

## **CASTE DISCRIMINATION AND HUMAN RIGHTS:**

**A comprehensive compilation of how caste discrimination and similar forms of discrimination based on work and descent have been addressed by the UN treaty bodies, Universal Periodic Review, and the Special Procedures**

**Prepared by the International Dalit Solidarity Network**

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## **CASTE DISCRIMINATION AND HUMAN RIGHTS:**

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### **INTRODUCTION**

Caste discrimination is a chronic human rights condition, which involves massive violations of civil, political, economic, social and cultural rights. Several UN human rights bodies have expressed serious concern about the human rights situation of Dalits and other persons affected by similar forms of discrimination based on work and descent. Over the years, a substantial number of observations have been issued as documented by this compilation. It is the first of its kind to provide a comprehensive overview of references made by the following bodies: UN treaty bodies (1997-2017), the Universal Periodic Review (2008-2017), and the UN Special Procedures (2005-2017).<sup>1</sup>

The aim of this compilation is to create an instrument for enhanced monitoring and follow-up to UN recommendations on the issue of caste discrimination at international, national, and local level, and to make such information easily accessible to all concerned stakeholders. The compilation reflects the overwhelming body of recommendations on a significant number of countries across regional groups. It provides a unique opportunity to document how and to what extent the issue has been addressed by different UN bodies.

The compilation is intended for use by governments, UN agencies and experts, international organisations, donors, civil society, researchers, and media. By providing an overview of concrete recommendations, it serves as an instrument for follow-up and implementation by governments, and for enhanced monitoring by civil society and other concerned stakeholders. Furthermore, this compilation may serve as a guide and inspiration for international agencies and organisations that wish to mainstream their interventions and programming in affected communities according to the recommendations issued by the UN human rights bodies.

The compilation was first prepared in 2011 by the International Dalit Solidarity Network ([www.idsn.org](http://www.idsn.org)). It is regularly updated and published on [www.idsn.org/UNcompilation](http://www.idsn.org/UNcompilation).

### **Caste discrimination and human rights**

Caste discrimination is a serious and pervasive human rights problem that is estimated to affect more than 260 million people in all geographical regions, in particular Asia and Africa.<sup>2</sup> It is a distinct form of discrimination which warrants separate attention by UN human rights mechanisms, because of its unique nature, the severity of violations, and the high number of persons affected by this form of discrimination. The caste system is a strict hierarchical social system based on underlying notions of purity and pollution. Those at the bottom of the system suffer discrimination influencing all spheres of life and violating a cross-section of basic human rights including civil, political, social, economic and cultural rights. Caste discrimination entails social and economic exclusion, segregation in housing, denial and restrictions of access

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<sup>1</sup> The aim has been to include all relevant references to caste discrimination by these bodies in the selected time periods. However, due to the very high number of documents issued by these bodies, there is a possibility that some references have been missed. IDSN takes full responsibility for such omissions and welcomes inputs on additional references ([info@idsn.org](mailto:info@idsn.org)). For further explanation on selection criteria and search methods, see the "Methodology" chapter.

<sup>2</sup> Progress report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent, A/HRC/Sub.1/58/CRP.2, para. 16.

to public and private services, and lack of equal access to education and employment, to mention some effects.

Those who fall outside the caste system are considered “lesser human beings”, “impure” and thus “polluting” to other caste groups. Caste-affected communities are subjected to so-called “untouchability practices” in both public and private spheres, and are often forcibly assigned the most dirty, menial and hazardous jobs, such as cleaning human waste. The exclusion of ‘caste-affected communities’ by other groups in society lead to high levels of poverty among affected population groups and exclusion from development processes, and generally precludes their involvement in decision making and meaningful participation in public and civil life.

Caste discrimination is found in varying degrees in India, Nepal, Pakistan, Bangladesh, Sri Lanka, Japan, Micronesia, Yemen, Senegal, Burkina Faso, Mali, Chad, Ghana, Niger, Mauritius, Mauritania, Madagascar, Nigeria, Kenya, Ethiopia and Somalia, Suriname and possibly more countries. It also occurs in Diaspora communities in Europe, North America, and Asia.

### **Caste discrimination in international human rights law**

While the term “caste” does not appear in the non-discrimination provision of the Universal Declaration on Human Rights (UDHR) or any of the international human rights treaties, subsequent practice by UN treaty and charter-based bodies has affirmed that caste-based discrimination fall under the purview of international human rights instruments. Indeed, an examination of the *travaux préparatoires* of the UDHR shows that caste was explicitly contemplated by the drafters as being encompassed in some of the more general terminology in the UDHR’s foundational non-discrimination provision.<sup>3</sup> Furthermore, several treaty body committees have stated that caste discrimination falls under the terms “descent”, “social origin”, “birth”, and/or “other status” in recommendations and general comments.<sup>4</sup> In particular, the UN Committee on the Elimination of Racial Discrimination (CERD) has reaffirmed in General Recommendation 29 that discrimination based on “caste and analogous systems of inherited status” falls within the scope of descent in article 1(1) of the Convention.<sup>5</sup>

Caste discrimination has been defined as “discrimination based on work and descent” by the UN Sub-Commission on the Promotion and Protection of Human Rights, which has undertaken a comprehensive study on the issue.<sup>6</sup> Discrimination based on work and descent is defined as “any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life.”<sup>7</sup>

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<sup>3</sup> “Caste and the Universal Declaration of Human Rights” by Mr. Peter Prove, 2003: [http://idsn.org/fileadmin/user\\_folder/pdf/New\\_files/UN/CasteandDescent.pdf](http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/CasteandDescent.pdf)

<sup>4</sup> UN treaty bodies have referred to ‘caste’ as a prohibited form of discrimination in the following general comments: CERD No. 29 on descent (2002), CESCR No. 20 on non-discrimination (2009), CEDAW No. 25 on temporary measures (2004), and CEDAW No. 28 on core obligations (2010).

<sup>5</sup> In CERD General Recommendation 29 (2002) the Committee states 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.”

<sup>6</sup> In the period 2000-2006, the Sub-Commission entrusted some of its members with the task of preparing a total of two working papers and three reports on the topic. In 2005 the Commission on Human Rights mandated two Special Rapporteurs with the task of preparing a comprehensive study on the issue in resolution 2005/109. The final report was submitted in 2007 and published by the Human Rights Council in 2009. For more information, see: <http://idsn.org/international-advocacy/un/sub-commission-study/>

<sup>7</sup> Draft principles and guidelines on the effective elimination of discrimination based on work and descent, para. 2 (A/HRC/11/CRP.3)

A set of draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, which were drafted as a result of the Sub-Commission study, constitutes the first comprehensive framework to prevent and address this form of discrimination globally. It offers a strong tool to encourage specific anti-discrimination legislation and relevant policy measures for governments and their agencies, UN and other international agencies, educational institutions, non-governmental organizations and the private sector. These principles and guidelines were published by the Human Rights Council in May 2009.<sup>8</sup>

## METHODOLOGY

The objective of this compilation has been to gather all observations and recommendations on the issue of caste discrimination and similar forms of discrimination based on work and descent by the following three UN human rights monitoring bodies:

- UN Treaty Bodies: Concluding observations and general comments of relevance (1991-2017)
- Universal Periodic Review: Reports of the UPR Working Groups under the Human Rights Council from the first, second and third cycles (2008-2017)
- UN Special Procedures: Relevant annual reports, mission reports, and communications by thematic mandate holders (2005-2017)

The observations and recommendations included in this compilation have been selected on the basis of specific words that characterize caste discrimination, such as “caste”, “Dalit” and “Scheduled Castes” which are common to the South Asian region. The compilation also refers to the situation of communities affected by similar forms of discrimination, such as the “Buraku” community in Japan, the “Osu” community in Nigeria, and the “Al-Akhdam” community in Yemen. It has been a criterion that the selected paragraphs should refer explicitly to the situation of these caste-affected communities. However, a few exceptions have been made to this rule (e.g. in the UPR compilation) to provide a basis for monitoring and follow-up to relevant reviews. Keywords from the recommendations have been highlighted in the left column of each country review.

The selection of data for the three parts of the compilation (Treaty Bodies, Special Procedures, and UPR) had to be obtained through different search methods. This is due to the fact that the UN search tool which is available online, the Universal Human Rights Index (UHRI), does not cover all these three mechanisms in a single database. The UHRI contains all concluding observations issued by the Treaty Bodies from 2000 and onwards, as well as all reports published by the Special Procedures since 2006 according to the information on the website.<sup>9</sup> It was therefore used to collect all data from the Treaty Bodies since 2000 for this compilation. Additional data on reviews undertaken before 2000 was found in the UN treaty body database.<sup>10</sup> At the time of writing the Index does not appear to be fully updated, nor does it seem to include all reports by UN Special Procedures. This is partly why the time periods do not correspond. For the two remaining parts (UN Special Procedures and UPR), IDSN has monitored the content of individual reports by UN Special Procedure mandate holders and the UPR Working Group on a case-by-case basis, as they have been published. Once the Index is fully functioning, and includes data from other important mechanisms such as the UPR, it will provide a solid basis for effective monitoring for concerned stakeholders.

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<sup>8</sup> In March 2009 the Human Rights Council adopted [decision A/HRC/10/117](#) to publish the completed Sub-Commission studies. The draft UN principles and guidelines were contained in an annex to the final report, which was published on 18 May 2009 in connection with the 11th session of the Human Rights Council ([A/HRC/11/CRP.3](#)).

<sup>9</sup> <http://www.universalhumanrightsindex.org/en/about.html>

<sup>10</sup> <http://tb.ohchr.org/default.aspx>



## UN treaty bodies (1991-2017)

### REVIEW OF FINDINGS

The UN Treaty Bodies monitor the implementation of the core international human rights treaties by States Parties on a regular basis.<sup>11</sup> They have been instrumental in bringing attention and recognition to the issue of caste-based discrimination as a global human rights concern. A total number of 84 Concluding Observations have addressed the issue of caste discrimination in the period 1991-2017 (Table I).

The UN Committee on the Elimination of Racial Discrimination (CERD), which has issued nearly half of these recommendations (33 in total), 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 [...]."<sup>12</sup> 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: 54 refer to countries in Asia, 19 to Africa, 9 to the Middle East, 1 in the Americas and 3 to Europe. The issue of caste discrimination among the South Asian Diaspora population has only been addressed in one country, the United Kingdom (2003, 2012 and 2016). 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.

**Table I: Treaty Body Concluding Observations with reference to caste discrimination (1991-2017)**

Country	Treaty Body	Year(s) of Concluding Observations
India (11)	CERD	2007; 1996
	CESCR	2008
	CEDAW	2014; 2007; 2000
	CRC	2014(+OP); 2004; 2000
	CCPR	1997;1991
Nepal (14)	CERD	2004; 2001; 1998
	CESCR	2014; 2008; 2001
	CEDAW	2011; 2004; 1999
	CRC	2016 (+OP); 2012(OP); 2005
	CAT	2005
	CCPR	2014
Pakistan (8)	CEDAW	2013
	CERD	2016; 2009; 1997

<sup>11</sup> States Parties are examined by UN Treaty Bodies approximately every 4-5 years, provided that governments live up to their reporting obligations and the treaty bodies do not have a backlog of reports for consideration.

<sup>12</sup> CERD General Recommendation 29 (2002)

	CRC	2016; 2009; 2003;
	CESCR	2017
Bangladesh (7)	CCPR	2017
	CERD	2001
	CRC	2015; 2009; 2003
	CEDAW	2015; 2011
Sri Lanka (4)	CRC	2010
	CCPR	1991
	CESCR	2017
	CEDAW	2017
Japan (10)	CERD	2014; 2010; 2001
	CEDAW	2016 ; 2009
	CRC	2004; 2010
	CESCR	2001
	CCPR	2014; 1998
United Kingdom (3)	CERD	2016; 2011; 2003
Yemen (9)	CERD	2011; 2006
	CESCR	2011; 2003
	CRC	2014; 2005; 1999; 1996
	CCPR	2012
Nigeria (1)	CERD	2005
Mauritania (3)	CERD	2004
	CRC	2009
	CEDAW	2014
Madagascar (1)	CERD	2004
Senegal (3)	CERD	2012; 2002
	CRC	2016
Chad (2)	CERD	2013; 2009
Mali (1)	CERD	2002
Ethiopia (2)	CERD	2009; 2003
Ghana (1)	CERD	2003
Mauritius (2)	CERD	2013; 1996
Burkina Faso (2)	CERD	2013; 1997
Micronesia (1)	CRC	1998
Suriname (1)	CERD	2015
<b>Total number of recommendations: 86</b>	<b>CERD (33); CRC (22); CESCR (9); CEDAW (13); CAT (1); CCPR (8)</b>	<b>Asia (54); Africa (19); Middle East (9); Europe (3); The Americas (1)</b>

### Universal Periodic Review (2008-2016)

The Universal Periodic Review, which is a newly established mechanism under the Human Rights Council, is unique because it involves a state-driven review of the human rights records of all UN member states. The data in this compilation refer to the first UPR cycle in the period 2008-2012, the second cycle in the period 2012-2016 and the third UPR cycle in 2017. Excerpts are taken from the adopted outcome reports of the UPR Working Group, which include accepted and refused observations and recommendations by the State under Review. These are the recommendations that reviewed States are recommended to implement in follow up to the review.

Some of the UN compiled reports with information from “other stakeholders”, such as NGOs and human rights experts and bodies, contained extensive references to caste-based discrimination, e.g. in the reports on India, Pakistan, Bangladesh, Sri Lanka, and Nepal. However, if this information was not raised by other states during the review – or was not reflected in full length by the drafters of the report – it does not appear in the outcome reports. Finally, when the caste-specific recommendations are not accepted by the State under Review, they will not be followed up and implemented.

The overview of reports of the UPR working group demonstrates that 35 recommendations, which specifically refer to caste and Dalits, have been proposed to affected governments in 2008-2013 (Table II). Concerns for minority groups were also raised in the 2008 review of e.g. Bangladesh, however without explicit references to the Dalit community specifically. These reviews are still included in the compilation, as they constitute the basis for follow-up by governments and monitoring by civil society.

Compared to the UN treaty body reviews of caste-affected countries, the UPR exercise has managed to secured more public attention to the issue; has increased the attention of other states to the issue; and promoted broader NGO cooperation on this matter at national and international level. It has been particularly useful in reviews of countries which have taken a cooperative approach, such as Pakistan and Nepal. Most notably, the UPR process resulted in a change in the official position by the Government of Pakistan after it was confronted with critical questions on the protection of the so-called Scheduled Caste population in the country’s first review in 2008.

**Table II: References to caste discrimination in UPR recommendations (2008-2013)**

Country	UPR session – 1 <sup>st</sup> and 2 <sup>nd</sup> cycles	Total number of caste-specific UPR recommendations (and no. accepted)
India	1 <sup>st</sup> session, April 2008, 13 <sup>th</sup> session, May 2012  27 <sup>th</sup> session, May 2017	2 recommendations in 2008 (none accepted); 10 recommendations in 2012 (2 accepted); 13 recommendations in 2017 (9 accepted)
Pakistan	2 <sup>nd</sup> session, May 2008 and 14 <sup>th</sup> session in Oct 2012	2 in 2008 (2 accepted); and 2 in 2012 (2 accepted)
Bangladesh	2 <sup>nd</sup> session, May 2008 and 16 <sup>th</sup> session April 2013	0 in 2008; and 16 <sup>th</sup> session April 2013
Sri Lanka	2 <sup>nd</sup> session, May 2008 and 14 <sup>th</sup> session in Oct 2012	1 in 2008 (not accepted); and 0 in 2012
Japan	2 <sup>nd</sup> session, May 2008 and 14 <sup>th</sup> session in Oct 2012	0 in 2008; and 0 in 2012
Mauritania	9 <sup>th</sup> session, November 2010 and 4 <sup>th</sup> November 2015	2 in 2010 (none accepted)  2 in 2015 (none accepted)
Madagascar	10 <sup>th</sup> session, January 2010	1 in 2011 (partly accepted)
Nepal	10 <sup>th</sup> session, January 2011 and 4 <sup>th</sup> November 2015	12 in 2011 (10 accepted)  9 in 2015 (partly accepted)
Senegal	17 <sup>th</sup> session, October 2013	1 in 2013 (rejected)
Mauritius	17 <sup>th</sup> session, October 2013	0 in 2013
United Kingdom of Great Britain	14 <sup>th</sup> session, May 2012; 27 <sup>th</sup> session, May 2017	1 in 2012 (not accepted); 0 in 2017

<b>Total</b>	<b>58 caste-specific UPR recommendations (35 accepted or partly accepted)</b>
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### UN Special Procedures (2005-2017)

The UN Special Procedures is a monitoring mechanism, which is established under the Human Rights Council to address either specific country situations or thematic issues in all parts of the world. The compilation includes all relevant references in annual and thematic reports, mission reports, and summaries of cases transmitted to governments in the period 2005-2017.<sup>13</sup> As demonstrated in the compilation, the following 20 thematic mandates have specifically addressed the issue of caste discrimination and Dalits since 2005:

<b>UN Special Procedure mandate holder</b>
Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance
Special Rapporteur on contemporary forms of slavery, including its causes and consequences
Special Rapporteur on minority issues
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context
Special Rapporteur on the right to food
Special Rapporteur on the right to education
Special Rapporteur on the situation of human rights defenders
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
Special Rapporteur on violence against women, its causes and consequences
Special Rapporteur on freedom of religion or belief
Special Rapporteur on the issue of human rights obligations related to access to safe drinking water and sanitation
Special Rapporteur on human rights and extreme poverty
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health
Special Rapporteur on the promotion and protection of the freedom of opinion and expression
UN Working Group on discrimination against women in law and practice
Special Rapporteur on extrajudicial, arbitrary or summary executions
Special Rapporteur on the rights to freedom of peaceful assembly and of association

<sup>13</sup> Due to the high activity level and large number of reports published by the UN Special Procedures, the compilation may not be fully comprehensive as relevant references may have been missed in the monitoring of their activities.

Special Rapporteur on the sale of children, child prostitution and child pornography
UN Working Group of Experts on People of African Descent
Independent Expert on the enjoyment of all human rights by older persons
<b>Total no. of UN Special Procedures mandates: 20</b>

Some mandate holders have been particularly active on the issue. The Special Rapporteur on contemporary forms of racism has played an especially critical role, as this mandate has repeatedly voiced concern about the persistence of caste discrimination and has reiterated the view of CERD that racial discrimination encompasses caste and analogous forms of discrimination based on inherited states. Other mandate holders, who have raised particular concern about the issue, include the Special Rapporteur on violence against women, the Special Rapporteur on contemporary forms of slavery, the Special Rapporteur on adequate housing, and the Special Rapporteur on minority issues, to mention some. Due to the lack of response by governments, many mandate holders have however not been given the opportunity to study the in-country situation for themselves. In principle, the issue of caste discrimination is an aspect which influences the rights monitored by all thematic mandate holders.

