



International Dalit Solidarity Network

WORKING GLOBALLY AGAINST DISCRIMINATION BASED ON WORK AND DESCENT

Universal Periodic Review: India

Thursday 10 April 2008 2:30-5:30pm

Caste-based Discrimination in India

Executive Summary

The Indian National Commission of Scheduled Castes and Scheduled Tribes and the CERD and CEDAW Committees have all recognised that the abolition of “untouchability” by the Indian Constitution of 1950, constitutional “safe-guards” for “Scheduled castes” and laws and special measures to address caste-based discrimination have been ineffective in eliminating this discrimination in practice. *De facto* segregation still exists, in access to relief and rehabilitation following natural disasters, and access to places of worship, housing, education, water sources etc. The main problems are lack of effective remedies for victims of acts of violence and discrimination, and non-implementation of existing laws and constitutional provisions.

Recommendations

The Government of India should:

1. *Enforce and effectively monitor its legal provisions at the domestic level to prevent atrocities against Dalits*
2. *Follow-up on and implement existing recommendations issued by national human rights institutions in relation to consistent patterns of gross human rights violations against Dalits in India*
3. *Recognize that discrimination based on caste falls under article 1(1) of the ICERD as stipulated in CERD General Recommendation No. XXIX, and as reiterated by CERD and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*
4. *Implement the general measures contained in CERD General Recommendation No. XXIX in its National Policy Framework of Governance*
5. *Ensure that Dalits in India, especially Dalit women are able to reach the Millennium Development Goals (MDGs), and that Dalits are mainstreamed and included in the national development process.*

6. *Address severe violations of Dalit economic, social and cultural rights in the areas of access to education, health, housing, and property, freedom of religion and free choice of employment.*
 7. *Fully cooperate with UN human rights bodies and special procedures, in particular the Special Rapporteurs and extend invitations for country visits.*
 8. *Follow up on and implement the Concluding Observations of CERD issued in 2007, including with regard to the collation of disaggregated data on caste and related discrimination.*
 9. *Follow up on and implement the CEDAW Concluding Observations and Recommendations concerning Dalit women, and tackle the pervasive sexual and other forms of violence perpetrated against Dalit women.*
 10. *Be encouraged to accept technical support and assistance from UN experts and international agencies with relevant mandates and expertise, to assist it in implementing its international human rights obligations - in particular, technical support in respect of effective data collection, and in order to address inadequacies in the criminal justice administration system, leading to impunity for caste-based crimes.*
 11. *Utilise the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent as a guiding framework for effective measures to implement India's international human rights obligations.*
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