



National Campaign on Dalit Human Rights

Caste-Based Discrimination in India

13th Session of the Universal Periodic Review of the Human Rights Council – India

Dalits' Human Rights Balance Sheet

UPR Recommendations 2012 ¹	National Report ²	NHRC Report ³	Stakeholders' Submission ⁴	UN Treaty Bodies and Special Procedures Recommendations ⁵	NCDHR Suggestions for Follow Up to UPR Recommendations ⁶
1. Civil and Political Rights – Violence and Atrocities against Scheduled Castes⁷					
<p>WGR 138.47. <i>Take adequate measures to guarantee and monitor the effective implementation of the Prevention of Atrocities Act, providing legal means for an increased protection of vulnerable groups like the Dalit, including the access to legal remedies for affected persons (Germany)</i></p> <p>WGR 138.75. <i>Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the</i></p>	<p><i>NR para106.</i> State claims that central assistance is given for the effective implementation of Civil & Political Rights and also other constitutional provisions but not mentioned about how the implementation is done. For speedy trial of Cases under SC, ST POA Act 177 special courts and 77 police stations have set up.</p>	<p>The scheduled castes and schedule tribes remain particularly vulnerable despite laws to protect them, because of the indifference of public servants. The denial or the abuse of, or the inability to access, their rights hit the most vulnerable the hardest women, children the SC and tribes, and the minorities.</p>	<p><i>SR para14</i> In 2008- 2010, a total of 1, 16,813 atrocities were committed against them⁸ with an increase of 10.6% in 2009⁹. As per Crime Statistics of India, every 18 minutes a crime is committed against SCs; every day 27 atrocities against them, (3 rapes, 11 assaults and 13 murders); every week 5 of their homes or possessions burnt and 6 persons kidnapped or</p>	<p>CESCR (2008) recommended the strengthening of procedures for prompt and impartial investigations and effective prosecutions under the 1989 SC/ST (Prevention of Atrocities) Act and improve awareness arising among various enforcement officials regarding caste based crimes¹⁰. CERD in 2007 urged India</p>	<p>On a priority basis, the GOI should design, develop and implement a National Action Plan to eliminate all forms of discrimination, including caste- and gender-based discrimination, applying where necessary the Durban Review Conference Outcome (2009), the DDPA, and CERD General Recommendation 29. This</p>

¹ WGR = [Report of the UPR Working Group \(A/HRC/WG.6/13/L.8/India\) – highlighted with caste references](#)

² NR = [National report – India \(A/HRC/WG.6/13/IND/1\)](#)

³ Report prepared by the National Human Rights Commission in India for the second UPR of India (available on www.ohchr.org)

⁴ Stakeholders' Submission (SR) = Report prepared by the National Human Rights Commission for the second UPR of India = [UPR India submission - Coalition report by National Campaign on Dalit Human Rights](#)

⁵ The list of relevant UN recommendations is not exhaustive. Some of the references can be found in the OHCHR compilation of UN information prepared for the UPR (A/HRC/WG.6/13/IND/2). A comprehensive overview of recommendations on caste discrimination by UN human rights bodies can be found on: www.idsn.org/uncompilation

⁶ The suggested recommendations are drawn in part from NCDHR's UPR submission

⁷ Scheduled Castes (SCs) and Scheduled Tribes (STs) are also known as Dalits and Adivasis

⁸ This includes 2208 murders, 5974 rapes, 15603 cases of hurt, 1764 cases of kidnapping and abduction, 687 cases of arson, 572 of other "untouchability" practices and 53174 of other IPC crimes, etc.

⁹ National Crime Record Bureau, Crime in India, 2008, 2009 and 2010

¹⁰ International Covenant on Economic, Social and Cultural Rights, E/C.12/IND/Q/5, 14 September 2007

