

UN Special Procedures (thematic mandates)

References to caste-based discrimination in reports by thematic Special Rapporteurs (2005-2014)

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The UN special procedures is a monitoring mechanism established by the Commission on Human Rights and assumed by the Human Rights Council to address either specific country situations or thematic issues in all parts of the world. Thematic special procedures, which examine, monitor, advice, and publicly report on human rights situations on major phenomena of human rights violations worldwide, increasingly take up the issue of caste discrimination in their reports and communications to governments. This document contains abstracts relating to caste discrimination in annual reports, mission reports and summary of cases transmitted to governments by the following mandate holders:

- Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance
- Special Rapporteur on contemporary forms of slavery, including its causes and consequences
- Special Rapporteur on minority issues
- Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context
- Special Rapporteur on the right to food
- Special Rapporteur on the right to education
- Special Rapporteur on the situation of human rights defenders
- Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
- Special Rapporteur on violence against women, its causes and consequences
- Special Rapporteur on freedom of religion or belief
- Special Rapporteur on the issue of human rights obligations related to access to safe drinking water and sanitation
- Special Rapporteur on human rights and extreme poverty
- Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health
- Special Rapporteur on the promotion and protection of the freedom of opinion and expression

- Special Rapporteur on extrajudicial, summary or arbitrary executions
- Special Rapporteur on the right to freedom of peaceful assembly and association
- Working Group on Discrimination against women in law and practice

How to submit a complaint to the UN Special Procedures

If a human rights violation has occurred, is ongoing, or has a high risk of occurring, you can submit a complaint to the UN Special Procedures about the alleged violation. With this information the mandate holders are able to intervene directly with Governments on specific allegations of violations of human rights that come within their mandates in the form of letters of allegation or urgent appeals.

Read about the procedures and criteria for submitting a complaint to the UN Special Procedures on IDSN’s website:

<http://idsn.org/international-advocacy/un/special-procedures/submit-a-complaint/>

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance	
Mr. Mutuma Ruteere (Mr. Githu Muigai until September 2011), (Mr. Doudou Diène until July 2008)	
<p>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Mutuma Ruteere: Addendum Mission to Mauritania A/HRC/26/49/Add.1 June 3 2014</p>	<p>II. Context</p> <p>The Haratine are thought to constitute the largest ethnic group in Mauritania and the most politically and economically marginalized in what remains a society deeply stratified by ethnicity, descent, castes and class. The word Haratine is derived from the Arabic word for freedom, as they are perceived by the rest of society as freed slaves.</p> <p>The Moors are divided into many different tribes stratified in castes by profession, such as blacksmith, religious leader, and warrior, inter alia. The Special Rapporteur was informed that relations among the different castes are very hierarchical and give rise to the exclusion and marginalization of certain castes, such as that of blacksmiths, in favour of others. Access to certain functions, activities and responsibilities is therefore closely linked to caste identity and marriages are highly codified according to descent. For example, the Special Rapporteur met with members of the blacksmith caste, who reported that 90 per cent are involved in business and retailing, that only 5 per cent are primary school teachers and that their sons cannot marry girls from other castes. Although some of the Afro-Mauritanian ethnic groups are not divided into castes, they too are very hierarchically organized and relations among the various subgroups are highly influenced by descent.</p> <p>The Special Rapporteur noted that Mauritanian society is highly stratified along ethnic and caste lines, with de facto slaves and descendants of slaves assigned the lowest status, which is passed down through the</p>

generations. This stratification, which has historical roots, fuels latent tensions and conflicts which at times turn violent

B. Justice system

In addition, the justice system was reported to work mainly in Arabic, as bilingual judges are rare. This, and the fact that judges appear to be recruited mainly from one **caste** or tribe, represents a barrier to access to justice, leading to de facto exclusion of those who do not speak Arabic. The practice of prioritizing one language and one **caste** or tribe also makes access to the judiciary profession very limited for the other ethnic communities and contributes to fuelling impunity for human rights violations, including cases of ethnic and descent-based discrimination, as victims do not trust the justice sector, which they see as skewed in favour of certain segments of the population

D. Census

The authorities explained that the census was necessary to safeguard the security of the country as well as that of its residents and citizens, through the establishment of a centralized national biometric database to replace the 13 uncoordinated regional population databases, which were dismantled in May 2011. The census process started with the opening of a first census centre in Nouakchott on 5 May 2011; in 2013 there were a total of 216 census centres of which 8 located abroad for the census of Mauritanian expatriates. The Government explained that the census had been designed in three successive phases: (1) registration of the population in possession of all requested documents; (2) registration of those partially fulfilling the documentation requirements; (3) and registration of the population not possessing any identification documents. Although the Government reported that the current census had allowed for the registration of 2.9 million people, representing 700,000 additional citizens who did not appear in the 2008 census and subsequent complementary census operations conducted up to 2009, the current national exercise has brought to the surface not only the deep-seated issues that divided the society along ethnic and **caste** lines, but also unresolved human rights violations perpetrated in the late 1980s. Since September 2011, demonstrations have continued against certain practices linked to the census exercise and groups which have traditionally been discriminated against have expressed concerns with regard to the registration requirements, which have been viewed by some as an attempt to strip members of Mauritanian society of their right to nationality.

	<p>F. Youth and education</p> <p>Young people, particularly in rural areas, appear to be strongly attached to the traditional values of their groups of origin: young people identify first and foremost with the group to which they belong rather than to the nation. Some young people, for example, believe that maintaining the caste system is necessary to preserve the group identity and claim that mixed marriages are unacceptable. As a result the ethnic, religious or descent based groups compete with and fill the space left by public institutions and services which are no longer able to cater for an increasing young urban population, thus undermining efforts towards social cohesion.¹</p> <p>From the interactions during the visit, the Special Rapporteur sensed that the feeling of belonging to one nation had not yet been cemented and that individuals were more likely to mobilize along ethnic and caste lines. Hence it was reported that people tended to favour members of their families, their castes, ethnic groups or regions,² which perpetuates nepotism in both the political and economic spheres, leading to further discrimination and inequalities.</p> <p>VI. Conclusions and recommendations</p> <p>There is a need to improve the effectiveness of the relevant institutions in addressing the problems of discrimination and to win public confidence in their effectiveness and commitment to implementing the law. The competent ministries should therefore include in their annual budgets adequate resources to tackle issues of ethnic-, caste- and descent-based discrimination as well as slavery-like practices within their areas of responsibility, particularly to strengthen the capacity and expertise of officials, and maintain continued cooperation with relevant United Nations agencies, and in particular with the Office of the High Commissioner for Human Rights in Mauritania.</p>
<p>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,</p>	<p>1. International frameworks and initiatives</p> <p>24. A number of United Nations human rights mechanisms have addressed the issue of the use of the Internet and social media to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance. The Committee on the Elimination of Racial Discrimination, in its general recommendation XXIX on descent-</p>

¹ Becapress, Government of the Islamic Republic of Mauritania and UNICEF, “Etude CAP sur les préjugés sociaux, la discrimination et la citoyenneté” (October 2010).

² Sall Ousmane and Abdallahi Ould Kerim, “L’introduction des *life skills* en Mauritanie: Document de base à l’intention des concepteurs des programmes scolaires de l’éducation nationale” (June 2005).

<p>Mutuma Ruteere</p> <p>A/HRC/26/49</p> <p>6 May 2014</p>	<p>based discrimination, recommended that States take strict measures against any incitement to discrimination or violence against descent-based communities, including through the Internet. Furthermore, in its general recommendation XXX on discrimination against non-citizens, the Committee recommended that action be taken to counter any tendency to target, stigmatize, stereotype or profile, on the basis of race, colour, descent, and national or ethnic origin, members of “non-citizen” population groups, in particular by politicians, officials, educators and the media, on the Internet and other electronic communications networks. The Committee has also expressed concern at the dissemination of racist propaganda on the Internet in a number of recent concluding observations issued after consideration of regular reports submitted by States parties, recalling that such dissemination falls within the scope of prohibitions of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.</p> <p>IV. Conclusions and recommendations</p> <p>69. In the global digital network, the voices of victims of racial discrimination most often remain absent because of their lack of access to the Internet and social media, therefore often leaving racist ideas unchallenged. In this regard, the Special Rapporteur reiterates that States and the private sector should adopt effective and concrete policies and strategies to ensure that access is widely available and affordable for all, on the basis of the principles of non-discrimination of any kind, including on the grounds of race, colour, descent, and ethnic or national origin. National human rights institutions should also be encouraged to lead the development of these initiatives.</p>
<p>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere</p> <p>A/68/333</p> <p>(GA 68th session – September 2013)</p>	<p>In this report, the Special Rapporteur focuses on the intersectionality between poverty and racism.</p> <p>C. Persons and groups affected by poverty and racism</p> <p>45. The Special Rapporteur notes that one of the major challenges in assessing the extent to which poor racial and ethnic minorities suffer discrimination is the lack of reliable disaggregated data. The lack of data is linked to legal prohibitions in some countries on collection of ethnically disaggregated data, the failure to establish mechanisms for collection of such data in others. The lack of this kind of data means that development policies such as those linked to the Millennium Development Goals may neglect to address the specific needs of racial and ethnic minorities.</p> <p>46. The Special Rapporteur observes that the problem of disproportionate poverty among some racial and ethnic groups is prevalent in all regions of the world. In this report, however, he highlights the situation of just some of those groups.</p> <p>4. Dalits</p> <p>63. The caste system continues to be the source of discrimination against the Dalits who</p>

	<p>have a low hierarchical status according to tradition and beliefs. A disproportionate percentage of the Dalits live in abject poverty and face discrimination and exclusion at social, economic and political levels.</p> <p>64. Abuses at school by teachers and fellow students such as corporal punishment, verbal abuse, forced “manual scavenging” or injuries reinforce social alienation and drop-out rates. In some cases, Dalits are not allowed to access the same facilities as non-Dalits, owing to what is referred to as the fear of uncleanness, untouchability and contagion. Most of the Dalits live in rural areas, and are often excluded from services only available in urban areas. It is estimated that less than 10 per cent of Dalit households can afford safe drinking water, electricity and toilets, and approximately 75 per cent are engaged in agricultural work, although many do not have their own land.</p> <p>65. Furthermore, the Dalits are often engaged in manual scavenging, digging of graves, cleaning of human excretions or forced prostitution, thus exposing them to a range of health hazards. A study in South Asia found that Dalits were denied entry into private health centres or clinics in 74 out of 348 villages surveyed, or 21.3 per cent of villages. The study also found that in the case of 30 to 40 per cent of the Dalit villages surveyed public health workers refused to visit. In some villages, Dalits also were prohibited from public streets and even police stations.</p> <p>IV. Conclusions and recommendations</p> <p>80. The Special Rapporteur welcomes the efforts and initiatives undertaken by various States to prohibit discrimination and segregation and to ensure full enjoyment of civil, cultural, economic, political and social rights for all individuals and groups. He notes that certain groups and individuals, including people of African descent, indigenous peoples, minorities, Roma, Dalits and migrants, are still confronted with poverty and discrimination, especially in the enjoyment of their economic and social rights. The persistence of discrimination against those groups and individuals remains a challenge to the construction of a tolerant and inclusive society, and only the guarantee of equality and non-discrimination policies can redress that imbalance and prevent those groups that are discriminated against from falling into or being trapped in poverty.</p>
<p>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia</p>	<p>B. Disadvantaged and discriminated groups</p> <p>28. While recalling that there is no hierarchy between the victims of racism and racial discrimination, the Special Rapporteur would like to bring to the attention of States the situation faced by some specific groups of individuals, including, migrants, refugees, asylum seekers, people of African descent, victims of caste-based discrimination and</p>

**and related intolerance,
Mutuma Ruteere**

[A/HRC/23/56](#)

(HRC 23rd session - June 2013)

members of minorities, including Roma, whose situation has also been addressed by his predecessors.

4. Victims of caste-based discrimination, including Dalits

46. As highlighted by the previous mandate holder (A/HRC/17/40, para. 27), there is serious concern about an estimated 250 million people around the world at risk of human rights violations on the grounds of caste and other systems based on inherited status. Indeed, reports received confirm that discrimination against Dalits in the educational system is a widespread problem in caste-affected countries. Alienation, social exclusion and physical abuse are present throughout all levels of education, from primary to university education. Illiteracy and dropout rates among Dalits are very high due to a number of social and physical factors. Legislation on the issue is limited, and measures to address the issue are often inadequately implemented. The forms of structural discrimination and abuse that Dalit children face in schools are often so stigmatizing that they are forced to drop out of school. One of the main issues is discriminatory practices conducted by teachers, which may include corporal punishment, denial of access to school water supplies, segregation in classrooms, and forcing Dalit children to perform “manual scavenging” on and around school premises. In addition, Dalit children face discriminatory attitudes from fellow students and the community as a whole, in particular from higher caste members, who perceive education for Dalits as a threat to village hierarchies and power relations. Intolerance of, prejudice against and harassment of Dalits are equally prevalent in institutions of higher education, where discrimination is practised by senior upper-caste students, teachers, faculties and university administrations. The caste bias manifests itself in the way teachers ignore Dalit students and unjustly fail them in exams and in the unwillingness of the university administration to assist and support Dalits. Reportedly, as a grave consequence of this harassment, a disproportionate number of Dalit students have committed suicide in some countries.

47. In 2006, the Special Rapporteur on the right to education recommended that Governments remove known barriers to the enrolment and retention in school of young and teenage girls belonging to all ethnic groups, castes and communities that are discriminated against (E/CN.4/2006/45, paras. 80–85 and 140). The Special Rapporteur urges the concerned States to take appropriate measures to ensure the right to non-discrimination in education for victims of caste-based discrimination, including Dalits. He recalls general recommendation No. 29 (2002) of the Committee on the Elimination of Racial Discrimination on article 1, paragraph 1, of the Convention (descent), which recommends, inter alia, the prohibition and elimination of practices of segregation directed against members of descent-based communities in education, and the education of the population as a whole in a spirit of non-discrimination and respect for the communities subject to descent-based discrimination. Furthermore, it recommends the adoption of special measures in favour of descent-based groups and communities in order to ensure their access to education. The Special Rapporteur, moreover, considers that national and local authorities should take effective measures to reduce dropout rates and increase enrolment rates among children of affected

communities at all levels of public and private schooling. Concrete steps should be taken to: eradicate the existing prevalence of caste-based discrimination in schools, including stereotypical and demeaning references, for example, in schoolbooks; ensure the inclusion of children of affected communities in schools; and disseminate general information about the importance of non-discrimination and respect for affected communities in the entire education system. The Special Rapporteur also encourages States to enable and improve educational and professional training for Dalit girls and boys so that they can move to professions of their choice.

C. Education and the economic crisis

54. Reports received show that, in the field of education, financing presents a number of difficult and conflicting issues. Indeed, although several Governments have earmarked more resources for education, the level of commitment overall varies greatly. There is also evidence in some regions of growth in international aid, particularly for basic education, albeit with some failures in application. In the last few years, many countries have been experiencing a severe economic crisis, which in some instances has resulted in drastic budgetary restrictions and affects the education sector. It is essential that States carefully evaluate the potential impact of budgetary restrictions on the enjoyment of the right to education without discrimination. Budgetary stringency must not have a disproportionate impact on the enjoyment of the right to education, especially for disadvantaged groups, including minorities, Roma, people of African descent, migrants, undocumented migrants, refugees, asylum seekers and the victims of caste-based discrimination, since this could threaten the progress already achieved by some countries, and lead to increased marginalization and exclusion of part of these vulnerable groups.

56. Although the Special Rapporteur welcomes some of the efforts and initiatives undertaken by various States to prohibit discrimination and segregation in their educational system and improve access to education opportunities for all individuals and groups, he notes that certain groups and individuals, including people of African descent, minorities, Roma, migrants, refugees and asylum seekers, and victims of caste-based discrimination still face obstacles and challenges to the full enjoyment of their right to education, as they experience a low level of education – in both quality and duration – and discrimination and segregation in schools. This persistence of discrimination among these vulnerable groups and individuals remains a challenge to the construction of a tolerant society which rests upon an inclusive education system.

(c) In particular, States should adopt and implement laws that prohibit discrimination on the basis of race, colour, descent or national or ethnic origin at all levels of education, both formal and non-formal, take all appropriate measures to eliminate obstacles limiting the access of children to education, including through affirmative action programmes of a temporary nature, and ensure that all children, especially those of African descent, minorities, Roma, migrants, refugees and asylum seekers, and the victims of caste-based discrimination have access without

	<p>discrimination to good-quality education, including higher education. Measures to eliminate obstacles limiting access to quality education include committing appropriate resources to eliminating inequalities in educational outcomes;</p> <p>(h) Teachers at all levels of education should benefit from specialized training, including awareness-raising, in how to prevent racism, xenophobia and other forms of discrimination. Special emphasis should be placed on the situation of minority or vulnerable groups within their country, such as Roma or other minorities, persons of African descent, Roma, migrants, refugees and asylum seekers, and the victims of caste-based discrimination. International norms prohibiting racism and racial discrimination and their implementation under domestic law should be emphasized in the curriculum;</p> <p>(l) States should carefully evaluate the potential impact of budgetary restrictions on education, and ensure that they do not have a discriminatory and disproportionate impact on the enjoyment of the right to education of disadvantaged groups, including minorities, Roma, people of African descent, migrants, undocumented migrants, refugees, asylum seekers and the victims of caste-based discrimination;</p>
<p>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere</p> <p>Prevention of racism, racial discrimination, xenophobia and related intolerance in line with the provisions of the Durban documents</p> <p>A/HRC/20/33</p> <p>(HRC 20th session – June 2012)</p>	<p>B. Promoting equality of opportunity in social and economic areas and eradicating poverty</p> <p>12. The Special Rapporteur is convinced that there is a strong correlation between socio-economic inequality and racial discrimination and that these reinforce each other. Additionally, it is important to note that social and economic exclusion and disparities foster racial discrimination already experienced by the victims. [...]</p> <p>15. Poverty, economic and social exclusion constitute both causes and effects of racism, racial discrimination, xenophobia and related intolerance. As stated in the outcome document of the Durban Review Conference, poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty.⁹ It should be noted that the previous Special Rapporteur devoted attention and work to elucidating the link between poverty and racism. He found that the intersection between race and poverty was a key dimension to the struggle against racism. This link was further demonstrated by the then Special Rapporteur while addressing racism and racial discrimination against Roma and discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status. The Independent Expert on minority issues has also noted that ethnic minorities are disproportionately affected by poverty in different parts of the world.</p> <p>16. There is a need to further recognize the interrelation between racism, racial discrimination, xenophobia, intolerance and poverty that contributes to the denial for some individuals and groups of individuals of the</p>

	<p>enjoyment of their civil, cultural, economic, social and political rights. Indeed the structural nature of poverty reinforces structural discrimination which traps the victims into a vicious cycle of social exclusion and marginalization. The Special Rapporteur shares the view of his predecessor that in developing effective and informed policy measures, there is a strong need for ethnically and racially disaggregated data. This would enable policymakers to make an in-depth analysis of social and economic exclusion of individuals and groups of individuals facing racial discrimination. Furthermore in the design and implementation of economic and social programmes at local and national levels, it is essential that attention be paid to the disadvantaged position of excluded ethnic groups and in particular those living in poverty. The Special Rapporteur is of the view that one of the means of promoting the inclusion of excluded individuals is to ensure that such programmes are consultative, involve a diversity of actors and provide mechanisms for securing their views.</p> <p>D. Education</p> <p>20. The Special Rapporteur notes with appreciation efforts made by different States to prohibit segregation in schools and improve access to education opportunities for all individuals and groups. He is however concerned about reports, including by his predecessors, indicating that racial discrimination and segregation in schools, poorer educational achievements and a low quality level of education still characterize the experiences of certain groups of individuals, including minorities, Roma, victims of caste-based discrimination, people of African descent, migrants, refugees and asylum seekers. The persistence of racial discrimination in the enjoyment of the right to education remains a major obstacle in building an inclusive educational system and thus a tolerant society.</p>
<p>Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action - Interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance</p> <p>A/66/313</p>	<p>3. In this report, the Special Rapporteur gives an overview of the issues of concern as addressed within the framework of his mandate since the submission of his previous report to the Assembly (A/65/295). These issues of concern for the mandate are presented in section II and include structural discrimination; incitement to national, racial or religious hatred; extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements; and victims of racism, racial discrimination, xenophobia and related intolerance, including people of African descent, Roma and the victims of discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status. The Special Rapporteur also highlights some best practices in the fight against racism, racial discrimination, xenophobia and related intolerance. [...]</p> <p>11. The Special Rapporteur further highlighted that structural discrimination can be the result of past historical injustices perpetrated against specific groups of individuals. Long after that formalized racial discrimination was dismantled, the inequalities that were created continued to have a disadvantage or disproportionate effect on the human rights of individuals of specific ethnic and racial groups.</p>

(GA 66th session – August 2011)

Indigenous peoples, Roma, members of communities based on caste or analogous systems of inherited status, ethnic minorities and people of African descent remain particularly affected by this historical legacy, notably in the areas of health, housing, employment, education, administration of justice as well as political representation and empowerment. Thus structural discrimination is one example of the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights. [...]

26. In this context, the Special Rapporteur would like to highlight the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of the civil, cultural, economic, political and social rights of certain groups. Since his previous report to the General Assembly, the Special Rapporteur has discussed the situation of people of African descent (see subsection B.1), Roma (see subsection B.2) and those who face discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status (see subsection B.3).

3. Discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status

38. The Special Rapporteur has repeatedly raised the negative impact of discrimination based on work and descent on the full enjoyment of civil, cultural, economic, political and social rights. He reaffirms that States have to recognize that discrimination on the ground of descent constitutes a form of racial discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination. The Special Rapporteur has associated himself with the position taken by the Committee on the Elimination of Racial Discrimination which in its general recommendation No. 29: Article 1, paragraph 1, of the Convention (Descent) (2002), strongly reaffirmed that “discrimination based on ‘descent’ includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights”.

39. The Special Rapporteur would like to stress that multiple discrimination

compounds the severity of the plight of low castes, who sometimes form part of a religious minority. For instance, many Hindu members belonging to “scheduled castes” (Dalits) experience segregation in access to housing, live below the poverty line, earn less than the minimum wage and have no access to education. They suffer from numerous diseases, not least because of lack of access to safe drinking water and sanitation, and sometimes face discrimination in accessing public-health facilities. Pervasive discrimination keeps them poor, uneducated, in terrible living conditions and in menial jobs. Discriminated against in terms of education, children of lower castes are among the most vulnerable, facing recruitment as child labour, soldiers or as sex workers, and rampant torture and corporal punishment. Trafficking and the sale of children, especially young girls, and infanticide of female children are other multiple forms of discrimination. Women and girls face multiple discrimination, including through sexual exploitation, forced prostitution, violence in their family and communities, and from actors in other castes.

40. At the same time, the Special Rapporteur has identified good practices and challenges in the fight against discrimination based on work and descent at the international and national levels. He notes with satisfaction that some Governments have taken initiatives to address the problems facing communities affected by discrimination based on work and descent, and he encourages them to continue their efforts, share best practices and take the lead in regional and international initiatives to eliminate this form of discrimination.

41. However, despite Government efforts 41. However, despite Government efforts to eradicate this type of discrimination through constitutional guarantees, legislation and affirmative action programmes, the Special Rapporteur notes that caste-based discrimination remains deplorably widespread and deeply rooted. He would like to reiterate that, notwithstanding the existence of international legal obligations to protect against discrimination based on work and descent, certain Governments have failed to implement such obligations effectively and have, in some instances, sidestepped the question of caste discrimination by claiming that it does not fall under the scope of the international conventions, such as the International Convention on the Elimination of All Forms of Racial Discrimination, in contrast to the opinion of the Committee

	<p>on the Elimination of Racial Discrimination. In that regard, he again recommends that the general measures contained in general recommendation No. 29 (2002) of the Committee on the Elimination of Racial Discrimination be implemented.</p> <p>42. The Special Rapporteur recommends the continued use of the draft principles and guidelines for the elimination of discrimination based on work and descent⁷ as a guiding framework for the elaboration of effective measures to be taken by States to fulfil international legal obligations, and invites Governments to consider creating a consultative body of regional human rights institutions to study the issue and raise regional awareness. Furthermore, the Special Rapporteur recommends that measures with regard to the legal framework be taken hand-in-hand with awareness-raising measures. [...]</p> <p>62. Racism, racial discrimination, xenophobia and related intolerance unfortunately continue to have a negative impact on the full enjoyment of civil, cultural, economic, political and social rights. This is particularly blatant for people of African descent, Roma, members of communities based on caste or analogous systems of inherited status and ethnic minorities in general, including in the areas of education, employment, health, housing, access to citizenship, administration of justice, racial profiling as well as access to political decision-making and judicial systems. In addition, women and girls belonging to certain communities remain particularly vulnerable to exploitation, trafficking, racial abuse and violence.</p>
<p>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 65/199 A/HRC/18/44 (HRC 18th session – July 2011)</p>	<p>8. A number of States have indicated that their Constitution and legislation prohibit racial discrimination. The Special Rapporteur welcomes such a step. The Special Rapporteur also notes with interest the information provided by States about non-citizens being guaranteed equality before the law and human rights without discrimination. He also welcomes the legislative measures taken to combat racism in sport. However, the Special Rapporteur notes that domestic law does not always fully cover the definition of racial discrimination as enshrined in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.</p> <p>Consequently, the Special Rapporteur urges States parties to this important instrument to ensure that the definition of racial discrimination under their domestic order complies with the provisions of article 1 and prohibit and eliminate any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other</p>

	<p>field of public life.</p> <p>The Special Rapporteur also recalls that, under article 20 of the International Covenant on Civil and Political Rights, “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”. Furthermore, paragraph 13 of the outcome document of the Durban Review Conference reaffirms that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, as should be the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts.</p>
<p>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai A/HRC/17/40 (17th Human Rights Council session, June 2011)</p>	<p>III. Discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status</p> <p>25. Over the past three years, the Special Rapporteur has recalled that racial discrimination affects individuals in all societies and regions of the world. While the manifestations of racism may vary in nature and degree depending on the historical, geographical and cultural context, all individuals, regardless of their race, colour, descent or national or ethnic origin, should be offered robust and effective protection against discrimination. In this regard, the Special Rapporteur highlighted last year at the General Assembly that since the 2001 World Conference against Racism, the issue of discrimination based on descent has been on the international agenda. He has noted that the main human rights bodies working in the area of racism and discrimination have clearly stated that the prohibition of this type of discrimination falls within the scope of existing instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention). The Special Rapporteur has also referred to the draft principles and guidelines for the effective elimination of discrimination based on work and descent and have encouraged States to engage in substantive discussions on this topic and eventually rally around these draft principles.</p> <p>26. The Special Rapporteur has associated himself with the position taken by the Committee on the Elimination of Racial Discrimination, which, in its concluding observations, has stated that “the term ‘descent’ in article 1 of the Convention does not solely refer to race. The Committee affirms that the situation of scheduled castes and scheduled tribes falls within the scope of the Convention” (CERD/C/304/Add.13, para. 14). The Committee also stated that “discrimination on the grounds of caste constituted a form of racial discrimination” (A/64/271, para. 57) and that “the term ‘descent’ had its own meaning and was not to be confused with race or ethnic or national origin” (CERD/C/304/Add.114, para. 8). More broadly, in its general recommendation No. 29 (2002) on article 1, paragraph 1 (descent), the Committee further clarified its position by “strongly reaffirming that discrimination based on ‘descent’ includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights” (preamble).</p>

27. Within the context of the Durban Review Conference, the Special Rapporteur highlighted his serious concern about an estimated 250 million people around the world being at risk of human rights violations on the grounds of caste and other systems based on inherited status.⁵⁰ He expressed concern at reports of the prohibition of or limitations on the ability to alter inherited status; socially enforced restrictions on marriage outside the community; public and private segregation, including in housing and education, and access to public spaces and places of worship and public sources of food and water; limitations on the freedom to renounce inherited or degrading occupations or hazardous work; and subjection to debt and bondage.

28. The Special Rapporteur reaffirmed that the legal framework on discrimination based on descent is unambiguous but is not properly implemented. The vital first step is for States to recognize that discrimination on the grounds of descent constitutes a form of racial discrimination prohibited by the Convention. Without such recognition it is not possible to effectively address the serious human rights violations and discrimination against individuals and groups on the grounds of caste and other systems of inherited status (A/64/271, para. 58). States should also raise awareness and challenge long-entrenched perceptions to help shape public opinion towards fairer and more equitable societies.

29. Despite Government efforts to eradicate this type of discrimination through constitutional guarantees, legislation and affirmative action programmes, caste-based discrimination remains deplorably widespread and deeply rooted. Victims face structural discrimination, locking them in a persistent and vicious cycle of poverty and marginalization.

30. The problem is neither confined to one geographical area nor exclusively practised within one particular religion or belief system. It is found in all geographical regions, including within diaspora communities.

A. Manifestations

31. Common denominators among victims of this kind of discrimination in the forthcoming examples include, inter alia, untouchability, which in some cases prevents them from using the same public wells or water taps, drinking from the same cups in tea stalls, or visiting the same temples as members of higher castes or of noble clans; occupational segregation, which impairs their access to employment, restricting them to traditionally assigned jobs (generally sweeping and manual scavenging); enforced endogamy, thus limiting intermarriage; severe restrictions on commensality; and social ostracism, including social boycotts and blockades.

1. Caste-based occupations and untouchability

32. Discrimination against members of the affected groups manifests itself in work or occupation. Designated tasks considered ritually polluting and unclean to others in the social system further marginalize them as they are considered “untouchables” based on their employment. Untouchability has been banned in many countries (along with caste-based discrimination), but notions of impurity and pollution linked to jobs continue to persist through descent-based discrimination. Therefore, the notion of pollution ascribed through work is intertwined with caste-based occupations, which include sweeping and manual scavenging (the cleaning of excreta from dry latrines).

33. Bonded labour and forced prostitution disproportionately affect those in lower castes, with a large number of Dalits in South Asia making up the majority of people in domestic bonded labour. A large number of victims of human trafficking, sexual slavery and other forms of labour exploitation are members of low castes. Wage discrimination and discrimination in hiring are prevalent.

2. Multiple discrimination

34. Multiple discrimination compounds the severity of the plight of low castes. Sometimes lower caste societies form part of a religious minority. For instance, in Pakistan victims of discrimination on the basis of caste, descent and occupation are also disadvantaged as they are members of the Hindu minority referred to as “scheduled castes” (Dalits).

35. Dalits also experience segregation in access to housing; most live below the poverty line, earn less than the minimum wage and have no access to education. They suffer from numerous diseases, not least because of lack of access to safe drinking water and sanitation, and sometimes face discrimination in accessing public-health facilities (A/HRC/15/55 and Corr. 1, para. 25). Pervasive discrimination keeps them poor, uneducated, in terrible living conditions and in menial jobs (ibid., para. 26).

36. Discriminated against in terms of education (CERD/C/IND/CO/19, para. 25), children of lower castes are among the most vulnerable, facing recruitment as child labour, soldiers or as sex workers, and rampant torture and corporal punishment. Trafficking (ibid) and the sale of children, especially young girls, and infanticide of female children are other multiple forms of discrimination.

37. Women and girls face multiple discrimination, including through sexual exploitation or forced prostitution (A/HRC/7/19 and Corr. 1, para. 71). Women are socio-economically positioned at the bottom of the caste, gender and class hierarchy, and face violence in their family and communities, and from actors in other castes. Women in Dalit Communities in Asia are subjected to physical abuse, sexual harassment, trafficking and sexual violence (E/CN.4/Sub.2/2001/16, para. 45). Violations of land and property rights also affect these women (A/HRC/10/7/Add.1, para. 52), who suffer disproportionately in terms of health care, education, and subsistence wages. Dalit women in India and Nepal make up the majority of landless labourers and scavengers.

38. The practice of devadasi (in which girls are pledged for life to temples at an early age by parents in return for heavenly favours and to placate the gods) continues in India. However, once women are ceremonially “dedicated”, they are forced to become prostitutes for upper-caste community members.⁵⁵ Recently, most devadasis have ended up working in the sex trade industry. In some cases, sexual violence is linked to debt bondage.⁵⁶ In Nepal, badis are viewed as a prostitution caste. Many Dalit women and girls, including badis, are trafficked into sex work. In Pakistan, it is reported that rape of female bonded labourers is one of the most pressing problems facing the movement to end debt bondage. In Mauritania, women referred to as “slaves” are often forced to remain with their “masters” as they are threatened with separation from their children if they escape.

Intermarriage

39. Discrimination based on caste and analogous systems of inherited status permeates all aspects of life, including marriage. Seen as a method of “status advancement” for some in the lower castes, intermarriage is a way to dispel the stereotypes and persistent artificial divisions between castes. However, this practice is condemned and socially discouraged (E/CN.4/Sub.2/2001/16, para. 8) in a number of countries including India, Japan, Senegal, Sri Lanka and among members of the South Asian diaspora (E/CN.4/Sub.2/2004/31, para. 37). Intermarriage can lead to violent reprisals from the families.

Religious conversion

40. Religious conversion is viewed as a way of escaping this kind of discrimination. However, in certain countries it permeates religious communities. Despite constitutional provisions and legal measures to protect the rights of members of scheduled castes and scheduled tribes, de facto segregation and discrimination persist.

41. In some countries, members of discriminated castes who convert to other religions lose out on the basic safeguards provided to them in policies of affirmative action, while the previous caste status and related social bias remains at the social level. Such is the case in India. Unlike converts who become Buddhists or Sikhs (CERD/C/IND/CO/19, p. 21), Dalits who convert to Islam or to Christianity reportedly lose their entitlement under affirmative action programmes (A/HRC/10/8/Add.3, para. 28), including the system of reservation (a quota system of posts reserved in employment in Government, public sector units, and all public and private educational institutions).

B. Good practices and contemporary challenges

1. International

Sub-Commission on the Promotion and Protection of Human Rights

42. The Sub-Commission on the Promotion and Protection of Human Rights invested efforts to address discrimination based on work and descent. Four substantive reports and a draft set of principles and guidelines for the elimination of discrimination based on work and descent were considered by this body. These draft principles⁶¹ have been cited and referred to, on various occasions, by treaty bodies, special procedures, civil society and national human rights institutions.

2. National

43. To better illustrate manifestations of this form of discrimination, information has been collected from various sources and geographical regions. The identification of challenges and good practices has been done on the basis of publicly available information.

(a) Asia

44. The Special Rapporteur recognizes the efforts of countries that have adopted legislation to counter discrimination based on work and descent. A number of national constitutions list caste within their articles on non-discrimination.

45. The Constitution of India specifically provides for the abolition of the practice of untouchability. Constitutional bodies, special legislative measures and executive orders, a national commission and State institutions were established to protect scheduled castes and help them seek redress for violations. The Indian Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the subsequent addition in 1995 were enacted to protect these castes. Despite this, the practice of untouchability remains a part of rural India.

46. The Government of India has committed itself to developing policies aimed at the advancement of the Dalit population. The Special Central Assistance to Scheduled Castes Sub Plan is an example, as is the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act of 1993. Despite this Act and Government investment, the National Scheme of Liberation and Rehabilitation of Scavengers and their Dependants has failed to achieve its objectives.

47. In Nepal, discrimination based on caste and on ethnicity persists, particularly in less developed and more remote areas. The Interim Constitution and the Civil Code criminalize discrimination on the basis of caste and penalize acts that perpetuate untouchability with imprisonment or fines, but there are considerable gaps in enforcement and implementation of anti-discrimination laws. Marginalized groups, including Dalits, face socio-economic and cultural obstacles to access justice. The Government has reported increased expenditure on social measures at the local government level and has implemented awareness-raising programmes and legal safeguards (A/HRC/16/23, para. 41).

48. The current legal framework has proved inadequate to effectively curb caste-based discriminatory practices or to hold perpetrators accountable. Due to the vagueness of provisions of the Civil Code, Government officials fail to view specific acts of discrimination as crimes and to take appropriate action. The submission of the draft bill on caste-based discrimination and untouchability crime elimination and punishment to Parliament in July 2009 is a positive development (A/HRC/16/23, paras. 54-55).

49. The Constitution of Bangladesh prohibits discrimination on grounds of race, religion, caste or sex, and states that no one can be detrimentally affected in respect of life, liberty, body, reputation or property (part III, art. 31). The pattern of discrimination against occupational groups related to caste systems has been recognized in the National Strategies for Accelerated Poverty Reduction. In the strategies, the Government envisioned that disadvantaged and stigmatized groups could be included into the mainstream by allowing their participation in socio-economic activities. While this is a strong step, more practical action is needed to redress this discrimination, such as the enforcement of current laws and the creation of a commission mandated to address concerns related to the lower castes.

