

# Caste-based discrimination in Pakistan

IDSN Briefing Note · 2012

## Recommendations

1. The Government of Pakistan (GOP) should enact specific laws to prohibit discrimination on the basis of caste (in accordance with CERD General Recommendation 29), and take effective and immediate measures to ensure its effective implementation to protect those discriminated against on this basis, as recommended by CERD in 2009;
2. The GOP should establish a commission with substantial authority to look into the socio-economic and political conditions of scheduled castes and suggest remedial measures. On the basis of a commission report, the GOP should develop a special action plan to uplift scheduled castes and eliminate caste discrimination; and establish a monitoring mechanism for the implementation of an action plan<sup>i</sup>; the GOP could endorse and take guidance from the draft UN Principles and Guidelines for the effective Elimination of Discrimination based on Work and Descent in such efforts;
3. The GOP should in particular address land and labour issues and provide land for cultivation for each scheduled caste family and ensure adequate housing;
4. The GOP should ensure implementation of ILO core conventions and address issues of bonded labour through legislation, including enactment and implementation of anti-bonded labour laws by provincial governments; and extend an invitation to the UN Special Rapporteur on contemporary forms of slavery to seek guidance on the topic;
5. The GOP should take action to address issues of forced conversions of minority groups and mandate a commission comprising members from all religions to look into the issue;
6. The GOP should constitute a commission to address caste discrimination within Muslim communities across provinces, providing a report on the topic and recommended action to deal with the issue<sup>ii</sup>;
7. The newly established National Human Rights Commission should incorporate caste-based human rights violations as an aspect of its work as a national human rights monitoring mechanism;
8. The GOP, international agencies, and other donors should provide guidelines and take special measures to address the situation of the most vulnerable groups, including caste-affected groups, in development and disaster management.

## Key human rights concerns for Dalits in Pakistan

Dalits in Pakistan mostly belong to the Hindu minority and fall victim to double discrimination due to their religious status - as non-Muslims in a Muslim state – as well as their caste. As in neighbouring India, they are officially known as “Scheduled Castes” and suffer numerous forms of abuse, from bonded labour to rape. Crimes against them are often committed with impunity. Officially, the number of Dalits is approximately 330,000 (1998 census), but according to researchers the real figure may be two million, or even higher. These data do not include ‘lower castes’ within the Muslim community, living under similarly depressed conditions. In the first phase of the new national census process, which was started in 2011, no special efforts have been made to ensure

accuracy of the data based on caste. Generally, the need for accurate and disaggregated data, as well as comprehensive, updated studies on the situation of Dalits in Pakistan, is a pressing issue.

“Untouchability” practices are obvious in all spheres of private and public life. As a result, Scheduled Castes live in separate colonies, they are served food in separate crockery, and they cannot sit inside with upper castes. According to a study on caste discrimination in Pakistan released in 2008, 87% of Dalit women and 63.5 % of Dalit men are illiterate; a significantly higher percentage than the national average. The national primary enrollment rate for girls stands at 48% while only 10 % of Dalit girls have had access to primary schooling. Less than 1% of Dalit women have studied up to eighth grade. There is also very little political representation, and in 2011 none of the 10 Hindu minority seats in parliament were filled by a Dalit.

The majority of scheduled castes suffer from extreme poverty and low human development, due to the prevailing patterns of exclusion and marginalization. They often become victims of official negligence including in development, humanitarian assistance and government compensation where applicable.<sup>iii</sup>

**Other general concerns include:**

**Non-implementation of legislation:** While there are constitutional safeguards in place to prohibit caste-based discrimination in Pakistan, the GOP has not made a serious effort to implement or enforce those laws. Despite its commitment to give “maximum support” to addressing this issue in the first UPR in 2008, the GOP has taken no specific action aimed at eliminating the practice of discrimination on the basis of caste or eradicating poverty among Scheduled Castes. Scheduled Caste populations in Pakistan continue to suffer high degree of poverty, as no major scheme has been launched for this group.