The UN Special Procedures have also issued a large number of communications on the situation of caste-affected communities, however, mostly with reference to the situation of Dalits in India and Nepal. While the compilation includes references to such cases, it does not provide the full length of all relevant paragraphs due to space constraints.

Many UN Special Procedures have requested to visit affected countries, but the vast majority of these requests are pending acceptance from governments.<sup>14</sup> Some visits have however been undertaken, which has often been an effective way to bring attention to the human rights situation of caste-affected groups.<sup>15</sup>

In 2009, the Special Procedures mandate holders expressed “serious concern about discrimination on grounds of caste and other systems of inherited status” in a joint contribution to the Durban Review Conference.<sup>16</sup> In follow up to the strong call made by the UN High Commissioner on Human Rights, Madam Navi Pillay, on the promotion of the draft UN principles and guidelines on the effective elimination of discrimination based on work and descent in the Human Rights Council, two mandate holders, the Special Rapporteur on racism and the Special Rapporteur on minority issues, have expressed their support for the framework.<sup>17</sup>

In March 2016 the UN Special Rapporteur on minority issues, Rita Izsàk-Ndiaye, presented her thematic annual report to the Human Rights Council on caste-based discrimination and analogous systems of inherited status. She stressed that discrimination based on caste exists in many countries and “constitutes a serious violation of human rights and deserves specific attention”<sup>18</sup>.

<sup>14</sup> Link to OHCHR website: <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsa-e.htm>

<sup>15</sup> For a list of country visits to caste-affected countries, go to: <http://idsn.org/international-advocacy/un/special-procedures/country-visits/>

<sup>16</sup> A/CONF.211/PC/WG.1/5

<sup>17</sup> The Special Rapporteur on racism has recommended States to engage in substantive discussions on this topic and rally around them (A/64/271), and the Independent Expert on minority issues has welcomed and urged further discussions on the framework (A/HRC/13/23).

<sup>18</sup> The Special Rapporteur’s on minority issues report, pages 5- 6, paragraphs 22-24: <http://idsn.org/wp-content/uploads/2016/03/Special-Rapporteur-on-minority-issues-report-on-caste.pdf>

## UN TREATY BODIES

INDIA	
Committee on the Elimination of Racial Discrimination (CERD)	
<p><b>CERD Concluding Observations – India 2007</b></p> <p><u>CERD/C/IND/CO/19</u></p> <p>Keywords:</p> <p>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 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.</p> <p>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.</p> <p>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</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>
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	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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	<p>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.</p> <p>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 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.</p> <p><i>The Government of India is requested to submit its next periodic reports to CERD before 4 January 2012.</i></p>
<p><b>CERD Concluding Observations – India 1996</b>  <a href="#">CERD/C/304/Add.13</a>  Keywords:</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</p>

<p>Interpretation of ‘descent’, caste-based discrimination, non-implementation, impunity, compensation, reparation, National Commission on Scheduled Castes, education campaign</p>	<p>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 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>
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	<p>contain full and detailed information on the legislative aspects and the concrete implementation of the Directive Principles of the State Policy of the Constitution.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 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>
<b>Committee on Economic Social and Cultural Rights (CESCR)</b>	
<p><b>CESCR Concluding Observations – India 2008</b>  <a href="#">E/C.12/IND/CO/5</a>  Keywords:  Caste-based discrimination, access to justice, non-implementation, SC/ST Act, women, displacement and forced evictions, compensation and rehabilitation, primary education, disaggregated data, poverty and food insecurity, affordable and adequate housing, homelessness, sexual exploitation</p>	<p>13. The Committee is deeply concerned that in spite of the Constitutional guarantee of non-discrimination as well as the criminal law provisions punishing acts of discrimination, widespread and often socially accepted discrimination, harassment and/or violence persist against members of certain disadvantaged and marginalized groups, including women, scheduled castes and scheduled tribes, indigenous peoples, the urban poor, informal sector workers, internally displaced persons, religious minorities such as the Muslim population, persons with disabilities and persons living with HIV/AIDS. The Committee is also concerned about the obstacles faced by the victims in accessing justice, including the high costs of litigation, the long delays in court proceedings and the non-implementation of court decisions by government authorities.</p> <p>14. The Committee notes with concern the lack of progress achieved by the State party in combating the persistent de facto caste-based discrimination that continues to prevail in spite of the legal prohibitions in place, most notably the 1989 Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act. The Committee is particularly concerned at the low rate of prosecution of crimes against persons belonging to scheduled castes and scheduled tribes, and that</p>

	<p>discriminatory attitudes and prejudices in the enforcement of the law, especially by the police, is a serious obstacle in the victims' access to justice.</p> <p>27. The Committee notes with concern that trafficking in persons remains a serious problem faced by the State party. The Committee is particularly concerned that women and children belonging to scheduled castes and scheduled tribes make up a large proportion of victims of trafficking and sexual exploitation. The Committee is also concerned that victims of trafficking and sexual exploitation, rather than being afforded protection and rehabilitation, are prosecuted under the Immoral Trafficking Prevention Act (ITPA), and that there is no legislation that specifically criminalizes trafficking in persons.</p> <p>31. The Committee, while noting that the draft resettlement and rehabilitation bill is currently before Parliament, remains deeply concerned about the reports of displacement and forced evictions in the context of land acquisition by private and state actors for the purposes of development projects, including constructions of dams and mining, and that the members of disadvantaged and marginalized groups, in particular, the scheduled castes and scheduled tribes, are adversely affected by such displacement from their homes, lands and their sources of livelihood. The Committee is also concerned that urban renewal projects, sporting events, infrastructure expansion, environmental projects and more recently, the designation of large areas as tax-free special economic zones, have resulted in the displacement of millions of families, most of whom have not received adequate compensation and rehabilitation. Furthermore, the Committee is concerned about the lack of effective consultations and legal redress for persons affected by displacement and by forced evictions, and the inadequate measures to provide sufficient compensation or alternative housing to those who have been removed from their homes and/or their ancestral lands.</p> <p>40. The Committee is concerned that, despite the efforts made by the State party to achieve universal primary education, including the adoption of the Constitution (86th Amendment) Act in 2002 which makes the right to primary education a fundamental right, and the "Sarva Shiksha Abhiyan" (Education for All) programme, aimed at achieving 100 per cent primary enrolment, the wide disparity in enrolment and dropout rates in primary schools continue to persist, negatively affecting, in particular, girls, Muslim children and children belonging to scheduled castes and scheduled tribes.</p> <p>51. The Committee requests the State party to submit, in its next periodic report, updated annually collected comparative data disaggregated by sex, age, caste, ethnicity, religion and by region, regarding all the provisions in the Covenant, paying particular attention to the disadvantaged and marginalized individuals and groups. The Committee also requests the State party to include, in its next periodic report, annual comparative data, disaggregated by sex, age, caste, ethnicity, religion and by region, the percentage of the gross domestic product allotted for education, health and housing programmes in the country.</p> <p>53. The Committee stresses the need for a determined enforcement of the criminal justice system, and recommends that the State party strengthen procedures for prompt and impartial investigations and effective prosecutions of all allegations of violations under the 1989 Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act. The Committee also recommends that the State party improve awareness-raising and training programmes regarding the treatment of caste-based and other crimes related to discriminatory attitudes and prejudices, for professionals engaged in the administration of justice including judges, public prosecutors, lawyers and law enforcement officials, in particular members of the police, and remove any other existing obstacles faced by victims in accessing justice. The Committee further encourages the State party to expand throughout the State, preventive programmes to curb violence against persons belonging to scheduled castes and scheduled tribes, especially women.</p>
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	<p>68. The Committee recommends that the State party, in the context of the Eleventh Plan (2007-12), take urgent measures to address the issue of poverty and food insecurity. In this regard, the Committee recommends that the State party review its national poverty threshold, taking into account its Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights, adopted on 4 May 2001 (E/2002/22-E/C.12/2001/17, annex VII) and establish specific mechanisms to monitor the implementation of poverty-reduction strategies and evaluate the progress achieved. The Committee requests the State party to provide, in its next periodic report, detailed annual data on the incidence and depth of poverty, disaggregated by gender, caste, ethnicity and by region.</p> <p>70. The Committee urges the State party to address the acute shortage of affordable housing by adopting a national strategy and a plan of action on adequate housing and by building or providing low-cost rental housing units, especially for the disadvantaged and low income groups, including those living in slums. In this connection, the Committee reminds the State party of its obligations under article 11 of the Covenant and refers to its general comment No. 4 (1991) on the right to adequate housing to guide the Government's housing policies. The Committee also requests the State party to provide, in its next periodic report, detailed information on homelessness in the State party and the extent of inadequate housing, disaggregated by, inter alia, sex, caste, ethnicity and religion.</p> <p><i>The State party is requested to submit its sixth periodic report by 30 June 2011.</i></p>
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**Committee on Elimination of Discrimination Against Women (CEDAW)**

<p><b>CEDAW Concluding Comments – India 2014</b> <u>CEDAW/C/IND/CO/4-5</u></p>	<p><b>B. Positive Aspects</b></p> <p>4. The Committee welcomes the progress achieved since the consideration in 2007 of the State party's combined second and third periodic reports (CEDAW/C/IND/2-3) in undertaking legislative reforms, in particular the adoption of: (b) The Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, 2013</p> <p><b>C. Principle areas of concern and recommendations</b></p> <p><b>Equality and Non-discrimination</b></p> <p>8. The Committee notes that article 15 of the Constitution guarantees equal protection under the law for women and men and prohibits discrimination on the ground of sex. However the Committee is concerned at the absence of a comprehensive anti-discrimination law addressing all aspects of direct and indirect discrimination against women, and all the forms of intersectional discrimination, as explicitly listed in paragraph 18 of the Committee's General Recommendation 28 (2010) (*IDSN Note: General Recommendation 28 clarifies that protection from discrimination under the Convention encompasses not only grounds explicitly mentioned but also grounds such as age, class, caste, race and ethnicity.)</p> <p>9. The Committee recommends that the State party: (a) adopt comprehensive anti-discrimination legislation which prohibits discrimination on all grounds referred to in the Committee's General Recommendation 28 (2010); (b) protects women from multiple or intersectional forms of discrimination and other grounds as referred to in the Committee's General Recommendation 28; and (c) includes a comprehensive definition of discrimination against women in accordance with articles 1 and 2 of the Convention as well as the principle of equality between women and men.</p> <p><b>Violence against women</b></p> <p>10. The Committee notes the State party's efforts to enact a legal framework to prevent and respond to violence against women, including women from the</p>
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	<p>marginalized caste and communities, such as the Dalit and Adivasi women, and the establishment in 2013 of the Justice Verma Committee to review existing normative gaps. However, the Committee is concerned about:</p> <p>(a) The stark increase of violent crimes against women, especially rape, kidnapping and abduction, and the high number of cases of rape reported by the National Crime Records Bureau in 2012, indicating an increase by 902.1% since 1971, and on-going impunity for such acts;</p> <p>(b) The retention in the Penal Code of an exemption from punishment of rape when committed by the victim's husband if the wife is above 15 years of age;</p> <p>(c) The escalation of caste-based violence, including rape, against women and girls, and the downplaying by key State officials of the grave criminal nature of sexual violence against women and girls;</p> <p>(d) The poor implementation of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, and the impunity of perpetrators of severe crimes against women;</p> <p>11. The Committee urges the State party to:</p> <p>(a) Implement the recommendations of the Justice Verma Commission regarding violence against women;</p> <p>(b) Promptly enact the draft Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, ensure that it provides for a comprehensive system of reparations for victims and for gender-sensitive victim-centred procedural and evidentiary rules;</p> <p>(c) Amend the Criminal Law (Amendment) Act, 2013 ensuring that marital rape is defined as a criminal offence, as requested by the Committee in its previous concluding observations (CEDAW/C/IND/CO/3, 2007), and expanding the scope of protection of the Act to cover all prohibited grounds of discrimination, and defining gang rape as constituting an aggravating factor calling for a more severe punishment;</p> <p>(e) Strengthen the efficiency of the police, ensure that police officers fulfil their duty to protect women and girls against violence and are held accountable, adopt Standard Procedures for the police in each State on gender-sensitive investigations and treatment of victims and of witnesses, and to ensure that FIR (First Information Reports) are duly filed;</p> <p>(f) Establish, without delay, one-stop crisis centres providing women and girls victims of violence and rape with free and immediate access to medical attention, psychological counselling, legal aid, shelters and other support services;</p> <p>(g) Provide systematic training on women's rights to all law enforcement personnel, to medical staff and judicial officials;</p> <p>(h) Put in place an effective system to monitor and evaluate the implementation, effectiveness and impact of legislation to combat sexual violence;</p> <p>(k) Allocate sufficient resources for the immediate enforcement of legislation on violence against women and for the establishment of special courts, complaints procedures and support services envisaged under that legislation in a time bound manner;</p> <p><b>Temporary special measures</b></p> <p>18. The Committee is concerned that the State party may not have full understanding of the purpose of temporary special measures in accordance with article 4 (1) of the Convention and the Committee's General Recommendation</p>
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	<p>No. 25 (2004) on temporary special measures. It is also concerned that no temporary special measures have been or are being applied as part of a necessary strategy to accelerate the achievement of substantive equality between women and men in areas where women are disadvantaged, such as education or in the judiciary, as well as for promoting participation of women from religious minorities and scheduled castes and scheduled tribes in various areas under the Convention</p> <p>19. The Committee calls upon the State party to ensure all relevant officials are familiar with the concept of temporary special measures, and encourage their application in accordance with article 4 (1) of the Convention and the Committee’s General Recommendation No. 25 (2004), especially measures aimed at increasing:</p> <p>(a) The number of girls, including from disadvantaged groups, enrolled at the secondary and tertiary levels of education in all states; and</p> <p><b>Stereotypes and harmful practices</b></p> <p>20. The Committee notes with concern that the State party has maintained its declarations to articles 5 (a) and 16 (1) and (2) of the Convention, and reiterates its view that this is incompatible with the State party’s constitutional guarantees of equality and non-discrimination. It is further concerned with the persistence of patriarchal attitudes and deep-rooted stereotypes, entrenched in the social, cultural, economic and political institutions and structures of Indian society and in the media, that discriminate It is also concerned about the persistence of harmful traditional practices in the State party, such as child marriage, the dowry system, so-called “honour” killings, sex-selective abortion, Sati, Devadasi, and women accused of witchcraft. The Committee is particularly concerned that the State party has not taken sufficient sustained and systematic action to modify or eliminate stereotypes and harmful practices.</p> <p>21. The Committee reiterates its previous concluding observations (CEDAW/C/IND/CO/3, 2007), and urges the State party to:</p> <p>(b) Put in place without delay a comprehensive national campaign and strategy, with concrete goals and timelines, to eliminate patriarchal attitudes and stereotypes that discriminate against women, in accordance with article 2 (f) of the Convention; and</p> <p>(c) Strengthen its awareness-raising and educational efforts, targeted at both women and men, with the involvement of civil society and community leaders, to eliminate all harmful traditional practices, and collaborate with the media to enhance a positive, non-stereotypical and non-discriminatory portrayal of women.</p> <p><b>Rural women</b></p> <p>32. The Committee is concerned at the prevalence of customs and traditional practices that prevent rural women from inheriting or acquiring land and other property, especially the women from scheduled castes and tribes. It is also concerned at the difficulties faced by rural women and women living in remote areas in gaining access to health and social services and in participating in decision-making processes at the community level, and that rural women are particularly affected by poverty and food insecurity, lack of access to natural resources, safe water, and credit facilities.</p> <p>33. The Committee recommends that the State party:</p>
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	<p>(a) Abolish traditional practices and customs that prevent rural women from inheriting and acquiring land and from fully enjoying their rights, and guarantee land ownership rights to women;</p> <p>(b) Strengthen its efforts to address the needs of rural women and provide them with enhanced access to health services, education, safe water and sanitation services, fertile land, natural resources, credit and income-generating opportunities.</p> <p><b>Women from scheduled castes and scheduled tribes</b></p> <p>34. The Committee is concerned that Dalit women and women from scheduled tribes face multiple barriers in accessing justice, due to legal illiteracy, lack of awareness of their rights, and limited accessibility of legal aid. It notes with concern the financial, cultural and physical barriers faced by Dalit, and women from scheduled tribes in accessing gynaecological and maternal health services, their limited knowledge of birth registration procedures, as well as the existence of bureaucratic obstacles and financial barriers which prevent them from registering births and obtaining birth certificates for their children.</p> <p>35. The Committee recommends that the State party:</p> <p>(a) Monitor the availability and efficiency of the Legal Services Authorities, implement legal literacy programmes, increase the awareness of Dalit women and women and girls from scheduled tribes of all legal remedies available to them, and to monitor the results of such efforts.</p> <p>(b) Strengthen public awareness-raising campaigns and take concrete measures to ensure that Dalit and women from schedule tribes are aware of the procedures for registration of births and obtaining birth certificates, and ensure their access to these facilities.</p> <p>(c) Provide training to medical and health professionals in order to ensure that Dalit as well as women from scheduled tribes are attended by trained health-care personnel.</p>
<p><b>CEDAW Concluding Comments – India 2007</b></p> <p><u><a href="#">CEDAW/C/IND/CO/3</a></u></p> <p>Keywords:</p> <p>Dalit women, disaggregated data and statistical data, non-implementation, access to justice, atrocities and impunity, action plan against domestic violence, impunity, SC/ST Act, primary education, manual scavenging, devadasi.</p>	<p>8. The Committee is concerned that the State party has not taken adequate steps to implement the recommendations in regard to some concerns raised in the Committee’s previous concluding comments adopted in 2000.[1] In particular, the Committee finds that its recommendations in paragraphs 67 (to introduce a sex discrimination act in order to make the standards of the Convention applicable to non-State action and inaction), 70 (to develop a national plan of action to address the issue of gender-based violence in a holistic manner), 75 (to enforce laws preventing discrimination against Dalit women) and 81 (to take affirmative action to increase women’s participation in the judiciary) have been insufficiently addressed. The Committee is also concerned that it has not been provided with any information on the report of the committee established to review the Armed Forces Special Powers Act in response to its previous concluding comments.[2]</p> <p>14. The Committee regrets that the report does not provide sufficient statistical data, disaggregated by sex, caste, minority status and ethnicity, on the practical realization of equality between women and men in all areas covered by the Convention and does not provide information on the impact of, and results achieved by, various legal and policy measures described in the report.</p> <p>15. The Committee requests the State party to set benchmarks and to include adequate, appropriate and comparative statistical data and analysis, disaggregated by sex, caste, minority status and ethnicity, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention and trends over time in the practical realization of equality between women and men. In particular, it calls upon the State party to review and monitor the fulfilment of the provisions of the Convention in respect of scheduled caste, scheduled tribe, backward class and minority women in all sectors. It also recommends that the</p>