50. In Sri Lanka there are two caste systems: one for the Sinhalese and one for the Tamils (E/CN.4/Sub.2/2001/16, para. 28). Caste differentiation occurs in both of Sri Lanka's main Tamil communities.⁶⁴ Caste-based discrimination is sometimes applied to non-Hindus—including Tamil Christian and Muslim converts and members of other minority groups. Caste differences between Indian-origin Tamil plantation workers also

remain prominent. Untouchables are made to perform specific tasks during Hindu rituals that are particular to their low-caste status.

51. In 1957, the Government passed the Prevention of Social Disabilities Act, making it an offense to deny access to various public places to persons by reason of their caste. A 1971 amendment imposed stiffer punishments for the commission of these offenses. The 1978 Constitution of Sri Lanka does not provide for community-based affirmative action, but does prohibit discrimination on the grounds of caste, including caste-based restrictions on access to public places, including places of worship of one's own religion. However, serious problems remain.

52. In Japan, discrimination against Buraku, also known as eta ("pollution abundant" or "unclean"), persists despite the official abolition of the Buraku system by the Emancipation Edict of 1871 and other Government measures. Nevertheless, the implementation of special policy measures, based on the Law on Special Measures of 1969 aimed at improving the living environment of Buraku districts and improving access to employment and education for Buraku (E/CN.4/2006/16/Add.2 and Corr. 1, para. 15), gave positive results. Other achievements include the increase in the rate of Buraku children going to senior high school, and a certain increase of public understanding of the problems facing Buraku.

53. The only provision in national legislation prohibiting racial discrimination is article 14 of the Constitution, but its provisions are not considered by courts to be self-executing. Since the provisions of the Convention are also considered to be not self-executing, there is no provision in national legislation that outlaws racial discrimination and provides for a judicial remedy for the victims (E/CN.4/2006/16/Add.2 and Corr. 1, para. 11).

54. The governmental strategy to fight discriminatory mentality against Buraku and other groups is carried out principally through human rights education policies promoted by the Ministry of Education (ibid., para. 16). However, there is still no public authority specifically mandated to deal with burakumin discrimination.

55. The practice of hiring investigation or detective agencies to investigate the personal backgrounds of people to identify whether someone is of Buraku origin is not unusual in Japan. Some companies even continue to use "Buraku lists" (ibid., para. 21).

(b) Africa

56. Descent-based discrimination is mainly of three types in Africa. First are caste systems based on "occupational specialization of endogamous groups, in which membership is based on ascription and between which social distance is regulated by the concept of pollution".⁶⁶ The second is discrimination based on real or perceived descent from slaves, leaving many in "virtual" slavery, unable to leave their owner's employ for fear of reprisals or starvation. The third is against the hunter-gatherer societies and their descendants. This marginalization may contain aspects of a purity-pollution dyad, as well as degrees of real or perceived occupation specialization.

57. Many African states have adopted measures to tackle caste-based discrimination. Some have adopted

constitutional provisions guaranteeing freedom from discrimination. Others have enacted laws banning caste discrimination and slavery. However, these provisions have not been enforced.

58. In Nigeria, discrimination against Osu descendants remains a concern. Osu people were historically “owned” by deities among communities in Igboland, in south-east Nigeria. They were dedicated and “sacrificed” to these gods and were forced to live on the outskirts of villages to be the target of any bad luck that might occur. Being an Osu is a position ascribed at birth, based on descent.

59. Chapter IV, article 42, of the Constitution guarantees the right to freedom from discrimination for every citizen of Nigeria. In addition, the 1958 Osu Abolition Law legally abolished work- and descent-based discrimination. However, concerns remain about persistent allegations that members of Osu and other similar communities are still subjected to social exclusion, segregation and mistreatment, as well as discrimination in employment and marriage (CERD/C/NGA/CO/18, para. 15). Since the enactment of the Osu Abolition Law, no cases have been prosecuted in connection with the law because no claims of its violation have been made (CERD/C/SR.1720, para. 3). In this regard, the Committee on the Elimination of Racial Discrimination has made recommendations to Nigeria (CERD/C/NGA/CO/18, para. 15).

60. Caste systems exist within several ethnic groups in Senegal. All characteristics of caste can be found among the Wolof community, principally divided between the geer and the neeno. The Constitution of Senegal proclaims the right of all citizens to equal protection of the law regardless of race, religion, sex, or origin, a reference to one’s caste background (art. 1), and prohibits all acts of racial, ethnic and religious discrimination (art. 5). However, the extent to which neeno castes approach the courts for legal redress on discrimination claims is negligible.

61. In Somalia, society is divided into patrilineal segmented and ranked clan groups. Among Somalia’s minorities, the “occupational groups” include Midgan (or Madhiban), Tumul and Yibro.⁷¹ These groups are also known as “sab”, a collective term for “lowcaste”. Tumul are traditionally blacksmiths; Yibro, ritual specialists; and Midgan, traditionally hunters and leatherworkers, but who also undertook various arts and craft work, male circumcision and female genital mutilation. The few educated members of occupational groups work in any chosen field, but most work in manual and service jobs.

The occupations of the sab groups are generally regarded as polluting. The sab groups are also feared and avoided as they have a reputation for occult practices. With the disappearance of their traditional lifestyles, and as a result of conflict, many have moved to urban settlements or internally displaced persons camps or fled to refugee camps in neighbouring countries. It is also reported that members of sab groups in the Somali refugee diaspora continue to suffer discrimination from members of other Somali clans.

62. The situation of minorities varies in terms of geographical areas. In Somaliland, article 8, paragraph 1, of the Constitution of May 2001 states that all citizens “shall enjoy equal rights and obligations before the law, and shall not be accorded precedence on grounds of colour, clan, birth, language, gender, property, status, opinion,

etc". Under article 8, paragraph 2, "precedence and discrimination on grounds of ethnicity, clan affiliation, birth and residence is prohibited"; and "programmes aimed at eradicating long lasting bad practices shall be a national obligation". However, there is no specific antidiscrimination legislation. Puntland has provided little protection or assistance to minorities and the parliament has no seats reserved for small minority communities, including for Madhiban.

(c) Other parts of the world and the diaspora
Middle East

63. In Yemen, work- and descent-based discrimination affects the Akhdam ("servant" or "the marginalized ones") social group. Traditionally, land was the most important resource and those who did not own agricultural land worked in marginal occupations and services, and became part of the servant class (CERD/C/YEM/16, para. 159). Typical Akhdam occupational roles include garbage collection, street sweeping, and cleaning toilets and drains. They are often referred to generically as "sweepers" and are widely regarded as being dirty, immoral and dependent. The "low social status of this group stems from the members occupation as well as their [reputed] ethnic origins" (E/CN.4/Sub.2/2003/24, paras. 31-34). Dominant social opinion considers their men unscrupulous, lazy, unfit and unable to hold respectful jobs. The women are often stereotyped as promiscuous, unclean and leading lives as beggars and even prostitutes and children are considered to belong to a social category of so-called "servants" (E/CN.4/Sub.2/2004/31, para. 32).

64. The Yemeni Constitution maintains a bill of rights guaranteeing a wide range of rights and freedoms (arts. 41-61) to "all citizens". It also provides for equal opportunities in all economic, social, political and cultural activities (art. 24) and guarantees equal treatment before the Law. According to article 5 of the Code of Criminal Procedure, "citizens are equal before the law and an individual may not be punished or harmed on grounds of nationality, race, origin, language, belief, occupation, standard of education or social status" (CCPR/C/YEM/2001/3, para. 9). However, de facto discrimination persists. The Constitution is neither implemented nor adequate to address the specific discrimination against this minority.

65. The Government looks at the issue of marginalization of the "servant class" from a socio-economic perspective, since the legislative framework does not discriminate among citizens (CERD/C/YEM/16, para. 160).
Diaspora communities

66. Discrimination on the basis of work and descent continues to affect diaspora communities whose original cultures and traditions include aspects of inherited social exclusion. For example, the caste system has migrated with the South Asian diaspora and is observed, to varying degrees, in different geographical regions. Some reports indicate ongoing discrimination against Midgan-Madibhan in the Somali diaspora, and in certain West African diaspora communities (E/CN.4/Sub.2/2004/31, para. 35).

67. Despite the limited information available on the issue, the Special Rapporteur has identified a good practice regarding the diaspora community in the United Kingdom, where the previous anti-discrimination legal regime has

been replaced by the Equality Act 2010. This legislative framework aims to protect the rights of individuals and advance equality of opportunity for all. Initially, the Act covered nine protected characteristics (sex, gender reassignment, race, religion or belief, age, disability, sexual orientation, marriage and civil partnership, and pregnancy and maternity) in areas such as work, education and goods and services. It makes provision for the advancement of equality, through the public sector equality duty and through positive action.

68. During the passage of the Equality Bill through Parliament, the Government considered that available evidence did not indicate that caste discrimination was a significant problem in the United Kingdom in the areas covered by discrimination legislation; however, it acknowledged that the protected characteristics of race, religion and belief might not always allow an avenue of redress for caste discrimination. It accepted an amendment to the Equality Bill, inserting section 9 of the Act, which provides that a Minister may by order amend that section to provide for caste to be an aspect of race (and to provide for exceptions in the Act to apply, or not to apply, to caste).

V. Conclusions and recommendations

Discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status

85. The Special Rapporteur encountered difficulties in researching for the present report, particularly in the area of discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status. These difficulties included the paucity of sources and lack of recent public information, in particular regarding affected communities outside Asia. Further study of this issue is necessary.

86. Notwithstanding the existence of international legal obligations to protect against discrimination based on work and descent, certain Governments have failed to implement such obligations effectively and have, in some instances, sidestepped the question of caste discrimination by claiming that it does not fall under the scope of the international conventions, such as the International Convention on the Elimination of All Forms of Racial Discrimination, in contrast to the opinion of the Committee on the Elimination of Racial Discrimination.

87. However, the Special Rapporteur notes with satisfaction that some Governments have taken initiatives to address the problems facing communities affected by discrimination based on work and descent, and encourage them to continue their efforts, share best practices and take the lead in regional and international initiatives to eliminate this form of discrimination.

88. In several cases, the Special Rapporteur notes that shortcomings do not stem only from Governments and institutions but from the population itself, including within communities considered of lower caste or status. He recommends that measures with regard to the legal framework be taken hand-in-hand with awareness raising, with a special emphasis on the judiciary, police and civil service, to ensure effective implementation and enforcement of the law by the police and civil service to ensure access to justice and right to an effective remedy for victims.

	<p>89. The Special Rapporteur:</p> <ul style="list-style-type: none"> (a) Encourages the participation of Governments and civil society in broad local and national consultations on discrimination based on work and descent; (b) Calls upon States to foster the empowerment of victims, and especially women; (c) Recommends the collection of disaggregated data, on a regular basis, to be able to identify the number of people affected and design appropriate strategies to fight this kind of discrimination. <p>90. Moreover, the Special Rapporteur recommends:</p> <ul style="list-style-type: none"> (a) The enactment of laws and consistent implementation of existing laws, including the monitoring of domestic legal provisions as recommended by treaty bodies and other Special Rapporteurs. The general measures contained in general recommendation No. 29 (2002) of the Committee on the Elimination of Racial Discrimination should also be implemented. Specific legislation to outlaw direct and indirect racial discrimination against the affected groups is recommended; (b) The continued use of the draft principles and guidelines on discrimination based on work and descent as a guiding framework for the elaboration of effective measures to be taken by States to fulfil international legal obligations, including the duty of Governments to engage in genuine efforts to dispel the prejudicial beliefs that constitute, support and reinforce discrimination based on work and descent, including notions of untouchability; (c) That, where appropriate and taking into consideration the specific situation of each country, the design and implementation of affirmative action measures or programmes, including quota systems in the areas of education and employment, be considered. <p>91. The Special Rapporteur invites Governments:</p> <ul style="list-style-type: none"> (a) To engage in programmes promoting capacity-building and technical assistance through bilateral, regional and international cooperation aiming at the elimination of discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status; (b) To implement recommendations of United Nations human rights mechanisms, civil society and NHRIs pertaining to patterns of human rights violations against the so-called lower castes, and, where necessary, to expand the mandates of NHRIs to ensure appropriate monitoring and follow up to recommendations; (c) To consider creating a consultative body of regional human rights institutions to study the issue and raise regional awareness; (d) To include information on the issue of discrimination based on caste and other analogous systems of inherited status in their reports to United Nations human rights bodies. <p>92. The Special Rapporteur recommends that the full spectrum of special procedures address the issue of discrimination based on caste and other analogous systems of inherited status in the context of their respective mandates.</p>
Statement by the Special	At the 8 th session of this Working Group in 2010, the Special Rapporteur made a statement on “Structural

<p>Rapporteur on contemporary forms of racism Statement (8th session of the Intergovernmental Working Group on the Implementation of the Durban Declaration, October 2010)</p>	<p>discrimination: definitions, approaches and trends.” He expressed his serious concern about the continuing existence of the caste system and described caste discrimination as a form of “societal” structural racial discrimination.</p> <p>”Furthermore, I would like to refer to the systems of inherited status such as caste, which may be a manifestation of what has been identified above as “societal” structural racial discrimination. In some cases for example, when a member of a Scheduled Caste left Hinduism and converted to Christianity or Islam, the previous caste status and related social bias would often remain at the social level while the person would legally no longer be eligible for government benefits for Scheduled Castes. In this respect, I would like to specifically refer to the Committee on the Elimination of Racial Discrimination (the CERD), which affirmed in its general recommendation No. 29 (2002) concerning discrimination on the grounds of descent, that: discrimination based on „descent“ includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their enjoyment of human rights”.</p> <p>I am seriously concerned Mr President about the continued existence of such systems and I fully share the position taken by CERD in this respect (A/64/271). Indeed CERD has stated that discrimination on the grounds of caste constituted a form of racial discrimination and that “the term „descent“ has its own meaning and was not to be confused with race or ethnic or national origin”. These systems based on inherited status are good examples of cases where even when clear legislation exists to prohibit discrimination, individuals and groups of individuals continue to be so discriminated.” (...)</p> <p>”I also urge States to review and redesign legislation, policies and programmes that have a disproportionate effect on individuals of specific racial or ethnic group, including those legislation, policies and programmes that may discriminate directly or indirectly specific ethnic minorities, including Roma, Sinti, Gypsies, Travelers, and victims of inherited status systems.”</p>
<p>Report of the Special Rapporteur on contemporary forms of racism A/HRC/14/43 (14th HRC session, June 2010)</p>	<p>The report (A/HRC/14/43) aims at providing an analysis of how racism, racial discrimination and conflict interrelate. Nepal is used as an example where the ethnic or racial dimension of a conflict has been acknowledged.</p> <p>IV. Racism, racial discrimination, xenophobia and related intolerance in post-conflict situations</p> <p>A. Acknowledging the ethnic or racial dimension of a conflict</p> <p>33. A conflict may be efficiently resolved only if its causes are adequately identified and addressed. Accordingly, the resolution of an ethnic conflict needs to acknowledge and address the ethnic or racial dimension of the conflict. Including those aspects will help to frame appropriate solutions and establish a clear mandate for those in charge of monitoring or contributing to the implementation of related peace agreements. In this regard, the peace agreements concluded in Burundi and in Nepal, described briefly below, are instructive. (...)</p> <p>37. The Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist) is another example of an agreement in which the ethnic dimension of a conflict was recognized and addressed. The Parties agreed that</p>

	<p>the State would be restructured in an inclusive, democratic and forward-looking manner “in order to end discriminations based on class, ethnicity, language, gender, culture, religion and region and to address the problems of women, Dalit, indigenous people, ethnic minorities (Janajatis), Terai communities (Madheshis), oppressed, neglected and minority communities and the backward areas” (para. 3.5) and they reaffirmed that “no individual shall be discriminated on the basis of colour, gender, language, religion, age, race, nationality or social origin, property, disability, birth and other status and thought or belief” (para. 7.1.1).</p>
<p>Statement by the Special Rapporteur on contemporary forms of racism Statement (64th session of the UN General Assembly, November 2009)</p>	<p>At the 64th session of the UN General Assembly, the Special Rapporteur presented his Interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/64/271) – see abstract below. In his presentation on 2 November 2009, he expressed concern about caste discrimination, referred to the draft UN principles and guidelines to eliminate caste discrimination, and urged States to take action on them.</p> <p>“Racial discrimination unfortunately affects individuals in all societies and regions of the world. While the manifestations of racism may vary in degree and nature depending on the historical, geographical and cultural context, all individuals, regardless of their race, colour, descent or national or ethnic origin, should be offered robust and effective protection against racial discrimination. In this regard, I was particularly pleased at the recent positive developments within the United Nations on the question of discrimination based on work and descent. Allow me here to refer to the “Draft UN principles and guidelines to eliminate caste discrimination” which were presented in Geneva in last September, with the support of the Office of the High Commissioner for Human Rights and which were endorsed by the Government of Nepal. I have already expressed my serious concerns about this form of discrimination and have in this respect associated myself with the clear position taken by the Committee on the Elimination of Racial Discrimination. As said two weeks ago by the UN High Commissioner for Human Rights, “the time has come to eradicate the shameful concept of caste”. It is therefore my hope that in the coming months, States will engage in substantive discussions on this topic and will eventually rally around these draft principles and guidelines to eliminate caste-based discrimination.”</p>
<p>Interim report of the Special Rapporteur on contemporary forms of racism A/64/271 (64th session of the UN General Assembly, 2009)</p>	<p>In an Interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/64/271) to the UN General Assembly, the Special Rapporteur made extensive references to descent-based discrimination as a thematic issue addressed through his participation in a side event at the Durban Review Conference. He also mentions that he has re-issued requests for country visits to India, Nepal and Bangladesh since he took over in 2008.</p> <p>Country visits</p> <p>10. Following his appointment in August 2008, the Special Rapporteur sent formal requests to visit Bangladesh, the Plurinational State of Bolivia, Bosnia and Herzegovina, Germany, India, Israel, Malaysia, Mexico, Nepal, South Africa, the Sudan and the United Arab Emirates. The Special Rapporteur would like to acknowledge the letters of</p>

invitations extended to him by the Plurinational State of Bolivia and by Bosnia and Herzegovina. While he has not been able to honour these invitations yet, the Special Rapporteur hopes that he will be able to do so in the near future.

C. Thematic issues addressed by the Special Rapporteur through his participation in conferences, seminars and other meetings

4. Discrimination based on descent

54. During the Durban Review Conference, the Special Rapporteur participated in a side event on “Communities empowered to resist discrimination and exclusion”, organized by the International Movement against All Forms of Discrimination and Racism and Lutheran World Federation, on 22 April 2009.

55. Recalling that the issue of discrimination based on descent was addressed by special procedures mandate holders in their joint contribution to the preparatory process of the Durban Review Conference (A/CONF.211/PC/WG.1/5), the Special Rapporteur highlighted that the mandate holders had already expressed their serious concern about this form of discrimination.

56. The Special Rapporteur referred to the estimated 250 million people around the world being at risk of violations of civil, political, social, economic and cultural rights, including violence, marginalization and discrimination, on the grounds of systems based on inherited status. Human rights violations could occur in a wide array of areas, including prohibition or limitations on the ability to alter inherited status, socially enforced restrictions on marriage outside the community, public and private segregation, including in housing and education, and access to public spaces and places of worship and public sources of food and water, limitation of freedom to renounce inherited or degrading occupations or hazardous work, as well as subjection to debt and bondage.

57. The Special Rapporteur recalled that since the 2001 World Conference against Racism, held in Durban, the issue of discrimination based on descent had been on the international agenda. Despite the objection of some States, the main human rights bodies working in the area of racism and discrimination had clearly stated that prohibition of this type of discrimination fell within the scope of existing instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination. In that regard, the Special Rapporteur specifically referred to the Committee on the Elimination of Racial Discrimination, which concluded at its forty-ninth session, that “the situation of the scheduled castes and scheduled tribes falls within the scope of the Convention”. In addition, the Committee also stated that discrimination on the grounds of caste constituted a form of racial discrimination and that “the term ‘descent’ had its own meaning and was not to be confused with race or ethnic or national origin”. More broadly, in its general recommendation No. 29 (2002) concerning discrimination on the grounds of descent, the Committee further clarified its position by “strongly reaffirming that discrimination based on ‘descent’ includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal

	<p>enjoyment of human rights”.</p> <p>58. As such, the Special Rapporteur reaffirmed that the legal framework on discrimination based on descent is unambiguous. Yet, it remains to be implemented properly. Robust action was required from Governments in order to advance in the fight against discrimination based on descent. The vital first step in addressing this issue was for States to recognize that discrimination on the grounds of descent constituted a form of racial discrimination prohibited by the International Convention on the Elimination of All Forms of Discrimination. In the absence of such recognition it would not be possible to effectively address the serious human rights violations and discrimination suffered by individuals and groups on grounds of caste and other systems of inherited status.</p> <p>IV. Conclusions and recommendations</p> <p>59. In relation to the Durban Review Conference held from 20 to 24 April 2009, the Special Rapporteur hopes that the momentum gained during the review process will maintain its strength and that all pledges and commitments made in the outcome document of the Review Conference will be effectively implemented by States, which bear the primary responsibility in this respect. The Special Rapporteur recommends that concrete measures be identified at the domestic level and that a road map with realistic benchmarks be established by States in cooperation with their civil society for the implementation of the outcome document of the Conference.</p> <p>63. In order to further clarify the existing links between race and poverty, the Special Rapporteur is of the view that it is necessary to collect ethnically disaggregated data. While he is fully aware of the arguments against the collection of such data, the Special Rapporteur recommends to shift from the debate on the need or not to collect ethnically disaggregated data to a thorough discussion on how to best collect them in order to comply with international standards and to avoid the misuse or manipulation of these data.</p> <p>67. In order to provide effective protection to individuals around the world being at risk of violations of civil, political, social, economic and cultural rights on the grounds of systems based on inherited status, the Special Rapporteur would like to encourage an international recognition that discrimination on the grounds of descent constitutes a form of racial discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination.</p>
<p>Annual report submitted by Mr. Githu Muigai A/HRC/11/36 (11th HRC session, June 2009)</p>	<p>In his report presented to the Human Rights Council (A/HRC/11/36), the Special Rapporteur states that a central dimension of the fight against racism lies in the overlap between two key social indicators: class and race or ethnicity. Throughout his mandate, he intends to examine this question in depth in order to provide sound and policy-oriented recommendations to Member States (para. 16). He states that national data for many countries unambiguously show that racial or ethnic minorities are disproportionately affected by poverty; for example, in her report, the independent expert on minority issues (A/HRC/4/9) provides concrete examples of higher levels of poverty among some groups, including Dalits.</p> <p>The Special Rapporteur notes that the socio-economic vulnerability of minorities is generally the result of historic legacy, such as the impact of slavery in the American continent, systems of inherited status in other continents</p>

	<p>and also of systems of formalized and State-sponsored discrimination against minorities that were long in place in many parts of the world (para. 18).</p> <p>The Special Rapporteur intends to analyse specific measures further in future reports, in particular on three broad issues: the need for data-gathering that provides policymakers with reliable information concerning the socio-economic situation of minorities; the need to fully implement the obligation not to discriminate; and the need for special measures to redress historical imbalances (para. 19).</p> <p>The Special Rapporteur underlines the need for ethnically disaggregated data collection. “Without knowing which minority groups are more affected by poverty and lack of access to economic, social and cultural rights, devising specific public policies to redress these problems becomes virtually impossible. Lack of data means that minorities are officially “invisible” and that policies towards them, when existent, will be based on assumptions rather than on empirically sound information” (para. 21). We particularly welcome the Special Rapporteur’s suggestion to involve affected communities in all stages of the data collection exercise, including design and implementation. He also emphasizes the right to non-discrimination as a cornerstone and cross-cutting right that affects the enjoyment of all other human rights (para. 28). He mentions that discrimination on the provision of the right to education has also contributed to perpetuating imbalances among members of minorities, such as lower castes being prevented by schoolteachers from attending school.</p> <p>With regard to the promotion of non-discrimination, the Special Rapporteur welcomes the General Comment on non-discrimination drafted by the Committee on Economic, Social and Cultural Rights.</p>
<p>Mission report from country visit to Mauritania by Mr. Doudou Diène A/HRC/11/36/Add.2 (11th HRC session, June 2009)</p>	<p>The Special Rapporteur concludes that Mauritanian society has been deeply marked by continuing discriminatory practices of an ethnic and racial nature, rooted in cultural traditions and pervasively present in social structures, the principal institutions of the State, in particular the armed forces and justice system, and attitudes. A number of persistent features of Mauritanian society have given substance and depth to such discrimination over a long period of time, including: the central role of traditional slavery; the cultural and social entrenchment of the caste system (para. 64).</p> <p>Legal provisions against slavery</p> <p>22. Slavery has long been a problem in all ethnic communities in Mauritania. Differences of opinion exist even among those who admit that the practice continues to exist and has left its mark on contemporary Mauritanian society: some deny it exists in their community, but point the finger at other ethnic groups; others claim it is limited to the Arab-Berber community; still others say it also exists in the other communities but in the form of a caste-like system. [...]</p> <p>41. Most of the officials who met with the Special Rapporteur stated that slavery was no longer practised and had left merely traces, underpinned to a large extent by underdevelopment, poor living conditions and poverty. In order to eradicate these remnants of slavery - which in many cases were not very different from the problem of castes, which affected all communities - the authorities stressed the importance of the new law criminalizing and</p>

	<p>penalizing slavery. They noted that a number of supporting measures will be introduced to implement the law, including the creation of mechanisms for the social and economic reintegration of the victims of slavery and a wide-ranging public awareness campaign.</p> <p>45. The great majority of civil society representatives were convinced that racism, racial discrimination and intolerance are deeply rooted in Mauritanian society. They believe that the problem of slavery, the existence of castes and, more recently, political practices that have favoured the Arab dimension in the building of a national identity, have contributed to discrimination and created divisions among the various communities.</p> <p>V. RECOMMENDATIONS</p> <p>84. The commission should tackle the main issues in Mauritanian society which give rise to discrimination, including the issue of slavery and caste and political practices which, in recent years, have made ethnicity a political tool and have widened the gap between the various communities. It should be mandated, on the one hand, to draft a white paper on the status, root causes, manifestations and consequences of the discrimination which has scarred Mauritanian history and, on the other hand, to develop on that basis a national programme of action against all forms of discrimination to help counteract the consequences of the injustices and discrimination experienced by Mauritanian society.</p>
<p>Joint contribution prepared pursuant to decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its first session A/CONF.211/PC/WG.1/5 (1st session Preparatory Committee, September 2009)</p>	<p>The joint contribution (A/CONF.211/PC/WG.1/5) was prepared jointly by the UN Special Rapporteurs ahead of the Durban Review Conference. It contains the following separate section on caste discrimination.</p> <p>Discrimination on the grounds of caste and other systems of inherited status</p> <p>44. The Special Rapporteur on racism highlights his serious concern about discrimination on grounds of caste and other systems of inherited status. He notes that an estimated 250 million people around the world are at risk of violations of civil, political, social, economic and cultural rights, including violence, marginalization and discrimination, on the grounds of caste and other systems based on inherited status. He expresses his concern at reports of prohibition or limitations on ability to alter inherited status, socially enforced restrictions on marriage outside the community, public and private segregation, including in housing and education, and access to public spaces and places of worship and public sources of food and water, limitation of freedom to renounce inherited or degrading occupations or hazardous work, as well as subjection to debt and bondage.</p> <p>45. The Special Rapporteur on racism believes that the vital first step in addressing this issue is for Member States to recognize that discrimination on the grounds of caste and other systems of inherited status constitutes a form of discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). In the absence of such recognition it will not be possible to effectively address the serious human rights violations and discrimination suffered by individuals and groups on grounds of caste and other systems of inherited status.</p> <p>46. The Special Rapporteur on racism welcomes the clear confirmation by the Committee on the Elimination of Racial Discrimination that the situation of scheduled castes and scheduled tribes falls within the scope of the</p>

	<p>ICERD and that discrimination on the grounds of caste constitutes a form of racial discrimination. The Committee has also confirmed that discrimination on grounds of caste constitutes racial discrimination and that the term “descent” has its own meaning and is not to be confused with race or ethnic or national origin.</p> <p>47. The Special Rapporteur on racism is aware that the views of large sections of the population in some countries are informed by ideas based on caste and other systems of inherited status. These views are ingrained in the minds of many and have developed over years and generations. The Special Rapporteur is convinced that Governments and political leaders have a key role in combating racism, racial discrimination, xenophobia and related intolerance. As such, they should take the initiative by raising awareness and challenging long-entrenched perceptions and helping to shape public opinion to move towards fairer societies based on the equality of all human beings. These initiatives should be further complemented by meaningful legislative amendments to ensure equality and prohibit caste-based discrimination.</p>
<p>Report submitted by Mr. Doudou Diène, former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance A/HRC/7/19 (7th HRC session, February 2008)</p>	<p>This annual report (A/HRC/7/19) was the last made by Mr. Diène. In the report, the Special Rapporteur devotes an entire chapter to discrimination based on caste, which he considers to be implicit in his mandate.</p> <p>F. Discrimination on the grounds of caste</p> <p>69. According to highly credible estimations and studies, 250 million people around the world, particularly in Asia and Africa, are victims of discrimination on the grounds of caste or analogous systems of inherited status, and are constantly vulnerable to exclusion, marginalization and violence. The discrimination they suffer, which affects their civil and political rights as well as economic, social and cultural rights, takes the form of, inter alia: inability or restricted ability to alter inherited status; socially enforced restrictions on marriage outside the community; private and public segregation, including in housing and education, and access to public spaces, places of worship and public sources of food and water; limitation of freedom to renounce inherited or degrading occupations or hazardous work; subjection to debt bondage; subjection to dehumanizing utterances referring to pollution or untouchability; or generalized lack of respect for their human dignity and equality.</p> <p>70. Since the World Conference against Racism in Durban, the issue of discrimination on the grounds of caste has been on the international agenda. Despite the objection of some member States, the main human rights bodies working in the area of racism and discrimination have stated clearly that prohibition of this type of discrimination falls within the scope of existing instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination. Thus, the Committee on the Elimination of Racial Discrimination (CERD), at its forty-ninth session, concluded that “the situation of the scheduled castes and scheduled tribes falls within the scope of the Convention”. It also stated that discrimination on the grounds of caste constitutes a form of racial discrimination and that “the term ‘descent’ has its own meaning and is not to be confused with race or ethnic or national origin”. In its General Recommendation XXIX (2002) concerning discrimination on the grounds of descent, CERD further clarified its position by “strongly reaffirming that discrimination based on ‘descent’ includes discrimination against members of communities based on forms of social stratification such as caste and</p>

	<p>analogous systems of inherited status which nullify or impair their equal enjoyment of human rights”.</p> <p>71. In this context, women and girls are victims of multiple discrimination, including in certain cases sexual exploitation or forced prostitution. These specific examples of dual discrimination were already acknowledged in the Durban Declaration and Programme of Action, which states that “racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination, and the limitation or denial of their human rights”. Meaningful work in the areas of legislation, the judiciary and education must be accompanied by strong political will to put an end to this form of discrimination.</p>
<p>Addendum to annual report - summary of cases transmitted to Governments and replies received A/HRC/7/19/Add.1 (7th HRC session, March 2008)</p>	<p>The addendum to the annual report (A/HRC/7/19/Add.1) contains several references to communications transmitted to the Government of India (para. 56-84) and Nepal (para. 118-126) and reiterates his request to visit the two countries, in particular to study the issue of caste-based discrimination.</p> <p><u>INDIA</u></p> <p>56. On 23 August 2007, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on violence against women and the Special Representative of the Secretary-General on the situation of human rights defenders regarding attacks on the Dalit communities, particularly women, in Somebhadra District, Uttar Pradesh, India.</p> <p>64. On 19 December 2007, the Special Rapporteur, jointly with the Independent expert on minority issues, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on violence against women, its causes and consequences sent an allegation letter to the Government concerning allegations of violence against Dalit women in India.</p> <p>65. According to information received, Dalit women and men suffer descent based discrimination in various aspects of their lives; they are also victims of violence and untouchability practices (based on notions of Dalits’ supposed impurity) arising out of the caste system. While both men and women are discriminated and suffer from social exclusion, Dalit women are confronted with discrimination, exclusion and violence to a larger extent than men. They are not only discriminated by people of higher castes but also by men of their own communities. Violence against women in India is generally structured by relationships of power set in systematic caste, class and gender discrimination.</p> <p>66. The case of Dalit women is specific because of their socio-economic positioning at the bottom of the caste, class and gender hierarchies. Dalit women face violence in the community and in their family, from State and private actors alike, belonging to various castes and socio-economic groupings, and of both sexes. The major forms of violence that Dalit women are subjected to are physical and verbal abuse, sexual harassment, abduction, and sexual violence, including rape.</p>

67. It is alleged that on many occasions, cases of violence against Dalit women are not registered by the police, and opportunities for intervention in the legal system are inexistent due to a general lack of law enforcement. Women are unaware of the laws protecting their rights and their ignorance is easily exploited by perpetrators, and some members of the police and the judiciary. Allegedly, even when the cases are reported to the police and the perpetrators arrested, they are usually released on bail and women do not receive justice as a result.

68. The Indian government adopted the "Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act" in 1989, to prevent atrocities against Scheduled Castes and Tribes. According to this act, in cases of violence against Dalits, including physical or sexual violence against Dalit women, the police are obliged to register the complaints. However, according to information received, the police often refuse to register complaints under this act or register them under a different act, because the act imposes high prison sentences and fines and the police may not agree with the purpose of the act and may try to protect the perpetrators (who may be their fellow caste members).

69. If a case is not registered under the Prevention of Atrocities Act, it is possible for the perpetrator to receive anticipatory bail which, especially in rape cases, in practice means that the case is generally not examined and prosecuted further. This goes against a Supreme Court judgment that ruled that anticipatory bail should not be available in cases within the Prevention of Atrocities Act (Case 1995-1198, State of M.P. & anr. vs. Respondent, Ram Krishna Balothia & anr, judgment of 6 February 1995). The Supreme Court also ruled that anticipatory bail can be denied for the purpose of investigation (Case 2005-326), which would apply to most rape cases, but this is allegedly not implemented in practice (Appeal (crl.) 326 of 2005, Adri Dharan Das v. State of West Bengal, judgment of 21 February 2005).

70. The Special Rapporteur presented to the Government allegations on specific cases of physical and sexual violence affecting 21 Dalit women or girls that occurred between August 2004 and April 2007, and which outlined the impunity that allegedly prevails with respect to ensuring protection and redress.

71. The Special Rapporteur regrets that no reply to his communications had been received from the Government of India at the time this report was finalized.

72. The Special Rapporteur expresses his utmost interest in receiving responses in regard to the allegations submitted and would be particularly interested to know whether these cases have resulted in any prosecutions of alleged perpetrators. In the event that no response is received from the Government, he will no longer treat the cases as mere allegations but as proven facts.