UPR Recommendations 2012 ¹	National Report ²	NHRC Report ³	Stakeholders' Submission ⁴	UN Treaty Bodies and Special Procedures Recommendations ⁵	NCDHR Suggestions for Follow Up to UPR Recommendations ⁶
<p><i>promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the scheduled castes and scheduled tribes and minorities are well achieved (Ghana)</i></p> <p>WGR 138.73. <i>Monitor and verify the effectiveness of, and steadily implement, measures such as quota programmes in the areas of education and employment, special police and special courts for effective implementation of the Protection of Civil Rights Act and the Scheduled Caste and Scheduled Tribes Act, and the work of the National Commission for Scheduled Castes (Japan)</i></p> <p>WGR 138.62. <i>Strengthen the process for ensuring independent and timely investigation mechanisms to address and eliminate corruption; and provide for and facilitate increased accountability and transparency in this process (United States of America)</i></p> <p>WGR 138.117. <i>Continue to carry out policies aimed at improving its judicial system, reforming the law enforcement bodies and reducing the level of crime and corruption (Russian Federation)</i></p>	<p>In Annex III of the National Report, it is stated that “the Scheduled Castes are depressed sections of the society who, because of the nature of their work, have faced social exclusion and prejudice. The Scheduled Tribes are tribal communities who have been isolated from the mainstream of society and are economically weak.”</p> <p>Being socially handicapped and economically poor, these sections of society require special protection and help for the amelioration of their social, economic and political condition. The Constitution of India empowers the state to specify these castes or tribes by listing them in a schedule to the Constitution (hence called Scheduled Castes and Scheduled Tribes) and make special provisions for their uplift.</p>	<p>An anodyne Prevention of Torture Bill was passed by the Lower House of Parliament. It has been greatly strengthened by a Select Committee of the Upper House, and it would be a travesty if the original Bill is adopted. It demands disaggregated data on custodial violence, illegal detention and torture.</p>	<p>abducted.</p>	<p>to provide effective protection to members of scheduled castes and scheduled and other tribes against acts of discrimination and violence.¹¹ The SR on summary executions, Mr. Christof Heyns, has expressed particular concern about the high level of impunity that the police and armed forces enjoy, due to the requirement that any prosecutions require sanction from the central government, in follow up to his visit in India in March 2012.¹² Other areas of concern related to the prevalence of communal violence, the killing of so-called witches, as well as dowry and so-called “honour” killings, and the plight of dalits and adivasis.</p>	<p>exercise should begin with a State policy instrument and should integrate Human Rights Education and Training at all levels.</p> <p>The GOI should take effective measures to bring in sharp and strong amendments to the SC/ST (PoA) Act to address impunity of the State and dominant castes. Appoint a High-Level Committee to review the implementation of the Act and Rules, assess the realization of its objectives, and take appropriate and speedy action for strengthening the Act for effective implementation in future and also mandatory conduct of periodic reviews/meetings/ submission of the reports under the SCs and STs [PoA] Act 1989 Act and Rules. Also add a new chapter in the Act to deal with the rights of victims and witnesses, thereby explicitly granting various citizen rights to them with regard to their atrocity cases.</p>

¹¹ Concluding Observations of the Committee on the Elimination of Racial Discrimination, CERD/C/IND/CO/19, 5 May 2007

¹² Press statement, 30 March 2012: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12031&LangID=E>

2. Violence against women – Gender Crimes

<p>WGR 138.87. <i>Continue to promote the rights of women in their choice of marriage and their equality of treatment independently of caste and tribe or other considerations (Holy See)</i></p> <p>WGR 138.21, WGR para138.19 <i>Consider signature and ratification of the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (Czech Republic, Brazil)</i></p> <p>WGR 138.22. <i>Remove reservations to the Article 16(1) of the Convention on Elimination of All Forms of Discrimination against Women (Finland)</i></p> <p>WGR 138.23 <i>Withdraw its reservations to Convention on the Elimination of All Forms of Discrimination against Women and consider signing and ratifying its Optional Protocol (Republic of Korea)</i></p> <p>WGR 138.85. <i>Further strengthen measures to eliminate traditional harmful practices which are discriminatory against women and girls in particular child marriages, dowry related murders and honour killings (Chile)</i></p> <p>WGR 138.88. <i>Strictly enforce the legal provisions prohibiting harmful and discriminatory practices that violate the rights of women and girls, and that it undertake effective public education measures, including awareness-raising programmes designed to eliminate gender-based prejudices,</i></p>	<p>No special mention of SC Women, their status or their problems at all.</p>	<p>NHRC demands for disaggregated data especially on the key areas such as crime committed against women and children from the SC & ST, violence against women other than rape, bonded labour, child labour& manual scavenging.</p>	<p><i>SR para.15</i> The NCRB reported a total of 1349 rape cases of Dalit women for 2010, Notably; there is no disaggregated data on atrocities against Dalit women. Young Dalit girls suffer systematic sexual abuse in temples, serving as sex workers for men from dominant castes. Thousands of Dalit girls are forced into prostitution every year through the practice of temple offering called ‘Devadasi’ and ‘Jogini’</p>	<p>CEDAW (2007) recommended India to enforce the laws preventing discrimination and crimes against Dalit women, end impunity, and urged it to eradicate Manual Scavenging. In particular, the Committee called upon the State party to review and monitor the fulfillment of the provisions of the Convention in respect of scheduled caste, scheduled tribe, backward class and minority women in all sectors.¹³ The UN Special Rapporteur on Violence against Women has noted that Dalit women —face targeted violence, even rape and death, from state actors and powerful members of dominant castes who used to inflict political lessons and crush dissent within community.¹⁴ In its 2007 concluding comments, CERD noted its concern about the alarming number of allegations of acts of sexual violence against Dalit women, primarily by dominant caste men.</p>	<p>The Government of India should Evolve and implement a comprehensive strategy to address impunity and ensure criminal justice for Dalit women. The Government should ensure that Dalit women enjoy equal access to and share of common property resources, in particular water resources, and provide budgetary support to create common property for their own. The practice of manual scavenging and traditional harmful practices like the <i>jogini</i> and <i>devadasi</i> systems should be eliminated, and rehabilitation policies and programmes for alternative livelihood and sustenance should be enforced for the benefit of the women involved in such practices. Gender-disaggregated data on caste-based discrimination should be collected. Cross-border monitoring mechanisms are essential for stopping the flow of trafficking of Dalit women and children.</p>
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¹³ Concluding Comments of the Committee on the Elimination of Discrimination against Women: India, CEDAW/C/IND/CO/3

