

Committee on Economic, Social and Cultural Rights concerned about inadequate implementation of economic, social and cultural rights in India (13-05-09)

On 7-8 May, the UN Committee on Economic, Social and Cultural Rights (CECSR) examined the Government of India's implementation of the International Covenant on Economic, Social and Cultural Rights. The nine-hour examination, which took its point of departure in a national report that covered a lengthy period of twenty years due to numerous delays, was conducted in a thought-provoking manner. The Committee expressed grave concern about the manner in which the Indian delegation responded to the issues raised by the Committee. Generally the answers given by the delegation referred to national policies and plans, which the State Party has set up to protect vulnerable groups. However, there was almost a systematic refusal to speak about the challenges faced by the state in the implementation phase, as was the case in the examination of India before the Committee on the Elimination of Racial Discrimination (CERD) in February 2007. A number of Committee Members regretted the non-responsive attitude expressed by the delegation and the lack of constructive engagement with the Committee. The Country Rapporteur, Ms. Bonoan-Dandan, said that unless the Government wanted to engage with the Committee, this would be reflected in the Concluding Comments prepared by the Committee following the review.

Given the large involvement of civil society organisations before and during the examination, the Committee was well-informed of the lack of progress in the realisation of the objectives of the Covenant. An impressive list of comprehensive shadow reports had been submitted to the Committee in advance, and no less than 15 speakers raised their concerns in an NGO Briefing with the Committee Members on 7 May. Based on an alternate report prepared by the National Campaign on Dalit Human Rights, NCDHR raised concerns about the fact that the Dalit community has moved little ahead on economic, social and cultural affairs. NCDHR also pointed out that the lack of accountability and effectiveness of the system ultimately leads to a state of impunity for perpetrators of human rights violations against Dalits in India. IDSN recommended the Committee Members to follow-up on the CERD Concluding Observations issued in 2007 and to initiate a General Day of Discussion on the socio-economic status of Dalits. IDSN also urged the Committee to support the draft Principles and Guidelines for the effective elimination of discrimination based on work and descent. The Committee members expressed their sincere appreciation for the strong involvement by so many organisations, and said it was an expression of a vibrant Indian civil society but also of the serious human rights concerns in the state under review.

In the interactive dialogue with the Indian delegation, which was headed by Ambassador H.E. Mr. Singh, the delegation said that India has been deeply conscious about the need to prevent discrimination against Scheduled Castes (SC). The delegation said that through a combination of entitlements the Government has tried to make economic growth and progress more inclusive, including the empowering of the poor. They termed this 'inclusive growth', a term which the Committee Members questioned in the following debate saying that civil society expressed the Government's actions as exclusion – not inclusion.

In the round of questions from the Committee Members, it was regretted that the Government had submitted its report so late and had not replied to all the questions on the list of issues. Ms. Bonoan-Dandan referred to the Universal Periodic Review (UPR) process, where more than 20 states raised concern about caste discrimination, and said that the purpose of the meeting was to look at the implementation of the Covenant, She said that while India can be proud of its laws, they

still have to be implemented. Many Committee Members raised deep concern about severe human rights issues in India, in particular the non-implementation of laws and discrimination against Dalits and other vulnerable groups (women, children, indigenous peoples, etc). Other concerns were raised about the independence of the judiciary and the national human rights commissions. Another concern was that while special human rights courts have been set up, it appears these courts have no mandate to hear cases of economic, social and cultural rights and these rights are therefore not justiciable. The delegation replied that the Government could not ensure full protection of these rights at once and that economic, social and cultural rights therefore had to be “progressively realized”.

Based on his observations from the review, the General Secretary of the National Campaign on Dalit Human Rights (NCDHR), Mr. Vincent Manoharan commented that “the opening remark and the replies by the Indian delegation, besides generic and defending in nature, gave the impression that the Government does not attach adequate importance to this international covenant, which covers a whole range of rights that are meant to ensure a decent, protected and dignified life and livelihood of the poor, marginalized, excluded and discriminated.”

The Concluding Comments are expected to be made public 2-4 weeks after the examination of the Government in the Committee.

Report by IDSN (13-05-08)