

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION RECOMMENDATIONS AND COMMENTS ON CASTE-BASED DISCRIMINATION

IDSN COMPILATION- NOVEMBER 2015

I. INTRODUCTION

Committee on the Elimination of Racial Discrimination (1996-2015)

The UN Committee on the Elimination of Racial Discrimination (CERD), has issued 31 recommendations addressing caste and has played a particularly important role in monitoring governments' obligations related to caste discrimination. In 2002, CERD adopted UN General Recommendation 29 on descent-based discrimination, which recommends that all states take "steps to identify those descent-based communities under their jurisdiction who suffer from discrimination, especially on the basis of caste and analogous systems of inherited status [...]"¹ This General Recommendation constitutes an effective framework to improve analysis and reporting on governments' implementation of their obligations on this issue, and has been used as a reference in many country reviews and thematic debates by treaty- and charter-based bodies.

The Treaty Body recommendations concern a relatively large group of countries in the following regions: 44 refer to countries in Asia, 17 to Africa, 9 to the Middle East, 1 in the Americas and 2 to Europe. The issue of caste discrimination among the South Asian Diaspora population has only been addressed in one country, the United Kingdom (2003 and 2012). Whereas CERD has addressed the issue in many different countries, other treaty bodies have mainly focused on caste discrimination in Asian countries (India, Nepal, Bangladesh, Pakistan, and Japan). As such, the CERD General Recommendation 29 has played a critical role in providing a common framework for enhanced monitoring on this issue by CERD and other treaty bodies.

Civil society has submitted a large number of reports on the issue, which has led to increased attention by the Treaty Body Committees. In many cases, governments are however far behind in their reporting obligations, which postpone critical reviews of certain countries. This is particularly relevant to the Human Rights Committee. Finally, some governments are not yet signatories to some of core human rights treaties.

Country	Treaty Body	Year(s) of Concluding Observations
India (2)	CERD	2007; 1996
Nepal (3)	CERD	2004; 2001; 1998
Pakistan (2)	CERD	2009; 1997
Bangladesh (1)	CERD	2001
Japan (3)	CERD	2014; 2010; 2001
United Kingdom (2)	CERD	2003; 2011
Yemen (2)	CERD	2006; 2011

Nigeria (1)	CERD	2005
Mauritania (1)	CERD	2004
Madagascar (1)	CERD	2004
Senegal (2)	CERD	2002;2012
Chad (2)	CERD	2013; 2009
Mali (1)	CERD	2002
Ethiopia (2)	CERD	2009; 2003
Ghana (1)	CERD	2003
Burkina Faso (2)	CERD	2013; 1997
Mauritius (2)	CERD	2013; 1996
Suriname (1)	CERD	2015
Total number of recommendations:		Asia (11); Africa (15); Middle East (2); Europe (2); The Americas (1)

II. UN TREATY BODIES

INDIA	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations – India 2007 <u>CERD/C/IND/CO/19</u> Keywords: Interpretation of ‘descent’, CERD general recommendation XXIX, ‘untouchability’, caste-based discrimination, Dalit, disaggregated data, segregation, public education, violence against Dalit women, inter-caste marriage, post-tsunami relief, political participation, devadasi, impunity, manual scavenging, bonded labour, child labour, education, SC/CT Act, impunity, caste bias</p>	<p>3. The Committee notes with appreciation the comprehensive constitutional provisions and other legislation of the State party to combat discrimination, including discrimination based on race and caste.</p> <p>4. The Committee welcomes the special measures adopted by the State party to advance the equal enjoyment of rights by members of scheduled castes and scheduled tribes, such as reservation of seats in Union and State legislatures and of posts in the public service.</p> <p>5. The Committee welcomes the establishment of institutions responsible for the implementation of anti-discrimination legislation such as the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act (1989) and for the monitoring of acts of discrimination and violence against members of scheduled castes and scheduled tribes, including the Ministry of Social Justice and Empowerment, the Union and State Parliamentary Committees on Social Justice, the Ministry of Tribal Affairs, and the National Commissions on Scheduled Castes and on Scheduled tribes.</p> <p>6. The Committee notes with appreciation the declaration of the Indian Prime Minister before the Dalit- Minority International Conference in New Delhi on 27 December 2006 that “the only parallel to the practice of ‘Untouchability’ was Apartheid in South Africa.” Such a declaration underlines the renewed commitment to address the discriminatory practice of “Untouchability”.</p> <p>8. The Committee takes note of the State party’s position that discrimination based on caste falls outside the scope of article 1 of the Convention. However, after an extensive exchange of views</p>

with the State party, the Committee maintains its position expressed in general recommendation No. 29 “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.” Therefore, the Committee reaffirms that discrimination based on the ground of caste is fully covered by article 1 of the Convention.

9. The Committee regrets the lack of information in the State party’s report on concrete measures taken to implement existing anti-discrimination and affirmative action legislation, as well as on the de facto enjoyment by members of scheduled castes and scheduled and other tribes of the rights guaranteed by the Convention. (arts. 2 and 5) Notwithstanding the above-mentioned legal position of the State party, the Committee invites it to include in its next periodic report detailed information on measures taken to implement anti-discrimination and affirmative action legislation, disaggregated by caste, tribe, gender, State/district and rural/urban population. The State party should also provide disaggregated data on the percentages of the Union, State and district budgets allocated for that purpose and on the effects of such measures on the enjoyment by members of scheduled castes and scheduled and other tribes of the rights guaranteed by the Convention.

13. The Committee notes with concern that, despite the formal abolition of “Untouchability” by article 17 of the Indian Constitution, de facto 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. (arts. 3 and 5) The Committee urges the State party to intensify its efforts to enforce the Protection of Civil Rights Act (1955), especially in rural areas, including by effectively punishing acts of “Untouchability”, to take effective measures against segregation in public schools and residential segregation, and to ensure equal access for Dalits places of worship, hospitals, water sources and any other places or services intended for use by the general public.

14. The Committee is concerned about reports of arbitrary arrest, torture and extrajudicial killings of members of scheduled castes and scheduled tribes by the police, and about the frequent failure to protect these groups against acts of communal violence. (arts. 5 (b) and 6) The Committee urges the State party to provide effective protection to members of scheduled castes and scheduled and other tribes against acts of discrimination and violence, introduce mandatory training on the application of the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act (1989) for police, judges and prosecutors and take disciplinary or criminal law measures against police and other law enforcement officers who violate their duty of protection and/or

investigation in relation to crimes against scheduled castes and scheduled and other tribes.

15. The Committee is concerned about the alarming number of allegations of acts of sexual violence against Dalit women primarily by men from dominant castes, in particular rape, and about the sexual exploitation of Dalit and tribal women who are being trafficked and forced into prostitution. (art. 5 (b))The Committee urges the State party to effectively prosecute and punish perpetrators of acts of sexual violence and exploitation of Dalit and tribal women, sanction anyone preventing or discouraging victims from reporting such incidents, including police and other law enforcement officers, take preventive measures such as police training and public education campaigns on the criminal nature of such acts, and provide legal, medical and psychological assistance, as well as compensation, to victims. The State party should also consider adopting victim-sensitive rules of evidence similar to that of Section 12 of the Protection of Civil Rights Act (1955) and establishing special court chambers and task forces to address these problems.

17. The Committee notes with concern reports that Dalit candidates, especially women, are frequently forcibly prevented from standing for election or, if elected, forced to resign from village councils or other elected bodies or not to exercise their mandate, that many Dalits are not included in electoral rolls or otherwise denied the right to vote, and that public service posts reserved for scheduled castes and scheduled tribes are almost exclusively filled in the lowest category (e.g. sweepers). The Committee is also concerned that scheduled castes and scheduled and other tribes are underrepresented in the Union, State and local governments and legislatures, as well as in the public service. (arts. 5 (c) and 2 (2))The Committee recommends to the State party to effectively enforce the reservation policy; to ensure the rights of members of scheduled castes and scheduled and other tribes to freely and safely vote and stand for election and to fully exercise their mandate if elected to their reserved seats; to apply the reservation policy to all categories of public service posts, including the highest, and to extend it to the judiciary; to ensure adequate representation of scheduled castes, scheduled and other tribes and ethnic minorities in Union, State and local governments and legislatures; and to provide updated statistical data on such representation in its next periodic report.

18. The Committee is concerned about the persistence of social norms of purity and pollution which de facto preclude marriages between Dalits and non-Dalits; it is also concerned about violence and social sanctions against inter-caste couples and the continuing practices of child marriage and dowry, and devadasi whereby mostly Dalit girls are dedicated to temple deities and forced into ritualized prostitution. (art. 5 (d) (iv) and 5 (b))The Committee urges the State party to effectively enforce the prohibition of child

marriage, the Dowry Prohibition Act (1961) and State laws prohibiting the practice of devadasi. The State party should punish such acts and acts of discrimination or violence against inter-caste couples and rehabilitate victims. Furthermore, it should conduct training and awareness-raising campaigns to sensitize police, prosecutors, judges, politicians, teachers and the general public as to the criminal nature of such acts.

20. The Committee is concerned about reports that Dalits are often denied access to and evicted from land by dominant castes, especially if it borders land belonging to such castes, and that tribal communities have been evicted from their land under the 1980 Forest Act or in order to allow private mining activities (art. 5 (d) (v) and 5 (e) (i) and (iii)). The Committee recommends that the State party ensure that Dalits, including Dalit women, have access to adequate and affordable land and that acts of violence against Dalits due to land disputes are punished under the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act (1989). The State party should also ensure that tribal communities are not evicted from their lands without seeking their prior informed consent and provision of adequate alternative land and compensation, that bans on leasing tribal lands to third persons or companies are effectively enforced, and that adequate safeguards against the acquisition of tribal lands are included in the Recognition of Forest Rights Act (2006) and other relevant legislation.