	<p>State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next periodic report.</p> <p>19. The Committee urges the State party to provide free legal services to poor and marginalized women in rural and tribal areas in addition to urban areas and to monitor the quality and impact of such services in regard to ensuring women's access to justice. It requests the State party to provide information about access of women, including scheduled caste, scheduled tribe, backward class and minority women, to free legal services and the scope and effectiveness of such services in its next periodic report.</p> <p>21. The Committee calls upon the State party to develop, in consultation with women's groups, a coordinated and comprehensive plan to combat all forms of violence against women taking a life cycle approach. It urges the State party to take steps in partnership with states and union territories to fully and consistently implement and enforce the Domestic Violence Act and to ensure that all women victims of domestic violence, including scheduled caste, scheduled tribe, backward class and minority women, are able to benefit from the legislative framework and support systems in place and that perpetrators are effectively prosecuted under the Penal Code and adequately punished. It recommends that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women, including domestic violence. It requests that adequate statistics on all forms of violence against women be collected in a consistent manner. In particular, it requests the State party to provide information, disaggregated by caste, minority status and ethnicity, in its next periodic report, on the number of cases of domestic violence reported to the police and other relevant authorities, the number of protection and other orders granted under the Domestic Violence Act and the number of convictions of perpetrators of domestic violence under the Penal Code.</p> <p>28. The Committee is concerned about the ongoing atrocities committed against Dalit women and the culture of impunity for perpetrators of such atrocities. The Committee is concerned that, despite a law banning manual scavenging, this degrading practice continues with grave implications for the dignity and health of the Dalit women who are engaged in this activity.</p> <p>29. The Committee recommends that the State party put in place a mechanism to monitor effective enforcement of the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act in order to ensure accountability and end impunity for crimes committed against Dalit women. It calls upon the State party to increase Dalit women's legal literacy and improve their access to justice in bringing claims of discrimination and violation of rights. It requests the State party to report specifically on the impact of such initiatives in its next periodic report. The Committee also urges the State party to study the health implications of manual scavenging on Dalits engaged in this profession and on the community as a whole, and to address all the impediments to eradicating this practice, including by putting in place modern sanitation facilities and providing the Dalit women engaged in this practice with vocational training and alternative means of livelihood.</p> <p>32. While appreciating the additional data provided by the State party during its dialogue with the Committee, which indicates improvements in enrolment rates of women in primary education, and while commending the State party's future plans of focusing efforts on education of marginalized sections of the population, the Committee is concerned about the continuing disparities in the educational status of scheduled caste, scheduled tribe and Muslim women and the limited access of these groups of women to higher education. It is also concerned about the educational performance disparities among regions and states, the continuing gap</p>
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	<p>in literacy rates between men and women and the lack of information on the budgetary allocation to adult literacy programmes.</p> <p>33. The Committee recommends that the State party provide, in its next periodic report, comparable data disaggregated by sex, caste, minority status and ethnicity, on the enrolment and retention rates of girls and women at all levels of education, and trends over time. Given the particularly disadvantaged situation of Muslim women and girls, the Committee requests the State party to provide information in its next periodic report about the action taken on the recommendations of the Sachar Committee with regard to the education of Muslim women and girls. It urges the State party to increase efforts to enable scheduled caste, scheduled tribe and Muslim women to access higher education. The Committee calls upon the State party to strengthen its efforts, at the national, state and union territory levels, to close the gap in literacy rates between men and women, establish benchmarks in this regard and create mechanisms to monitor the achievement of such benchmarks. It also urges the State party to provide, in its next periodic report, information on the budgetary allocation to adult education programmes and the impact, and trends over time, of such programmes. Moreover, it calls upon the State party to meet its commitment of allocating 6 per cent of its gross domestic product to education in its eleventh five-year plan.</p> <p>37. The Committee calls upon the State party to ensure that rural women benefit de facto from the National Rural Employment Guarantee Act, 2005. It requests the State party to provide data disaggregated by sex, caste, minority status and ethnicity of the beneficiaries under this Act. The Committee recommends that the State party take proactive measures to bring financial institutions on board with the agenda of development and empowerment of women through issuance of microcredit. It urges the State party to establish, after consultation with women's groups, appropriate mechanisms to regulate the functioning of microcredit finance institutions that protect interests of poor women. The Committee also urges the State party to establish programmes, with goals and timelines, to issue credit to poor women who are not able to participate in the self-help groups and do not otherwise have access to credit.</p> <p>75. The Committee urges the Government to enforce laws preventing discrimination against Dalit women and prohibiting the devadasi system. It urges the Government to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Committee calls upon the Government to set a time-frame for those interventions and provide information on the progress made in the next report.</p> <p><i>The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. It invites the State party to submit its fourth periodic report, which was due in August 2006, and its fifth periodic report, which is due in August 2010, in a combined report in 2010.</i></p>
<p><b>CEDAW Concluding Comments –India 2000</b></p> <p><u><a href="#">A/55/38</a></u></p> <p>Keywords:</p> <p>Dalit women, devadasi, affirmative action</p>	<p>74. The Committee is concerned with the continuing discrimination, including violence, suffered by women of the Dalit community, despite the passage of the Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act of 1989.</p> <p>75. The Committee urges the Government to enforce laws preventing discrimination against Dalit women and prohibiting the devadasi system. It urges the Government to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Committee calls upon the Government to set a time-frame for those interventions and provide information on the progress made in the next report.</p>

<b>Committee on the Rights of the Child (CRC)</b>	
<p><b>CRC Concluding Observations - India 2014</b></p> <p><u>CRC/C/IND/CO/3-4</u></p> <p>June 13 2014</p>	<p><b>General principles (arts. 2, 3, 6 and 12 of the Convention)</b></p> <p><b>Non-discrimination</b></p> <p>The Committee is concerned at the disparity in access to education, health care, safe water and sanitation and other social services and enjoyment of the rights enshrined in the Convention among different groups of children as well as the persisting discrimination against children from <b>Scheduled Castes</b> and Scheduled Tribes, children with disabilities, children with HIV/AIDS as well as asylum-seeking and refugee children.</p> <p>The Committee recommends that the State party:</p> <p>(b) Ensure that children who are in marginalized or disadvantaged situations, such as children from <b>Scheduled Castes</b> and Scheduled Tribes, children with disabilities, children with HIV/AIDS and asylum-seeker and refugee children, have access to basic services and enjoy their rights under the Convention. To this end adopt adequate programmes and assess their results.</p> <p><b>F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)</b></p> <p><b>Standard of living</b></p> <p>The Committee is concerned at the high percentage of people living below the poverty line despite the GDP growth in the State party. It is concerned at the prevalence of poverty among children, both in urban and rural areas as well as at the large disparities in the standard of living among children, with children in disadvantaged and marginalized situations being particularly vulnerable.</p> <p>The Committee recommends that the State party to:</p> <p>(b) Take all necessary measures to eliminate urban-rural, social, <b>caste</b> and tribe based disparities in children’s standard of living through, inter alia, social protection and targeted programmes for children and families who are particularly vulnerable to poverty; and</p> <p><b>G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)</b></p> <p><b>Education, including vocational training and guidance</b></p> <p>2. The Committee welcomes the adoption of the Right of Children to Free and Compulsory Education (RTE) Act 2009, as well as at the almost universal enrolment rate of children in Grade 1. However, it is concerned at the high drop-out rates of children, in particular children of <b>Scheduled Castes</b> and Scheduled Tribes, and girls. The Committee is also concerned about the high number of children that are out of school, high dropout rates at grade 5, low numeracy and literacy skills, low quality of education, as well as shortage of qualified teachers and classrooms.</p> <p><b>H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)</b></p> <p><b>Children belonging to religious minorities, Scheduled Castes and Scheduled Tribes</b></p> <p>The Committee is seriously concerned that despite the State party’s initiatives aiming at addressing inequalities and improving living conditions and access to education, health and social services of religious minorities and <b>Scheduled Castes</b> and Scheduled Tribes, many children belonging to these groups continue to be deprived of a number of their rights under the Convention.</p>

	The Committee urges the State party to strengthen its efforts to ensure that all children irrespective of their religious background, <b>Scheduled Castes</b> or Scheduled Tribes enjoy the whole range of rights enshrined in the Convention.
<p><b>CRC-OP Concluding Observations – India 2014</b></p> <p>Concluding observations on the report submitted by India under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*</p> <p><a href="#">CRC/C/OPSC/IND/CO/1</a></p> <p>June 13 2014</p>	<p><b>Prevention of the sale of children, child prostitution and child pornography(art. 9, paras. 1 and 2)</b></p> <p><b>Measures adopted to prevent offences prohibited under the Protocol</b></p> <p>The Committee notes the efforts undertaken by the State party aimed at preventing offences under the Optional Protocol. However, the Committee regrets that preventive measures remain inadequate and fragmentary, in particular in relation to the prevention of child prostitution and child pornography. In particular, the Committee is concerned:</p> <p>That there are inadequate mechanisms in place to detect, identify and monitor children at risk of becoming victims of the offences under the Optional Protocol, such as children from <b>Scheduled Castes</b> and Scheduled Tribes, children deprived of their family environments, children in street situations, children subject to child marriages, and children of sex workers.</p>
<p><b>CRC Concluding Observations – India 2004</b></p> <p><a href="#">CRC/C/15/ADD.228</a></p> <p>Keywords:</p> <p>Data collection and indicators, social discrimination, Untouchability, SC/ST Act, access to justice, manual scavengers, public education campaigns</p>	<p>22. The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, social status (Scheduled Castes and Tribes, or religious community), and urban and rural area and make it publicly available. This system should cover all children up to the age of 18 with specific emphasis on those who are particularly vulnerable. It further encourages the State party to use these indicators and data for the formulation of policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from UNICEF, UNDP and UNFPA, among others.</p> <p>25. In light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by girls, children living in certain states, rural areas and slums, and children belonging to certain castes and tribal and indigenous groups.</p> <p>27. The Committee is deeply concerned at persistent and significant social discrimination against children belonging to Scheduled Castes and Tribes and other tribal groups, reflected, inter alia, by the many violations of the 1989 Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act, the low number of such violations dealt with by the courts, and the fact that a majority of the states have failed to set up the special courts provided for under this Act.</p> <p>28. The Committee recommends that the State party, in accordance with article 17 of its Constitution and article 2 of the Convention, take all necessary steps to abolish the discriminatory practice of “untouchability”, prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, inter alia, special measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled tribes Rules (Prevention of Atrocities) and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination with a view to changing social attitudes, by involving, inter alia, religious leaders.</p>

\* Adopted by the Committee at its sixty sixth session (26 May –June 2014).

	<p>32. The Committee recommends that all existing and future special temporary programmes be provided with specified goals and timetables, in order to evaluate their success and justify their continuation, expansion and dissemination. The Committee further recommends that the State party start to develop special programmes for the allocation of educational and other benefits that are based on the child's needs and rights rather than on the basis of sex, caste or tribe, or any other characteristic that may result in unjustifiable discrimination.</p> <p>65. The Committee recommends that the State party:</p> <p>(a) Improve the education system with a view to achieving the aims mentioned in article 29, paragraph 1 of the Convention and the Committee's general comment No. 1 on the aims of education, and introduce human rights, including children's rights, into the school curricula;</p> <p>(b) Strengthen its efforts to progressively ensure that that all girls and boys, in urban, rural and least developed areas and children belonging to Scheduled Castes and Tribes, have equal access to educational opportunities;</p> <p>(c) Raise awareness of the importance of early childhood education and introduce it into the general framework of education;</p> <p>(d) Encourage the participation of children at all levels of school life;</p> <p>(e) Take the necessary measures to improve the quality of education and to ensure better efficiency in the management of education, including by decreasing the dropout rate;</p> <p>(f) Hire more qualified teachers and provide them with more opportunities for training;</p> <p>(g) Take all necessary measures to curb teachers' absenteeism;</p> <p>(h) Build better infrastructure for schools; and</p> <p>(i) Seek assistance from UNICEF and UNESCO.</p> <p><i>The State party should submit its next 3rd and 4th periodic reports on 10 July 2008. The dates for the examination of India before the CRC has not yet been scheduled, but is expected to take place in 2010 or 2011.</i></p>
<p><b>CRC Concluding Observations – India 2000</b> <u>CRC/C/15/ADD.115</u></p> <p>Keywords:</p> <p>Caste-based discrimination, caste-motivated abuse, 'untouchability', bonded labour, affirmative measures, SC/ST Act, manual scavenging, public education, child labour, bonded labour, trafficking and sexual exploitation, rehabilitation, equal employment, devadasi/ritual prostitution</p>	<p>28. In the light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by children living in different states, living in rural areas, living in slums and belonging to different castes, tribal and indigenous groups.</p> <p>30. In the light of article 2 of the Convention, the Committee is concerned at the existence of caste-based discrimination and discrimination against tribal groups, despite these practices being prohibited under the law.</p> <p>31. In accordance with article 17 of the Constitution and article 2 of the Convention, the Committee recommends that the State party take steps to ensure states abolish the discriminatory practice of "untouchability", prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, inter alia, affirmative measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled tribes Rules (Prevention of Atrocities) and the 1993 Employment of Manual Scavengers Act. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination. In line with the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.13), the Committee stresses the importance of</p>

	<p>the equal enjoyment by members of these groups of the rights in the Convention, including access to health care, education, work, and public places and services, such as wells.</p> <p>56. Welcoming the 83rd Constitutional Amendment Bill concerning the fundamental right to education, the Committee, however, expresses its concern at the prevailing poor situation in the State party with respect to education, which is characterized by a general lack of infrastructure, facilities and equipment, insufficient numbers of qualified teachers and a drastic shortage of text books and other relevant learning materials. There is serious concern regarding the striking disparities in terms of access to education, attendance at primary and secondary levels and drop-out rates between: different states, rural and urban areas, boys and girls, the affluent and poor, and children belonging to scheduled castes and tribes. The Committee emphasizes the importance of focusing attention on improving the provision and quality of education, especially in view of its potential benefit for addressing various concerns, including the situation of girls and reducing the incidence of child labour.</p> <p>66. The Committee encourages the State party to withdraw its declaration with respect to article 32 of the Convention, as it is unnecessary in the light of the efforts the State party is making to address child labour. The Committee recommends that the State party ensure the full implementation of the 1986 Child Labour (Prohibition and Regulation) Act, the 1976 Bonded labour (System Abolition) Act and the 1993 Employment of Manual Scavengers Act.</p> <p>74. The Committee notes the Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children. However, in view of the scale of the problem, the Committee is concerned about the sexual abuse and exploitation of children especially those belonging to the lower castes and from poor urban and rural areas, in the contexts of: religious and traditional culture; child domestic workers; children living and/or working on the streets; communal violence and ethnic conflict; abuse by the security forces in areas of conflict, such as Jammu and Kashmir, and the north-eastern states; and trafficking and commercial exploitation, especially girls from neighbouring countries, particularly Nepal. It is also concerned about the absence of adequate measures to combat this phenomenon and the lack of adequate rehabilitation measures.</p> <p>75. The Committee recommends that the State party ensure that legislation criminalizes the sexual exploitation of children and penalizes all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized. While noting that Devadasi, or ritual prostitution, is prohibited under the law, the Committee recommends that the State party take all necessary measures to eradicate this practice. In order to combat trafficking in children, including for commercial sexual purposes, the Penal Code should contain provisions against kidnapping and abduction. The Committee recommends that the State party ensure that laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement.</p>
<b>Human Rights Committee (CCPR)</b>	
<p><b>CCPR Concluding Observations – India 1997</b> <a href="#">CCPR/C/79/Add.81</a> Keywords:</p>	<p>5. It notes, moreover, that the size of the country, its huge population, the massive poverty and the great disparities in the distribution of wealth among various social groups affect the advancement of rights. The persistence of traditional practices and customs, leading to women and girls being deprived of their rights, their human dignity and their lives, and to discrimination against members of the underprivileged classes and castes and other minorities, and ethnic,</p>

<p>Traditional practices and customs, National Commission for Scheduled Castes and Scheduled Tribes, social discrimination, inter-caste violence, bonded labour, education programmes</p>	<p>cultural and religious tensions constitute impediments to the implementation of the Covenant.</p> <p>8. The Committee also welcomes the establishment of the National Commission for Scheduled Castes and Scheduled tribes and the National Commission for Women in 1992, and the National Commission for Minorities in 1993. These commissions have initiated some improvements, in particular in the levels of education and in the representation of the various groups concerned within elected bodies and other authorities.</p> <p>10. The Committee has noted that positions in elected bodies are reserved for members of scheduled castes and tribes and that a constitutional amendment has reserved one third of the seats in elected local bodies (Panchayati Raj) for women. The Committee also notes the introduction of a bill to reserve one third of the seats for women in the Federal Parliament and in state legislatures.</p> <p>15. The Committee notes with concern that, despite measures taken by the Government, members of scheduled castes and scheduled tribes, as well as the so called backward classes and ethnic and national minorities continue to endure severe social discrimination and to suffer disproportionately from many violations of their rights under the Covenant, inter alia inter-caste violence, bonded labour and discrimination of all kinds. It regrets that the de facto perpetuation of the caste system entrenches social differences and contributes to these violations. While the Committee notes the efforts made by the State party to eradicate discrimination: it recommends that further measures be adopted, including education programmes at national and state levels, to combat all forms of discrimination against these vulnerable groups, in accordance with articles 2, paragraph 1, and 26 of the Covenant.</p> <p><i>The Committee draws to the attention of the Government of India the provisions of paragraph 6 (a) of the guidelines regarding the form and content of periodic reports from States parties, and requests that, accordingly, its next period report, due on 31 December 2001, should contain material which responds to all these concluding observations. The Committee further requests that these concluding observations be widely disseminated among the public at large in all parts of India.</i></p>
<p><b>CCPR Concluding Observations – India 1991</b>  <a href="#">A/46/40</a>  Keywords: Schedules castes</p>	<p>Non-discrimination and equality of the sexes</p> <p>272. With reference to that issue, members of the Committee wished to receive information on the effectiveness of the special provisions designed to promote the advancement of “any socially and educationally backward classes of citizens or the scheduled castes and the scheduled tribes”; on the participation of members of these groups and of women in the political and economic life of the country, including the percentage of government and public sector employment at present reserved for such groups: on whether the classification of “backwardness” was solely made on the basis of caste; on how membership in scheduled castes and scheduled tribes was determined in individual cases: and on in which respects, other than in the exercise of political rights, the rights of aliens were restricted as compared with those of citizens.</p> <p>274. In his reply, the representative of the State party explained that according to the 1981 census, about 105 million Indians were members of scheduled castes, while 54 million were members of scheduled tribes, The Government was required by the Constitution to reserve a certain number of posts and a certain number of seats in Parliament and in the state legislatures for members of scheduled castes and scheduled tribes. The Constitution also provided that the claims of members of scheduled castes or scheduled tribes should be taken into consideration in the appointment process for posts and services in connection with national or state affairs, Furthermore, a series of five-year plans for the advancement of “backward” classes was a priority element of national policy. The Scheduled Castes and</p>