¹⁴ UN Special Rapporteur on Violence against Women, 2002, Cultural Practices in the Family that are Violent towards Women, E/CN4/2002/83, Para 53.

<p><i>traditional practices and provisions of personal status laws that are harmful and discriminatory to women and girls (Liechtenstein)</i></p> <p>WGR 138.41. <i>Enact comprehensive reforms to address sexual violence and all acts of violence against women, including “honour” crimes, child marriage, female feticide and female infanticide, and to remedy limitations in the definition of rape and the medico forensic procedures adopted for rape cases (Canada)</i></p>					
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3. Discrimination & Violence During Elections

<p><i>No specific UPR recommendations were made on this issue</i></p>	<p>Not mentioned specifically</p>	<p>Not mentioned specifically</p>	<p><i>SR para 17</i> During the 2009 General Elections, the National Dalit Election Watch reported several incidents of violence of which 32% were threats/intimidation/violence by Dominant Caste groups, 22% SCs were not allowed to vote by members of various political parties and due to clashes between political parties etc and 20% SCs were deliberately excluded from Voters Lists¹⁵.</p>	<p>CERD recommended India to ensure the rights of members of SC to freely and safely vote and stand for election.¹⁶</p>	<p>There are significant legislative changes that may be required to enable the Election Commission and other statutory bodies to effectively ensure the rights of franchise of the Dalits, and to take steps against the perpetrators of such violations under the relevant sections of the law.</p>
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4. Violence Against Dalit Christians and Muslims

<p>WGR 138.72. <i>Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens (United States of America)</i></p> <p>WGR 138.118 <i>Prevent and pursue through the judicial process, all violent acts against religious</i></p>	<p>Doesn't discuss the problems of Dalit Minorities at all.</p>	<p>Doesn't discuss Dalit Minorities at all.</p>	<p><i>SR para.19</i> Dalit Christians, forming around 75-80% of Indian Christian population and their places of worship are often targeted with physical attacks and violence in recent years. According to government figures, more than 600 villages were ransacked, 5,600 houses looted and burnt, 54,000 people left homeless and 38</p>	<p>CERD observed that Dalits who convert to Christianity or to Islam reportedly lose their entitlements under affirmative action programmes and also recommended GoI to restore the eligibility for affirmative action benefits of all the members of Scheduled Castes and</p>	<p>Reservation measures must be extended to Dalits of all faiths, especially to Dalit Christians and Muslims, who are presently excluded from the reservation benefits owing to religion-based discrimination. Follow up and implementation of recommendations by the</p>
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¹⁵ Dalit and Right of Franchise, The Experience of the General elections 2009, National Dalit Election Watch

¹⁶ Concluding Observations of the Committee on the Elimination of Racial Discrimination, CERD/C/IND/CO/19, 5 May 2007