21. The Committee notes 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. (arts. 5 (d) (vii) and 2 (2)) The Committee recommends that the State party restore the eligibility for affirmative action benefits of all members of scheduled castes and scheduled tribes having converted to another religion.

22. The Committee is concerned about reports that Dalits were denied equal access to emergency assistance during the post-tsunami relief, while noting that, according to the State party, those allegations merely concern isolated cases. (arts. 5 (e) and 2 (1) (a)) The Committee recommends to the State party to investigate all alleged cases in which Dalits were denied assistance or benefits equal to that received by caste fishermen or cases in which they were otherwise discriminated against during the post-tsunami relief and rehabilitation process and to compensate or retroactively grant such benefits to the victims of such discrimination.

23. The Committee notes with concern that very large numbers of Dalits are forced to work as manual scavengers and child workers and are subject to extremely unhealthy working conditions and exploitative labour arrangements, including debt bondage. (art. 5 (e) (i) and (iv)) The Committee recommends that

the State party effectively implement the Minimum Wages Act (1948), the Equal Remuneration Act (1976), the Bonded labour (System) Abolition Act (1976), the Child Labour (Prohibition and Regulation) Act (1986) and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act (1993). The State party should also adopt measures to enhance Dalits' access to the labour market, e.g. by extending the reservation policy to the private sector and issuing job cards under the National Rural Employment Guarantee Scheme to Dalit applicants, and report on the effects of the measures taken on the employment and working conditions of Dalits in its next periodic report.

24. The Committee is concerned about reports that members of scheduled castes and scheduled and other tribes are disproportionately affected by hunger and malnutrition, infant, child and maternal mortality, sexually transmitted diseases, including HIV/AIDS, tuberculosis, diarrhoea, malaria and other water borne diseases and that health care facilities are either unavailable in tribal areas or substantially worse than in non-tribal areas. (art. 5 (e) (iv)) The Committee recommends that the State party ensure equal access to ration shops, adequate health care facilities, reproductive health services, and safe drinking water for members of scheduled castes and scheduled and other tribes and to increase the number of doctors and of functioning and properly equipped primary health centres and health sub-centres in tribal and rural areas.

25. While noting the constitutional guarantee of free and compulsory education for all children up to the age of 14 and the rapid growth of the literacy rate among Dalits, in particular girls, the Committee remains concerned about the high dropout rate among Dalit pupils at the primary and secondary levels, reports of classroom segregation and discrimination against Dalit pupils, teachers and mid-day meal cooks, and the poor infrastructure, equipment, staffing and quality of teaching in public schools attended by Dalit and tribal children. (art. 5 (e) (v)) The Committee recommends that the State party take effective measures to reduce dropout and increase enrolment rates among Dalit children and adolescents at all levels of schooling, e.g. by providing scholarships or other financial subsidies and by sensitizing parents as to the importance of education, combat classroom segregation and discrimination against Dalit pupils and ensure non-discriminatory access to the Mid-Day Meal Scheme, adequate equipment, staffing and quality of teaching in public schools, as well as physical access by Dalit and tribal pupils to schools in dominant caste neighbourhoods and armed conflict areas.

26. The Committee notes with concern allegations that the police frequently fail to properly register and investigate complaints about acts of violence and discrimination against members of scheduled castes and scheduled tribes, the high percentage of acquittals and the low conviction rate in cases

	<p>registered under the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act (1989), and the alarming backlog of atrocities cases pending in the courts. (art. 6)The Committee urges the State party to ensure that members of scheduled castes and scheduled and other tribes who are victims of acts of violence and discrimination have access to effective remedies and, to that effect, encourage victims and witnesses to report such acts and protect them from acts of retaliation and discrimination; ensure that complaints under the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act (1989) and other criminal law provisions are properly registered and investigated, perpetrators prosecuted and sentenced and victims compensated and rehabilitated; and establish and make operational special courts trying atrocity cases as well as committees monitoring the implementation of the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act in all States and districts, as mandated by the Act. In this regard, the State party is invited to include in its next periodic report information on the number and nature of complaints registered, the convictions and sentences imposed on perpetrators, and the remedies and assistance provided to victims of such acts.</p> <p>27. The Committee notes with concern that caste bias as well as racial and ethnic prejudice and stereotypes are still deeply entrenched in the minds of wide segments of Indian society, particularly in rural areas. (art. 7)The Committee recommends that the State party strengthen its efforts to eradicate the social acceptance of caste-based discrimination and racial and ethnic prejudice, e.g. by intensifying public education and awareness-raising campaigns, incorporating educational objectives of inter-caste tolerance and respect for other ethnicities, as well as instruction on the culture of scheduled castes and scheduled and other tribes, in the National Curriculum Framework, and ensuring adequate media representation of issues concerning scheduled castes, tribes and ethnic minorities, with a view to achieving true social cohesion among all ethnic groups, castes and tribes of India. <i>The Government of India is requested to submit its next periodic reports to CERD before 4 January 2012.</i></p>
<p>CERD Concluding Observations – India 1996 CERD/C/304/Add.13 Keywords: Interpretation of ‘descent’, caste-based discrimination, non-implementation, impunity, compensation, reparation, National Commission on Scheduled Castes, education campaign</p>	<p>2. The Committee expresses its appreciation for the opportunity to resume its dialogue with the State party on the basis of its tenth to fourteenth periodic reports. It regrets the brevity of the report, all the more so since 10 years have passed since the previous report was submitted. It also regrets that the report does not provide concrete information on the implementation of the Convention in practice; it furthermore regrets that the report and the delegation claim that the situation of the scheduled castes and scheduled tribes does not fall within the scope of the Convention.</p> <p>4. It is noted that India is a large multi-ethnic and multicultural society. It is also noted that the extreme poverty of certain groups</p>

in the population, the system of castes and the climate of violence in certain parts of the country are among the factors which impede the full implementation of the Convention by the State party.

5. The leading role played by India in the struggle against racial discrimination and apartheid at the international level is welcomed by the Committee. The Committee also acknowledges the far-reaching measures adopted by the Government to combat discrimination against members of scheduled castes and scheduled tribes.

10. Articles 15 (i) and 15 (ii) of the Constitution of India, prohibiting all forms of discrimination by the State and its agents, or between individuals, including discrimination based on race and castes, as well as article 153, paragraphs (a) and (b), and article 505 of the Penal Code, which prohibit actions that promote disharmony, hatred, feelings of enmity and ill-will on grounds of race or religion, are found to be mainly in conformity with article 2, paragraph 1, of the Convention.

14. Noting the declaration in paragraph 7 of the report, reiterated in the oral presentation, the Committee states that the term "descent" mentioned in article 1 of the Convention does not solely refer to race. The Committee affirms that the situation of the scheduled castes and scheduled tribes falls within the scope of the Convention. It emphasizes its great concern that within the discussion of the report, there was no inclination on the side of the State party to reconsider its position.

18. It is regretted that no information has been provided to the Committee on the effective implementation of the penal provisions referred to in paragraph 10 above. In this regard, concern is expressed at numerous reports of acts of discrimination based on race, colour, descent or national or ethnic origin, although it was stated that no such case has yet been brought before the courts; this leads the Committee to wonder whether individuals are sufficiently informed about their rights.

23. It is noted that although constitutional provisions and legal texts exist to abolish untouchability and to protect the members of the scheduled castes and tribes, and although social and educational policies have been adopted to improve the situation of members of scheduled castes and tribes and to protect them from abuses, widespread discrimination against them and the relative impunity of those who abuse them point to the limited effect of these measures. The Committee is particularly concerned at reports that people belonging to the scheduled castes and tribes are often prevented from using public wells or from entering cafés or restaurants and that their children are sometimes separated from other children in schools, in violation of article 5 (f) of the Convention.

25. Although it is noted that the Supreme Court and the high courts have the jurisdiction to award compensation to victims of human rights violations, including in the field of racial

discrimination, concern is expressed that there exists no specific statute providing for the right of individuals to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of acts of racial discrimination, as required by article 6 of the Convention.

26. The Committee recommends that the State party continue and strengthen its efforts to improve the effectiveness of measures aimed at guaranteeing to all groups of the population, and especially to the members of the scheduled castes and scheduled tribes, the full enjoyment of their civil, cultural, economic, political and social rights, as mentioned in article 5 of the Convention. In this regard, the Committee recommends that the next report to be submitted by the State party contain full and detailed information on the legislative aspects and the concrete implementation of the Directive Principles of the State Policy of the Constitution.

27. The Committee recommends that special measures be taken by the authorities to prevent acts of discrimination towards persons belonging to the scheduled castes and scheduled tribes, and, in cases where such acts have been committed, to conduct thorough investigations, to punish those found responsible and to provide just and adequate reparation to the victims. In this regard, the Committee particularly stresses the importance of the equal enjoyment by members of these groups of the rights to access to health care, education, work and public places and services, including wells, cafés or restaurants.

29. The Committee recommends that the next periodic report of the State party include information on the powers and functions, as well as on their effective implementation, of the National Commission on Scheduled Castes and Scheduled tribes and of the National Commission on Minorities.

30. The Committee also recommends that the Government provide in its next periodic report information, including the number of complaints lodged and sentences passed, about the implementation in practice of the legal provisions prohibiting acts of racial discrimination and organizations which promote and incite racial discrimination, in accordance with articles 2 and 4 of the Convention.

31. The Committee recommends a continuing campaign to educate the Indian population on human rights, in line with the Constitution of India and with universal human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. This should be aimed at eliminating the institutionalized thinking of the high-caste and low-caste mentality.