73. The Special Rapporteur wishes to refer to the invitation he requested to the Government of India in 2004 and 2006, which has remained unanswered, and reiterates his interest in visiting the country. The Special Rapporteur considers the issue of caste-based discrimination to be an integral part of his mandate, in line with the CERD's general recommendation XXIX which strongly reaffirms that "discrimination based on "descent" includes discrimination against members of communities based on forms of social stratification such as caste and

	<p>analogous systems of inherited status which nullify or impair their equal enjoyment of human rights". In this regard, he wishes to refer to the chapter on caste-based discrimination in his 2008 general report to the 7th session to the Human Rights Council (A/HRC/7/19).</p> <p><u>NEPAL</u></p> <p>118. On 25 September 2007, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, as Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent an allegation letter to the Government concerning Ms. Uma Devi Badi, the coordinator of the "Badi Adhikari Sangharsa Samiti" (Badi community Struggle Committee), and women and male human rights defenders of the Badi community in Nepal.</p> <p>124. The Special Rapporteur wishes to refer to the invitation he requested to the Government of Nepal in 2004 and 2006, which has remained unanswered. The Special Rapporteur wishes to reiterate his interest in visiting the country, in particular to study the issue of caste-based discrimination, which he considers to be an integral part of his mandate, in line with CERD's general recommendation XXIX. In this regard, he wishes to refer to the chapter on caste-based discrimination in his 2008 general report to the 7th session to the Human Rights Council (A/HRC/7/19).</p>
<p>Updated study by the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène on Political Platforms which promote or incite racial discrimination A/HRC/5/10 (5th HRC session, June 2007) 1.</p>	<p>The report (A/HRC5/19) provides an update to the previous study from 2006 (E/CN.4/2006/54) submitted pursuant to Commission on Human Rights resolution 2005/36 on the incompatibility between democracy and racism. In the report the SR examines the situation of political platforms which promotes racial discrimination in a number of countries, including some visited or examined previously (e.g. Japan). In the section concerning racial discrimination and hate speech in Asia, the SR describes how caste discrimination remains deeply rooted in societies in India, Nepal, Bangladesh, Pakistan and Japan.</p> <p>35. In Asia's many multi-ethnic, multicultural and multi-religious nation States, millions of people continue to be negatively affected by problems deriving from ethnic-nationalism, discrimination, xenophobia and related intolerance. Some political movements or even governments have overtly resorted to exclusionary ideologies, policies and practices in order to build political consensus. These platforms promote hostility between different groups on grounds of race, ethnicity, religion, indigenusness, statelessness or even migrant and/or refugee status. Vulnerable groups are, among others, indigenous populations, such as the Bihari in Bangladesh; the Burakumin as well as Korean and Chinese immigrants or nationals in Japan; the Karen, Shan and Rohingya peoples in Myanmar; groups in Nagaland, Mizoram and other regions in north-east India; and the Cordillerans in the Philippines. Some ethnic and religious problems occur not only within one State but also between neighbouring States and have been aggravated by some governments' attempts to manipulate and stir up the ethnic aspirations of some groups.</p> <p>36. In India, the caste system remains a source of great inequality for millions, particularly the Dalits, in spite of</p>

	<p>constitutional and other legal instruments introduced over the years to fight it. While measures such as the quota system, introduced by law, have enabled many Dalits to access State institutions, discrimination remains culturally deep-rooted and a serious threat to social cohesion in India. Among the political platforms that incite inter-religious violence is the <i>Rashtriya Swayamsevak Sangh</i> or <i>RSS</i> (National Volunteer Corps) and its political wing, the <i>Bharatiya Janata Party</i> (<i>BJP</i>). The underlying ideology of these organizations, represented by <i>Hindutva</i> (“Hinduness”), exacerbates the social and political situations of the traditionally oppressed, the Dalits and religious minorities. Its assertion of Hindu supremacy ignores deep-rooted caste, class, ethnic, linguistic and regional loyalties. In other countries of the region such as Pakistan and Nepal, caste-based discrimination continues to marginalize millions of individuals.</p> <p>37. In Japan, except for the anti-discrimination provision contained in article 14 of the Constitution, there are no other instruments that enforce the general principle of equality or sanction discriminatory acts committed by citizens, businesses or non-governmental organizations (NGOs). [...] The Special Rapporteur’s report on Japan (E/CN.4/2006/16/Add.2) points out that racial discrimination and xenophobia affects three categories of people: national minorities (the Buraku people, the Ainu and the people of Okinawa); people and descendants of former Japanese colonies (Koreans and Chinese); foreigners and migrants from other Asian countries and the rest of the world [...]</p>
<p>Communications to/from Governments A/HRC/4/19/Add.1 (5th session of the HR Council, June 2007)</p>	<p>The addendum to the annual report (A/HRC/4/19/Add.1) is a summary of cases transmitted to Governments and replies received by the SR as an implementation of resolution 60/251 by the Human Rights Council. Several communications concerning caste-based discrimination has been sent by the SR to Governments in caste-affected countries, in particular India and Nepal. In this addendum the SR reiterates his request to visit India, Pakistan and Nepal to investigate forms of caste-based discrimination as previously inquired.</p> <p><u>INDIA</u></p> <p>Communications sent</p> <p>Several specific cases of abuse against Dalits are described in paragraphs 80-95.</p> <p>Reply from the Government</p> <p>96. On 29 May 2006, the Government of India replied to the communication sent by the Special Rapporteur on 11 May 2006 indicating the steps taken by the Government following the dispute that took place on 27 August 2005 between several members of the Jat and Dalit communities resulting in the death of one member of the Jat community. [...]</p> <p>97. The Government further explained that the National Human Rights Commission of India had taken <i>suo motu</i> cognizance of the incident. After considering the case, the Commission expressed appreciation for the sensitivity and promptness shown by the State Government of Haryana in awarding compensation, repairing and reconstructing the houses of the victims and taking action against those responsible. [...]</p> <p>Observations</p>

	<p>98. The Special Rapporteur thanks the Government of India for the response provided to the communication sent on 11 May 2006. In his view, the response confirms not only the political will but also the legal strategy of the Government to combat caste-based discrimination. However, he is particularly alarmed at the cultural depth of this form of discrimination in many parts of the countryside and by the continuing violence faced by the Dalit community.</p> <p>99. The Special Rapporteur regrets that no reply to the other communications had been received at the time this report was finalized. The Special Rapporteur intends to follow up on these cases. In the event that no response is received from the Government, he will no longer treat the cases as mere allegations but as proven facts.</p> <p>100. The Special Rapporteur wishes to refer to the invitation to visit India which he requested from the Government in 2004 and 2006 and which has remained unanswered. The Special Rapporteur reiterates his interest in visiting India with a view to investigating all forms of racial discrimination, including caste-based discrimination, which he considers to be an integral part of his mandate, in the framework of a regional visit that would also cover Pakistan and Nepal.</p> <p>Follow-up to previously transmitted communications</p> <p>101. In the absence of an answer from the Government of India concerning his communication of 16 August 2005 (see E/CN.4/2006 /16/Add.1, para. 33), the Special Rapporteur is forced to consider the following case no longer as allegations but as proven fact. [...]</p> <p><u>NEPAL</u></p> <p>Communications sent</p> <p>One communication was sent to the Government of Nepal on 10 October 2006 concerning attacks on members of the Dalit community in Doti District, Nepal. (see paragraph 128)</p> <p>Observations</p> <p>129. The Special Rapporteur regrets that no reply to his communications had been received from the Government of Nepal at the time this report was finalized.</p> <p>130. The Special Rapporteur intends to follow up on this case. In the event that no response is received from the Government, he will no longer treat the case as mere allegation but as proven fact.</p> <p>131. The Special Rapporteur refers to the invitation to visit Nepal that he requested from the Government in 2004 and 2006, which has remained unanswered. The Special Rapporteur reiterates his interest in visiting Nepal, in particular to study the issue of caste-based discrimination, which he considers to be an integral part of his mandate, in the framework of a regional visit that would also cover India and Pakistan.</p> <p>Follow-up to previously transmitted communications</p> <p>In a letter dated 4 January 2006, the Government responded to a communication sent on 17 November 2004 regarding the alleged rape of S.S. from Inruwa, Sunsari (see E/CN.4/2005/18/Add.1. para. 32) (see paragraph 132).</p>
Annual Report 2006	Interestingly, the report (E/CN.4/2006/16) contains no specific reference to CBD but is mainly focusing on the

<p>E/CN.4/2006/16 (62nd CHR session)</p>	<p>tendencies created in the wake of the riots in France, including issues concerning Anti-Semitism and Islamophobia. Country visits: The SR mentions that he regrets that he has not yet received any response to his requests for country visits from the governments of India, Pakistan and Nepal.</p>
<p>Political platforms which promote or incite racial discrimination - Updated study 2006 E/CN.4/2006/54 (62nd CHR session)</p>	<p>In the report (E/CN.4/2006/54), the SR mentions in section B concerning “The issue of multiculturalism as the determining factor of the impact of the resurgence of racism on democracy” that:</p> <p>17. Within this context, cultural diversity has been understood and practised as establishing a radical difference and a hierarchy between races, cultures and communities. The religious or mythical legitimization of diversity and the social structures which have expressed it have thus led to the establishment of caste systems in Africa and in Asia.</p> <p>This hierarchical interpretation of ethnic, racial, cultural and religious diversity was theorized and legitimized by philosophers, intellectuals and scientists in Europe in the eighteenth and nineteenth centuries and exploited very deliberately by the political authorities as the ideological foundation of European colonial and imperial expansion. This hierarchical vision of humanity rests on two related concepts: the superiority of European culture and civilization and the civilizing goal of colonial domination. [...]</p> <p>The historic depth of the hierarchical diversity of the societies concerned is a reflection in time and space of the longevity of the feudal, colonial or imperial political systems from which they originate. Its penetration in social relations, personal attitudes and the collective subconscious is due to its justification, transmission and maturation by the dominant systems of values, education, literature and the means of information and communication.</p>
<p>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène: Addendum: mission to Japan E/CN.4/2006/16/Add.2 (62nd CHR session)</p>	<p>The SR on racism visited Japan in 2005. The mission report was released in January 2006. From the report summary:</p> <p>“The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in pursuance of his mandate, visited Japan from 3 to 11 July 2005. He assessed the factors of discrimination that affect various minority groups, including minorities resulting from the caste-like class system, indigenous people, descendants of former Japanese colonies, foreigners and migrants workers. The Special Rapporteur concluded that there is racial discrimination and xenophobia in Japan, and that it affects three circles of discriminated groups: the national minorities – the Buraku people, the Ainu and the people of Okinawa; people and descendants of former Japanese colonies - Koreans and Chinese; foreigners and migrants from other Asian countries and from the rest of the world. The manifestations of such discrimination are first of all of a social and economic nature. All surveys show that minorities live in a situation of marginalization in their access to education, employment, health, housing, etc. Secondly, the discrimination is of a political nature: the national minorities are invisible in State institutions. Finally, there is profound discrimination of a cultural and historical nature, which affects principally the national minorities and the descendents of former Japanese colonies. This is mainly reflected in the poor recognition and transmission of the history of those communities and in the perpetuation of</p>

	<p>the existing discriminatory image of those groups.”</p> <p>On page 6, the SR refers directly to discrimination against the Buraku people: The caste-like class system</p> <p>7. During the feudal era of the Edo (1603-1867), a caste-like class system based on social and professional belonging was established. The humble people (<i>senmin</i>) were assigned such duties as disposing of dead cattle, leather production, being executioners and performers. Placed at the bottom of the system, they were designated as <i>eta</i> (extreme filth) and <i>hinin</i> (non-humans).</p> <p>In the late nineteenth century, the system was abolished, but a new class system was established, which again placed the most humble class (the <i>Buraku</i>, from the name of their district) at the bottom of the system. In the 1960s, following the claims of the Buraku Liberation League (BLL), the Government recognized the deep discrimination suffered by the Buraku people and adopted special measures to improve their living conditions.</p>
<p>Annual report 2005: Questionnaires to/from Governments E/CN.4/2005/18/Add.1 (61st CHR session of the Commission on HR)</p>	<p>Summary of cases transmitted to Governments and replies received (E/CN.4/2005/18/Add.1). The report refers to CBD in the case of the countries India and Nepal:</p> <p><u>INDIA</u></p> <p>17. On 8 June 2004 the Special Rapporteur, jointly with the Special Rapporteur on violence against women, sent a letter of allegation to the Government concerning a group of 200 people who attacked a Dalit settlement in the Kalapatti village of the Coimbatore district, Tamil Nadu, on 16 May 2004. [...]</p> <p><u>NEPAL</u></p> <p>31. On 19 October 2004, the Special Rapporteur sent a letter of allegation to the Government concerning information that on 6 September 2004 a ban on the use of public facilities was reportedly imposed on Chamar Dalits by the upper-caste villagers in the village of Bhagawatpur, because the Chamar Dalits allegedly refused to remove the carcasses, which had been regarded as their traditional work in the society for a long time. [...] At the time this communication was sent, no effective measure had been taken to protect the rights of the Dalits in the village.</p> <p>32. On 17 November 2004, the Special Rapporteur sent a letter of allegation to the Government concerning S.S., a Dalit girl aged 14, from 6 Inaruwa, Sunsari, who was allegedly raped and then murdered with impunity. [...] The suspects are reported to belong to upper-castes families and are sons of landlords in the village. It is reported that no further investigation was conducted. The one suspect who was held in police custody for two months was reportedly released when an alibi was established. Due to fear for their security, S.S.’s family have been forced to leave the village.</p> <p>Observations (Nepal):</p> <p>33. The Special Rapporteur regrets that no replies to his communications had been received from the Government of Nepal at the time this report was finalised.</p>

	<p>34. The Special Rapporteur intends to follow up on these cases. In the eventuality that no responses are received from the Government, he will no longer treat the cases as mere allegations but will include them in his next general report.</p>
<p>Interim report of Mr. Doudou Diène A/60/283 (60th GA Assembly)</p>	<p>This interim report sums up some of the contemporary forms of discrimination. In the report, he mentions his field mission to Japan and the lack of legislation against discrimination: “This report also covers the Special Rapporteur’s mission to Japan, at the conclusion of which he noted the existence of forms of discrimination against national minorities and foreign communities and the lack of a comprehensive legislation against racism and discrimination. The Special Rapporteur stresses the need for a vigorous political response from the Government and the enactment of legislation and an intellectual and ethical strategy to address the underlying cultural and historical causes of discrimination in Japan.”</p> <p>In section C, the discriminatory practises against the Buraku people in Japan are explained: “30. [...] Racism, discrimination and xenophobia are a reality in Japanese society. This discrimination affects, in different ways, three communities or groups: national minorities (Ainus, Burakumin and the people of Okinawa), the Korean and Chinese communities, and immigrants from Asia, the Middle East, Africa and Europe. [...] In this regard, Japan faces two major challenges: it must bring its internal social, human and cultural structures into line with its global dimension at the political and economic levels and, as a result, build a multicultural society. By inviting the Special Rapporteur to visit the country and facilitating his visit, movements and contacts, the Japanese Government has demonstrated its willingness to meet the serious challenges of racism, discrimination and xenophobia.”</p>
<p>Special Rapporteur on contemporary forms of slavery, including its causes and consequences</p> <p>- Ms. Urmila Bhoola (Ms. Gulnara Shahinian until 2014)</p>	
<p>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, Ms. Urmila Bhoola A/HRC/27/53 27th session of the Human Rights Council, September 2014 July 22 2014</p>	<p>III. Priorities of the Special Rapporteur for the period 2014-2017</p> <p>18. During her tenure, the Special Rapporteur will continue to address the different forms of contemporary slavery, including subtler forms of slavery that deserve specific attention, such as bonded labour, domestic servitude, early and forced marriage, child slave work, servile marriages and caste-based forms of slavery, which affect the lives of many and are not confined to developing and poor countries. She will also continue to work on the remaining challenges to the eradication of contemporary forms of slavery, as highlighted by her predecessor in her report to the Human Rights Council at its twenty-fourth session (A/HRC/24/43).</p>
<p>Thematic report on challenges and lessons in</p>	<p>Challenges and lessons in combating contemporary forms of slavery</p>

combating contemporary forms of slavery

[A/HRC/24/43](#)

(24th session of the Human Rights Council, September 2013)

15. Discrimination based on race, ethnicity and caste also plays a role in increasing vulnerability to contemporary forms of slavery. Bonded labour in Asia, for example, disproportionately affects people with disadvantaged social statuses such as a low caste and the majority of forced labour victims in South America were from indigenous cultures, while strict social hierarchies in West Africa can dictate a person's status as a slave. In many societies, racism is very common and typically the darker the skin, the more abuse that follows. (p.5)

16. In Nepal, a debt bondage system, the labourers of which are known as Haliyas, can be found in the agricultural sector. Haliya means "one who ploughs". Ploughing land is considered to be dirty and unskilled work that only lower-class citizens should perform, making it the work of "untouchables" or Dalits. Haliyas are either paid very little for their work or paid only in small amounts of food. Debt quickly accrues as workers take out loans for personal expenses, while landowners take advantage of them by charging exorbitant interest rates. According to a Centre for Human Rights and Global Justice report, "such discrimination is intentionally designed to keep alive a system of debt bondage". (p.5)

17. In September 2008, the Government of Nepal officially liberated all Haliyas and pardoned their debts to landowners. However, in 2010, the Asia Human Rights Commission reported that most Haliyas were still working for their landlords, despite formal liberation. It is very difficult for former Haliyas to integrate into the labour force as they have little to no education or technical skills and 97 per cent do not own land. Approximately 150,000 people were estimated to be affected by the Haliya system in 2010. All Haliyas are male because females are not allowed to plough and cannot get loans to own land of their own. However, women still assist their husbands' landlords by collecting food for the animals or carrying manure to the farms. Children of Haliyas are often involved in the work as cattle herders, and therefore miss out on educational opportunities. (p.5)

Institutional and implementation challenges

38. In many countries in which slavery occurs, victims are poor, have few political connections and have little power to voice their grievances. These communities are normally marginalized and discriminated against as a result of their caste, race, gender and/or their origin as migrants or indigenous populations. In contrast, perpetrators may be wealthy, well-connected individuals who are able to influence policy and enforcement. This can result in corruption and a system in which there is little pressure on authorities to take action to combat exploitation. In Peru, gold generates tremendous profits and breeds corruption at every level, making it extremely difficult to combat labour abuses in illegal gold mining, including significant indicators of slavery. Such corruption facilitates the continued operation of illegal mines and gold-laundering and frustrates government enforcement efforts. In many cases, even when authorities have the will to carry out enforcement, they lack the training and resources to adequately do so. (p.11)

Conclusions and recommendations

	<p>82. Slavery and slavery-like practices are often clandestine. The majority of those affected are from the poorest, most vulnerable and marginalized social groups in society such as indigenous and caste-based groups. In order to effectively eradicate such exploitation in all its forms, Governments and other stakeholders must address the root causes of poverty, social exclusion and all forms of discrimination. At the heart of these campaigns, poverty reduction, the promotion of the Millennium Development Goals, the protection of human dignity and the establishment of robust protections against human and labour rights abuses, including effective access to remedy, should guide national and international strategies. (p.20)</p>
<p>Report on mission to Madagascar in 2012</p> <p>A/HRC/24/43/Add.2</p> <p>(24th session of the Human Rights Council, September 2013)</p>	<p>III. History of slavery</p> <p>7. Most Malagasy are descendants of Indonesian and African settlers. There are 18 main tribes in Madagascar, some of which have their own caste system. The Special Rapporteur mainly met with those from the Merina (which mainly inhabit Antananarivo and the surrounding highlands) and Bara tribes (based in the south), which both have a caste system. The Merina ruled Madagascar before French colonization and were the main group to benefit during French colonial rule. Ethnic tensions persist, largely due to the fact that the Merina consider themselves the descendants of kings and rulers, and consequently of higher social status than the other ethnic groups.</p> <p>8. There are four main castes within the Merina tribe. First there are the Andriana, who consider themselves nobles and the descendants of royalty. The second, the Hova or “free people”, are commoners whose role is to serve in the army and be businessmen and farmers. The third caste is the Mainty, who occupied the highland long before the importing of Masombika; unlike the Andevo, they lived freely and benefited from some royal advantages. Most of the Mainty served in the Merina army. The fourth caste is the Andevo, who are the descendants of slaves and mainly work for the other two castes. The Andevo were composed mainly of people brought by the Andriana from South and Eastern Africa (who were called Masombika referring to Mozambique country), and people from other regions of Madagascar taken to Antananarivo as prisoners after a military expedition.</p> <p>9. The nobles and commoners are generally light-skinned, whereas those in the latter two castes are dark-skinned. Many of them served and were sold in Antananarivo until French colonization, when slavery was abolished.</p> <p>10. The Masombika are former slaves who have no ancestral land. Many of them live on the western coast of</p>

Madagascar.

11. Discrimination against the slave caste continues to exist, especially in marriages, where those in the first two castes are not allowed to marry someone from the slave caste. The Andevo live in slums located in the low villages, below the villages on the hill where the nobles and commoners settled. In the rural areas, the Andevo work the employer's land (someone from a higher caste), tend livestock and sometimes act as guards.

12. The Andevo and the Masombika do not have the same access to schooling and jobs as those from the light-skinned castes. Consequently, most Andevo and Mosambika are illiterate and are more vulnerable to working in exploitative employment. In towns, they are mainly hawkers or employed in cleaning streets or hospitals. The overwhelming majority of professionals (such as lawyers and doctors) are either Andriana or Hova. Some from the lower caste who are able to obtain an education and some degree of economic security do not want to be associated with their communities. In some protestant churches, those considered of lower caste are seated separately from the higher caste.

13. The Special Rapporteur noted that, although poverty and extreme poverty affect the majority of Malagasy, those in the lowest castes have the additional burden of being discriminated against, and they are the most vulnerable to poverty and slavery-like practices.

14. Although mixed couples from different castes are on the increase, such marriages are not supported and still face exclusion from their families, while their children are regarded as unclean.

a) Arranged marriages (Valifoho)

129. In places like Ihorombe, in the Bara community, when a girl reaches the age of 10, she is separated from other family members and can receive male visitors without need for approval from her male relatives. Indeed, her father and brothers no longer have any contact with her.

130. In the Bara community, when a girl is born, she is betrothed and the parents receive 10 oxen (oxen are a sign of wealth and prestige). Parents try to marry off their daughters to a man with many cattle. The man can take the girl from the age of 7 years or ask her parents to raise her until she is 12, at which time she will be taken to the husband's home.

131. Betrothed children accept marriage as they do not want to be excluded from the family (such exclusion would

	<p>otherwise result in the girl being left destitute). Only the children of male offspring are allowed to marry in order to ensure that the wealth (oxen) stays within the family. Those betrothed are usually of the same age and start to live together from the age of 13 years.</p> <p>132. In some cases, an elderly man, although already married, may become betrothed to an infant and marry her when she turns 10. A girl in these circumstances is usually pregnant by the time she is 12, and the man may die while she is still a teenager. It is difficult for the widowed girl to remarry; she is often cast out by the first wife from her husband's home, and is not entitled to any of her late husband's possessions.</p> <p>133. Girls are forbidden to marry anyone from the slave caste. The Special Rapporteur spoke with a woman who had been ostracized by her family and faced stigma in the community because she had married someone from the slave caste. The pressure put on her husband by her own family was so great that he eventually left the household, leaving her to raise the children on her own. Her family was now trying to force her to marry a man from the same caste in the Bara community.</p> <p>Conclusions and recommendations</p> <p>164. The issue of caste discrimination should be addressed openly, not as a taboo; in this way, issues relating to vulnerability to poverty and slavery-like practices may also be dealt with in a comprehensive manner. The Government, civil society organizations and the international community must work with local communities to eradicate the stigma that the descendants of slaves experience, by means of programmes, technical expertise and the funding of projects to combat caste discrimination.</p>
<p>Press statement following country visit to Madagascar, 10-20 December 2012</p>	<p>Madagascar: "Poverty and impunity have increased contemporary forms of slavery," warns UN Expert (Geneva, 19 December 2012)</p> <p>In addition, the Special Rapporteur was informed of the deeply rooted discrimination based on caste. In a country where over 70 percent are poor and over 50 percent are extremely poor, the slave descendants are the most vulnerable as they suffer from social, economic and political discrimination.</p> <p>"The Government, as well as civil society and international organisations cannot continue to ignore this issue. All actors must work with local communities in order to eradicate the stigma that slave descends experience," she stressed. "The country cannot effectively move forward until these old wounds are recognised and addressed. The government must work at all levels -particularly through community leaders such as the fokotany and lunaka in order to tackle such discrimination."</p>

	<p>The independent expert also urged the authorities to prioritise and devote sufficient resources to address the phenomena. “During my field visits, I met with local authorities and civil society organisations who were working to combat slavery with limited resources,” she said. “Amongst my other recommendations, I urge the government to develop urgent measures and fully resourced programmes with local authorities and work closely with civil society and international organisations in order secure funding and combat contemporary forms of slavery.”</p> <p>The full mission report will be presented at the 24th session of the Human Rights Council in September 2013.</p>
<p>Thematic report on servile marriage A/HRC/21/41 (21th session of the Human Rights Council, September 2012)</p>	<p>6. The Special Rapporteur participated in an international consultation on good practices and strategies to eliminate caste-based discrimination held in Kathmandu from 29 November to 1 December 2011. The consultation was organized by the International Dalit Solidarity Network in cooperation with the Feminist Dalit Organization, the Nepal National Dalit Social Welfare Organization, the Dalit NGO Foundation and the Samata Foundation. Its aim was to enhance engagement among countries, constituencies and institutions with a view to sharing good practices and strategies to eliminate caste-based discrimination. The Special Rapporteur was a keynote speaker and also facilitated a working group session on forced and bonded labour and discrimination issues in employment.</p> <p>V. Root causes of servile marriage</p> <p>B. Family honour</p> <p>47. Honour-related killings are practised by some communities in their countries of origin or in the countries to which they have immigrated. Honour-related killings occur in Asia, the Middle East and Europe, where first-generation immigrants have passed the practice on to their children and grandchildren. Among some Asian communities, to guard the honour of a clan, marriages take place within the biradari system, a social caste system that divides people into separate communities and combines caste and honour with notions of total loyalty to the clan.</p> <p>48. Reports also indicate that relentless pressure and emotional blackmail are used by parents and families to force young girls into unwanted marriages. More extreme forms of pressure can involve threatening behaviour, abduction, imprisonment, physical violence, rape and, in some cases, murder.</p> <p>C. Poverty</p> <p>53. To help to reduce servile marriage, the Government of India launched conditional cash transfer initiatives to provide incentives to families to delay their daughters’ marriages. The “Apni beti apna dhan” (“Our daughter, our wealth”) programme was established by the local government of Haryana to issue long-term savings bonds redeemable on a girl’s eighteenth birthday, provided that she is unmarried.</p> <p>E. Cultural and religious practices</p> <p>57. In Sindh, a province of Pakistan, the custom of <i>swara</i> is practised, by which women are used as commodities to settle disputes between clans and tribes. They are either forced to marry the men from the receiving tribe or used</p>

	<p>by them as sex slaves. This form of servile marriage continues to occur even in the face of legislation prohibiting this practice and the upholding of that legislation by the Supreme Court of Pakistan (see EGM/GPLHP/2009/EP.14).</p> <p>61. There are several practices in which girls are forced into marriage under the guise of religious rites. For example, the Committee on the Elimination of Racial Discrimination has noted the existence in India of devadasi, whereby a girl, usually a Dalit, is forced to marry a deity and forced to have sex with members of the temple (CERD/C/IND/CO/19, para. 18). The Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination have addressed the <i>deuki</i> system in Nepal, under which girls may be offered to deities by their families or by wealthy people who buy girls from their parents to be granted wishes or heavenly favours. The girl is then called a <i>deuki</i> and engages in prostitution (CRC/C/15/Add.261, para. 67, and CEDAW/C/NPL/CO/4-5, para. 17).</p> <p>B. Sexual slavery</p> <p>75. Sexual slavery is a situation in which absolute control over one person is imposed on another, either by the use or threat of force. Servile marriage results in sexual slavery. As mentioned previously, girls in ritual slavery are forced to have sex with the priest who consummates the marriage between the girl and the deity. A ritually enslaved girl may also be forced to have sex with multiple sexual partners who believe that they become cleansed by having sex with her. The girls are also rendered physically weak by the pregnancies, births and, on occasion, abortions that they undergo. As a result of having multiple sexual partners the girls suffer from reproductive tract infections and sexually transmitted diseases. Unable to leave or seek help, they are often socially marginalized, with few support systems. This contributes to a lack of confidence and low self-esteem, perpetuating subordination.</p>
<p>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian A/HRC/18/30 (HRC 18th session – 2011)</p>	<p>J. Discrimination</p> <p>46. Many children who work also come from groups that have been discriminated against and/or marginalized, for example, indigenous peoples, migrants or those given a certain social status such as caste. For example, countries may have a highly stratified society which in many communities dictates the kind of work one does. This means that a family from a particular stratum can only perform certain jobs. The lower you are in this stratified society the lower paid the jobs that one can perform. Consequently, one finds that many children who work are those from the lower strata.¹⁶ This makes them doubly vulnerable to abuses.</p>
<p>Report by the Special Rapporteur on contemporary forms of slavery, with a particular focus on the manifestations and causes of</p>	<p>Ms Gulnara Shahinian presented her report on domestic servitude to the 15th session of the Human Rights Council (A/HRC/15/20). The report underlined the intrinsic link between domestic servitude and caste discrimination:</p> <p>51. Physical and psychological abuses reinforce dependency and, in extreme cases, become the very cause of domestic servitude (rather than a mere consequence). A domestic worker may, for instance, be subjected to abuse so severe that a psychological dependency on the perpetrator ensues (a phenomenon known as the</p>

<p>domestic servitude A/HRC/15/20 (15th HRC session, September 2010)</p>	<p>“battered women syndrome” in the domestic violence context). The victim may be systematically beaten, insulted, humiliated and belittled to force her to submit to excessive working hours, unpaid overtime on rest days, etc.. Such abuse can reinforce other patterns of learned submission based on caste, ethnic or gender discrimination. Sexual violence, ranging from sexual harassment to repeated rape or the threat of trafficking into forced prostitution, is also employed as a tool of subjugation. The Special Rapporteur also received numerous reports of domestic workers being threatened with denunciation for crimes they did not commit if they complained about exploitative working conditions.</p> <p>2. Discrimination based on ethnicity, race, skin tone or caste</p> <p>69. Domestic servitude is intrinsically linked to discrimination based on ethnicity, race, skin tone or caste. Imagined distinctions in human worth and dignity, derived from meaningless differences in outward appearance or lineage, set the ground for ruthless exploitation. Patterns of discrimination are internalized by both perpetrators and victims, who more or less consciously envisage themselves as “masters” or “servants”.</p> <p>72. Caste-based discrimination, found in various cultural contexts, and domestic servitude are linked. In South Asia, so-called “untouchables” (<i>dalits</i>) and certain indigenous communities make up the vast majority of people in domestic bonded labour, which is a form of domestic servitude. Moreover, specific types of degrading domestic chores are specifically associated with lower castes and linked to exploitative conditions. In certain States in India, despite a long-standing Government campaign to eradicate the practice, many <i>dalit</i> women reportedly still have to engage in “manual scavenging”: because of their caste they are expected to take care of scraping human excrement from dry toilets in private households or public places.</p> <p>99. Domestic servitude is rooted in entrenched patterns of gender discrimination and discrimination on the basis of race, ethnicity and caste. At the heart of the problem is the fact that work in or for the household, whether paid or unpaid, is undervalued.</p> <ul style="list-style-type: none"> • States should reinforce their efforts to implement the commitments agreed at the Fourth World Conference on Women in Beijing and the Durban Review Conference. • Senior Government officials, religious and community leaders should publicly acknowledge the value of domestic work to society and emphasize the equal dignity and autonomy of domestic workers.
<p>Report by the Special Rapporteur on contemporary forms of slavery on her mission to Mauritania A/HRC/15/20/Add.2 (24 Oct-4 Nov 2009)</p>	<p>Ms Gulnara Shahinian presented the report from her country visit to Mauritania at the 15th session of the Human Rights Council. The report mentions numerous examples of caste-based slavery in Mauritanian society:</p> <p>9. Mauritanian society is highly stratified along ethnic and racial lines. In the black African communities, noble and freemen are at the top, followed by “casted” groups (usually occupational and endogamous groups such as blacksmiths and musicians), with slaves and their descendants coming at the very bottom.</p> <p>10. The Special Rapporteur heard reports that the black African slaves, depending on the economic status of their masters, have de facto equal access to basic services such as education, even though when it comes to social ceremonies such as worship, marriage and burial, the black African slaves must keep within their caste. For</p>

	<p>example, among the Soninke, slaves are not allowed to be in the first row at the mosque and cannot be buried in the same cemeteries as their masters.</p> <p>12. The elite white Moors (Berber Arabs) control the economy and the vast majority of the administrative State, including the Government, the military and the police. Historically they raided, enslaved and assimilated people from sedentary black ethnic groups along the Senegal River. Today this assimilated group of people is also called the black Moors. Following the 1905 law abolishing slavery in Mauritania, the black Moors gradually started being freed and were commonly referred to as Haratine. The word “Haratine” is derived from the Arabic word for freedom, as they are perceived by the rest of society as freed slaves. The Haratine continue to suffer discrimination, marginalization and exclusion due to their membership of a “slave caste” and are the ethnic group most associated with slavery in Mauritania today. In many cases, the Haratine, even if freed, continue to serve their masters because they are economically, culturally and psychologically attached to them and they see no other viable option. Whether freed or still enslaved (<i>abid</i>), black Moors are referred to as Haratine.</p> <p>17. Several treaty bodies have issued observations and recommendations related to slavery in Mauritania, the most recent of which has been the Committee on the Rights of the Child. In its concluding observations, the Committee expressed concerns about the high number of children engaged in labour, particularly in the agricultural sector, and the continued existence of caste-based slavery, which has a particular impact on girls in domestic service and boys forced to beg by <i>marabouts</i> (Islamic religious leaders or teachers).</p> <p>51. While the practice of slavery is illegal, deeply embedded discriminatory attitudes form part of the basis of slavery in Mauritania. The country’s stratified, caste-based society means that even those who are former slaves or descendents of former slaves still live under the shroud of their “slave class” and are ostracized from society. As a result of discriminatory practices, former slaves often end up in service and manual labour positions in urban areas. When they rise above their strata, former slaves still experience discrimination. The Special Rapporteur heard of a situation where a minister, who happened to be from a lower caste in the Soninke community, was appointed and yet the people from his own community refused to recognize him. This shows that, even where the Government has used positive discrimination, such persons have faced setbacks, as certain communities have refused to let go of old traditional beliefs in caste-based slavery. The person appointed to a senior position is not respected.</p> <p>105. As the Minister of Justice reviews the effectiveness of the 2007 Slavery Act, the Special Rapporteur urges him to consider incorporating the following: – Introduction of a law against discrimination practices based on caste or ethnic slavery;</p>
<p>Thematic report by the Special Rapporteur on contemporary forms of slavery</p>	<p>Ms. Gulnara Shahinian presented her first thematic report on debt bondage before the 12th session of the Human Rights Council (A/HRC/12/21). In the report she underlines the link between forced labour and caste discrimination, and describes how sexual exploitation can also be linked to forced prostitution:</p> <p>51. ILO research shows a clear link in Asian countries between forced labour and long-standing patterns of</p>

<p>A/HRC/12/21 (12th HRC session, September 2009)</p>	<p>discrimination. In India, the overwhelming majority of bonded labour victims in agriculture, brick making, mining and other sectors are from Scheduled Castes and Scheduled Tribes.</p> <p>53. Bonded labour can also be linked to sexual exploitation. According to information gathered from NGOs, in some countries multiple wives are bonded into prostitution, a practice that is embedded within the system of polygamy and bride procurement. Men take a number of loans to procure several wives. Women may then be sent to work in brothels, or alternatively “loaned” to brothel owners, where their earnings are shared between the brothel owner and the husband. The bonded woman is not allowed to leave the brothel until the debt of her husband has been cleared. Men who are unable to pay their debts to landowners are also reported to have bonded their wives into prostitution.</p> <p>In the interactive dialogue at the 12th HRC session, the Special Rapporteur said in her presentation that 'slavery exists all over the world', and that 'the majority of public information and awareness on bonded labour refers to its traditional manifestation which is widely reported in Africa, Asia and South America.' She also said that the 'causes of bonded labour have, disheartingly, not changed with the times. Factors such as poverty, migration, discrimination on the basis of race, caste, social status and gender are still the main causes of bonded labour.'</p>
<p>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian A/HRC/9/20 (9th HRC session, September 2008)</p>	<p>This report (A/HRC/9/20) of 29 July 2008 is the first by the Special Rapporteur, whose mandate was created pursuant to Human Rights Council resolution 6/14. This new mandate replaces the Working Group on Contemporary Forms of Slavery. The report explains the definition of the mandate, the scope of the mandate, the legal framework, methods of work, and activities carried out by the Special Rapporteur.</p> <p>II. SCOPE OF THE MANDATE</p> <p>11. As one of the oldest forms of human relationship, slavery has evolved and manifested itself in different ways throughout history. Today some old traditional forms of slavery still persist in their earlier forms, others transmute into new ones. Analysis of worldwide annual applications to the United Nations Trust Fund on Slavery, reports of the Working Group on Contemporary Forms of Slavery, as well as reports written by United Nations bodies and non-governmental organizations, document the persistence of the old forms of slavery that are embedded in traditional beliefs and customs. These forms of slavery are a result of long-standing discrimination against the most vulnerable groups in societies such as: those regarded as being of low caste, tribal minorities and indigenous peoples.</p> <p>Focus areas: Forced labour Child labour Domestic work</p> <p>IV. METHODS OF WORK</p> <p>In the discharge of the above functions, the Special Rapporteur will: Carry out country visits in order to obtain firsthand information on the situation from officials, members of the</p>

	<p>civil society, and UN agencies. A report of these visits, highlighting findings, conclusions and recommendations, will be submitted to the Human Rights Council.</p> <p>Act upon reliable information submitted on human rights violations, whether they have occurred or are deemed imminent,</p> <p>undertake research on a specific theme / phenomenon in relation to the mandate and provide the Human Rights Council with advise and specific recommendations in this regard</p> <p>Conduct advocacy and awareness raising to promote human rights with regard to slavery and to prevent slavery like practices from taking place.</p> <p>33. In carrying out her duties, the Special Rapporteur will work at the national, regional and international levels in order to ensure the effective fulfilment of her mandate. She will work to collate, promote and distribute examples of best practice at the national, regional and international levels in order to eliminate slavery.</p>
<p>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian A/HRC/18/30 (HRC 18th session – 2011)</p>	<p>J. Discrimination</p> <p>46. Many children who work also come from groups that have been discriminated against and/or marginalized, for example, indigenous peoples, migrants or those given a certain social status such as caste. For example, countries may have a highly stratified society which in many communities dictates the kind of work one does. This means that a family from a particular stratum can only perform certain jobs. The lower you are in this stratified society the lower paid the jobs that one can perform. Consequently, one finds that many children who work are those from the lower strata.¹⁶ This makes them doubly vulnerable to abuses.</p>
<p>Special Rapporteur on minority issues</p> <p>- Ms. Rita Izsák (Ms. Gay MacDougall (until July 2011))</p>	
<p>Report of the Independent Expert on minority issues, Rita Izsák A/HRC/25/56 25th HRC Session, March 2014</p>	<p>D. Additional activities.</p> <p>2. Events, conferences and outreach</p> <p>21. The Independent Expert has continued to raise awareness about discrimination on the basis of work and descent. On 24 May 2013, she led a joint statement calling for strengthened protection of more than 260 million victims of caste-based discrimination. On 16 and 17 December 2013, she participated in the Second South Asia Regional Consultation on Caste Based Discrimination in Kathmandu. The objective was to explore contemporary caste-based discrimination issues in the region, as well as to discuss United Nations action to combat such discrimination in country programmes.</p> <p>IV. Minorities in the context of specific areas of development consultation</p> <p>B. Education</p> <p>60. In 2009, of the world's 101 million children out of school, an estimated 50–70 per cent were from minorities or indigenous peoples. In Central Africa, the great majority of Batwa and Baka have not had access even to primary</p>

education. Only 13 per cent of children in sub-Saharan Africa have access to primary education in their mother tongue. In South Asia, Dalit girls are prevented from pursuing their education not only because of poverty, but through discrimination and sexual violence. Literacy levels are commonly much lower among Dalit girls. For example, in the Mushahar Dalit community in India, barely 9 per cent of women are literate (IDSN, recommendations on Dalits' access to education, submitted to the Forum on Minority Issues 2008). In Latin America, millions of indigenous and African descendant children work in fields, plantations or mines instead of being in school.