<p>and tribal minorities, Dalits and other caste (Holy See)</p> <p>WGR 138.48. <i>Adopt the Prevention of Communal and Targeted Violence Bill addressing issues such as accountability of civil servants, standards of compensation for victims and elements of command responsibilities (Germany)</i></p> <p>WGR 138.49. <i>Reconsider laws and bills on religious conversion in several Indian states in the light of freedom of religion or belief in order to avoid the use of vague or broad terminology and discriminatory provisions (Germany)</i></p> <p>WGR 138.50. <i>Reconsider current local legislation on freedom of religion, that uses vague or broad terminology and discriminatory provisions, and impedes the possibility for conversion of faith for those who wish to do so (Netherlands)</i></p>			<p>people murdered. But human rights groups estimate over 100 people killed, including disabled and elderly persons, children and women.</p>	<p>Scheduled Tribes having converted to another religion¹⁷. After her visit to India in 2008, the UN Special Rapporteur on freedom of religion expressed concern about the eruption of communal violence in the states of Orissa and Gujarat, which in the case of Orissa primarily targeted Christians in Dalit and tribal communities. The Rapporteur appealed to the authorities to step up efforts to prevent communal violence and sanction impunity of communalized police forces at the state level.¹⁸ The Government of India has still not followed up on the request for further information by the Rapporteur.¹⁹</p>	<p>UN Special Rapporteur on freedom of religion.</p>
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5. Violence Against Dalit Human Rights Defenders

<p>WGR 138.43. <i>Enact a law on the protection of human rights defenders, with emphasis on those defenders facing greater risks, including those working on minority rights and the rights of scheduled castes and tribes (Czech Republic)</i></p> <p>WGR 138.68. <i>Implement the recommendations made by the Special Rapporteurs on the rights of human right defenders following her visit in 2011, with particular emphasis on recommendations that concern defenders of women's and children's rights, defenders of minorities rights, including</i></p>	<p>Not mentioned</p>	<p>The focal point setup in the NHRC for the protection of human rights defenders received complaints that several, including those working on minority rights and the rights of the scheduled castes and tribes, faced harassment in several States, including arbitrary detention.</p>	<p><i>SRpara20</i> The cost of working for the rights of marginalized people, i.e, Dalits, Adivasis (Indigenous People), religious minorities has been risks to their life, name and livelihood, and social ostracism. On the other hand, those collectivities striving for their rights have been victimized²⁰. There is no corresponding domestic legislation in India to safeguard the rights of the SC human rights defenders and the marginalized people they are</p>	<p>The SR on the situation of HRD, Margret Sekaggya has raised concern about the plight of HRDs working for the rights of marginalized people, including Dalits and Adivasis. Her report explicitly raises the concern of HRD's especially Dalit HRD and also Dalit women HRD.</p> <p>As per the SR's recommendations after her visit in India in 2011, the</p>	<p>The State must enact a law and promote appropriate Legal Protection Mechanisms for the protection of the Rights of Dalit human rights defenders. These mechanisms do not exist at present and should include targeted actions in favour of Dalit human rights defenders and it should also comply with the EU Guidelines for Human Rights Defenders.</p>
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¹⁷ Concluding Observations of the Committee on the Elimination of Racial Discrimination, CERD/C/IND/CO/19, 5 May 2007

¹⁸ (A/HRC/10/8/Add.3)

¹⁹ Compilation of UN information for the UPR of India (A/HRC/WG.6/13/IND/2)

²⁰ Statement of the Special Rapporteur on Situation of Human Rights Defenders, 21 January 2011

<p><i>Dalits and Adavasi, and right to information activists (Norway)</i></p> <p>WGR 138.121. Solve remaining cases of human rights violations and create an independent committee to receive claims against the police that were referred to by the Special Rapporteur on Human Rights Defenders (Iraq)</p> <p>WGR 138.67. Adopt the recommendations of the Special Rapporteur on the situation of human rights defenders and the necessary measures to its recognition and protection, guaranteeing that the human rights violations are timely, effectively and independently investigated (Spain)</p>			working for.	GOI must ensure that the National and State Human Rights Commissions promote a safe and conducive environment for human rights defenders in general throughout India.	The Government of India should implement the recommendations of the SR on HRDs, with special consideration of the most vulnerable groups.
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6. Manual Scavenging

