

UN FORUM ON MINORITY ISSUES
8th session, 24-25 November 2015, Geneva
Input to the draft recommendations on minorities in the criminal justice system

IDSN RECOMMENDATIONS ON THE PREVENTION OF CASTE-DISCRIMINATION IN THE CRIMINAL JUSTICE SYSTEM

1. Introduction

IDSN herewith submits suggestions for inputs to the final recommendations to be presented to the Human Rights Council. IDSN calls for an inclusion of discrimination on the basis of caste alongside and on par with other forms of discrimination in the recommendations and explicit mention and consideration of caste identities. Please find below, additional recommendations in statements delivered by Dalit human rights activists at the 8th session of the forum promoting the protection of Dalits in the criminal justice system.

2. IDSN suggested revisions for the wording of the draft recommendations

1. For IV. Thematic recommendations, section C. Access to justice for minority victims REC. 27, IDSN suggest the word caste be included in the first sentence: *The criminal justice system must be sensitive to the ways in which persons are deliberately targeted on the basis of their caste, nationality, ethnic, religious or linguistic identity. Targeting, which may include violence, can cause long-lasting harm; criminal processes should therefore be aimed at empowering minority victims and at providing justice and reparations, as well as at restoring their dignity and life chances.*
2. V. Essential measures to prevent discrimination against minorities in the administration of justice E. Judicial proceedings and sentencing REC. 42, IDSN would suggest that the word caste be included in the second sentence; *Where applicable, States should discontinue the application of the life sentence without parole to persons belonging to minority groups under the age of 18 years at the time the offence was committed, and review the situation of those already serving such sentences. States should ascertain whether juveniles from religious, ethnic, caste, national or linguistic minority communities are incarcerated at a disproportionately high rate than their representation in the overall population; if this is found to be the case, they should create and implement more robust programmes providing alternative measures to incarceration, focus on rehabilitation and emphasize terms of imprisonment as a last resort only.*
3. VI. Recommendations for non-State actors. REC. 55, IDSN would suggest the word caste is included in the first part of the first sentence; *Political leaders should speak out publicly against discrimination and refrain from making statements indiscriminately linking a religion, nationality, caste, language, race or ethnicity to criminal behaviour, irregular migration or terrorism. Political parties should refrain from spreading inflammatory and racist rhetoric and ensure that public discourse does not perpetrate stereotypical, racist, hateful or discriminatory views about specific minority groups. They should take effective action against such discourse.*

3. Recommendations given by Dalit human rights defenders at the forum:

IDSN furthermore recommends inclusion of specific recommendations, presented at the Forum by Dalit Human Rights Defenders, in the outcome document as may be appropriate

[Statement by Manjula Pradeep, Director, Navsarjan Trust, India](#)

[Statement by Ramesh Nathan, General Secretary, National Dalit Movement for Justice, India](#)

4. Further references:

[IDSN comprehensive submission for the 7th session of the Forum on Minority Issues](#)

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