and women so that the goals established in the National Plan on Education in regard to equality in education can be achieved, particularly in rural areas and among disadvantaged castes and ethnic groups. The Committee also recommends that the State party strengthen its efforts to ensure equal access of girls and women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee calls on the State party to allocate more financial and human resources to the education sector, to recruit more women teachers and to ensure that school textbooks do not carry stereotyped images of women.</p> <p>208. The Committee is concerned at the continuing existence of child marriage and polygamy and other practices, including the institution of dowry, <i>deuki</i> (dedicating girls to a god and goddess), <i>jhuma</i> (in some communities, second sisters remain unmarried and spend their life in monasteries), <i>kumari pratha</i> (having a girl child as living goddess) and <i>badi</i> (ethnic practice of prostitution among young girls), that are contrary to the Convention and constitute discrimination against women. The Committee is also concerned that the</p>

	<p>enactment of the draft bill on domestic violence has been delayed indefinitely.</p> <p>209. The Committee recommends action without delay by the State party to enforce its marriage laws, particularly as they relate to the prohibition of child marriage and polygamy, in the light of general recommendation 21 on equality in marriage and family relations, and urges the State party to take steps to abolish other harmful and discriminatory traditional practices, such as dowry deuki, jhuma, kumari pratha, and badi. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns aimed at eliminating these practices. The Committee requests the State party to adopt immediately measures on domestic violence and to provide in its next report information about progress in relation to the draft bill on domestic violence.</p> <p><i>The Committee invites the State party to submit its fourth periodic report, which is due in 2004, and its fifth periodic report, due in 2008, in a combined report in 2008.</i></p>
Committee on the Rights of the Child (CRC)	
<p>2005 CRC Concluding Observations – Nepal (CRC/C/15/ADD.261)</p> <p>Keywords: Implementation, National Dalit Commission, armed conflict, caste system, de facto discrimination against girls and children, education, Badi, Halilya, harmful traditional practices , public information campaigns, poverty, compulsory primary education, child's right to education and leisure activities, sexual exploitation of children, bonded labour, child trafficking</p>	<p>7. The Committee further welcomes the establishment of the following bodies whose mandates include enhancing the implementation of the Convention: (a) the National Human Rights Commission, in 2000, in particular, the Child Rights Desk; (b) the National Commission on Women, in 2002; (c) the national Dalit commission, in 2002; (d) the children's clubs, established in more than 20 districts; and (e) the national poverty alleviation fund.</p> <p>9. The Committee acknowledges challenges faced by the State party with regard to the general state of insecurity and violence due to the armed conflict. The Committee also notes the very high levels of poverty which are exacerbated by the heavy debt burden and the existence of many traditional beliefs and customs and the caste system, all of which impede progress to the full realization of children's rights enshrined in the Convention.</p> <p>35. While noting that discrimination is prohibited under the Constitution and other relevant legislation, as well as the various efforts undertaken by the State party to eliminate discrimination, the Committee reiterates its deep concerns about the widely prevailing de facto discrimination against girls and children belonging to the most vulnerable groups such as the Dalit community, children belonging to indigenous or ethnic minority groups, refugee and asylum-seeking children, street children, children with disabilities and children living in rural areas. The Committee notes with grave concern that as a consequence of prevailing discriminatory attitudes, children belonging to vulnerable groups are particularly likely to fall victim to abuse and exploitation.</p> <p>36. With reference, inter alia, to the concerns of the Committee on the Elimination of Racial Discrimination (CERD/C/64/CO/5) regarding the persistent de facto caste-based discrimination against Dalit in education, employment, marriage, access to public places including water sources and places of worship, the Committee expresses serious concern about the harmful effects of this prevailing form of discrimination on the physical, psychological and emotional well-being of the Dalit children in the State party.</p> <p>37. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the right to non-discrimination, and to adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. In this regard, the Committee urges the State party to prioritize and target social services for children belonging to the most vulnerable groups, and to take all effective measures to ensure their protection from exploitation. The Committee encourages the State party to launch comprehensive public information campaigns to prevent and combat all forms of discrimination.</p>

61. The Committee also notes with concern that little has been done to address the particular health vulnerabilities and needs of **children at risk**, including street children, child labourers, child sex workers and **Dalit** children.

67. The Committee notes with concern that certain **harmful traditional practices** continue to prevail in the State party, most notably the **caste system** and traditions such as the Deuki, Kumari, Jhuma, **Badi**, Kamlari and Chaupadi, causing extreme insecurity, health hazards and cruelty to girl children. The Committee regrets the absence of legal prohibition and sufficient interventions on the part of the State party to address the harmful effects of these traditional practices on the enjoyment of rights by children who are affected by these practices.

71. The Committee expresses concern about the high level of prevailing **poverty** in the State party, which hampers the respect for, and fulfillment of, the rights of children, particularly those living in rural areas, those living in slums and squats, and among the **lower castes** and ethnic minorities, and the ability of their families to provide them with adequate protection.

75. While welcoming the development of the National Plan of Action on Education for All, and the Basic and Primary Education Master Plan (1997-2002) and the Basic and Primary Education Master Plan II (1999-2004), the Committee is seriously concerned that **primary education** has not been made compulsory and that the target set by the State party to achieve universal primary education by 2000 was never met and has been extended to 2015. The Committee also remains concerned about the low public expenditure in education and structural lack of resources, largely responsible for the shortage of qualified teachers, poor physical infrastructure, overcrowding in schools and material shortages in school. The Committee is also concerned about the high dropout rate, and that significant inequality exists in access to education, in part due to the hidden costs associated with schooling, and that a large proportion of girls and children from disadvantaged backgrounds such as **Dalit children** and children with disabilities remain deprived of educational opportunities.

76. The Committee recommends that the State party carefully examine the budget allocations and measures taken within the field, with regard to their impact on the progressive implementation of the **child's right to education and leisure activities**. In particular, the Committee recommends that the State party:

- (a) Make primary education compulsory and free for all children and for more years than just the five years of primary school;
- (b) Continue to strengthen measures aimed at increasing enrolment rates and school attendance, as well as reducing the high dropout rate in primary and secondary education and ensure that children receive the full schooling to which they are entitled;
- (c) Undertake additional efforts to increase the budget allocated to education;
- (d) Take further measures to improve the accessibility, in particular for girls, to education of all children, with a view to eliminating the prevailing disparities between girls and boys, as well as between urban and rural areas;
- (e) Take measures to improve the quality of education, inter alia, by building more schools, improving physical infrastructures and ensuring schools are adequately equipped;
- (f) Prioritize efforts at teacher training and expand recruitment of qualified teachers, in particular women and persons from all ethnic groups;
- (g) Introduce and fully implement targeted programmes for children from poor families and children from **marginalized groups**;
- (h) Continue to strengthen public provision of early childhood education, in particular in rural areas, and increase the number of trained preschool teachers, and raise awareness amongst parents about the value of early childhood education;
- (i) Adopt appropriate legislative measures to combat the use of corporal punishment in schools;
- (j) In the light of the Committee's general comment No. 1 (2001) on the aims of education, include human rights education,

- including the rights of children, in the school curriculum at all levels of education;
- (k) Ratify the Convention against Discrimination in Education (1960) and the Convention on Technical and Vocational Education (1989);
- (l) Seek further technical assistance from, inter alia, UNICEF and UNESCO.