<p><i>No UPR recommendations were made on this issue (only questions)</i></p>	<p>NR. Para.52 Out of the 770,000 manual scavengers and dependents to be rehabilitated by the National Scheme for Liberation and Rehabilitation of Scavengers and their dependents (NSLRS), 428,000 have been rehabilitated into alternative occupations. For the remaining 342,000 the self-employment scheme for Rehabilitation of Manual Scavengers (SRMS) was launched in January, 2007. The scheme is being implemented at the national level through the four National Finance and Development Corporations. All states</p>	<p>The degrading practice of manual scavenging festers on. Some States are in denial over this. The Indian Railways are the largest users of manual scavengers.</p>	<p>SRpara21 Of the 7, 70,338 manual scavengers and their dependents across India²¹, so far only 4,27,870 persons have been assisted under the National Scheme of Liberation and Rehabilitation of Scavengers (NSLRS) and the remaining number yet to be rehabilitated is 3, 42,468²². As per the Public Interest²³ Litigation filed in the High court of Delhi, Indian Railways managed by the Govt. of India, which employs a large number manual scavengers who clean human excreta is a violator of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act of 1993. Despite</p>	<p>CERD in its 2007 Concluding Observation has given recommendations to India to ensure the proper implementation of the Employment of Manual Scavengers and Construction of dry Latrines (Prohibition) Act, 1993. In 2008, the CESCR urged 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 modern</p>	<p>Ensure the complete elimination of the practice of manual scavenging. National Scheme of Liberation and Rehabilitation of Scavengers (NSLRS) should be effectively and timely implemented. Proper safety measures should be established and provided for labourers who are involved in Sewerage related jobs.</p> <p>The Government should engage constructively with workers' and employers' associations, as well as the ILO, to eliminate this practice.</p>
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²¹ Annual report of the Ministry of Social Justice and Empowerment (Government of India 2009). The highest number of manual scavengers was in Uttar Pradesh (2,13,975), followed by Madhya Pradesh (81,307), Maharashtra (64,785), Gujarat (64,195), Andhra Pradesh (45,822) and Assam (40,413).

²² Annual Report of the Ministry of Social Justice and Empowerment, 2009

²³The Writ Petition {W.P.(C) -845/2011} in the Delhi High court on the Indian Railways.

	have confirmed that eligible and willing beneficiaries identified under SRMS have been given financial assistance for alternative occupations.		recommendations from the ILO Expert Committee on Conventions regarding Convention no. 111 in 2002 which looked into questions related to manual scavenging, this pernicious practice still continues.	sanitation facilities and providing the Dalit women engaged in this practice with vocational training and alternative means of livelihood.	
7. Extreme Poverty					
WGR 138.62. <i>It urged India to strengthen efforts in tackling poverty and enhancing access to basic social services. (Bhutan)</i>	(Only elaborates the already existing committee's established for poverty.) <i>NR para 109:</i> Report states that Rs 3250 million have been released towards equity of NSCFDC in the Eleventh Five-Year Plan. Beneficiaries covered under the scheme since its inception is 762,000 of which 410,000 (53.34%) are women.	The official estimate that 27.5% of the population was below the poverty line in 2004-05 grossly understates the incidence of poverty. The expert committee set up by the Planning Commission put the figure at 37.2%. Other committees setup by Ministries put it even higher.	<i>SRpara22</i> 37.2 % of the Indian population lives below poverty line and majority of them are Dalits (47.2% in rural areas and 39.9% in urban centers). Planning Commission Report	The CESCR recommended in 2008 that the Government of India takes urgent measures to address the issue of poverty and food insecurity, and establish specific mechanisms to monitor the implementation of poverty-reduction strategies and evaluate the progress achieved. The Committee requested 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.	The shortfall of the current Union Budget (estimated at Rs. Cr. 33,756.74 of SCP and Rs. Cr. 13,275.95 of TSP in the Union budget 2012-13) should be returned and reallocated to schemes with a clear objective of bridging socio--•] economic gap between SCs/STs and Non--•] SCs/STs with particular focus on health, education, housing, assignment/acquisition of land, employment, income generation, entrepreneurship and access to basic amenities.
8. Right to Health					
WGR 138.156. <i>Take effective measures to fully implement National Rural Health Missions (Honduras)</i>	There are inequities based on rural – urban divide, gender imbalance and child nutrition. Framed 'Address India's Nutrition Challenges'.	Public spending on health continues to be abysmally low, at about 1% of GDP, despite Government's commitment to raise it to 2-3%. The public health system is riddled with problems; vast numbers in the villages get little or no medical care. A performance audit by the	<i>SRpara23</i> Infant mortality rate for SC children is as high as 88 per 1000 as compared to children from the dominant caste social groups (69 per 1000). Moreover, a higher number of SC children die in the first month of life as well as after the first month of life but before their first birthday, and	CERD recommended India in 2007 to ensure the provision of adequate health care provisions. ²⁵ In particular, it recommended equal access to ration shops, adequate health care facilities, reproductive health services, and safe drinking water for members of scheduled	A dialogue with the national and state governments, relevant UN bodies, the private sector, local authorities, national human rights institutions, CSOs and academic institutions needs to be promoted and sustained with a view to identify, promote and exchange

