

**Universal Periodic Review:
References to caste-based discrimination and related issues in UPR reports (2008-2009)**

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The Universal Periodic Review (UPR) is a monitoring mechanism established under the Human Rights Council. During the review of a number of caste-affected countries in the first UPR cycle, a number of observations and questions related to caste-based discrimination have been raised. The result has been increased attention to the nature and scope of caste-based discrimination in states under review, especially where this human rights issue is not generally recognised. The UPR process has thus been an effective means of demonstrating that caste-based discrimination is a global human rights problem found in several countries in South East Asia and beyond.

Each UN member state is reviewed periodically every four years on its human rights record. The review is carried out by a working group composed of members of the Council and is facilitated by groups of three member states (the “troika”). The review of countries is based on three types of documents:

1. A national report prepared by the state under review.
2. A compilation of information contained in the reports of treaty bodies, special procedures, and other relevant UN documents, prepared by the Office of the High Commissioner for Human Rights (OHCHR).
3. A summary of "additional credible and reliable information" received from other relevant stakeholders, including NGOs and well as national human rights institutions, not exceeding 10 pages, compiled by the OHCHR.

The references below include relevant text in national reports, summary reports from other relevant stakeholders, and the report of the working group incl. questions asked by other states. Read more about the UPR mechanism and download all UN documents here: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

IDSN contributes to joint NGO submissions on caste-based discrimination in association with its members and associates where relevant. The reports can be downloaded from IDSN's website: <http://www.idsn.org/international-advocacy/un/universal-periodic-review/>

INDIA - 1st UPR Session (April 2008)

Excerpts from the National Report - India

[A/HRC/WG.6/1/IND/1](#)

Keywords:

Constitutional provisions, scheduled castes, abolition of untouchability, legislative measures, affirmative action, political representation

15. The Constitution offers all citizens, individually and collectively basic freedoms which are justiciable and inviolable in the form of six broad categories of Fundamental Rights:
- right to equality including equality before law, prohibition of discrimination on grounds of religion, race, **caste**, sex or place of birth and equality of opportunity in matters of employment;
- [...]
16. The Constitution lays down certain Directive Principles of State Policy which though not justiciable, are 'fundamental in governance of the country' and it is the duty of the State to apply these principles in making laws.
- Equal justice and free legal aid.
 - Organisation of village panchayats (local governments).
 - Right to work, to education and to public assistance in certain cases.
 - Provision for just and humane conditions of work and maternity relief.
 - Living wage for workers.
 - Participation of workers in management of industries.
 - Uniform civil code for the citizens.
 - Provision for free and compulsory education for children.
 - Promotion of educational and economic interests of **scheduled castes**, scheduled tribes and other weaker sections.
- [...]
22. Several National Commissions have also been created for women, minorities, **Scheduled Castes**, and Scheduled Tribes, whose Chairpersons are deemed Members of the National Human Rights Commission. The Government has also set up the National Commission for the Protection of Children's Rights, the National Commission for Denotified, Nomadic & Semi-nomadic Tribes, and the National Commission for Backward Classes and a Chief Commissioner for Persons with Disabilities. In addition, 18 States in India have constituted State Human Rights Commissions while a few more are in the pipeline. Many States have also constituted State Commissions for **Scheduled Castes**, Scheduled Tribes, Women and Minorities.
30. India has embarked on a programme of affirmative action which is, perhaps, without parallel in scale and dimension in human history. Part III of the Indian Constitution dealing with Fundamental Rights, contains powerful provisions to combat all forms of discrimination, notably those forms that were based on **caste**. These provisions of the Constitution, which are justiciable, include, *inter alia*, equality before the law or the equal protection of laws, nondiscrimination against any citizen on grounds only of religion, race, **caste**, sex, place of birth or any of them, special provision for the advancement of any socially and educationally backward class of citizens as well as **Scheduled Castes** and Scheduled Tribes, affirmative action through the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services of the State, and abolition of

