Scheduled Caste Children in Pakistan
Committee on the Rights of the Child (CRC)
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Joint alternative NGO report by the Pakistan Dalit Solidarity Network (PDSN) and the International Dalit Solidarity Network (IDSN) (info@idsn.org)

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Introduction

The alternative report on scheduled caste children in Pakistan is written by the Pakistan Dalit Solidarity Network (PDSN) and the International Dalit Solidarity Network (IDSN) and submitted to the UN Committee on the Rights of the Child for the 72nd Pre-sessional Working Group session (5-9 October 2015) and the review of Pakistan at the 72nd Working Group session (6 May-3 June 2016). The report examines the current situation of scheduled caste (Dalit) children and provides information about the implementation gaps in the enforcement of the International Convention on the Rights of the Child, and makes recommendations for the Committee’s examination. The observations are based on independent studies and reports, case documentation, and recommendations by other UN human rights bodies.

The International Dalit Solidarity Network is an international network that works on a global level for the elimination of caste discrimination and similar forms of discrimination based on work and descent. Members include national Dalit platforms in caste-affected countries; Dalit Solidarity Networks in seven European countries; and international associates, among others (www.idsn.org). Contact information: Email: info@idsn.org, phone: +45 6043 3432.

The Pakistan Dalit Solidarity Network is a network consisting of over 20 civil society organizations, and a member of IDSN. It was formally launched on 5th April 2009 after a research study conducted in 2007, which identified serious violation of basic rights of Scheduled Castes (Dalits in Pakistan), and specifically in Karachi, Sindh province of Pakistan. The main objectives of the network are to highlight the issue of Scheduled Castes through national and international advocacy (www.idsn.org/about-us/who-we-are/the-global-network/).

The report mainly addresses the CRC special protection measures cluster and specifically article 30 on children belonging to a minority or an indigenous group. However, it also covers Education, leisure and cultural activities, article 32 on economic exploitation, including child labour, with specific reference to applicable minimum ages (special protection measures), General principles, Violence against children and Civil rights and freedoms.

Background

Scheduled Caste (Dalit) Children in Pakistan

Special protection measures: children belonging to a minority or an indigenous group (art. 30)

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. Scheduled caste children are even more vulnerable than their adult counterparts. Dalit children face discrimination in education and are particularly vulnerable to child labour and natural disasters. Moreover, Dalit girls suffer multiple discrimination at the intersection of caste and gender discrimination.

As in neighbouring India, ‘scheduled castes’ suffer numerous forms of abuse, from bonded labour to rape and crimes against them are often committed with impunity. Scheduled caste Hindus are concentrated in rural areas of Sindh, mostly in semi-arid zones or in the districts deprived of physical and social infrastructure. Prejudices against minorities run deep and various forms of untouchability, including restriction on access to private/public spaces and public services, are practiced against scheduled caste by both upper caste Hindus and Muslims. Scheduled caste communities are mostly landless, asset-less peasants, often in debt bondage.
Officially, the number of Dalits is approximately 330,000 (as of 1998 Census), but according to researchers the real figure may be as high as two million. However, these data do not include ‘lower castes’ within the Muslim community, living under similarly depressed conditions.

An illiteracy rate above 75 per cent is the norm, and poverty is rampant. In the Sindh and Punjab provinces, the majority of Dalits live as bonded and forced labourers enslaved by landlords. The government has introduced a general five per cent quota for all religious minorities in public services but it is not being properly implemented. The GoP should implement a five per cent job quota for Non-Muslims with a focus on Scheduled Castes or restore a six per cent reservation policy specific for Scheduled Castes.

- For more information Download the IDSN briefing note on Pakistan (2014)

**Government of Pakistan CRC fifth periodic reporting**

In the fifth periodic report of the Government to the CRC, in the section on Non-Discrimination, the Government acknowledges that despite the special focus of the National Education Policy on preventing and combating discrimination against girls and provincial laws enacted that treat all children equally without any consideration of caste, religion and origin, various legal and administrative gaps/areas in the field of civil, economic and cultural rights exist that inadvertently allow discrimination against the children of religious minorities, and prevent girls/women from claiming their due share in inheritance (property).

**Non-implementation of legislation**

Constitutionally and legally, scheduled caste Hindus have equal rights to education, health, housing, public services and infrastructure but social discrimination translates in to exclusionary practices and procedures, depriving the minority communities of full benefit of the facilities. Furthermore, Pakistan lacks specific anti-discrimination legislation to protect minority communities. Caste discrimination is yet to be declared a crime and legislation to prohibit discrimination on the basis of caste with special provisions for effective protection and law enforcement is absent.

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.