**Discrimination against Dalit women:** Dalit women in Pakistan experience multiple forms of discrimination as they are discriminated on both the basis of caste and gender. They continue to be extremely vulnerable to discrimination and social exclusion, and are often subject to physical assault and rape.

**Forced conversions:** A key concern is the problem of forced conversion of minority women under the disguise of marriage of choice.<sup>iv</sup> Minority women in general and Hindu and scheduled caste girls in particular are subject to forced conversions and sexual abuse. This trend has increased in recent years. The worst victims are Scheduled Caste Hindu girls who are kidnapped or lured into conversion, sexually exploited and then abandoned.<sup>v</sup> A case from late February 2012 clearly illustrates the need for immediate response by the government to the increase in these cases.<sup>vi</sup> In a recent UPR report, it is estimated that on average some 700 Christian and 300 Hindu girls are forcibly converted to Islam each year in Pakistan, notably in Punjab, Khyber Pakhtun Kha and Sindh provinces.<sup>vii</sup> Despite the 2011 Prevention of Anti-women Practices Act, which abolishes the practice of forced marriages and the exchange of girls in settling disputes, as well as the marriage of minor girls, it is found that the police refuse to intervene in such cases, and courts are even complicit in this, by nullifying women’s previous non-Islamic marriages and recognizing their forced marriages instead (ALRC and Act-France, UPR 2012).

**Bonded labour and land reforms:** Bonded and debt labour continues to be a major problem in Pakistan, heavily affecting the Scheduled Caste population in the Sindh Province.<sup>viii</sup> According to an ILO Working Paper (2004), the issue of ethnic and/or caste hierarchies need special attention when addressing bonded labour in Pakistan.<sup>ix</sup> Scheduled castes in Pakistan are among the poorest of the poor and work as farmers with no assets of their own. This situation often lands them in bonded labour. The vast majority of Dalits in Pakistan do not own land and work on daily wages.<sup>x</sup> Moreover, it has been found that the problem of child labour is on the rise as a result of natural disasters in 2010-2011.<sup>xi</sup> In response, the GOP is recommended to ensure that Scheduled Caste peasants are given their due share of agricultural productions, so that labourers are not subjected to bonded labour, and that land is distributed among them. This can be achieved by making progressives changes in Tenancy Legislation (especially the Sindh Tenancy Act) and ensuring the enactment of legislation against bonded labour by Provincial Governments. The problem must be addressed through implementation of relevant ILO conventions, and the National Policy and Plan of Action (2001) for the abolition of Bonded Labour and Rehabilitation of

freed bonded labourers. Pakistan enacted the Bonded Labour (system) Abolition Act in 1992, but it remains in-operational as responsibility was devolved to provinces in June 2010 as a result of constitutional amendments in 2010. Since then, there is no specific law in place to address the issue of bonded labour. Given the gravity of the issues, as reflected also in the reports of Human Rights Commission of Pakistan, the GOP should obligate its provincial governments to immediately enact anti-bonded labour laws.<sup>xii</sup>

**Disaster management:** Caste-related problems are particularly evident in disaster management and relief work, where Dalit communities have been denied access to relief camps and forced to live under the open sky because of their caste. In 2011, the President of Pakistan announced an inquiry into incidents of discrimination against Scheduled Castes in relief during the 2011 flooding, but the report is yet to be made public. This calls for special guidelines for assisting Scheduled Castes during relief and rehabilitation work in disaster management laws and plans.

**Human rights defenders:** Due to the political tensions in Pakistan and the restrictions placed on human rights defenders, who often work in constant fear of violent reprisals, working conditions for the Pakistan Solidarity Network and its members is extremely difficult. In May 2011, the Asian Human Rights Commission issued an urgent appeal when a human rights defender was booked on murder charges for raising the cases of Dalits. Stories of police torture and fake charges are not uncommon. Nonetheless, organizations focusing on Dalit rights are slowly emerging, and in 2011 called for policy legislation, land reform, the implementation of the Bonded Labour Act and the practice of non-discrimination in all service delivery.