87. While noting the efforts taken by the State party to eliminate the phenomenon of **sexual exploitation of children**, the Committee is gravely concerned about the large number of children in the State party who are sexually exploited. The Committee is of the view that insufficient efforts have been taken to protect the particularly vulnerable groups of children from sexual exploitation. Specifically, the Committee notes with concern that children of **lower castes** are disproportionately represented among sex workers, and about the persistence of the customary practice known as **Badi**, whereby young girls of the **Bedi caste** are forced into prostitution.

89. The Committee recommends that the State party, allocate resources as a matter of priority to:

- (a) Enact appropriate legislation that ensures protection from sexual abuse and exploitation for boys and girls under 18 years;
- (b) Undertake a comprehensive study to examine the sexual exploitation of children, gathering accurate data on its prevalence;
- (c) Take appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation, in particular children belonging to the **Bedi** and other **lower castes**;
- (d) Avoid criminalizing child victims of sexual exploitation and ensure proper prosecution of perpetrators;
- (e) Implement appropriate policies and programmes for the prevention, recovery and reintegration of child victims, including establishment of rehabilitation centres in all regions, in accordance with the Declaration and Agenda for Action adopted at the First World Congresses against Commercial Sexual Exploitation of Children and the Yokohama Global Commitment 2001 adopted at the Second World Congress;
- (f) Seek assistance from, inter alia, UNICEF.

92. While welcoming the abolition in 2000 of the **Kamaiya** system of **bonded labour** and the enactment in 2002 of the **Kamaiya** Prohibition Act, the Committee is concerned that a large number of **Kamaiya** children remain unreleased and continue to work as **bonded labourers**, and that many thousands of **Dalit bonded labourers (haliya)**, including children, are reported to be working in agriculture in Western Nepal and in the plains. The Committee is particularly concerned that they continue to face serious difficulties in the areas of the right to housing, land, work and education.

95. The Committee takes note of the various efforts undertaken by the State party to combat **child trafficking** and welcomes the information that police officers are being trained in issues relating to sexual exploitation and trafficking of women and children. However, the Committee remains deeply concerned about the perversity of the phenomenon of trafficking and sale of children within Nepal and across the border for the purposes of sexual exploitation and **bonded labour**. The Committee notes with grave concern that certain groups of children are at a particularly higher risk of being sold and trafficked, including girls, internally displaced children, street children, orphans, children from rural areas, refugee children and children belonging to more **vulnerable castes**. The Committee further expresses concern that the existing legal protection for victims of trafficking, most notably the Human Trafficking Control Act, is inadequate, and that its implementation is seriously inadequate. The Committee is also concerned that the child victims of sexual exploitation do not receive adequate protection and recovery assistance.

The Committee invites the State party to submit its third, fourth and fifth reports in one consolidated report by 13 March 2010, the due date of the fifth report.

Committee Against Torture (CAT)

**2005
CAT Concluding
Recommendations –
Nepal**
([CAT/C/NPL/CO/2](#))

Keywords: National Dalit Commission, deeply rooted discriminatory practices caste-based abuse, caste representation in police and security forces, statistical data on caste, compensation and rehabilitation

Shadow Report:
[Missing Piece of the Puzzle](#) by the Center for Human Rights and Global Justice, NYU School of Law

5. The Committee notes the establishment of a number of human rights coordination and monitoring mechanisms, such as the National Human Rights Commission, the National Commission on Women and the **National Dalit Commission**, the Human Rights Protection Committee and the National Coordination Committee, and the human rights cells in the Police, the Armed Police Force and the Royal Nepalese Army.

26. Despite the State party's acknowledgment that **caste discrimination** exists in the country and the creation of the **National Dalit Commission**, the Committee is gravely concerned about the continued **deeply rooted discriminatory practices** committed on a large scale against marginalized and disadvantaged groups or **castes** such as the **Dalits**. The Committee is also concerned that the long-standing pattern of **caste discrimination** is being further entrenched by the current conflict in the country. The Committee reaffirms that it is the duty of the State party to protect all members of society, in particular citizens belonging to marginalized and disadvantaged groups or **castes**, such as the **Dalits**. The State party should take specific steps to safeguard their physical integrity, ensure that accountability mechanisms are in place guaranteeing that **caste** is not used as a basis for abuses, unlawful detention and torture, and take steps to ensure more diverse **caste and ethnic representation in its police and security forces**. The State party should include information on **caste discrimination** in its next periodic report.

36. The Committee requests the State party to provide in its next periodic report detailed **statistical data** regarding cases of torture and other forms of cruel, inhuman or degrading treatment or punishment reported to administrative authorities and the related investigations, prosecutions and penal and disciplinary sentences, including details of courts martial, disaggregated by, inter alia, gender, ethnic group, **caste**, geographical region, and type and location of place of deprivation of liberty, where it occurred, paying particular attention to juveniles in detention. In addition, information is also requested on any **compensation and rehabilitation** provided to victims.

The State party is invited to submit its next periodic report, which will be considered as the combined third, fourth and fifth report, by 12 June 2008, the due date of the fifth periodic report.

PAKISTAN

Committee on the Elimination of Racial Discrimination (CERD)

**2009
CERD Concluding
Observations – Pakistan**
([CERD/C/PAK/CO/20](#))

Keywords: Definition regarding minorities, anti-

10. While appreciating the State party's laws for the protection of recognized religious minorities, the Committee reiterates its concern about the absence of similar protection for relevant ethnic or linguistic groups. It welcomes the delegation's acknowledgment of the intersectionality, to a certain extent, of ethnicity and religion in the State party. (art. 1) The Committee reiterates its recommendation that the State party broaden its understanding and constitutional **definition regarding minorities**, so as to take into account all the grounds of discrimination included in article 1, paragraph 1 of the Convention.

11. Notwithstanding the existing legislation aimed at ensuring the principle of nondiscrimination in the State party, the Committee

discrimination law, descent, caste-based discrimination, de facto segregation and discrimination against Dalits, CERD general recommendation 29, education, statistical data, violence against women, right to freedom of thought, conscience and religion, bonded labour, non-implementation of laws, distribution of land, combating prejudices, public education and awareness-raising campaigns

Shadow Report:

[Joint NGO report for the UN Committee](#) prepared by TRDP, NCJP, PILER and Justice and Peace Netherlands, submitted in January 2009

reiterates its concern that no comprehensive **anti-discrimination law** has been adopted. It also expresses concern about the lack of information on concrete measures taken to implement the existing antidiscrimination laws and special measures, in spite of reports of persisting de facto discrimination against members of certain minority groups. (art. 2) The Committee recommends that the State party adopt a comprehensive law on the elimination of discrimination on the grounds of race, colour, **descent** or national or ethnic origin, taking into consideration all elements of the Convention. It also wishes to receive detailed information on the measures taken to implement anti-discrimination legislation with a view to eliminating de facto discrimination.