**UN observations on caste-based discrimination in Pakistan**

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

Recommendations to eliminate caste-based discrimination were made in both the first and second UPR of Pakistan in 2008 and 2012.

- UPR observations and recommendations on caste for Pakistan

**Universal Periodic Review of Pakistan (2008)**

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). A/HRC/8/42

**Universal Periodic Review of Pakistan (2008)**

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)
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) A/HRC/WG.6/14/L.10

Treaty body observations and recommendations on caste for Pakistan
The UN Committee on the Elimination of Racial Discrimination (CERD) have raised the issue of caste-based discrimination in 2009 and 1997. And the Committee on the Rights of the Child (CRC) have in 2009 and 2003 expressed concern at discrimination against children belonging to a religious or other minority group.

Treaty Body observations and recommendations on caste for Pakistan
In 2009, 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.

Other human rights reviews and studies
UN High Commissioner for Human Rights: In a statement during her mission to Pakistan In June 2012, the High Commissioner for Human Rights voiced concern on behalf of the Dalits she had heard from, about their sense of injustice and despair when acts of violence against their communities go unpunished. She quoted the founder of Pakistan, Mohammad Ali Jinnah “You may belong to any religion, caste or creed – that has nothing to do with the business of the State…”

IDSN Compilation of UN references to caste

Education, leisure and cultural activities: Dalit children in Education
Education, leisure and cultural activities: right to education, including vocational training and guidance (art. 28), aims of education with reference also to quality of education (art. 29), cultural rights of children belonging to indigenous and minority groups (art. 30), rest, play, leisure, recreation and cultural and artistic activities (art. 31)

A major problem is overwhelming illiteracy and poverty, which hinders Dalits in entering the education system. And, when in school, Dalit students are discriminated against and discouraged by teachers and fellow non-Dalit students.

Illiteracy among scheduled caste children
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 enrolment 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 gradei.

Education and Drop out in Scheduled Caste Concentrated Districts
The state of education in the districts and areas with concentrated Scheduled Caste population is the worst affected. The literacy rate and enrolment rates are very low in these districts. There are multiple factors that restrict the Scheduled Caste children from going to schools. These factors include poor conditions of schools, unavailability of schools in proximity to Dalit habitations, an absence of teachers, discriminatory treatment and more importantly poor health of these children. It is an established fact that malnutrition has a severe negative impact on the school participation and performance of students. The high incidence of poverty among Schedule Castes population restricts their children to access education in the school. According to official statistics, the two districts with Scheduled Caste concentrated populations in Sindh...
province - Tharparkar and Umerkot fall in the category of the lowest literacy rate that means below 30 percent.

**Discrimination in Education**

In Pakistan, discrimination in education is widespread and deeply rooted. Until recently when people have started discussing the importance of literacy, it was an accepted norm to keep the Scheduled Caste population backward in social sector in the name of religion and in the guise of one nation. A quick review of a few available reports and findings of the surveys reveal that students particularly from religious minority groups such as Scheduled Caste Hindus fall victims of discrimination in schools. It is not only the attitude of fellow students and teachers that hurts them but also the curriculum is extremely biased against them. In many cases, they are excluded during extra curriculum activities on the basis of their caste and class. The discrimination particularly at primary and secondary levels of schooling results in high rate of drop out.

**Discrimination in Curriculum**

The curriculum is one area where discrimination on the basis of religion is very obvious. Pakistani Dalit students become the worst victims as they are compelled to study subjects and lessons contrary to their belief. Most of the curriculum emphasizes the country is meant only for Muslims as such the Hindus or other minorities do not exist.

**Discrimination by Teachers and Students**

Teachers use derogatory language and humiliate students with corporal punishments. Forcing students to sit on back seats, do the sweeping of the classrooms and washrooms, and taunting students regarding their clothes and shoes are common. The India Institute of Dalit Studies study finds that an overwhelming majority, 76 percent of respondents said their children face one or another kind of discrimination on the basis of caste in schools.

**Recommendations**

- The GoP should commit to taking serious measures to ensure equal access to education for all, including marginalized children from the Scheduled Caste community.

**Further resources**

- [Caste-based discrimination in South Asia - a study on Pakistan: Long Behind Schedule (Indian Institute of Dalit Studies) 2008](#)

Other than their education, Dalit children are also limited from participating in decision-making at other levels such as at home, in society and at government level.

**Economic exploitation: Child labour and Dalit Children**

*Special protection measures cluster: Economic exploitation, including child labour, with specific reference to applicable minimum ages (art. 32)*

Pakistan has ratified a number of international covenants and conventions which proscribe slavery, forced labour, and debt-bondage. The Constitution of Pakistan forbids slavery and forced labour, and the Bonded Labour System (Abolition) Act of 1992 along with the Bonded Labour System (Abolition) Rules of 1995 completely outlaw bonded labour. They also cancel all existing bonded debts and forbid lawsuits for the recovery of such debts.
Yet, bonded labour in Pakistan is widespread, particularly in agriculture and brick making, and the majority of the bonded labour community belongs to marginalized and excluded groups such as the scheduled caste Hindus, Christians and Muslim Sheikhs.