	<p>“Untouchability”.</p> <p>31. To effectuate the guarantees enshrined in these Constitutional provisions, an impressive range of legislative measures have been enacted to end discrimination against Scheduled Castes and Scheduled Tribes. Article 17 of the Constitution of India abolished the practice of untouchability and in furtherance of the provision thereof the Protection of Civil Rights Act (PCR Act) was enacted in 1955. The Act provides for punishment for untouchability. Several schemes and programmes are being implemented for socio-economic and educational development of Scheduled Castes and Scheduled Tribes.</p> <p>32. Political representation is guaranteed for Scheduled Castes and Scheduled Tribes through the proportionate reservation of seats in elected legislative bodies, from Parliament to village councils. To overcome the cumulative results of past discrimination, the government instituted a program of “compensatory discrimination” that reserved 15 per cent for Scheduled Castes and 7.5 per cent of all Central Government jobs for members of Scheduled Tribes. Comparable reservations were provided for state-level employment, and reservations were extended to college and university admissions. In addition, special provisions for Scheduled Castes and Scheduled Tribes have been provided in housing, poverty alleviation programmes, hostel schemes.</p> <p>50. [...] Inclusive growth also means empowering the disadvantaged. The Government has sought to achieve this through a variety of legislative interventions for empowering women, tribals and scheduled castes, the minorities and other backward classes.</p>
<p>Excerpts from the Report of the UPR Working group - India</p>	
<p>A/HRC/8/26</p> <p>Keywords: Dalits, caste and related discrimination, scheduled castes, caste-based discrimination, untouchability,</p>	<p>I. Summary of the proceedings of the review process</p> <p>15. India has been deeply conscious of the need to empower the Scheduled Castes and Scheduled Tribes and is fully committed to tackle any discrimination against them at every level. The Constitution of India abolished “untouchability” and forbids its practice in any form. There are also explicit and elaborate legal and administrative provisions to address caste-based discrimination in the country. The caste system, which is unique to India, is not racial in origin, and therefore, caste based discrimination cannot be considered a form of racial discrimination.</p> <p>27. <u>Canada</u> recognized that India is a highly diverse country facing many challenges. It raised issues concerning the Armed Forces (Special Powers) Act (AFSPA), the situation of civil society and the situation of Dalits. <u>Canada</u> referred to reports of torture and abuse by and impunity of police and security forces acting under the AFSPA. <u>Canada</u> spoke about the commitment of the Prime Minister and the studies undertaken to reform the AFSPA and asked what measures had been taken to repeal or reform this Act. <u>Canada</u> referred to India as a model where civil society and democracy flourishes and the press actively reports on human rights abuses. However, it mentioned allegations about the use of the Foreign Contributions Regulations Act in limiting civil society’s work on sensitive issues and referred to reports that Amnesty International had to downsize its work on account of this Act. With reference to the follow-up of the 2007 concluding observations on India adopted by CERD, <u>Canada</u> recommended that India begin providing disaggregated data on caste and related discrimination.</p>

32. Malaysia congratulated India on putting in place an institutional, legislative and administrative framework aimed at improving the human rights situation of its people. It also noted the establishment of various institutions/national commissions which act as “watch dogs”, dealing with issues such as women rights, minorities, **scheduled castes** and tribes, backward classes and children rights. Additional information was requested on the implementation of their recommendations.
36. Belgium commended India for the advancements made, in particular regarding the justiciability of certain social and economic rights in the context of the right to life. Regarding **caste-based discrimination**, in particular against **Dalit women**, Belgium wanted to know what actions were being taken to implement anti-discriminatory legislation and the role of the National Commission on Human Rights was in that regard. Belgium recommended that there be disaggregated data on **caste-based discrimination** so as to allow for targeted planning to improve the situation of the **Dalits**.
39. While congratulating India for the important constitutional and legislative measures taken to combat discrimination, Luxembourg endorsed Belgium’s recommendation on disaggregated data. It asked for additional information on (a) statistics on jurisprudence related to discriminatory acts, (b) how recommendations from treaty bodies on **scheduled castes** and tribes were being implemented, (c) measures being taking to tackle discriminatory treatment in favour of males, including foeticide, and (d) right to food of the peasant population.
40. Germany asked India to provide complementary information on (a) how recommendations made by the Committee on the Elimination of Racial Discrimination and CEDAW on **Dalits** and **scheduled castes** were being followed up on, (b) what the position of the Government was regarding the recommendation of several treaty bodies to repeal the Armed Forces (Special Powers) Act of 1958, and (c) what concrete steps were being taken to implement national laws abolishing child labour.
41. The United States of America expressed its satisfaction to see a nation as diverse as India engaged in the UPR process. It asked for further details on (a) freedom of religion and expression and on the promulgation of state anti-conversion laws, (b) actions being undertaken to combat police and government corruption, (c) implementation of child labour laws, (d) crimes against women, including domestic violence, dowry-related deaths, honour crimes and sex-selective abortion of unborn girls, and (e) the social acceptance of **caste-based discrimination**.
53. Italy asked for additional information on (a) human rights education relating to traditional practices and customs and **scheduled castes** and tribes and (b) the National Child Labour Project. Italy recommended the strengthening of human rights education specifically in order to address effectively the phenomenon of gender-based and **caste-based discrimination**. It also recommended that steps be taken towards the ratification of the Convention against Torture.
58. Azerbaijan asked India to elaborate on (a) what practical measures were being taken to fight poverty, (b) what are the difficulties experienced by **Scheduled Castes** and Tribes in terms of their human rights, (c) what national plans exist on Internally Displaced Persons and what access is given to international humanitarian organizations to internal displacement affected regions, (d) school attendance of children in rural regions, and (e) human rights training among police and security forces.
74. Regarding **castes and racial discrimination**, India noted that both Canada and Germany mentioned India’s position on the scope of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). India stated that their position on ICERD is unchanged and that while they recognize that **caste-based discrimination** exists in India, since the **caste system**, which is unique to