C. Health

64. In Nepal, according to UNDP, life expectancy of a Hill Dalit was 61 in 2009 compared to 68 for a higher caste Hill Brahmin. A 2011 Open Society Foundation study reported that Roma are disproportionately unvaccinated, have poorer than average nutrition and experience higher rates of infant mortality and tuberculosis. There is evidence that life expectancy among Roma communities is 10 to 15 years lower than in non-Roma communities. In Cameroon, visited by the Independent Expert in 2013, the access to health and health situation of Pygmy communities is extremely poor relative to other population groups. In Pakistan, UNICEF reports that the maternal mortality ratio for Baluchistan — largely inhabited by the Baluchi minority — is 758 per 100,000 live births, almost three times the national average of 276 per 100,000 and far from the MDG target of 140 per 100,000.

E. Hunger, food security and nutrition:

67. Directly linked to health concerns, minorities are frequently in a vulnerable situation in regard to hunger, food security and nutrition. High levels of poverty and extreme poverty, lack of access to employment or secure forms of income, land or land tenure all impact on their food security. In India, for example, child malnutrition is some 14–20 per cent higher for Scheduled Castes and Scheduled Tribes and has been declining at a slower rate than for the rest of the populations over the period of the MDGs. In country visits by the mandate holders to Rwanda (2011) and Cameroon (2013), food security and nutrition was a major concern of Batwa and Pygmy communities, many of whom are displaced from traditional forest habitats and can no longer maintain their hunter/gather lifestyles and access forest-based food sources.

G. Environmental Sustainability:

71. According to the report of the United Nations System Task Team on the Post-2015 United Nations Development Agenda: “Deepening resilience among vulnerable populations and reducing risks of disasters and other shocks must be central to limiting the social and economic costs of disasters, in terms of death, hunger, malnutrition, displacement and forced migration.” Equally, Claus H. Sorensen, Director-General of the European Commission Directorate General for Humanitarian Aid and Civil Protection stated:

“Those who are most vulnerable and marginalised need primary attention when a disaster strikes, both because the impact of the disaster is likely to be higher on them than others, and because of the likelihood that they find themselves excluded from response and recovery efforts. By systematically addressing in each action the inclusion

	<p>of those who are marginalised (in particular, persons affected by caste discrimination, minorities, as well as persons with disabilities, women, and the elderly), lives have been saved, the suffering of those in need has been alleviated, and their dignity protected.” (International Dalit Solidarity Network, Equality in aid: Addressing Caste Discrimination in Humanitarian Response (2013), p. 2.)</p> <p>72. In South Asia, experiences from the 2001 Gujarat earthquake, the 2004 Asian Tsunami and flooding in Nepal in 2008, the Indian States of Bihar, Andhra Pradesh, Karnataka and Assam during 2007–2009, and Pakistan in 2010, demonstrated that Dalits are frequently the worst affected and also often “systematically excluded from relief and recovery efforts” (International Dalit Solidarity Network, Equality in aid: Addressing Caste Discrimination in Humanitarian Response (2013), p. 3.). The impact of Hurricane Katrina and its aftermath on African-American communities was well documented as were deficiencies in the relief and reconstruction efforts. Minorities may be more vulnerable to natural disaster due to the location of their homes in marginal locations, vulnerable occupations, and poor-quality housing. The environmental impact of development mega-projects often has a disproportionate impact on minorities, as demonstrated by the impact of aggro-business projects on Afro-Colombian minorities and their lands and indigenous minorities in the Gambella region of Ethiopia displaced from their lands, as well as the impact on Pygmy communities of the Chad-Cameroon oil pipeline in Cameroon — a few of many examples.</p> <p>J. Water</p> <p>77. The Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, focused her 2012 report to the Council (A/HRC/21/42) on stigmatization in the realization of the rights to water and sanitation. The report examines different manifestations of stigma in the context of the human rights to water and sanitation and explores recommendations for policymaking and solutions to prevent and respond to human rights violations resulting from stigma. The Special Rapporteur found that stigma pushes people to the margins of society and results in the rejection, avoidance and marginalization of certain groups. Access to water and sanitation for many Roma communities is notoriously precarious. Similarly, the report highlights that Dalit habitations are often systematically excluded from service provision.</p> <p>V.Conclusion and recommendations</p> <p>85. The post-2015 framework of new goals should be based on human rights, including minority rights as established in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the principles of equality, non-discrimination and participation. A focus on disadvantaged minorities and specific minority groups, including Roma, people of African Descent, Dalits, and disadvantaged religious and linguistic minorities worldwide would potentially bring much needed development attention to millions of the most excluded and impoverished peoples globally.</p>
Report of the Independent	Focus on the rights of linguistic minorities

<p>Expert on minority issues, Rita Izsák A/HRC/22/49 22nd HRC session, December 2012</p>	<p>A. Thematic reports</p> <p>3. The mandate holder is required to report to the General Assembly annually, pursuant to Assembly resolution 66/166 (para. 21). The Independent Expert presented her first annual report to the General Assembly at its sixty-seventh session, on 2 November 2012. The report (A/67/293) contained a thematic discussion on the role and activities of national institutional mechanisms protecting and promoting minority rights. The Independent Expert considered the value of institutional attention to minority issues in governmental organs, national human rights institutions and other relevant national bodies as a means of promoting minority rights and mainstreaming attention to minority issues across all relevant national bodies. States were urged to consider institutional attention as an essential component of their human rights, equality and non-discrimination obligations and a means to practically implement the 1992 Declaration on Minorities.</p> <p>D. Consultations and meetings</p> <p>6. The Independent Expert welcomes the decision of the Secretary-General in March 2012 to establish the United Nations network on racial discrimination and protection of minorities, to be coordinated by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The network will enhance dialogue and cooperation between relevant United Nations departments, agencies, programmes and funds and develop a guidance note for the United Nations system on how to address racial discrimination and protection of minorities in line with core human rights standards. The Independent Expert noted her readiness to assist the network, and on 26 November attended its second meeting to update members on her activities and priorities and provided some practical recommendations.</p> <p>10. The Independent Expert has noted that, while the 2015 deadline for achieving the Millennium Development Goals is approaching, progress in achieving the Goals for minorities has not met expectations, and emphasized that renewed attention should be given by all States to the situation of minorities. She also participated in and submitted contributions to consultations on inequalities in the development agenda beyond 2015. She emphasized the need for solutions that work effectively for disadvantaged minorities, and that strategies beyond 2015 should better address and target the development needs and human rights of minorities. She participated in a side event on this issue hosted by the United Nations Children’s Fund (UNICEF) on 28 November 2012, during the fifth session of the Forum on Minority Issues.</p>
<p>Annual report of the independent expert on minority issues, Ms. Rita Izsák A/67/293 (67th session of the UN General Assembly, October</p>	<p>VIII. The role of independent national human rights institutions</p> <p>79. National commissions exist in numerous countries and may be general bodies or address thematic or group specific issues.[...]</p> <p>81. Besides its National Human Rights Commission, Nepal also has a National Dalit Commission, which was established in 2002 in recognition of the fact that caste discrimination and untouchability practices continue. It promotes implementation of national and international law and advocated for the Caste-based Discrimination and Untouchability Act, adopted in May 2011, which criminalized such discrimination in private and public spheres.</p>

2012)	Among its activities was the organization of a 100-day campaign against caste discrimination, in collaboration with the office of the United Nations High Commissioner for Human Rights in Nepal, launched in September 2011 by the President and the High Commissioner.
<p>Annual report of the independent expert on minority issues, Ms. Rita Izsák A/HRC/19/56 (19th HRC session, March 2012)</p>	<p>In her annual report to the Human Rights Council (A/HRC/19/56), the Independent Expert recognises that women and girls belonging to minorities frequently face multiple or intersecting forms of discrimination emanating from their status as members of minorities and as women or girls. This may make minority women and girls particularly vulnerable to violations and the denial of their rights in both public and private life. Without explicit recognition of the different life experiences of minority women and men, such discrimination will often go unnoticed and not be addressed adequately.</p> <p>“E. Achieving the Millennium Development Goals for disadvantaged minorities</p> <p>33. The Declaration on Minorities states in article 4 that “States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country”. Nevertheless some disadvantaged minority groups in all regions continue to face high and disproportionate levels of poverty and face discrimination and marginalization that impacts on their rights and opportunities in all fields of life, including their education, access to employment and participation in economic life, their access to adequate housing, health and service provision.</p> <p>34. The independent expert considers the work undertaken by the mandate to highlight the situation of minorities in the context of the Millennium Development Goals³ to be highly important as the international community approaches the 2015 deadline for achieving the Goals. She considers that efforts by States to ensure that the Goals are met for the poorest and most disadvantaged communities, frequently including minority groups, should be intensified including via interventions targeted at particular minority communities. Millions of persons belonging to minorities globally, including, for example, people of African descent, Roma, Dalits and others, are at risk of being left behind by initiatives that fail to benefit them due to discrimination, lack of adequate attention to their unique circumstances of poverty, or neglect.</p> <p>35. Minority communities frequently experience discrimination and exclusion which leave them in situations of poverty and which require targeted solutions. The independent expert encourages States to recognize that one-size-fits-all solutions to achieve the MDGs will often not be effective for minorities who are frequently the poorest of the poor, who may live in remote or isolated localities and who may experience widespread discrimination in society resulting in entrenched exclusion and poverty. She will urge States to give specific attention to minority groups in the context of their efforts to achieve the Goals, to conduct rigorous needs assessments as well as research into the impact of Millennium Development Goal programmes and activities on minorities and to</p>

	evaluate the extent to which progress has been made or remains required for minority groups.”
<p>Annual report of the former independent expert on minority issues, Ms. Gay McDougall A/HRC/16/45 (16th HRC session, March 2011)</p>	<p>In this report, the independent expert announced the publication <i>Marginalised Minorities in Development Programming: A UNDP Resource Guide and Toolkit</i>², which was launched and distributed to UNDP offices and staff globally on 26 May 2010 (para. 14-16).. ”The <i>Resource Guide and Toolkit</i> provides an overview of the international and regional legal standards and mechanisms relevant for minority rights and will enable UNDP staff in all regions to understand the key conceptual issues and fundamental principles for the promotion and protection of minority rights. It reviews programming opportunities and relevant strategies for UNDP to integrate minorities in development, including capacity development support for government officials and institutions, UNDP staff and minorities, as well as possible entry points for effective advocacy and partnership building efforts.”</p> <p>The resource guide contains several references to caste discrimination and the situation of Dalits, as well as the ‘draft UN principles and guidelines for the effective elimination of discrimination based on work and descent’ in text box.</p>
<p>Annual report of the former independent expert on minority issues, Ms. Gay McDougall A/HRC/13/23 (13th HRC session, March 2010)</p>	<p>In her annual report to the Human Rights Council, the Independent Expert expresses her support to the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent contained in the final report on discrimination based on work and descent (A/HRC/11/CRP.3) which was published by the Human Rights Council in accordance with decision A/HRC/10/117:</p> <p>“8. The independent expert fully supports the outcome of the Durban Review Conference and urges States to fulfil their obligations and commitments in the area of anti-racism, non-discrimination and equality. She has encouraged and supported new and emerging initiatives to combat long-standing and entrenched manifestations of discrimination in all regions; for example, the independent expert welcomes and urges further discussions on the draft United Nations principles and guidelines for the effective elimination of discrimination based on work and descent as an important contribution to the global struggle to combat discrimination on the grounds of work and descent which often affects members of minority groups.”</p>
<p>Annual report of the independent expert on minority issues, Ms. Gay McDougall A/HRC/10/11 (11th HRC session, June 2009)</p>	<p>The report to the Council by the Independent Expert provided a summary of activities undertaken by the IE, including the first session of the forum and the ongoing collaboration of the independent expert with the United Nations Development Programme (UNDP) with the aim of strengthening UNDP engagement with minorities in development processes.</p> <p>“Forum on Minority Issues</p> <p>The inaugural session of the Forum on Minority Issues was held on 15 and 16 December 2008. The Forum considered the thematic issue of “Minorities and the Right to Education”. Some Dalit representatives participated in the Forum in 2008 to highlight the situation of Dalit girls and boys in access to education and IDSN submitted suggestions for recommendations in the final outcome documents.</p> <p>UNDP Resource Guide</p> <p>15. [...] A UNDP Resource Guide on Minorities in Development was produced in cooperation with OHCHR and</p>

	<p>following extensive consultations with UNDP country offices and staff. A validation consultation on the draft UNDP Resource Guide on Minorities in Development was subsequently held on 2 and 3 December 2008 in New York to critically review the draft guide. The consultation also sought, inter alia, to share challenges and good practice in addressing minority issues in development, and to further enhance the inclusion of minority issues in UNDP programming. The guide will be finalized by mid-2009.</p> <p>Regional activities</p> <p>21. As part of her interaction with country and regional NGOs the independent expert attended the Regional Workshop on Minority Issues in Southeast Asia from 21 to 23 January 2008, held in Bangkok. The workshop was organized by the Asian Forum for Human Rights and Development (Forum-Asia) in cooperation with the International Movement Against All Forms of Discrimination and Racism (IMADR), and Minority Rights Group International (MRG). The workshop brought together some 30 representatives of minority communities and minority rights organizations in Southeast Asia engaged in the promotion and protection of minority rights. [...]</p> <p>22. The workshop was the first on the theme of minority issues to take place in the region. It considered minorities in the region in the context of numerous thematic issues including the right to culture; economic and development participation; health, education and the MDGs; political participation; and the situation of minority women. [...]</p> <p>Requests for country visits</p> <p>5. The IE looks forward to continuing a dialogue with, amongst others, Bangladesh, Malaysia, Nepal, Surinam, and Sri Lanka, to whom she has made requests to visit.”</p>
<p>Annual report of the independent expert on minority issues, Ms. Gay McDougall A/HRC/7/23 (7th HRC session, March 2008)</p>	<p>The thematic focus of the report of 28 February 2008 are issues relating to the discriminatory denial or deprivation of citizenship as a tool for exclusion of national, ethnic, religious and linguistic minorities. In the report, she also writes that she looks forward to continuing a dialogue with Bangladesh, Nepal, and Sri Lanka, among others, to whom she has made requests to visit.</p> <p>V. IMPACT OF DISCRIMINATORY DENIAL OR DEPRIVATION OF CITIZENSHIP ON MINORITIES</p> <p>VI. REGIONAL PRACTICES</p> <p>B. Asia</p> <p>56. There are a range of situations in Asia in which minority groups have been arbitrarily denied or deprived of their nationality, typically because they are viewed as not belonging to the mainstream of society on account of their minority status or because their ancestors migrated to the territory relatively recently. As in other regions, these situations often result from legislation which was designed to exclude specific populations by, for example, imposing evidentiary requirements for acquisition or confirmation of citizenship which are impossible to meet. These situations are sometimes compounded by discrimination against women in regard to acquisition, change and retention of nationality and conferral of nationality on their children. In recognition of the negative impact of</p>

	<p>statelessness, a number of States have recently taken measures to grant or confirm nationality of minority populations.</p> <p>57. Despite the fact that the Urdu-speaking minority in Bangladesh, the Biharis, qualify for citizenship under the Constitution and nationality legislation, it is reported that an estimated 300,000 Biharis were, until recently, still being denied citizenship mainly on the basis of accusations of disloyalty and political support for Pakistan. For more than 30 years, this minority community has reportedly not only been denied citizenship, but also segregated from the rest of the population and has faced severe discrimination regarding opportunities to obtain a decent living standard, access to education and employment. In a favourable development, the Government recommended in September 2007 that citizenship be granted to most of the Bihari community habitually residing in Bangladesh.</p> <p>60. In Nepal, ingrained discriminatory sentiments mainly against Madhesis, Dalit and Janjatis have been blamed for the denial or deprivation of citizenship and undocumented status of such groups. However, the Government recently granted citizenship to about 2.4 million previously stateless persons, including approximately 1.2 million Madhesis from the Terai region. This was made possible by the introduction of a new citizenship law in 2006, followed by a government initiative in early 2007 to create mobile teams which visited the country's 75 districts, including the remotest of regions, to issue citizenship certificates. Efforts are still needed to ensure that those who did not benefit from the latter process may take advantage of opportunities for late registration.</p> <p>61. In Sri Lanka, despite having lived there for generations, "estate" or "plantation" Tamils were historically denied the right to Sri Lankan nationality because of their status as plantation workers and the country's stringent citizenship laws. Following community efforts, in 2003, legal developments led to the immediate conferral of citizenship to this minority group. Mobile clinics and information campaigns supported by UNHCR and the direct involvement of the minority concerned were critical to success. Follow-up is however necessary, as reports indicate that the process of obtaining the necessary documentation has slowed down in recent years; a problem which may be associated with the ongoing conflict in the country.</p>
<p>Summary of cases transmitted to Governments and replies received A/HRC/7/23/Add.1 (7th HRC session, March 2008)</p>	<p>This report of 3 March 2008 is an addendum of the annual report of the Independent Expert on Minorities Issues. It refers to two joint letters of allegation sent to the Government of India and Nepal together with other Special Rapporteurs.</p> <p><u>INDIA</u> Letter of allegation</p> <p>19. On 19 December 2007, the independent expert sent a joint letter of allegation to the Government of India in regard to the Dalit minority. This letter of allegation was sent jointly with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on violence against women, its causes and consequences, regarding acts of violence perpetrated against Dalit Women in India. Further details of this</p>

	<p>communication are available in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/7/19/Add.1, Para 64-70).</p> <p><u>NEPAL</u></p> <p>Letter of allegation</p> <p>37. On 4 September 2007, the independent expert sent a joint letter of allegation to the Government of Nepal in regard to the Tamang and Chepang (Tsepeng) communities and the Dalit communities. This letter of allegation was sent together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the right to food, and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people regarding the situation of the right to food of these communities, living around the Royal Chitwan National Park (RCNP), in Nawalparasi District. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).</p>
<p>Report of the Independent Expert on Minority Issues, Ms. Gay McDougall following her mission to Ethiopia (28 November-12 December 2006)</p> <p>A/HRC/4/9/Add.3</p> <p>4th session of the Human Rights Council, March 2007</p>	<p>I. Recognition of Minorities in Ethiopia</p> <p>6. Government census statistics from 1994 reveal that the Amhara and Oromo ethnic groups each comprise about 30 per cent of the population, while the Somali and Tigrayan ethnic groups each comprise circa 6 per cent. Numerous other groups make up the remainder of the Ethiopian population of over 70 million, with only the Afar, the Gedeo, the Gurage, the Hadiya, the Keffa, the Sidama, and the Wolaita officially constituting more than 1 per cent of the overall population. The populations of some of the smallest ethnic groups can be counted in the hundreds and research is still required to fully document all communities. Some have estimated that the true number of ethnic groups, including subgroups and “caste-groups” is far higher</p>
<p>Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context</p> <p>- Ms. Leilani Farha (Ms. Raquel Rolnik until 2014)</p>	
<p>Joint report of Special Procedures for the 23 session of the HRC on adequate housing – communications and replies.</p> <p>A/HRC/23/51</p>	<p>Joint letter of allegation of 20/12/2012 – IND 25/2012 – India</p> <p>Adequate housing, Extreme poverty.</p> <p>Alleged impacts of the expansion of the East Parej Open Cast Coal Mine on the rights of 228 families in the Jharkhand state. According to the information received, 228 families (1200 persons) were at risk of being evicted to give way to an expansion of East Parej Open Cast Coal Mine, operated by Central Coalfields Limited, India. On 26 October 2012, and at two other occasions, representatives of the mining company surveyed households in the villages of Agarva Tola, Dudmitya Tola and Fakodih, for the purpose of acquiring their homes to facilitate the expansion of the mine. Over 1,000 people from surrounding villages have already been displaced in previous years</p>

<p>(23HRC session June 2013)</p> <p>Agenda items 3, 4, 7, 9 and 10.</p>	<p>by activities associated with the East Parej Open Cast Coal Mine. The affected households belonged to marginalized communities, including scheduled tribes and Dalits. They were allegedly resettled in inadequate sites and have suffered impoverishment since displacement.</p>
<p>Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik</p> <p>A/HRC/22/46</p> <p>22nd HR Council session, December 2012</p>	<p>B. Who is affected by tenure insecurity—measuring and assessing the extent of the problem</p> <p>10. The United Nations Settlements Programme (UN-Habitat) provides data on —slums , the word it has adopted to define such settlements. One UN-Habitat study estimated that 924 million people were living in slums in 2001;8 an estimate for 2010 placed the number at about 828 million.9 However, by 2010 tenure security was not taken into account in the UN-Habitat measurements of slums, hence the latter figure offers only a very small insight into the current extent of tenure insecurity in urban areas.10 Similarly, the revised indicator for the Millennium Development Goal target of improving the lives of 100 million slum dwellers (7 (d)) does not include security of tenure.11 While this particular target was reached, the question remains as to whether this result reflects the real situation of slums and informal settlements worldwide. Developing effective ways to measure tenure (in)security is an urgent imperative, including for the Millennium Development Goals and the United Nations development agenda beyond 2015.</p> <p>11. Informal settlements are by no means the only example of tenure insecurity. In fact, a wide range of individuals and groups may be insecure:12 refugees and internally displaced persons, affected by or under threat of conflicts, disasters and climate change; people on land set aside or affected by development projects; residents of informal settlements; occupants of valuable land; tenants with or without legal leases/titles, in informal settlements or formal contexts, in rural and urban areas; internal or international migrants; minorities; nomadic communities; groups affected by stigma or caste-based discrimination; the poor, landless, jobless and/or homeless; sharecroppers; bonded labourers; other marginalized groups, such as persons with disabilities or persons living with HIV; children; indigenous peoples; groups with customary land rights; and even individual property owners.</p> <p>12. Among all these, women, who often have to depend on a man to gain access to housing and secure tenure, are particularly vulnerable. Single and older women, in particular, too often do not have the legal empowerment, education or financial resources to defend their tenure.</p> <p>13. While no one appears fully protected from tenure insecurity, it is evident that the most marginalized and poorest bear the brunt of the insecurity burden.</p>
<p>Summary of cases transmitted to Governments and replies received</p> <p>A/HRC/16/42/Add.1</p> <p>(16th HRC session, March</p>	<p><u>INDIA</u></p> <p>Communications sent</p> <p>34. On 13 January 2010, the Special Rapporteur sent an urgent appeal letter to the Government of India, regarding the alleged situation of homeless in New Delhi, including deaths due to severe cold weather. According to information received, between 31 December 2009 and 11 January 2010, at least seven</p>

2011)

homeless people died from cold in New Delhi. Concerns were also expressed that because of the weather and the lack of a sufficient number of equipped shelters, the life of additional homeless people was at stake in New Delhi. The information received indicated that the number of homeless persons in New Delhi was growing and exceeded the capacity of emergency centres operating in the capital. It was alleged that the number of homeless shelters in New Delhi had recently been reduced from 46 to 24, in disregard of the Delhi Master Plan 2021 and the Delhi Municipal Corporation Act 1957. It was further reported that despite the severe cold weather, homeless shelters were recently demolished and homeless people were evicted from the places they used as shelters. (...)

It was alleged that on 9 January 2009, officials from the Northern Railway, the Delhi Police and the MCD evicted more than 400 people from an area they were using as shelter at Pul Mithai, Sadar Bazaar. Reportedly, during these events women and children were beaten with batons and the possessions of the people were destroyed. 60 of the evicted families were reportedly Dalits, many of them employed as construction workers for the Commonwealth Games. (...)

35. On 10 June 2010, the Special Rapporteur sent a letter of allegation to the Government of India regarding the alleged evictions and demolitions of informal settlements and slums in New Delhi in the run-up to the Commonwealth Games. According to information received by the Special Rapporteur, New Delhi witnessed evictions and demolitions of informal settlements and slums in the run-up to the Commonwealth Games that took place from 3-14 October 2010 in the capital city. Most of these evictions were apparently carried out to construct roads, bridges, stadiums, and parking lots, or to beautify the city. In addition, beggars and homeless persons were allegedly rounded up, arrested and arbitrarily detained under the Bombay Prevention of Beggary Act 1959 in preparation for the Games. According to information received by the Special Rapporteur, in 2004, Delhi authorities evicted more than 35,000 families living along the banks of the river Yamuna to make way for a tourism and city beautification project on land adjacent to the Commonwealth Games (...)

A slum cluster of 368 families of Dalit Tamils at Jangpura's Barapullah Nullah was also reportedly demolished to construct another parking lot for the Games. The Tamils, who had been living there for the past 35 years, did not receive any compensation or resettlement and were thereafter living on the streets. (...)

Replies received

36. On 7 April 2010, the Government of India replied to communication IND 8/2008 dated 5 March 2008 which was sent by the Special Rapporteur jointly with the Special Rapporteur on Violence Against Women (a summary of this communication can be found in the document A/HRC/10/7/Add.1, para.54). The Government of India noted that it has examined the complaint with regard to allegations filed by Mrs. Ramashree and found them to be inaccurate. According to the Government, Mrs. Ramashree's husband was arrested on 15 November 2006 at about 1900hrs in connection with manufacture of illicit liquor, following which a charge-sheet was filed in the local court on 26 December 2006. The subject filed a petition in the local court that was dismissed on 11 April 2008. Since the allegations were found to be inaccurate and even dismissed by the Court, the question of compensation

for the subject did not arise.

37. On 7 April 2010, the Government of India replied to the communication IND 8/2009 sent on 20 July 2009 by the Special Rapporteur (a summary of this communication can be found in the document A/HRC/13/20/Add.1, para.37). According to the Government, on 27-28 May 2009, the local authorities carried out demolition of only unauthorized hutments on public land. These demolitions were carried out in accordance with the due procedure laid down by the law and no incidents of violence were reported. According to the Government of India, contrary to what had been asserted in the communication, the Government of Maharashtra's Slum Redevelopment and Relocation Scheme *was not* applicable to *unauthorized* hutment dwellers. The Government of India assured that it is aware of its obligations under the ICESCR and that it fully abides by them. In this context, the Government of India reminded that the General Comments of any treaty body do not constitute international human rights law.

38. On 6 April 2010, the Government of India replied to the urgent appeal sent by the Special Rapporteur on 13 January 2010. According to the Government, contrary to what was stated in the urgent appeal, the number of homeless shelters in Delhi was *not* reduced from 46 to 24. The Municipal Corporation of Delhi set up 37 additional night shelters in January 2010, over and above the existing 27 permanent night shelters. Further, the Government of the National Capital Territory of Delhi also set up another seven temporary night shelters in January 2010, in addition to the 17 temporary night shelters that it had established, as a yearly exercise, in December 2009. The authorities provided over 2,800 blankets for the inmates of these shelters who were also provided medical assistance electricity, and water and sanitation facilities in association with some local NGOs. As for the demolition of a temporary night shelter on Pusa Road and evictions of squatters in Sadar Bazar, these were carried out in accordance with the procedure laid down by law and temporary night shelters were set up to provide shelter to those evicted. The authorities did not receive any reports of deaths due to severe cold weather at any of the night shelters being run by the authorities, or due to lack of such shelters. In fact, in its order on 27 January 2010, the Supreme Court of India expressed its satisfaction with the prompt action and arrangements by the authorities to safeguard the human rights of the homeless and needy.

39. On 29 July 2010, the Government of India replied to the urgent appeal sent by the Special Rapporteur on 9 December 2009, regarding the alleged forced evictions along the Cooum River in Chennai, Tamil Nadu (a summary of this communication can be found in the document A/HRC/13/20/Add.1, para.37). The Government examined the facts of the case and found the allegations to be inaccurate. The families living along the banks of the Cooum River had illegally encroached upon the riverine area, which had been declared as an environmentally sensitive area by the Supreme Court of India. Nevertheless, no forced evictions had been made and appropriate procedural protection was extended to all the project affected families. During the enumeration process conducted six months prior to the movement, all families had been fully informed of the resettlement process and their consent had been duly obtained. No formal complaint had been filed against any plausible forced eviction in this regard. The Tamil Nadu Slum Clearance Board was designated as the nodal agency for the rehabilitation and resettlement

	<p>of the affected families. Alternate housing was provided to each family, on a non-discriminatory basis, in the suburbs of Chennai. Each family was given Rs 1000 as shifting allowance and transport arrangements were made to carry their belongings to alternate accommodation. Moreover, vocational training was imparted to the unemployed youth in order to enable them to seek remunerative employment.</p> <p>Observations</p> <p>40. The Special Rapporteur thanks the Government for the information received and regrets that at the time of the finalization of this report, the Government had not transmitted any reply to her letter of allegation sent on 10 June 2010.</p>
<p>Annual report of the Special Rapporteur on Adequate Housing A/HRC/13/20 (13th session of the Human Rights Council)</p>	<p>In her report to the Human Rights Council, the UN Special Rapporteur on Adequate Housing expresses serious concern about displacement and forced evictions as a result of preparations for mega events. Ms. Rolnik refers in paragraph 18 to several allegations of mass evictions, including one in New Delhi where 35,000 families were evicted from public lands in preparation for the 2010 Commonwealth Games.</p> <p>1. Evictions</p> <p>“16. Displacement and forced evictions are common features of preparations for megaevents. The heightened demand for space to construct sports venues, accommodation and roads is channelled through urban redevelopment projects that often require the demolition of existing dwellings and the opening of space for new construction. The importance given to the creation of a new international image for the cities, as an integral part of the preparations for the games, often implies the removal of signs of poverty and underdevelopment through reurbanization projects that prioritize city beautification over the needs of local residents. As public authorities use the organization of mega-events as a catalyst for the regeneration of their city, residents of the affected areas may face mass displacement, forced evictions and the demolition of their homes. Displacement may also result from the measures taken by local authorities to quickly remove unsightly slums from areas exposed to visitors, even without being framed within larger redevelopment projects.</p> <p>17. In most cases, alternatives to evictions are not sufficiently explored, displacement is not accompanied by prior consultation with the affected communities, and adequate compensation or alternative housing is not provided to victims. In addition, evictions almost never allow the return of former dwellers to newly built homes. Indeed, owners, tenants and squatters are often subjected to pressure by public authorities or private developers to leave the area, their rights are seldom recognized, and they receive no guarantees of return to the redevelopment site. In many occasions, evictions are carried out in a context of violence, harassment and assaults against the inhabitants. Time constraints are usually cited as the reason for disruptive and violent evictions and disregard for the rights of affected communities.</p> <p>18. Examples of evictions due to the construction of sporting venues, accommodation for visitors and infrastructure improvements include: [...] (d) in New Delhi, 35,000 families were evicted from public lands in preparation for the 2010 Commonwealth Games.”</p>

	<p>In a press statement of 19 January 2010 Ms. Rolnik expressed further concern about the situation of the homeless in New Delhi, both due to the extreme weather conditions and the demolitions of shelters in connection with the planning with this international sport event. While there are no government statistics on how many homeless live in New Delhi, nor how many come from a 'lower caste' background as Dalits, it has been estimated that there may be well up to 150,000 persons. In the January statement Ms. Rolnik warned about the eviction of shelters where construction workers and Dalit families live and welcomed the interim order adopted by the Delhi High Court in January in this context. She urged authorities to comply with the latter and in this framework to halt the demolition of homeless shelters, to provide immediate assistance and adequate shelter to the affected persons and not to evict homeless persons in the winter, on humanitarian grounds.</p>
<p>Annual report of the Special Rapporteur on Adequate Housing A/HRC/10/7 (10th session of the Human Rights Council)</p>	<p>This report was the first to be presented to the Human Rights Council by the new mandate holder, Raquel Rolnik, who took up her position on 1 May 2008. In view of the current crisis in the housing and financial sector, the Special Rapporteur decided to devote the thematic report to the consequences of certain economic, financial and housing policies and approaches that have seriously impacted the right to adequate housing in the past decades and have contributed to the present crisis.</p> <p>The report does not specifically mention Dalit housing rights, but addresses discrimination in access to housing and forced evictions. The addendum to the annual report considers these elements more thoroughly (see below).</p> <p>G. Discrimination in access to housing</p> <p>“60. Discrimination related to adequate housing may be the result of discriminatory laws, policies, and measures; inadequate zoning regulations; exclusionary policy development; exclusion from housing benefits; denial of tenure security; lack of access to credit; limited participation in decision-making processes related to housing; or lack of protection against discriminatory practices of private actors. Lending practices may discriminate against particular groups such as nomads, minorities, migrants and women.</p> <p>61. Members of minority groups trying to purchase homes may face discrimination, for instance from mortgage lending institutions. They may be denied equal access to capital (as they may be less likely to obtain mortgage financing) or receive less favourable conditions for a mortgage when one is obtained. [...]</p> <p>H. Security of tenure, evictions and homelessness</p> <p>69. It is important to understand the impact of foreclosure – or eviction – on a household. It pushes people into more difficult situations and inadequate living conditions and impacts their ability to cope with further hardship, particularly where it results in homelessness. It is much more difficult to maintain employment while having difficulty in accessing water and sanitation and basic services. A lot of effort is required to cope with weather changes and administrative demands, relocating belongings, and maintaining an address where one can be reached. In some cases, not having a permanent address leads to exclusion from certain types of aid, or results in denial of civil and political rights, including the right to vote. [...]</p> <p>73. In addition to the physical and psychological trauma of eviction and homelessness, households, especially</p>