### Suggestions for technical cooperation

- Technical support and assistance to develop suitable policy frameworks and national programmes to prevent and tackle caste discrimination, involving UN experts and international institutions of expertise;
- Technical and institutional support to review anti-discrimination legislation; establish monitoring mechanisms on the implementation of anti-discrimination and affirmative action legislation; enable and implement legislation and national action plans to abolish forced and bonded labour;
- Support to thematic research on caste discrimination in Pakistan, including on human rights violations; the situation of affected communities; and its impact on poverty and access to development.

### GOOD PRACTICES TO ELIMINATE CASTE DISCRIMINATION - REPORT AND COMPILATION

In February 2012, IDSN released a Report and Compilation on good practices to eliminate caste-based discrimination, as an outcome of the International Consultation on Caste-Based Discrimination held in Nepal on 29 Nov – 1 Dec 2011. The report is a supplement to the Declaration, Global Call and Recommendations that were released on the final day of the consultation.

Part I of the report is a summary of the key issues, progress and main challenges discussed at the consultation, in relation to the seven themes of the consultation. Part II of the report is a compilation of good practices, including cases presented at the consultation and cases submitted in advance of the consultation as a result of IDSN's open call for cases.

**Download the report:** [www.idsn.org/ICreport](http://www.idsn.org/ICreport)

## References

- IDSN Pakistan country profile (incl. links to more references): <http://idsn.org/country-information/pakistan/>
- [UPR submission by Pakistan Dalit Solidarity Network and IDSN for the review of Pakistan at the 14th UPR session, 30 October 2012](#)
- [Pakistan CSOs Coalition contribution to the second Universal Periodic Review of Pakistan by the UN Human Rights Council](#)
- [UPR Stakeholder submission by the Asian Legal Resource Centre and ACT-France \(23 April, 2012\)](#)
- [Global Call for Action to Eliminate Caste-Based Discrimination, Declaration, and Recommendations on Good Practices and Strategies](#)
- [ILO Global Report 2011 specifically addressing caste discrimination in work and education](#) Read the relevant excerpts [here >>](#)
- Working Paper: *A rapid assessment of bonded labour in hazardous industries in Pakistan: glass bangle-making, tanneries and Construction* by Collective for Social Science Research, Karachi, International Labour Office, Geneva, March 2004.
- Jinnah Institute, 2011: [“A Question of Faith: A report on the status of religious minorities in Pakistan”](#)
- [Poverty, Discrimination and Slavery](#): The reality of bonded labour in India, Nepal and Pakistan Anti-Slavery International, 2008.
- [Caste-based discrimination in South Asia - a study on Pakistan: Long Behind Schedule \(2008\)](#)
- Haris Gazdar: [“Class, Caste or Race: Veils over Social Oppression in Pakistan”](#), Economic and Political Weekly January 13, 2007
- IDSN Statement (2010) [Caste discrimination in Humanitarian Assistance – the case of Pakistan](#)
- IDSN News Article (2011) [Pakistan’s Dalits denied flood relief because of caste discrimination](#)
- IDSN News Article (2010) [Pakistan’s president against discrimination in relief efforts](#)

### 2012 press clippings

[Scheduled castes demand representation in Senate](#) // [A lawyer from Dalit community is missing and police refuse to register the case](#) // [Mass conversions: For Matli’s poor Hindus](#) // [Caste makes them outcast](#) // [Minorities in Pakistan: A Recent Perspective](#) // [Four minority members to join Senate this year](#) // [Dalits and the Senate elections](#) // [HRCP demands steps to address concerns of minorities](#) // <http://tribune.com.pk/story/357765/pakistans-caste-system-the-untouchables-struggle/>

## UN recommendations on caste discrimination in Pakistan

>> **Compilation of references to caste-based discrimination by UN treaty bodies, Universal Periodic Review, and UN Special Procedures (updated by IDSN, March 2012): [www.idsn.org/UNcompilation](http://www.idsn.org/UNcompilation)**

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### *Universal Periodic Review of Pakistan (2008 and 2012)*

When Pakistan was first reviewed by the UPR Working Group at its 2nd session in May 2008, several states expressed concern about the protection of minorities and caste-based discrimination. This led to the following, explicit recommendation in the Working Group's report (A/HRC/8/42):

*Recommendation No 31 (accepted): To take measures to eliminate discrimination against castes and high degree of poverty suffered by castes (Luxembourg) and take specific and targeted measures to effectively prevent discrimination against Scheduled Castes (Denmark).*

In its first response to the concerns raised by other states, the Pakistani delegation denied the "concept of Dalit or Scheduled Caste", stating that Pakistan is "free from such kind of prejudices" (para. 99 of A/HRC/8/42). A few months later, the delegation however recognized the problem, stating that efforts are made to give "maximum support" to Scheduled Castes.