	<p>Scheduled Tribos (Prevention of Atrocities) Act had been enacted following the receipt of reports of atrocities committed against such persons.</p> <p>Concluding Observations</p> <p>306. Members of the Committee expressed their thanks to the representatives of the State party for their cooperation in presenting the second periodic report of India and for having engaged in a fruitful and constructive dialogue with the Committee. Although the report had been drafted in conformity with the Committee's guidelines regarding the form and contents of reports from States parties under article 40 of the Covenant, it failed to refer to practice and the specific implementation of legislative provisions and, in that respect, was deficient. Satisfaction was expressed over the improvements that had occurred since the consideration of the initial report of India, including, in particular, the legislation recently enacted to prohibit the practice of sati, the measures taken to prevent "dowry deaths", the efforts made on behalf of the scheduled castes and tribes, the role of the Supreme Court in upholding provisions of the Covenant that were not contained in the Indian Constitution, and the new provisions on legal aid.</p>
<b>NEPAL</b>	
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	
<p><b>CERD Concluding Observations – Nepal 2004</b></p> <p><u>CERD/C/64/CO/5</u></p> <p>Keywords:</p> <p>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 dealing with such cases. The Committee stresses the need for a</p>



	<p>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 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>
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	<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><b>CERD Concluding Observations – Nepal 2001</b>  <u>CERD/C/304/ADD.108</u>  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 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><b>CERD Concluding Observations – Nepal 1998</b>  <u>CERD/C/304/Add.61</u>  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>
<b>Committee on Economic Social and Cultural Rights (CESCR)</b>	
<p><b>CESCR Concluding Observations – Nepal 2014</b>  <u>E/C.12/NPL/CO/3</u>  28 November 2014</p>	<p><b>B. Positive aspects</b></p> <p>The Committee welcomes the State party’s ratification of:</p> <p>(a) the <b>Caste-Based Discrimination</b> and the Untouchability (Offence and Punishment) Act, in 2011;</p> <p><b>C. Principal subjects of concern and recommendations</b></p> <p><b>Caste-Based discrimination</b></p> <p>11. The Committee is concerned that article 13 of the Interim Constitution which guarantees the right to equality and non-discrimination does not include discrimination on the grounds of property and birth. While noting the adoption of the <b>Caste-Based Discrimination</b> and the Untouchability (Offence and Punishment) Act, in 2011, the Committee is concerned that <b>Dalits</b> continue to face widespread discrimination in the enjoyment of economic, social and cultural rights, in particular access in education, health care, food, housing, employment and income generating activities and that <b>Dalit women</b> are victims of multiple discrimination as they are more vulnerable to sexual exploitation, trafficking and various forms of violence, including domestic violence. The Committee is further concerned that the National <b>Dalit</b> Commission does not have adequate resources to carry out its mandate. (art. 2)</p> <p>The Committee urges the State party to:</p> <p>(a) include property and birth as grounds for discrimination in the Constitution;</p> <p>(b) take all measures for the effective implementation of the <b>Caste-Based Discrimination</b> and the Untouchability (Offence and Punishment) Act, in particular by sensitizing law enforcement officials, investigating and prosecuting those responsible for discrimination against <b>Dalits</b> and conducting awareness-raising campaigns on the rights of <b>Dalits</b>;</p> <p>(c) establish a National Strategy and Plan of Action with time bound objectives to eliminate discrimination and guarantee the rights of <b>Dalits</b>, as well as indicators to monitor its compliance;</p> <p>(d) reinforce the National <b>Dalit</b> Commission and provide it with necessary resources to fulfil its mandate;</p> <p>(e) take specific and targeted measures to protect the rights of <b>Dalit women</b>;</p> <p>(f) facilitate complaints from <b>Dalit</b> and ensure access to justice for discriminatory acts;</p> <p>(g) adopt strict sanctions for those found guilty of acts of discrimination against <b>Dalit men and women</b></p> <p><b>Equality between men and women</b></p> <p>The Committee is concerned at the low representation of women in decision-making positions in public and political affairs. The Committee is also concerned about the pay gap between men and women. (art. 3, 7).</p> <p>13. The Committee recommends that the State party increase the representation of women, including <b>Dalit</b> and indigenous women, in decision-making positions in public and political affairs. The Committee further recommends that the State party</p>

	<p>address obstacles to the career advancement of women through temporary special measures and education of men and women about equal career opportunities.</p> <p><b>Harmful traditional practices</b></p> <p>14. The Committee is concerned that deep-rooted stereotypes and patriarchal attitudes that discriminate against women and girls continue to be prevalent in the society, despite measures taken to curb them. It is particularly concerned that women and girls, in particular of <b>Dalit</b> origin, continue to suffer from harmful traditional practices such as forced and early marriages, accusations of <i>boxi</i> (witchcraft), <i>deuki</i> tradition (offering girls to deities to fulfil religious obligations), <i>jhumas</i> (offering young girls to Buddhist monasteries for performing religious functions), <i>kamlari</i> (offering girls for domestic work to families of landlords) <i>chapaudi</i> (isolating menstruating girls), and <i>badi</i> (widespread practice of prostitution). (art. 3, 10)</p> <p>The Committee urges the State party to:</p> <ul style="list-style-type: none"> <li>(a) effectively implement measures to eradicate harmful traditional practices;</li> <li>(b) reinforce its awareness-raising campaigns among the population and in particular in districts and social groups where such practices are prevalent, reiterating that these practices are violating human rights and that they have long lasting negative effects.</li> <li>(c) enforce its Domestic Violence Act of 2009, investigate cases of harmful traditional practices and punish those responsible;</li> <li>(d) provide protection and rehabilitation to victims;</li> </ul> <p>€ expedite the adoption of the Bill prepared by the National Women’s Commission to criminalize all kinds of harmful practices, as well as of the National Strategy to End Child Marriages.</p> <p><b>Domestic violence</b></p> <p>19. The Committee is concerned about the prevalence of gender-based violence, including domestic and sexual violence, in particular among the <b>Dalit</b> and other disadvantaged groups, despite the adoption of the Domestic Violence Act, 2009, the Domestic Violence (Crime and Punishment) Regulations, 2010 and other measures. The Committee is also concerned about the lack of information on the protective measures provided to victims of domestic violence, including assistance, rehabilitation and shelters. The Committee is further concerned about the lack of information on investigations, prosecutions, convictions and sanctions against the perpetrators. The Committee regrets the lack of information on the impact of awareness-raising campaigns on the reduction of domestic violence, carried out by the State party. (art. 10)</p> <p>The Committee recommends that the State party:</p> <ul style="list-style-type: none"> <li>(a) enforce its legislation on domestic violence;</li> <li>(b) investigate cases of gender-based violence, prosecute perpetrators and, if convicted, punish them with adequate sanctions;</li> <li>(c) facilitate complaints from victims of gender-based violence as well as their access to justice and protect them from any kind of reprisals;</li> <li>(d) continue to provide law enforcement officials with necessary training on gender-based violence, including domestic and sexual violence;</li> <li>(e) develop protective and rehabilitation measures, including shelters and hotlines for victims;</li> <li>(f) increase its awareness-raising campaigns on women’s rights and the negative effects of gender-based violence, in particular in rural and remote areas and among disadvantaged and marginalized groups;</li> </ul>
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	<p>(g) expedite the adoption the Bill, presently before the Parliament, which includes provisions on effective compensation and services to victims.</p> <p><b>Poverty</b></p> <p>22. While noting efforts to reduce poverty, the Committee is concerned that around 25% of the population in the State party lives below the poverty line, in particular in the Far-East and among the most disadvantaged groups, such as Hill and Terai <b>Dalits</b>, as well as women in rural and remote areas, and indigenous peoples. The Committee is also concerned about the fact that poverty faced by these groups is exacerbated by the lack of their access to, and ownership of, land and related resources, livelihoods and income generating activities. (art. 11)</p> <p>The Committee recommends that the State party: a) adopt a human rights based approach to poverty eradication; b) strengthen its efforts to reduce poverty in particular among the most marginalized and disadvantaged groups, such as Hill and Terai <b>Dalits</b>, as well as women in rural and remote areas, and indigenous peoples, including by expanding its programs under the Poverty Alleviation Fund; c) facilitate access to, and ownership of, land for these groups as well as to income generating activities. The Committee refers the State party to the Committee’s Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights, adopted on 4 May 2001 (E/C.12/2001/10).</p> <p><b>Primary education and dropout rates among girls</b></p> <p>27. The Committee is concerned that primary education is not yet compulsory in law and that the State party does not guarantee free secondary school. It is also concerned about the high school drop-out rate of girls, in particular during the transition between the primary and the secondary levels, and at the secondary level, due, inter alia, to the unavailability of adequate sanitary infrastructure. (art. 13).</p> <p>The Committee calls on the State party to adopt legislation making primary school compulsory. It further recommends that the State party:</p> <p>(a) ensure access to school in rural areas and for <b>Dalit</b> and indigenous children in the context of its “Program of Education for All 2015”;</p>
<p><b>CESCR Concluding Observations – Nepal 2008</b> E/C.12/NPL/CO/2</p> <p>Keywords:</p> <p>Dalits, Untouchability, bonded labour, child labour, caste-based discrimination, access to justice, impunity, Badi caste, poverty, food, land rights, access to public wells, women at risk, primary education, disaggregated data, judicial and administrative remedies, political participation, food security and access to water, segregation</p>	<p>7. The Committee welcomes the measures taken by the State party to abolish discrimination on the basis of caste and feudal practices detrimental to the enjoyment of economic, social and cultural rights of traditionally marginalized groups, including the Dalit, Kamaiya, Madhesi, Tharu and others. In this regard, it welcomes the prohibition of untouchability and other discrimination on the basis of caste in the Interim Constitution and the enactment of the Bonded labour (Prohibition) Act of 2002.</p> <p>11. The Committee regrets that most of its 2001 recommendations in relation to the initial report have not been implemented, and that the State party has not addressed in an effective manner the following principal subjects of concern, which continue to be relevant:</p> <p>The extent of poverty in Nepal, in particular in rural areas where poverty and discrimination against women are most pronounced, and the lack of disaggregated data on the incidence and depth of poverty;</p> <p>The continuing inequalities that exist between men and women in Nepali society, despite legislative guarantees of equality, as reflected in the low representation of women in public service, the high female illiteracy rate and the unequal wages for equal work;</p> <p>The large number of women and girls being trafficked for prostitution, and the absence of a demonstrably effective response from the State party with regard to this practice;</p>

	<p>The high rate of domestic violence and the absence of specific legislation in this field;</p> <p>The high unemployment and underemployment rates in Nepal and the lack of skills-oriented education;</p> <p>The problems faced by emancipated Kamaiyas, including lack of housing, land, work, and education for their children;</p> <p>The inadequacy of the legal minimum wage to provide an adequate standard of living for workers and their families, in particular in the agricultural sector;</p> <p>The high incidence of child labour in Nepal, especially in rural areas.</p> <p>13. The Committee notes with concern that, in spite of the provisions in the Interim Constitution prohibiting caste-based discrimination, such discrimination persists with impunity. The Committee is particularly concerned about the obstacles that victims of caste-based discrimination reportedly face in accessing justice.</p> <p>15. Although certain harmful traditional practices have been prohibited by law, the Committee expresses its continuing concern about the persistence of such practices that violate the rights of women and girls as deuki (dedicating girls to a god or goddess), badi (widespread practice of prostitution among the Badi caste), chaupadi (isolating a woman during menstruation because she is considered to be impure), marrying child brides, and witchcraft. In this regard, the Committee regrets the lack of information contained in the State party's second periodic report about the full extent of such practices and the efforts being made to eradicate them.</p> <p>18. The Committee is concerned that, in spite of the abolition in 2002 of the system of bonded labour, there are still significant difficulties faced by the freed bonded labourers regarding their access to work and livelihood and appropriate education for their children. The Committee is also concerned that the lack of employment opportunities in the State party hinders the advancement from feudal relations to relations based on equality, particularly for ex-Kamaiyas and ex-Haliyas, many of whom have returned to the same condition of bonded labour from which they were supposedly freed.</p> <p>19. The Committee is concerned that despite the efforts of the State party to abolish the worst forms of child labour, the prevalence of child labour remains high, particularly in hazardous conditions of work in agriculture and in manual crafts and in industrial work, domestic work, and ragpicking. The Committee notes with grave concern that children continue to work in conditions of bonded labour.</p> <p>21. The Committee is deeply concerned that, in spite of the State party's progress made in its Ninth Development Plan to reduce poverty, there remains a high level of poverty in the State party where over 30 per cent of the population lives under the official poverty line. The Committee also regrets the absence of detailed annual data on the incidence and depth of poverty, disaggregated by gender, caste, ethnicity and region, as requested in the list of issues prepared by the Committee in relation to the State party's second periodic report.</p> <p>22. The Committee is deeply concerned that as much as a quarter of the population is undernourished. The seasonal food deficits experienced in most of the mountain and hill districts by the majority who are farmers engaged in low-productivity subsistence farming on small plots of land, are exacerbated by the rigid social structures that prevent the lower castes from benefiting from communal lands and public services and from engaging in other kinds of business activities. Freed bonded labourers, often denied work by the landlords from whom they were freed and unable to claim their entitlements under the Land Reform Act</p>
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	<p>and other programmes intended to help them adjust to free life, are particularly vulnerable to food insecurity.</p> <p>24. The Committee is concerned by the denial of access of persons belonging to the lower castes to public wells, thereby directly threatening their right to an adequate standard of living and their right to the highest attainable standard of health.</p> <p>26. The Committee is deeply concerned that the inadequate number, quality, staffing and supplies of health posts and the cost of reproductive health services continue to place women at risk, and that traditional attitudes among some castes and ethnic groups contribute to reproductive health problems of women.</p> <p>27. The Committee is concerned that in practice primary education is not completely free due to various fees charged to parents, such as for school supplies and uniforms. The Committee notes with concern that the State party has yet to adopt a policy of compulsory education. It further notes the great disparity in enrolment in primary schools between girls and boys and between the Brahmin and other castes, ethnic or indigenous groups, the high repeat and dropout rate among pupils, and the generally low quality of education in public schools.</p> <p>30. The Committee requests the State party to provide in its next periodic report detailed, updated information including disaggregated data on a comparative basis, on the effective measures undertaken to implement its treaty obligations. The Committee urges the State party to ensure that, in the Constitutional process currently underway, all sectors of society, including disadvantaged and marginalized groups, in particular the Dalit, the Madhesi and indigenous communities, and especially women within these groups, are represented in decision-making bodies at all levels. It recommends that concrete and active efforts be made to promote the participation of these groups in the Constituent Assembly, which, following the election of its members in 2007, will embark on the drafting of a new Constitution.</p> <p>32. The Committee recommends that a thorough review of national laws be undertaken with a view to identifying and rectifying all provisions that directly or indirectly permit discrimination on the basis of caste and multiple discrimination of women from certain groups. It urges the State party to strengthen its efforts to make widely known the prohibition of such discrimination and to improve effectively access to judicial and administrative remedies in cases of alleged violations. The Committee further recommends that special units be established to monitor the implementation of programmes to protect and promote the full enjoyment without discrimination of their economic, social and cultural rights by disadvantaged and marginalized groups, in particular the Dalit, the Madhesi and indigenous communities, and especially women within these groups.</p> <p>37. The Committee recommends that the State party strengthen its efforts to promote labour-intensive industries and increase productivity in the agricultural sectors. The Committee also recommends that special programmes for ex-Kamaiyas and ex-Haliyas, Dalits, indigenous persons and groups, and particularly women belonging to these groups, be expanded in the rural areas as a matter of priority.</p> <p>42. The Committee recommends that the State party take urgent steps to ensure food security and access to water for all, particularly those who belong to the most disadvantaged and marginalized groups. It recommends that agricultural policies aim effectively at improving not only productivity and commercialization but also access and distribution. In this regard, the Committee urges that specific measures be implemented with a view to enhancing the participation of the lower castes in the production, distribution and consumption of food. The Committee requests the State party to provide in its third periodic report detailed information about the extent of food insecurity, the groups most vulnerable to it, and the</p>
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	<p>concrete measures envisaged to address it. In this regard, the Committee draws the attention of the State party to its general comment No. 12 (1999) on the right to adequate food and general comment No. 15 (2002) on the right to water.</p> <p>43. The Committee recommends the immediate application of the Interim Constitution and laws prohibiting caste-based discrimination and segregation in cases of denial of access to public water sources. It recommends that access to public wells be closely monitored by the District Development Committees or by another appropriate local body.</p> <p>49. The Committee requests the State party to include in its next periodic report a specific section on the results of the measures taken to combat discrimination and enhance respect, protection and fulfilment of all economic, social and cultural rights. The Committee further requests the State party to include in its next periodic report, annual data, disaggregated by caste, ethnicity and sex, as well as specific benchmarks, to enable adequate monitoring and evaluation of the progress achieved.</p> <p>The Committee requests the State party to submit its third periodic report by 30 June 2011 and to include in that report, detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.</p>
<p><b>CESCR Concluding Observations – Nepal 2001</b> E/C.12/1/Add.66</p> <p>Keywords: Caste, Dalit, Discrimination, Education, customary practices, Badi caste, temple prostitution, trafficking, effective enforcement, primary and basic education, access to water</p>	<p>10. The Committee notes that the State party has adopted measures to abolish and punish the practices of polygamy, dowry, Deuki (a tradition of dedicating girls to a god or goddess; the girls become “temple prostitutes”) and prostitution among the Bedi caste.</p> <p>18. The Committee is deeply concerned at the high number of women and girls being trafficked for prostitution. The Committee also regrets the continuation of polygamy and the practices of dowry, Deuki and prostitution among the Bedi caste, particularly in rural areas.</p> <p>22. 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.</p> <p>43. The Committee urges the State party to enact or enforce legislation prohibiting customary practices, such as polygamy, dowry, Deuki and prostitution among the Bedi caste, and restricted ownership by women of land and family property, which violate the rights of women and girl children and to take measures to combat such practices by all means, including national educational programmes.</p> <p>46. The Committee urges the State party to enforce effectively legislation and programmes to put an end to discrimination, in particular with regard to access to housing, work and education, against persons belonging to the Dalits and the liberated Kamaiyas.</p> <p>57. The Committee recommends that primary and basic education be made free and compulsory for all without discrimination on the grounds of gender, ethnicity, religion or social status.</p> <p>60. The Committee recommends that the State party ensure that projects involving privatization of water supply provide for continued, assured and affordable access to water by local communities, indigenous people, and the most disadvantaged and marginalized groups of society.</p> <p>The Committee requests the State party to submit its second periodic report by 30 June 2006 and to include in the report detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.</p>