32. The Committee reaffirms that the provisions of article 6 of the Convention are mandatory and that the Government of India should adopt legal provisions making it easier for individuals to seek from the courts just and adequate reparation or satisfaction

	<p>for any damage suffered as a result of acts of racial discrimination, including acts of discrimination based on belonging to a caste or a tribe.</p> <p><i>The Committee recommends that the State party's next periodic report, due on 4 January 1998, be a comprehensive report and that it address all the points raised in these concluding observations.</i></p>
NEPAL	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations – Nepal 2004 CERD/C/64/CO/5 Keywords: National Dalit Commission, caste-based discrimination, impunity, inter-caste marriage, segregation in public and private places, enforcement of criminal justice system, police abuse, Badi, forced prostitution, bonded labour, discriminatory traditional customs and societal attitudes, due representation in the mass media</p>	<p>4. The Committee welcomes the adoption of several action plans within the framework of the State party's Ninth and Tenth Periodic Plans, in particular the programmes for Dalits, nationalities and indigenous peoples of Nepal.</p> <p>5. The Committee notes with satisfaction that a number of institutions have recently been established with the aim of promoting human rights and combating discrimination, including the National Dalit Commission, the National Committee for the Upliftment of the Depressed, the Oppressed and Dalits Community, the Academy to Uplift Nationalities and Indigenous Peoples, and the National Foundation for the Development of Indigenous People and Nationalities.</p> <p>11. While the Committee welcomes the establishment of the National Dalit Commission, it is concerned that the Commission lacks a statutory basis, as long as the Parliament is not restored and a necessary act is not adopted. The Committee recommends that the State party consider, as a priority, the adoption of the relevant statutory law to enable the National Dalit Commission to carry out its mandate effectively.</p> <p>12. The Committee remains deeply concerned at the persistence of the de facto caste-based discrimination and the culture of impunity that apparently permeates the higher strata of a hierarchical social system. In particular, it is concerned at information on the existence of segregated residential areas for Dalits, social exclusion of inter-caste couples, restriction to certain types of employment, and denial of access to public spaces, places of worship and public sources of food and water, as well as at allegations that public funds were used for the construction of separate water taps for Dalits. The Committee recommends that the State party, as a matter of priority, take measures to prevent, prohibit and eliminate private and public practices that constitute segregation of any kind, and make determined efforts to ensure the practical and effective implementation of these measures. The Committee further requests that information be included in the next periodic report on any follow-up measures taken by the State party to general recommendation XXIX on descent-based discrimination.</p> <p>14. The Committee regrets the lack of information on prosecutions launched and penalties imposed in cases of offences which relate to racial discrimination, and the role of the National Human Rights Commission and the National Dalit Commission in</p>

	<p>dealing with such cases. The Committee stresses the need for a determined enforcement of the criminal justice system, and reminds the State party that the absence of complaints and legal action by victims of racial discrimination may be the result of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute. The Committee requests that the State party include in its next periodic report statistical information on complaints lodged, prosecutions launched and penalties imposed in cases of offences which relate to racial or ethnic discrimination. In particular, the Committee would welcome further information on cases invoking article 88 and article 11, paragraph 4, of the Constitution and the Miscellaneous Chapter of the Country Code. The Committee also requests information on legal measures that prohibit activities and organizations which promote or incite discrimination, or participation in them.</p> <p>15. The Committee is concerned at the allegations of ill-treatment and ineffective protection of and discrimination against Dalits and other vulnerable groups in society, by law enforcement officials, especially the police. The Committee stresses that prompt and impartial investigations are paramount in counteracting discriminatory attitudes and practices. The Committee recommends that the State party intensify its efforts to end such discriminatory practices. It further recommends that the procedure relating to the investigation of complaints with respect to the work of the police be conducted and overseen by a body independent of the police.</p> <p>16. The Committee notes the lack of information in the periodic report on the situation of women belonging to disadvantaged groups who are victims of multiple discrimination, and expresses concern over the situation of forced prostitution of girls and women of the Badi caste. The Committee recommends that the State party consider issues of political representation, personal security, employment and education, in line with general recommendations XXV (2000) on gender-related dimensions of racial discrimination and XXIX (2002) on descent-based discrimination, in taking measures to eliminate multiple discrimination against women who belong to vulnerable groups. The Committee further requests the State party to include in its next report the measures taken in this regard, including specific action taken to eradicate forced prostitution of Badi girls and women.</p> <p>18. The Committee is concerned that, although the system of agricultural bonded labour known as Kamaiya was abolished in July 2000, the emancipated Kamaiyas are facing many problems, including lack of housing, land, work and education for their children. The Committee recommends that the State party ensure effective enforcement of the Bonded labour Prohibition Act 2002 and programmes adopted to put an end to the practice and discrimination against Kamaiyas. It further requests the State party</p>
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	<p>to include information on the implementation of the act in its next periodic report.</p> <p>20. The Committee notes that governmental action has been taken to sensitize the general public, including members of vulnerable groups, against discriminatory traditional customs and societal attitudes. The Committee recommends that the State party take further measures to ensure the training and education of teachers, social workers and law enforcement officials, especially those deployed against the insurgents as well as the political segments of the society. The Committee encourages the State party to carry out comprehensive public education campaigns and to include intercultural education in school curricula.</p> <p>21. The Committee notes that the Government broadcasts in several national languages. The Committee is concerned, however, with the lack of representation of disadvantaged groups in the State-owned media, and that issues such as racial discrimination and human rights receive little coverage by the media in general. The Committee invites the State party to consider introducing special measures to ensure due representation in the mass media of members of disadvantaged groups, including Dalits.</p> <p><i>The Committee recommends that the State party ensure the timely submission of its seventeenth, eighteenth and nineteenth periodic reports, combined in one document, due on 1 March 2008, and that it be an updating report, addressing all the points raised in the present observations.</i></p>
<p>CERD Concluding Observations – Nepal 2001 CERD/C/304/ADD.108 Keywords: Caste system, disaggregated data, caste-based discrimination, caste-motivated abuse public education campaigns</p>	<p>5. The Committee welcomes the adoption of the State party's Ninth Plan, containing important policies, strategies and programmes, which aim inter alia, to eradicate racial discrimination against disadvantaged groups by addressing their socio-economic development.</p> <p>6. In light of the multi-ethnic and multicultural society of the State party, the Committee notes that the existence of certain traditional customs, i.e. the caste system, and social attitudes are obstacles to efforts to combat discrimination. The Committee further notes that extreme poverty, which affects a significant part of Nepal's population, and the presence of a large number of refugees from neighbouring countries are factors which represent serious difficulties in the fulfillment of the State party's obligations under the Convention.</p> <p>9. The Committee expresses concern about the absence in the report of disaggregated data on the population, including by age, sex, nationality, ethnic origin, religion, including caste, and language. The Committee recommends that the State party provide these data in subsequent reports.</p> <p>11. The Committee remains concerned at the existence of caste-based discrimination, and the denial which this system imposes on some segments of the population of the enjoyment of the rights enshrined in the Convention. The Committee reiterates its previous recommendation that the State party provide information in its</p>

	<p>next periodic report on the implementation of practical and substantive measures to eradicate the practice of the caste system, including measures for the prevention of caste-motivated abuse and the prosecution of State and private actors responsible for such abuse. Moreover, the State party is encouraged to implement, inter alia, affirmative measures to advance and protect persons subjected to caste-based discrimination.</p> <p>14. In connection with the implementation of article 7 of the Convention, the Committee reiterates its previous recommendation that the State party take all necessary measures to ensure the training and education of law enforcement officials, teachers and social workers, and include the teaching of human rights in school curricula. The Committee encourages the State party to carry out comprehensive public education campaigns to combat discriminatory traditional customs and societal attitudes. The Committee would welcome information in subsequent reports on the effectiveness of these measures.</p> <p><i>The Committee recommends that the State party ensure the submission of its fifteenth periodic report, and that it be an updating report, addressing all the points raised in the present observations.</i></p>
<p>CERD Concluding Observations – Nepal 1998 CERD/C/304/Add.61 Keywords: Caste, caste system</p>	<p>D. Principal subjects of concern</p> <p>8. The Committee notes the lack of clarity of the information provided by the report on the demographic composition of State party and, in particular, on the composition of the population according to caste, religion and geographical regions.</p> <p>10. The Committee, having noted that the caste system in Nepal has been abolished by law, nevertheless expresses its concern that this system still functions and appears embedded in parts of the Nepalese culture. In this connection, the Committee is also concerned at the limitation that this system imposes on the effective enjoyment by all groups of the rights enshrined in article 5 of the Convention.</p> <p>E. Suggestions and recommendations</p> <p>13. The Committee recommends that the State party in its next report provide fuller information on the demographic composition of the population in the light of paragraph 8 of the reporting guidelines. The Committee requests the State party to provide information in its next periodic report on the implementation of practical measures to eradicate the practice of the caste system.</p>
PAKISTAN	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations – Pakistan 2009 CERD/C/PAK/CO/20 Keywords: Definition regarding minorities, anti-discrimination law, descent, caste-based discrimination, de facto segregation of and</p>	<p>10. While appreciating the State party’s laws for the protection of recognized religious minorities, the Committee reiterates its concern about the absence of similar protection for relevant ethnic or linguistic groups. It welcomes the delegation’s acknowledgment of the intersectionality, to a certain extent, of ethnicity and religion in the State party. (art. 1) The Committee reiterates its recommendation that the State party broaden its understanding and constitutional definition regarding minorities, so as to take</p>