During Pakistan's second review at the 14th UPR session in October 2012, the following two recommendations related to caste-based discrimination were made, as reflected in the Working Group's report (A/HRC/WG.6/14/L.10):

*122.92. Continue its efforts for the improvement of the health system and the elimination of discrimination against women and discrimination on the basis of caste (Holy See)*

*122.103. Take effective measures to prevent forced or early marriage, in particular with a view to ending rape, sexual exploitation and forced conversions of scheduled caste girls (Austria)*

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### *CERD Concluding Observations, 74th session, 2009*

In 2009, the UN Committee on the Elimination of all forms of Racial Discrimination (CERD) expressed the following concerns in the Concluding Observations (CERD/C/PAK/CO/20):

10. The Committee reiterates its recommendation that the State party broaden its understanding and constitutional definition regarding minorities, so as to take into account all the grounds of discrimination included in Article 1 (1) of the Convention. [...]

12. While the Committee welcomes the steps taken by the State party to address caste-based discrimination, such as a range of development schemes and the appointment of a member of a scheduled caste as advisor to the Sindh Province Senate, it is concerned that the State party has not yet adopted a law prohibiting discrimination on the basis of caste. It is further concerned about the lack of information in the State party's report on concrete measures taken to combat caste-based discrimination. The Committee is also concerned about the persisting de facto segregation of and discrimination against Dalits regarding their enjoyment of all economic, civil, political, and social rights (arts. 2, 3 and 5).

*The Committee refers the State party to its General Recommendation 29 (2002), on descent-based discrimination, and recommends that the State party adopt legislation aimed at the prohibition of caste-based discrimination and take effective and immediate measures to ensure its effective implementation. The State Party is also invited to provide, in its next periodic report, statistical data on persons belonging to scheduled castes in the territory of the State party, including their enjoyment of all rights protected under Article 5 of the Convention.*

21. While welcoming the steps taken to abolish the practice of bonded labour, including the adoption of the Bonded Labour System Abolition Act, the Committee is concerned about the persistent existence of bonded labour in the State party, which appears to be related to, inter alia, the unequal distribution of land. It also expresses concern that such practice mainly affects marginalized groups such as scheduled castes. (5 (e) (i) and (iv))

*The Committee urges the State to intensify its efforts to implement the laws and programs adopted to put an end to bonded labour and discrimination against marginalized groups such as the scheduled castes. It further encourages the State party to carry out the national survey on this practice without delay and to continue cooperation with the International Labour Organization in combating this phenomenon.*

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#### *Other human rights reviews and studies*

**CRC:** In 2009, the UN Committee on the Rights of the Child (CRC) expressed concern at “the persistence of discriminatory societal attitudes and discrimination against children belonging to a religious or other minority group, children with disabilities, children living in poverty and children living in rural and remote areas” (Concluding Observations 2009, CRC/C/PAK/CO/3-4), and also in 2003.

**Special Rapporteur on contemporary forms of slavery:** The Special Rapporteur has on various occasions underlined the link between bonded labour and caste. Examples include her 2009 report on debt bondage (A/HRC/12/21), the 2010 report on domestic servitude (A/HRC/15/20), and the 2011 report on child slavery in the artisanal mining and quarrying sector (A/HRC/18/30).

**CEDAW:** Pakistan is up for review by the UN Committee on the Elimination of Discrimination against Women (CEDAW) in 2013.