As with the general scenario, children are even more vulnerable than their adult counterparts. Children in brick kilns report of being beaten with sticks and whipped to the point of injury. They do not receive compensation for their work, and are also sometimes kept as insurance to prevent the escape of adult family members.\textsuperscript{v}

According to an ILO Working Paper (2004), the issue of ethnic and/or caste hierarchies needs special attention when addressing bonded labour in Pakistan.\textsuperscript{vi} 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.\textsuperscript{vii} Pakistan ranks second regionally in Asia and sixth globally in the Global Slavery Index 2014 with an estimated 2 million enslaved and low-caste groups being particularly vulnerable.\textsuperscript{viii}

In 2002, a Bonded Labour Fund was established as part of the law for the welfare of the children of released bonded labourers, the majority of whom are scheduled castes. In 2008, a substantial portion of the funds remained unused and held by government and the released bonded labourers continued to live in subhuman conditions in temporary camps on the outskirts of Hyderabad according to a joint NGO alternative report for CERD released in 2009.\textsuperscript{ix}

As wage labourers, Scheduled Caste workers have to depend on meagre earnings. According to a study on the plight of scheduled caste Hindus in Pakistan supported by the Indian Institute of Dalit Studies in 2008, the monthly income of 85 percent of Scheduled Caste workers range between Rs. 500 to Rs. 3,000 per month, which even at maximum level of Rs. 3,000 is 35 % less than the official national minimum wage of an un-skilled worker.\textsuperscript{x} The income of 13 percent of respondents ranged between Rs. 3,000 to 10,000 with only two percent reporting their monthly income more than Rs. 10,000. Because of low adult wages, incidences of child labour and bonded labour are higher among Scheduled Castes.

In its review of Pakistan in 2009, CERD made recommendations to address the persistence of bonded labour in the country.

The problem must be addressed through implementation of relevant ILO conventions, and in particular 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 largely ceremonial 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.

Recommendations

- The GoP should ensure that Scheduled Caste peasants are given their due share of agricultural productions, so that labourers are not subjected to bonded labour; and extend an invitation to the UN Special Rapporteur on contemporary forms of slavery.
- Given the gravity of the issues, as reflected also in the reports of Human Rights Commission of Pakistan, the GOP should obligate provincial governments to immediately enact anti-bonded labour laws.
- Relevant ILO conventions, and in particular the National Policy and Plan of Action (2001) for the abolition of Bonded Labour and Rehabilitation of freed bonded labourers should be implemented.
Further resources

- IDSN webpage on caste-based slavery in Pakistan
- Unfree Labour in Pakistan: Work, Debt and Bondage in Brick Kilns (ILO, 2004, Publication)
- Information on Caste Based Discrimination in South Asia (IIDS/IDSN, 2007, Publication)
- Contemporary Forms of Slavery in Pakistan (Human Rights Watch, 1995, Publication)
- IDSN and PDSN UPR Submission 2012

General principles: Dalit children and Natural disasters

*General principles: non-discrimination (art. 2), best interest of the child (art. 3), right to life, survival and development (art. 6)*

Pakistan is especially vulnerable to humanitarian crises that have a disproportionate impact on the Dalit community and in particular children. 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.

Pakistan faced severe floods in 2010 and 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.

In 2014, a drought in the Sindh Province claimed the lives of over 100 children - most of them Dalits. It was reported that lack of long-term development in the area has a disproportionate impact on the Dalit community. While some relief did reach Thar, promises of planning ahead and finding sustainable solutions to avoid similar tragedies in future droughts remain unfulfilled. The Pakistan Dalit Solidarity Network has urged for action to address the cause of these humanitarian catastrophes in Thar and find sustainable solutions to protect Dalits in the future. This calls for special guidelines for assisting Scheduled Castes/Dalits during relief and rehabilitation work in disaster management laws and plans. IDSN report ‘Equality in Aid’ on addressing caste discrimination in humanitarian response offers recommendations and guidelines and recommends international level policy and standard-setting groupings in the field of humanitarian assistance to take action.

Moreover, it has been found that the problem of child labour is on the rise as a result of the natural disasters in 2010-2011. 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 progressive changes in Tenancy Legislation (especially the Sindh Tenancy Act) and ensuring the enactment of legislation against bonded labour by Provincial Governments.