	<p>women and children, lose the support systems they were used to and their relations with a community. The breaking of these social ties and the loss of stability lead to many other problems. [...]</p>
<p>Summary of cases transmitted to Governments and replies received A/HRC/10/7/Add.1 (10th HRC session, March 2009)</p>	<p>The addendum to the annual report of the Special Rapporteur contains summaries of communications sent by the Special Rapporteur from the period of 5 December 2007 to 5 December 2008 and replies received for the period of 24 January 2008 to 6 February 2009. A number of the communications contained in the present report were sent by the former Special Rapporteur, Mr. Miloon Kothari.</p> <p>Forced evictions</p> <p>A large number of the communications in the period under review are related to cases of forced evictions. Forced evictions constitute prima facie violations of a wide range of internationally recognized human rights and large-scale evictions can only be carried out under exceptional circumstances and in full accordance with international human rights law. The Special Rapporteur notes that in the majority of cases, state authorities carrying out evictions appear completely unaware of the state’s human rights obligations, in particular the need for assessing the impact of evictions on individual and communities, the need to consider eviction only as a last resort after having envisaged all other options, meaningful consultation with affected communities, adequate prior notification, adequate relocation and compensation. The Special Rapporteur reminds all states that eviction should never result in rendering people homeless and putting them in a vulnerable situation. In this context, the Special Rapporteur reminds all Governments of the Basic principles and guidelines on development-based evictions and displacement that can be used as a tool to prevent human rights violations in cases where evictions are unavoidable.</p> <p>India</p> <p>52. On 29 February 2008, the Special Rapporteur together with the special Rapporteur on violence against women, its causes and consequences sent a joint allegation letter to the Government of India concerning reports they have received regarding violence against Dalit women. Dalit women and men suffer descent based discrimination in various aspects of their lives and are also victims of violence and untouchability practices arising out of the caste system. Despite the formal abolition of “Untouchability” by article 17 of the Indian Constitution, de facto discrimination and segregation of Dalits persists, in particular in rural areas, in access to places of worship, housing, hospitals, education, water sources, markets and other public places. Dalit women are confronted with discrimination, exclusion and violence to a larger extent than men. Lands and properties in particular are issues of conflicts over which Dalit women have faced evictions, harassment, physical abuses and assaults. Dalits women are often denied access to and are evicted from their land by dominant castes, especially if it borders land belonging to such castes. They are therefore forced to live on the outskirts of villages, often on barren land. Violence against Dalits is also caused due to land or property disputes. Reportedly, on many occasions, cases of violence against Dalit women are not registered. Adequate procedures are not taken by the police. The following specific cases have been brought to the attention of the Special Rapporteurs. They outline</p>

	<p>the impunity that seems to prevail with respect to ensuring protection and redress for Dalit women victims of violence linked to their rights to adequate housing and property [...]</p> <p>54. On 5 March 2008, the Special Rapporteur together with the Special Rapporteur on violence against women, its causes and consequences sent a joint allegation letter to the Government of India regarding information they received concerning Mrs. Shobhavati Devi in Baulia village, Shivdaspur, Post Manduvadih, Varanasi, and Mrs. Ramashree, in Tahirpur village, Shahabad, Hardoi, Uttar Pradesh, two members of the Dalit caste. [...]</p> <p>Response received</p> <p>55. On 29 April 2008, the government of India sent a response to the joint communication dated 29 February 2008, concerning cases of alleged violence against Dalit women in India. In this regard, the Government of India noted that the said communication did not include any information on the places of occurrence of these cases. The government of India requested that details pertaining to the place of occurrence (village/district/State) concerning each case be provided to facilitate investigations by Indian authorities.</p> <p>Observations</p> <p>56. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communications dated 5 March 2008.</p>
<p>Report of the Special Rapporteur on adequate housing A/HRC/7/16 (7th HRC session, March 2008)</p>	<p>This report constitutes a review of the work and activities of the first Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Miloon Kothari, since his appointment in 2000. It aims to provide a number of recommendations to the Council and the next mandate holder in relation to the main obstacles to the realization of the human right to adequate housing and on the development of the mandate.</p> <p>A. Women and adequate housing</p> <p>39. There is an urgent need to address multiple forms of discrimination that women face on grounds including race, class, ethnicity, caste, health status, disability, income, sexual orientation, and other factors. An intersectional approach to gender discrimination is essential to address the multiple forms of discrimination faced by women. Other categories of women may face further discrimination due to their status, including women affected by domestic violence, women in rural and remote areas, women affected by HIV/AIDS, pregnant women, women with newborn children, and single women, including single mothers.</p> <p>B. Suggested areas of continued focus</p> <p>1. Access to land</p> <p>75. Land is also of great importance to certain groups that have suffered historic discrimination, whether on grounds of descent, race or colour. For instance, descent and work-based communities, such as the Dalits in India, continue to face extreme human rights violations, including with regard to land and housing rights. In Brazil, the Afro-Brazilian communities of <i>quilombos</i> (former slave colonies) face discrimination that severely impacts their ability to enjoy the human right to land and adequate housing and force them to the fringes of mainstream</p>

	society.
<p>Summary of cases transmitted to Governments and replies received A/HRC/7/16/Add.1 (7th HRC session, March 2008)</p>	<p>The addendum to the annual report contains references to communications transmitted to the Government of India (para. 57-58) and Nepal (para. 104-105).</p> <p><u>INDIA</u></p> <p>57. On 23 August 2007, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on violence against women and the Special Representative of the Secretary-General on the situation of human rights defenders regarding attacks on the Dalit communities, particularly women, in Somebhadra District, Uttar Pradesh, India. It is reported that in Sonebhadra District, the poorest District in Uttar Pradesh with a large Dalit population, Dalit families have been cultivating and living in a Government's waste lands, the Gram Sabha's, for years. Reportedly, the land ownership has always been a conflicting issue between the Upper Caste controlling land resources and Dalits and tribes. Reports indicate that Dalits' reclaim of land has led to conflicts with forest officials and the Police, especially after the adoption of the "Schedule Tribe and other Forest Dwelling Communities (Recognition of Forest Rights) Act of 2006". [...] This was allegedly the third attack of this kind against Dalits in less than two weeks and reportedly a consequence of the Dalits families' requests for land that started in the last two years, as a response to the forest department's Government Resolution of 2002-3 to clear forest lands from any encroachments. During the events, the police reportedly left the village giving an ultimatum to remove the bricks of the houses by 11 August 2007, or they would come back with the administrative order to destroy the houses.</p> <p>58. The Special Rapporteur regrets that at the time of the finalization of the present report, the Government had not transmitted any reply to his communications. The Special Rapporteur continues to monitor the situation with interest.</p> <p><u>NEPAL</u></p> <p>104. On 4 September 2007, the Special Rapporteur sent a joint allegation letter with the Independent Expert on minority issues, the Special Rapporteur on the right to food, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people concerning indigenous and minority population, located around the Royal Chitwan National Park (RCNP), in Nawalparasi District, gazetted in 1973 and declared a World Heritage Site by the United National Education and Science Organization (UNESCO) in 1984. According to the information received the Ramandar settlement in Makawanpur District, Manahari, where there are approximately 1,200 households, is mostly composed of Tamang and Chepang (Tsepeng) indigenous communities and Dalits. [...]</p> <p>105. On 11 September 2007, the Permanent Mission of Nepal acknowledged receipt of the communication of 22 August 2007 and channelling it to the capital. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. The Special Rapporteur continues to monitor the situation with interest.</p>

<p>Report to the Human Rights Council (implementation of resolution 60/251)</p> <p>A/HRC/4/18 (5th session of the HR Council, June 2007)</p>	<p>In the report the SR does not mention country-specific studies of the right to adequate housing in the report and therefore makes no reference to caste-based discrimination in relevant countries. The report, however, provides practical and operational tools to promote, monitor and implement the human right to adequate housing. As an inspiration for similar processes, the report is interesting because it mentions the development of basic principles and guidelines aimed at assisting States and the international community in reducing the practise of forced evictions. Annex 1 (p. 13) provides a full overview of the contents of this instrument, including obligations on duty bearers and the nature of obligations for states. It also describes proposed remedies for forced evictions, including compensation, and follow-up action such as monitoring and evaluation.</p>
<p>Communications to/from Governments</p> <p>A/HRC/4/18Add.1 (5th session of the HR Council, June 2007)</p>	<p>In the addendum to the report there is a summary of cases transmitted to Governments and replies received by the SR as an implementation of resolution 60/251 by the Human Rights Council. Several communications concerning caste-based discrimination has been sent by the SR to Governments in caste-affected countries, some as urgent appeals/joint letters together with other SRs, in particular to India and Nepal.</p> <p><u>INDIA</u></p> <p>Communications sent Two communications were sent to the Government of India (for more information, see paragraph 30-31).</p> <p>Communications received The SR received the same answer as the SR on Racism, Mr. Diène, concerning the case of assaults against a Dalit community in Gohana, Sonapat district of Haryana state, in August-September 2005.</p> <p>Observations In paragraph 33, the SR thanks the Government for its reply. However, he regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication of 7 April 2006. The Special Rapporteur states that he continues to monitor the situation with interest.</p> <p><u>PAKISTAN</u></p> <p>Two communications were sent to the Government of Pakistan, both concerning forced evictions.</p> <p>44. On 17 May 2006, the Special Rapporteur sent an urgent appeal regarding the situation of the Lyari Expressway Project, allegedly due to render over 250,000 people homeless when completed. [...]</p> <p>45. On 13 July 2006, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of religion or belief, concerning 12 Ahmadiya families from Jhando Sahi village in Daska Tehsil. [...]</p>
<p>Annual Report 2006</p> <p>E/CN.4/2006/41 (62nd session of the Commission on Human Rights)</p>	<p>Country visits: There are no specific references to upcoming country visits in the report. However, in a separate report the SR mentions that a number of communications about adequate housing included in the 2005 report have been sent to various Governments, incl. Bangladesh, India and Sri Lanka, without any response yet.</p>
<p>Women and adequate</p>	<p>In a separate report the SR studies the situation of women and housing and refers to caste as a basis for</p>

<p>housing E/CN.4/2006/118 (62nd session of the Commission on Human Rights)</p>	<p>discrimination of vulnerable groups. Thematic findings: A) Groups of women in vulnerable situations “30. There are different groups of women who can be particularly vulnerable to discrimination and, due to a combination of factors, face additional obstacles in accessing adequate housing. The Special Rapporteur reiterates the fact that special attention is required for some groups/categories of women who can be more vulnerable than others, at higher risk of becoming homeless, facing violence or suffering from the consequences of inadequate housing and living conditions. Such groups often include victims of domestic violence, widowed, elderly, divorced or separated women, female-headed households, women forcibly separated from their children, women victims of forced evictions, indigenous and tribal women, women with disabilities and women in conflict/post-conflict situations, women from ethnic and national minorities, including refugees, migrant women workers, women from descent- and work-based communities, domestic women workers, sex workers, and lesbian and transgender women. [...] 31. Highlighting the violations of the right to adequate housing experienced by different groups of women in vulnerable situations brings to the forefront the impact of multiple discrimination women face in relation to adequate housing, due to their gender, race, caste, ethnicity, age and other factors, but in many cases, also due to their relative impoverishment and lack of access to social and economic resources. “ [...] Furthermore, India is mentioned as one of the countries where the Government has worked in conjunction with women groups successfully. Women are highlighted in the report as one group which is extremely vulnerable when natural or man-made disasters hit a country, like the 2004 Tsunami disaster.</p>
<p>Annual Report 2005 E/CN.4/2005/48 (61st session of the Commission on Human Rights)</p>	<p>The report refers specifically to the situation of Dalits in e.g. Nepal: F. Communities discriminated against on the basis of ethnicity and descent 62. Certain sections of the world’s population face multiple forms of discrimination. For instance, the Dalits - a community facing historical caste-based discrimination and disenfranchisement in India, Nepal and to some extent Pakistan - suffer extreme human rights violations, including with regard to land and housing rights. A majority of Dalits are still prevented from owning land and are forced to live on the outskirts of villages, often on barren land. While the struggle for Dalit land rights is growing, land reforms intended to benefit the rural poor and Dalits have been ineffective due to weak legislative provisions, inadequate implementation, and a lack of State commitment. In Nepal, for instance, two out of every five Dalits are landless. According to the <i>Human Development Report 2004</i>, 15.32 per cent of Dalits living in Nepal’s hill areas are landless, and in the Tarai (plains), 43.98 per cent are landless (table 11). Nepal has 800,000 landless Dalits and 400,000 semi-landless. For those Dalits who do have access to housing, studies have pointed out that they tend to live in the poorest-quality houses, many of them being temporary thatched roof structures.” [...] Later the report continues: “In the context for the need for a deeper analysis of the impact of the denial of economic, social and cultural</p>

	rights, including housing, of descent- and ethnicity-based communities, the Special Rapporteur welcomes the new study initiated by the Sub-Commission on the Promotion and Protection of Human Rights in its resolution 2004/17.
Report of the Special Rapporteur on adequate housing, Mr. Miloon Kothari, following a mission to Kenya (2004) E/CN.4/2005/48/Add.2	III. CONCLUSIONS AND RECOMMENDATIONS (b) The Special Rapporteur recommends that the Government further review existing programmes as well as policies and laws being developed, in order to orient them towards the poorest, vulnerable or marginalized segments of the population, such as indigenous peoples, persons living with HIV/AIDS, disabled persons, the Watta community (for relevant steps to be followed see the general recommendation of the Committee on the Elimination of All Forms of Racial Discrimination No. 29 on article 1 (1) regarding descent (2002)), other formerly or currently destitute pastoralists, and forest dwellers. The Special Rapporteur recommends that the Government establish an emergency assistance programme for extreme cases of humanitarian crisis, such as the community in Huruma village in Kieni forest, who are being denied the right to adequate housing;
Special Rapporteur on the right to food	
- Ms. Hilal Elver (Mr. Oliver De Schutter until 2014)	
Study of the Human Rights Council Advisory Committee on discrimination in the context of the right to food A/HRC/16/40 (16 th session of the HR Council, March 2011)	In its resolution 10/12, the Human Rights Council mandated the Advisory Committee to undertake a study on discrimination in the context of the right to food, including identification of good practices of anti-discriminatory policies and strategies. The study is the outcome of a thorough research process and consultations among the members of the Advisory Committee and was endorsed by the Committee at its sixth session, for submission to the Human Rights Council at its sixteenth session. IV. Anti-discriminatory policies and strategies C. Legal and social protection of the urban poor 56. Discrimination of the socially impoverished from urban areas often overlaps discrimination based on gender, ethnicity, religion, caste or age. ⁶⁶ Governmental strategies aimed at improving access of the urban poor to food, health care and education must thus remove the multiple layers of discrimination.
Communications to/from Governments A/HRC/10/5/Add.1 (10 th session of the HR Council, March 2009)	In the addendum to the annual report, the Special Rapporteur reports on the following communications sent to the Indian Government. <u>INDIA</u> 53. On 13 December 2007, the Special Rapporteur, together with the Special Representative of the Secretary-General on the situation of human rights defenders, sent a joint allegation letter regarding Dr Lenin Raghuvanshi and Mr Manoj Kumar. Dr Lenin Raghuvanshi and Mr Manoj Kumar are convener and staff member of the People's Vigilance Committee on Human Rights (PVCHR) in Varanasi, Uttar Pradesh state, respectively. Dr. Lenin Raghuvanshi was the subject of a joint urgent appeal sent by the Special Representative of the Secretary-General

on the situation of human rights defenders, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on 16 August 2005. On 4 December 2007, from approximately 4.45pm (Indian Standard Time), Dr. Lenin Raghuvanshi reportedly received anonymous threatening phone calls on his mobile phone from callers warning him that he will be shot and killed if the PVCHR continues to report cases of deaths from starvation and malnutrition in the Uttar Pradesh state. The callers have also informed him that if the PVCHR continues its activities, staff members are to be charged with fabricated charges and the PVCHR itself forced to close down. There has been national media coverage of the death of a three-year-old boy from starvation on 25 November 2007 that was reported by the PVCHR. Its staff member, Mr. Manoj Kumar, working in the Ambedkarnagar district where the boy lived, has reportedly also been receiving threats. Concern was expressed for the physical and psychological integrity of Dr. Lenin Raghuvanshi and Mr. Manoj Kumar. Further concern is expressed that the aforementioned threats against Dr. Lenin Raghuvanshi and Mr. Manoj Kumar may be directly related to the human rights activities of the PVCHR, in particular its work to defend the right to food in India. In view of the urgency of the matter, the Special Rapporteur and the Special representative requested a response on the initial steps taken by the Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments. They also asked for clarifications and observations on the following matters:

Whether a complaint has been lodged by or on behalf of the alleged victims,

Details, and where available results, of any investigation and judicial or other inquiries carried out in relation to the aforementioned threats against Dr. Lenin Raghuvanshi and Mr. Manoj Kumar and how they conform with international standards. If no inquiries have taken place, or if they have been inconclusive, please explain why. [...]

54. On 2 December 2008, the Special Rapporteur sent an allegation letter regarding the challenges and obstacles that the internally displaced communities from Dantewada and Bijapur districts in Southern Chattisgarh have faced in the exercise of their right to food. According to these allegations, as of February this year around 49,000 displaced persons were residing in 24 officially recognized Salwa Judum camps in the abovementioned districts with limited access to basic facilities and livelihood opportunities. The State Government claimed that it has provided free food or subsidized rations and employment opportunities in the camps under the existing social policies schemes. However, the allegations received indicate that in many camps, despite the existence of a clear food distribution plan, the public authorities have not issued to camp residents the documents necessary for them to benefit from the public distribution systems, particularly ration cards. [...]

Communication received

55. On 11 July 2008, the Government sent a reply to a joint communication dated 11 July 2007 regarding allegations of non-implementation of the National Rural employment Guarantee Act (NREGA) in 22 districts of Uttar Pradesh. [...]

	<p>Follow-up</p> <p>57. On 4 December 2008, the Special Rapporteur sent a letter to ask the Government to elaborate on the reply he received on 11 July 2008. According to the Ministry, employment under NREGA is completely demand driven and there exists an elaborate procedure for the issuance of job cards. In this regard, the Special Rapporteur requested, first, further clarifications related to the extent to which information has provided to the beneficiary population about the specific modalities of this procedure; and, second, the extent to which the responsibilities and obligations of each institution involved in the procedure to issue job cards were clearly defined and communicated to the said population. [...]</p> <p>Observations</p> <p>58. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communications dated 13 December 2007 and 2 December 2008 and any further reply to his letter of 4 December 2008.</p>
<p>Report of the former Special Rapporteur on the right to food Jean Ziegler A/HRC/4/30 (5th session of the HR Council, June 2007)</p>	<p>In the report the SR analyzes the positive developments in realizing the right to food, situations of serious concern and gives a summary of some thematic studies. In a study concerning children and their right to food, the SR mentions the issue of caste-based discrimination and cites from Prof. Thorat and Joel Lee's work on Discrimination and Exclusion in Food Related Governments Programme (see p. 13). "1. The prohibition of discrimination</p> <p>34. The prohibition of discrimination requires Governments not to discriminate against children in their access to food, nor to the means and entitlements for its procurement, on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status. Yet discrimination against children is still frequent between rural and urban areas or within different communities in one country. Children living in rural areas are twice as likely to suffer from malnutrition as those living in urban areas in almost all developing countries. In South Asia, girls are more likely to be underweight than boys. In India, Dalit children are discriminated against in multiple ways that affect their right to food. These disparities, whether they are the direct or indirect consequences of governmental policies and practices, constitute violations of the prohibition of non-discrimination in the enjoyment of children's right to food."</p> <p>In the conclusion of the report, the SR makes recommendations to other countries to follow the recent examples of e.g. India (which he visited in 2005 – see the summary from the mission below).</p> <p>"V. CONCLUSION AND RECOMMENDATIONS</p> <p>68. The eradication of hunger and violations of the human right to food is the most urgent priority facing Governments today. In a world that is richer than ever before, it is unacceptable to allow children, women and men to suffer from hunger and famine. Hunger and people's lack of access to sufficient productive resources to be able to feed themselves will continue to create conflicts and force children out of school into forced labour, including recruitment into armed forces. Hunger will also continue to force people to flee their own countries. The answer is not a criminalization of those who suffer from hunger. The answer is to take immediate action to</p>

	<p>respect, protect and fulfil the right to food of every human being.</p> <p>69. The Special Rapporteur makes the following recommendations:</p> <p>(a) Governments should follow the recent examples of Brazil, Guatemala, India, South Africa, Venezuela and Bolivia in the implementation of the right to food at the national level. The Special Rapporteur encourages Governments to adopt an adequate legal framework to ensure the right to food for all, including and in particular for the most vulnerable. This should include a clear definition of the right to food and the obligations of the Government to respect, protect and fulfil the right to food, without discrimination, as well as provisions for strong, independent and adequately financed monitoring mechanisms; [...]"</p>
<p>Communications to/from Governments A/HRC/4/30/Add.1 (5th session of the HR Council, June 2007)</p>	<p>The report (A/HRC/4/30/Add. 1) which is an addendum to the main report submitted to the HRC, summarizes the communications sent to Governments and the replies received by the SR on the right to food. India is the only caste-affected country mentioned in the summary. The report, however, contains a large section covering communications sent to the Government of India with the specificities of each case (see p. 17-21). One case, written to the Government on 21 August 2006, concerns discrimination against Dalits in Uttar Pradesh:</p> <p>"32. [...] Allegations that the residents of Jai Bheem Nagar (JBN), in Meerut City, Uttar Pradesh, do not have access to safe drinking water and are therefore compelled to consume contaminated water. JBN is a slum located on the banks of the Kali Ganga River in Meerut City, which has a population of approximately 10,000 people, mostly Dalits. [...]"</p> <p>According to the report, no replies from the Government were received by the SR by the time of the submission of the report. Hence, no follow-up has been made on these cases.</p>
<p>Interim report, Mission to India E/CN.4/2006/44/Add.2 (62nd session of the Commission on Human Rights)</p>	<p>Interim report (E/CN.4/2006/44/Add.2) on the right to food based on his mission to India in 2005.</p> <p>The report contains several references to the connection between caste-based discrimination and undernourishment in India and some interesting recommendations. In the summary section, the SR states that:</p> <p>"[...] the key finding of the report is that, although famine has been overcome, millions of Indians still suffer from chronic undernourishment and severe micronutrient malnutrition, especially women and children and people of lower-caste scheduled castes and tribes. Starvation deaths have not been fully eradicated, nor have discrimination against women and against lower castes, corruption, impunity and a wide range of violations including forced labour, debt bondage and forced displacement (destroying people's access to productive resources) remain serious obstacles to the realization of the right to food. [...]"</p> <p>In the introductory part, the SR states that: "Although today the threat of famine has been conquered, hunger and poverty remain a chronic and pervasive problem, exacerbated by widespread discrimination under the caste system and against women.</p> <p>Hunger and food in India:</p> <p>"11. Scheduled castes and tribes suffer most from hunger and malnutrition, making up 25 per cent of the rural population but 42 per cent of the poor. As a result of discrimination, many low-caste Dalits are expected to work</p>

	<p>as agricultural labourers without being paid, many held in debt bondage by their higher-caste employers. Although debt bondage is illegal, NGOs estimate that there are between 20 to 60 million bonded labourers in India, 85 per cent of them belonging to scheduled castes and scheduled tribes. Widespread discrimination prevents Dalits from owning land, as they are seen as the “worker class”, and even if they receive land (as a result of redistribution and agrarian reform programmes in some states), such land is frequently taken by force by higher-caste people in the area. Lower castes are also often restricted from using village wells, as observed by the Special Rapporteur in Shivpuri District.”</p> <p>Discrimination against the Scheduled Castes and the Scheduled Tribes:</p> <p>43. Most of the victims of starvation are women and children, members of the Scheduled Tribes and Scheduled Castes, with their deaths mainly due to discrimination in access to food or productive resources, evictions or the lack of implementation of the food-based schemes. Despite an extensive legal framework prohibiting discrimination and untouchability, discrimination persists, particularly in rural areas. In Madhya Pradesh and Orissa, the Special Rapporteur observed that access to village water wells is still not allowed for Dalits and that even if members of the Scheduled Castes or Scheduled Tribes were granted lands, higher castes often take the land away. Reports were also received that in Uttar Pradesh and Uttaranchal, Dalit families were forcibly evicted from their land by upper castes, and sometimes forced to work for them. In Harinagar, Kashipur, it is reported that 154 Dalit families have been forcibly evicted from their land and remain landless to this day despite a decision by the Supreme Court in their favour in 1996. As former Chief Justice R. Mishra said in a meeting with the Special Rapporteur, “low-caste people receive the land, but the upper caste enjoys it”. These are crimes punishable by imprisonment and fine under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, but the law is not enforced.</p> <p>Recommendations (of relevance):</p> <p>(e) All Indians should be treated equally before the law. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, should be fully implemented, and atrocities committed should be prosecuted and brought to justice; (m) Implementation of all food-based schemes must be improved by incorporating the human rights principles of non-discrimination, participation, transparency and accountability. Monitoring of all food-based programmes, including PDS, must include monitoring of impacts on malnutrition and undernourishment;</p>
<p>Special Rapporteur on the right to education</p> <p>- Mr. Kishore Singh (Mr. Vernor Munoz Villalobos until 2010)</p>	
<p>Annual Discussion Day on the Human Rights of Women DisplayNews (14th session HR Council, June</p>	<p>The Special Rapporteur on education made a reference to Dalit women during the Annual Discussion Day on the Human Rights of Women (7 June 2010). He noted that there were significant problems concerning women and segregation and stereotypes in schoolbooks. This was often the case with migrant groups, and in particular indigenous women, Roma women and Dalit women. There was clearly an urgent need to bring these women back</p>

2010)	into the mainstream education system in order to help them integrate into society.
<p>Annual report 2006 – Girls’ right to education E/CN.4/2006/45 (62nd session of the Commission on Human Rights)</p>	<p>Report on Girls’ right to education III. THE LONG ROAD TO GENDER EQUALITY E. Girls from communities that experience discrimination 80. The Committee on the Elimination of Racial Discrimination has dwelt on the need for more consistent methods of evaluating discrimination against women, and the disadvantages, obstacles and difficulties they encounter in exercising and enjoying their rights to the full irrespective of race, colour, descent or ethnic or national origin. 81. Those strategies must include reducing dropout rates among girls and combating the harassment of students from communities facing discrimination on account of their descent, since many Governments pay little attention to the structural causes of dropping out or low enrolment in school of girls from ethnic minorities. 82. Communities historically discriminated against include the Dalits, who suffer many forms of exclusion in several Asian and African countries. 83. In one such country literacy levels are lowest among Dalit girls, at 24.4 per cent, compared to the national average of 42.8 per cent for the female population. In the Mushahar Dalit community, barely 9 per cent of women are literate. 84. High illiteracy rates combine with an enduring gender gap and with differences between urban and rural areas, also to the detriment of young and teenage girls.⁴⁹ In addition, teachers have been known to declare that Dalit pupils “cannot learn unless they are beaten”. 85. Other studies have documented absenteeism, irregular attendance and negligence by teachers, who have in addition used Dalit and Adivasi children to do work for them, corporal punishment and fear of teachers - one reason cited by parents for not sending their children to school. VII. Conclusion and recommendations (Accessibility to Education): 140. Remove known barriers to the enrolment and retention in school of young and teenage girls belonging to all ethnic groups, castes and communities that are discriminated against; address as a priority the reasons why they drop out, and take action to ensure that they are not stigmatized in the curriculum or in school activities.</p>
<p>Special Rapporteur on the situation of human rights defenders - Mr. Michel Forst (Ms. Margaret Sekaggya until 2014)</p>	
<p>Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya</p>	<p>3. Shortcomings in the legal framework 26. The Special Rapporteur notes with satisfaction the comprehensive and progressive legal framework that guarantees human rights and fundamental freedoms in India, and welcomed the commitment expressed by officials she met, at both central and State levels, to uphold human rights. 27. However, the first-hand information she gathered throughout her mission (see chap. III) indicates that the</p>

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[A/HRC/19/55/Add.1](#)

(19th session of the Human
Rights Council, March 2012)

cause of the challenges faced by human rights defenders lies mainly in the under-implementation of a number of the aforementioned legal instruments, at both central and State levels. Widespread deficiencies in the full implementation of such instruments are said to have adversely affected the work and safety of human rights defenders. The reasons frequently cited include lack of capacity, owing to the sheer size of the country, as well as heavy bureaucracy and political interference. Problems of overlap and coordination within and among the authorities may also explain such deficiencies.

31. The Special Rapporteur is further concerned about the new regime introduced under the Foreign Contribution Regulation Bill, which requires existing non-governmental organizations (NGOs) to renew their certificate every five years (sections 11(1)). In addition, according to section 11(3), the Central Government may specify (a) the person or class of persons who shall obtain its prior permission before accepting the foreign contribution; and (b) the area(s) (c) the purpose(s) for which, and (d) the source(s) from which such a contribution may be received with the prior permission of the Central Government. The Special Rapporteur is of the opinion that such provisions may lead to abuse by the authorities when reviewing applications of organizations which were critical of authorities.

32. Finally, given the particular risks faced by human rights defenders, the Special Rapporteur believes that the absence of legislation on the protection of human rights defenders is a significant lacuna. The adoption of such a law, and its full implementation, would contribute to the improvement of their situation.

5. Shortcomings in the institutional framework

(a) Law enforcement authorities

55. Most of the human rights violations reported to her prior, during and after her visit, are reportedly attributed to law enforcement authorities, in particular the police. Failure to register and/or investigate violations against defenders was widely reported. This is of great concern to the Special Rapporteur, as highlighted in chapter III of the present report. This appears to be deliberate on many instances, and indicative of the lack of police training.

56. Police reform does not seem to be a reality in the whole country, as the implementation at the state level is reportedly quite weak.

III. Situation of human rights defenders

68. Throughout her mission, the Special Rapporteur heard numerous testimonies about female and male human rights defenders, and their families, who have been killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, falsely charged, placed under surveillance, forcibly displaced or had their offices raided and files stolen because of their legitimate work in upholding human rights and fundamental freedoms. They are often labelled as “Naxalites (Maoists)”, “terrorists”, “militants”, “insurgents”, “anti-nationalists” and “members of underground” and their rights to freedom of expression, peaceful assembly, association and movement is on many occasions unlawfully restricted.

69. Such violations are commonly attributed to law enforcement authorities; however, they have reportedly also shown collusion and/or complaisance with abuses committed by private actors. Some instances of serious human

rights abuses by armed groups against human rights defenders were reported. Impunity for such violations was reported as a chronic problem, and defenders and their communities were often caught in between during the fight between security forces and armed groups, targeted or killed for allegedly taking the “wrong” side.

F. Defenders working for the rights of marginalized people

109. The Special Rapporteur is particularly concerned at the plight of human rights defenders working for the rights of marginalized people, including Dalits, Adivasis (tribals) and sexual minorities, who face particular risks and ostracism because of their legitimate activities. Collectivities striving to achieve the rights of those people have also been victimized.

1. Dalits’ rights activists

110. The Special Rapporteur was deeply disturbed by the situation of Dalits’ rights activists. She met with members of the National Campaign on Dalit Human Rights and other Dalits’ rights activists. She was greatly impressed by their work and their courage in undertaking their activities.

111. Dalits’ rights activists strive for the promotion and realization of Dalits’ civil, political, economic, social and cultural rights. The range of human rights violations they suffer is appalling.

112. From the dominant caste, Dalits’ rights defenders reportedly face, inter alia, death threats, beatings and caste-based insults in public places, direct and indirect destruction of their property/belongings; and filing of false cases against them.

113. With regard to the police and state officials, Dalits’ rights defenders reportedly have often seen their complaints not taken up and instead have been charged in false cases and filed counter cases, in collusion with the dominant caste community. They have also been summarily executed, forcibly disappeared, physically assaulted, arbitrary detained, named rowdy sheeters,⁶ branded as Naxalites and anti-nationals, and had their privacy invaded, including by being placed under surveillance.

114. Regarding other civil society organizations, Dalits’ rights defenders often do not enjoy support for their cause and are instead pressured to tackle general issues. Written and oral threats to kill Dalits’ rights defenders have been made.

115. Lastly, concerning family and community members, Dalits’ rights defenders are sometimes pressured to abandon their work in fear of intimidation and/or reprisals from the dominant caste, or to pursue paid activities instead owing to their dire financial situation. For instance, the relatives of a Dalit activist, tried to convince him to give up his work because they received threats from the dominant caste, stating that he would be killed if he continued his activities. The police arrested several persons who were later released on bail and are yet to be charged. These same perpetrators reportedly continue to threaten the family, urging the activist to withdraw his complaint.

116. The Special Rapporteur is particularly concerned at the plight of women Dalits’ rights defenders who face gender-based violence, or restrictions, regarding their work on the basis of their caste and gender. In August 2010,

an elected female Dalit representative in Rajasthan was insulted and beaten by members of the dominant caste because she had taken up cases of land rights in her community. She filed a complaint to the police, but the perpetrators were reportedly never arrested. In another case, a centre working on issues pertaining to Dalit women was forcibly closed down by the dominant caste, and the manager was subsequently attacked by villagers and forced to leave the village with her family.

IV. Conclusion and recommendations

B. Recommendations

1. Recommendations for the consideration of the central and state Governments, and the legislature:

137. The highest authorities at the central and state levels should publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (art. 1 of the Declaration on Human Rights Defenders).

138. Specific attention must be given by all authorities to the categories of human rights defenders mentioned in the present report, in particular defenders working on rights of marginalized groups, including Dalits and Adivasis; defenders working on economic, social and cultural rights; defenders affected by security legislations and militarization; Right to Information activists; journalists; and women defenders and defenders working on women and child rights.

139. A comprehensive, adequately resourced protection programme for human rights defenders and witnesses at the central and state levels and in conjunction with the National and State Human Rights Commissions should be devised. This programme could be funded by the State, but should not be closely controlled by the State apparatus. In particular, it should not be associated with State agencies, such as the police, security agencies and the military.⁷ The process for applying for protective measures provided under such a programme should be cost-free, simple and fast, and immediate protection should be granted while the risk situation of the person is being assessed. When assessing the risk situation of a defender or witness, the specificities of his/her profile pertaining to caste, gender and ethnic, indigenous and/or religious affiliation, inter alia, should be systematically taken into account. Finally, the personnel assigned to the protection of defenders or witnesses should not gather information for intelligence purposes.

140. Security forces should be clearly instructed to respect the work and the rights and fundamental freedoms of human rights defenders, especially the categories of defenders mentioned in the present report.

141. Sensitization training to security forces on the role and activities of human rights defenders should be significantly strengthened as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners.