12. While the Committee welcomes the steps taken by the State party to address **caste-based discrimination**, such as a range of development schemes and the appointment of a member of a **scheduled caste** as advisor to the Sindh Province Senate, it is concerned that the State party has not yet adopted a law prohibiting discrimination on the basis of **caste**. It is further concerned about the lack of information in the State party's report on concrete measures taken to combat **caste-based discrimination**. The Committee is also concerned about the persisting **de facto segregation of and discrimination against Dalits** regarding their enjoyment of all economic, civil, political, and social rights (arts. 2, 3 and 5). The Committee refers the State party to its general recommendation 29 (2002), on **descent-based** discrimination, and recommends that the State party adopt legislation aimed at the prohibition of **caste-based discrimination** and take effective and immediate measures to ensure its effective implementation. The State Party is also invited to provide, in its next periodic report, **statistical data** on persons belonging to **scheduled castes** in the territory of the State party, including their enjoyment of all rights protected under article 5 of the Convention.

17. Notwithstanding the measures taken by the State party such as the amendments of the Criminal Law Act 2004 and the Protection of Women Act 2006, the Committee CERD/C/PAK/CO/20 page 5 expresses concern about acts of **violence against women**, especially those of minority background. (art. 5 (b)) In the light of its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party ensure the effective implementation of the laws aimed at protecting women from violence and provide information on the measures taken and their results in its next report. It also encourages the State party to adopt the Bill on domestic violence without delay.

18. The Committee welcomes the steps taken by the State party to ensure adequate political participation of **minorities**, such as the reservation of seats for minority members in the National Assembly, as well as the introduction of quotas to admit members of minorities to Government services. However, the Committee notes that minorities are comprehended by the State party exclusively as religious minorities other than Muslims and that no specific policy or legislative framework appear to exist to ensure appropriate representation of all ethnic groups. (arts. 5 (c) and 2, para. 2) The Committee encourages the State party to provide information on the representation of ethnic groups in Government and public services in its next periodic report. The Committee further urges the State party to legislate and mainstream the existing policy on the provision of adequate political participation of all ethnic groups.

19. The Committee, acknowledging the complex relationship between ethnicity and religion in Pakistan, notes the State party's commitment to freedom of religion and the safeguards established therefore. That notwithstanding, it expresses concern about reported infringements of the right to freedom of religion and the risk that blasphemy laws may be used in a discriminatory manner against religious minority groups, who may also be members of ethnic minorities. (art. 5 (d) (iv)) The Committee recalls the State party's obligation to ensure that all persons enjoy their **right to freedom of thought, conscience and religion**, without any discrimination based on race, colour, **descent** or national or ethnic origin, in accordance with article 5 (d) of the Convention.

21. While welcoming the steps taken to abolish the practice of **bonded labour**, including the adoption of the **Bonded labour** System Abolition Act, the Committee is concerned about the persistent existence of **bonded labour** in the State party, which appears to be related to, inter alia, the **unequal distribution of land**. It also expresses concern that such practice mainly affects marginalized groups such as **scheduled castes**. (5 (e) (i) and (iv)). The Committee urges the State to intensify its efforts to implement the laws and programmes

	<p>adopted to put an end to bonded labour and discrimination against marginalized groups such as the scheduled castes. It further encourages the State party to carry out the national survey on this practice without delay and to continue cooperation with the International Labour Organization in combating this phenomenon.</p> <p>24. The Committee notes with concern the lack of information on the steps taken to comply with article 7 of the Convention regarding measures taken with a view to combating prejudices which lead to racial discrimination and to promoting tolerance and friendship among its ethnic groups. (art. 7) The Committee recommends the State party to provide in its next periodic report information on article 7 such as measures taken to eradicate the social acceptance of racial and ethnic prejudice, e.g. by intensifying public education and awareness-raising campaigns, incorporating educational objectives of tolerance and respect for other ethnicities, as well as instruction on the culture of all minorities in the State party, and ensuring adequate media representation of issues concerning all ethnic and religious minorities, with a view to achieving true social cohesion among all ethnic groups, castes and tribes of Pakistan.</p> <p><i>The Committee recommends that the State party submit its twenty-first and twenty-second periodic reports in a single document, due on 4 January 2012, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.</i></p>
<p>1997 CERD Concluding Observations – Pakistan CERD/C/304/Add.25</p> <p>Keywords: Definition of minorities, fundamental non- discrimination principle (caste and descent), disaggregated information education, just and adequate reparation or satisfaction</p>	<p>6. The information provided by the State party on minorities living in Pakistan, in response to questions asked during the consideration of the previous report, is welcomed by the Committee. It notes that the State party's definition of minorities is based on the religious affiliation of the persons concerned and not on ethnic, racial or linguistic grounds. Although the Committee is aware that religious minorities as such do not fall under the scope of the Convention, it notes that religious differences may coincide with ethnic differences and therefore welcomes the institutions and measures that have been established to promote and protect minority rights, such as the Minorities Affairs Division, the National Commission for Minorities, the Federal Advisory Council for Minorities Affairs, the Districts Minority Committees, the National Committee on the Kalash People and the monthly holding of meetings with minority members of the National Assembly.</p> <p>8. The repeal of the separate electoral system, which allowed members of minorities to vote only for certain reserved seats in elections, is welcomed. The fact that members of minorities are now entitled to participate directly in the general election process, in addition to electing their own representatives, is a positive development.</p> <p>12. Concern is expressed that the policy of the State party to recognize only religious minorities excludes ethnic, linguistic or racial groups living in the country from any specific protection under the Convention that would derive from their official recognition as minorities.</p> <p>13. The fact that the fundamental rights of citizens, irrespective of their race, religion, caste, sex, residence or place of birth, are guaranteed by the Constitution is welcomed, although it is stressed that article 1, paragraph 1, of the Convention is broader, in that it prohibits discrimination based on race, colour, descent, or national or ethnic origin.</p> <p>18. It is regretted that there is not sufficient disaggregated information on the participation in public life as well as economic and social indicators, especially in connection with access to employment, housing, education and health, of the various ethnic, racial or linguistic groups living in the country, including non-citizens; this hampers the assessment of the progress made in the implementation of article 5 of the Convention.</p> <p>25. The Committee, while appreciating the concern not to promote ethnic or group distinctions, suggests that the State party explore the possibility of granting the same status as that of the religious minorities to other ethnic and linguistic groups, to ensure their full protection under the national laws and institutions relating to minorities as well as relevant international human rights instruments.</p>

	<p>30. The Committee recommends that comprehensive information be provided on legislative and other measures adopted by the State party to comply with provisions of article 6 of the Convention and on the availability of the right to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of racial discrimination. The Committee also recommends that instances of cases where reparation was sought from the courts, together with the courts' decisions thereon, be provided.</p> <p><i>Future Date of Submission not specified.</i></p>
Committee on the Rights of the Child (CRC)	
<p>2003 CRC Concluding Observations – Pakistan CRC/C/15/Add.217</p> <p>Keywords: Discriminatory social attitudes and discrimination against minority children, children belonging to a religious or other minority group, children living in rural areas</p>	<p>29. While acknowledging the actions taken to address discrimination against girls in education, the Committee is concerned at the persistence of discriminatory social attitudes and discrimination against minority children and against girls, early and forced marriages, low school enrolment and high dropout rates, honour killings, mutilation and violence. Furthermore, the Committee is concerned at the disparities in the enjoyment of rights and the social discrimination experienced by children belonging to the most vulnerable groups, including children with disabilities, children belonging to a religious or other minority group and children living in rural areas.</p> <p>30. The Committee recommends that the State party:</p> <p>(a) Make greater efforts to ensure that, in accordance with article 2, all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, particularly girl children, children belonging to a religious or other minority group, children with disabilities and other vulnerable groups of children; and</p> <p>(b) Target social services at children belonging to the most vulnerable groups.</p> <p><i>The Committee invites the State party to submit its third and fourth reports in one consolidated report by 11 December 2007, the due date for the submission of the fourth report.</i></p>