**For more information:** <http://idsn.org/international-advocacy/un/un-documentation/pakistan/>

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<sup>i</sup> Use of disaggregated data on caste and systematic attention to caste-affected communities in assessments, planning and implementation of any human rights, development and humanitarian programmes are recommended.

<sup>ii</sup> Caste discrimination is a common issue in many South Asian countries, also within Muslim communities. Academics and researchers (Haris Gazdar & Karamat Ali) have found that caste is also an issue in Pakistan among Muslims, which has not yet been officially recognized.

<sup>iii</sup> A recent example is a drowning accident involving eight members of a scheduled caste in a canal in district Sanghar in Sindh province on 26 February 2012. Newspaper and field reports state that local irrigation officers did not repair a bridge due to which a rickshaw of a family fell down and eight members including children and women drowned. Though the GoP announced compensation, it has yet to be paid to victims' family, which is another example of officials' indifferent attitude towards scheduled castes.

<sup>iv</sup> It has been estimated by the Pakistan Hindu Council, a social organization in Pakistan, that at least 25 Hindu girls are reported kidnapped each month in Sindh, leaving out those cases that are unreported.

<sup>v</sup> See demands by the Pakistan Dalit Solidarity Network to the Government of Pakistan to stop forcible conversions of Dalit girls: <http://www.thenews.com.pk/Todays-News-4-59668-Dalits-ask-govt-to-stop-forced-conversions>

See also more press clippings on this aspect: <http://www.pakistanchristianpost.com/headlinenews.php?hnewsid=2874> and <http://www.asianews.it/news-en/Pakistan,-forced-conversions-of-Hindu-girls-to-Islam.-Often-unreported-out-of-fear-21826.html>

<sup>vi</sup> One example is the case of Ms. Rinkel Kumari, a 17-year old Hindu girl from the town of Mirpur Mathelo, who was kidnapped on February 24 2012. The kidnapping was allegedly ordered by a Member of the National Assembly (MNA) of the Pakistan People's Party (PPP). The same week that Rinkel was kidnapped three other Hindu girls were kidnapped and underwent the same harassment, conversion, and forced marriage including a physician who worked at a prestigious hospital in Karachi.

<sup>vii</sup> [UPR Stakeholder submission by the Asian Legal Resource Centre and ACT-France](#), 23 April 2012

<sup>viii</sup> According to the Human Rights Commission of Pakistan (HRCP), there are 3-8 million people working as bonded labourers in Sindh and Punjab in the agriculture and brick kiln sector mostly as debt ridden workers (Anti-Slavery International). In Pakistan laws dealing with the bonded labour include the Bonded Labour System Abolition Act 1992 and Sindh Tenancy Act, 1950 to regulate the relationship between landlord and tenant. However implementation of these laws remains a far cry. Besides, ILO Conventions, 29 and 105 and International Convention on Civil and Political Rights which Pakistan has ratified calls for

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elimination of bonded labour. Yet, the problem remains wide spread. HRCP annual reports from the last three years mention that more than 6000 bonded labourers were released through court orders and by law enforcement agencies during 2009 and 2011 which reflect the intensity of the problem. Source: Human Rights Commission of Pakistan, The State of Pakistan's Children, Annual Report SPARC, 2010.

<sup>ix</sup> Working Paper: [\*A rapid assessment of bonded labour in hazardous industries in Pakistan: glass bangle-making, tanneries and Construction\*](#) by Collective for Social Science Research, Karachi, International Labour Office, Geneva, March 2004.

<sup>x</sup> Jinnah Institute, 2011: "A Question of Faith: A report on the status of religious minorities in Pakistan": [http://www.humansecuritygateway.com/documents/JI\\_AQuestionofFaith.pdf](http://www.humansecuritygateway.com/documents/JI_AQuestionofFaith.pdf)

<sup>xi</sup> In Pakistan the number of child labourers is on rise. After the floods in 2010 and monsoon rains in 2011, the destruction of schools and poor conditions in camps compelled the parents to send their children to work. Source: The State of Pakistan's Children, Annual Report SPARC, 2010

<sup>xii</sup> Reports indicate that over 6000 bonded labourers were released over last three years.