

References to Caste-Based Discrimination in reports and statements presented at the 29th session of the Human Rights Council, June 2015

<p>Report of the Working Group on the issue of discrimination against women in law and in practice</p> <p>A/HRC/29/40</p> <p>April 2015</p>	<p>III. Thematic analysis: eliminating discrimination against women in cultural and family life, with a focus on the family as a cultural space</p> <p>B. The family: conceptual and sociological aspects</p> <p>1. Redefining the family by incorporating a gender perspective</p> <p>23. The family exists in various forms. The expression “diverse families” encompasses, for example, single-parent families; families headed by women; intergenerational families including, among others, grandparents; families headed by children, such as orphans or street children; families comprising lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; extended families; self-created and self-defined families; families without children; families of divorced persons; polygamous families; and non-traditional families resulting from interreligious, intercommunity or inter-caste marriages. Self-created and self-defined families include, in particular, families formed in marginalized communities. In all these different forms of family, women tend to be subject to legal sanctions and to experience difficult social and economic situations. Indigenous and minority women and women living in strict patriarchal, religious, traditional or caste systems are more likely to be found in these forms of family and are especially vulnerable to early and/or forced marriage, while men may have multiple households or second families with their de facto spouses or partners.</p> <p>24. The different forms of family and their recognition by the State are influenced by a multitude of normative factors, such as culture, religion and caste, and behavioural factors, such as livelihoods, sexuality and social status. Although several international forums recognize family diversity, including “in different cultural, political and social systems”,¹ many of the aforementioned non-traditional forms of family are not recognized by all States. The family is often defined by legal systems as a unit founded on marriage between a man and a woman, affecting rights relating to, for example, inheritance, property, child custody, pensions, tax relief and social service provision. Laws and public institutions in some States require a male family member or male guardian to initiate or conclude official transactions, thus placing families headed by women or consisting solely of women at a disadvantage. Families headed by women, like those headed by</p>
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¹ See *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (A/CONF.177/20/Rev.1), Beijing Platform for Action, para. 29; Panel on the protection of the family, 15 September 2014, twenty-seventh session of the Human Rights Council.

	<p>children, are more seriously affected by poverty because of the discrimination they suffer. Given that State recognition is often a condition for families to receive services and benefits, such as accommodation and protection provided by the State and/or non-State actors, lack of recognition leads to the marginalization of these families.</p>
<p>Follow up report of SR on extrajudicial executions, Christof Heyns on his mission to India A/HRC/29/37/Add.3 May 2015</p>	<p><i>In the present report, the Special Rapporteur on extrajudicial, summary or arbitrary executions analyses the steps taken by India to implement the recommendations contained in the report made following his visit to the country from 19 to 30 March 2012. During that visit, the Special Rapporteur documented extrajudicial killings by security officers, the State Police, Armed Forces and armed groups. He also reported killings related to communal violence and practices affecting women’s right to life as a serious problem in some areas of the country. In addition, he noted a number of challenges at various stages of the accountability process leading to impunity in many instances.</i></p> <p><i>Since the visit, the Government has taken some steps to address human rights violations committed against women and in support of victims of terrorist-related activities. However, vulnerable groups remain at risk of violent and often lethal attacks. Impunity remains a serious challenge, as does the implementation of existing guidelines and directives issued by the courts and national human rights institution. The Special Rapporteur urges the Government to implement the recommendations contained in the visit report insofar as this has not been done.</i></p> <p><u>Killings of vulnerable persons</u></p> <p>1. Scheduled castes and tribes and other marginalized communities</p> <p>47. In his country visit report, the Special Rapporteur noted that, according to the National Crime Records Bureau, 35 murders had been committed in 2011 for caste-related reasons (ibid., para. 77). In 2013, according to the Bureau, the figure had decreased to 32 murders.²¹ The figures quoted by the Bureau differ substantially from those provided by non-governmental organizations. The Special Rapporteur recommended that existing criminal legislation be reviewed to ensure that perpetrators of killings against members of lower castes or tribes receive higher sentences, perhaps life imprisonment (see A/HRC/23/47/Add.1, para. 105).</p> <p>48. The Special Rapporteur also noted with concern that the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 did not incorporate Dalit Muslims and Christians into the definition of scheduled castes and tribes. A recommendation was made that the legislation should be reviewed to extend the definition (see A/HRC/23/47/Add.1, para. 104). The Committee on the Elimination of Discrimination against Women noted in 2014 that Dalit women were particularly vulnerable as they faced multiple forms of discrimination presenting barriers to justice and that poor implementation of the Act</p>

	<p>was of concern (see CEDAW/C/IND/CO/4-5, para. 10 (d)). The Special Rapporteur is aware of the recent passing of the Constitution (Scheduled Castes) Orders (Amendment) Bill, 2014, and welcomes the inclusion of additional communities to the list of scheduled castes, but reiterates the importance of ensuring the protection of all marginalized communities in practice through effective implementation of the related legislation, as well as the conduct of relevant education and awareness-raising campaigns reaching out to all communities.</p> <p>49. The Special Rapporteur welcomes the introduction of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill of 2014, which includes new categories of offences; specifies the duties of a public servant, including to register a complaint or First Information Report; provides that the Exclusive Special Courts must be established at the district level to try offences; and adds a chapter on the rights of victims and witnesses, including taking immediate action in respect of any complaint relating to the harassment of a victim, informant or witness. Effective implementation of this legislation remains essential.</p> <p>3. Protection of victims and witnesses</p> <p>53. The Special Rapporteur notes the recommendation by the Justice Verma Committee that the State immediately implement measures of special care to ensure the safety of female complainants and witnesses in cases of sexual assault by armed personnel. The inclusion of a chapter on the rights of victims and witnesses in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill of 2014 is a welcome step.</p> <p><u>Summary of follow-up to each recommendation</u></p> <p>B. Violations of the right to life by non-State actors</p> <p>11. 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>Sufficient information has not been provided to enable assessment of progress.</p> <p>D. Killings of vulnerable persons</p> <p>20. 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>
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