BANGLADESH	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>2001 CERD Concluding Observations – Bangladesh CERD/C/304/Add.118</p> <p>Keywords: Disaggregated information on the economic and social status of all ethnic, racial</p>	<p>7. Though information has been given on representation of ethnic minorities in Parliament, the Committee notes the lack of details in the report on the demographic composition of the population. The Committee reiterates its recommendation to the State party to provide in its next report information on the composition of the population. In particular, the Committee wishes to receive disaggregated information on the economic and social status of all ethnic, religious and tribal minorities, as well as their participation in public life. Information in respect of ethnic minorities should cover not only the Chittagong Hill Tracts, but other areas of the country as well.</p> <p>8. The Committee notes the information given about the constitutional prohibition of racial discrimination, but is concerned that racial discrimination as such is not explicitly and adequately prohibited and penalized in criminal law. The Committee recommends that the State party consider giving full effect to the provisions of article 4 of the Convention in its domestic legal order, ensure penalization of acts of racial discrimination, and ensure access to effective protection and remedies under article 6 of the Convention through competent</p>

<p>discrimination, religious and tribal minorities, interpretation of 'descent' including caste.</p>	<p>national tribunals and State institutions besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination.</p> <p>11. With regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee considers that the term "descent" does not refer solely to race or ethnic or national origin, and is of the view that the situation with respect to castes falls within the scope of the Convention. The Committee therefore recommends that the State party include in its next report relevant information about the enjoyment of the rights contained in article 5 of the Convention by all groups, including castes.</p> <p><i>The State party's next periodic report is due on 11 July 2002.</i></p>
<p>Committee on the Rights of the Child (CRC)</p>	
<p>2009 CRC Concluding Observations – Bangladesh CRC/C/BGD/CO/4</p> <p>Keywords: Non-discrimination, discrimination against children on the basis of social origin, or other status of their parents, marginalized and excluded children.</p>	<p>32. While noting the commitment taken by the State party in its Constitution and "Vision 2021" to create an equitable, just and non-discriminatory society, the Committee is nevertheless concerned that the principle of non-discrimination contained in article 2 of the Convention is not fully respected in practice. Girls continue to face discrimination and disparities, particularly with regard to health care, nutrition and early marriage, as do particular groups of children, including refugee children, children with disabilities, children in slums and rural areas and children of ethnic and religious minorities. The Committee is also concerned that children face discrimination on the basis of social origin, or other status of their parents.</p> <p>33. The Committee strongly recommends that the principle of non-discrimination, as provided for under article 2 of the Convention, be fully and vigorously applied by the State party and integrated into the implementation of all other articles to guarantee, without discrimination, the rights set out in the Convention. The Committee further recommends that the State party take the necessary measures to ensure that efforts to address persistent discrimination and reduce disparities are adequate and effective in the family, schools and other settings, and in particular among marginalized and excluded children, including girls, children of ethnic minorities and refugee children.</p> <p><i>The Committee invites the State party to submit the fifth periodic report, by 20 October 2012. This report should not exceed 120 pages (see CRC/C/118) and should include information on the implementation of the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.</i></p>
<p>2003 CRC Concluding Observations – Bangladesh CRC/C/15/Add.221</p> <p>Keywords: Discrimination against other vulnerable groups, discrimination on any grounds and against all vulnerable groups</p>	<p>28. The Committee welcomes the measures undertaken by the State party to enhance the situation of girls, especially in relation to education. It remains deeply concerned about persistent discriminatory attitudes towards girls, which are deeply rooted in traditional stereotypes and limit access to resources and services. The Committee is also concerned about discrimination against children with disabilities, street children, child victims of sexual abuse and exploitation, tribal children and other vulnerable groups.</p> <p>29. The Committee recommends that the State party take adequate measures to ensure implementation of the principle of non-discrimination in full compliance with article 2 of the Convention, and strengthen its proactive and comprehensive efforts to eliminate discrimination on any grounds and against all vulnerable groups. The Committee also recommends that the State party undertake an education campaign for boys and men on gender issues and sex discrimination.</p> <p>79. The Committee is deeply concerned about the poor situation of children of the Chittagong Hill Tracts, and other religious, national and ethnic minorities, tribal groups or similar marginalized groups and the lack of respect for their rights, including the rights to food, to health care, to education and to survival and development, to enjoy their own culture and to be protected from discrimination.</p> <p>80. The Committee urges the State party to gather additional information on all minorities or similar marginalized groups of the</p>

	<p>population, and to elaborate policies and programmes to ensure the implementation of their rights without discrimination, taking into account the Committee's recommendations adopted at its day of general discussion on the theme "The rights of indigenous children".</p> <p><i>The Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 1 September 2007, the date on which the fourth report is due.</i></p>
Committee on the Elimination of Discrimination against Women (CEDAW)	
<p>2011 CEDAW Concluding Observations – Bangladesh CEDAW/C/BGD/CO/7</p> <p>Keywords: Multiple forms of discrimination, Dalit women, disadvantaged groups of women, disaggregated data, special measures, access to justice, protection from violence and abuse</p> <p>Shadow report: Alternative report by the Citizens' Initiative on CEDAW-Bangladesh, Dhaka, July 2010</p>	<p>Disadvantaged groups of women</p> <p>37. The Committee is concerned at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women, migrant women, refugee women, older women, women with disabilities and girls living on the streets. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice.</p> <p>38. The Committee recommends that the State party:</p> <p>a. Collect disaggregated data on the situation of disadvantaged groups of women facing multiple forms of discrimination and adopt pro-active measures, including temporary special measures, to eliminate such discrimination and protect them from violence and abuse.</p> <p><i>The Committee invites the State party to submit its next periodic report in February 2015.</i></p>

JAPAN	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>2010 CERD Concluding</p>	<p>8. While noting existing national and local provisions guaranteeing equality before the law, including article 14 of the Constitution, the Committee highlights that the grounds of discrimination in article 1 of the Convention are not fully covered. Further, while the Committee</p>

Observations – Japan
[CERD/C/JPN/CO/3-6](#)

Keywords:

descent-based discrimination, Burakumin, national anti-discrimination law, Dowa special measures law, social and economic rights.

Shadow report:

[Joint submission by Japan Network for the Elimination of Racial Discrimination incl. IMADR, BLL and BLHRRJ](#)

regrets the State party's interpretation of **racial discrimination based on descent**, it is encouraged by information on steps taken by the State party in the spirit of the Convention to prevent and eliminate discrimination against **Burakumin** (art. 1). The Committee maintains its position expressed in **general recommendation No. 29** (2002) "that **discrimination based on 'descent'** has a meaning and application which complement the other prohibited grounds of discrimination and includes discrimination against members of communities based on forms of social stratification and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights." Moreover, the Committee reaffirms that the term "**descent**" in article 1, paragraph 1, the Convention does not solely refer to "race" and that **discrimination on the ground of descent** is fully covered by article 1 of the Convention. The Committee, therefore, urges the State party to adopt a comprehensive definition of racial discrimination in conformity with the Convention.