	<p>India, is not racial in origin, caste based discrimination cannot be considered a form of racial discrimination.</p> <p>77. <u>India</u> noted that they do maintain statistics with regard to scheduled castes and scheduled tribes and that these statistics are in the public domain.</p> <p>II. Conclusions and/or recommendations</p> <p>86. In the course of the interactive dialogue the following recommendations were made: [...]</p> <p>3. Continue energizing existing mechanisms to enhance the addressing of human rights challenges (<u>Ghana</u>);</p> <p>5. Maintain disaggregated data on caste and related discrimination (<u>Canada, Belgium, Luxembourg</u>);</p> <p>13. Strengthen human rights education, specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination (<u>Italy</u>);</p> <p><i>These recommendations will be examined by India which will provide responses in due time. The response of India will be included in the outcome report to be adopted by the Human Rights Council at its eighth session.</i></p>
<p>Excerpts from Summary of stakeholders' information - India</p>	
<p>A/HRC/WG.6/1/IND/3</p> <p>Keywords: marginalized communities, dalits, caste system, human rights defenders, devdasi, bonded labour, manual scavenging, food security</p>	<p>II. B.1. Equality and non discrimination</p> <p>7. <u>Human Rights Watch (HRW)</u> noted that despite the existence of laws protecting human rights, India has failed to properly implement laws and policies to protect its marginalized communities, particularly Dalits, tribal groups, religious minorities, women and children.</p> <p>9. According to <u>Christian Solidarity Worldwide (CSW)</u> the caste system continued to dominate and shape Indian society to a considerable extent, detrimentally affecting the social status, treatment and socio-economic prospects of the Dalits, or Scheduled Castes, who represent 16% of the total population (at least 167 million). The <u>People's Forum for UPR (PF for UPR)</u> and the <u>Internal Displacement Monitoring Centre (IDMC)</u> stated that Dalits continue to endure segregation and are denied access to public places and services including places of worship, electricity and water. <u>Tripura People's Democratic Front (TPDF)</u> stated that discrimination against Dalits includes education inequality, economic disenfranchisement, religious discrimination, a poor system of medical care, and targeted violence against women. <u>CSW</u> noted that Dalits report facing discrimination not only in normal social transactions but also in their interaction with Indian officialdom. The experiences of educated urban Dalits include subtler forms of discrimination, including in matters of employment and promotion. The <u>International Movement against All Forms of Discrimination and Racism (IMADR)</u> and the <u>Lutheran World Federation (LWF)</u> emphasized that the non-availability of disaggregated data on some areas of the caste-based discrimination prevents in-depth analysis and targeted planning which may contribute to discrimination against Dalits in the right to land, housing, health, education and employment.</p>

II. B.2. Right to life, liberty and security of the person

21. South Asia Forum for Human Rights (SAFHR) added that in almost every police station of India 'accused' persons are routinely beaten and abused. Investigations show that the majority of the so-called 'criminals' who are *tortured* and abused in the police stations are poor, belonging to the communities of **Dalits**, tribals and minority religions like Islam and Christianity.

22. Women in India continue to face physical, sexual, emotional and economic violence according to the PF for UPR. Women, particularly those from tribal, **Dalit** and religious minorities, face sexual and gender based crimes during/after **caste** or communal conflict situations.

24. **Dalit activists** giving testimony to CSW have asserted that a **caste-based analysis** of the various contemporary forms of slavery in India revealed to an overwhelming extent that the chief victims of, *inter alia*, human trafficking, sexual slavery and other forms of labour exploitation, are **Dalits or members of 'low' castes**, in particular, **the devadasi system, bonded labour and manual scavenging**. CSW mentioned that the implementation of laws to prevent such exploitation is extremely poor. The National Human Rights Commission (NHRC) further noted that it has been urging State authorities towards the complete eradication of the pernicious practice of **manual scavenging** and that under a Supreme Court directive, this is to be fully complied with by 2009.

25. The PF for UPR reported that the situation of children remained vulnerable with a lack of effective programmes for child labourers, recruitment as child soldiers, sexual violence against the girl child and deplorable conditions of juveniles in conflict with the law. **Dalit** and tribal children are more vulnerable to abuses.