<b>Committee on the Elimination of Discrimination against Women (CEDAW)</b>	
<p><b>CEDAW Concluding Comments – Nepal 2011</b></p> <p>CEDAW/C/NPL/CO/4-5</p> <p>Keywords: temporary special measures, de facto or substantive equality, health, employment, education, housing, land ownership, public life, punishment for marital rape, sexual exploitation, trafficking and prostitution, participation in political and public life, multiple forms of discrimination, stereotypes and harmful traditional practices</p>	<p>Discriminatory laws</p> <p>11. The Committee notes with appreciation the efforts of the State party to review and revise discriminatory legislation, including in the Interim Constitution as well as in the 2006 Gender Equality Act which revised discriminatory provisions in the areas of property, marital rape and age of marriage. However, the Committee remains concerned at the persistence of a significant number of discriminatory laws and provisions.</p> <p>12. The Committee calls upon the State party to repeal all the remaining discriminatory laws and provisions and ensure that the new Constitution does not contain any discriminatory provisions.</p> <p>Temporary special measures</p> <p>15. The Committee welcomes the measures ensuring the presence of 33 per cent of women in the Constituent Assembly, special inclusive measures in the recruitment process in the public service, economic empowerment programmes for women and the favouring of women’s access to land, and notes with appreciation that the State party acknowledges the need for additional temporary special measures to reach de facto equality. However, the Committee is concerned that temporary special measures in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 are not systematically applied as a necessary strategy to accelerate the achievement of de facto or substantive equality between men and women, in particular women facing multiple forms of discrimination, in all areas of the Convention, including health, employment, education, housing, land ownership and public life.</p> <p>16. The Committee encourages the State party to:</p> <p>(a) Adopt temporary special measures to accelerate the advancement of women in areas in which women, in particular women facing multiple forms of discrimination, are underrepresented or disadvantaged, including in political representation, the administration and the judiciary, and access to health, education, employment, housing and land ownership; and</p> <p>(b) Include in its legislation specific provisions on the adoption of temporary special measures that encourage their use in both the public and private sectors.</p> <p>Stereotypes and harmful traditional practices</p> <p>17. The Committee is concerned that patriarchal attitudes and deep-rooted stereotypes that discriminate against women remain entrenched in the social, cultural, religious, economic and political institutions and structures of the Nepali society, as well as in the media. The Committee is concerned at the persistence of harmful traditional practices in the State party, such as child marriage, dowry system, son preference, polygamy, widows accused of witchcraft, Chaupadi, Jhuma, Deuki and Dhan-Khaane.</p> <p>18. The Committee recommends that the State party:</p> <p>(a) Put in place without delay a comprehensive strategy, with concrete goals and timetables, to eliminate patriarchal attitudes and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention;</p> <p>(b) Strengthen its awareness-raising and educational efforts, targeted at both women and men, with the involvement of civil society, as well as community and religious leaders, to eliminate harmful traditional practices, and collaborate with the media to enhance a positive, non-stereotypical and non-discriminatory portrayal of women; and</p>

	<p>(c) Promptly enact the draft law on social harmful practices, ensure that it covers all forms of harmful practices and ensure full implementation of this law without delay as well as monitoring of its effective implementation.</p> <p>Violence against women</p> <p>20. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopt comprehensive measures to address such violence, in accordance with its general recommendation No. 19. To this end, the Committee recommends that the State party:</p> <p>[...]</p> <p>(d) Continue to provide the police, public prosecutors, the judiciary and other relevant Government bodies, as well as healthcare providers, with the necessary training on domestic and sexual violence and undertake wider awareness-raising programs in all communities, including Dalit community, specifically targeting men and boys; and</p> <p>(f) Adopt and enact without delay the draft law under preparation which significantly increases the punishment for marital rape, as mentioned during the dialogue, and undertake an awareness-raising campaign on the new provisions in this regard.</p> <p>Trafficking and exploitation of prostitution</p> <p>21. The Committee welcomes the adoption of the National Plan of Action against trafficking in children and women for sexual and labour exploitation. However, the Committee is concerned about the lack of specific data on trafficking of women and girls, the lack of effective implementation of the Human Trafficking and Transportation Act 2007, the persistence of sexual exploitation, in particular among the Dalit community, and the persistence of the root causes of trafficking and prostitution, including poverty.</p> <p>Participation in political and public life</p> <p>23. The Committee welcomes the 33 percent representation of women in the Constituent Assembly. However, the Committee is deeply concerned about the very low representation of women, in particular Dalit and indigenous women, in high-level decision-making positions, the public service, the judiciary and the diplomatic service, in the National Human Rights Commission and at the local level.</p> <p>24. The Committee recommends that:</p> <p>(a) The quota system for women representation in the Constituent Assembly is increased in the future Parliament; and</p> <p>(b) The State party fully utilize the Committee's general recommendation No. 23 and adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, in order to accelerate the full and equal participation of women in public and political life. To this end, the Committee recommends that the State party:</p> <p>(i) Establish concrete goals and timetables so as to accelerate the increase in the representation of women, including Dalit and indigenous women, in elected and appointed bodies in all areas of public life from local level, including at the Village Development Committee level, to national and diplomatic levels; and</p> <p>(ii) Implement awareness-raising activities on the importance of the participation of women in decision-making for society as a whole, and develop targeted training and mentoring programmes for women candidates and women elected to public office, as well as programmes on leadership and negotiation skills for current and future women leaders.</p>
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	<p>Education</p> <p>27. While welcoming the overall increase in gender parity in primary and secondary education, the Committee is concerned about the minimal increase in female enrolment, the very high rate of drop out among girls, the urban/rural disparities in access to education and illiteracy rates, and the low literacy rate of female adults. The Committee is further concerned about the very low number of female teachers at all levels of education.</p> <p>28. The Committee urges the State party to enhance its compliance with article 10 of the Convention and to raise awareness of the importance of education as a human right and as the basis for the empowerment of women. To this end, it urges the State party to:</p> <p>(a) Strengthen its efforts to achieve universal provision of quality education for girls at each level of the education system in urban, rural and remote areas, provide access to education to girls with disabilities through improvement of infrastructures and provision of support systems, with special attention to girls from Dalit, Indigenous and other disadvantaged groups;</p> <p>Women facing multiple forms of discriminations</p> <p>39. The Committee is deeply concerned about the multiple forms of discrimination against disadvantaged groups of women such as Dalit and indigenous women, widows and women with disabilities.</p> <p>40. The Committee urges the State party to prioritize combating multiple forms of discrimination against women from various disadvantaged groups through the collection of data on the situation of these women, and the adoption of legal provisions and comprehensive programs, including public education and awareness raising campaigns involving the mass media as well as community and religious leaders, to combat multiple discriminations.</p> <p><i>The Government is asked to submit its sixth periodic report to CEDAW in July 2015.</i></p>
<p><b>CEDAW Concluding Comments – Nepal 2004</b></p> <p>A/59/38 (SUPP)</p> <p>Keywords:</p> <p>National Dalit Commission, implementation, disadvantaged castes, education, badi, forced prostitution, traditional harmful practices, domestic violence, marriage laws, public awareness-raising campaigns</p>	<p>193. The Committee commends the State party for establishing the Ministry of Women, Children and Social Welfare and for creating several other institutional mechanisms, including the National Commission on Women, gender focal points in other ministries, a National Human Rights Commission, the National Dalit Commission and a national committee to monitor the implementation of the Convention.</p> <p>205. The Committee urges the State party to intensify its efforts to address the literacy gap between men and women so that the goals established in the National Plan on Education in regard to equality in education can be achieved, particularly in rural areas and among disadvantaged castes and ethnic groups. The Committee also recommends that the State party strengthen its efforts to ensure equal access of girls and women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee calls on the State party to allocate more financial and human resources to the education sector, to recruit more women teachers and to ensure that school textbooks do not carry stereotyped images of women.</p> <p>208. The Committee is concerned at the continuing existence of child marriage and polygamy and other practices, including the institution of dowry, <i>deuki</i> (dedicating girls to a god and goddess), <i>jhuma</i> (in some communities, second sisters remain unmarried and spend their life in monasteries), <i>kumari pratha</i> (having a girl child as living goddess) and <i>badi</i> (ethnic practice of prostitution among young girls), that are contrary to the Convention and constitute discrimination against women. The Committee is also concerned that the enactment of the draft bill on domestic violence has been delayed indefinitely.</p>

	<p>209. The Committee recommends action without delay by the State party to enforce its marriage laws, particularly as they relate to the prohibition of child marriage and polygamy, in the light of general recommendation 21 on equality in marriage and family relations, and urges the State party to take steps to abolish other harmful and discriminatory traditional practices, such as dowry <i>deuki</i>, <i>jhuma</i>, <i>kumari pratha</i>, and <i>badi</i>. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns aimed at eliminating these practices. The Committee requests the State party to adopt immediately measures on domestic violence and to provide in its next report information about progress in relation to the draft bill on domestic violence.</p> <p><i>The Committee invites the State party to submit its fourth periodic report, which is due in 2004, and its fifth periodic report, due in 2008, in a combined report in 2008.</i></p>
<p><b>CEDAW Concluding Observations – Nepal 1999</b> <u>A/54/38/Rev.1</u> Keywords: caste system</p>	<p>Principal areas of concern and recommendations</p> <p>153. The Committee expresses concern that traditional Convention, the Committee’s general recommendations, and customs and practices detrimental to women and girls, such the Beijing Declaration and Platform for Action. as child marriage, dowry, polygamy, <i>deuki</i> (a tradition of dedicating girls to a god or goddess, who become “temple prostitutes”, which persists, despite the prohibition of the practice by the Children’s Act) <i>badi</i> (the ethnic practice of forcing young girls to become prostitutes) and discriminatory practices that derive from the caste system are still prevalent.</p>
<b>Committee on the Rights of the Child (CRC)</b>	
<p><b>Concluding observations on the report submitted by Nepal under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict</b> 3. June 2016  <u>CRC/C/OPAC/NPL/CO/1</u></p>	<p><b>Comprehensive policy and strategy</b></p> <p>7. The Committee welcomes the National Plan of Action for Reintegration of Conflict Affect Children (NPA-CAAC) launched in 2010. It also welcomes the programme to enrol children affected by the armed conflict in school and also provide them with scholarships. However, the Committee is concerned that, in practice, not all children affected by conflict, especially those who were child soldiers and victims of violations during the conflict have been able to access the benefits from these initiatives.</p> <p><b>8. The Committee recommends that the State party conduct an evaluation of its National Plan of Action with a view to including all children that were directly affected by the conflict, such as child soldiers or victims, or indirectly by loss of parent(s). In doing so, the State party should pay particular attention to the needs of children in vulnerable situations, including Dalit and minority children and/or children in rural areas.</b></p>
<p><b>CRC Concluding observations on the third to fifth periodic reports of Nepal.</b> 3. June 2016 <u>CRC/C/NPL/CO/3-5</u></p>	<p><b>General principles (arts. 2, 3, 6 and 12 of the Convention)</b></p> <p><i>Non-discrimination</i></p> <p>(b) There is persistent de facto discrimination against <i>Dalits</i>, on the basis of their caste, resulting in them living in marginalized communities with hindrances in access to education, and public places, including water sources and places of worship.</p> <p><b>The Committee urges the State party to:</b></p> <p>(b) Strengthen its efforts to combat discrimination against, stigmatization, and social exclusion of <i>Dalit</i> children; and, in doing so, establish targeted programmes, including awareness-raising, to facilitate their integration in other communities and</p>

	<p>ensure the enforcement of non-discriminatory access to education, and public places.</p> <p>38. In the light of its general comment No. 18 on harmful practices (2014), adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee reiterates its previous recommendations (CRC/C/15/Add.261, para. 68) and urges the State Party to take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes and adopting and implementing legislation explicitly prohibiting such practices. It further recommends that in doing so, the State Party prioritize girls, particularly girls with disabilities, girls living in rural areas and Dalit girls.</p> <p>55. The Committee urges the State party to expeditiously take measures to increase its budgetary allocations to its Multi-Sector Nutrition Plan and ensure equitable and non-discriminatory distribution of food pursuant to this plan, with particular attention to children in vulnerable situations, including those of Dalit backgrounds, minorities, and rural areas. The Committee also recommends that the severely earthquake affected districts of Dhading, Dolokha, Gorkha, Nuwakot, Rasuwa, and Sindhupalchok be prioritised. The State party is also encouraged to seek international assistance for this.</p> <p><b>Children belonging to minority or indigenous groups</b></p> <p>63. The Committee welcomes the creation of the National Dalit Commission and the National Foundation for Development of Indigenous Nationalities (NFDIN). It is however concerned about:</p> <p>64. The Committee recommends that the State Party:</p> <p><b>(a) Remove barriers in accessing water supply with particular attention to traditionally excluded groups, such as the Madhesi, Dalit, and Janajati; and,</b></p> <p>65. The Committee notes with satisfaction that the new Constitution recognizes indigenous children's right to education in their mother tongues. However, it is concerned about:</p> <p>(b) Dalit children, children belonging to minorities and Tibetan children, frequently suffering from hindrances to accessing education, health and social services; insufficient quality and cultural appropriateness of health care accessible to indigenous children and their mothers, including after the 2015 earthquake; and, the resulting disproportionately high mortality rate of indigenous and Dalit children in comparison to other children in the State party;</p> <p>(e) The 2015 earthquake exacerbating the vulnerability of orphans, children of indigenous groups, religious minorities, the Dalit community and migrant workers to human trafficking.</p> <p>66. With reference to the Committee's general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee urges the State party to strengthen its efforts to ensure that all children, irrespective of their belonging to a caste, minority or indigenous group, enjoy the entire range of rights enshrined in the Convention. The Committee recommends that the State party:</p> <p>(b) Provide culturally and linguistically adapted awareness-raising campaigns and targeted support measures in Dalit, minority and Tibetan communities to ensure meaningful access to education, health and social services;</p>
<p><b>CRC Optional Protocol Concluding Observations – Nepal 2012</b></p>	<p>4. The Committee welcomes the various positive measures in areas relevant to the implementation of the Optional Protocol, in particular the adoption of: (a) Caste-Based Discrimination and Untouchability (Crime and Offences) Act in May 2011; (b) Domestic Violence Control and Punishment Act in April 2009; (c) Human</p>

<p><u>CRC/C/OPSC/NPL/CO/1</u></p> <p>Keywords: caste-based discrimination, dalit, badi caste</p>	<p>Trafficking and Transportation Control Act in July 2007 and its 2008 Regulations; (d) Minimum Standard Rules for Running Child Welfare Homes in 2007; (e) Gender Equality Act in 2006; (f) Act to Amend Some Nepali Acts in November 2006 which raises the legal age of Marriage of girls to that of boys (20 years) and authorizes both male and female family members to register their children at birth.</p> <p>21. The Committee is especially concerned about: (a) The continued strong caste discrimination, particularly towards the Dalit as well as the prevailing legal and de facto discrimination against women and girls.</p> <p>27. The Committee recalls the concern it expressed in its concluding observations adopted on the fourth report of the State party under the Convention (CRC/C/15/Add.261 para.67) concerning harmful practices such as <i>deuki</i> (offering girls to deities to fulfil religious obligations); <i>jhumas</i> (offering young girls to Buddhist monasteries for performing religious functions); <i>kamlari</i>, (offering girls for domestic work to the families of landlords), and <i>badi</i> (widespread practice of prostitution among the Badi caste) which still persist in the State party and constitute serious breaches in the State party's obligations under article 2 (a) of the Optional Protocol.</p>
<p><b>CRC Concluding Observations – Nepal 2005</b></p> <p>CRC/C/15/ADD.261</p> <p>Keywords:</p> <p>Implementation, National Dalit Commission, armed conflict, caste system, de facto discrimination against girls and children, education, Badi, Halilya, harmful traditional practices, public information campaigns, poverty, compulsory primary education, child's right to education and leisure activities, sexual exploitation of children, bonded labour, child trafficking</p>	<p>7. The Committee further welcomes the establishment of the following bodies whose mandates include enhancing the implementation of the Convention: (a) the National Human Rights Commission, in 2000, in particular, the Child Rights Desk; (b) the National Commission on Women, in 2002; (c) the national Dalit commission, in 2002; (d) the children's clubs, established in more than 20 districts; and (e) the national poverty alleviation fund.</p> <p>9. The Committee acknowledges challenges faced by the State party with regard to the general state of insecurity and violence due to the armed conflict. The Committee also notes the very high levels of poverty which are exacerbated by the heavy debt burden and the existence of many traditional beliefs and customs and the caste system, all of which impede progress to the full realization of children's rights enshrined in the Convention.</p> <p>35. While noting that discrimination is prohibited under the Constitution and other relevant legislation, as well as the various efforts undertaken by the State party to eliminate discrimination, the Committee reiterates its deep concerns about the widely prevailing de facto discrimination against girls and children belonging to the most vulnerable groups such as the Dalit community, children belonging to indigenous or ethnic minority groups, refugee and asylum-seeking children, street children, children with disabilities and children living in rural areas. The Committee notes with grave concern that as a consequence of prevailing discriminatory attitudes, children belonging to vulnerable groups are particularly likely to fall victim to abuse and exploitation.</p> <p>36. With reference, inter alia, to the concerns of the Committee on the Elimination of Racial Discrimination (CERD/C/64/CO/5) regarding the persistent de facto caste-based discrimination against Dalit in education, employment, marriage, access to public places including water sources and places of worship, the Committee expresses serious concern about the harmful effects of this prevailing form of discrimination on the physical, psychological and emotional well-being of the Dalit children in the State party.</p> <p>37. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the right to non-discrimination, and to adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. In this regard, the Committee urges the State party to prioritize and target social services for children belonging to the most vulnerable groups, and to take all effective measures to</p>