<p>discrimination against Dalits, CERD general recommendation 29, education, statistical data, violence against women, right to freedom of thought, conscience and religion, bonded labour, non-implementation of laws, distribution of land, combating prejudices, public education and awareness-raising campaigns</p>	<p>into account all the grounds of discrimination included in article 1, paragraph 1 of the Convention.</p> <p>11. Notwithstanding the existing legislation aimed at ensuring the principle of nondiscrimination in the State party, the Committee reiterates its concern that no comprehensive anti-discrimination law has been adopted. It also expresses concern about the lack of information on concrete measures taken to implement the existing antidiscrimination laws and special measures, in spite of reports of persisting de facto discrimination against members of certain minority groups. (art. 2) The Committee recommends that the State party adopt a comprehensive law on the elimination of discrimination on the grounds of race, colour, descent or national or ethnic origin, taking into consideration all elements of the Convention. It also wishes to receive detailed information on the measures taken to implement anti-discrimination legislation with a view to eliminating de facto discrimination.</p> <p>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.</p> <p>17. Notwithstanding the measures taken by the State party such as the amendments of the Criminal Law Act 2004 and the Protection of Women Act 2006, the Committee CERD/C/PAK/CO/20 page 5 expresses concern about acts of violence against women, especially those of minority background. (art. 5 (b)) In the light of its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party ensure the effective implementation of the laws aimed at protecting women from violence and provide information on the measures taken and their results in its next report. It also encourages the State party to adopt the Bill on domestic violence without delay.</p>
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	<p>18. The Committee welcomes the steps taken by the State party to ensure adequate political participation of minorities, such as the reservation of seats for minority members in the National Assembly, as well as the introduction of quotas to admit members of minorities to Government services. However, the Committee notes that minorities are comprehended by the State party exclusively as religious minorities other than Muslims and that no specific policy or legislative framework appear to exist to ensure appropriate representation of all ethnic groups. (arts. 5 (c) and 2, para. 2) The Committee encourages the State party to provide information on the representation of ethnic groups in Government and public services in its next periodic report. The Committee further urges the State party to legislate and mainstream the existing policy on the provision of adequate political participation of all ethnic groups.</p> <p>19. The Committee, acknowledging the complex relationship between ethnicity and religion in Pakistan, notes the State party's commitment to freedom of religion and the safeguards established therefore. That notwithstanding, it expresses concern about reported infringements of the right to freedom of religion and the risk that blasphemy laws may be used in a discriminatory manner against religious minority groups, who may also be members of ethnic minorities. (art. 5 (d) (iv)) The Committee recalls the State party's obligation to ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin, in accordance with article 5 (d) of the Convention.</p> <p>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 programmes 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.</p> <p>24. The Committee notes with concern the lack of information on the steps taken to comply with article 7 of the Convention regarding measures taken with a view to combating prejudices which lead to racial discrimination and to promoting tolerance and friendship among its ethnic groups. (art. 7) The Committee recommends the State party to provide in its next periodic report information on article 7 such as measures taken to eradicate the social acceptance of racial and ethnic prejudice, e.g.</p>
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	<p>by intensifying public education and awareness-raising campaigns, incorporating educational objectives of tolerance and respect for other ethnicities, as well as instruction on the culture of all minorities in the State party, and ensuring adequate media representation of issues concerning all ethnic and religious minorities, with a view to achieving true social cohesion among all ethnic groups, castes and tribes of Pakistan.</p> <p><i>The Committee recommends that the State party submit its twenty-first and twenty-second periodic reports in a single document, due on 4 January 2012, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.</i></p>
<p>CERD Concluding Observations – Pakistan 1997 CERD/C/304/Add.25 Keywords: Definition of minorities, fundamental non-discrimination principle (caste and descent), disaggregated information education, just and adequate reparation or satisfaction</p>	<p>6. The information provided by the State party on minorities living in Pakistan, in response to questions asked during the consideration of the previous report, is welcomed by the Committee. It notes that the State party’s definition of minorities is based on the religious affiliation of the persons concerned and not on ethnic, racial or linguistic grounds. Although the Committee is aware that religious minorities as such do not fall under the scope of the Convention, it notes that religious differences may coincide with ethnic differences and therefore welcomes the institutions and measures that have been established to promote and protect minority rights, such as the Minorities Affairs Division, the National Commission for Minorities, the Federal Advisory Council for Minorities Affairs, the Districts Minority Committees, the National Committee on the Kalash People and the monthly holding of meetings with minority members of the National Assembly.</p> <p>8. The repeal of the separate electoral system, which allowed members of minorities to vote only for certain reserved seats in elections, is welcomed. The fact that members of minorities are now entitled to participate directly in the general election process, in addition to electing their own representatives, is a positive development.</p> <p>12. Concern is expressed that the policy of the State party to recognize only religious minorities excludes ethnic, linguistic or racial groups living in the country from any specific protection under the Convention that would derive from their official recognition as minorities.</p> <p>13. The fact that the fundamental rights of citizens, irrespective of their race, religion, caste, sex, residence or place of birth, are guaranteed by the Constitution is welcomed, although it is stressed that article 1, paragraph 1, of the Convention is broader, in that it prohibits discrimination based on race, colour, descent, or national or ethnic origin.</p> <p>18. It is regretted that there is not sufficient disaggregated information on the participation in public life as well as economic</p>

	<p>and social indicators, especially in connection with access to employment, housing, education and health, of the various ethnic, racial or linguistic groups living in the country, including non-citizens; this hampers the assessment of the progress made in the implementation of article 5 of the Convention.</p> <p>25. The Committee, while appreciating the concern not to promote ethnic or group distinctions, suggests that the State party explore the possibility of granting the same status as that of the religious minorities to other ethnic and linguistic groups, to ensure their full protection under the national laws and institutions relating to minorities as well as relevant international human rights instruments.</p>
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BANGLADESH

Committee on the Elimination of Racial Discrimination (CERD)

<p>CERD Concluding Observations – Bangladesh 2001 CERD/C/304/Add.118 Keywords: Disaggregated information on the economic and social status of all ethnic, racial discrimination, religious and tribal minorities, interpretation of ‘descent’ including caste.</p>	<p>7. Though information has been given on representation of ethnic minorities in Parliament, the Committee notes the lack of details in the report on the demographic composition of the population. The Committee reiterates its recommendation to the State party to provide in its next report information on the composition of the population. In particular, the Committee wishes to receive disaggregated information on the economic and social status of all ethnic, religious and tribal minorities, as well as their participation in public life. Information in respect of ethnic minorities should cover not only the Chittagong Hill Tracts, but other areas of the country as well.</p> <p>8. The Committee notes the information given about the constitutional prohibition of racial discrimination, but is concerned that racial discrimination as such is not explicitly and adequately prohibited and penalized in criminal law. The Committee recommends that the State party consider giving full effect to the provisions of article 4 of the Convention in its domestic legal order, ensure penalization of acts of racial discrimination, and ensure access to effective protection and remedies under article 6 of the Convention through competent national tribunals and State institutions besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination.</p> <p>11. With regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee considers that the term “descent” does not refer solely to race or ethnic or national origin, and is of the view that the situation with respect to castes falls within the scope of the Convention. The Committee therefore recommends that the State party include in its next report relevant information about the enjoyment of the rights contained in article 5 of the Convention by all groups, including castes.</p> <p><i>The State party’s next periodic report is due on 11 July 2002.</i></p>
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JAPAN

Committee on the Elimination of Racial Discrimination (CERD)

<p>CERD Concluding Observations – Japan 2014 <u>CERD/C/JPN/CO/7-9</u> 29 August 2014</p>	<p>Situation of Burakumin</p> <p>22. The Committee regrets the position of the State party which excludes the Burakumin from the application of the Convention on the grounds of descent. It is concerned that the State party has not yet adopted a uniform definition of Burakumin, as raised by the Committee in its previous concluding observations. The Committee is concerned about the lack of information and indicators to assess the impact of concrete measures implemented by the State party upon the termination of the Dowa Special Measures in 2002, including measures to counter discrimination against the Burakumin. The Committee is also concerned about the persistent socio-economic gaps between the Burakumin and the rest of the population. The Committee is further concerned at reported abuses of the illegal access to the family registration system, which may be used for discriminatory purposes against Burakumin (art. 5).</p> <p>Bearing in mind its general recommendation No. 29 (2002) on descent, the Committee recalls that discrimination on the ground of descent is fully covered by the Convention. The Committee recommends that the State revise its position and adopt a clear definition of Burakumin in consultation with Buraku people. The Committee also recommends that the State party provide information and indicators on concrete measures taken upon the termination of the Dowa Special Measures in 2002, in particular on living conditions of Burakumin. The Committee further recommends that the State party effectively apply its legislation to protect Burakumin against illegal access to their family data which may expose them to discriminatory acts, investigate all incidents relating to illegal abuses of the family registration and punish those responsible.</p>
<p>CERD Concluding Observations – Japan 2010 <u>CERD/C/JPN/CO/3-6</u> Keywords: descent-based discrimination, Burakumin, national anti-discrimination law, Dowa special measures law, social and economic rights</p>	<p>8. While noting existing national and local provisions guaranteeing equality before the law, including article 14 of the Constitution, the Committee highlights that the grounds of discrimination in article 1 of the Convention are not fully covered. Further, while the Committee regrets the State party's interpretation of racial discrimination based on descent, it is encouraged by information on steps taken by the State party in the spirit of the Convention to prevent and eliminate discrimination against Burakumin (art. 1). The Committee maintains its position expressed in general recommendation No. 29 (2002) "that discrimination based on 'descent' has a meaning and application which complement the other prohibited grounds of discrimination and includes discrimination against members of communities based on forms of social stratification and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights." Moreover, the Committee reaffirms that the term "descent" in article 1, paragraph 1, the Convention does not solely refer to "race" and that discrimination on the ground of descent is fully covered by article 1 of the Convention. The Committee, therefore, urges the State party to adopt a comprehensive definition of racial discrimination in conformity with the Convention.</p>