²⁵ Concluding Observations of the Committee on the Elimination of Racial Discrimination, CERD/C/IND/CO/19, 5 May 2007

		Auditor General and an evaluation had done for the Planning Commission has both found serious deficiencies in the National Rural Health Mission. A huge programme called the Integrated Child Development Services was set up in 1975, but an evaluation done in 2011 for the Planning Commission found that 60% of the annual budget for supplementary nutrition was being diverted. (A study done for the NHRC confirms this.)	43 per 1000 of one year old SC children die before completing their 5th birthday as compared to 25 children from the dominant social groups. ²⁴	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.	views on best practices related to access to safe drinking water, health & sanitation and adequate housing for Dalits.
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9. Right to Water & Sanitation

WGR 138.139. <i>Further accelerate the sanitation coverage and the access to safe and sustainable drinking water in rural areas (Myanmar)</i>	Not mentioned or identified problems of SC and access to water and sanitation		<i>SRpara24</i> More than 20% of SCs do not have access to safe drinking water. Only 10% SC households have access to sanitation (as compared to 27% for non-SC households), and the vast majority of SCs depend on the goodwill of dominant castes for access to water from public wells. ²⁶	CERD Recommended India to ensure safe drinking water to SC's. ²⁷	The SC/St (Prevention of Atrocities Act, 1989) to include discrimination and violence against Dalits regarding the right to drinking water. There is an urgent need for strong legislations that recognizes drinking water as one of the livelihood rights priorities
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10. Adequate Housing

<i>No specific UPR recommendations were made on this issue</i>	Not mentioned	The Indira AwasYojana, set up to provide rural housing, requires that applicant have a plot of land. Millions of landless are excluded. The scheme does not give enough to build a house, and there is some evidence that those who take the money end up in debt. An evaluation done for	<i>SRpara25</i> SCs also find it extremely difficult to rent houses, especially in urban areas, and they are the ones worst affected in demolition or evacuation incidents. During the Common Wealth Games (CWG) in New Delhi in 2010, the urban poor, of whom the	CERD recommended in 2007 that SC's including SC Women, have access to adequate land. ²⁸ CESCR urged in 2008 the Government of India to address the acute shortage of affordable housing by adopting a national strategy and a plan of	There should be proper mapping and disaggregated data of SC/ST clusters in slums so that proper schemes under Urban Poverty alleviation could be made by the government. There should be a proper resettlement of housing
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²⁴ <http://wcd.nic.in/schemes/icps.pdf>

²⁶ www.infochangeindia.org

²⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination, CERD/C/IND/CO/19, 5 May 2007

²⁸ Concluding observations of the Committee on the Elimination of Racial Discrimination, CERD/C/IND/CO/19, 5 May 2007

		the Planning Commission found that there was no quality control, including in seismic zones. Neither is there an insistence that toilets be built. The safety of residents and sanitation remain serious concerns.	SCs constituted the majority, were forcefully evicted without any concrete alternate re-settlement plan	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. ²⁹	schemes under UN Principles on Basic Principles and Guidelines on Development – Based Evictions and Displacement.
11. Right to Education					
<p>WGR 138.163. <i>Strengthen human rights training aimed at teachers in order to eliminate discriminatory treatment of children of specific castes, as well as appropriately follow-up on the results of the training that has occurred thus far (Japan)</i></p> <p>WGR 138.71. <i>Continue its efforts to eliminate discrimination against and empower marginalized and vulnerable groups particularly by ensuring effective implementation of relevant laws and measures through proper and active coordination among line ministries, national and state governments; by extending disaggregated data to caste, gender, religion, status and region; and by increasing sensitization and reducing discriminatory attitudes among law enforcement officers through human rights education and training (Thailand)</i></p> <p>WGR 138.164. <i>Ensure universal, compulsory and free education, carrying out on a priority basis measures aimed at eradicating discrimination, particularly discrimination that affects girls, marginal groups and persons with disabilities (Mexico)</i></p>	<p><i>NR:para 108</i> Mentions Right to Education (RTE) and other schemes. It also mentions that SC Women and girl children are given priority. The report mentions about the centrally sponsored scheme of post matric scholarship to SC students and also the financial assistance to SC students who are research scholars. But it doesn't discuss problems of exclusion and discrimination.</p>	<p>The quality of education, particularly in the villages, is dismal; the infrastructure is appalling, teachers are absent, teachers are poorly trained. Learning levels and literacy are both very low.</p>	<p><i>SRpara26</i> Literacy levels are lowest among SC girls at 24.4 per cent, compared to the national average of 42.8 per cent for the female population. One of the primary reasons for the increasing dropout rate of SC children from primary schools³⁰ (50% of all SC children, and 64% of girl student's dropout) is due to discrimination being practiced against them in school. The difference in dropout rates between SC youth and all Indian youth has actually grown from 4.39 % in 1989 to 16.21 % in 2008³¹.</p>	<p>CERD recommended in 2007 the Government of India to ensure the reduction of school dropout rates and increase in the enrollment rates of SC children and the promotion of non-discriminatory practices in class rooms and also in the midday meal scheme.³² In 2004 the CRC expressed deep concern at persistent and significant social discrimination against children belonging to Scheduled Castes and Tribes and other tribal groups. The SR on the Right to Food mentioned that Dalit children are discriminated in many ways in schools.</p>	<p>Human Rights education should be integrated into the present curriculum. Right to Education (RTE) should have special provisions in addressing issues related to discrimination in educational institutions especially in government schemes like midday meal scheme and Sarva Shiksha Abhiyan.</p>