9. The Committee notes the State party's view that a **national anti-discrimination law** is not necessary and is concerned about the consequent inability of individuals or groups to seek legal redress for discrimination (art. 2). The Committee reiterates its recommendation from previous concluding observations (2001) and urges the State party to consider adopting specific legislation to **outlaw direct and indirect racial discrimination**, in accordance with article 1 of the Convention, and to cover all rights protected by the Convention. It also encourages the State party to ensure that law enforcement officials approached with complaints of racial discrimination have adequate expertise and authority to deal with offenders and to protect victims of discrimination.

10. While noting with interest that the State party held consultations and informal hearings with non-governmental organizations and other groups in the drafting of the report, the Committee regrets the limited opportunities for collection and exchange of information with such organizations and groups. The Committee notes the positive contributions made in the field of human rights and the role played by non-governmental organizations (NGOs) in Japan and encourages the State party to ensure the effective participation of NGOs in the consultation process during the preparation of the next periodic report.

13. While noting the explanations provided by the State party, the Committee is concerned by the reservations to articles 4 (a) and (b) of the Convention. The Committee also notes with concern the continued incidence of explicit and crude statements and actions directed at groups including children attending Korean schools as well as harmful, racist expressions and attacks via the Internet aimed, in particular, against **Burakumin** (arts. 4a, 4b). The Committee reiterates its view that the prohibition of the dissemination of ideas based upon racial superiority or hatred is compatible with freedom of opinion and expression and in this respect, encourages the State party to examine the need to maintain its reservations to article 4 (a) and (b) of the Convention with a view to reducing their scope and preferably their withdrawal. The Committee recalls that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in particular the obligation not to disseminate racist ideas and calls upon the State party once again to take into account the Committee's general recommendations No. 7 (1985) and No. 15 (1993), according to which article 4 is of mandatory nature, given the non-self-executing character of its provisions. It recommends that the State party:

- (a) remedy the absence of legislation to give full effect to the provisions against discrimination under article 4;
- (b) ensure that relevant constitutional, civil and criminal law provisions are effectively implemented, including through additional steps to address hateful and racist manifestations by, inter alia, enhancing efforts to investigate them and punish those involved; and
- (c) increase sensitization and awareness-raising campaigns against the dissemination of racist ideas and to prevent racially motivated offences including hate speech and racist propaganda on the Internet.

18. While acknowledging the State party's position on the family registration system, and noting the legislative changes made to protect personal information (2008), the Committee reiterates its concern about the difficulties in the system and that invasion of privacy, mainly of **Burakumin**, continues (art. 2, 5). The Committee recommends the enacting of a stricter law, with punitive measures, prohibiting use of the family registration system for discriminatory purposes, particularly in the fields of employment, marriage and housing, and to effectively protect privacy of individuals.

	<p>19. Noting with interest the State party's recognition of discrimination against Burakumin as a social problem as well as the achievements of the Dowa Special Measures Law, the Committee is concerned that the conditions agreed between the State party and Buraku organizations upon termination in 2002 regarding full implementation of the Convention, the enactment of a law on human rights protection and a law on the promotion of human rights education, have not been fulfilled to date. The Committee regrets that there is no public authority specifically mandated to deal with Burakumin discrimination cases and notes the absence of a uniform concept used by the State party when dealing with or referring to Burakumin and policies. Further, the Committee notes with concern that although socio-economic gaps between Burakumin and others have narrowed for some Burakumin, e.g., in the physical living environment and education, they remain in areas of public life such as employment and marriage discrimination, housing and land values. It further regrets the lack of indicators to measure progress in the situation of Burakumin (art. 2, 5).</p> <p>The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) assign a specific government agency or committee mandated to deal with Buraku issues; (b) fulfil the commitments made upon the termination of the Special Measures Law; (c) engage in consultation with relevant persons to adopt a clear and uniform definition of Burakumin; (d) supplement programmes for the improvement of living conditions of Buraku with human rights education and awareness-raising efforts engaging the general public, particularly in areas housing Buraku communities; (e) provide statistical indicators reflecting the situation and progress of the above-mentioned measures; and (f) take into account general recommendation No. 32 (2009) on special measures, including the recommendation that special measures are to be terminated when equality between the beneficiary groups and others has been sustainably achieved. <p><i>The Committee recommends that the State party submit its seventh, eighth and ninth periodic reports, due on 14 January 2013, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.</i></p>
<p>2001 CERD Concluding Observations – Japan CERD/C/304/Add.114</p> <p>Keywords: Definition of descent-based discrimination, ethnic composition, Burakumin</p>	<p>4. The Committee welcomes the legislative and administrative efforts made by the State party in order to promote the human rights and the economic, social and cultural development of some ethnic and national minorities, in particular (a) the 1997 Law for the Promotion of Measures for Human Rights Protection; (b) the 1997 Law for the Promotion of the Ainu Culture and for the Dissemination and Advocacy for the Traditions of the Ainu and the Ainu Culture; and (c) the series of Special Measures Laws for Dowa projects with the aim of eliminating discrimination against Burakumin.</p> <p>7. While taking note of the State party's point of view on the problems involved in determining the ethnic composition of the population, the Committee finds that there is a lack of information on this point in its report. It is recommended that the State party provide in its next report full details on the composition of the population, as requested in the reporting guidelines of the Committee, and, in particular, information on economic and social indicators reflecting the situation of all minorities covered by the Convention, including the Korean minority and the Burakumin and Okinawa communities. The population on Okinawa seeks to be recognized as a specific ethnic group and claims that the existing situation on the island leads to acts of discrimination against it.</p> <p>8. With regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee, unlike the State party, considers that the term "descent" has its own meaning and is not to be confused with race or ethnic or national origin. The Committee therefore recommends that the State party ensure that all groups including the Burakumin community are protected against discrimination and afforded full enjoyment of the civil, political, economic, social and cultural rights contained in article 5 of the Convention.</p> <p>23. The State party is also invited to provide in its next report further information on the impact of:</p> <ul style="list-style-type: none"> (a) the 1997 Law for the Promotion of Measures for Human Rights Protection and the work and powers of the Council for Human