142. Prompt, thorough and impartial investigations on violations committed against human rights defenders should be conducted, and perpetrators should be prosecuted, on a systematic basis. Fair and effective remedies

	<p>should be available to victims, including those for obtaining compensation.</p> <p>143. The Supreme Court judgment on police reform should be fully implemented in line with international standards, in particular at the state level.</p> <p>144. A law on the protection of human rights defenders, with an emphasis on defenders facing greater risks, developed in full and meaningful consultation with civil society and on the basis of technical advice from relevant United Nations entities, should be enacted.</p> <p>3. Recommendations for the consideration of the judiciary</p> <p>159. The judiciary should be vigilant and cognizant of the role of human rights defenders.</p> <p>160. The judiciary should take proactive measures to ensure the protection of human rights defenders at risk, witnesses and victims.</p> <p>161. The judiciary should ensure better utilization of <i>suo motu</i> whenever cases of violation against human rights defenders arise.</p> <p>4. Recommendations for the consideration of human rights defenders</p> <p>162. Platforms or networks aimed at informing and protecting defenders, facilitating dialogue and coordination among defenders should be devised or strengthened.</p> <p>163. Defenders should better acquaint themselves with the Declaration on Human Rights Defenders.</p> <p>164. Efforts should be made to continue making full use of United Nations special procedures and other international human rights mechanisms when reporting on human rights violations.</p> <p>5. Recommendations for the consideration of the international community and donors</p> <p>165. The situation of human rights defenders, in particular the most targeted and vulnerable ones, should be continually monitored and support for their work should be expressed through, inter alia, interventions before central and state institutions.</p> <p>166. Efforts should be intensified in empowering civil society, including by increasing their capacity.</p>
<p>Summary of cases transmitted to Governments and replies received A/HRC/16/44/Add.1 (16th session of the HR Council, March 2011)</p>	<p>1094. On 18 August 2010, the Special Rapporteur, jointly with the Chair-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal regarding the situation of Ms. Bharathi Pillai, Ms. Niharga Priya, Ms. Sudha, Mr. Gnana Diraviam, and Mr. Anandan, participants of a human rights training course organized by the non-governmental organizations the Dalit Foundation (DF) and People's Watch (PW), from 11 to 20 August 2010, in Nagamalai Puthukottai, near Madurai in Tamil Nadu. The DF works to eliminate caste discrimination and caste-based violence, with a particular emphasis on Dalit women and manual scavengers, and the PW provides legal support and human rights education.</p> <p>1095. According to the information received, on 15 August 2010, around 6.30 p.m., as part of their fieldwork exercise, Ms. Bharathi Pillai, Ms. Niharga Priya, Ms. Sudha, Mr. Gnana Diraviam, and Mr. Anandan went to the Veeravanallur Police Station, in Tirunelveli District of Tamil Nadu, to gather information in relation to allegations of</p>

	<p>torture of a Dalit youth by police officers at the station. The five human rights defenders identified themselves, and requested permission to Ms. P. Roswin Savimo, Sub-Inspector of police, and Mr. T. Murugesan, Inspector of police, to be provided with documents relating to the case. As a result, they were questioned and kept in the police station. It is alleged that Mr. Murugan is one of the alleged perpetrators in this case. (...)</p> <p>1099. Finally, it is reported that in the case remand report, Mr. Henri Tiphagne, Executive Director of PW-India, Member of the Executive Committee of the Asian Forum for Human Rights and Development (FORUM-ASIA), and a member of the Asian NGOs Network on National Human Rights Institutions, was referred to as an “absconding accused”, although no charges had been filed against him, nor was he present at the police station at the time of the arrest of the five defenders.</p> <p>1100. Serious concerns were expressed that the arrest and detention of Mr. Gnana Diraviam, Mr. Anandan, Ms. Bharathi Pillai, Ms. Niharga Priya, and Ms. Sudha, and the charges brought against them, might have been related to their legitimate human rights activities. Further concerns were expressed for the physical and psychological integrity of the five human rights defenders.</p>
<p>Statement by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, at the conclusion of her visit to India Statement (21 January 2011)</p>	<p>In a statement concluding her January visit to India, the UN Special Rapporteur on the situation of human rights defenders raised particular concern for the situation of Dalit human rights defenders:</p> <p>“I note with satisfaction that India has a comprehensive and progressive legal framework which guarantees human rights and fundamental freedoms, as enshrined, inter alia, in the Constitution, the Protection of Human Rights Act, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and the Right to Information Act. I welcome the commitment expressed by Indian authorities to uphold human rights...</p> <p>Besides the National Human Rights Commission and existing State-level Human Rights Commissions, I note the existence of a wide range of Statutory Commissions mandated to promote and protect the rights of, inter alia, women, children, scheduled castes and scheduled tribes.</p> <p>However, despite the aforementioned laws aimed at promoting and protecting human rights, I note widespread deficiencies in their full implementation at both central and state levels, adversely affecting the work and safety of human rights defenders. Similarly, I have observed the need for the National and existing State Human Rights Commissions to do much more to ensure a safe and conducive environment for human rights defenders throughout the country.</p> <p>Throughout my mission, I heard numerous testimonies about male and female human rights defenders, and their families, who have been killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, falsely charged, under surveillance, forcibly displaced, or their offices raided and files stolen, because of their legitimate work in upholding human rights and fundamental freedoms.”</p> <p>“I am particularly concerned at the plight of human rights defenders working for the rights of marginalized people, i.e. Dalits, Adavasis (tribals) religious minorities and sexual minorities, who face particular risks and ostracism because of their activities. Collectivities striving for their rights have in fact been victimized.</p>

<p>Annual report of the Special Rapporteur A/HRC/10/12 (10th session of the HR Council)</p>	<p>In the second chapter of her first report to the Council the Special Rapporteur focuses, among other things, on the potential of the universal periodic review (UPR) mechanism of the Human Rights Council in enhancing the protection of human rights defenders. It gives an overview of the strategic value of the UPR in reviewing and potentially improving the situation of human rights defenders.</p> <p>3. Summary of stakeholder information: overview and analysis</p> <p>74. Targeting of specific groups was mentioned in relation to women human rights defenders in Bahrain, Israel and Serbia; indigenous groups in Ecuador; defenders working on issues related to persons belonging to minorities in the Czech Republic (Roma), India (Dalits) and Turkmenistan; defenders working on lesbian, gay, bisexual and transgender issues in Israel, Montenegro, the Republic of Korea, Serbia and Sri Lanka. Problems faced by defenders working on issues related to migrants were mentioned with regard to South Africa.</p>
<p>Summary of cases transmitted to Governments and replies received A/HRC/10/12/Add.1 (10th session of the HR Council, March 2009)</p>	<p>The addendum to the annual report contains a large number of references to cases submitted involving attacks and threats against Dalit activists, especially in India but also in Nepal.</p> <p><u>INDIA</u></p> <p>Letter of allegations</p> <p>1189. On 28 February 2008, the then Special Representative sent a letter of allegations to the Government concerning Mr Arumugam Katuraja Kanagaraj, a Dalit human rights activist and the District human rights monitor in Salem district (Tamil Nadu) of the National Project on Preventing Torture in India of People’s Watch. [...]</p> <p>1192. Concern was expressed that the assault and detention of Mr Arumugam Katuraja Kanagaraj may be related to his activities in defense of human rights, particularly his work to prevent corruption within local government. Furthermore, in light of the death threats made against Mr. Kanagaraj and his possible pending arrest, concern was expressed for his physical and psychological integrity.</p> <p>Letter of allegations</p> <p>1201. On 28 April 2008, the then Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a letter of allegation to the Government concerning mass arrest of participants in the “The Long March for Justice for Special Task Force (STF) Victims”, including Messrs Henri Tiphagne, Executive Director of People’s Watch, Mahaboob Batcha, Managing Trustee of the Society for Community Organisation Trust (SOCO Trust), and V.P. Gunasekaran, District Secretary of the Communist Party of India. [...]</p> <p>1204. Concern was expressed that the aforementioned arrests may be related to the protestors’ activities in defense of human rights; their peaceful exercise of the right to freedom of expression and assembly and their protest against alleged crimes perpetrated by members of the Special Task Force.</p> <p>Response from the Government</p> <p>1205. In a letter dated 19 January 2009, the Government responded to the communication sent on 28 April. In transmitting the reply of the concerned authorities in India, the Government noted that the allegation contained</p>

in the communication was examined by the Government and that an enquiry was conducted on the above incident by the concerned authorities. It was revealed that the aforementioned individuals along with 205 other party members intended to go on a protest march from Exode to Chennai in order to draw attention to the relief and rehabilitation of the purported Special Task Force victims. However, in violation of law, they did not seek any prior permission from the concerned police authorities. If they had been allowed to proceed with this march it could have resulted in a disruption of law and order and inconvenienced the general public. Hence, as a preventive measure, the aforementioned persons were taken into police custody as per law and a case was registered against them. However, they were released on the very same day and all further action against them was dropped.

Urgent appeal

1211. On 23 May 2008, the Special Rapporteur sent an urgent appeal to the Government concerning Mr Lenin Raghuvanshi, Convener of the People's Vigilance Committee on Human Rights (PVCHR) in Varanasi, State of Uttar Pradesh. Mr Lenin Raghuvanshi has focused his work on the right to food and on victims of death due to starvation and he is also a member of the District Vigilance Committee on Bonded Labour.

1213. According to information received, on 26 April 2008, Mr Lenin Raghuvanshi began to receive abusive and threatening phone calls, which warned him to end the PVCHR's work in the district of Varanasi. On 18 May, he received a phone call, thought to be from a powerful member of a criminal group in Uttar Pradesh, which threatened that if the PVCHR did not stop working for the Musahar community, a Dalit group subject to caste-based discrimination, men hired by upper caste feudal lords would raze Musahar ghettos and villages in Varanasi. The caller also questioned Mr Lenin Raghuvanshi about the funding of the PVCHR, in what is believed to be a warning to the PVCHR to pay protection money to local mafias.

1214. Concern was expressed that the threats and intimidation directed against Mr Lenin Raghuvanshi may be directly linked to his work and that of the PVCHR in defense of human rights, in particular the rights of Dalit communities in the State of Uttar Pradesh.

In view of these threats, serious concern was expressed for the physical and psychological integrity of Mr Lenin Raghuvanshi and the members of the PVCHR.

Response from the Government

1215. In a letter dated 28 January 2009, the Government responded to the urgent appeal of 23 May 2008. The allegations contained in the communication were examined by the Government, which informed that a complaint was lodged in Thana Cant, Varanasi, following which a chargesheet was sent to the court on 21 July 2008 against accused Bulbul Singh alias Uday Narayan Singh. In the meantime, necessary instructions were issued to the local police station to provide adequate security to Dr Lenin.

Letter of allegations

1216. On 10 June 2008, the Special Rapporteur, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a letter of allegations to the Government

	<p>concerning Messrs Henri Tiphagne, Executive Director of People’s Watch and member of the National Human Rights Commission of India; S. Martin, Regional Law Officer at People’s Watch; and G. Ganesan and M.J. Prabakar, both State Monitoring Officers at the same organization. [...]</p> <p>1219. It was alleged that the charges brought against the aforementioned individuals may be directly related to their activities in defense of human rights, in particular their efforts to end impunity for crimes of torture in India. In view of these reports, concern was expressed for the physical and psychological integrity of those named.</p> <p><u>NEPAL</u></p> <p>1957. In the district of Kanchanpur in Nepal, women human rights defenders face death threats, attacks and harassment because of their work. Gender-based violence is reportedly widespread in Nepal, common among women regardless of their social, economic and cultural status. At present there is no specific law addressing domestic violence in Nepal.</p> <p>1965. The Special Rapporteur hopes that the Government of Nepal will respond favourably to her request of November 2008 to visit the country in order to resume the dialogue with the authorities.</p>
<p>Summary of cases transmitted to Governments and replies received by Ms. Hina Jilani A/HRC/7/28/Add.1 (7th session of the HR Council, March 2008)</p>	<p>This report of 3 March 2008 was submitted by the Special Representative of the Secretary-General on the situation of human rights defenders, Ms. Hina Jilani. It contains a large number of references to cases submitted involving Dalits, especially in India but also in Nepal.</p> <p><u>INDIA</u></p> <p>Letter of allegations</p> <p>1062. On 26 January 2007 the Special Representative, together with the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, sent a letter of allegations to the Government concerning an attack against Mr Ravikumar, Member of the Legislative Assembly of the Kaaumannarkoil constituency, owing allegiance to the Vidudalai Chruthaiga, Dalit Panthers of India (DPI), in Sedapalayam village of Cuddalore District, in the State of Tamil Nadu. Mr Ravikumar also served as state president of the People’s Union for Civil Liberties, Tamil Nadu-Pondicherry and was elected as a Member of the Tamil Nadu Legislative Assembly in 2006. He is also a well known Dalit writer, social activist and co-publisher of a publishing house which focuses on caste issues.</p> <p>1063. According to information received, on 2 January 2007, Mr Ravikumar sustained injuries to his hands and legs during an alleged attack by a contingent of approximately 100 police officers, including Delta police personnel, in Sedapalayam village during a funeral procession for Mr Siva, a Dalit youth murdered on 1 January 2007. Twenty-eight other Dalit Panthers of India (DPI) members were also injured in the attack. Mr Ravikumar was admitted to the Sri Ramachandra Medical College in Chennai on 3 January 2007 and discharged three days later. According to reports, the funeral procession was attacked by police officers in response to an attempt by some individuals attending the funeral to set fire to houses belonging to the alleged perpetrators of Mr Siva’s murder. Dalit youths who later attended the hospital for medical treatment were reportedly arrested by police on charges</p>

of attempted murder.

1064. Prior to the events of 2 January 2007, Mr Ravikumar had reportedly been in contact with Mr Gagandeep Singh Bedi, District Collector, Cuddalore, and Mr M Karunanidhi, Chief Minister of Tamil Nadu urging them to ensure that an immediate investigation be carried out in relation to Mr Siva's murder on 1 January 2007, and that the perpetrators be brought to justice. He also made an appeal to the police and district administration to ensure that law and order be maintained during the funeral. Concern was expressed that the funeral procession of Mr Siva was violently suppressed by authorities and that excessive police force may have been used against peaceful attendees of the funeral. Concern was also raised that Mr Ravikumar may have been targeted due to his high profile work in defence of the human rights of Dalits.

Urgent appeal

1096. On 23 August 2007, the Special Representative, together with the Special Rapporteur on violence against women and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, sent an urgent appeal to the Government concerning attacks on Dalit communities, particularly women, in Somebhadra District, Uttar Pradesh, India. On 3 August 2007, Ms Roma and Ms Shanta Bhattacharya were arrested in Robertsganj under charges of provoking Dalits and Tibals to encroach forest lands. They were arrested under section 120 (B) and 447 of Penal Code; they were in Mirzapur jail and their bail applications had been rejected at the Circle Judicial Magistrate.

1097. On 5 August 2007, Lalita Devi and Shyamlal Paswan were arrested from a local market in Rangarh and were also in Mirzapur jail. As a consequence of these imprisonments, people have been staging a protest since 4 August in front of the District Magistrate (DM) office in Sonebhadra demanding the immediate release of the activists. New charges were brought against Ms. Roma under article 4 of the National Security Act on 10 August. Reports also indicated that on 10 August 2007, at around 9 p.m., the police attacked Dalit women in Chanduli Village, in Sonebhadra District, leaving fifteen women seriously injured. Two trucks loads of Police along with Upper Caste representatives of the locality descended on Chanduli village in Sonebhadra district. They were allegedly heavily armed, and demanded to see Bachchalal, an active member of the local organisation Kaimoor Kshetra Mahila Mazdoor Kisan Sangharsh Samiti (KKMMKSS).

1098. According to information received, when they did not find Bachchalal in the village, they started attacking women present in the village. Police and upper caste representatives barged into the house of Bachchalal and attacked his pregnant sister and sister-in-law; pulling them out and attacking them. In three hours, the police and upper caste representatives beat up around 15 women and destroyed their houses. At the time of the incident, there were very few male members in the village as most of them were staging a protest in front of the DM's office in Sonebhadra against the arrest of Ms. Roma, Ms. Shanta Bhattacharya, Lalita Devi and Shyamlal Paswan. This was allegedly the third attack of this kind against Dalits in less than two weeks and reportedly a consequence of the Dalits families' requests for land that started in the last two years, as a response to the forest department's

	<p>Government Resolution of 2002-3 to clear forest lands from any encroachments. During the events, the police reportedly left the village giving an ultimatum to remove the bricks of the houses by 11 August 2007, or they would come back with the administrative order to destroy the houses.</p> <p>[...]</p> <p>Observations</p> <p>1106. The Special Representative thanks the Government of India for their response to the communication of 10 May 2007, but regrets the lack of response to the other fourteen communications sent in the time-period covered by this report.</p> <p>1107. The Special Representative reiterates her concerns for the situation of human rights defenders representing vulnerable groups, such as lesbians, gays, bisexual and transgender (LBGT) persons and members of caste groups facing discrimination. The situation of the Dalit community is of particular concern as human rights defenders advocating their rights face entrenched prejudice from many sectors of society.</p> <p>1108. The Special Representative hopes that the Government of India will continue in its efforts to work for the improvement of conditions for those belonging to such communities and those working in defence of their rights.</p> <p><u>NEPAL</u></p> <p>Urgent appeal</p> <p>1488. On 20 June 2007 the Special Representative, together with the Special Rapporteur on violence against women, sent an urgent appeal to the Government concerning concerning human rights defenders Ms. Rita Mahato and Ms Dev Kumari Mahara, members of the Women’s Rehabilitation Centre (WOREC), in the Siraha district. WOREC is a non-Governmental organization working on social justice and human rights, specifically women’s rights, and the rights of marginalized groups in Nepal such as the Dalits. Ms Mahato and Ms Mahara have been involved in documenting cases of violence against women and providing support to victims for several years.</p> <p>Observations</p> <p>1517. The Special Representative thanks the Permanent Mission of Nepal in Geneva for its acknowledgement of receipt of the communications sent and hopes that the further information requested from the Government by the Permanent Mission will be provided at the first available opportunity.</p> <p>1518. She is particularly concerned by the cases involving allegations of harassment, intimidation or ill-treatment of human rights defenders by members of the Police Force and trusts that the Government will acknowledge the seriousness of these allegations through comprehensive investigation.</p>
<p>Report of the former Special Representative of the Secretary-General on the situation of human rights</p>	<p>Report on the situation of human rights defenders in Nepal. In the report concerning the case study of human rights defenders in Nepal there is, interestingly enough, no specific mention of CBD or discriminatory practises against Dalits in the description of the conflict in Nepal.</p>

<p>defenders, Ms. Hina Jilani A/60/339 (60th GA Assembly)</p>	
<p>Promotion and Protection of Human Rights Defenders Report submitted by the former Special Representative of the Secretary-General on human rights defenders, Hina Jilani, Addendum, Compilation of developments in the area of human rights defenders since June 2000 by Ms. Hina Jilani E/CN.4/2006/95/Add.5 (62nd session of the Commission on Human Rights)</p>	<p><u>INDIA</u> 738. The Special Representative regrets that the Government has not provided her with information in response to the questionnaire she transmitted for the preparation of the present report at the time of the finalization of the report. She encourages the Government to transmit this information so that the below profile can be updated in the future. The human rights defenders community 739. Human rights defenders in India are active on a wide range of civil and political, economic, social and cultural rights such as caste discrimination, child rights, environmental issues, globalization and human rights, housing rights, indigenous rights, LGBT rights, women’s rights and trafficking.</p> <p><u>NEPAL</u> 1147. [...] The human rights defenders community in Nepal today is active but weakened in part as a result of the repressive measures it has been subjected to. The royal takeover and the subsequent declaration of a State of Emergency is widely seen as exacerbating the already high risk to defenders and the civilian population in general. The human rights situation, and hence the situation for defenders working in Nepal, has deteriorated in recent years. Subsequently, several defenders have reportedly either gone underground or left the country, in order to continue with their human rights advocacy on Nepal in a more secure environment. [...] 1149. In general, most NGOs in Nepal focus on development activities or actions that mitigate the effect of human rights violations, such as rehabilitation for victims. A smaller number focus on the overall human rights situation, and some focus on specific human rights concerns such as caste-based discrimination and LGTB rights. Women human rights defenders play an increasingly prominent role as advocates on a wide range of human rights issues in Nepal. A small number of NGOs have a national network through Nepal.</p>
<p>Special Rapporteur on torture and other cruel, inhuman or degrading treatment or Punishment - Mr. Juan Mendez (Mr. Manfred Novak until October 2010)</p>	
<p>Communications to/from Governments A/HRC/16/52/Add.1 (16th session of the HR Council, March 2011)</p>	<p><u>INDIA</u> Para. 54. Concerning Mr. A. S, a 28-year-old dalit. Mr. A.S. was arrested on 4 January 2010 at 10:00 p.m. by a police officer. He was held in police custody remand (PCR) until 11 January and was charged with robbery. Throughout the detention period, Mr. S was beaten repeatedly, including on his arms and legs with wooden planks, and on his genitals. It is believed that he may have suffered from vision loss and a fractured arm and leg. During this time, his family was not allowed to see him, and he was neither given food nor allowed to use the bathroom. On 7 January, as part of the investigation, a police</p>

	<p>officer took Mr. S to the place where the alleged robbery took place. The officer (whose name remains on record with the mandate holders) then proceeded to hit him on numerous occasions on his head and genitals with his boots, and forced him to jump in public for thirty minutes. The same procedure was repeated in front of the victim's house. In addition, Mr. S was verbally abused regarding his caste and his religion. The officer also threatened Mr. S by stating that he would shoot all the boys born in the same caste. When Mr. S was presented before a court, the police officer presented a false medical certificate and threatened Mr. S not to speak about his experience in detention. Mr. S refused to request medical treatment for fear of reprisals. His family has also received threatening messages not to take legal action. Mr. S is currently detained under magisterial custody remand (MCR) and has not had access to medical attention. He reportedly cannot walk properly and stammers due to the beatings and requires urgent medical attention.</p> <p>By a letter dated 6/04/2010, the Government of India examined the communication and found that it would not be possible to investigate the allegation in absence of information about the specific place of occurrence of the alleged incident. It is, therefore, requested that information be provided about the specific place of occurrence of the alleged incident (village/town/area/district/state) to enable suitable investigations. The Permanent Mission of India requests that the response of the Government of India be presented in full to the Chairperson- Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the Question of Torture.</p>
<p>Interim report of Mr. Manfred Nowak A/60/316 (60th GA Assembly)</p>	<p>Interim report (A/60/316) on torture and other cruel, inhuman or degrading treatment or punishment. Country visits of relevance: India and Nepal The SR regrets that there has not been any response from the Indian Government concerning a country visit which was requested in 1993. A country visit to Nepal had been requested and was undertaken in 2005.</p>
<p>Report to 62nd CHR session: Mission to Nepal E/CN.4/2006/6/Add.5</p>	<p>Country visit to Nepal: In his report, the SR makes no specific reference to CBD or any problems encountered by Dalits in the conflict in Nepal despite the increased international recognition of the connection between CBD as a root cause of the conflict (as documented in the report "The Missing Piece of the Puzzle" and as referred to in the Concluding Observations issued by CERD after its examination of Nepal in November 2005).</p>
<p>Special Rapporteur on violence against women, its causes and consequences - Ms. Rashida Manjoo (Ms. Yakin until June 2009)</p>	
<p>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, following her mission to India (22 April to 1</p>	<p>II. Manifestations of violence against women and girls, its causes and consequences B. Violence against women in the community 15. Violence against various groups is also of concern. Dalit and Adivasi women and women from other scheduled castes and tribes and other "backward classes" are frequent victims of multiple and intersecting forms of discrimination, as well as violence. Caste-based discrimination, which also includes intra-caste hierarchies, continues to be pervasive and widespread. The intergenerational nature of caste-based discrimination condemns</p>

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women to a life of exclusion, marginalization and disadvantage in every sphere of life. Many of those women are denied an education and economic opportunities, and perform dangerous and unprotected work, including bonded labour (debt bondage) and manual scavenging, which are both widely regarded as forms of forced labour and modern forms of slavery. Women represent the vast majority of manual scavengers in the country, and are commonly from scheduled castes and minority groups. While legislation has been adopted to eradicate bonded labour and manual scavenging,⁸ reports and interlocutors indicate that there is a consistent failure in the implementation of such laws⁹ and a tendency to minimize the significance of the problem.

9. Ravi S. Srivastava, “Bonded labour in India: its incidence and patterns”, International Labour Organization working paper (2005), p. 35; and International Dalit Solidarity Network, “Manual scavenging”, briefing paper (2012), p. 1.

D. Violence against women in the transnational sphere

28. The trafficking of women and girls from, and to, India was reported as widespread. Disadvantaged women from minority groups, scheduled castes and tribes and the “backward castes” are usually the main victims. Young unskilled women are allegedly given false work promises, resulting in forced domestic servitude in foreign countries. Women who are trafficked and forced into prostitution are left unable to defend their rights, and lack access to rehabilitation and compensation for such crimes. This lack of protection and prioritization of the problem by the State has intensified the violence perpetrated against them by criminals or those involved in trafficking practices. The complicity of State officials in human trafficking was also reported as a concern. The Immoral Traffic (Prevention) Act, 1956 and its amendments¹⁸ are reportedly more directed at safeguarding public moral than combating trafficking in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

III. Implications of inequality, discrimination and violence on women’s enjoyment of their human rights

31. At the national level, laws and policies have been put in place to prevent and respond to violence against women. These include the Penal Code, the Criminal Law (Amendment) Act 2013, the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act, 2013, the Protection of Women from Domestic Violence Act, 2005, the Indecent Representation of Women (Prohibition) Act, 1986, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Dowry Prohibition Act, 1961, the Commission of Sati (Prevention) Act, 1961, the Immoral Traffic (Prevention) Act, 1956 and the Bonded Labour System (Prohibition) Act of 1976, among others. Despite those positive developments, effective implementation of those laws and the allocation of financial resources to support their execution adequately is reportedly lacking in many instances.

IV. Challenges in fulfilling the State’s obligation to act with due diligence to eliminate violence against women

B. Protection

60. Although telephone hotlines are available, the police are usually the first point of contact for many women,

	<p>according to reports received. Victims of violence, who require from the State special security, shelter, public housing, health care and socioeconomic protection, often face significant challenges. Many services are channelled through providers that lack sufficient resources. Numerous allegations were made of de facto caste-based discrimination, perpetrated by police officers, public representatives and community members, with regard to access to services.</p> <p>D. Provision of effective redress, including reparations</p> <p>70. With regard to systemic failures, the low rate of prosecution and conviction for acts of violence against women contributes to the lack of effective redress provided to victims. Redress begins with the filing of domestic incident reports and a First Information Report. As noted above, this is deficient in many respects. Compensation payment is dependent on the filing of a case, which is dependent on the availability of protection officers and the provision of some form of legal identification. Women belonging to marginalized groups, including irregular migrants, domestic workers, scheduled castes and tribes and so-called backward castes are often unregistered citizens, or lack identification cards. Such factors contribute to a culture of normalization of violence against women.</p> <p>E. Remedies for specific groups at risk</p> <p>74. The Special Rapporteur was informed that the draft Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill envisages offering protection to religious and linguistic minorities and to scheduled castes and tribes, while providing standards for addressing communal violence. The Bill reaffirms the importance of non-discrimination when public officials discharge their responsibilities, in particular with regard to addressing violence against religious and linguistic minorities and scheduled castes and tribes. However, as noted by the Committee on the Elimination of Discrimination against Women, the Bill should include, inter alia, “a comprehensive system of reparations for victims of such crimes; and gender-sensitive victim-centred procedural and evidentiary rules” (CEDAW/C/IND/CO/3, para. 25).</p> <p>V. Conclusions and Recommendations</p> <p>Statistics and data collection</p> <p>81. The Special Rapporteur recommends that the Government: (a) Strengthen the current system hosted by the National Crime Records Bureau of the Ministry of Home Affairs for the collection and analysis of data relating to crimes against women, by disaggregating data by sex, age, caste, disability, religion, language and other relevant characteristics</p>
<p>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, following her mission to Bangladesh (20</p>	<p>II. Manifestations of violence against women and girls, its causes and consequences</p> <p>B. Violence against women in the community</p> <p>16. The Special Rapporteur also received information indicating high levels of violence against women from religious and ethnic minority communities, with Dalits, Hindus and indigenous groups most at risk.¹⁵ Persecution of minorities includes rape and sexual assault of women in these communities.¹⁶ The rate of rape is higher for minority women in Bangladesh because they are considered “double infidels” for being women and also for being</p>

<p>May to 29 May 2013) A/HRC/26/38/Add.2, April 1 2014 (26th HRC session, June 2014)</p>	<p>part of a religious minority.¹⁷ They are also commonly victims of <i>salish/fatwa</i>-related violence.</p>
<p>Statement by Special Rapporteur on violence against women, Ms. Rashida Manjoo Statement on Bangladesh visit, May 2013</p>	<p>According to interlocutors, the most pervasive form of violence against women in Bangladesh is domestic violence, with an estimated 60% of married women reported to having experienced violence at the hands of a spouse and/or in-laws. Other manifestations of violence include: different forms of sexual violence including rape and eve-teasing; discrimination and violence based on ethnicity, religion, caste, indigenous status, disability, or work; dowry-related violence; sexual harassment; forced and/or early marriages; acid attacks; psychological violence in custodial settings; economic exploitation and cross-border trafficking, among others. Harmful customary and religious practices and violence perpetrated against minorities were also highlighted in numerous testimonies.</p>
<p>Statement by Special Rapporteur on violence against women, Ms. Rashida Manjoo Statement on India visit, April 2013</p>	<p>The Government of India has signed and ratified numerous international human rights instruments and has also adopted numerous progressive laws and policies at the Union and State levels. Numerous laws, including amendments to existing laws, have been enacted to address various manifestations of violence against women. Among others, these include: the Indian Penal Code which broadly includes crimes against women. This law includes the crimes of rape, kidnapping and abduction for specified purposes, homicide for dowry, torture, molestation, eve teasing, and the importation of girls, among others. More specific laws on crimes against women include: the Criminal Law Amendment Act 2013, the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act 2013, the Protection of Women from Domestic Violence Act 2005, the Indecent Representation of Women (Prohibition) Act 1986, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, the Dowry Prohibition Act 1961, the Commission of Sati Prevention Act 1961, and the Immoral Traffic (Prevention) Act 1956 among others.</p> <p>In India, women from the Dalit, Adivasi, other Scheduled castes, tribal and indigenous minorities, are often victims of a multiplicity of forms of discrimination and violence. Despite protective legislative and affirmative action laws and policies, their reality is one where they exist at the bottom of the political, economic and social systems, and they experience some of the worst forms of discrimination and oppression - thereby perpetuating their socio-economic vulnerability across generations. They are often forced to live in displacement settings, experience forced labour practices, prostitution and trafficking, and also experience intra-community violations of rights.</p> <p>Customary and religious practices such as child marriages and dowry-related practices, sorcery, honour killings, witch-hunting of women, and communal violence perpetrated against cultural and religious minorities, were</p>

	<p>highlighted in numerous testimonies. Communal violence, inspired by religious intolerance, does manifest in some parts of India. Indiscriminate attacks by religious majorities on religious minorities, including Christian and Muslim minorities, is frequently explained away by implying that equal aggression was noted on both sides. Also, such violence is sometimes labelled as ‘riots’, thereby denying the lack of security for religious and other minorities, and disregarding their right to equal citizenship. This issue is of particular concern to many, as the wounds of the past are still fresh for women who were beaten, stripped naked, burnt, raped and killed because of their religious identity, in the Gujarat massacre of 2002.</p> <p>Conclusion:</p> <p>6. Grave concerns are noted as regards the continuing atrocities perpetrated against Dalit women. There is a culture of impunity for violations of the rights of Dalit women (CEDAW). Concerns are further expressed for the failure to properly register and investigate complaints of violations against scheduled castes and tribes, the high rate of acquittals, the low conviction rates, and the alarming backlog of cases related to such atrocities (CRC, CEDAW and CERD).</p> <p>7. The practice of devadasi is of concern (HRC). The effective enforcement of relevant legislation and the Indian Constitution is required to end this practice (CERD).</p> <p>12. Continuing disparities in literacy levels are of concern, in particular the educational status of scheduled castes, scheduled tribes and Muslim women (CEDAW). Effective measures must be adopted to reduce the drop-out rates among Dalit girls (CERD).</p> <p>13. More effort is needed to end customary practices which deprive women from underprivileged classes, castes and religious minorities of their rights to human dignity and to non-discrimination (HRC).</p>
<p>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo</p> <p>Thematic report on gender-related killings (A/HRC/20/16) (20th HRC session, June 2012)</p>	<p>39. Women accused of witchcraft in Ghana are often violently driven from their communities and forced to take refuge in —witch camps . Many widows are subjected to property-related violence, including violent evictions and loss of inheritance; and subjected to sexual abuse and harassment by relatives. In India, based on accusations of being a dayan (witch) or practising banamathi (witchcraft), physical violence is sometimes employed against Dalit women as a mechanism to take possession of their family lands and/or to keep them under economic subjugation, sexual exploitation, gender domination and control. In Nepal, particularly in the southern Terai region, elderly women, widows, destitute women and women of low caste are often targeted and deprived of their property rights or victimized to settle a personal vendetta.</p> <p>5. Dowry-related killings of women</p> <p>56. In some South Asian countries, a widespread practice is that of dowry-related murders. This term covers the</p>

	<p>deaths of young brides who are murdered, or driven to suicide by continuous harassment and torture perpetrated by the groom's family in an effort to extort dowry payment or an increased dowry of cash or goods. The most common manifestation of this practice is the burning of the bride. These incidents are often presented as, and accepted to be, accidents, such as death as a result of an —exploding stove .</p> <p>57. Dowry-related violence is embedded in religious and cultural traditions of the South Asian region. The practice has permeated all communities. Pakistan enacted an anti-dowry law in 1976, Bangladesh in 1980 and Nepal in 2009. Despite legislative reforms, dowry is an indispensable part of weddings in this region; it has been a cause of violence against women, and the laws have failed to have an impact in curbing dowry or elevating the status of women within marriage.</p> <p>58. In several cases in Bangladesh, dowry-related harassment of women has been aggravated to acid attacks, leading to blindness, disfigurement and death of women. In 2002, Bangladesh passed a law imposing the death penalty on offenders and also restricted the sale of acid, in response to the growing problem of acid attacks. In the first half of 2009, 119 cases of dowry-related violence, including 78 deaths, were reported. In 2008, 172 women were killed, and the figure for 2007 was 187.95</p> <p>59. Statistics for the period 2007 to 2009 show that there have been between 8,093 and 8,383 reported cases of dowry deaths in India. As noted by experts, the numbers of reported cases do not add up to conviction rates. The National Crime Records Bureau of India reports that for 2008 there were 1,948 convictions, as against 3,876 acquittals. Acid attacks are also becoming a growing phenomenon in India, with young women being targeted for spurning suitors and for rejecting proposals of marriage, as well as in connection with contestation over dowry.</p> <p>60. Human rights bodies have strongly condemned these practices. Experts argue that there is a need to address the underlying cultural concerns, such as the subordinate status of women within their birth/natal and marital homes; issues of property and ownership within these realms; the control of women's sexuality; the stigma attached to divorce; and the lack of support for a woman after she is married.</p>
<p>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo Addendum - Communications to and from Governments A/HRC/17/26/Add.1 (17th session of the Human rights Council, June 2011)</p>	<p>Bangladesh Allegation letter</p> <p>35. On 30 November 2010, the Special Rapporteur, jointly with the Special Rapporteur on freedom of religion or belief sent an allegation letter to the Government concerning MMB, a Hindu woman from Tala Upazila, Satkhira District.</p> <p>36. According to the information received, MMB was the wife of PB and belonged to the Lower Caste of the Hindu minority in Tala Upazila of Satkhira District. On 20 April 2010, at about 9:00 a.m., MMB went to fetch water from a well near the Tala police station. Allegedly, MMB was then kidnapped by MZG with the help of KG, AZ and SG. On 21 April 2010, a criminal case under section 7/30 of the 2003 Women and Children Repression Act was opened</p>

against MZG and three unidentified perpetrators.

37. It was reported that MZG forcefully converted MMB to Islam on 9 June 2010, renamed her as FB and married her in contravention of section 494 of Bangladesh Penal Code. Subsequently, MZG reportedly put mental and physical pressure on MMB to withdraw the abduction case dated 21 April 2010, and also to get money from her parents as dowry. When MMB expressed her inability to procure dowry money from her destitute parents, Mr. MZG started beating her. As a result, MMB died at the house of MZG on 28 October 2010. MZG tried to portray this as a suicide, hanging her dead body in his room and then fled away.

38. On 28 October 2010, the same day, the police recovered the dead body and filed another case against four perpetrators responsible for abatement of murder, including MZG, under section 11(ka)/30 of the 2003 Women and Children Repression Act. However, the police had yet been unable to arrest the perpetrators. The body of MMB was subsequently buried as per Muslim custom.

39. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as further clarification concerning any complaints that might have been lodged; the results of any judicial investigation; and any plans, policies or legislation instituted to prevent violence against women, in particular forced marriages and dowry related violence.

Response from the Government

40. In a letter dated **30 November 2010**, the Government responded to the communication sent on 30 November 2010 indicating that the contents of the communication had been duly noted and forwarded to the concerned authorities in Bangladesh for necessary inquiry and actions.

Observations

41. The Special Rapporteur looks forward to receiving further information from the Government regarding the allegations above and takes this opportunity to recall that the right to marry, only with one's free and full consent, is recognized in the Universal Declaration of Human Rights (Article 16(2)) and that Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women refers to the right of women and men to freely chose a spouse, to enter marriage only with their free and full consent and with the same rights and responsibilities.

