



## Universal Periodic Review: Pakistan 2nd UPR session May 2008

### Caste-based discrimination and human rights in Pakistan

#### Executive Summary:

In Pakistan, the 'lower caste' Hindus officially known as 'Scheduled Castes', who are equal to those known as Dalits in India and elsewhere, is the single largest group falling victim to caste based discrimination including the practise of 'untouchability' and the poorest of the poor among Pakistan's 160 million people. Hindus and Christians in Pakistan, as religious minorities, already suffer discrimination in an Islamic society. For the 'Scheduled Castes' there is double discrimination, because they are victimized within the Hindu community by the Hindus themselves. Official statistics claim that Scheduled Castes consist of 0,25% of Pakistan's total population which amounts to approximately 330,000 persons (Pakistan Census Report 1988). This number, however, has been widely contested; representatives of 'Scheduled Castes' claim that numbers have deliberately been made lower and that the divide between upper and lower caste Hindus is incorrect, thus suggesting that numbers may be as high as 2,000,000.

Pakistan as a state is in sheer denial of caste-based discrimination. There is no provision in the law that clearly condemns discrimination or talks about the protection of the rights of 'Scheduled Castes', which results in discrimination in social and economic life. While the Government of Pakistan has enacted laws intended to reverse some of the effects of discrimination, it has not made a serious effort to fully implement or enforce those laws. One example is the extensive problem with bonded labour in Pakistan.<sup>1</sup> Another example involves the Government of Pakistan's failure to implement the six percent quota reserved for 'Scheduled Castes' in government services positions. Moreover, women in Pakistan are considered extremely vulnerable to discrimination and social exclusion, and due to their vulnerability 'Scheduled Caste' women may experience double discrimination as they are both discriminated on the basis of caste and gender.<sup>2</sup>

The Government authorities of Pakistan have not invited civil society to participate in any broad national consultation as otherwise suggested in the general guidelines for the preparation of information under the UPR.

#### Questions:

- a. What has the Government of Pakistan done to promote and protect the rights of 'Scheduled Castes' from their present situation as a discriminated and poverty stricken minority and to prevent discrimination on the basis of caste, descent and occupation?

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1 A report by Anti-Slavery International (1996) documented that bonded labour is prevailing in Pakistan despite the 1992 Act, and large numbers of labourers, including children, continue to be put into bondage in exchange for loans. The Government has failed to fully implement the National Policy and Plan of Action (2001) for the abolition of Bonded Labour and Rehabilitation of freed bonded labourers (an extension of the 1992 Bonded Labour System Abolition Act) created to address the needs of released bonded labourers' children, the majority of whom are Scheduled Castes.

2 . Scheduled Caste women are subject to rape assaults and culprits easily get away due to the weak socio-economic status of victims. In a review of Pakistan's implementation of the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2007, the Committee expressed deep concern about the lack of constitutional safeguards for women

- b. Will the Government of Pakistan reinforce a quota system in the judiciary, and establish law enforcement departments for 'Scheduled Castes' to bring this group out of the present state of denial and deprivation?
- c. When does Government intend to ratify the ICCPR, ICESCR, and CAT and ILO Convention no. 138 and when will the Government extend invitations to Special Rapporteurs requesting country visits?
- d. How is the Government planning to follow-up on CEDAW Concluding Comments 2007, especially in relation to the lack of constitutional safeguards for women and prevention of discrimination against minorities?

## Recommendations:

1. *The Government of Pakistan should enact specific laws and implement special measures that prohibit discrimination against 'Scheduled Castes' as well as establish a body like a national commission on the status of 'Scheduled Castes' to rectify the situation.*
2. *The Government of Pakistan should include disaggregated data on caste and pay adequate attention to affected communities in all assessments, including data collation, planning, and implementation of any human rights, development and humanitarian programmes.*
3. *The government of Pakistan should enact a total prohibition on 'untouchability' in public and private places and all forms of discrimination using model legal acts from other caste affected countries (e.g. India and Nepal).*
4. *The six percent job quota should be restored and there should be special quota and scholarships for Dalit students in higher education, such as medical and engineering.*
5. *State and political parties must ensure the presence of 'Scheduled Caste' representatives in the National Assembly, provincial assemblies and the Senate. To make the political system more inclusive, it should be mandatory for all political parties, through amendments in the Political Parties Act, to allot a certain percentage of party tickets and party positions to 'Scheduled Caste' representatives.*
6. *The draft Principles and Guidelines for the Effective Elimination of Discrimination based on work and descent should serve as a guiding framework for the implementation of effective measures to be taken by the Government of Pakistan in the fulfillment of its international human rights obligations.*

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The recommendations are prepared by Thardeep Rural Development Programme (TRDP), Pakistan Institute of Labour Education and Research (PILER) and International Dalit Solidarity Network (IDSN) on the basis of the Joint NGO Submission on caste-based discrimination in Pakistan (referred to as "JS2" in the summary of stakeholders' report prepared by the OHCHR).

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### More information:

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