	<p>Rights Promotion;</p> <p>(b) the 1997 Law for the Promotion of the Ainu Culture and for the Dissemination and Advocacy for the Traditions of the Ainu and the Ainu Culture; and</p> <p>(c) the Law concerning Special Government Financial Measures for Regional Improvement Special Projects and envisaged strategies to eliminate discrimination against Burakumin after the law ceases to apply, i.e. in 2002.</p> <p><i>The Committee recommends that the State party submit its third periodic report jointly with its fourth periodic report, due on 14 January 2003, and that it address all points raised in the present observations.</i></p>
Committee on Elimination of Discrimination against Women (CEDAW)	
<p>2009 CEDAW Concluding Observations – Japan CEDAW/C/JPN/CO/6</p> <p>Keywords: Minority women, comprehensive study on minority women including Buraku women.</p> <p>Shadow report: IMADR shadow report (Buraku women)</p>	<p>Paragraphs 31, 32, 37, 38, 39, 40, 41, 42, 51, 52, 53 and 54 of the Concluding Observations explicitly touch on the issue of minority women. Below is one paragraph which mentions Buraku women.</p> <p>52. The Committee urges the State party to take effective measures, including the establishment of a policy framework and the adoption of temporary special measures, to eliminate discrimination against minority women. To this end, the Committee urges the State party to appoint minority women representatives to decision-making bodies. The Committee reiterates its previous request (A/58/38, para. 366) that the State party include information on the situation of minority women in Japan, especially with regard to education, employment, health, social welfare and exposure to violence, in its next periodic report. In this context, the Committee calls upon the State party to conduct a comprehensive study on the situation of minority women, including indigenous Ainu, Buraku and Zainichi Korean and Okinawa women.</p> <p><i>The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its combined seventh and eighth periodic report in July 2014.</i></p>
Committee on the Rights of the Child (CRC)	
<p>2004 CRC Concluding Observations – Japan CRC/C/15/Add.231</p> <p>Keywords: Societal discrimination against Buraku children, children born out of wedlock, public education and awareness campaigns</p>	<p>24. The Committee is concerned that legislation discriminates against children born out of wedlock and that societal discrimination persists against girls, children with disabilities, Amerasian, Korean, Buraku and Ainu children and other minority groups, and children of migrant workers.</p> <p>25. The Committee recommends that the State party amend its legislation in order to eliminate any discrimination against children born out of wedlock, in particular, with regard to inheritance and citizenship rights and birth registration, as well as discriminatory terminology such as “illegitimate” from legislation and regulations. The Committee recommends that the State party undertake all necessary proactive measures to combat societal discrimination and ensure access to basic services, in particular, for girls, children with disabilities, Amerasians, Koreans, Buraka, Ainu and other minorities, children of migrant workers and refugee and asylum-seeking children, through, inter alia, public education and awareness campaigns.</p> <p><i>The Committee expects to receive the third periodic report from the State party, which should not exceed 120 pages (see CRC/C/118), by 21 May 2006, date on which the report is due.</i></p>

Committee on Economic, Social and Cultural rights (CESCR)

**2001
CESCR Concluding
Observations – Japan**
[E/C.12/1/Add.67](#)

Keywords:
De jure and de facto
discrimination against
minority groups including
Buraku communities,
housing, education,
employment

13. The Committee is concerned about the persisting **de jure and de facto discrimination against minority groups** in Japanese society, and in particular against the **Buraku** and Okinawa communities, the indigenous Ainu people and people of Korean descent, especially in the fields of employment, housing and education.

Finally, the Committee requests the State party to submit its third periodic report by 30 June, 2006, and to include in that report detailed information on the steps undertaken to implement the recommendations contained in the present concluding observations.

UNITED KINGDOM

Committee on the Elimination of Racial Discrimination (CERD)

**2003
CERD Concluding
Observations – UK**
[CERD/C/63/CO/11](#)

Keywords:
Caste, descent-based
discrimination, CERD
general recommendation
XXIX

25. The Committee recalls its **general recommendation XXIX**, in which the Committee condemns **descent-based discrimination**, such as discrimination on the basis of **caste** and analogous systems of inherited status, as a violation of the Convention, and recommends that a prohibition against such discrimination be included in domestic legislation. The Committee would welcome information on this issue in the next periodic report.

The Committee recommends that the State party submit a combined eighteenth and nineteenth periodic report, due on 6 April 2006, and that the report address all points raised in the present concluding observations.

YEMEN

Committee on the Elimination of Racial Discrimination (CERD)

**2006
CERD Concluding
Observations – Yemen**
[CERD/C/YEM/CO/16](#)

Keywords:

Descent-based discrimination, Al-Akhdam, economic, self-identification, definition of racial discrimination in domestic legislation, CERD general recommendation 29, employment, housing, equal access to health care and social security services, right to own property

Shadow reports:

[Shadow report on the situation of the Al-Akhdam people prepared by AlternativeWorld/Partnership for Equal Development in association with IDSN](#)

The “Al-Akhdam” are Yemen’s most marginalized ethnic minority also referred to as the “Yemeni minority of African Descent”.

8. The Committee takes note of the discrepancy between the assessment of the State party, according to which Yemeni society is ethnically homogenous, and credible information the Committee has received regarding **descent-based** and/or culturally distinguishable groups including the **Al-Akhdam**. In light of its general recommendation 4 (1973) as well as of paragraph 8 of its reporting guidelines, the Committee reiterates its recommendation to the State party that information on the ethnic composition of the population be provided in its next periodic report. It also recalls its general recommendation 8, which states that identification of ethnic or racial groups shall, if no justification exists to the contrary, be based upon **self-identification** by the individual concerned, and draws the attention of the State party to general recommendation 29 (2002) on article 1 (1) of the Convention, regarding **descent**.

9. The Committee remains concerned at the absence of a **definition of racial discrimination in domestic legislation** (art. 1). The Committee recommends to the State party that it incorporate in its domestic law a definition of racial discrimination that includes all elements set forth in article 1 of the Convention, which defines racial discrimination as discrimination on the grounds of race, colour, **descent** or national or ethnic origin.

15. The Committee is deeply concerned at the persistent reports of **de facto discrimination against descent-based**, culturally distinct communities, among others, the **Al-Akhdam**. The Committee is particularly concerned about discrimination that interferes with or impairs the enjoyment of their economic, social and cultural rights (arts. 2 (2) and 5). In light of its **general recommendation 29**, the Committee recommends that the State party develop and put into action a national strategy with the participation of members of affected communities, including special measures to be adopted in accordance with article 2 (2) of the Convention, in order to eliminate discrimination against members of marginalized and vulnerable **descent-based groups**. In particular, the Committee recommends that the State party develop legislation and practice prohibiting all discriminatory practices based on **descent** in employment, housing and so as to ensure equal access to health care and social security services for members of affected communities, in particular the **Al-Akhdam**.

16. The Committee notes with concern reports it has received that indicate that members of the **Al-Akhdam** community allegedly face difficulties in, if not outright barriers to, effectively exercising their **right to own property** (art. 5 (d) (v)). The Committee requests the State party to provide further information regarding the right of all persons within its territory, including members of marginalized or vulnerable groups to obtain and own property.

The Committee recommends that the State party submit its seventeenth periodic report jointly with its eighteenth periodic report in a single report by 17 November 2009, and that it address all points raised in the present concluding observations.

NIGERIA

Committee on the Elimination of Racial Discrimination (CERD)

**2005
CERD Concluding
Observations – Nigeria**
[CERD/C/NGA/CO/18](#)

Keywords:

Caste system, Osu community, descent-based discrimination, slavery, CERD general recommendation XXIX, segregation, employment, housing and education, human rights education

Shadow Reports:

[Report by Civil Liberties Organisation](#)

[Report by RADDHO](#)

15. While noting that the 1958 Osu Abolition Law legally abolished work- and **descent-based discrimination**, the Committee remains concerned about persistent allegations that members of **the Osu** and other similar communities are still subjected to social exclusion, segregation and mistreatment, as well as discrimination in employment and marriage (arts. 2, 3 and 5). The Committee draws the State party's attention to its **general recommendation XXIX** (2002) concerning racial discrimination based on **descent**, and suggests that a detailed response on this issue should be included in the State party's next report. It strongly recommends that the State party develop, in cooperation with non-governmental organizations and religious leaders, effective programmes to prevent, prohibit and eliminate private and public practices that constitute **segregation** of any kind, including a wide-ranging information and public-awareness campaign to put an end to these practices.