	<p>9. The Committee notes the State party's view that a national anti-discrimination law is not necessary and is concerned about the consequent inability of individuals or groups to seek legal redress for discrimination (art. 2). The Committee reiterates its recommendation from previous concluding observations (2001) and urges the State party to consider adopting specific legislation to outlaw direct and indirect racial discrimination, in accordance with article 1 of the Convention, and to cover all rights protected by the Convention. It also encourages the State party to ensure that law enforcement officials approached with complaints of racial discrimination have adequate expertise and authority to deal with offenders and to protect victims of discrimination.</p> <p>10. While noting with interest that the State party held consultations and informal hearings with non-governmental organizations and other groups in the drafting of the report, the Committee regrets the limited opportunities for collection and exchange of information with such organizations and groups. The Committee notes the positive contributions made in the field of human rights and the role played by non-governmental organizations (NGOs) in Japan and encourages the State party to ensure the effective participation of NGOs in the consultation process during the preparation of the next periodic report.</p> <p>13. While noting the explanations provided by the State party, the Committee is concerned by the reservations to articles 4 (a) and (b) of the Convention. The Committee also notes with concern the continued incidence of explicit and crude statements and actions directed at groups including children attending Korean schools as well as harmful, racist expressions and attacks via the Internet aimed, in particular, against Burakumin (arts. 4a, 4b). The Committee reiterates its view that the prohibition of the dissemination of ideas based upon racial superiority or hatred is compatible with freedom of opinion and expression and in this respect, encourages the State party to examine the need to maintain its reservations to article 4 (a) and (b) of the Convention with a view to reducing their scope and preferably their withdrawal. The Committee recalls that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in particular the obligation not to disseminate racist ideas and calls upon the State party once again to take into account the Committee's general recommendations No. 7 (1985) and No. 15 (1993), according to which article 4 is of mandatory nature, given the non-self-executing character of its provisions. It recommends that the State party:</p> <ul style="list-style-type: none"> (a) remedy the absence of legislation to give full effect to the provisions against discrimination under article 4; (b) ensure that relevant constitutional, civil and criminal law provisions are effectively implemented, including through additional steps to address hateful and racist manifestations by, inter alia, enhancing efforts to investigate them and punish those involved; and
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	<p>(c) increase sensitization and awareness-raising campaigns against the dissemination of racist ideas and to prevent racially motivated offences including hate speech and racist propaganda on the Internet.</p> <p>18. While acknowledging the State party's position on the family registration system, and noting the legislative changes made to protect personal information (2008), the Committee reiterates its concern about the difficulties in the system and that invasion of privacy, mainly of Burakumin, continues (art. 2, 5). The Committee recommends the enacting of a stricter law, with punitive measures, prohibiting use of the family registration system for discriminatory purposes, particularly in the fields of employment, marriage and housing, and to effectively protect privacy of individuals.</p> <p>19. Noting with interest the State party's recognition of discrimination against Burakumin as a social problem as well as the achievements of the Dowa Special Measures Law, the Committee is concerned that the conditions agreed between the State party and Buraku organizations upon termination in 2002 regarding full implementation of the Convention, the enactment of a law on human rights protection and a law on the promotion of human rights education, have not been fulfilled to date. The Committee regrets that there is no public authority specifically mandated to deal with Burakumin discrimination cases and notes the absence of a uniform concept used by the State party when dealing with or referring to Burakumin and policies. Further, the Committee notes with concern that although socio-economic gaps between Burakumin and others have narrowed for some Burakumin, e.g., in the physical living environment and education, they remain in areas of public life such as employment and marriage discrimination, housing and land values. It further regrets the lack of indicators to measure progress in the situation of Burakumin (art. 2, 5).</p> <p>The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) assign a specific government agency or committee mandated to deal with Buraku issues; (b) fulfil the commitments made upon the termination of the Special Measures Law; (c) engage in consultation with relevant persons to adopt a clear and uniform definition of Burakumin; (d) supplement programmes for the improvement of living conditions of Buraku with human rights education and awareness-raising efforts engaging the general public, particularly in areas housing Buraku communities; (e) provide statistical indicators reflecting the situation and progress of the above-mentioned measures; and (f) take into account general recommendation No. 32 (2009) on special measures, including the recommendation that special measures are to be terminated when equality between the beneficiary groups and others has been sustainably achieved. <p><i>The Committee recommends that the State party submit its seventh, eighth and ninth periodic reports, due on 14 January 2013, taking into</i></p>
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	<i>account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.</i>
<p>CERD Concluding Observations – Japan 2001 CERD/C/304/Add.114 Keywords: Definition of descent-based discrimination, ethnic composition, Burakumin</p>	<p>4. The Committee welcomes the legislative and administrative efforts made by the State party in order to promote the human rights and the economic, social and cultural development of some ethnic and national minorities, in particular (a) the 1997 Law for the Promotion of Measures for Human Rights Protection; (b) the 1997 Law for the Promotion of the Ainu Culture and for the Dissemination and Advocacy for the Traditions of the Ainu and the Ainu Culture; and (c) the series of Special Measures Laws for Dowa projects with the aim of eliminating discrimination against Burakumin.</p> <p>7. While taking note of the State party’s point of view on the problems involved in determining the ethnic composition of the population, the Committee finds that there is a lack of information on this point in its report. It is recommended that the State party provide in its next report full details on the composition of the population, as requested in the reporting guidelines of the Committee, and, in particular, information on economic and social indicators reflecting the situation of all minorities covered by the Convention, including the Korean minority and the Burakumin and Okinawa communities. The population on Okinawa seeks to be recognized as a specific ethnic group and claims that the existing situation on the island leads to acts of discrimination against it.</p> <p>8. With regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee, unlike the State party, considers that the term “descent” has its own meaning and is not to be confused with race or ethnic or national origin. The Committee therefore recommends that the State party ensure that all groups including the Burakumin community are protected against discrimination and afforded full enjoyment of the civil, political, economic, social and cultural rights contained in article 5 of the Convention.</p> <p>23. The State party is also invited to provide in its next report further information on the impact of:</p> <p>(a) the 1997 Law for the Promotion of Measures for Human Rights Protection and the work and powers of the Council for Human Rights Promotion;</p> <p>(b) the 1997 Law for the Promotion of the Ainu Culture and for the Dissemination and Advocacy for the Traditions of the Ainu and the Ainu Culture; and</p> <p>(c) the Law concerning Special Government Financial Measures for Regional Improvement Special Projects and envisaged strategies to eliminate discrimination against Burakumin after the law ceases to apply, i.e. in 2002.</p> <p><i>The Committee recommends that the State party submit its third periodic report jointly with its fourth periodic report, due on 14 January 2003, and that it address all points raised in the present observations.</i></p>
UNITED KINGDOM	

Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations – UK 2011 CERD/C/GCR/CO/18-20 Keywords: Equality Act 2010, caste, discrimination based on descent, CERD General Recommendation XXIX</p>	<p>30. While noting the assertion of the State party that there is no evidence in the State party of the existence of caste-based discrimination to any significant extent in the fields covered by the Convention, the Committee has received information from nongovernmental organizations and from recent research studies commissioned by State party institutions that such discrimination and harassment in violation of the rights to work, to education and to the supply of goods and services does exist in the State party (article 2). Recalling its previous concluding observations (CERD/C/63/CO/11 para. 25) and its General Recommendation 29 (2002) on descent, the Committee recommends that the Minister responsible in the State party invoke section 9(5)(a) of the Equality Act 2010 to provide for “caste to be an aspect of race” in order to provide remedies to victims of this form of discrimination. The Committee further requests the State party to inform the Committee of developments on this matter in its next periodic report.” <i>The Committee recommends that the State party submit its combined 21st to 23rd periodic reports in a single document, due on 6 April 2014.</i></p>
<p>CERD Concluding Observations – UK 2003 CERD/C/63/CO/11 Keywords: Caste, descent-based discrimination, CERD General Recommendation XXIX</p>	<p>25. The Committee recalls its general recommendation XXIX, in which the Committee condemns descent-based discrimination, such as discrimination on the basis of caste and analogous systems of inherited status, as a violation of the Convention, and recommends that a prohibition against such discrimination be included in domestic legislation. The Committee would welcome information on this issue in the next periodic report. <i>The Committee recommends that the State party submit a combined eighteenth and nineteenth periodic report, due on 6 April 2006, and that the report address all points raised in the present concluding observations.</i></p>
YEMEN	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations – Yemen 2011 CERD/C/YEM/CO/17-18 Keywords: Descent-based discrimination, Al-Akhdam, CERD general recommendation 29 The “Al-Akhdam” are Yemen’s most marginalized ethnic minority also referred to as the “Yemeni minority of African Descent”</p>	<p>15. While noting the State party’s efforts to introduce safety net programmes aimed at improving the livelihoods of marginalized groups, the Committee is concerned at the persistent and continued social-economic exclusion of descent-based communities such as the Al-Akhdam, some of whom are understood to be of African descent. The Committee also expresses its concern at the failure by the State party to acknowledge that the Al-Akhdam have different ethnic characteristics (articles 2(2) and 5). Bearing in mind its General Recommendation No. 29 (2002) on Descent, the Committee recommends that the State party should study the root causes of the marginalization of the Al-Akhdam people. The Committee further recommends that the State party should strengthen its efforts to improve the welfare of all marginalized and vulnerable descent-based groups, particularly the Al-Akhdam, in the fields of education, access to health, housing, social security services and property ownership. <i>The Committee recommends that the State party submit its 19th and 20th periodic reports in a single document, due on 17 November 2013,</i></p>