II. B.5. Freedom of religion and belief, expression, association and peaceful assembly, and right to participate in public and political life

35. According to the Becket Fund (BF) the most troubling legal challenge to religious liberty in India is the existence of "freedom of religion" laws discouraging conversion ("anti-conversion laws"). Currently four Indian states, Orissa, Chhattisgarh, Madhya Pradesh, and Himachal Pradesh, have implemented anti-conversion laws. Gujarat and Arunachal Pradesh have anti-conversion laws that await enforcement regulations, and Rajasthan's anti-conversion law has been forwarded to the President for legal review. Many of India's state anti-conversion laws require a converted person to register their intention to convert to another religion. Some state anti-conversion laws discriminate against specific minority religions or social classes. CSW noted that under current legislation, **Dalits** who convert to Christianity or Islam lose their **Scheduled Caste status**, and consequently their eligibility for the affirmative action-style system of reservation. It also observed that **Dalit** perception that religious conversions constitute a means of escaping **caste** is complicated by the fact that **caste** is practiced, to some extent, within all religious communities in India. The European Centre for Law and Justice (ECLJ) stated that *souvent, ces lois sont invoquées, notamment par la population, afin de contrer la conversion de membres d'une religion majoritaire vers une religion minoritaire.*

39. Centre for Organisation Research & Education (CORE) reported that human rights defenders and organizations are regularly victimized, including by search operations and the sealing of premises under different pretexts, confiscation of equipment and materials, harassment, false imprisonment, violence and threats of violence to self and family members. Front Line (FL) is concerned that human rights defenders who tackle issues deemed sensitive by the government find themselves at considerable risk. Torture, preventive illegal or

	<p>arbitrary detention, disappearances, ill-treatment, the use of excessive force, and the violation of due process rights are used by State actors to prevent human rights defenders from carrying out their legitimate and peaceful work. Human rights defenders who investigate and monitor atrocities committed by the police and custodial violence are at particular risk, as are Dalit and Tribal human rights defenders and those defending the rights of historically marginalized groups. Several human rights defenders in Punjab, Jammu and Kashmir and states of the north-east have been killed, according to <u>FL</u>.</p> <p>II. B.6. Right to social security and to an adequate standard of living</p> <p>43. The <u>NHRC</u> also reported that while India has overcome famines and moved away from being a food deficit country, there are instances of starvation and malnutrition. Despite great advances in the justiciability of the right to food in India, <u>Food First Information and Action Network (FIAN)</u> stated that difficulties remain in enforcing existing legislation and in ensuring the implementation of court decisions and access to justice for the poor. FIAN indicated that the necessary shift from Public Distribution System (PDS) to Targeted Public Distribution System (TPDS) in 1997, has not contributed to addressing the problem of hunger and starvation of millions of Indians. The TPDS has been introduced only to look after the food security of the people living below the poverty line. Poverty itself is not clearly defined by the government and the criteria to decide which people are below the poverty line are vague. <u>The Asian Legal Resource Centre (ALRC)</u> observed that the management of this system suffers from corruption, particularly black-marketing, as well as caste prejudices and the failure of the local governments. It also reported that starvation and malnourishment affects about 53% of India's entire population.</p> <p>Achievements, best practices, challenges and constraints</p> <p>49. <u>IMADR</u> and <u>LWF</u> mentioned the statement made by the Indian Prime Minister in December 2006, in which he compared the untouchability practice in India to apartheid in South Africa, as a milestone in the recognition of the social discrimination against Dalits. They recommended that this public statement should be followed up by effective measures at the national level to implement the constitutional safeguards protecting Dalits from discrimination.</p>
<p>Reports made by IDSN and partners – India</p>	
	<p>The joint NGO submission by NCDHR, IDSN, IMADR and LWF including Annex 1 (List of references) and Annex 2 (Explanatory note on the situation of Dalits in India) for the first UPR session in April 2008.</p> <p>The India National Consultation for Preparation of Stakeholders Report, endorsed by over 200 NGOs and activists from India.</p> <p>The UPR submission for India by the Asian Legal Resource Center.</p>

Pakistan - 2nd UPR session (May 2008)

Excerpts from the National Report - Pakistan

[A/HRC/WG.6/2/PAK/1](#)

Keywords:

Constitutional provisions,
caste, equal rights

III. Normative and institutional framework for promotion and protection of human rights in Pakistan

16. Several provisions of the Constitution, in the Preamble, the Chapter on Fundamental Rights and the Chapter on Principles of Policy are built on the principles of equal rights and equal treatment of all citizens/persons, without any distinction. [...]

(g) Article 26 provide for equal access to public places and equality of employment in the public and private sectors. It further clarifies that no distinction, as to the right of entry to such places, shall be made on the basis of race, religion, **caste**, sex, residence or place of birth.