18. The Committee is concerned about the persistence of discrimination against persons belonging to various ethnic groups in the fields of **employment, housing and education**, including discriminatory practices by people who consider themselves to be the original inhabitants of their region against settlers from other states. While noting the efforts taken by the State party to improve the representation of different ethnic groups in the public service, most notably by the Federal Character Commission, the Committee remains concerned about the reports of continuing practices of patronage and traditional linkages based on ethnic origin, leading to the marginalization of certain ethnic groups in Government, legislative bodies and the judiciary (arts. 2 and 5).

The Committee recommends that the State party continue to promote **equal opportunities for all persons without discrimination** in order to ensure their full enjoyment of their rights, in accordance with article 2, paragraph 2, and article 5 of the Convention. In this connection, the Committee urges the State party to strengthen its Affirmative Action Plans in favour of underrepresented or marginalized groups, including women, in its employment policies with regard to the public service, and to submit in its next periodic report more detailed information on achievements under these programmes.

25. The Committee, while noting the information provided by the delegation, reiterates its previous concern that measures taken to educate the public, law enforcement officials, members of political parties and media professionals on the provisions of the Convention remain insufficient (art. 7). The Committee encourages the State party to expand and strengthen existing efforts regarding **human rights education**. Furthermore, particular attention should be paid to general recommendation XIII (1993), according to which law enforcement officials should receive specific training to ensure that, in the performance of their duties, they respect and protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour, **descent** or national or ethnic origin.

Pursuant to article 9, paragraph 1, of the Convention and article 65 of the Committee's rules of procedure, as amended, the Committee requests the State party to inform it of its implementation of the recommendations contained in paragraphs 289, 291 and 294 above, within one year of the adoption of the present conclusions.

The Committee recommends that the State party submit its nineteenth periodic report jointly with its twentieth periodic report on 4 January 2008, and that it address all points raised in the present concluding observations.

MAURITANIA

Committee on the Elimination of Racial Discrimination (CERD)

**2004
CERD Concluding
Observations –
Mauritania**
[CERD/C/65/CO/5](#)

Keywords:

Caste system, slavery-like practices, descent- based discrimination, CERD general recommendation XXIX, anti-poverty programme

15. The Committee notes with concern that vestiges of the **caste system** persist in Mauritania. While welcoming the fact that **slavery** was abolished by a law dated 9 November 1981, it remains concerned about information on the persistence of **slavery-like practices**, which constitute serious instances of discrimination based on **descent**. It is concerned that no implementing orders have been issued subsequent to the 1981 law and that there is no provision in criminal law that expressly punishes **slavery**.

The Committee draws the State party's attention to its **general recommendation XXIX** concerning racial discrimination based on **descent**, and suggests that a detailed study of this issue should be included in the State party's next report. It strongly recommends that the State party launch, in cooperation with non-governmental organizations and religious leaders, a wide ranging information and public-awareness campaign to put an end to **slavery-like practices**. The State party should ensure that the perpetrators of such practices, which are already prohibited by law, are systematically prosecuted in the courts, including in cases where they have seized the property of deceased former slaves.

16. The Committee notes that the information on the adoption of practical measures designed specifically to combat **slavery-like** practices remains inadequate.

Taking note of the delegation's statement that the **anti-poverty programme** is helping to eradicate the legacy of **slavery**, the Committee considers that other actions specifically targeting the populations concerned should be taken. The State party should conduct a study, in cooperation with civil society, to determine the economic and social situation of the descendants of slaves, including how many of them have title to land.

The Committee recommends that the State party submit its eighth, ninth and tenth periodic reports, due on 12 January 2008, in a single document and that it address therein all the points raised in the present concluding observations.

Committee on the Rights of the Child (CRC)

**2009
CRC Concluding
Observations –
Mauritania**
[CRC/C/MRT/CO/2](#)

Keywords:

Caste-based slavery

36. While noting as positive the Act No. 2007-042 of 3 September 2007 criminalizing **slavery**, the Committee is concerned over the lack of effective implementation of the law. The Committee is seriously concerned over reports indicating the continued existence of **caste** based **slavery**, which has a particular impact on girls in domestic service and boys forced to beg by marabouts. The Committee is especially concerned over the absence of services to free and reintegrate children victims of **slavery** and over the lack of measures to educate the public about traditional **slavery** practices in general.

37. The Committee urges the State party to take all necessary measures to eradicate **slavery** and in particular to ensure that perpetrators of such practices are held accountable in accordance with the law. The Committee calls upon the State party to implement a national strategy against **slavery**, including an analysis of its root-causes, and take effective measures to free victims of **slavery** and provide them with psycho-social recovery as well as reintegration measures. The Committee recommends that the State party conduct specific awareness-raising campaigns on the legislation which criminalizes **slavery**.

The Committee invites the State party to submit its combined third, fourth and fifth report, by 14 June 2013. This report should not exceed 120 pages (see CRC/C/118).

MADAGASCAR

Committee on the Elimination of Racial Discrimination (CERD)

**2004
CERD Concluding
Observations –
Madagascar**
[CERD/C/65/CO/4](#)

Keywords:

No definition of racial discrimination, caste system, descent-based discrimination, slavery, CERD general recommendation XXIX

12. The Committee notes that there is **no definition of racial discrimination** in the legal domestic order. It also notes that several laws contain provisions concerning non-discrimination which do not expressly specify race, colour and **descent** as prohibited grounds.

The Committee recommends that the State party should include a definition of racial discrimination in its legislation, drawing upon the elements contained in article 1 of the Convention. The State party should complete its legislation in order to prohibit racial discrimination in the same way as other forms of discrimination.

17. The Committee regrets that despite the abolition of **slavery** and the **caste system** in 1896, discrimination against the descendants of slaves persists. The Committee recommends that the State party take the necessary steps to put an end to discrimination based on **descent**, including the steps enumerated in its **general recommendation XXIX**. Detailed information on the situation of **descendants of slaves**, and of the persistence of the **caste system** in general, should be included in the next periodic report.

The Committee recommends that the State party submit its nineteenth and twentieth periodic reports as one document due on 9 March 2008, and respond therein to all the points raised in the present concluding observations.

SENEGAL

Committee on the Elimination of Racial Discrimination (CERD)

**2002
CERD Concluding
Observations – Senegal**
[A/57/18\(SUPP\)](#)

Keywords:

445. The Committee notes with concern the continuing legacy in Senegal of aspects of a **caste-based system**, despite its having been banned by law. It recommends that the State party ensure that the existing provisions are effectively applied, including by taking steps to guarantee **access to justice** for victims, in accordance with **its general recommendation XXVI**.

The Committee recommends that the State party submit its sixteenth and seventeenth periodic reports in a single report, due on 23 July 2004, and that it reply to all questions raised in the present concluding observations.