	<p>ensure their protection from exploitation. The Committee encourages the State party to launch comprehensive public information campaigns to prevent and combat all forms of discrimination.</p> <p>61. The Committee also notes with concern that little has been done to address the particular health vulnerabilities and needs of children at risk, including street children, child labourers, child sex workers and Dalit children.</p> <p>67. The Committee notes with concern that certain harmful traditional practices continue to prevail in the State party, most notably the caste system and traditions such as the Deuki, Kumari, Jhuma, Badi, Kamlari and Chaupadi, causing extreme insecurity, health hazards and cruelty to girl children. The Committee regrets the absence of legal prohibition and sufficient interventions on the part of the State party to address the harmful effects of these traditional practices on the enjoyment of rights by children who are affected by these practices.</p> <p>71. The Committee expresses concern about the high level of prevailing poverty in the State party, which hampers the respect for, and fulfillment of, the rights of children, particularly those living in rural areas, those living in slums and squats, and among the lower castes and ethnic minorities, and the ability of their families to provide them with adequate protection.</p> <p>75. While welcoming the development of the National Plan of Action on Education for All, and the Basic and Primary Education Master Plan (1997-2002) and the Basic and Primary Education Master Plan II (1999-2004), the Committee is seriously concerned that primary education has not been made compulsory and that the target set by the State party to achieve universal primary education by 2000 was never met and has been extended to 2015. The Committee also remains concerned about the low public expenditure in education and structural lack of resources, largely responsible for the shortage of qualified teachers, poor physical infrastructure, overcrowding in schools and material shortages in school. The Committee is also concerned about the high dropout rate, and that significant inequality exists in access to education, in part due to the hidden costs associated with schooling, and that a large proportion of girls and children from disadvantaged backgrounds such as Dalit children and children with disabilities remain deprived of educational opportunities.</p> <p>76. The Committee recommends that the State party carefully examine the budget allocations and measures taken within the field, with regard to their impact on the progressive implementation of the child's right to education and leisure activities. In particular, the Committee recommends that the State party:</p> <ul style="list-style-type: none"> <li>(a) Make primary education compulsory and free for all children and for more years than just the five years of primary school;</li> <li>(b) Continue to strengthen measures aimed at increasing enrolment rates and school attendance, as well as reducing the high dropout rate in primary and secondary education and ensure that children receive the full schooling to which they are entitled;</li> <li>(c) Undertake additional efforts to increase the budget allocated to education;</li> <li>(d) Take further measures to improve the accessibility, in particular for girls, to education of all children, with a view to eliminating the prevailing disparities between girls and boys, as well as between urban and rural areas;</li> <li>(e) Take measures to improve the quality of education, inter alia, by building more schools, improving physical infrastructures and ensuring schools are adequately equipped;</li> <li>(f) Prioritize efforts at teacher training and expand recruitment of qualified teachers, in particular women and persons from all ethnic groups;</li> </ul>
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	<p>(g) Introduce and fully implement targeted programmes for children from poor families and children from marginalized groups;</p> <p>(h) Continue to strengthen public provision of early childhood education, in particular in rural areas, and increase the number of trained preschool teachers, and raise awareness amongst parents about the value of early childhood education;</p> <p>(i) Adopt appropriate legislative measures to combat the use of corporal punishment in schools;</p> <p>(j) In the light of the Committee's general comment No. 1 (2001) on the aims of education, include human rights education, including the rights of children, in the school curriculum at all levels of education;</p> <p>(k) Ratify the Convention against Discrimination in Education (1960) and the Convention on Technical and Vocational Education (1989);</p> <p>(l) Seek further technical assistance from, inter alia, UNICEF and UNESCO.</p> <p>87. While noting the efforts taken by the State party to eliminate the phenomenon of sexual exploitation of children, the Committee is gravely concerned about the large number of children in the State party who are sexually exploited. The Committee is of the view that insufficient efforts have been taken to protect the particularly vulnerable groups of children from sexual exploitation. Specifically, the Committee notes with concern that children of lower castes are disproportionately represented among sex workers, and about the persistence of the customary practice known as Badi, whereby young girls of the Bedi caste are forced into prostitution.</p> <p>89. The Committee recommends that the State party, allocate resources as a matter of priority to:</p> <p>(a) Enact appropriate legislation that ensures protection from sexual abuse and exploitation for boys and girls under 18 years;</p> <p>(b) Undertake a comprehensive study to examine the sexual exploitation of children, gathering accurate data on its prevalence;</p> <p>(c) Take appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation, in particular children belonging to the Bedi and other lower castes;</p> <p>(d) Avoid criminalizing child victims of sexual exploitation and ensure proper prosecution of perpetrators;</p> <p>(e) Implement appropriate policies and programmes for the prevention, recovery and reintegration of child victims, including establishment of rehabilitation centres in all regions, in accordance with the Declaration and Agenda for Action adopted at the First World Congresses against Commercial Sexual Exploitation of Children and the Yokohama Global Commitment 2001 adopted at the Second World Congress;</p> <p>(f) Seek assistance from, inter alia, UNICEF.</p> <p>92. While welcoming the abolition in 2000 of the Kamaiya system of bonded labour and the enactment in 2002 of the Kamaiya Prohibition Act, the Committee is concerned that a large number of Kamaiya children remain unreleased and continue to work as bonded labourers, and that many thousands of Dalit bonded labourers (haliya), including children, are reported to be working in agriculture in Western Nepal and in the plains. The Committee is particularly concerned that they continue to face serious difficulties in the areas of the right to housing, land, work and education.</p>
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	<p>95. The Committee takes note of the various efforts undertaken by the State party to combat child trafficking and welcomes the information that police officers are being trained in issues relating to sexual exploitation and trafficking of women and children. However, the Committee remains deeply concerned about the perversity of the phenomenon of trafficking and sale of children within Nepal and across the border for the purposes of sexual exploitation and bonded labour. The Committee notes with grave concern that</p> <p>certain groups of children are at a particularly higher risk of being sold and trafficked, including girls, internally displaced children, street children, orphans, children from rural areas, refugee children and children belonging to more vulnerable castes. The Committee further expresses concern that the existing legal protection for victims of trafficking, most notably the Human Trafficking Control Act, is inadequate, and that its implementation is seriously inadequate. The Committee is also concerned that the child victims of sexual exploitation do not receive adequate protection and recovery assistance.</p> <p><i>The Committee invites the State party to submit its third, fourth and fifth reports in one consolidated report by 13 March 2010, the due date of the fifth report.</i></p>
<b>Committee Against Torture (CAT)</b>	
<p><b>CAT Concluding Recommendations – Nepal 2005</b></p> <p>CAT/C/NPL/CO/2</p> <p>Keywords:</p> <p>National Dalit Commission, deeply rooted discriminatory practices caste-based abuse, caste representation in police and security forces, statistical data on caste, compensation and rehabilitation</p>	<p>5. The Committee notes the establishment of a number of human rights coordination and monitoring mechanisms, such as the National Human Rights Commission, the National Commission on Women and the National Dalit Commission, the Human Rights Protection Committee and the National Coordination Committee, and the human rights cells in the Police, the Armed Police Force and the Royal Nepalese Army.</p> <p>26. Despite the State party’s acknowledgment that caste discrimination exists in the country and the creation of the National Dalit Commission, the Committee is gravely concerned about the continued deeply rooted discriminatory practices committed on a large scale against marginalized and disadvantaged groups or castes such as the Dalits. The Committee is also concerned that the long-standing pattern of caste discrimination is being further entrenched by the current conflict in the country. The Committee reaffirms that it is the duty of the State party to protect all members of society, in particular citizens belonging to marginalized and disadvantaged groups or castes, such as the Dalits. The State party should take specific steps to safeguard their physical integrity, ensure that accountability mechanisms are in place guaranteeing that caste is not used as a basis for abuses, unlawful detention and torture, and take steps to ensure more diverse caste and ethnic representation in its police and security forces. The State party should include information on caste discrimination in its next periodic report.</p> <p>36. The Committee requests the State party to provide in its next periodic report detailed statistical data regarding cases of torture and other forms of cruel, inhuman or degrading treatment or punishment reported to administrative authorities and the related investigations, prosecutions and penal and disciplinary sentences, including details of courts martial, disaggregated by, inter alia, gender, ethnic group, caste, geographical region, and type and location of place of deprivation of liberty, where it occurred, paying particular attention to juveniles in detention. In addition, information is also requested on any compensation and rehabilitation provided to victims.</p> <p><i>The State party is invited to submit its next periodic report, which will be considered as the combined third, fourth and fifth report, by 12 June 2008, the due date of the fifth periodic report.</i></p>

<b>Human Rights Committee (CCPR)</b>	
<b>CCPR Concluding Observations – Nepal 2014</b> <a href="#">Full version</a>	<b>Caste-based discrimination</b> <p>9. While welcoming the adoption of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act in 2011, the Committee remains concerned at the lack of its effective implementation and the persistence of <i>de facto</i> discrimination against the Dalit community. It also regrets the lack of sufficient resources provided to the National Dalit Commission and the failure to effectively implement its recommendations (arts. 2 and 26).</p> <p>The State party should strengthen its measures to implement the Caste-based Discrimination and Untouchability (Offence and Punishment) Act and to eliminate all forms of discrimination against the Dalit community. It should also ensure that the National Dalit Commission can carry out its mandate effectively with sufficient resources, and that its recommendations are effectively implemented.</p>
<b>PAKISTAN</b>	
<b>Committee on the Elimination of Discrimination against Women (CEDAW)</b>	
<b>CEDAW Concluding Observations – Pakistan 2013</b> <a href="#">CEDAW/C/PAK/CO/4</a> Keywords: women from minorities, minority communities, religious minorities, employment quota, temporary special measures, trafficking, exploitation of prostitution, bonded labour, domestic servitude, child marriage, political participation, employment, rural women, refugee and internally displaced women and girls, marriage and family relations, forced conversions	<p>Editor’s note: There are no specific references to scheduled caste women / Dalit women in the Concluding Observations, despite a comprehensive alternative report submitted on the issue for the examination: <a href="#">‘SCHEDULED CASTE WOMEN IN PAKISTAN - Denied a life in dignity and respect’</a> Many of the recommendations of the Committee are however very relevant to improve the situation of scheduled caste women and other minorities in Pakistan, and are therefore included in this compilation.</p> <p>Relevant paragraphs include observations on:</p> <ul style="list-style-type: none"> <li>• Temporary Special Measures (paras. 19+20a and 20b)</li> <li>• Trafficking and exploitation of prostitution(paras. 23 + 24a)</li> <li>• Participation in political and public life (paras. 25 + 26a)</li> <li>• Employment(paras. 29 + 30a + 33 + 34a, b, and c)</li> <li>• Refugee and internally displaced women and girls(paras. 35 + 36c and d)</li> <li>• Marriage and family relations(paras. 37+ 38 a, b, c, d, e and f)</li> </ul>
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	
<b>CERD Concluding Observations – Pakistan 2016</b>	<b>Access to justice 23.</b> <p>The Committee welcomes the free legal assistance programmes provided for in the National Action Plan for Human Rights of 2016 and the allocation of funding to this end. However, it remains concerned that persons belonging to ethnic and religious minorities, refugees and the Scheduled Caste (Dalits) have had limited access to justice owing to high legal fees and the lack of clarity on the criteria and procedure for the application of the free legal assistance programmes (arts. 5 and 6).</p> <b>Bonded labour 27.</b> <p>The Committee is concerned that, despite the adoption of the Bonded Labour System (Abolition) Act of 1992, the bonded labour practices persist in the State party, particularly in brick kiln and textile industries and among the Scheduled Castes (Dalits). It appears that the Act has not been effectively implemented owing</p>

	<p>to the lack of awareness of the Law, among people working under debt-bondage as well as law enforcement and judicial officials (arts. 1 and 5).</p> <p><b>The scheduled castes (Dalits) 31.</b></p> <p>The Committee notes the State party's statement that it does not recognize any discrimination among individuals on the basis of their belonging to a specific caste. It is however, concerned that the de facto existence of the scheduled castes (Dalits) and discrimination against them, particularly in the area of employment and education continue. The Committee is deeply concerned at the repeated reports on abduction of Dalit women and girls for the purpose of forced conversion to Islam and forced marriage. It regrets the lack of detailed information and data on the situation of Dalits in the State party (arts. 1, 2 and 5).</p> <p><b>32. Recalling its general recommendation No. 29 (2002) on article 1 of the Convention (Descent), the Committee recommends that the State party take measures necessary to end discrimination against Dalits, particularly in accessing employment and education. It urges the State party to take immediate action to end the forced conversion and forced marriage of Christian and Hindu Dalit women and to prosecute and punish the abductors with penalties commensurate with the gravity of the crime.</b></p> <p><b>CERD/C/PAK/CO/21-23 7 It requests the State party to include information on the situation of Dalit in the country, including relevant statistical data, in its next periodic report to the Committee.</b></p>
<p><b>CERD Concluding Observations – Pakistan 2009</b></p> <p>CERD/C/PAK/CO/20</p> <p>Keywords:</p> <p>Definition regarding minorities, anti-discrimination law, descent, caste-based discrimination, de facto segregation of and 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>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 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</p>

	<p>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> <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. 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</p>
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	<p>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><b>CERD Concluding Observations – Pakistan 1997</b></p> <p>CERD/C/304/Add.25</p> <p>Keywords:</p> <p>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 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>
<b>Committee on the Rights of the Child (CRC)</b>	
<p><b>Concluding observations on the fifth periodic report of Pakistan*</b></p> <p><b>3. June 2016</b></p>	<p><b>C. General principles (arts. 2, 3, 6 and 12 of the Convention)</b></p> <p><b>Non-discrimination</b></p> <p>(c). Widespread discrimination against children belonging to religious and ethnic minorities, children with disabilities, children born out of</p>

\* Adopted by the Committee at its seventy-second session (17 May -3 June 2016).

<p><u>CRC/C/PAK/CO/5</u></p>	<p>wedlock, children living in poverty, children of Dalit communities, children living in rural and remote areas and LGBT children.</p> <p><b>19.</b> The Committee urges the State party to take concrete measures to address and reduce the serious gender disparities and discrimination against girls prevailing throughout the State party. In particular, the Committee recommends that the State party take effective measures to review its legislation and practices in order to eliminate any gender disparities in entitlements for girls by comprehensive public education and awareness raising programmes to combat and prevent discrimination against girls, for local authorities, religious leaders, and judges and prosecutors and inform children, especially girls, about their rights under the Convention. Furthermore, the Committee reiterates its previous recommendation that the State party take all appropriate measures, such as comprehensive public education programmes, to combat and prevent discrimination and negative societal attitudes and mobilize political, religious and community leaders to support efforts to eradicate traditional practices and attitudes which discriminate against children belonging to religious or other minority groups, children with disabilities, children living in poverty, children of Dalit communities, children living in rural and remote areas and LGBT children.</p> <p><b>23. Right to life, survival and development</b></p> <p><b>The Committee urges the State party to take immediate measures to:</b></p> <p><b>(b) Prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children such as children living in poverty, including Dalit children;</b></p> <p><b>Economic exploitation, including child labour</b></p> <p><b>71.</b> The Committee welcomes the legislative acts in Punjab and KP provinces which prohibit employment of children in certain hazardous occupations. The Committee however remains seriously concerned about:</p> <p>(c) The continuous practice of bonded and forced labour affecting children from poor and vulnerable background, including Dalit children;</p> <p><b>72. The Committee urges the State party to:</b></p> <p>(c) Eradicate all forms of bonded and forced labour of children, in particular children from marginalized and disadvantaged groups such as Dalit children and bring those responsible, in particular employers, to justice;</p>
<p><b>CRC Concluding Observations – Pakistan 2009</b></p> <p>CRC/C/PAK/CO/3-4</p> <p>Keywords:</p> <p>Children belonging to a religious or other minority group, children living in rural areas, traditional practices, birth registration</p>	<p>30. The Committee is concerned at the persistence of discriminatory societal attitudes and discrimination against children belonging to a religious or other minority group, children with disabilities, children living in poverty and children living in rural and remote areas.</p> <p>31. The Committee recommends that the State party take all appropriate measures, such as comprehensive public education programmes, to combat and prevent discrimination and negative societal attitudes and mobilize political, religious and community leaders to support efforts to eradicate traditional practices and attitudes which discriminate against children belonging to religious or other minority groups, children with disabilities, and children living in poverty and in rural and remote areas.</p>

	<p>41. While noting the many efforts made by the State party to promote timely birth registration, the Committee is concerned that more than 70 per cent of children are not registered at birth, especially girls, children belonging to a religious or minority group, refugee children and children living in rural areas. The Committee is further concerned at the practice of denying birth registration when parents cannot prove their citizenship.</p> <p>42. The Committee recommends that the State party ensure the full implementation of measures taken to remove structural obstacles to birth registration, launch a mass cost-free birth registration campaign and simplify the procedures for birth registration in order to cover all persons in the country, regardless of sex, religion, status or nationality, in accordance with article 7 of the Convention. The Committee recommends that the State party harmonize birth registration systems across the country and consider linking the system with the National Registration Act 1973.</p> <p><i>The Committee invites the State party to submit its fifth periodic report by 11 December 2012.</i></p>
<p><b>CRC Concluding Observations – Pakistan 2003</b></p> <p>CRC/C/15/Add.217</p> <p>Keywords:</p> <p>Discriminatory social attitudes and discrimination against minority children, children belonging to a religious or other minority group, children living in rural areas</p>	<p>Non-discrimination</p> <p>29. While acknowledging the actions taken to address discrimination against girls in education, the Committee is concerned at the persistence of discriminatory social attitudes and discrimination against minority children and against girls, early and forced marriages, low school enrolment and high dropout rates, honour killings, mutilation and violence. Furthermore, the Committee is concerned at the disparities in the enjoyment of rights and the social discrimination experienced by children belonging to the most vulnerable groups, including children with disabilities, children belonging to a religious or other minority group and children living in rural areas.</p> <p>30. The Committee recommends that the State party:</p> <p>(a) Make greater efforts to ensure that, in accordance with article 2, all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, particularly girl children, children belonging to a religious or other minority group, children with disabilities and other vulnerable groups of children; and</p> <p>(b) Target social services at children belonging to the most vulnerable groups.</p>
<b>Committee on Economic, Social and Cultural Rights (CESCR)</b>	
<p><b>CESCR Concluding Observations – Pakistan 2017</b></p> <p>E/C.12/PAK/CO/1</p>	<p><b>Scheduled Castes/Dalits</b></p> <p>31. The Committee remains concerned at well-documented reports of the continuing de facto discrimination and segregation facing the Scheduled Castes/Dalits and the entrenched stigma and prejudice against them (arts. 2, 6, 13 and 14).</p> <p><b>32. The Committee recommends that the State party carry out a study on the situation of the Scheduled Castes/Dalits with the participation of this community and relevant experts and include information on the situation of Dalits in the country, including relevant statistical data, in its next periodic report. It also recommends that the State party take effective measures to eradicate stigma and prejudice against the Scheduled Castes/Dalits, including awareness-raising campaigns, and to combat discrimination against Dalits, particularly in the employment and education sectors.</b></p>