	<p><i>taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.</i></p>
<p>CERD Concluding Observations – Yemen 2006 CERD/C/YEM/CO/16 Keywords: Descent-based discrimination, Al-Akhdam, economic, self-identification, CERD general recommendation 29, employment, housing, equal access to health care and social security services, right to own property</p>	<p>8. The Committee takes note of the discrepancy between the assessment of the State party, according to which Yemeni society is ethnically homogenous, and credible information the Committee has received regarding descent-based and/or culturally distinguishable groups including the Al-Akhdam. In light of its general recommendation 4 (1973) as well as of paragraph 8 of its reporting guidelines, the Committee reiterates its recommendation to the State party that information on the ethnic composition of the population be provided in its next periodic report. It also recalls its general recommendation 8, which states that identification of ethnic or racial groups shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned, and draws the attention of the State party to general recommendation 29 (2002) on article 1 (1) of the Convention, regarding descent.</p> <p>9. The Committee remains concerned at the absence of a definition of racial discrimination in domestic legislation (art. 1). The Committee recommends to the State party that it incorporate in its domestic law a definition of racial discrimination that includes all elements set forth in article 1 of the Convention, which defines racial discrimination as discrimination on the grounds of race, colour, descent or national or ethnic origin.</p> <p>15. The Committee is deeply concerned at the persistent reports of de facto discrimination against descent-based, culturally distinct communities, among others, the Al-Akhdam. The Committee is particularly concerned about discrimination that interferes with or impairs the enjoyment of their economic, social and cultural rights (arts. 2 (2) and 5). In light of its general recommendation 29, the Committee recommends that the State party develop and put into action a national strategy with the participation of members of affected communities, including special measures to be adopted in accordance with article 2 (2) of the Convention, in order to eliminate discrimination against members of marginalized and vulnerable descent-based groups. In particular, the Committee recommends that the State party develop legislation and practice prohibiting all discriminatory practices based on descent in employment, housing and so as to ensure equal access to health care and social security services for members of affected communities, in particular the Al-Akhdam.</p> <p>16. The Committee notes with concern reports it has received that indicate that members of the Al-Akhdam community allegedly face difficulties in, if not outright barriers to, effectively exercising their right to own property (art. 5 (d) (v)). The Committee requests the State party to provide further information regarding the right of all persons within its territory, including members of marginalized or vulnerable groups to obtain and own property.</p>
<p>NIGERIA</p>	

Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations – Nigeria 2005 CERD/C/NGA/CO/18 Keywords: Caste system, Osu community, descent-based discrimination, slavery, CERD general recommendation XXIX, segregation, employment, housing and education, human rights education</p>	<p>15. While noting that the 1958 Osu Abolition Law legally abolished work- and descent-based discrimination, the Committee remains concerned about persistent allegations that members of the Osu and other similar communities are still subjected to social exclusion, segregation and mistreatment, as well as discrimination in employment and marriage (arts. 2, 3 and 5). The Committee draws the State party's attention to its general recommendation XXIX (2002) concerning racial discrimination based on descent, and suggests that a detailed response on this issue should be included in the State party's next report. It strongly recommends that the State party develop, in cooperation with non-governmental organizations and religious leaders, effective programmes to prevent, prohibit and eliminate private and public practices that constitute segregation of any kind, including a wide-ranging information and public-awareness campaign to put an end to these practices.</p> <p>18. The Committee is concerned about the persistence of discrimination against persons belonging to various ethnic groups in the fields of employment, housing and education, including discriminatory practices by people who consider themselves to be the original inhabitants of their region against settlers from other states. While noting the efforts taken by the State party to improve the representation of different ethnic groups in the public service, most notably by the Federal Character Commission, the Committee remains concerned about the reports of continuing practices of patronage and traditional linkages based on ethnic origin, leading to the marginalization of certain ethnic groups in Government, legislative bodies and the judiciary (arts. 2 and 5). The Committee recommends that the State party continue to promote equal opportunities for all persons without discrimination in order to ensure their full enjoyment of their rights, in accordance with article 2, paragraph 2, and article 5 of the Convention. In this connection, the Committee urges the State party to strengthen its Affirmative Action Plans in favour of underrepresented or marginalized groups, including women, in its employment policies with regard to the public service, and to submit in its next periodic report more detailed information on achievements under these programmes.</p> <p>25. The Committee, while noting the information provided by the delegation, reiterates its previous concern that measures taken to educate the public, law enforcement officials, members of political parties and media professionals on the provisions of the Convention remain insufficient (art. 7). The Committee encourages the State party to expand and strengthen existing efforts regarding human rights education. Furthermore, particular attention should be paid to general recommendation XIII (1993), according to which law enforcement officials should receive specific training to ensure that, in the performance of their duties, they respect and protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour, descent or national or ethnic origin.</p>

	<p>Pursuant to article 9, paragraph 1, of the Convention and article 65 of the Committee's rules of procedure, as amended, the Committee requests the State party to inform it of its implementation of the recommendations contained in paragraphs 289, 291 and 294 above, within one year of the adoption of the present conclusions.</p> <p><i>The Committee recommends that the State party submit its nineteenth periodic report jointly with its twentieth periodic report on 4 January 2008, and that it address all points raised in the present concluding observations.</i></p>
MAURITANIA	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations – Mauritania 2004 CERD/C/65/CO/5 Keywords: Caste system, slavery-like practices, descent- based discrimination, CERD general recommendation XXIX, anti-poverty programme</p>	<p>15. The Committee notes with concern that vestiges of the caste system persist in Mauritania. While welcoming the fact that slavery was abolished by a law dated 9 November 1981, it remains concerned about information on the persistence of slavery-like practices, which constitute serious instances of discrimination based on descent. It is concerned that no implementing orders have been issued subsequent to the 1981 law and that there is no provision in criminal law that expressly punishes slavery.</p> <p>The Committee draws the State party's attention to its general recommendation XXIX concerning racial discrimination based on descent, and suggests that a detailed study of this issue should be included in the State party's next report. It strongly recommends that the State party launch, in cooperation with non-governmental organizations and religious leaders, a wide ranging information and public-awareness campaign to put an end to slavery-like practices. The State party should ensure that the perpetrators of such practices, which are already prohibited by law, are systematically prosecuted in the courts, including in cases where they have seized the property of deceased former slaves.</p> <p>16. The Committee notes that the information on the adoption of practical measures designed specifically to combat slavery-like practices remains inadequate.</p> <p>Taking note of the delegation's statement that the anti-poverty programme is helping to eradicate the legacy of slavery, the Committee considers that other actions specifically targeting the populations concerned should be taken. The State party should conduct a study, in cooperation with civil society, to determine the economic and social situation of the descendants of slaves, including how many of them have title to land.</p> <p><i>The Committee recommends that the State party submit its eighth, ninth and tenth periodic reports, due on 12 January 2008, in a single document and that it address therein all the points raised in the present concluding observations.</i></p>
MADAGASCAR	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations – Madagascar 2004 CERD/C/65/CO/4</p>	<p>12. The Committee notes that there is no definition of racial discrimination in the legal domestic order. It also notes that several laws contain provisions concerning non-discrimination which do not expressly specify race, colour and descent as prohibited grounds.</p>

<p>Keywords: No definition of racial discrimination, caste system, descent-based discrimination, slavery, CERD general recommendation XXIX</p>	<p>The Committee recommends that the State party should include a definition of racial discrimination in its legislation, drawing upon the elements contained in article 1 of the Convention. The State party should complete its legislation in order to prohibit racial discrimination in the same way as other forms of discrimination.</p> <p>17. The Committee regrets that despite the abolition of slavery and the caste system in 1896, discrimination against the descendants of slaves persists. The Committee recommends that the State party take the necessary steps to put an end to discrimination based on descent, including the steps enumerated in its general recommendation XXIX. Detailed information on the situation of descendants of slaves, and of the persistence of the caste system in general, should be included in the next periodic report.</p> <p><i>The Committee recommends that the State party submit its nineteenth and twentieth periodic reports as one document due on 9 March 2008, and respond therein to all the points raised in the present concluding observations.</i></p>
SENEGAL	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations – Senegal 2012 CERD/C/SEN/CO/16-18</p>	<p>Discrimination based on descent</p> <p>13. The Committee reiterates the concerns it expressed in 2002 (A/57/18, para. 445) regarding the persistence in Senegal of a caste system that involves the stigmatization and ostracism of certain groups and the violation of their rights (art. 5).</p> <p>Recalling its general recommendation No. 29 (2002) on article 1, paragraph 1, of the Convention (Descent), the Committee recommends that the State party should:</p> <p>(a) Take specific steps to combat and eliminate all traces of the caste system by, inter alia, adopting special legislation to ban discrimination based on descent; (b) Take steps to raise awareness and educate the public about the harmful effects of the caste system and the situation of victims; (c) Provide the Committee with further detailed information on the phenomenon and its scale.</p>
<p>CERD Concluding Observations – Senegal 2002 A/57/18(SUPP) Keywords: Caste-based system, access to justice</p>	<p>445. The Committee notes with concern the continuing legacy in Senegal of aspects of a caste-based system, despite its having been banned by law. It recommends that the State party ensure that the existing provisions are effectively applied, including by taking steps to guarantee access to justice for victims, in accordance with its general recommendation XXVI.</p> <p><i>The Committee recommends that the State party submit its sixteenth and seventeenth periodic reports in a single report, due on 23 July 2004, and that it reply to all questions raised in the present concluding observations.</i></p>
CHAD	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations – Chad 2013 CERD/C/TCD/CO/16-18</p>	<p>C. Sujets de préoccupation et recommandations Discrimination fondée sur l'ascendance</p> <p>12. Le Comité réitère les préoccupations qu'il a exprimées dans ses précédentes observations finales en 2009 (CERD/C/TCD/CO/15) relatives à</p>