Excerpts from the Report of the Working group - Pakistan

[A/HRC/8/42](#)

Keywords:

Caste discrimination,
scheduled castes,
discrimination on the basis
of caste, descent and
occupation, absence of
laws, dalit,

I. Summary of the proceedings of the review process

40. Luxembourg recommended that Pakistan bring an end to inequality between men and women, including with regard to access to property; continue to increase substantially public spending on health in order to increase access to health care; to take effective measures to allow women, in particular in rural areas, to have access to health care, education, clean water and sanitation; and to take measures to eliminate discrimination and severe poverty experienced by the **castes**. It asked about measures to end discrimination between men and women, in particular in connection with the right to property; and initiatives envisaged eliminating discrimination and acute poverty, from which the **castes** are suffering.

67. Denmark referred to indications that the lower castes, Hindus officially known as **Scheduled Castes (Dalits)**, are exposed to **caste-based discrimination**. It noted the absence of specific laws and measures prohibiting discrimination against **Scheduled Castes**. It asked about a proper legal framework to prevent **discrimination on the basis of caste, descent and occupation**. Denmark recommended (a) that Pakistan take specific and targeted measures to effectively prevent discrimination against **Scheduled Castes**; (b) the repeal of laws discriminating against non-Muslims, if any; and (c) that ICCPR and CAT be ratified as a matter of priority.

99. Pakistan stated that it is a Muslim country and does not have the concept of **Dalit** or **Scheduled**. Pakistan noted that it is free from such kind of prejudices, and the existing norms do not contain discrimination on the basis of **caste** or creed.

	<p>II. Conclusions and/or recommendations</p> <p>106. In the course of the discussion, the following recommendations were made to Pakistan: [...]</p> <p>31. To take measures to eliminate discrimination against castes and high degree of poverty suffered by castes (<u>Luxembourg</u>) and take specific and targeted measures to effectively prevent discrimination against Scheduled Castes (<u>Denmark</u>);</p>
<p>Addendum to the report made by Pakistan A/HRC/8/42/Add.1</p>	<p>11. Discrimination on the basis of caste is prohibited under our law. Efforts are made to eliminate discrimination wherever it exists and to give maximum support to scheduled castes. The Federal Government has relaxed upper age limit for the scheduled castes for government jobs. The Ministry of Minorities intends to associate one member from the scheduled caste of Hindu community in the National Commission for Minorities. The Government of the Province of Sindh, where most of the scheduled caste Hindus live, has appointed an advisor from scheduled castes. We are encouraging NGOs to highlight the issues of scheduled castes to seek redress to their grievances.</p>
<p>Excerpts from Summary of stakeholders' information - Pakistan</p>	
<p>A/HRC/WG.6/2/PAK/3</p> <p>Keywords: Scheduled castes, discrimination, discrimination on the basis of descent, segregated housing, untouchables</p>	<p>II.B.1. Equality and non discrimination</p> <p>8. A joint submission of three, NGOs <u>Thardeep Rural Development Programme, Pakistan Institute of Labour Education and Research, International Dalit Solidarity Network, Mithi, Pakistan (JS2)</u> explained that although the Constitution of Pakistan generally prohibits discrimination, there is hardly any affirmative action aimed at uplifting Scheduled castes from their present backward situation. Scheduled castes in Pakistan are victims of discrimination on the basis of caste, descent and occupation and are in a dually disadvantageous position as they are Hindu (minorities in a Muslim majority country), and also 'lower castes'. They are socially and physically excluded from the mainstream as they are compelled to segregated housing and are denied social, political and economic rights. Apart from being treated as 'untouchables' and humiliated in public, Scheduled castes live in separate colonies, they are served in separate crockery, and they cannot sit inside with upper castes. According to <u>JS2</u>, women in Pakistan are considered extremely vulnerable to discrimination and social exclusion.</p>
<p>Reports made by IDSN and partners - Pakistan</p>	
	<p>UPR submission on caste-based discrimination in Pakistan submitted by Thardeep Rural Development Programme (TRDP), Pakistan Institute of Labour Education and Research (PILER), and IDSN</p> <p>List of main recommendations and questions prepared by IDSN for the UPR review of Pakistan</p>

SRI LANKA - 2nd UPR session (May 2008)

Excerpts from the National Report – Sri Lanka

[A/HRC/WG.6/2/LKA/1](#)

Keywords:

Caste, fundamental rights, constitutional charter of rights

II. B. International Covenant on Civil and Political Rights; Convention Against Torture

56. All the rights enumerated in the ICCPR have been incorporated in Chapter III of the Constitution titled 'Fundamental Rights' and in other legislation.¹⁸ The Constitutional bill of rights enumerates the following rights:

- Article 12 (2) Barring discrimination on grounds of sex, **caste**, religion, language, race, political opinion and place of birth;
- Article 12 (3) Right not to be discriminated on the grounds of race, religion, language, **caste**, sex or any such grounds with regard to access to shops, public restaurants, hotels, places of public entertainment and place of worship of his religion or be subject to liability, restrictions on such a basis;

IV. Achievements, best practices, challenges and key constraints

93. [...] The Government has, accordingly, established a Steering Group – consisting of government representatives, members of civil society and academia – to draft a **constitutional charter of rights**. Such a charter of rights for Sri Lanka will assist in reinforcing the values of respect for human dignity of all the people of Sri Lanka – regardless of ethnicity, culture, language, religious affiliation, gender, **caste** or any similar factors. The envisaged country-wide consultation process will lead to greater awareness on human rights issues, the protection framework in Sri Lanka, and it will bring together people from different ethnic groups and social backgrounds to discuss and agree on the key components of the human rights charter. The proposed draft is ultimately expected to reflect the will, aspirations and vision of the people of Sri Lanka.