²⁹ CESCR Concluding Observations – India 2008 (E/C.12/IND/CO/5)

³⁰ Discriminatory practices against SC children practiced by teachers include corporal punishment, denial of access to school water supplies, segregation in class rooms, and forcing Dalit children to perform manual scavenging on and around school premises (IDSN and Navsarjan Briefing Note, 2010).

³¹ IDSN, 2010: Dalit Children in India – Victims of Caste Discrimination, Briefing Note by Navsarjan Trust (www.navsarjan.org), Center for Human Rights and Global Justice (www.chrgj.org) and International Dalit Solidarity Network (www.idsn.org)

³² Concluding observations of the Committee on the Elimination of Racial Discrimination, CERD/C/IND/CO/19, 5 May 2007

12. Bonded Labour

<p><i>No specific UPR recommendations were made on this issue</i></p>	<p><i>NRpara78</i> Mentions the Bonded Labour System (Abolition) Act 1976. Its implementation is not discussed.</p>	<p>The practice of bonded labor continues despite laws that ban it, and is taking new forms. The NHRC has received reports of bonded labour being used to execute defence projects in difficult areas.</p>	<p><i>SRpara30</i> Despite the Bonded Labour Abolition Act 1976, it is estimated that in India there are 40 million bonded labourers and SCs constitute a majority of them³³.</p>	<p>CERD has in 2007 noted 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. Ms. Shahinian, the SR on Contemporary Forms of Slavery has indicated the link between caste discrimination and bonded labour, including critical situation of Dalit women engaged in manual scavenging.</p>	<p>Effective and timely implementation of Bonded Labour System (Abolition) Act 1976 and also ensure the rehabilitation measures especially for Dalit Children who constitutes majority of bonded labourers.</p>
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13. Right to Employment

<p><i>WGR.para138.73</i> <i>Monitor and verify the effectiveness of, and steadily implement, measures such as quota programmes in the areas of education and employment, special police and special courts for effective implementation of the Protection of Civil Rights Act and the Scheduled Caste and Scheduled Tribes Act, and the work of the National Commission for Scheduled Castes (Japan)</i></p>	<p><i>NR.para105</i> A programme of 'compensatory discrimination' reserves 15% for SCs and 7.5% for STs in employment, education and a range of areas</p>	<p>Over 90% of the work force is in the unorganized sector has no access to social security, is particularly vulnerable in the cities, and is therefore driven into permanent debt, often leading to conditions of bonded labour.</p>	<p><i>SRpara31</i> SCs face systematic discrimination both in the public and private sector. In the name of downsizing and optimizing by the GoI, employment rate is on the decline. A decline of 10.07% job opportunities was noticeable. This is in addition to the loss of opportunities in the various state government areas. The unemployment rate of SCs in rural and urban areas is about 5.5% as against 3.5% for dominant castes.³⁴</p>	<p>In 2007, CERD recommended India to 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). It also recommended the State party to adopt measures to enhance Dalits' access to the labour market.</p>	<p>National and State Governments should enact equal opportunity and equality laws and other measures that prohibit discrimination in capital market, labour hiring, work place, private enterprises, etc. The Unorganised Workers Social Security Bill should be adopted without any further delay. Equal attention should be given to Dalit women domestic workers. The recent ILO Convention on domestic workers and rules, 2011 should be given due consideration for subsequent ratification.</p>
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³³ <http://dalitstudies.org.in/wp/0905.pd>