<p>Keywords: caste</p>	<p>l'existence du système de castes, qui conduit à la discrimination de certaines catégories de la population et à de sérieuses violations dans la jouissance de leurs droits (art. 3 et 5). Rappelant sa recommandation générale no 29 (2002) concernant la discrimination fondée sur l'ascendance, le Comité recommande à l'État partie de:</p> <ul style="list-style-type: none"> a) Prendre des mesures spécifiques pour combattre et abolir toute pratique de castes, notamment en accélérant l'adoption d'une législation spécifique interdisant la discrimination fondée sur l'ascendance tel qu'il l'a indiqué dans son rapport périodique (CERD/C/TCD/16-18, par. 46); b) enforcer et poursuivre les campagnes de sensibilisation et d'éducation de la population, notamment en sensibilisant les chefs traditionnels et religieux aux effets néfastes du système de castes et à la situation des victimes; c) Intégrer cette question dans le Plan d'action national des droits de l'homme 2012-2015 qu'il entend adopter; d) Fournir au Comité des renseignements supplémentaires détaillés sur ce phénomène et son ampleur.
<p>CERD Concluding Observations – Chad 2009 CERD/C/TCD/CO/15 Keywords: Caste system, descent-based discrimination, legislation, CERD general recommendation XXIX, public awareness campaign</p>	<p>15. The Committee is concerned about the existence of a caste system in some ethnic groups of the State party, which leads to discrimination against certain categories of the population and serious violations of their rights, as mentioned by the State party in paragraph 152 of its report. The Committee recalls its general recommendation No. 29 (2002) on descent-based discrimination and recommends that the State party should:</p> <ul style="list-style-type: none"> (a) take specific measures to combat and abolish the caste system, including the adoption of specific legislation prohibiting descent-based discrimination; (b) take steps to raise public awareness and educate the population about the negative effects of the caste system and the plight of victims; and (c) provide the Committee with additional detailed information on the nature and extent of this problem (art. 3). <p><i>The Committee recommends that the State party should submit its sixteenth, seventeenth and eighteenth periodic reports in a single document by 16 September 2012, taking into account the guidelines for the preparation of reports to the Committee on the Elimination of Racial Discrimination adopted at the Committee's seventy-first session (CERD/C/2007/1), and addressing all the issues raised in the present concluding observations.</i></p>
MALI	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations – Mali 2002 A/57/18(SUPP) Keywords: Caste, descent-based discrimination, CERD General Recommendation XXIX</p>	<p>406. In light of its general recommendation XXIX of 22 August 2002 and bearing in mind the explanations provided by the delegation concerning the practice of sinangouya and the relative nature of the caste system, which does not hinder social mobility in Mali, the Committee would like to receive information on the approach the State party intends to take regarding the persistence of the consequences of a traditional caste system that could give rise to descent-based discrimination.</p>

	<i>The Committee recommends that the State party's fifteenth and sixteenth periodic reports be submitted in one document, due on 15 August 2005, that it should be a complete report and that it should address all the issues raised in these concluding observations.</i>
ETHIOPIA	
Committee on the Elimination of Racial Discrimination (CERD)	
CERD Concluding Observations – Ethiopia 2009 CERD/C/ETH/CO/7-16 Keywords: Caste-like forms of racial discrimination	D. Concerns and Recommendations 15. The Committee is concerned that, notwithstanding the long history of State party's commitment to fight racial segregation, there are reports that caste-like forms of racial discrimination persist on its territory, mainly affecting marginalized racial and ethnic minorities. (art. 3) The Committee recommends that the State party undertake a study of the spread and causes of the problem of castes and implement a strategy to eliminate it. The State party is further requested to provide information in its next periodic report on the results of its efforts to this effect. The Committee urges the State party to take into account general recommendation No. 29 (2002) on descent-based discrimination. <i>The Committee recommends that the State party submit its seventeenth to nineteenth periodic reports in a single document, due on 23 July 2013, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.</i>
CERD Concluding Observations – Ethiopia 2003 CERD/C/62/CO/4(CERD, 2003) Keywords: Caste-like forms of racial discrimination, General Recommendation XXIX	D. Concerns and recommendations 15. The Committee is concerned that, notwithstanding the long history of State party's commitment to fight racial segregation, there are reports that caste-like forms of racial discrimination persist on its territory, mainly affecting marginalized racial and ethnic minorities. (art. 3) <i>The Committee recommends that the State party undertake a study of the spread and causes of the problem of castes and implement a strategy to eliminate it. The State party is further requested to provide information in its next periodic report on the results of its efforts to this effect. The Committee urges the State party to take into account general recommendation No. 29 (2002) on descent-based discrimination.</i>
GHANA	
Committee on the Elimination of Racial Discrimination (CERD)	
CERD Concluding Observations – Ghana 2003 CERD/C/62/CO/4 Keywords: Descent-based discrimination, General Recommendation XXIX	D. Concerns and recommendations 22. The Committee wishes to know whether descent-based discrimination exists in Ghana, and draws the attention of the State party to its general recommendation XXIX on the matter.
MAURITIUS	
Committee on the Elimination of Racial Discrimination (CERD)	
CERD Concluding Observations – Mauritius 2013 CERD/C/MUS/CO/15-19	C. Concerns and recommendations Identity and ethnic relations 16. The Committee is disturbed by the existence of hierarchy along skin colour, ancestry, caste and racial lines in the State party's society, whereby

<p>Keywords: caste, hierarchy, racial and ethnic superiority</p>	<p>groups are perceived as, or feel, superior or inferior to others. The Committee also regrets that only a few of the recommendations of the Truth and Justice Commission are being implemented (arts. 4 and 7). The Committee urges the State party to condemn and take action to eliminate ideas of racial or ethnic superiority by taking measures such as campaign programmes to raise awareness of equality of all and to eliminate negative prejudices regarding certain groups. The Committee also urges the State party to prioritize the implementation of the recommendations of the Truth and Justice Commission, especially those relating to creating a “less racist and elitist society,” including through urgent allocation of resources for this purpose.</p>
<p>CERD Concluding Observations – Mauritius 1996 CERD/C/304/Add.19 Keywords: caste</p>	<p>C. Positive aspects 10. With regard to article 2 of the Convention, the adoption in July 1991 of section 282 of the Criminal Code, which makes it an offence to publish or distribute any threatening, abusive or insulting writings, to use in public any threatening, abusive or insulting gestures or to broadcast threatening, abusive or insulting matter, with intent to stir up contempt or hatred against any part of the population distinguished by race, caste, place of birth, colour or creed, is noted with appreciation.</p>
BURKINA FASO	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations - Burkina Faso CERD/C/BFA/CO/12-19 Keywords: Caste system, discrimination based on descent</p>	<p>The Committee recalls its general recommendations Nos. 1 (1972) on States parties’ obligations, 7 (1985) on the application of article 4 of the Convention and 15 (1993) on article 4 of the Convention, which state that the provisions of article 4 are of a mandatory and preventive nature, and recommends that the State party amend its current legislation, and the Criminal Code in particular, to include provisions that give full effect to all the elements set out in article 4 of the Convention.</p> <p>C. Concerns and Recommendations Discrimination based on descent 8. While taking note of the information provided by the State party, the Committee is concerned at the survival of the caste system in certain ethnic groups, which leads to discrimination against certain categories of people and impedes their full enjoyment of the rights enshrined in the Convention (arts. 3 and 5).</p> <p>(a) Take specific measures to combat and eradicate all caste practices, including through the effective implementation of the current legislation on racial discrimination; (b) Consider adopting special legislation on discrimination based on descent; (c) Strengthen and continue with public awareness and education campaigns, particularly among the ethnic and other groups concerned and among traditional and religious leaders, on the harmful effects of the caste system and the situation of victims; (d) Include this issue in the appropriate programmes, policies and strategies adopted by the State party; (e) Provide the Committee with detailed additional information on the impact of the measures taken to abolish this system.</p>

<p>CERD Concluding Observations – Burkina Faso CERD/C/304/Add.41 Keywords: caste</p>	<p>C. Positive aspects 6. It is noted with appreciation that the prohibition of discrimination on any ground, in particular of race, ethnic origin, colour, religion or caste, is contained in the Constitution, which makes it an excellent basis for the implementation of the Convention in Burkina Faso.</p>
SURINAME	
Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD Concluding Observations –Suriname CERD/C/SUR/CO/13-15 Keywords: Caste, diaspora</p>	<p>C. Concern and recommendations Discrimination based on descent 15. While taking note of information provided by the State party affirming that the caste system is not institutionalised in Suriname, the Committee is concerned about reports on the persistence of such a system in certain communities of Indian origin living in the State party (arts. 3 and 5). 16. The Committee, recalling its General Recommendation No. 29 (2002) on discrimination based on descent, recommends that the State party take steps to identify the specific communities and persons who may suffer from such practices and if applicable, to adopt specific measures to combat and eradicate such discriminatory practices.</p>

III. GENERAL COMMENTS OF RELEVANCE

Committee on the Elimination of Racial Discrimination (CERD)	
<p>CERD General Comment No. 29 on descent-based discrimination – 2002</p>	<p>In 2002, CERD adopted General Recommendation No.29 on the term "descent" in article 1(1) of the Convention. The General Recommendation reaffirmed that caste-based discrimination falls within the scope of the Convention and therefore constitutes an effective framework to improve analysis and reporting on governments' performance. Affected countries are now obliged to report to the CERD Committee taking into consideration the specific recommendations made by the Committee. Below are some abstracts from the General Recommendation: "The Committee on the Elimination of Racial Discrimination, Confirming the consistent view of the Committee that the term "descent" in article 1, paragraph 1, the Convention does not solely refer to "race" and has a meaning and application which complement the other prohibited grounds of discrimination, 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, Strongly condemning descent-based discrimination, such as discrimination on the basis of caste and analogous systems of inherited status, as a violation of the Convention, Recommends that the States parties, as appropriate for their particular circumstances, adopt some or all of the following measures: I. Measures of a general nature 1. Steps to identify those descent-based communities under their jurisdiction who suffer from discrimination, especially on the basis of caste and analogous systems of inherited status, and whose existence may be</p>