Excerpts from the Report of the Working group – Sri Lanka

[A/HRC/8/46](#)

Keywords:

Caste-based discrimination

I. Summary of the proceedings of the review process

61. Denmark was pleased to hear that Sri Lanka wants to focus attention on improving freedom of the press and enquired about the measures taken to that end. It recommended that (a) Sri Lanka undertake measures to improve safeguards for freedom of the press; it also recommended that (b) Sri Lanka accept the presence of an OHCHR field office. Noting steps taken by Sri Lanka to combat torture, torture is still widely practiced and, referring to 25 recommendations made by the Special Rapporteur on the question of torture, enquired what steps will be taken to implement them. Denmark recommended that (c) Sri Lanka immediately implement the Special Rapporteur's recommendations. It further enquired about the measures Sri Lanka employs to combat **caste-based discrimination**.

Excerpts from Summary of stakeholders' information – Sri Lanka

[A/HRC/WG.6/2/LKA/3](#)

Keywords:
Caste based discrimination, legal framework, national remedies

II. B. 1. Equality and non discrimination

9. According to the joint submission of three NGOs, International Dalit Solidarity Network, International Movement against All Forms of Discrimination and Racism Asia Committee, Human Development Organisation, Copenhagen, Denmark (JS2) women may be seen as an especially vulnerable group with ethnic, **caste**, class and gender discriminations simultaneously impacting on them. Unemployment rates are particularly high among women and some have responded to this situation by joining the stream of migration abroad.

11. JS2 reported that despite the fact that explicit **caste-based discrimination** seems to have gradually diminished in most parts of Sri Lanka, new research documents that there continue to be pockets of outcast populations in diverse places such as Mahaiyawa in Kandy, Wilgoda in Kurunegala and IDP camps in Jaffna peninsula. JS2 urged the Government to revise and implement the legal framework to have effective national remedies in place, and ensuring prohibition of practices of discrimination in both public and private places.

Reports made by IDSN and partners – Sri Lanka

[UPR submission on caste-based discrimination in Sri Lanka](#) submitted by IDSN in association with the Human Development Organisation (HDO) and IMADR Asia Committee in Sri Lanka

JAPAN - 2nd UPR session (May 2008)

Excerpts from the National Report – Japan

[A/HRC/WG.6/2/JPN/1](#)

Keywords:
Dowa, discrimination,

(The Japanese administrative term “Dowa Issues” is often used to

II.A.1 (b) Human rights education for civil servants

12. The Legal Research and Training Institute for the training of judges and legal apprentices contain lectures relating to human rights issues in its judges' training curriculum. The lectures are given on such themes as human rights issues in criminal proceedings, women's and children's rights, domestic violence, **Dowa**, human rights for foreigners, and issues in international human rights laws such as human rights instruments. The training curriculum for legal apprentices also contains lectures dealing with human rights.

<p>describe the set of social issues arising from discrimination against Buraku people, a form of caste-like discrimination of a feudal nature. It is used particularly in relation to “Dowa Areas,” which is the administrative term for officially registered Buraku communities.)</p>	<p>II.A.1 (c) Human rights education/promotion</p> <p>17. The human rights organs of the Ministry of Justice also undertake the following activities in order to raise individual awareness of human rights and increase understanding: hold symposia, public lectures, round-table talks, debates and film presentations, participation in various events, TV and radio broadcasting, articles in newspapers and magazines, distribution of pamphlets and posters on bulletin boards. In particular, the organs designate each year the period from December 4 to 10, which is a week the ending Human Rights Day, as Human Rights Week and conduct various promotion activities in line with emphasis on certain issues such as “Protection of Children’s rights,” “Elimination of Discrimination relating to Dowa issue” and “Deepen Your Understanding of the Ainu people.”</p>
<p>Excerpts from the Report of the Working group – Japan</p>	
<p>A/HRC/8/44</p> <p>Keywords: Discrimination, minorities, legislative framework</p>	<p>I. Summary of the proceedings of the review process</p> <p>40. <u>Guatemala</u> noted that racism and discrimination still exist in the Japanese society, indicating that the fight against all forms of discrimination and the protection of minorities, and especially vulnerable groups, required an appropriate legislative framework and therefore urged Japan to consider introducing a definition of discrimination in its criminal law. [...]</p>
<p>Excerpts from Summary of stakeholders' information - Japan</p>	
<p>A/HRC/WG.6/2/JPN/3</p> <p>Keywords: Minorities, discrimination, Buraku, Dowa, legal framework, descent-based discrimination, discrimination based on work and descent</p>	<p>I. B. Constitutional and legislative framework</p> <p>3. [...] <u>Cultural Survival (CS)</u> indicated that while Article 14 of the Constitution prohibits racial discrimination there is no law allowing individuals or groups to seek legal redress for discrimination. The <u>Japan International Human Rights NGO Network and 50 signatory organizations (JIHR NGO Network)</u> indicated that there is no framework to provide remedies for discrimination experienced by children born out of wedlock and persons belonging to minority groups, such as returnees from China, Ainu, Okinawans, Zainichi Koreans (Koreans living in Japan), Buraku people, migrants and foreigners.</p> <p>II . B. 8. Minorities and indigenous peoples</p> <p>26. [...] <u>The Japan Federation of Bar Associations (JFBA)</u> also raised concerns about discrimination against the Ainu as well as against the Buraku minority.</p>