Caste-based system, access to justice	
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CHAD	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>2009 CERD Concluding Observations – Chad CERD/C/TCD/CO/15</p> <p>Keywords: Caste system, descent-based discrimination, legislation, CERD general recommendation XXIX, public awareness campaign</p>	<p>15. The Committee is concerned about the existence of a caste system in some ethnic groups of the State party, which leads to discrimination against certain categories of the population and serious violations of their rights, as mentioned by the State party in paragraph 152 of its report. The Committee recalls its general recommendation No. 29 (2002) on descent-based discrimination and recommends that the State party should:</p> <ul style="list-style-type: none"> (a) take specific measures to combat and abolish the caste system, including the adoption of specific legislation prohibiting descent-based discrimination; (b) take steps to raise public awareness and educate the population about the negative effects of the caste system and the plight of victims; and (c) provide the Committee with additional detailed information on the nature and extent of this problem (art. 3). <p><i>The Committee recommends that the State party should submit its sixteenth, seventeenth and eighteenth periodic reports in a single document by 16 September 2012, taking into account the guidelines for the preparation of reports to the Committee on the Elimination of Racial Discrimination adopted at the Committee’s seventy-first session (CERD/C/2007/1), and addressing all the issues raised in the present concluding observations.</i></p>

MALI	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>2002 CERD Concluding Observations – Mali A/57/18(SUPP)</p> <p>Keywords:</p>	<p>406. In light of its general recommendation XXIX of 22 August 2002 and bearing in mind the explanations provided by the delegation concerning the practice of sinangouya and the relative nature of the caste system, which does not hinder social mobility in Mali, the Committee would like to receive information on the approach the State party intends to take regarding the persistence of the consequences of a traditional caste system that could give rise to descent-based discrimination.</p> <p><i>The Committee recommends that the State party’s fifteenth and sixteenth periodic reports be submitted in one document, due on 15</i></p>

Caste, descent-based discrimination, CERD general recommendation XXIX	<i>August 2005, that it should be a complete report and that it should address all the issues raised in these concluding observations.</i>
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GENERAL COMMENTS (OF RELEVANCE)

Committee on the Elimination of Racial Discrimination (CERD)

<p>2002 CERD General Recommendation 29 on descent-based discrimination</p>	<p>In 2002, CERD adopted General Recommendation 29 on the term "descent" in article 1(1) of the Convention. The General Recommendation reaffirmed that caste-based discrimination falls within the scope of the Convention and therefore constitutes an effective framework to improve analysis and reporting on governments' performance. Affected countries are now obliged to report to the CERD Committee taking into consideration the specific recommendations made by the Committee. Below are some abstracts from the General Recommendation:</p> <p><u>The Committee on the Elimination of Racial Discrimination,</u></p> <p><u>Confirming</u> the consistent view of the Committee that the term "descent" in article 1, paragraph 1, the Convention does not solely refer to "race" and has a meaning and application which complement the other prohibited grounds of discrimination,</p> <p><u>Strongly</u> reaffirming that discrimination based on "descent" includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights,</p> <p><u>Strongly</u> condemning descent-based discrimination, such as discrimination on the basis of caste and analogous systems of inherited status, as a violation of the Convention,</p> <p><u>Recommends</u> that the States parties, as appropriate for their particular circumstances, adopt some or all of the following measures:</p> <p style="text-align: center;">I. Measures of a general nature</p> <ol style="list-style-type: none"> 1. Steps to identify those descent-based communities under their jurisdiction who suffer from discrimination, especially on the basis of caste and analogous systems of inherited status, and whose existence may be recognized on the basis of various factors including some or all of the following: inability or restricted ability to alter inherited status; socially enforced restrictions on marriage outside the community; private and public segregation, including in housing and education, access to public spaces, places of worship and public sources of food and water; limitation of freedom to renounce inherited occupations or degrading or hazardous work; subjection to debt bondage; subjection to dehumanizing discourses referring to pollution or untouchability; and generalized lack of respect for their human dignity and equality; 2. Consider the incorporation of an explicit prohibition of descent-based discrimination in the national constitution;
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	<p>3. Review and enact or amend legislation in order to outlaw all forms of discrimination based on descent in accordance with the Convention;</p> <p>4. Resolutely implement legislation and other measures already in force;</p> <p>5. Formulate and put into action a comprehensive national strategy with the participation of members of affected communities, including special measures in accordance with articles 1 and 2 of the Convention, in order to eliminate discrimination against members of descent-based groups;</p> <p>6. Adopt special measures in favour of descent-based groups and communities in order to ensure their enjoyment of human rights and fundamental freedoms, in particular concerning access to public functions, employment and education;</p> <p>7. Establish statutory mechanisms, through the strengthening of existing institutions or the creation of specialized institutions, to promote respect for the equal human rights of members of descent-based communities;</p> <p>8. Educate the general public on the importance of affirmative action programmes to address the situation of victims of descent-based discrimination;</p> <p>9. Encourage dialogue between members of descent-based communities and members of other social groups;</p> <p>10. Conduct periodic surveys on the reality of descent-based discrimination and provide disaggregated information in their reports to the Committee on the geographical distribution and economic and social conditions of descent-based communities, including a gender perspective;</p> <p>Read the full text here: http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/f0902ff29d93de59c1256c6a00378d1f?Opendocument</p>
<p>2009 CERD General Recommendation No. 32 on special measures</p>	<p>At its 75th session in August 2009 the UN Committee on the Elimination of Racial Discrimination (CERD) adopted General Recommendation No. 32 on Special Measures: The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination.</p> <p>This General Recommendation affirms General Recommendation 29 on Article 1, paragraph 1, of the Convention (Descent), which makes specific reference to special measures. In the General Recommendation, the Committee states that special measures should be carried out on the basis of accurate data, disaggregated by race, colour, descent and ethnic or national origin and incorporating a gender perspective, on the socio-economic and cultural status and conditions of the various groups in the population and their participation in the social and economic development of the country.</p> <p>Read the full text here: http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/CERD_GR32.pdf</p>
<p>Committee on Economic, Social and Cultural rights (CESCR)</p>	
<p>2002</p>	<p>CESCR General Comment No. 20 on Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2) was adopted by the</p>

<p>CESCR General Comment No. 20 on non-discrimination</p>	<p>Committee at its 42nd session in May 2009. In the General Comment the Committee reaffirms that "the prohibited ground of birth also includes descent, especially on the basis of caste and analogous systems of inherited status." The Committee recommends States parties to "take steps, for instance, to prevent, prohibit and eliminate discriminatory practices directed against members of descent-based communities and act against dissemination of ideas of superiority and inferiority on the basis of descent."</p> <p>Below are some abstracts:</p> <p>A. Express grounds (of discrimination under article 2 of the Covenant)</p> <p>24. <u>National or social origin.</u> „National origin“ refers to a person’s State, nation, or place of origin. Due to such personal circumstances, individuals and groups of individuals may face systemic discrimination in both the public and private sphere in the exercise of their Covenant rights.„Social origin“ refers to a person’s inherited social status, which is discussed more fully below in the context of „property“ status, descent-based discrimination under „birth“ and „economic and social status“.</p> <p>26. <u>Birth.</u> Discrimination based on birth is prohibited and Article 10(3) specifically states, for example, that special measures should be taken on behalf of children and young persons “without any discrimination for reasons of parentage”. Distinctions must therefore not be made against those who are born out of wedlock, born of stateless parents or are adopted or constitute the families of such persons. The prohibited ground of birth also includes descent, especially on the basis of caste and analogous systems of inherited status.¹⁵ States parties should take steps, for instance, to prevent, prohibit and eliminate discriminatory practices directed against members of descent-based communities and act against dissemination of ideas of superiority and inferiority on the basis of descent.</p> <p>Read the full text here: http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/CESCR_GR20.pdf</p>
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