<b>BANGLADESH</b>	
<b>Human Rights Committee (CCPR)</b>	
<p><b>HRC Concluding Observations – Bangladesh 2017</b></p> <p>CCPR/C/BGD/CO/1</p> <p>Keywords:</p> <p>Persistence of a caste based system resulting in limited employment and housing opportunities for people from so-called lower castes who experience extreme poverty, social stigma and marginalization.</p>	<p><b>Non-discrimination</b></p> <p>11. While noting that pursuant to article 28 of the Constitution the State will not discriminate against citizens on the limited grounds of “religion, race, caste, sex or place of birth,” the Committee is concerned that the Anti-Discrimination Bill of 2015 has not yet been adopted, and that discrimination continues to occur against certain groups, such as:</p> <p>(a) Discriminatory provisions against women continue to exist in law, and laws and Constitutional provisions protecting women are not enforced due in part to patriarchal attitudes in the State party towards women and girls;</p> <p>(b) Attacks on places of worship of religious minorities, extortion, intimidation, harassment of, and land grabbing from, religious minorities;</p> <p>(c) Lack of legal recognition of indigenous peoples, reported discrimination and restrictions on the civil and political rights of indigenous peoples, in particular as it relates to land rights and participation in political and decision making processes;</p> <p>(d) Persistence of a caste based system resulting in limited employment and housing opportunities for people from so-called lower castes who experience extreme poverty, social stigma and marginalization;</p> <p>(e) Criminalization under section 377 of the Penal code of consensual sexual acts between same sex couples which are termed “unnatural behaviour,” stigmatization, harassment and violence against lesbian, gay, bisexual and transgender (LGBT) persons, barriers to assistance in seeking employment of “hijras” who are considered as transgender persons by the administration of invasive and humiliating medical examinations to prove transgender status (arts. 2, 3, 26 and 27).</p> <p><b>12. The State party should ensure that the Anti-Discrimination Bill of 2015 protects against direct and indirect discrimination in the public and private sphere based on a comprehensive list of grounds for discrimination, including colour, descent, caste, national or ethnic origin, religion, sexual orientation and gender identity, disability and other status, and provide for effective remedies in case of violations. The State party should also accelerate the adoption of this bill and ensure its effective implementation. It should also develop education campaigns for schools, government officials and the general public to promote tolerance and appreciation for diversity and non-discrimination. Furthermore, the State party should:</b></p> <p><b>(d) Take measures to end the de facto caste systems, and ensure that individuals from so-called lower casts are not relegated to caste based employment and have equal access to all rights guaranteed under the Covenant, without discrimination;</b></p>
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	
<p><b>CERD Concluding Observations – Bangladesh 2001</b></p> <p>CERD/C/304/Add.118</p> <p>Keywords:</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</p>



<p>Disaggregated information on the economic and social status of all ethnic, racial discrimination, religious and tribal minorities, interpretation of ‘descent’ including caste.</p>	<p>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>
<p><b>Committee on the Rights of the Child (CRC)</b></p>	
<p><b>CRC Concluding Observations – Bangladesh 2015</b> <u>CRC/C/BGD/ CO/5</u></p>	<p><b>C. General principles (arts. 2, 3, 6 and 12 of the Convention)</b></p> <p>Non-discrimination</p> <p>While noting the State party’s efforts to combat discrimination, the Committee reiterates its previous concern (CRC/C/BGD/CO/4, para.32) that discrimination against certain groups of children, particularly girls, children with disabilities, children of ethnic and religious minorities, in particular Dalit and indigenous children, children living in rural areas, refugee and asylum-seeking children and children in street situations still exists in practice.</p> <p><b>I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)</b></p> <p>Children belonging to minority or indigenous groups</p> <p>The Committee is concerned that children from minority groups, in particular Dalit children, and indigenous children face discrimination and violence, and lack access to quality education, in particular to education in their mother tongue. The Committee is also concerned about the lack of recognition of indigenous identity of the <i>Adivasi</i> (indigenous peoples) by the State party.</p>
<p><b>CRC Concluding Observations – Bangladesh 2009</b> CRC/C/BGD/CO/4</p> <p>Keywords:</p> <p>Non-discrimination, discrimination against children on the basis of social origin, or other status of their parents, marginalized and excluded children.</p>	<p>32. While noting the commitment taken by the State party in its Constitution and “Vision 2021” to create an equitable, just and non-discriminatory society, the Committee is nevertheless concerned that the principle of non-discrimination contained in article 2 of the Convention is not fully respected in practice. Girls continue to face discrimination and disparities, particularly with regard to health care, nutrition and early marriage, as do particular groups of children, including refugee children, children with disabilities, children in slums and rural areas and children of ethnic and religious minorities. The Committee is also concerned that children face discrimination on the basis of social origin, or other status of their parents.</p> <p>33. The Committee strongly recommends that the principle of non-discrimination, as provided for under article 2 of the Convention, be fully and vigorously applied by the State party and integrated into the implementation of all other articles to guarantee, without discrimination, the rights set out in the Convention. The Committee further recommends that the State party take the</p>

	<p>necessary measures to ensure that efforts to address persistent discrimination and reduce disparities are adequate and effective in the family, schools and other settings, and in particular among marginalized and excluded children, including girls, children of ethnic minorities and refugee children.</p> <p>The Committee invites the State party to submit the fifth periodic report, by 20 October 2012. This report should not exceed 120 pages (see CRC/C/118) and should include information on the implementation of the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.</p>
<p><b>CRC Concluding Observations – Bangladesh 2003</b></p> <p>CRC/C/15/Add.221</p> <p>Keywords:</p> <p>Discrimination against other vulnerable groups, discrimination on any grounds and against all vulnerable groups</p>	<p>28. The Committee welcomes the measures undertaken by the State party to enhance the situation of girls, especially in relation to education. It remains deeply concerned about persistent discriminatory attitudes towards girls, which are deeply rooted in traditional stereotypes and limit access to resources and services. The Committee is also concerned about discrimination against children with disabilities, street children, child victims of sexual abuse and exploitation, tribal children and other vulnerable groups.</p> <p>29. The Committee recommends that the State party take adequate measures to ensure implementation of the principle of non-discrimination in full compliance with article 2 of the Convention, and strengthen its proactive and comprehensive efforts to eliminate discrimination on any grounds and against all vulnerable groups. The Committee also recommends that the State party undertake an education campaign for boys and men on gender issues and sex discrimination.</p> <p>79. The Committee is deeply concerned about the poor situation of children of the Chittagong Hill Tracts, and other religious, national and ethnic minorities, tribal groups or similar marginalized groups and the lack of respect for their rights, including the rights to food, to health care, to education and to survival and development, to enjoy their own culture and to be protected from discrimination.</p> <p>80. The Committee urges the State party to gather additional information on all minorities or similar marginalized groups of the population, and to elaborate policies and programmes to ensure the implementation of their rights without discrimination, taking into account the Committee’s recommendations adopted at its day of general discussion on the theme “The rights of indigenous children”.</p> <p><i>The Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 1 September 2007, the date on which the fourth report is due.</i></p>
<b>Committee on Elimination of Discrimination against Women (CEDAW)</b>	
<p><b>CEDAW Concluding Observations – Bangladesh 2015</b></p> <p>CEDAW/C/BGD/CO/8</p>	<p><b>Legislative framework</b></p> <p>The Committee notes with concern that many discriminatory laws and provisions remain in the national legislation, such as different definitions of a girl child and boy child in various acts, restrictive scope of marital rape in the criminal code, and the lack of jurisdiction of special tribunals for violence against women to hear cases of discrimination against women. It is also concerned that the personal status laws of the State party regulating marriage, divorce, inheritance, guardianship and custodial rights within various religious groups continue to discriminate against women and girls and that the State party is yet to consider adopting a unified family code. It is further concerned about the State party’s failure to adopt the long-awaited Anti-Discrimination Bill and about the lack of implementation of the provisions of the Constitution and existing laws on the women’s and girls’ rights due in part to prevailing patriarchal attitudes in the State party.</p> <p>(c) Accelerate the adoption of the Anti-Discrimination Law, which is in compliance with the Convention within a specific time frame; and</p>

	<p><b>Disadvantaged groups of women</b></p> <p>40. The Committee is concerned that disadvantaged groups of women and girls, including Dalit women, women with disabilities, elderly women, Rohingya refugee women and women of ethnic minorities face multiple intersecting forms of discrimination due to their gender, health, indigenous identity, caste and socio-economic status. The Committee is in particular concerned about:</p> <p>(c) Abductions, sexual harassment, rape, intimidation and lack of access to public services and resources for Dalit women; and</p> <p><b>Data collection and analysis</b></p> <p>45. The <b>Committee</b> recommends that the State party take measures to collect data in all areas covered under the Convention. The data should be disaggregated by sex, age, ethnicity, religious background, socio-economic status, including caste, marital status and others.</p>
<p><b>CEDAW Concluding Observations – Bangladesh 2011</b></p> <p>CEDAW/C/BGD/CO/7</p> <p>Keywords:</p> <p>Multiple forms of discrimination, Dalit women, disadvantaged groups of women, disaggregated data, special measures, access to justice, protection from violence and abuse</p>	<p>Disadvantaged groups of women</p> <p>37. The Committee is concerned at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women, migrant women, refugee women, older women, women with disabilities and girls living on the streets. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice.</p> <p>38. The Committee recommends that the State party:</p> <p>a. Collect disaggregated data on the situation of disadvantaged groups of women facing multiple forms of discrimination and adopt pro-active measures, including temporary special measures, to eliminate such discrimination and protect them from violence and abuse.</p> <p><i>The Committee invites the State party to submit its next periodic report in February 2015.</i></p>
<b>SRI LANKA</b>	
<b>Committee on the Rights of the Child (CRC)</b>	
<p><b>CRC Concluding Observations – Sri Lanka 2010</b></p> <p>CRC/C/LKA/CO/3-4</p> <p>Keywords: caste discrimination, children, disadvantaged groups, affirmative action, awareness-raising programmes</p>	<p>2. General principles(arts. 2, 3, 6 and 12 of the Convention) - Non-discrimination</p> <p>28. The Committee expresses concern at the persistent discrimination against children belonging to the Veddha, Muslim and Tamil communities, among whom those living in tea plantations are in a particularly disadvantaged situation. The Committee is concerned that discrimination also persists against girls, rural children, refugee and internally displaced children, children of overseas workers, children in institutional care and children with disabilities. The Committee expresses further concern about caste discrimination, which affects 20 to 30 per cent of the Sri Lankan population and contributes to their poor living conditions, rejection and marginalization.</p> <p>29. The Committee urges the State party to closely monitor the situation of children, in particular those belonging to the above-mentioned disadvantaged groups, who are exposed to discrimination. The State party should develop, on the basis of the results of this monitoring, a comprehensive strategy containing specific and well-targeted actions, including affirmative social actions, aimed at eliminating all forms of discrimination against them. The Committee further calls upon the State party to investigate caste-based discrimination and to mobilize</p>

	communities and government employees against such discrimination through awareness-raising programmes.
<b>Human Rights Committee (CCPR)</b>	
<p><b>CCPR Concluding Observations – Sri Lanka 1991</b></p> <p><u>A/46/40</u></p> <p>Keywords: caste, unjust discrimination by government agencies</p>	<p>Non-discrimination and equality of the sexes</p> <p>463. In reply, the representative said that the Commission for the Elimination of Discrimination and the Monitoring of Fundamental Rights consisted of Persons having expertise in such areas as law, medicine, science, engineering, banking and administrative or social service. Its mandate was to eliminate unjust discrimination by government agencies on the grounds of race, religion, language, caste, sex, political opinion, or place of birth. The Commission was not empowered to investigate discrimination by a private entity. The disparity in the number of women admitted to university reflected the fact that in the social context of Sri Lanka, fewer women than men sought employment. Universal adult enfranchisement since 1931 had ensured the free and unhindered participation of women in the country’s political institutions, as was evidenced by the number of women occupying government posts. According to the Constitution, all persons, regardless of nationality and citizenship, were equal before the law and were entitled to equal protection before the law, except in respect of freedom of movement and extradition rules. Private companies were beyond the dictates of the Government. Responsibility for the treatment of Sri Lankan women abroad rested with the receiving State. Prisoners were not allowed to vote for historical reasons predating the constitution.</p>
<b>Committee on Economic, Social and Cultural Rights (CESCR)</b>	
<p><b>CESCR Concluding Observations – Sri Lanka 2017</b></p> <p>E/C.12/LKA/CO/5</p>	<p><b>Non-discrimination</b></p> <p>13. The Committee is concerned that the State party has not yet adopted a comprehensive anti-discrimination law. It also notes with concern that although the Constitution establishes the principle of equality and non-discrimination under article 12(2), prohibiting discrimination on the grounds of race, religion, language, caste, sex, political opinion and place of birth, but that it does not include the grounds of colour, national or ethnic origin, disability, sexual orientation or gender identity. (art.2)</p> <p><b>14. The Committee recommends that the State party adopt a comprehensive anti-discrimination law, in accordance with article 2 of the Covenant. It furthermore recommends that it expand the non-discrimination clause in article 12(2) of the Constitution to also include, inter alia, the grounds of colour, national or ethnic origin, disability, sexual orientation or gender identity. The Committee draws the State party’s attention to its general comment no. 20 (2009) on non-discrimination in economic, social and cultural rights.</b></p> <p>15. The Committee, while welcoming the National Plan of Action for the Social Development of the Plantation Community (2016-2020), is concerned that the Up-Country community (or so-called “Plantation Tamils”) suffer from direct and indirect discrimination (including caste-based) with regard to most Covenant rights, including high levels of poverty, poor working conditions, inadequate housing conditions, lack of access to health care, lack of quality education and</p>

	<p>high drop-out rates, child labour, and a lack of citizenship or identity documents.(arts. 2, 7, 11, 12, 13)</p> <p><b>16. The Committee recommends that the State party take steps to prioritize the implementation of the National Plan of Action for the Social Development of the Plantation Community, in particular to eradicate poverty, ensuring adequate water and sanitation, expedite measures foreseen to construct individual houses for persons living in line rooms, addressing child malnutrition, and access to quality health care.</b></p>
<p><b>CEDAW Concluding Observations – Sri Lanka 2017</b></p> <p><u>CEDAW/C/LKA/CO/8</u></p>	<p><b>Legal Framework for prohibition of discrimination against women</b></p> <p>11. The Committee recommends that the State party, within a clearly defined timeframe:</p> <p><b>(e) Adopt and implement policies and programs which address intersectional discrimination including caste-based discrimination.</b></p>
<b>JAPAN</b>	
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	
<p><b>CERD Concluding Observations – Japan 2014</b></p> <p><u>CERD/C/JPN/CO/7-9</u></p> <p>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><b>CERD Concluding Observations – Japan 2010</b></p> <p>CERD/C/JPN/CO/3-6</p> <p>Keywords:</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</p>

<p>descent-based discrimination, Burakumin, national anti-discrimination law, Dowa special measures law, social and economic rights</p>	<p>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"> <li>(a) remedy the absence of legislation to give full effect to the provisions against discrimination under article 4;</li> <li>(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</li> </ul>
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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"> <li>(a) assign a specific government agency or committee mandated to deal with Buraku issues;</li> <li>(b) fulfil the commitments made upon the termination of the Special Measures Law;</li> <li>(c) engage in consultation with relevant persons to adopt a clear and uniform definition of Burakumin;</li> <li>(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;</li> <li>(e) provide statistical indicators reflecting the situation and progress of the above-mentioned measures; and</li> <li>(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.</li> </ul> <p><i>The Committee recommends that the State party submit its seventh, eight and ninth periodic reports, due on 14 January 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></p>
<p><b>CERD Concluding Observations – Japan 2001</b> CERD/C/304/Add.114</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</p>

<p>Keywords: Definition of descent-based discrimination, ethnic composition, Burakumin</p>	<p>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>
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**Committee on Elimination of Discrimination against Women (CEDAW)**

<p><b>CEDAW Concluding Observations - Japan 2016</b> <u>CEDAW/C/JPN/CO/7-8</u></p> <p>Keywords: Buraku, Sexist speech, education, minority</p>	<p><b>Stereotypes and harmful practices</b></p> <p>(d) Sexist speech continues to be directed against women, ethnic and other minority women such as the Ainu, Buraku and Zainichi Korean women and migrant women.</p> <p><b>21. The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 30) and urges the State party to:</b></p> <p>(d) Adopt legislation to prohibit and sanction sexist speech and propaganda advocating racial superiority or hatred, including attacks on ethnic and other minority women such as the Ainu, Buraku and Zainichi Korean women as well as migrant women;</p> <p><b>Participation in political and public life</b></p> <p>(c) The under- representation of women with disabilities, ethnic and other minority women such as Ainu, Buraku and Zainichi Korean women in decision making positions.</p>
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	<p><b>31. The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 42) and calls upon the State party to:</b></p> <p>(c) Take specific measures, including temporary special measures, to promote the representation of women with disabilities, ethnic and other minority women such as Ainu, Buraku and Zainichi Korean women in decision making positions.</p> <p><b>Education</b></p> <p>(e) Reports of low literacy levels among ethnic and other minority communities, in particular, older women from the Ainu and Buraku ethnic communities;</p> <p><b>33. The Committee recommends that the State party:</b></p> <p>(d) Remove all obstacles to access to education for women and girls with disabilities, migrant women and ethnic and other minority women such as the Ainu, Buraku and Zainichi Korean women; and provide information in the next periodic report on their access to education as well as to scholarships</p> <p><b>Employment</b></p> <p>(e) The persistence of multiple/intersectional forms of discrimination in the employment sector with regard to indigenous women, minority and other women (Buraku, Korean, Okinawa), women with disabilities and migrant women workers</p> <p><b>Disadvantaged groups of women</b></p> <p>46. The Committee is concerned at reports that indigenous and ethnic minority, such as Ainu, Buraku and Zainichi Korean women, as well as other women such as women with disabilities, LBT women and migrant women continue to experience multiple and intersecting forms of discrimination. The Committee is particularly concerned that these women continue to have limited access to health, education and employment.</p> <p>47. The Committee calls upon the State party to vigorously pursue efforts aimed at eliminating multiple and intersecting forms of discrimination experienced by indigenous and ethnic minority women such as Ainu, Buraku and Zainichi Korean women, as well as women with disabilities, LBT women and migrant women which affect their access to health, education, employment and participation in public life, as well as in their experiences with the health and education services and at the workplace</p>
<p><b>CEDAW Concluding Observations – Japan 2009</b> CEDAW/C/JPN/CO/6</p> <p>Keywords:</p> <p>Minority women, comprehensive study on minority women including Buraku women.</p>	<p>Paragraphs 31, 32, 37, 38, 39, 40, 41, 42, 51, 52, 53 and 54 of the Concluding Observations explicitly touch on the issue of minority women. Below is one paragraph which mentions Buraku women.</p> <p>52. The Committee urges the State party to take effective measures, including the establishment of a policy framework and the adoption of temporary special measures, to eliminate discrimination against minority women. To this end, the Committee urges the State party to appoint minority women representatives to decision-making bodies. The Committee reiterates its previous request (A/58/38, para. 366) that the State party include information on the situation of minority women in Japan, especially with regard to education, employment, health, social welfare and exposure to violence, in its next periodic report. In this context, the Committee calls upon the State party to conduct a comprehensive study on the situation of minority women, including indigenous Ainu, Buraku and Zainichi Korean and Okinawa women.</p> <p><i>The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its combined seventh and eighth periodic report in July 2014.</i></p>