	<p>27. <u>Society for Threatened Peoples (STP)</u>, further noted that Japan’s main minority group, the three million Burakumin, also suffer from discrimination. The Burakumin are descendants of outcast communities of the feudal era, which mainly comprised those with occupations considered “tainted” with death or ritual impurity. With the abolition of the feudal caste system in 1871, the Burakumin were legally liberated, but the long history of taboos and myths left a continuous legacy of social exclusion.</p> <p>V. Capacity-building and technical assistance</p> <p>37. The JIHR NGO Network noted that there is a need for international technical support in the following areas: to promote an understanding of the rights of indigenous peoples and the concepts of “descent-based discrimination” and “discrimination based on work and descent”; to promote a deeper understanding about the importance and features of independent national human rights institutions for the protection and promotion of human rights; to put in place a comprehensive law prohibiting individuals from discriminating on the basis of race, ethnicity, descent, etc.; to provide human rights education to judges and law-enforcement officials.</p>
<p>Reports made by IDSN and partners – Japan</p>	
	<p>JIHR NGO Network Joint submission - Japan International Human Rights NGO Network and 50 signatory organizations including the International Movement Against All Forms of Discrimination and Racism (IMADR), the Buraku Liberation and Human Rights Research Institute and the Buraku Liberation League Central Headquarters.</p>

<p>BANGLADESH - 4nd UPR session (February 2009)</p>	
<p>Excerpts from the National Report – Bangladesh</p>	
<p>A/HRC/WG.6/4/BGD/1</p> <p>Keywords: Minority rights, discrimination</p>	<p>IV. Normative framework for the protection of human rights</p> <p>13. The fundamental rights envisaged in the Constitution of Bangladesh reflect the human rights prescribed by international human rights law. Amongst the rights enumerated in the Constitution, the rights to equality before law and equal protection of law are of particular significance. Moreover, discrimination on grounds of race, religion, caste or sex is prohibited, and none can be detrimentally affected in respect of life, liberty, body, reputation or property. The Constitution also ensures equality of opportunity in public employment.</p>

	<p>V. C. 3. Rights of minority groups</p> <p>31. In order to ensure the rights of minority groups, particularly of ethnic origin, 5 per cent seats in all university level institutions are reserved for ethnic minorities. They also enjoy special quota in government recruitment. Separate ministries have been set up for dealing with affairs of ethnic communities of the Chittagong Hill Tracts and of different religious groups.</p> <p>IX. F. 2. Poverty Reduction Strategy Papers (PRSP)</p> <p>100. The PRSP also includes participation and empowerment of the poor, especially women, and other disadvantaged and marginalised groups such as people with disabilities, ethnic minorities and the ecologically vulnerable. It emphasises on promoting good governance by improving implementation capacity, local governance, reducing corruption, ensuring access to justice and improving sectoral governance through combined efforts of the government, development agencies, private sector, NGOs, community organisations, media, academia, and above all, the people of Bangladesh.</p>
<p>Excerpts from the Report of the Working group – Bangladesh</p>	
<p>A/HRC/11/18*</p> <p>Keywords: Discrimination, minority religions,</p>	<p>I. Summary of the proceedings of the review process</p> <p>75. <u>Holy See</u> noted positive measures against human rights violations, including the establishment of institutions addressing violence against women and children. It noted a number of cases where people suffered from violence and discrimination, especially women of minority religions, including Hinduism and Christianity. It recommended that Bangladesh investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations. It asked about measures envisaged to confront the plight of indigenous peoples.</p> <p>II. Conclusions and/or recommendations</p> <p>94. In the course of the discussion, the following recommendations were made to Bangladesh: [...]</p> <p>17. Investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations (<u>Holy See</u>).</p>
<p>Excerpts from Summary of stakeholders' information – Bangladesh</p>	
<p>A/HRC/WG.6/4/BGD/3</p> <p>Keywords: Dalit rights, discrimination</p>	<p>I. C. Institutional and human rights infrastructure</p> <p>6. <u>Bangladesh Dalit and Excluded Rights Movement (BDERM)</u>, <u>Nagorik Uddyog (NU)</u> and the <u>International Dalit Solidarity Network (IDSN)</u> recommends that a rapporteur on Dalit rights be appointed within the newly established national human rights commission</p>