42. The Special Rapportuer also wishes to recall the obligation by States under

	international human rights law to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.
<p>Communications to/from Governments and interactive dialogue A/HRC/14/22/Add.1 (14th session of the HR Council, June 2010)</p>	<p><u>NEPAL</u> Urgent appeal 251. On 30 April 2009, the Special Rapporteur on violence against women, its causes and consequences, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent an urgent appeal to the Government regarding Ms. K.D.S., Ms. T.M., Ms. S.K., Ms. B.C., Ms. S.S., Ms L.C. and other women human rights defenders of Chimdi Village Development Committee (VDC) in Sunsari district in Nepal, as well as Mr. R.N., Mr. K.B. and Mr. G.K., all of them journalists, Mr. S.C., representative for the Informal Sector Service Centre (INSEC) and Mr. B.C., a member of the Women’s Rehabilitation Centre (WOREC), an organization helping victims of domestic and sexual violence. 252. According to the information received, on 9 April 2009, Ms. K.D.S., after calling for respect of the fundamental right of any person to marry and to choose freely her/his spouse, was beaten up by the relatives of Ms. L.G., a young woman who planned to have an intercaste wedding with a young man belonging to the Dalit community. The two young people were also beaten up by L.G.’s relatives for speaking to each other in public. Immediately after the assault, Ms. K.D.S. approached the Illaka police station of Chimdi to file a complaint, but the Sub-Inspector refused to receive it. 253. On 11 April 2009, the Women Human Rights Defender Network, Sunsari, and more than 500 women from eight Village Development Committees (VDC) staged a demonstration in front of the police station in Chimdi VDC, in order to call for sanctions against the police for refusing to register Ms. K.D.S. complaint and to denounce the denial of access to justice. While doing so, they evoked the statement made by the Prime Minister on 25 January 2009, in which he committed himself to establish a complaints centre for women in order to end all forms of violence against women and criminalize caste-based discrimination against Dalits. They also called for a police apology since, on 10 April, while the Chimdi VDC were walking towards the police station in Chimdi, police officers publicly insulted them. (...) 257. The Special Rapporteur requested some clarifications from the Government on the following matters: 1. Are the facts alleged in the above summary of the case accurate? 2. Has a complaint been lodged by or on behalf of the alleged victim? 3. Please provide the details, and where available the results, of any investigation and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.</p>

	<p>4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?</p> <p>Response from the Government</p> <p>258. By a letter dated 8 February 2010, the Government responded to the communication sent on 30 April 2009. (...)</p> <p>Observations</p> <p>265. The Special Rapporteur is grateful to the Government of Nepal for its response. She wishes to call upon the Government to enhance efforts towards ensuring the right of women, on equal terms with men, to participate in non-governmental organizations and associations concerned with the public and political life of the country. She also wishes to refer to the observations made by the Special Rapporteur on the situation of human rights defenders in A/HRC/13/22/Add.1.</p>
<p>Communications to/from Governments and interactive dialogue A/HRC/11/6/Add.1 (11th HRC session, June 2009)</p>	<p>In the addendum to her report to the Human Rights Council, the Special Rapporteur on Violence against Women, Ms. Yakin Ertürk, refers to 30 cases of violence against Dalit women in India, including incidences of physical and verbal abuse, gang rape, sexual exploitation, witch hunting, and naked parading (paragraphs 185-246). This is the result of a long-term process pulled by several persons involved in the Dalit women’s working group especially in India, and with assistance from Cordaid and Justice and Peace Netherlands.</p> <p>The Special Rapporteur concludes in her rapport:</p> <p>“217. According to the information received, Dalit women and men suffer descent based discrimination in various aspects of their lives and are also victims of violence and untouchability practices arising out of the caste system. Despite the formal abolition of “untouchability” by article 17 of the Indian Constitution, de facto discrimination and segregation of Dalits persists, in particular in rural areas and with regard to access to places of worship, housing, hospitals, education, water sources, markets and other public places.</p> <p>218. Dalit women are confronted with discrimination, exclusion and violence to a larger extent than men. Land and property issues in particular, tend to cause or be at the root of conflicts over which Dalit women have faced eviction, harassment, physical abuse and assault. Dalit women are often denied access to or are evicted from their land by dominant castes, especially if it borders land belonging to such castes. They are thus forced to live in the outskirts of villages, often on barren land. Reportedly, on many occasions, cases of violence against Dalit women are not registered, and adequate procedures are not taken by the police.”</p> <p>In the interactive dialogue Ms. Yakin Ertürk referred to the number of cases on violence against Dalit women in her presentation to the Council and proposed that this specific issue was examined in more detail by the new mandate holder. Two delegations (Slovenia and Denmark) raised this issue in their questions to the Special Rapporteur in the interactive dialogue.</p> <p>In resolution A/HRC/11/L.5 on “Accelerating efforts to eliminate all forms of violence against women” the Human Rights Council Council expressed deep concern that “all forms of discrimination, including racism, racial</p>

	<p>discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage, can lead to the particular targeting or vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, [...] women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation.”</p> <p>The same resolution also encouraged the Special Rapporteur “to consider in future reporting the needs of women who experience multiple forms of discrimination, and to examine effective measures to respond to those situations”.</p>
<p>15 Years of the UN Special Rapporteur on Violence against Women – August 2010 Review</p>	<p>Ms. Yakin Ertürk initiated this study with the objective of reviewing the work of the SRVAW, highlighting the conceptual shifts in the VAW mandate since its inception, and assessing the lessons learned as well as remaining challenges in combating VAW.</p> <p>Applying Intersectionality pp. 49-50. Other violations persist that would warrant further attention by the SRVAW. Although gender dimensions of conflict situations are covered, those pertaining to disaster management and humanitarian relief remain in need of elaboration. In addition, violence specific to elderly women or adolescent girls, women who are victims of caste-based discrimination*, and women who are migrants, refugees or non-citizens needs to be highlighted. Intersectionality sets out a wide canvas for the SRVAW to work on, as no matter how much ground is covered, issues and contexts that need attention will remain, given the overlapping and interconnectedness of issues, discriminations and structures of power.</p> <p>* In a joint contribution to the Durban Review Process, the SRVAW expressed her concerns regarding the numerous complaints she was receiving about violence perpetuated against women on the grounds of caste, as highlighted in her communications with governments; see A/CONF.211/PC/WG.1/5.</p>
<p>Joint contribution prepared pursuant to decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its first session A/CONF.211/PC/WG.1/5</p>	<p>The joint contribution was prepared by several Special Rapporteurs ahead of the Durban Review Conference. The SR on violation against women has the following remark in a separate section devoted to the issue of caste discrimination.</p> <p>“Discrimination on the grounds of caste and other systems of inherited status</p> <p>48. Against this backdrop, the Special Rapporteur on violence against women wishes to express her concerns about the numerous complaints she receives about violence perpetuated against women on the grounds of caste, as highlighted in her communications with Governments, jointly with other Special Rapporteurs.”</p>
<p>Communications to/from Governments A/HRC/7/6/Add.1 (7th session HR Council, March 2008)</p>	<p>This report contains a number of cases submitted to the governments of India and Nepal.</p> <p>4. Violence against women facing multiple and intersecting layers of discrimination</p> <p>23. 19 out of 59 communications sent (32 per cent of the total number) concerned women facing multiple and intersecting layers of discrimination.</p> <p>24. Women belonging to national, ethnic or religious minorities or lower social castes, indigenous women, and migrant women are strongly overrepresented among reported victims. The Special Rapporteur has also acted on a</p>

	<p>case of a transgender/gay activist, who was targeted due to his sex identity choice and his activity of bisexuals, gays and tranvestites' rights defender, as well as on a case of a lesbian couple, who was reportedly persecuted because of their sexual orientation.</p> <p>25. In this regard, the Special Rapporteur would like to refer to Commission on Human Rights resolution 2005/41 on the elimination of violence against women in which the Commission calls on States to address the specific circumstances facing indigenous women and girls in relation to gender-based violence, especially sexual violence, arising from multiple, intersecting and aggravated forms of discrimination, including racism, paying particular attention to the structural causes of violence. [...]</p>
<p>Report of Dr. Yakin Ertürk – Communications to and from Governments (61st session of the Commission on Human Rights)</p>	<p>The report mentions communications to and from governments in four caste-affected countries, incl. Bangladesh, India, Nepal and Pakistan. The three following allegations were brought to the attention of the three governments:</p> <p><u>Bangladesh:</u></p> <p>24. J.T., aged 19 and her two cousins, R.T. and K.T., three young women from a low-caste Hindu family. According to information received, they were gang-raped on several occasions by five men, the names of three being known to the Special Rapporteur. The incidents occurred in Fatemabad village, under Lalmohan police station of Lord Hardinge in Bhola District of Bangladesh. The police were alleged to have not taken any action. The cases are as follows.</p> <p><u>India:</u></p> <p>181. By letter dated 8 June 2006 sent jointly with the Special Rapporteur on Racism, the Special Rapporteur advised the Government that she had received information according to which a group of 200 people attacked a Dalit settlement in Kalapatti village of Coimbatore district, Tamil Nadu, India on 16 May 2004. It is reported that the Dalits' homes were attacked by upper-caste villagers using swords and other weapons. They reportedly pushed the Dalits to the ground and stamped on them, verbally abusing them by using degrading caste names.</p> <p><u>Nepal:</u></p> <p>271. By letter dated 18 May 2004 sent jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteurs expressed their concern at the alleged social and economic discrimination faced by Badi women and girls.</p> <p>According to information received, the Badis, who are said to number tens of thousands across western Nepal, are one of 36 castes who make up Nepal's untouchables. It is reported that Badi women and girls, due to the discrimination, stigma and vulnerability inherent in the caste system, are forced to work in prostitution.</p> <p>[...]</p> <p>274. By letter dated 17 November 2004 sent jointly with [SR on Racism and SR on the Sale of Children], the Special Rapporteur advised the Government that she had received information concerning S.S., a Dalit girl aged 14, from Inaruwa, Sunsari, who was allegedly raped and then murdered with impunity.</p>

Report of the Special Rapporteur on violence against women, Ms. Rashida Manjoo following her mission to Bangladesh, Nepal and India on the issue of trafficking (28 October-15 November 2000)

[\(E/CN.4/2001/73/Add.2\)](#)

57th session of the Human Rights Commission, February 2001

II. GENERAL BACKGROUND TO THE PROBLEM OF TRAFFICKING IN SOUTH ASIA

20. The causes of trafficking are manifold and remain of great concern for the sending countries of the region. In her discussions with the women as well as with activists, the Special Rapporteur noted that poverty was a major factor and that many of these women were either sold into prostitution or left their homes to escape poverty. However, it was also pointed out that the poorest areas of Nepal were not the areas from which women are being trafficked. Other factors contributing to trafficking were traditional practices in certain villages and among certain castes whereby young girls were sold into concubinage for feudal lords or into prostitution. Social discrimination against women was also responsible for women leaving home. Lack of access to inheritance, land and employment and the practice of polygamy made women easy prey for traffickers who exploit their desire to migrate. Child marriage and unilateral divorce also make women extremely vulnerable to the whims of male partners. This discrimination was often given as the reason why women did not wish to return to their homes once they had been rescued. They were afraid of the stigma, but they also did not want to return to the same lives that they had sought to escape. In addition, all commentators point to the fact that members of lower castes and ethnic minorities appear to be disproportionately represented in the sex worker population

III. GENERAL FINDINGS

49. The Special Rapporteur found that women and girls leave Nepal and Bangladesh in such large numbers because of a lack of economic opportunities at home and because they suffer from a great deal of social discrimination. Many of these women belong to lower caste groups or ethnic minorities. In addition, the inheritance laws, land laws and employment regimes in these countries appear to discriminate against women. Many women and girls leave home because husbands have taken second and third wives. Girls often run away from home because of stepmothers or because they feel they are not wanted or because there is abuse. The need to alleviate poverty is recognized as an important way to fight all forms of human exploitation, including trafficking. However, in addition, States must feel compelled to take measures that give dignity and equality to women and girls. Inheritance laws, personal laws and socially discriminatory attitudes should be reformed in order to give women an equal chance in their society and prevent them from becoming easy prey to traffickers. Their desperation to leave their home countries, recounted in one testimony after another, often makes women complicit in their own trafficking, at least in the initial stages. The Special Rapporteur recorded only a very few cases that involved abduction. Most of the cases involved young girls and women who wanted to leave in search of a better life than the one they had at home. Providing women with income-earning opportunities and avenues for economic independence is one strategy that should be adopted to prevent trafficking. The removal of discriminatory legislation and discriminatory practices is also essential if the root causes of trafficking are to be tackled. Unless the sending countries understand that most of the women leave because of unhappy conditions in the home, they will not take the measures that are necessary to prevent trafficking while respecting the human rights of the individual women

	<p>VI. INDIA</p> <p>Programmes and Policies to combat trafficking</p> <p>125. The aspects of the Plan of Action that the Special Rapporteur feels pose human rights problems are, among others, the suggestion that the children of prostitutes be removed from their mothers to more healthy environments. This is a very disturbing violation of the right to family even if it is done with good intentions. The report also seems to rely on social surveillance as a method of preventing and fighting trafficking. Given the hierarchies of class, religion and caste, this can result in a great deal of abuse. Some of the women we interviewed described this abuse in detail, describing how certain women and groups are targeted for this type of social surveillance. Accountable state institutions are better vehicles for enforcement than social surveillance. In addition, the report focuses on the victim and has little to add with regard to laws and strategies for finding and punishing traffickers.</p>
<p>Special Rapporteur on freedom of religion or belief</p> <p>- Mr. Heiner Bielefeldt (Ms. Asma Jahangir until 2008)</p>	
<p>Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt (A/HRC/22/51) 22nd HR Council session, December 2012</p>	<p>Focus on the need to respect and protect freedom of religion or belief of persons belonging to religious minorities</p> <p>2. Specific areas of violations</p> <p>41. The following violations of the rights of persons belonging to religious minorities constitute a non-exhaustive list of patterns observed by the mandate holders during their country visits and in communications sent to States.</p> <p><i>(c) Structural discrimination and exclusion</i></p> <p>44. Persons belonging to religious minorities often suffer from systematic discrimination in various sectors of society, such as educational institutions, the labour market, the housing market or the health-care system. Scores of examples account for structural discrimination in those and other important societal areas. Minorities are frequently underrepresented in the public sectors as well, including in the police force, the military, public media and high-level posts in public universities. Members of certain groups, once identified as such, may not have access to higher education¹⁷ or certain public positions, or may be expelled from previously held positions. Moreover, many members of religious minorities experience multiple, intersectional and otherwise aggravated forms of discrimination, for instance a discriminatory link between scheduled caste status and affiliation to specific religions, or a combination of religion and ethnicity-based violence. Women or girls often have to cope with gender-based and religious discrimination, for example dress code regulations that discriminate against persons belonging to religious minorities, in particular women.</p>
<p>Mission report from country visit to India A/HRC/10/8/Add.3</p>	<p>In this addendum, the Special Rapporteur Ms. Asma Jahangir concludes on her country visit to India from 3 to 20 March 2008, which was conducted upon the invitation of the Government. In the report, the Special Rapporteur focuses on the following issues of concern: the situation of religious or belief minorities; justice for victims and</p>

**(10th session HR Council,
March 2009)**

survivors of communal violence; freedom of religion or belief in Jammu and Kashmir; the negative impact of laws on religious conversion in several states; and implications of religion-based personal laws.

Summary

The Special Rapporteur appeals to the authorities to take quick and effective measures to protect members of religious minorities from any attacks and to step up efforts to prevent communal violence. Any specific legislation on communal violence should take into account the concerns of religious minorities and must not reinforce impunity of communalized police forces at the state level. While inquiries into large-scale communal violence should not be performed hastily, they should be accorded the highest priority and urgency by the investigation teams, the judiciary and any commission appointed to study the situation. Furthermore, the laws and bills on religious conversion in several Indian states should be reconsidered since they raise serious human rights concerns, in particular because of the use of vague or overbroad terminology and discriminatory provisions. In addition, the eligibility for affirmative action benefits should be restored to those members of scheduled castes and scheduled tribes who have converted to another religion. Finally, religion-based personal laws should be reviewed to prevent discrimination based on religion or belief and to ensure gender equality.

Situation of religious or belief minorities

(a) Christians

18. Widespread violence in the Kandhamal district of Orissa in December 2007 primarily targeted Christians in Dalit and tribal communities. The Special Rapporteur received credible reports that members of the Christian community alerted the authorities and politicians in advance of the planned attacks of 24-27 December 2007. The police, too, had warned Christian leaders about anticipated violence. In its report on the events of December 2007, the National Commission for Minorities confirmed that “destruction on such a large scale in places which are difficult to access could not have taken place without advance preparation and planning”.

19. The situation in Orissa has reportedly deteriorated again after 23 August 2008, when Swami Lakhmananda Saraswati, a local leader of the Vishwa Hindu Parishad (VHP), and four other VHP members were killed. Although a Maoist leader had claimed responsibility and the Christian leadership had condemned the killings, organized mobs subsequently attacked Christians in Dalit and tribal communities. By the end of September 2008, more than 40 people had allegedly been killed in Orissa, over 4,000 Christian homes destroyed and around 50 churches demolished. Around 20,000 people were living in relief camps and more than 40,000 people hiding in forests and others places. The Special Rapporteur was profoundly alarmed by the humanitarian situation in relief camps where access to food, safe drinking water, medical care, proper sanitary arrangements and adequate clothing were reportedly lacking.

(c) Sikhs, Jains and Buddhists

27. Further problems can arise for members of the Scheduled Castes, especially when they want to convert to a different religion, since government benefits for Scheduled Castes are by law limited to Hindus, Sikhs and

Buddhists. The Constitution (Scheduled Castes) Order 1950 provided that no person who professes a religion different from the Hindu religion shall be deemed to be a member of a Scheduled Caste. This provision was subsequently amended in 1956 and 1990 to also include Sikhs and Buddhists.¹⁴ However, the Special Rapporteur's interlocutors pointed out for example that Sikhism and Buddhism did not recognise the caste-system. She was also informed that when a member of a Scheduled Caste left Hinduism and converted to Christianity or Islam, the previous caste status and related social bias would often remain at the social level while the person would legally no longer be eligible to government benefits for Scheduled Castes. In some cases, there are separate churches and cemeteries for members of the Scheduled Castes who converted to Christianity.

28. The legal link between Scheduled Caste status and affiliation to specific religions seems problematic in terms of human rights standards. The Special Rapporteur would like to recall that the Committee on the Elimination of Racial Discrimination noted with concern that Dalits who convert to Islam or to Christianity to escape caste discrimination reportedly lose their entitlement under affirmative action programmes, unlike converts who become Buddhists or Sikhs (A/62/18, para. 179). In 2008, an independent research study commissioned by the National Commission for Minorities found that there is a strong case for offering Muslims and Christians of Dalit origin the same constitutional safeguards already available to Hindu, Sikh and Buddhist Dalits. The report by the National Commission for Religious and Linguistic Minorities, headed by Justice Renganath Misra, recommended to delete paragraph 3 of the Constitution (Scheduled Castes) Order 1950 - which originally restricted the Scheduled Caste net to the Hindus and later opened it to Sikhs and Buddhists - and to make the Scheduled Castes net fully religion-neutral like that of the Scheduled Tribes.

Justice for victims and survivors of communal violence

31. The Special Rapporteur fully agrees with the analysis by the National Commission for Minorities that communal violence is not merely a "law and order" problem but has a serious socio-economic basis and ramifications. Sectarian riots are most likely to occur when the following elements are present: (i) severe long-standing antagonism on religious lines in particular villages and urban localities; (ii) an emotional response of members of religious communities to a precipitating event; (iii) a feeling in the minds of rioters and the larger religious group to which they belong that sectarian violence is justifiable; and (iv) the assessment by the rioters that the reaction from the police to sectarian violence will be either absent or partisan or ineffective.

(c) Communal violence after the Godhra train burning incident (2002)

36. With regard to the Gujarat massacre in 2002, the Special Rapporteur met a large number of eyewitnesses as well as people who visited Gujarat during the communal violence and she also received numerous reports, from both official bodies and civil society organisations. The Special Rapporteur also met a former Prime Minister of India and Members of Parliament who visited Gujarat soon after the riots in 2002. The state government reported

that, prior to the Godhra train burning incident, Gujarat had witnessed 443 major communal incidents between 1970 and 2002. However, the massacre that took place after the tragic deaths in the Godhra train burning incident on 27 February 2002, is all the more horrifying since at least a thousand people¹⁵ were systematically killed. While the Special Rapporteur notes the controversy about the different conclusions of various public enquiries concerning the question whether the Godhra train burning incident was an accident or a deliberate criminal act, she would like to emphasize that there can be no justification for the large-scale killings and violence after 27 February 2002. In addition, there are credible reports that inaction by the authorities was evident and most of the Special Rapporteur's interlocutors, including politicians, alleged complicity by the state government.

37. While discussing the events with victims, the Special Rapporteur could see their continuing fear which was exacerbated by the distress that justice continues to evade most victims and survivors. A large number of criminal cases relating to the communal violence in 2002 remain un-investigated or have been closed by the Gujarat police and the plight of those internally displaced from their home continues. In addition, there is increasing ghettoization and isolation of Muslims in certain areas of Gujarat, for example in one part of Ahmedabad which is colloquially called "little Pakistan". The assertion of the state government that development by itself will heal the wounds does not seem to be realistic. The Special Rapporteur believes that it is crucial to recognise that development without a policy of inclusiveness of all communities will only aggravate resentments.

38. During her visit to Gujarat, the Special Rapporteur was also disturbed that at various meetings with members of civil society, plain-clothed government agents took names of her interlocutors and also made their presence felt afterwards. On several occasions, the Special Rapporteur had to insist that police officers left the room during her non-governmental meetings. The terms of reference for fact-finding missions by Special Rapporteurs (E/CN.4/1998/45, appendix V) guarantee confidential and unsupervised contact of the Special Rapporteur with witnesses and other private persons. Furthermore, she would like to remind the authorities in Gujarat of the Government's assurance according to these terms of reference "that no persons, official or private individuals who have been in contact with the special rapporteur/representative in relation to the mandate will for this reason suffer threats, harassment or punishment or be subjected to judicial proceedings".

V. CONCLUSIONS AND RECOMMENDATIONS

61. The National Commission for Minorities, too, has taken up several challenges. Their members took prompt action and issued independent reports on incidents of communal violence with concrete recommendations. However, the performance of various state human rights commissions depends very much on the selection of their members and the importance various governments attach to their mandates. It is vital that members of such commissions have acute sensitivity to human rights issues and they must reflect the diversity of the state, particularly in terms of gender, since women are often subject to religious intolerance. The inclusion of women in such commissions would be welcomed by the Special Rapporteur as she noticed that women's groups across religious lines were the most active and effective human rights advocates in situations of communal tension in

	<p>India.</p> <p>62. All of the Special Rapporteur’s interlocutors recognised that a comprehensive legal framework to protect freedom of religion or belief exists, yet many of them – especially from religious minorities - remained dissatisfied with its implementation. Since the political system of India is of a federal nature and states have wide powers, including in the field of law and order, the level of action of the Government to protect its citizens in terms of freedom of religion or belief varies from state to state. The Special Rapporteur would like to recognize the efforts and achievements of the central Government. However, several issues of concern with regard to intolerance and discrimination based on religion or belief remain pertinent, especially in the context of certain states.</p> <p>63. Organised groups claiming roots in religious ideologies have unleashed an allpervasive fear of mob violence in many parts of the country. Law enforcement machinery is often reluctant to take any action against individuals or groups that perpetrate violence in the name of religion or belief. This institutionalised impunity for those who exploit religion and impose their religious intolerance on others has made peaceful citizens, particularly the minorities, vulnerable and fearful.</p> <p>71. The Special Rapporteur would like to recall the recommendation by the Committee on the Elimination of Racial Discrimination (A/62/18, para. 179) to restore the eligibility for affirmative action benefits of all members of Scheduled Castes and Scheduled Tribes having converted to another religion. The Special Rapporteur recommends that the Scheduled Caste status be delinked from the individual’s religious affiliation.</p>
<p>Report of the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir</p> <p>Addendum MISSION TO INDIA (10th session of the Human Rights Council, March 2009)</p>	<p>Summary</p> <p>The Special Rapporteur appeals to the authorities to take quick and effective measures to protect members of religious minorities from any attacks and to step up efforts to prevent communal violence. Any specific legislation on communal violence should take into account the concerns of religious minorities and must not reinforce impunity of communalized police forces at the state level. While inquiries into large-scale communal violence should not be performed hastily, they should be accorded the highest priority and urgency by the investigation teams, the judiciary and any commission appointed to study the situation. Furthermore, the laws and bills on religious conversion in several Indian states should be reconsidered since they raise serious human rights concerns, in particular because of the use of vague or overbroad terminology and discriminatory provisions. In addition, the eligibility for affirmative action benefits should be restored to those members of scheduled castes and scheduled tribes who have converted to another religion. Finally, religion-based personal laws should be reviewed to prevent discrimination based on religion or belief and to ensure gender equality.</p> <p>III. DOMESTIC LEGAL FRAMEWORK ON FREEDOM OF RELIGION OR BELIEF</p> <p>11. A number of Indian states have adopted specific laws which seek to govern religious conversion and renunciation. Five states have passed and implemented the so-called Freedom of Religion Acts (Orissa, Madhya</p>

Pradesh, Chhattisgarh, Gujarat and Himachal Pradesh). Similar laws have been passed but not yet implemented in two other states (Arunachal Pradesh and Rajasthan). All of these laws stipulate that “no person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion”. The term “force” is defined to “include a show of force or a threat for injury of any kind including threat of divine displeasure or social excommunication”. These laws carry penalties of imprisonment and fines with harsher penalties in case children, women or persons belonging to the Scheduled Castes or Scheduled Tribes are forcibly converted. Furthermore, in some states anyone converting another person from one religion to another is required to obtain prior permission from state authorities thirty days before the date of such intended conversion⁴ or submit a related intimation.⁵ In other states with such laws, anyone intending to change his or her religion needs to give prior notice⁶ or intimation after the conversion ceremony.⁷

(c) Sikhs, Jains and Buddhists

27. Further problems can arise for members of the Scheduled Castes, especially when they want to convert to a different religion, since government benefits for Scheduled Castes are by law limited to Hindus, Sikhs and Buddhists. The Constitution (Scheduled Castes) Order 1950 provided that no person who professes a religion different from the Hindu religion shall be deemed to be a member of a Scheduled Caste. This provision was subsequently amended in 1956 and 1990 to also include Sikhs and Buddhists.¹⁴ However, the Special Rapporteur’s interlocutors pointed out for example that Sikhism and Buddhism did not recognise the caste-system. She was also informed that when a member of a Scheduled Caste left Hinduism and converted to Christianity or Islam, the previous caste status and related social bias would often remain at the social level while the person would legally no longer be eligible to government benefits for Scheduled Castes. In some cases, there are separate churches and cemeteries for members of the Scheduled Castes who converted to Christianity.

28. The legal link between Scheduled Caste status and affiliation to specific religions seems problematic in terms of human rights standards. The Special Rapporteur would like to recall that the Committee on the Elimination of Racial Discrimination noted with concern that Dalits who convert to Islam or to Christianity to escape caste discrimination reportedly lose their entitlement under affirmative action programmes, unlike converts who become Buddhists or Sikhs (A/62/18, para. 179). In 2008, an independent research study commissioned by the National Commission for Minorities found that there is a strong case for offering Muslims and Christians of Dalit origin the same constitutional safeguards already available to Hindu, Sikh and Buddhist Dalits. The report by the National Commission for Religious and Linguistic Minorities, headed by

Justice Renganath Misra, recommended to delete paragraph 3 of the Constitution (Scheduled Castes) Order 1950 - which originally restricted the Scheduled Caste net to the Hindus and later opened it to Sikhs and Buddhists - and to make the Scheduled Castes net fully religion-neutral like that of the Scheduled Tribes.

5. Religion-based personal laws

57. During her visit, the Special Rapporteur also received reports of violence and rape, for example in Uttar Pradesh, as a reaction to cases of intermarriage between believers of different religions or castes. Acts of violence continue to occur while perpetrators are dealt with some sympathy by the law enforcement agents. This bias is deep-rooted in certain sections of society and it makes the protection of the victims even more difficult. In this regard it seems important to apply a gender perspective and to protect women effectively against any forms of violence or discrimination.

V. CONCLUSIONS AND RECOMMENDATIONS

62. All of the Special Rapporteur's interlocutors recognised that a comprehensive legal framework to protect freedom of religion or belief exists, yet many of them – especially from religious minorities - remained dissatisfied with its implementation. Since the political system of India is of a federal nature and states have wide powers, including in the field of law and order, the level of action of the Government to protect its citizens in terms of freedom of religion or belief varies from state to state. The Special Rapporteur would like to recognize the efforts and achievements of the central Government. However, several issues of concern with regard to intolerance and discrimination based on religion or belief remain pertinent, especially in the context of certain states.

63. Organised groups claiming roots in religious ideologies have unleashed an allpervasive fear of mob violence in many parts of the country. Law enforcement machinery is often reluctant to take any action against individuals or groups that perpetrate violence in the name of religion or belief. This institutionalised impunity for those who exploit religion and impose their religious intolerance on others has made peaceful citizens, particularly the minorities, vulnerable and fearful.

64. In this report the Special Rapporteur would also like to follow-up on her predecessor's country visit to India in 1996 and on his pertinent recommendations. As the communal violence in Gujarat in 2002 evidences, Mr. Amor was unfortunately prophetic in his country report, in which he expressed his fears that "something in the nature of the Ayodhya incident will recur in the event of political exploitation of a situation" (E/CN.4/1997/91/Add.1, para. 46). She is also very much concerned about the degree of polarization in some pockets of different faith groups and about the danger of

chain

reactions that can be triggered by communal tensions. The Special Rapporteur would like to emphasize that there is at present a real risk that similar communal violence might happen again unless political exploitation of communal distinctions is effectively prevented and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence is adequately addressed.

65. It is a crucial - albeit difficult - task for the State and civil society to challenge the forces of intolerance. The Special Rapporteur would like to refer to encouraging examples where private individuals have come to each other's rescue during communal violence, crossing all religious boundaries. Indeed, a large number of victims in Gujarat recognized the positive role played by some national media channels and other courageous individuals who effectively saved lives during the communal violence in 2002.

66. The visual arts industry in India has played an important role in public education regarding religious tolerance and can contribute to the prevention of communal tensions. However, due to its visibility and potential impact on the population, the visual arts industry remains a target of mob pressure and intimidation by non-State actors. While any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence needs to be prosecuted, this subtle form of self-censorship begs the question how the State could prevent the build-up of an atmosphere of fear of repercussions and mob pressure.

67. The Special Rapporteur appeals to the Indian authorities to take quick and effective measures to protect members of religious minorities from any attacks and to step up efforts to prevent communal violence. Legal aid programmes should be made available to survivor groups and minority communities in order to effectively prosecute and document cases of communal violence. Furthermore, a central telephone hotline might be set up to accept complaints and to register allegations concerning police atrocities. Any specific legislation on communal violence should take into account the concerns of religious minorities and must not reinforce impunity of communalised police forces at the state level.

69. Concerning vote-bank politics and electoral focus on inter-communal conflicts, the Special Rapporteur would like to reiterate her predecessor's suggestion to debar political parties from the post-election use of religion for political ends. In addition, the Representation of the Peoples Act 1951 should be scrupulously implemented, including the provision on disqualification for membership of parliament and state legislatures of persons who promote feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or

	<p>language.</p> <p>70. The laws and bills on religious conversion in several Indian states should be reconsidered since they raise serious human rights concerns, in particular due to the use of discriminatory provisions and vague or overbroad terminology. A public debate on the necessity of such laws, more information on their implementation and safeguards to avoid abuse of these laws seem vital to prevent further vilification of certain religious communities. The Special Rapporteur is concerned that such legislation might be perceived as giving some moral standing to those who wish to stir up mob violence. She would like to emphasize that the right to adopt a religion of one's choice, to change or to maintain a religion is a core element of the right to freedom of religion or belief and may not be limited in any way by the State. She also reiterates that peaceful missionary activities and other forms of propagation of religion are part of the right to manifest one's religion or belief, which may be limited only under restrictive conditions.</p> <p>71. The Special Rapporteur would like to recall the recommendation by the Committee on the Elimination of Racial Discrimination (A/62/18, para. 179) to restore the eligibility for affirmative action benefits of all members of Scheduled Castes and Scheduled Tribes having converted to another religion. The Special Rapporteur recommends that the Scheduled Caste status be delinked from the individual's religious affiliation.</p> <p>72. With regard to religion-based personal laws, the Special Rapporteur would like to recommend that such laws be reviewed to prevent discrimination based on religion or belief as well as to ensure gender equality. Legislation should specifically protect the rights of religious minorities and of women, including of those within the minority communities.</p> <p>74. Finally, the State, non-governmental organizations and all members of civil society are encouraged to join their efforts with a view to taking advantage of the media and cultural institutions to provide the individual with relevant knowledge in the field of freedom of religion or belief. In this regard, setting up educational institutions for the whole South Asian region or encouraging joint movie productions might contribute to strengthening peace, understanding and tolerance among individuals, groups and nations.</p>
<p>Special Rapporteur on the issue of human rights obligations related to access to safe drinking water and sanitation</p> <p>- Ms. Catarina de Albuquerque</p>	
<p>Report of the Special</p>	<p>D. Violations of the obligation to refrain from discrimination and to ensure substantive equality</p>

<p>Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque – “Common violations of the human rights to water and sanitation” A/HRC/27/55 (27th session of the Human Rights Council, September 2014) June 30 2014</p>	<p>Failure to prevent and combat stigmatization and to take measures against discrimination in the private sphere</p> <p>62. People may be deliberately excluded from the use of existing facilities, for instance through societal rules preventing Dalits from using water fountains or not allowing women and girls or other individuals to use an existing toilet in the household. Inordinate amounts of time spent by women and girls carrying water have major impacts on access to paid employment and education. Measures to address such practices could seek to alleviate that burden, for instance by making water collection over long distances unnecessary by providing direct access, while challenging the stereotypes which lead to that task being assigned to women.</p> <p>63. Sanitation workers frequently face serious health risks, stigmatization, violence and exploitation. In India, the Parliament adopted an act requiring that sanitation systems be overhauled so as to eliminate the need for manual scavengers and seeking to eradicate stigma, inter alia by arranging for alternative jobs. The Supreme Court of India observed that “manual scavengers are considered as untouchables by other mainstream castes and are thrown into a vortex of severe social and economic exploitation”. It held that the continuation of manual scavenging violated human rights and ordered the State to fully implement the new act and take appropriate action in response to any violations.</p> <p>64. Women and girls are frequently subjected to unacceptable risks of violence, including sexual violence, in accessing water and sanitation facilities. Their right to personal security may be violated by failures to provide adequate protection from violence, including through appropriate design and placement of facilities with the participation of women. Many other groups and individuals such as Dalits and lesbian, gay, bisexual, transgender and intersex individuals also face violence in accessing water and sanitation, often linked to deeply entrenched stigmatization.</p>
<p>Report focusing on sustainability and the human rights to water and sanitation A/HRC/24/44 (24th session of the Human Rights Council, September 2013)</p>	<p>F. A pattern of neglect of the most vulnerable and marginalized</p> <p>50. What emerges from the above is a pattern of neglect of the needs of the most vulnerable and marginalized groups in society across planning, institutional responsibilities and resource allocation. Disadvantaged groups can often be identified along ethnic, geographic, and socioeconomic divides (see, for example, A/HRC/18/33/Add.4, para.79). Indigenous peoples, Dalits and Roma are among such groups facing discrimination with whom the Special Rapporteur has met during the course of her mandate. Moreover, there are vast gender inequalities –in many poor communities, the task of collecting water overwhelmingly falls to women and girls (see, for example, A/HRC/15/31/Add.3 and Corr.1, para.22). Persons with disabilities are also disproportionately represented among those lacking access to water and sanitation (A/HRC/15/55, para.21). Neglect can occur for a variety of reasons: groups and individuals may experience stigmatization, they may live in remote areas making serving them costly, or politicians may be indifferent to their needs.</p>

<p>Annual report of the Special Rapporteur on the human right to safe drinking water and sanitation (67th session of the UN General Assembly, October 2012) A/67/270</p>	<p>In the report, the Special Rapporteur argues for a post-2015 development agenda that integrates equality and non-discrimination, paired with equity.</p> <p>32. In her country missions, the Special Rapporteur has noted that specific groups are excluded from access to water and sanitation, often reflecting patterns of discrimination, marginalization and limited political will to ensure substantive equality. These groups can be identified along ethnicity and socioeconomic divides. In some countries, indigenous peoples living on reserves do not have access to water or sanitation services. Dalits often suffer discrimination in accessing water and sanitation, while Roma are most disadvantaged in many European countries. Moreover, the Special Rapporteur’s attention has repeatedly been drawn to vast gender inequalities and multiple discrimination, or the compounded impact of various grounds of discrimination on the same individual or group. For instance, women and girls are overwhelmingly tasked with collecting water and are physically and sexually threatened when they fetch water.¹⁸ Persons with disabilities are also disproportionately represented among those who lack access to safe drinking water and sanitation.</p> <p>36. Being disadvantaged relates to different factors such as ethnicity, language, religion, caste, gender, age, disability, nationality, and others. While the focus of the equity discourse is often on people living in poverty, it must not be forgotten that the world’s poorest are not randomly distributed — they disproportionately share one or several of the factors that commonly lead to exclusion and discrimination.</p>
<p>Thematic report on Stigma and the realization of the human right to safe drinking water and sanitation A/HRC/21/42 (21st session of the Human Rights Council, September 2012)</p>	<p>11. In the report, the Special Rapporteur first seeks to convey an understanding of stigma and to elucidate its drivers. She links stigma explicitly to water, sanitation and hygiene before examining different manifestations of stigma. [...]</p> <p>II. Understanding stigma and its drivers</p> <p>12. Stigma relates closely to power and inequality, and those with power can deploy it at will. Stigma can broadly be understood as a process of dehumanizing, degrading, discrediting and devaluing people in certain population groups, often based on a feeling of disgust. Put differently, there is a perception that “the person with the stigma is not quite human”.</p> <p>13. What is considered “abnormal” changes over time and place, while the targets of stigma are always those who do not fit the “social norm”. In some instances, stigma is attached to a person’s social identity, especially in</p>

relation to one's gender or gender identity, sexual orientation, **caste** or race. [...]Indeed, stigma is often closely linked to the body as a site of the normal and the different and as a vehicle of contagion, especially in terms of sexuality and disease. Furthermore, stigma is frequently attached to activities that are considered "immoral", "detrimental to society" or "dirty", affecting, for instance, sex workers, **sanitation workers**, prisoners and homeless people.

14. In many instances, stigma is compound, multiple or intersectional, meaning that a single person can possess different attributes to which stigma are attached, such as in the case of an ex-prisoner who is homeless.