	<p>recognized on the basis of various factors including some or all of the following: 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, access to public spaces, places of worship and public sources of food and water; limitation of freedom to renounce inherited occupations or degrading or hazardous work; subjection to debt bondage; subjection to dehumanizing discourses referring to pollution or untouchability; and generalized lack of respect for their human dignity and equality;</p> <ol style="list-style-type: none"> 2. Consider the incorporation of an explicit prohibition of descent-based discrimination in the national constitution; 3. Review and enact or amend legislation in order to outlaw all forms of discrimination based on descent in accordance with the Convention; 4. Resolutely implement legislation and other measures already in force; 5. Formulate and put into action a comprehensive national strategy with the participation of members of affected communities, including special measures in accordance with articles 1 and 2 of the Convention, in order to eliminate discrimination against members of descent-based groups; 6. Adopt special measures in favour of descent-based groups and communities in order to ensure their enjoyment of human rights and fundamental freedoms, in particular concerning access to public functions, employment and education; 7. Establish statutory mechanisms, through the strengthening of existing institutions or the creation of specialized institutions, to promote respect for the equal human rights of members of descent-based communities; 8. Educate the general public on the importance of affirmative action programmes to address the situation of victims of descent-based discrimination; 9. Encourage dialogue between members of descent-based communities and members of other social groups;” 10. To conduct periodic surveys on the reality of descent-based discrimination, and to provide disaggregated information in their reports to the Committee on the geographical distribution and economic and social conditions of descent-based communities, including a gender perspective. <p>MULTIPLE DISCRIMINATION AGAINST WOMEN MEMBERS OF DESCENT-BASED COMMUNITIES</p> <ol style="list-style-type: none"> 11. To take into account, in all programmes and projects planned and implemented, and in measures adopted, the situation of women members of the communities, as victims of multiple discrimination, sexual exploitation and forced prostitution. 12. To take all measures necessary in order to eliminate multiple discrimination including descent-based discrimination against women, particularly in the areas of personal security, employment and education. 13. To provide disaggregated data for the situation of women affected by descent-based discrimination. <p>SEGREGATION</p> <ol style="list-style-type: none"> 14. To monitor and report on trends which give rise to the segregation of descent-based communities and to work for the eradication of the negative consequences resulting from such segregation.
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15. To undertake to prevent, prohibit and eliminate practices of segregation directed against members of descent-based communities including in housing, education and employment.

16. To secure for everyone the right of access on an equal and non-discriminatory basis to any place or service intended for use by the general public.

17. To take steps to promote mixed communities in which members of affected communities are integrated with other elements of society and ensure that services to such settlements are accessible on an equal basis for other members of society.

DISSEMINATION OF HATE SPEECH INCLUDING THROUGH THE MASS MEDIA AND THE INTERNET

18. To take measures against any dissemination of ideas of caste superiority and inferiority or which attempt to justify violence, hatred or discrimination against descent-based communities.

19. To take strict measures against any incitement to discrimination or violence against the communities, including through the Internet.

20. To take measures to raise awareness among media professionals of the nature and incidence of descent-based discrimination.

ADMINISTRATION OF JUSTICE

21. To take the necessary steps to secure equal access to the justice system for all members of descent-based communities, including by provision of legal aid, facilitation of group claims, and encouragement of non-governmental organizations to defend community rights.

22. To ensure where relevant that judicial decisions and official actions take the prohibition of descent-based discrimination fully into account.

23. To ensure the prosecution of persons who commit crimes against members of the communities and the provision of adequate compensation for the victims of such crimes. 24. To encourage the recruitment of members of descent-based communities into the police and other law enforcement agencies.

25. To organize training programmes for public officials and law-enforcement agencies with a view to preventing injustices based on prejudice against descent-based communities;

26. To encourage and facilitate constructive dialogue between the police and other law enforcement agencies and members of the communities.

CIVIL AND POLITICAL RIGHTS

27. To ensure that authorities at all levels in the country concerned involve members of descent-based communities in decisions which affect them.

28. To take special and concrete measures to guarantee to members of descent-based communities the right to participate in elections, to vote and stand for election on the basis of equal and universal suffrage, and to have due representation in government and legislative bodies.

29. To promote awareness among members of the communities of the importance of their active participation in public and political life, and eliminate obstacles to such participation.

30. To organize training programmes to improve the political policy-making and public administration skills of public officials and political representatives who belong to descent-based communities.

31. To take steps to identify areas prone to descent-based violence in order to prevent the recurrence of such violence.

32. To take resolute measures to secure rights of marriage for members of descent-based communities who wish to marry outside the community.

	<p>ECONOMIC AND SOCIAL RIGHTS</p> <p>33. To elaborate, adopt and implement plans and programmes of economic and social development on an equal and non-discriminatory basis;</p> <p>34. To take substantial and effective measures to eradicate poverty among descent-based communities and combat their social exclusion or marginalization;</p> <p>35. To work with intergovernmental organizations, including international financial institutions, to ensure that development or assistance projects which they support take into account the economic and social situation of members of descent-based communities.</p> <p>36. To take special measures to promote the employment of members of affected communities in the public and private sectors.</p> <p>37. To develop or refine legislation and practice specifically prohibiting all discriminatory practices based on descent in employment and the labour market.</p> <p>38. To take measures against public bodies, private companies, and other associations who investigate the descent background of applicants for employment.</p> <p>39. To take measures against discriminatory practices of local authorities or private owners with regard to residence and access to adequate housing for members of affected communities.</p> <p>40. To ensure equal access to health care and social security services for members of descent-based communities.</p> <p>41. To involve affected communities in designing and implementing health programmes and projects.</p> <p>42. To take measures to address the special vulnerability of children of descent-based communities to exploitative child labour.</p> <p>43. To take resolute measures to eliminate debt bondage, and degrading conditions of labour associated with descent-based discrimination.</p> <p>RIGHT TO EDUCATION</p> <p>44. To ensure that public and private education systems include children of all communities and do not exclude any children on the basis of descent.</p> <p>45. To reduce school dropout rates for children of all communities, in particular for children of affected communities with special attention to the situation of girls.</p> <p>46. To combat discrimination by public or private bodies and any harassment of students who are members of descent-based communities.</p> <p>47. To take necessary measures in co-operation with civil society to educate the population as a whole in a spirit of non-discrimination and respect for the communities subject to descent-based discrimination. 48. To review all language in textbooks which convey stereotyped or demeaning images, language, names or opinions concerning descent-based communities and replace them by images, language, etc., which convey the message of the inherent dignity of all human beings and their equality in human rights.</p>
<p>CERD General Comment No.31: Draft General Recommendation on the Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System - 2005</p>	<p><i>“The Committee on the Elimination of Racial Discrimination, [...] Bearing in mind the observations relating to the functioning of the system of justice made in the Committee's conclusions concerning reports submitted by States parties and in general recommendations 27 on discrimination against Roma, 29 on discrimination based on descent and 30 on discrimination against non-citizens, [...] Determined to combat all forms of discrimination in the administration and functioning of the criminal justice system which may be suffered, in all countries of the world, by persons belonging to racial or ethnic groups, in particular non-citizens - including immigrants, refugees, asylum-seekers and stateless persons - Roma/Gypsies, indigenous peoples, displaced populations, persons discriminated against because of their descent, as well as other</i></p>

	<p>vulnerable groups which are particularly exposed to exclusion, marginalization and non-integration in society, paying particular attention to the situation of women and children belonging to the aforementioned groups, who are susceptible to multiple discrimination because of their race and because of their sex or their age, [...]”</p> <p>Formulates a series of recommendations for State parties.</p>
<p>CERD General Comment No. 32 on special measures – 2009</p>	<p>At its 75th session in August 2009 the UN Committee on the Elimination of Racial Discrimination (CERD) adopted General Recommendation No. 32 on Special Measures: The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination. This General Recommendation affirms General Recommendation 29 on Article 1, paragraph 1, of the Convention (Descent), which makes specific reference to special measures.</p> <p>I. Introduction</p> <p><i>B) Principal Sources</i></p> <p>“2. The General Recommendation is based on the Committee’s extensive repertoire of practice referring to special measures under the Convention. Committee practice includes the concluding observations on the reports of States parties to the Convention, communications under Article 14, and earlier general recommendations, in particular General Recommendation 8 on Article 1, paragraphs 1 and 4 of the Convention, as well as General Recommendation 27 on Discrimination against Roma, and General Recommendation 29 on Article 1, paragraph 1, of the Convention (Descent), both of which make specific reference to special measures.</p> <p>II. Equality and Non-Discrimination as the Basis of Special Measures</p> <p><i>B) Direct and Indirect Discrimination</i></p> <p>7. The principle of enjoyment of human rights on an equal footing is integral to the Convention’s prohibition of discrimination on grounds of race, colour, descent, and national or ethnic origin. The „grounds“ of discrimination are extended in practice by the notion of “intersectionality” whereby the Committee addresses situations of double or multiple discrimination - such as discrimination on grounds of gender or religion – when discrimination on such a ground appears to exist in combination with a ground or grounds listed in Article 1 of the Convention. Discrimination under the Convention includes purposive or intentional discrimination and discrimination in effect. Discrimination is constituted not simply by an unjustifiable „distinction, exclusion or restriction“ but also by an unjustifiable „preference“, making it especially important that States parties distinguish „special measures“ from unjustifiable preferences.</p> <p><i>D) Conditions for the Adoption and Implementation of Special Measures</i></p> <p>17. Appraisals of the need for special measures should be carried out on the basis of accurate data, disaggregated by race, colour, descent and ethnic or national origin and incorporating a gender perspective, on the socio-economic and cultural status and conditions of the various groups in the population and their participation in the social and economic development of the country.”</p>