on grounds of caste, work and descent, Dalit women, constitutional protection measures

requesting him/her to make a national study on **discrimination on grounds of caste**, work and descent.

II. A. Cooperation with human rights mechanisms

10. Commonwealth Human Rights Initiative (CHRI) noted that, Bangladesh did not issue an invitation to the United Nations Special Rapporteur on summary and extrajudicial executions. BDERM, NU and IDSN stated that visits of the Special Procedures mandate holders would offer the Government opportunities to engage in a constructive dialogue with human rights experts about the ways to overcome challenges and constraints experienced in the country. In particular, the Independent Expert on minority issues would be able to initiate a dialogue about the prevention of discrimination against marginalized communities and minorities, including **Dalits**.

II. B. 1. Equality and non discrimination

12. BDERM, NU and IDSN stated that there has been no effective initiative by the Government to eliminate **discrimination against Dalits** and protect their constitutionally guaranteed human rights. **Dalit women** suffer from double discrimination and they are yet to be empowered to take an active part in the socio-cultural, economic and political arena in the community and the country. There are a number of challenges and constraints which affect **Dalit** communities' rights and equal opportunities to enjoy fundamental human rights. Most notably, this concerns the lack of access to education; poverty issues; health, education and housing problems; unequal access to work; discrimination against women; bonded labour and child labour.

13. BDERM, NU and IDSN stated that **Dalits** are not allowed to rent or build houses outside the designated localities. They are regularly denied entry to the temples and religious activities of **non-Dalits**, to tea shops and restaurants, to houses of **non-Dalits**, playgrounds, movie theatres, burial grounds, social gatherings, music concerts, and cultural events. **Dalits** sometimes also face severe forms of human rights violations, including abduction, rape, torture, destruction of houses, land grabbing, eviction from land, threats and intimidation.

II. B.7. Right to social security and to an adequate standard of living.

38. BDERM, NU and IDN noted that the first PRSP development process, mentioned the following excluded communities: "Bawalies" (woodcutters or those living off forests); Mawalies (honey collectors); **Dalits (sweepers, sewerage cleaners and scavengers)**; Mymal (fishermen in water bodies); and Muchis (cobblers and shoe-makers). However, the final PRSP, entitled "Unlocking the Potential", makes no explicit reference to **Dalits** of any kind. The current PRSP development process is more systematic and does involve a measure of genuine civil society input. Such inputs can extend the list of groups of excluded peoples in Bangladesh. Asian Indigenous & Tribal Peoples Network (AITPN) noted that indigenous peoples have been consistently excluded from participation in planning processes and denied access to decision making.

II. B.8. Right to education and to participate in the cultural life of the community

43. Association of Young Generation of Urdu Speaking Community (AYGUSC) stated that, although no formal restriction prevents

	<p>access to government schools, camp addresses do cause problems for 'Bihari' children seeking admission. Although this appears to be changing, rules vary between institutions, and access is dependent on the attitudes of individuals in charge. AYGUSC further noted that there is no access to learning language and to practicing the Urdu culture, due to constitutional barrier. BDERM, NU, and IDSN stated that most Dalits have no formal education.</p> <p>V. Capacity-building and technical assistance</p> <p>54. BDERM, NU and IDSN recommended that technical support to implement constitutional protection measures and enact specific legislative measures to promote and protect the human rights of Dalits according to international standards be provided in a number of areas.</p>
<p>Reports made by IDSN and partners – Bangladesh</p>	
	<p>UPR submission on caste-based discrimination in Bangladesh prepared by IDSN in association with the Bangladesh Dalit and Excluded Rights Movement (BDERM) and Nagorik Uddyog in Bangladesh</p> <p>Joint UPR report prepared by a coalition of 17 NGOs in Bangladesh. (Ref. para. 60-61 for the section on caste discrimination).</p> <p>List of Key Issues from the Human Rights Forum on the UPR Bangladesh</p> <p>UPR Recommendations prepared by Bangladesh Dalit and Excluded Rights Movement (BDERM), IDSN and Nagorik Uddyog in Bangladesh</p> <p>UPR Report - Draft report from the UN working group on the UPR Bangladesh</p>