Individuals experiencing compound stigma are often the ones who are most marginalized and discriminated against. The concept of intersectionality recognizes that individuals have multiple identities, attributes and behaviours, and that the intersections of these multiple aspects give shape to experiences of stigmatization and discrimination. Individuals falling into a particular category do not all inhabit the same social positions.

15. People who are stigmatized can find it is almost impossible to escape the stigma. Similarly, some may experience stigma by association, that is, extending beyond a person with a particular attribute. The Committee on Economic, Social and Cultural Rights has found that people may be discriminated against by being associated with or by being perceived as part of a particular group.⁶ For example, during her mission to Bangladesh, the Special Rapporteur found that the occupation as "**sweeper**" is passed down through generations and that people in that occupation feel "trapped" (A/HRC/15/55 and Corr.1, paras. 26, 75 and 76).

20. Stigma also has its drivers at the societal level with, for instance, the media contributing to spreading prejudices and stereotypes. It is also driven by deeply entrenched cultural beliefs relating, for instance, to gender, sexuality, health and descent. **Caste systems** are striking examples of systems that lead to the stigmatization of large parts of the population, potentially amounting to violations of human rights.

III. Stigma and its links to water, sanitation and hygiene

22. Stigmatization often results in lack of access to water and sanitation and poor hygiene standards. The lack of access to essential services is a symptom, while the root causes lie in stigmatization. Only through an understanding of these causes will it be possible to implement effective measures to improve access to services. Stigma is often closely linked to perceptions of uncleanness, **untouchability** and contagion. In many instances, stigmatized people are perceived as "dirty", "filthy" and "smelly", affecting for instance homeless populations, menstruating women and girls, Roma communities, **Dalits** or women suffering from obstetric fistula.⁷ Individuals who find themselves stigmatized because of the perception that they are "dirty" or "contagious" may be socially ostracized and be denied access to water, sanitation and hygiene services, hence reinforcing the stereotype of uncleanness and prolonging a vicious circle. It is not their inherent condition to live in filthy and poor conditions; it is a position imposed by society that uses stigma as a tool to create, perpetuate and justify marginalization and inequality.

IV. Manifestations of stigma

A. Rendering people and their needs invisible

24. Stigma has a perverse effect of silencing. It creates taboos and results in issues not being addressed. Stigma renders some people and their needs invisible in society. For instance, denying the practice of “untouchability” and the resulting silence that surrounds it is part of the stigma.

B. Pushing people to the margins of society

29. Stigma is also manifest in the rejection, avoidance and marginalization of certain groups, quite literally pushing people to the margins of society. Racist and similar attitudes demean, degrade and dehumanize groups of people because of their racial, ethnic, religious, linguistic or **caste identity**. Many racial and ethnic groups or **castes** experience stigma, including indigenous peoples, pastoralists, (semi-)nomadic tribes such as the Bedouins, persons with albinism, Roma in Europe and **Dalits in South Asia**. They may suffer from pervasive negative stereotyping, social exclusion and denial of fundamental human rights. In some instances, people are forced to live at the outskirts of cities and villages, sometimes being relocated to more remote areas, subjected to an —out of sight, out of mind attitude.

32. Similarly, caste systems are closely related to stigma and patterns of human rights violations. Caste systems across the world are deeply rooted in social segregation, based on ideas of purity and pollution and lending traditional “legitimacy” to discrimination. The International Dalit Solidarity Network underlines that Dalits — ‘are considered “lesser human beings”, “impure” and “polluting” to other caste groups. They are known to be “untouchable” and subjected to so-called “untouchability practices” in both public and private spheres’. In terms of water and sanitation provision, Dalit habitations are often systematically excluded (A/HRC/15/55 and Corr.1, para. 76).

33. **Dalits** are regularly forced into the most menial, socially degrading, dirty and hazardous jobs. Some Dalits, in particular women, work as manual scavengers or sweepers; the terminology varies across countries, but generally refers to those who clean faeces from dry toilets.¹⁵ As a result of their direct contact with human faeces, manual scavengers suffer from a range of health problems (A/HRC/15/55 and Corr.1, para. 75) that are for the most part left untreated and add further to their stigmatization. Manual scavengers and sweepers suffer extreme forms of social exclusion, even within their own caste. These practices are not only deeply rooted in society, but also institutionalized through State practice, with municipalities themselves employing sweepers (ibid.). Moreover, patterns of stigmatization are perpetuated in schools, being reflected in the nature of cleaning duties, namely, through the assignment of toilet cleaning to the —lower castes.¹⁶ Instead of breaking caste barriers, teachers perpetuate stigmatization, limiting the rights of young people to be free from discrimination and to access education.

C. Excluding people from facilities

36. Stigma often manifests itself in exclusion from social gatherings or everyday activities. Many people affected by stigma also experience the impact of stigma in their access to shared or common water and sanitation facilities.

	<p>Reportedly, Dalits have been unable to collect water from shared wells or have been fined for drinking from a common water tap, and Dalit women have reportedly had to wait in a separate queue until non-Dalits have fetched water. Large-scale violence and physical attacks by members of the dominant caste have been reported where Dalits attempted to access facilities in areas inhabited by the dominant caste.²⁰ Similarly, people living with HIV/AIDS have sometimes been locked out of communal latrines or water taps by their neighbours.²¹</p> <p>C. Non-discrimination and equality</p> <p>50. In terms of prohibited grounds of discrimination, the International Covenants on Human Rights list race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The term “other status” indicates that these lists are not exhaustive. The treaty bodies have sought to elucidate the term, finding that it encompasses, inter alia, disability, age, sexual orientation and gender identity, health status, place of residence, and economic and social situation.²⁹ These grounds show a significant overlap with groups experiencing stigmatization, highlighting again that stigma often lies at the root of discrimination. Conversely, this relationship also allows for the use of stigma as a marker and for the consideration of groups who experience stigmatization when interpreting the term —other status . While it may already be implicit in the treaty bodies’ reasoning, this would, for instance, require the recognition of homelessness as a prohibited ground of discrimination.</p>
<p>Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque - Addendum: Compilation of good practices A/HRC/18/33/Add.1 (HRC 18th session 2011)</p>	<p>E. Non-discrimination [...]</p> <p>61. Discriminatory practices originate not only from the State, but also from deeply ingrained cultural and social practices. In Tamil Nadu, India, the Department for Water Affairs²² committed itself to addressing discriminatory practices based on caste, using access to water and sanitation as the entry point for discussing discrimination. The programme implementers found that, frequently, it was not just policies and programmes that were perpetuating discriminatory practices, but also that local communities needed awareness training to recognize that their own attitudes were discriminatory.</p>
<p>Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque – Mission to Japan A/HRC/18/33/Add.3 (18th session of the Human</p>	<p>IV. Discrimination and exclusion</p> <p>24. There has long been reluctance on the part of many in Japan, including the government, to recognize the country’s diversity in terms of wealth disparities, minority groups and other types of heterogeneity.¹⁴ While minority groups, such as new immigrants, Koreans, the Burakumin, and Ainu and Okinawan indigenous communities, receive greater recognition than in the past, they continue to face economic disadvantage and social exclusion.</p> <p>Human Rights Council</p>

Rights Council, July 2011)	
<p>Joint report from a visit to Bangladesh with the independent Expert on human rights and extreme poverty A/HRC/15/55 (15th session HR Council, September 2010)</p>	<p>The Independent Expert on water and sanitation and the Independent Expert on human rights and extreme poverty presented their joint report from Bangladesh at the 15th session of the Human Rights Council. The report contained extensive references to Dalits:</p> <p>24. Bangladesh has a diverse ethnic, religious and indigenous population. The experts met with various members of different minority groups, and also received reliable information concerning the situation of other groups. They note that some of these groups are victims of discrimination and live in extreme poverty. The experts recall that the Constitution prohibits discrimination on the grounds of “religion, race, caste, sex or place of birth”.</p> <p>25. The experts met with groups of people who identify themselves as Dalits. The caste system was described as an occupational system, whereby people, according to their descent, undertake certain professions that are generally considered to be menial. The experts were informed that these people suffer discrimination in all areas of life, including segregation in their access to housing. Most live beneath the poverty line, earn less than the minimum wage and have no access to education. Dalits also suffer from numerous diseases, not least because of their lack of access to safe drinking water and sanitation, and they sometimes face discrimination in their access to public-health facilities.</p> <p>26. In their meetings with Dalits, the experts perceived an overwhelming feeling of their being “trapped”. Dalits feel they have no opportunity to seek other jobs, since their families have had these occupations for generations and because they lack adequate education. Pervasive discrimination against them keeps them poor, uneducated, in terrible living conditions and in menial jobs. While the Government of Bangladesh does not make specific reference to the situation of Dalits in its National Strategy for Accelerated Poverty Reduction, it recognizes the pattern of discrimination against occupational groups related to caste systems. The strategy indicated the need to understand further the situation of these groups and to promote targeted policies aimed at improving their living conditions. The Government should explicitly recognize the discrimination experienced by Dalits and take more concrete steps to redress it, including through the enforcement of existing laws and the establishment of a special commission with a mandate to address concerns particular to Dalits. The National Human Rights Commission also has a central role to play in combating discrimination based on caste. The independent expert on water and sanitation analyses the particular issues related to Dalits under her mandate (see paragraphs 75–76 below). In the latter part of the report, the Independent Expert on water and sanitation analyses the particular issues related to Dalits under her mandate:</p> <p>58. The independent expert is concerned that very little attention is paid to ensuring the safe treatment and disposal of wastewater. She notes that there is a tradition of manual scavenging in Bangladesh, which poses serious health concerns (see paragraph 76 below). She was impressed by the efforts made by non-governmental organizations to find technological solutions for hygienically emptying pit latrines, such as the <i>Vacutug</i>. Apparently, the contents of the pits are currently emptied directly into waterways, jeopardizing the quality of that</p>

water. The Dhaka Water Authority reported to the independent expert that it only had one sewage treatment plant for a population of 10 million. The sewage load in Dhaka is estimated to be 100 times greater than the capacity of the plant. Despite the known problems with treating wastewater, construction of new habitations continues in Dhaka, with increasing connections to a sewage network that has a limited capacity for treatment. The Water Authority explained that five new sewage treatment plants are needed in Dhaka, and that two of these plants are currently under consideration for construction. Given the fact that the Government has to use surface water as an alternative source of drinking water, the construction of these five treatment plants is urgent.

Dalits

75. The independent expert is concerned about discrimination against sweepers, who are predominantly Dalits. This occupation has been passed down through the generations; although non-Dalits are starting to take the job of sweeper, however, traditional sweepers are resisting this trend, because they claim they are not eligible for other jobs. The work of the sweeper is to clean out sewers and septic tanks. They are employed by the municipality and private employers. In rural areas, the job of sweepers is akin to manual scavenging, which is the process of cleaning out dry toilets manually. In Dhaka and other areas, where sewerage and septic tanks are used, the job is to clear blocked pipes and empty septic tanks.

In both cases, the workers have no protective gear and are subjected to considerable health risks. They reportedly suffer from diarrheal diseases and dysentery. One woman explained that the men need to get drunk to be able to bear this work.

76. Sweepers are also subjected to discrimination in the community. The children of sweepers are reportedly ostracized by teachers at school, and feel forced to hide their origins. The independent expert visited a community of sweepers and saw that they had no access to water or safe sanitation. They used a hanging latrine, which emptied out directly into a passing stream. In another Dalit slum, two water points reportedly served 12,000 people. The women and girls have to carry the water up several flights of stairs, which poses a serious threat to their physical well-being. In addition, the women's toilets had a hole in the ceiling where boys watched the girls, depriving them of all privacy. The toilets were in a deplorable state, with faeces covering the entire area. Most Dalits live in rural areas, where they reportedly face similar problems of inadequate housing and the constant threat of eviction.

The Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation calls on the Government:

125. (d) To adopt an explicit policy to address the situation of Dalits, and to eliminate discrimination against them; and to take special measures to improve the situation of sweepers, including by ensuring the protection of their health while at work, and that they have access to safe drinking water and sanitation in their homes.

The Independent Expert on water and sanitation also made a reference to Dalits when presenting the report on 15th September 2010:

	<p>“I am also particularly concerned about discrimination against sweepers, who are predominantly Dalits. Their job is to clean the sewers, septic tanks, and latrines. They reportedly have no protective gear and are subjected to considerable health risks. Furthermore, they live in slum communities which have no access to water and sanitation. I urge the Government of Bangladesh to eliminate all forms of discrimination, and to ensure the right to water and sanitation for all people.”</p>
<p>Statement on the conclusion of a visit to Bangladesh together with the Independent Expert on human rights and extreme poverty Statement (10 December 2009)</p>	<p>The independent expert on water and sanitation undertook a visit to Bangladesh together with the independent expert on human rights and extreme poverty in December 2009. The two experts issued a joint press statement on the conclusion of their stay on 10 December 2009. During their stay they were invited to the Gonoktuli Dalit 'colony' in Dhaka, the largest of 17 such communities in the city. The visit was organised by the Bangladesh Dalit and Excluded Rights Movement (BDERM) and Nagorik Uddyog in Bangladesh. In the joint statement the independent expert on water and sanitation stated the following:</p> <p>“We met with several people who suffer from discrimination based on their occupation, or their parents’ occupation, namely sweepers, who identify themselves as Dalits. These people clean the toilets and empty the septic tanks of others throughout the country. They are reportedly denied education because of social stigma, and their jobs are threatened. Although they work in sanitation all day long, they have no or inadequate access to water and sanitation in their own homes. The Government must end all forms of discrimination and adopt immediate measures to guarantee their human rights.</p> <p>Access to safe drinking water and sanitation in slums is also a big concern for me. In practice, many people in slums are unable to connect to the water and sewage network because they do not have tenure status. The practice of using civil society organizations as a mediator to bring water to the populations in the slums is a positive example of 6 finding solutions to these problems. Nevertheless, the rights of the people living in slums must be recognized – this is not a matter of charity, but a legal entitlement. [...]</p> <p>Responsibility for water and sanitation is spread across different ministries, and there are many non-governmental organizations, donor agencies and UN agencies also deeply involved in these activities. There must be better coordination among all of these actors, as well as improved information sharing about projects and resources. To find solutions to the difficult challenges that Bangladesh faces in water and sanitation, it would be important to know exactly what the available resources for water and sanitation are, where they are spent, and who benefits. I also urge the Government to establish an independent regulator for water and wastewater that would inter alia be competent for establishing water tariffs, controlling water quality and ensuring access for all.”</p>
<p>Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation</p>	<p>In the first report submitted by the mandate holder to the Human Rights Council on 1 July 2009, the Independent Expert focuses on the human rights obligations related to sanitation. One of the key issues linked to this mandate is the right of sanitation workers and manual scavengers who are often treated as the “lowest of the low” in the caste hierarchy.</p> <p>“K. Prohibition of discrimination</p>

<p>A/HRC/12/24 (12th HRC session, September 2009)</p>	<p>53. More broadly, discrimination and exclusion play a significant role with regard to access to sanitation. It is often the poorest and the most marginalized groups who lack access to sanitation. According to UNDP, the majority of people without access to sanitation live on less than 2 United States dollars a day. Minority groups, migrants, indigenous peoples, refugees and internally displaced persons (IDPs), prisoners and detainees, and persons with disabilities also suffer discrimination which may affect their access to sanitation. Sanitation workers face particular stigmatization for having a job which is perceived as “unclean” or lowly. Such groups often have little influence on policy formulation and resource allocation at the national and local levels, making it difficult for them to improve their access to sanitation.</p> <p>54. The International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, in their articles 2, both provide that the rights contained in those Covenants should be enjoyed without discrimination. Article 26 of the International Covenant on Civil and Political Rights further provides for equal protection under the law, including “effective protection against discrimination”. The treaty bodies have raised the issue of sanitation in the context of discussions on discriminatory treatment in their dialogues with States parties. For example, they have expressed concern about sanitation for Roma people, Dalits (CEDAW/C/IND/CO/3 (India), para. 29), refugees and asylum-seekers, indigenous peoples, religious minorities, and migrants. The Special Rapporteur on torture has also specifically addressed sanitation with regard to persons with disabilities.”</p>
<p>Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque - Addendum: Compilation of good practices A/HRC/18/33/Add.1 (HRC 18th session 2011)</p>	<p>E. Non-discrimination [...]</p> <p>61. Discriminatory practices originate not only from the State, but also from deeply ingrained cultural and social practices. In Tamil Nadu, India, the Department for Water Affairs²² committed itself to addressing discriminatory practices based on caste, using access to water and sanitation as the entry point for discussing discrimination. The programme implementers found that, frequently, it was not just policies and programmes that were perpetuating discriminatory practices, but also that local communities needed awareness training to recognize that their own attitudes were discriminatory.</p>
<p>Special Rapporteur on human rights and extreme poverty</p> <p>- Mr. Philip Alston (former: Ms. Maria Magdalena Sepulveda Carmona)</p>	
<p>Report of the Special Rapporteur on extreme poverty and human rights,</p>	<p>13. The right of people living in poverty to participate fully in society and in decision-making is blocked by multiple compounding obstacles – economic, social, structural, legal and systemic.³ All of these relate to their lack of financial, social and political power. Discrimination and stigma, disempowerment, lack of income, mistrust and</p>

<p>Magdalena Sepúlveda Carmona Focusing on participation</p> <p>A/HRC/23/36</p> <p>(23rd session HRC, June 2013)</p>	<p>fear of authorities all limit the possibilities and incentives for people living in poverty to participate. Due to their lack of status and power, people living in poverty are also particularly vulnerable to corruption, clientelism or co-optation. At the most extreme level, poor or marginalized individuals may face reprisal (emanating from State or non-State actors such as corrupt community leaders of business enterprises) if they speak out in participatory spaces, in the form of violence or threats to them, their families, property or livelihoods. Often, the economic dependency of people living in poverty on more powerful individuals or groups may also prevent them from participating or speaking out, even in the absence of concrete threats, for fear of losing their livelihoods. This is a problem particularly in very hierarchical or caste-based societies. (p.5)</p>
<p>Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona Follow up to Bangladesh visit (2009)</p> <p>A/HRC/20/25</p> <p>(20th HRC session, June 2012)</p>	<p>IV. Bangladesh</p> <p>61. From 3 to 10 December 2009, the Special Rapporteur undertook a mission to Bangladesh, in collaboration with the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation (see A/HRC/15/55). Updated statistics reveal a significant reduction in poverty from 2005, when the incidence of poverty at the national level was estimated at 40 per cent, to 31.5 per cent in 2010.</p> <p>62. Nevertheless, Bangladesh remains one of the poorest countries in the world. Advancements in poverty alleviation have not been sufficiently drastic or widespread, and have excluded, in particular, the rural population, more than 35 per cent of whom live in poverty. As a result, Bangladesh is unlikely to fully meet a number of the Millennium Development Goal targets, specifically those related to rural poverty, primary education completion rates, and maternal health.</p> <p>B. Situation of people vulnerable to poverty</p> <p>66. Those most vulnerable to poverty in Bangladesh include women, children, persons with disabilities, minority groups, indigenous peoples and refugees. As described in the mission report, these groups experience multiple forms of stigmatization and intolerance and are frequently deprived of the opportunities and resources necessary to enjoy minimum essential levels of economic, social and cultural rights (A/HRC/15/55, paras. 14–33). According to the information available to the Special Rapporteur, it appears that the situation of the most vulnerable groups in Bangladesh has not changed significantly since her visit. She reiterates the need for Bangladesh to actively tackle discrimination against those groups and ensure their access to services and adequate social protection.</p>
<p>Joint report of the Independent expert on the question of human rights and extreme poverty and the Independent expert on the issue of human rights obligations related to access</p>	<p>The Independent Expert on human rights and extreme poverty and the Independent Expert on water and sanitation presented their joint report from Bangladesh at the 15th session of the Human Rights Council. The report contained extensive references to Dalits:</p> <p>24. Bangladesh has a diverse ethnic, religious and indigenous population. The experts met with various members of different minority groups, and also received reliable information concerning the situation of other groups. They note that some of these groups are victims of discrimination and live in extreme poverty. The experts recall that the Constitution prohibits discrimination on the grounds of “religion, race, caste, sex or place of birth”.</p>

<p>to safe drinking water and sanitation - Mission to Bangladesh A/HRC/15/55 (15th HRC session, September 2010)</p>	<p>25. The experts met with groups of people who identify themselves as Dalits. The caste system was described as an occupational system, whereby people, according to their descent, undertake certain professions that are generally considered to be menial. The experts were informed that these people suffer discrimination in all areas of life, including segregation in their access to housing. Most live beneath the poverty line, earn less than the minimum wage and have no access to education. Dalits also suffer from numerous diseases, not least because of their lack of access to safe drinking water and sanitation, and they sometimes face discrimination in their access to public-health facilities.</p> <p>26. In their meetings with Dalits, the experts perceived an overwhelming feeling of their being “trapped”. Dalits feel they have no opportunity to seek other jobs, since their families have had these occupations for generations and because they lack adequate education. Pervasive discrimination against them keeps them poor, uneducated, in terrible living conditions and in menial jobs. While the Government of Bangladesh does not make specific reference to the situation of Dalits in its National Strategy for Accelerated Poverty Reduction, it recognizes the pattern of discrimination against occupational groups related to caste systems. The strategy indicated the need to understand further the situation of these groups and to promote targeted policies aimed at improving their living conditions. The Government should explicitly recognize the discrimination experienced by Dalits and take more concrete steps to redress it, including through the enforcement of existing laws and the establishment of a special commission with a mandate to address concerns particular to Dalits. The National Human Rights Commission also has a central role to play in combating discrimination based on caste.</p>
<p>Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health - Mr. Danius Puras (Mr. Anand Grover until 2014)</p>	
<p>Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health, Paul Hunt: Addendum, Mission to India A/HRC/14/20/Add.2 (14th HRC session, June 2010)</p>	<p>The report by the former Special Rapporteur, Paul Hunt, from his mission to India (Nov-Dec 2007) was circulated as an addendum to the report of his successor, Anand Grover, and presented to the 14th session of the Human Rights Council in June 2010 (A/HRC/14/20/Add.2). The report notes that disadvantaged groups, including Dalits or so-called ‘Scheduled Castes’, suffer from lack of access to health care, but also commends the Government of India for taking its commitment and obligations to enhance access for all seriously:</p> <p>3. Accessibility Inequitable access: systemic disadvantage</p> <p>36. Access is profoundly inequitable in India’s health system. The Government recognizes this unacceptable state of affairs. For example, after listing some of the chronic conditions afflicting the population, the NRHM emphasizes that the “large disparity across India places the burden of these conditions mostly on the poor, and on women, scheduled castes and tribes especially those who live in the rural areas of the country. The inequity is also reflected in the skewed [distribution] of public resources between the advanced and less developed states”. Of course, this systemic disadvantage is reflected in maternal health indicators, for example, illiterate mothers and</p>

	women from the lowest wealth quintile have reduced access to basic maternal health care. To their credit, the authorities have developed numerous strategies, policies and plans, and invested considerable resources, to put the situation right. Many of these initiatives, not least the NRHM, are impressive and highly commendable, suggesting that the Government of India takes seriously its commitment and obligation to enhance access for all.
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	
Mr. David Kaye (Mr. Frank La Rue until 2014)	
Addendum - Communications to and from Governments (17 th session of the Human rights Council, June 2011) A/HRC/17/27/Add.1	INDIA 1001. On 18 August 2010, the Special Rapporteur, jointly with the Chair-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the situation of human rights defenders, sent an urgent appeal regarding the situation of Ms. Bharathi Pillai, Ms. Niharga Priya, Ms. Sudha, Mr. Gnana Diraviam, and Mr. Anandan, participants of a human rights training course organized by the non-governmental organizations the Dalit Foundation (DF) and People's Watch (PW), from 11 to 20 August 2010, in Nagamalai Puthukottai, near Madurai in Tamil Nadu. The DF works to eliminate caste discrimination and caste-based violence, with a particular emphasis on Dalit women and manual scavengers, and the PW provides legal support and human rights education.
Addendum - Communications to and from Governments (14 th session of the Human Rights Council, June 2010) A/HRC/14/23/Add.1	1727. On 9 April 2009, Ms. K. D. S., after calling for respect of the fundamental right of any person to marry and to choose freely her/his spouse, was beaten up by the relatives of Ms. L. G., a young woman who had planned to have an inter-caste wedding with a young man belonging to the Dalit community. The two young people were also beaten up by L. G.'s relatives for speaking to each other in public. Immediately after the assault, K. D. S. approached the Illaka police station of Chimdi to file a complaint, but the Sub-Inspector refused to receive it. 1728. On 11 April 2009, the Women Human Rights Defender Network, Sunsari, and more than 500 women from eight Village Development Committees (VDC) staged a demonstration in front of the police station in Chimdi VDC, in order to call for sanctions against the police for refusing to register K.D.S.'s complaint and to denounce the denial of access to justice. While doing so, they evoked the statement made by the Prime Minister on 25 January 2009, in which he committed himself to establish a complaints centre for women in order to end all forms of violence against women and criminalize caste-based discrimination against Dalits. They also called for a police apology since, on 10 April, while the Chimdi VDC were walking towards the police station in Chimdi, police officers publicly insulted them.
UN Working Group on the issue of discrimination against women in law and practice	
Report of the Working Group on the issue of discrimination against women in law and in	28. The Working Group is concerned that the knowledge gap remains on the whole spectrum of women's participation in political and public life. This undermines the capacity to move to gender - responsive inclusive democracy, development and peace. Most available data is not sufficiently disaggregated to allow the

<p>practice</p> <p>A/HRC/23/50</p> <p>23rd HRC session – June 2013</p>	<p>understanding of the intersectionality of gender with other grounds of discrimination, in the light of Committee on the Elimination of Discrimination against Women general recommendation No. 28 (2010) according to which “discrimination against women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity” (para. 18). Evidence - based knowledge is weak on the extent of violence against women in political and public life and its impact on women’s capacity to exercise their right to political participation.</p> <p>“70. Women who belong to vulnerable groups, based on race, class, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity, are effectively barred from political and public life based on multiple stereotyping. In its concluding observations, the Committee on the Elimination of Discrimination against Women has expressed concern about stereotyped media portrayals of women’s roles within the family and society”.</p>
<p>Report of the Working Group on the issue of discrimination against women in law and in practice</p> <p>A/HRC/20/28</p> <p>(20th HRC session – June 2012)</p>	<p>In this first report to the Human Rights Council, the Working Group develops a conceptual framework that will guide its analyses of issues relating to equality and non-discrimination (sect. III) and highlights its thematic priorities for 2012-2013, which are discrimination against women in law and in practice in political and public life, and in economic and social life (sect. IV).</p> <p>13. For legal guarantees of gender equality to benefit all women, implementation frameworks and strategies must be responsive to the intersections of sex-based discrimination with other grounds of discrimination, such as race, ethnicity, religion or belief, language, political affiliation, health, status, age, class, caste, national or social origin, property, birth, and sexual orientation and gender identity. Legal guarantees and implementation frameworks and strategies must also integrate special measures to reach women who face multiple forms of discrimination, such as rural and indigenous women, women with disabilities, women living in poverty and women facing other forms of marginalization. This requires a comprehensive and coherent human rights-based approach that ensures that women are at the centre of efforts to hold principally States accountable for implementing international standards guaranteeing civil, cultural, economic, political and social rights. National, regional and international human rights mechanisms play critical roles in ensuring the full enjoyment by women of their human rights.</p>
<p>Special Rapporteur on extrajudicial, summary or arbitrary executions</p> <p>Mr. Christof Heyns</p>	
<p>Report of the Special Rapporteur on extrajudicial, summary or arbitrary</p>	<p>Summary</p> <p>The Special Rapporteur on extrajudicial, summary or arbitrary executions conducted an official visit to India from 19 to 30 March 2012. This report presents his main findings and proposes recommendations to ensure better</p>

executions, Christof Heyns on his mission to India in 2012

April 2013

[A/HRC/23/47/Add.1](#)

protection of the right to life in India. India's human rights situation has many positive elements. However, the level of extrajudicial executions in this country still raises serious concern. This includes deaths resulting from excessive use of force by security officers, and legislation that is permissive of such use of force and hampers accountability. The role of various non-State actors in the violation of the right to life is also examined. This includes killings by armed groups and those in the context of communal violence. Vulnerable persons, including women, are at particular risk of killing. Impunity represents a major challenge. The Special Rapporteur's recommendations include a series of legal reforms and policy measures aimed at fighting impunity and decreasing the level of unlawful killings in India.

Deaths resulting from excessive use of force

17. Several victims who made presentations to the Special Rapporteur on this issue emphasized the need to know the truth, and to "clear the names" of loved ones who had been labelled terrorists" and killed in "fake encounters". The NHRC also acknowledged the problem of encounters in India, and expressed its agreement with the view that encounter killings "have become virtually a part of unofficial State policy".⁵

The Special Rapporteur reiterates therefore the importance of shedding light on the acts committed during encounters and of bringing the perpetrators to justice in all cases.

(Foot note 5) NHRC, Report on Prevention of Atrocities Against Scheduled Castes & Scheduled Tribes, 2004, p.106

Killings related to communal violence

45. The Special Rapporteur was informed that attacks of communal violence are often planned in order to target members of a particular group or acquire its property. For instance, Hindu fundamentalists reportedly carried out attacks against Dalits, who had changed religion to escape the degrading treatment associated with being a Hindu Dalit. The Special Rapporteur was informed of the severe communal violence against Dalit and Adivasi Christians in Orissa, between 2007 and 2008 when, according to non-governmental sources, approximately 100 individuals were killed.

In this regard, the Government of India commented that, in the communal violence between Hindus and Christians, three persons were killed in 2007, and 40 persons were killed in 2008.

Honour killings

58. So-called "honour" killings are committed against persons believed to have sullied the honour of a family. They are almost always directed against women, usually for having exercised their right to choose a partner whom the family does not approve of. There are reports of a strong correlation between "honour" killings and inequalities of castes and gender.

Fight against impunity

65. The fight against impunity in India is faced with challenges at various stages of the accountability process. At the stage of reporting a crime, the Special Rapporteur has heard numerous allegations that the security forces refuse to register FIRs, including those related to killings or death threats. Persons attempting to register FIRs are often subjected to threatening treatment or to the fact that their complaints are not given serious consideration. The Special Rapporteur heard that in particular the Dalits, the representatives of lower castes, tribes and poorer communities, as well as women are exposed to difficulties in registering FIRs. Individuals who wish to report violations by security officers face similar challenges which dissuade them from complaining and impede the accountability of State agents.

Killings of vulnerable persons

Scheduled castes and tribes and other marginalized communities

77. Discrimination on the basis of caste is prohibited in India, and some positive steps have been taken to improve the situation, although the impact on lower castes and tribes in practice so far is limited. According to NCRB, there were 35 murders registered in 2011 due to caste-related reasons. Non-governmental organizations indicate that 3,593 murders against scheduled castes or tribes occurred between 1995 and 2007.

78. The Special Rapporteur heard a number of cases on the killings of persons belonging to scheduled castes or tribes, as well as to other marginalized communities. The violence against them is more prevalent in rural areas, largely due to prejudices that are still firmly entrenched. Patterns of killings relate to condemnation of intermarriage between higher castes and scheduled castes, or witchcraft accusations. Tribal individuals may also be killed in the armed exchanges between the Government forces and armed groups, by any of the sides. In such contexts, members of tribes are sometimes labelled “terrorists” and killed, although later it becomes clear that they were ordinary civilians. Adivasis were moreover killed in ethnic violence in the 1990s, while their killing at present appears to be largely due to issues concerning land disputes and attacks in insurgency-affected areas.

79.

The low social status of these persons renders them vulnerable to violations of all their rights, including the right to life, and hampers their access to justice and redress mechanisms.

80.

The Special Rapporteur notes the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, adopted in 1989, which aims at dissuading violence by providing harsher punishment for persons committing offences

	<p>against individuals protected under this Act. He is, however, concerned that Dalit Muslims and Dalit Christians have not been incorporated into the definition of scheduled castes under this Act, and thus do not benefit from its provisions. In addition, he wishes to underline the importance of ensuring the protection of all marginalized communities in practice through proper implementation of the related legislation, as well as the conduct of relevant education and awareness-raising campaigns.</p> <p>Recommendations</p> <p>104. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act should be reviewed with the aim of extending its scope to Dalit Muslims and Dalit Christians.</p> <p>105. The criminal legislation should be reviewed to ensure that all gender-based killings, as well as killings of any member of a tribe or lower caste receive high sentences, possibly under the form of life imprisonment.</p> <p>115. The protection of civilians in all instances of violence should constitute the ultimate priority. All sides involved in armed activities should immediately cease attacking civilians, including members of tribes and castes, human rights defenders and journalists. While having the duty to protect its people from the attacks perpetrated by various non-State actors, the Indian authorities should ensure its acts do not target civilians by any means, and are directed in a very precise manner at neutralizing violent non-State actors.</p> <p>118. Information and awareness-raising campaigns should be launched to raise the level of knowledge of human rights and access to justice of the public at large, with a particular focus on vulnerable persons such as women and members of tribes and lower castes. Legal aid mechanisms for these vulnerable persons should be devised to enable them to seek protection, justice and redress in cases of violation of their rights.</p>
<p>Special Rapporteur on extrajudicial, summary or arbitrary executions</p> <p>Press statement following country visit to India, 19-30 March 2012</p> <p>Issued 30 March 2012</p>	<p>Press statement: “India: Concern expressed about extrajudicial killings”</p> <p>The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, called on the Government of India to continue to take measures to fight impunity in cases of extrajudicial executions, and communal and traditional killings. The Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, concluded today his official visit to India, which took place from 19 to 30 March 2012. (...)</p> <p>While recognizing the size, complexity, security concerns and diversity of India, the Special Rapporteur remains concerned that the challenges with respect to the protection of the right to life in this country are still considerable. “Evidence gathered confirmed the use of so-called ‘fake encounters’ in certain parts of the country.</p>

	<p>Where this happens, a scene of a shoot-out is created, in which people who have been targeted are projected as the aggressors who shot at the police and were then killed in self-defence. Moreover, in the North Eastern States, and Jammu and Kashmir the armed forces have wide powers to employ lethal force.”</p> <p>The above is exacerbated by 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 – something that is rarely granted. “The main difficulty in my view has been these high levels of impunity”, stressed the Special Rapporteur.</p> <p>Other areas of concern relate to the prevalence of communal violence, and, in some areas, the killing of so-called witches, as well as dowry and so-called “honour” killings, and the plight of dalits (‘untouchables’) and adivasis (‘tribal people’).</p> <p>Christof Heyns proposed a number of provisional steps to be taken to address these concerns. In the first place, he called for the establishment of a Commission of Inquiry, consisting of respected lawyers and other community leaders, to further investigate all aspects of extrajudicial executions. This should entail a form of transitional justice.</p>
Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Maina Kiai	
<p>Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai</p> <p>A/HRC/26/29</p> <p>14 April 2014</p>	<p>C. Challenges to the enjoyment of the right to freedom of peaceful assembly by groups most at risk</p> <p>Practices that threaten or impede the enjoyment of the right to freedom of peaceful assembly</p> <p>46. In other cases, inaction by authorities may prevent some groups from exercising their right to freedom of peaceful assembly. The Special Rapporteur has received numerous reports from India regarding the disruption of public assemblies of Dalit individuals — members of the country’s traditional “untouchable” caste. This includes one case in 2009 in which members of another caste obstructed a funeral procession and beat members of the Dalit community. Police reportedly failed to intervene, despite being present.</p> <p>D. Challenges to the enjoyment of the right to freedom of association by groups most at risk</p> <p>Practices threatening and impeding the enjoyment of the right to freedom of association</p> <p>66. Patriarchal attitudes and stereotypes in societies that promote a narrow understanding of the role of women as being confined to the private sphere militate against the ability of women to organize and participate in activities in the public sphere. Thus, the Committee on the Elimination of Discrimination against Women has</p>

	<p>expressed concern at the harassment, intimidation and imprisonment of members of women’s NGOs and women human rights defenders and at restrictions placed on the activities of organizations focused on gender equality (see, for example, CEDAW/C/UZB/CO/4, paras. 17–18). Similarly, the Working Group on the issue of discrimination against women in law and in practice found that women’s participation in political and public life is commonly constrained by structural and societal discrimination in the family, in caregiving responsibilities and in violence against women, and by marginalization by political parties and other non-State public institutions. The obligation of States to remove those barriers is clearly mandated in article 2 (f) of the Convention on the Elimination of All Forms of Discrimination against Women and has been repeatedly advocated by the Committee on the Elimination of Discrimination against Women (A/HRC/23/50, para. 56). Despite laws prohibiting caste discrimination and positive measures to reverse the impact of discrimination and violence, the Dalit population in India continues to face severe social restrictions in participating on an equal footing with others in political parties and associations.</p>
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