³⁴ <http://www.jstor/stable/4415409>

14. Rights of Scheduled Castes with Disabilities

<p><i>No specific UPR recommendations were made on this issue</i></p>	<p>Not Mentioned</p>	<p>Not Mentioned</p>	<p><i>SRpara35</i> With an estimated figure of 1.8% of persons with disabilities among the overall population, the 2.4 % among SCs is shockingly very high. This shows that the existing policies and practices of the national and state governments are not successful in providing adequate social safeguards to SCs with disabilities³⁵.</p>		<p>Disaggregated data should be provided on SC's with disabilities and thereby adequate safeguards can be allocated to them.</p>
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15. Disaster Risk Reduction & SCs

<p><i>No specific UPR recommendations on the need to ensure non-discrimination in disaster management were made</i></p>	<p>Not mentioned specifically.</p>	<p>Not mentioned specifically. But discusses how the rapid growth, the development of infrastructure and the expansion of mining industries, have all led to massive displacements of populations, often without their informed consent. NHRC's monitoring finds that usually those displaced are given neither adequate relief nor the means of rehabilitation.</p>	<p><i>SR para36</i> The impact of disaster, in its nature and intensity, varies according to the degree of vulnerability of the social groups that constitute the affected population. Although in principle the disaster response is expected to focus on humanitarian principles, including the principle of neutrality (equal approach to all disasters), the existing laws, policies and guidelines of the national and state governments are not comprehensive enough to capture the sensitive issue of caste based discrimination in emergencies³⁶.</p>	<p>The Special Rapporteur on Adequate Housing has underlined that the most vulnerable, such as those living in poverty or with insecure tenure, are more likely to live in disaster-prone land; they are also at greater risks of displacement and loss of livelihood in the event of a disaster; and they will recover with more difficulty from the disaster. Therefore, attention to non-discrimination and equality requires Governments and aid organizations to pay particular attention to vulnerabilities and inequalities in pre-disaster contexts, and, in the aftermath of disasters, to address inequalities and protect the most vulnerable.³⁷</p>	<p>Steps need to be taken by the government to recognise the discriminatory practices in disaster relief and ensure the equal approach in rehabilitation measures. The existing laws, policies and guidelines of the national and state level regarding disaster relief measures should adequately address this problem.</p>
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³⁵ Dalits with Disabilities, the Neglected Dimension of Social Exclusion, Govinda Pal, IIDS, 2010

³⁶ Report of the National Convention on "Exclusion of Dalits – Disaster Risk Reduction Interventions – Effective Civil Society Monitoring", National Dalit Watch, June 2010

³⁷ GA report on the realization of the right to adequate housing in post-disaster setting (A/66/270), 11 August 2011

16. Special Component Plan for SCs

<p><i>No specific UPR recommendations were made on this issue</i></p>	<p><i>NRpara112</i> Report states that the planning commission set up a Task Force to review guidelines on Scheduled Caste Sub Plan (SCSP) and Tribal Sub Plan (TSP) in June 2010.</p>	<p>Not Mentioned</p>	<p><i>SRpara43</i> Budget Diversion: After studying the compiled allocations for SCP for various years from Statement 21 of Expenditure, Vol.1of Union Budgets, GOI 2005-06 to 20011-12, some civil society organizations like NCDHR & Centre for Budget Governance Accountability came to the conclusion that the amount denied to SCs from 2005 to 2009 amounts to US \$ 20.8 billion and this means that annually around US \$ 5.2 billion have been denied through non-implementation as per the policy requirements of the Special Component Plan for SCs.</p>	<p>I.A Central Legislation should be designed for Special Component Plan and Tribal Sub Plan. This Central legislation should provide for: a) Clearly setting apart a proportion of the total Plan outlays of Centre and States that is equivalent to the population proportion of SCs/STs at national and state level. b) A well-designed, dedicated institutional setup at the Central & State level, which shall allocate SCP/TSP funds to the Ministries/ Departments, duly taking into consideration the developmental needs of SCs/STs. This will enable the Ministries/ Departments to clearly show the schemes formulated for the development of SC/STs under a separate budget head. c) Encouraging participation of community, CSOs and experts in planning as well as implementation and evaluations of schemes. d) The performance/ outcome budget should be published every year, providing details about the beneficiaries and be made available to public access.</p>
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