**Recommendations**

- The GoP should take special care to address the situation of the most vulnerable groups during relief and rehabilitation work in disaster management laws and plans; and provide special guidelines for assisting scheduled castes in such situations.
- The government should specifically chalk out a long-term socio-economic development programme for the Thar desert, focusing on marginalized communities such as scheduled castes so they are less affected due to natural calamities including droughts and heavy rains in the future.

**Further resources**

- [Dalits in Pakistan suffer from severe drought – despite promises to act](http://idsn.org.pk/en/news/article/184), **IDSN News article September 2014**
- [Drought in Pakistan kills over 100 children most are dalits](http://idsn.org.pk/en/news/article/170), **IDSN News article March 2014**
- [Caste discrimination in Humanitarian Assistance – the case of Pakistan](http://idsn.org.pk/en/reports/article/120), **IDSN Statement 2010**
- [Pakistan’s president against discrimination in relief efforts](http://idsn.org.pk/en/news/article/81), **IDSN News Article 2010**

**Violence against children, Civil Rights and freedoms: Dalit girls**

*Violence against children: abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39), right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (arts. 37(a) and 28(2))*

*Civil rights and freedoms: freedom of thought, conscience and religion (art. 14)*

*General principles: non-discrimination (art. 2)*

Dalit girls and women in Pakistan experience multiple forms of discrimination as they are both discriminated on the basis of caste and gender. Although GOP’s commitment to take effective measures to end rape, sexual exploitation and forced conversions of scheduled caste girls in the second UPR in 2012, Dalit girls and women continue to be extremely vulnerable to discrimination and social exclusion, and are often subject to physical assault and rape.

Over the years, the CEDAW Committee has underlined the obligations of States parties to address the intersectionality between gender and caste, including in General Recommendations 25 and 28. It has furthermore expressed concern about caste-based exclusion and violence against Dalit women in other country reviews (e.g. in reviews of India in 2000 and 2007; and Nepal in 2004 and 2011). It has, however, not yet directly addressed the situation of scheduled caste women in Pakistan.

Dalit girls and women in Pakistan experience multiple forms of discrimination as they are both discriminated on the basis of caste and gender. They continue to be extremely vulnerable to discrimination and social exclusion, and are often subject to severe discrimination and physical assaults. Dalit women are marginalized due to their weak socio-economic status, low education levels, and their location in harsh conditions of work such as bonded labour, cotton picking and working in brick kilns. A gender-based
Division of labour leaves the women the task of unpaid reproductive and domestic work as well as menial, informal work for which they receive lower wages than men.

Dalit women also fall victims to sexual abuse, violence, and abductions. Some Dalit women and girls are subject to kidnapping and forced conversion into Muslim families under the disguise of marriage. The stories of the women’s families reveal that religious conversion is a barrier for returning the women to their families and for police personnel to take action.

Forced conversions
A key concern is the problem of forced conversion of minority and scheduled caste women and girls under the disguise of marriage of choice. 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. In a 2012 UPR report, it was 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. 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. Even the courts are complicit in this, by nullifying women’s previous non-Islamic marriages and recognizing their forced marriages instead (ALRC and Act-France, UPR 2012). Nonetheless, the Child Marriage Restraint Act (Amendment) bill introduced in 2014 is a good move from the Sindh government to stop early marriages and will be helpful in minimizing forced marriages of Dalit child girls into Islam.

Recommendations
- The GoP should take specific measures to increase Dalit women and girls’ access to health services, clean water and sanitation, and include this information when it is being reviewed by CEDAW and CRC.
- The GoP should take effective measures to prevent and investigate cases of forced conversion of girls, with an emphasis on the most vulnerable groups such as Scheduled Caste girls.
- The GoP should eliminate multiple forms of discrimination experienced by Dalit women and girls on the basis of caste and gender in accordance with CEDAW General Recommendations 25 and 28.
- The Government of Pakistan should immediately pass the Hindu family laws and specifically the Hindu Marriage Registration Bill, still pending in Cabinet.
- The Government of Pakistan should implement the Supreme Court verdict issued on June 19, 2014 outlining a strategy on how to protect non-Muslims communities’ rights.

Further resources
- Dalit women in Pakistan fall victim to sexual abuse, abduction and forced religious conversion. They suffer triple discrimination due to their gender, religion and caste.
- Newsletter from Pakistan Dalit Solidarity Network, November 2014
- SCHEDULED CASTE WOMEN IN PAKISTAN – Alternative report to CEDAW (PDSN and IDSN), 2013

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HRW 1995 Report on Contemporary forms of Slavery in Pakistan


HRW 1995 Report on Contemporary forms of Slavery in Pakistan


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

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.

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


UPR Stakeholder submission by the Asian Legal Resource Centre and ACT-France, 23 April 2012