<b>Committee on the Rights of the Child (CRC)</b>	
<p><b>CRC Concluding Observations – Japan 2010</b> <u>CRC/C/JPN/CO/3</u></p> <p>Keywords: Social and economic marginalisation, burakumin origin</p>	<p>Children belonging to minority or indigenous groups</p> <p>86. While noting the measures taken by the State party to improve the situation of the Ainu people, the Committee is concerned that children of Ainu, Korean, Burakumin origin and other minorities continue to experience social and economic marginalisation.</p> <p>87. The Committee urges the State party to take the necessary legislative or other measures to eliminate discrimination against children belonging to ethnic minorities in all spheres of life and ensure their equal access to all services and assistance provided for under the Convention.</p>
<p><b>CRC Concluding Observations – Japan 2004</b> CRC/C/15/Add.231</p> <p>Keywords: Societal discrimination against Buraku children, children born out of wedlock, public education and awareness campaigns</p>	<p>24. The Committee is concerned that legislation discriminates against children born out of wedlock and that societal discrimination persists against girls, children with disabilities, Amerasian, Korean, Buraku and Ainu children and other minority groups, and children of migrant workers.</p> <p>25. The Committee recommends that the State party amend its legislation in order to eliminate any discrimination against children born out of wedlock, in particular, with regard to inheritance and citizenship rights and birth registration, as well as discriminatory terminology such as “illegitimate” from legislation and regulations. The Committee recommends that the State party undertake all necessary proactive measures to combat societal discrimination and ensure access to basic services, in particular, for girls, children with disabilities, Amerasians, Koreans, Buraku, Ainu and other minorities, children of migrant workers and refugee and asylum-seeking children, through, inter alia, public education and awareness campaigns.</p> <p><i>The Committee expects to receive the third periodic report from the State party, which should not exceed 120 pages (see CRC/C/118), by 21 May 2006, date on which the report is due.</i></p>
<b>Committee on Economic, Social and Cultural rights (CESCR)</b>	
<p><b>CESCR Concluding Observations – Japan 2001</b> E/C.12/1/Add.67</p> <p>Keywords: De jure and de facto discrimination against minority groups including Buraku communities, housing, education, employment</p>	<p>13. The Committee is concerned about the persisting <i>de jure</i> and de facto discrimination against minority groups in Japanese society, and in particular against the Buraku and Okinawa communities, the indigenous Ainu people and people of Korean descent, especially in the fields of employment, housing and education.</p> <p>E. Suggestions and Recommendations</p> <p>40. While noting that the State party is currently in the process of consultations with Koreans living in the Utoro area regarding their unresolved situation, the Committee recommends that the State party continue to undertake necessary measures to combat patterns of de jure and de facto discrimination against all minority groups in Japanese society, including the Buraku people, the people of Okinawa and the indigenous Ainu, particularly in the fields of employment, housing and education.</p> <p><i>The Committee requests the State party to submit its third periodic report by 30 June, 2006, and to include in that report detailed information on the steps undertaken to implement the recommendations contained in the present concluding observations.</i></p>
<b>Human Rights Committee (CCPR)</b>	
<p><b>CCPR Concluding Observations – Japan 2014</b></p>	<p>Gender equality</p>

<p><u>CCPR/C/JPN/CO/6</u></p>	<p>9. While welcoming the adoption of the Third Basic Plan for Gender Equality, the Committee is concerned at the limited impact of this plan in view of the low levels of women carrying out political functions. The Committee regrets the lack of information regarding participation of minority women, including Buraku women, in policy-making positions. It is concerned about reports that women represent 70 percent of the part-time workforce and earn on average 58 percent of the salaries received by men for equivalent work. The Committee also expresses concern at the lack of punitive measures against sexual harassment or dismissals of women due to pregnancy and childbirth (arts. 2, 3 and 26).</p> <p>The State party should effectively monitor and assess the progress of the Basic Plan for Gender Equality and take prompt action to increase the participation of women in the public sector, including through temporary special measures, such as statutory quotas in political parties. It should take concrete measures to assess and support the political participation of minority women, including Buraku women, promote the recruitment of women as full-time workers and redouble its efforts to close the wage gap between men and women. It should also take the necessary legislative measures to criminalise sexual harassment and prohibit and sanction with appropriate penalties unfair treatment due to pregnancy and childbirth.</p> <p>Hate speech and racial discrimination</p> <p>12. The Committee expresses concern at the widespread racist discourse against members of minority groups, such as Koreans, Chinese or Burakumin, inciting hatred and discrimination against them, and the insufficient protection granted against these acts in the criminal and civil code. The Committee also expresses concern at the high number of extremist demonstrations authorised, the harassment and violence perpetrated against minorities, including against foreign students, as well as the open display in private establishments of signs such as “Japanese only” (arts. 2, 19, 20 and 27).</p> <p>The State should prohibit all propaganda advocating racial superiority or hatred that incites to discrimination, hostility or violence, and should prohibit demonstrations that intended to disseminate such propaganda. The State party should also allocate sufficient resources for awareness-raising campaigns against racism and increase its efforts to ensure that judges, prosecutors and police officials are trained to be able to detect hate and racially motivated crimes. The State party should also take all necessary steps to prevent racist attacks and to ensure that the alleged perpetrators are thoroughly investigated and prosecuted and, if convicted, punished with appropriate sanctions.</p>
<p><b>CCPR Concluding Observations – Japan 1998</b></p> <p><u>CCPR/C/79/Add.102</u></p> <p>Keywords: discrimination, buraku minority</p>	<p>C. Principal subjects of concern and recommendations</p> <p>15. With regard to the Dowa problem, the Committee acknowledges the acceptance by the State party of the fact that discrimination persists vis-à-vis members of the Buraku minority with regard to education, income and the system of effective remedies. The Committee recommends that the State party take measures to put an end to such discrimination.</p> <p><i>The Committee has fixed the date of submission of Japan’s fifth periodic report to be October 2002.</i></p>
<p><b>UNITED KINGDOM</b></p>	
<p><b>Committee on the Elimination of Racial Discrimination (CERD)</b></p>	
<p><b>CERD Concluding observations -UK 2016</b></p> <p>26 August 2016</p>	<p><b>C. Concerns and recommendations</b></p> <p><b>Implementation of the Convention</b></p>

<p><u>CERD/C/GBR/CO/21-23</u></p> <p>Keywords: Equality Act 2010, General Recommendation No. 29</p>	<p>7. The Committee notes that the State party maintains its position that there is no obligation to incorporate the Convention into domestic law. It reiterates its concern that the provisions of the Convention have not been given full effect in the State party and throughout the overseas territories and Crown dependencies. In particular, it expresses concern that several provisions of the Equality Act 2010 have not yet been brought into legal effect, including Section 9(5)(a) on caste-based discrimination and Section 14 on dual discrimination. It also reiterates its concern that the Equality Act 2010 does not apply to Northern Ireland, where comprehensive anti-discrimination legislation has yet to be adopted (arts. 1 and 2).</p> <p><b>8. The Committee recommends that the State party ensure that the principles and the provisions of the Convention are directly and fully applicable under domestic law in England, Northern Ireland, Scotland and Wales, as well as the overseas territories and Crown dependencies. In particular, the State party should:</b></p> <p><b>(a) Invoke Section 9(5)(a) of the Equality Act 2010 without further delay to ensure that caste-based discrimination is explicitly prohibited under law and that victims of this form of discrimination have access to effective remedies, taking into account the Committee’s general recommendation No. 29 (2002) on descent;</b></p>
<p><b>CERD Concluding Observations – UK 2011</b></p> <p><u>CERD/C/GCR/CO/18-20</u></p> <p>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).</p> <p>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.”</p> <p><i>The Committee recommends that the State party submit its combined 21st to 23<sup>rd</sup> periodic reports in a single document, due on 6 April 2014.</i></p>
<p><b>CERD Concluding Observations – UK 2003</b></p> <p><u>CERD/C/63/CO/11</u></p> <p>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.</p> <p><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>
<b>YEMEN</b>	
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	
<p><b>CERD Concluding Observations – Yemen 2011</b></p> <p>CERD/C/YEM/CO/17-18</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</p>

<p>Keywords:</p> <p>Descent-based discrimination, Al-Akhdam, CERD general recommendation 29</p> <p>The “Al-Akhdam” are Yemen’s most marginalized ethnic minority also referred to as the “Yemeni minority of African Descent”</p>	<p>State party to acknowledge that the Al-Akhdam have different ethnic characteristics (articles 2(2) and 5).</p> <p>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.</p> <p><i>The Committee recommends that the State party submit its 19th and 20th periodic reports in a single document, due on 17 November 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></p>
<p><b>CERD Concluding Observations – Yemen 2006</b></p> <p>CERD/C/YEM/CO/16</p> <p>Keywords:</p> <p>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>

<b>Committee on Economic, Social and Cultural rights (CESCR)</b>	
<p><b>CESCR Concluding Observations – Yemen 2011</b> E/C.12/YEM/CO/2</p> <p>Keywords: Al-Akhdam, CESCR GC No. 20, social and economic marginalization, employment, child labour, school drop-out, adequate housing, water and sanitation, electricity</p>	<p>7. The Committee is deeply concerned about the widespread manifestations of discrimination in Yemen against disadvantaged and marginalized individuals and groups, in particular women, which often bear a structural character.</p> <p>The Committee recommends that the State party adopt a comprehensive anti-discrimination law, addressing all disadvantaged and marginalized sectors of the society. The Committee invites the State party to draw guidance in these endeavors from its General Comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.</p> <p>8. The Committee is concerned that the Al-Akhdam people continue to face social and economic marginalization and discrimination, especially concerning access to employment, conditions of work, extensive level of child labour, extremely high levels of school drop-out, lack of adequate housing, water and sanitation, as well as electricity, (art.2).</p> <p>The Committee calls on the State party to combat the social discrimination and marginalization faced by the Al-Akhdam people, including through temporary special measures, in line with the Committee’s General Comment No.20 on Non-Discrimination in Economic, Social and Cultural Rights, and to adopt a national action plan for this purpose, elaborated with the participation of Al-Akhdam people and equipped with an effective, participatory and transparent monitoring and implementation mechanism. The Committee also recommends that the planned measures focus on access to employment, adequate conditions of work, enrolment of children in education and prevention of school drop-outs, access to medical care, and reduction of child mortality, as well as access to adequate housing, water, sanitation and electricity.</p> <p><i>The Committee emphasized the importance that the State party include statistical data on all Covenant rights, paying particular attention to disadvantaged and marginalized groups of society, in their next report which is due in June 2013.</i></p>
<p><b>CESCR Concluding Observations – Yemen 2003</b> E/C.12/1/Add.92</p> <p>Keywords: Al-Akhdam</p>	<p>D. Principal subjects of concern</p> <p>8. The Committee is concerned about the persistence of de facto discrimination, within the Yemeni civil society, in relation to some marginalized and vulnerable groups, commonly referred to as Akhdam, Ahjur or Zubud (derogatory terms for which no neutral alternatives exist).</p> <p>27. The Committee urges the State party to undertake effective measures, such as awareness-raising campaigns and educational programmes, to combat de facto discrimination, in particular against marginalized and vulnerable groups in society commonly referred to as Akhdam, Ahjur or Zubud.</p> <p><i>The Committee requests the State party to submit its second periodic report by 30 June 2008.</i></p>
<b>Committee on the Rights of the Child (CRC)</b>	
<p><b>CRC Concluding Observations – Yemen 2014</b> <u>CRC/C/YEM/CO/4</u></p> <p>Keywords: Muhamasheen children, discrimination,</p>	<p>IV. Main areas of concern and recommendations</p> <p>C. General principles (arts. 2, 3, 6 and 12 of the Convention)</p> <p>Non-discrimination</p> <p>29. The Committee is concerned at the persistence of discriminatory social attitudes against categories of children in marginalised and disadvantaged situations, including children who are addressed as Muhamasheen children, children born out of wedlock and children with disabilities, all of which have a negative impact in the enjoyment of their rights. It is deeply concerned at discrimination against girls from the earliest stages of their life and through their</p>

	<p>childhood due to the persistence of traditional attitudes and norms by which girls are perceived as inferior than boys.</p> <p>30. The Committee recommends that the State party:</p> <p>(a) Adopt and implement a comprehensive strategy addressing all forms of discrimination, including multiple forms of discrimination against all categories of children in marginalised and disadvantaged situations, and implement it in collaboration with a wide range of stakeholders and involving all sectors of society so as to facilitate social and cultural change;</p> <p>(b) Ensure that children who are in marginalised and in disadvantaged situations, such as children who are addressed as Muhamasheen children, children born out of wedlock and children with disabilities have access to basic services and enjoy their rights under the Convention; and</p> <p>(c) Take all the necessary measures to eliminate societal discrimination against women and girls through public educational programmes, including campaigns organized in cooperation with opinion leaders, families and the media.</p> <p>G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)</p> <p>Education, including vocational training and guidance</p> <p>69. The Committee notes the efforts of the State party in the field of education during the reporting period. However, it remains concerned at:</p> <p>(f) The widening gap in the rate of school enrolment of children with disabilities and children addressed as Muhamasheen children when compared with the nationwide rates; and</p>
<p><b>CRC Concluding Observations – Yemen 2005</b>  CRC/C/15/Add.267  Keywords:  Al-Akhdam children</p>	<p>Non-discrimination</p> <p>27. The Committee urges the State party to undertake effective measures, such as awareness-raising campaigns and educational programmes, to combat de facto discrimination, in particular against marginalized and vulnerable groups in society commonly referred to as Akhdam, Ahjur or Zubud.</p> <p>32. The Committee is deeply concerned at the persistence of discriminatory social attitudes against girls. Furthermore, the Committee is concerned at the disparities in the enjoyment of rights and at the social discrimination experienced by children belonging to the most vulnerable groups, inter alia, children who are also addressed as Akhdam children, children born out of wedlock, children with disabilities, street children and children living in rural areas.</p> <p>33. The Committee recommends that the State party:</p> <p>Strengthen its efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, particularly with regard to girl children, in accordance with article 2;</p> <p>Prioritize and target social services for children belonging to the most vulnerable groups, including those children referred as Akhdam children, children with disabilities, street children and children living in rural areas;</p> <p>Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family;</p> <p>Train school teachers, media and members of the legal profession, particularly the judiciary, to be gender-sensitive; and</p> <p>Mobilize religious leaders to support such efforts.</p> <p>34. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the</p>

	<p>Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in 2001 and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).</p> <p><i>The Committee invites the State party to submit its fourth periodic report by 30 May 2008, which should not exceed 120 pages (see CRC/C/148).</i></p>
<p><b>CRC Concluding Observations – Yemen 1999</b></p> <p><a href="#">CRC/C/15/Add.102</a></p> <p>Keyword: discrimination, Akhdam children</p>	<p><b>D. Principal subjects of concern and the Committee's recommendations</b></p> <p>18. With regard to the implementation of article 2 of the Convention, the Committee expresses its concern about the persistent disparities between the northern and southern regions of the State party as well as between urban and rural areas. Furthermore, the Committee remains concerned (see CRC/C/15/Add. 47, paras. 8 and 9) about the occurrence of discrimination affecting girls, children with disabilities, children born out of wedlock, refugee children, Akhdam children and children belonging to nomadic groups. The Committee reiterates its recommendation to the State party to continue taking measures to reduce economic, social and geographical disparities, including between rural and urban areas, and to prevent discrimination against the most disadvantaged groups of children.</p>
<p><b>CRC Concluding Observations – Yemen 1996</b></p> <p><a href="#">CRC/C/15/Add.47</a></p> <p>Keywords:</p>	<p>D. Principal subjects of concern</p> <p>9. The Committee is also concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, in particular girls, children living in rural areas, children victims of abuse, children affected by armed conflicts, disabled children, "akhdam" children and children who are forced to live and/or work in the streets, including child beggars.</p> <p>E. Suggestions and recommendations</p> <p>19. The Committee encourages the Government to improve the system of collecting statistical and other data in all areas covered by the Convention, with a view to evaluating progress in the realization of children's rights. Appropriate disaggregated indicators should be identified in order to pay particular attention to all groups of children, including the most vulnerable ones such as girls, children living in rural areas, children victims of abuse, children affected by armed conflicts, disabled children, "akhdam" children and children who are forced to live and/or work in the streets. Research activities should also be undertaken in these areas in cooperation with academic institutions and non-governmental organizations.</p> <p>20. The Committee recommends that the State party, in the light of article 4 of the Convention and of the principles of non-discrimination and the best interests of the child, undertake all appropriate measures, to the maximum extent of the available resources, to ensure that budgetary allocation is provided to services for children, particularly in the areas of education and health, and that priority attention is paid to the protection of the rights of children belonging to the most disadvantaged groups, including girls, children living in rural areas, children affected by armed conflicts, disabled children, "akhdam" children and children who are forced to live and/or work in the streets.</p>
<b>Human Rights Committee (CCPR)</b>	
<p><b>CCPR Concluding Observations – Yemen 2012</b></p> <p>CCPR/C/YEM/CO/5</p> <p>Keywords:</p>	<p>In the Concluding Observations, the Human Rights Committee raised the following concern on the situation of the Al-Akhdam:</p> <p>12. The Committee is concerned about reports of long-standing discrimination and marginalization of some minority groups such as the Al Akhdam community, 80% of which is illiterate and which suffers from extreme poverty, and has inadequate</p>



<p>Al-Akhdam, discrimination, marginalization, ethnic, religious and linguistic minorities, extreme poverty, access to services, right to a fair and speedy trial, effective remedies</p>	<p>access to health care, water and other basic services. The Committee is particularly concerned that in the context of the 2011 unrest, the Al Akhdam community has suffered from acts of aggression and intimidation, which have allegedly not led to any investigation and prosecution so far (arts. 2, 7 and 26).</p> <p>The State party should ensure that all members of ethnic, religious and linguistic minorities enjoy effective protection from discrimination and are able to enjoy their own culture and equally to access education, health and public services. Victims of discrimination should be provided with effective remedies, including compensation.</p> <p><i>The Committee requests the State party, in its next periodic report, due to be submitted by 30 March 2015, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.</i></p>
<p><b>NIGERIA</b></p>	
<p><b>Committee on the Elimination of Racial Discrimination (CERD)</b></p>	
<p><b>CERD Concluding Observations – Nigeria 2005</b> CERD/C/NGA/CO/18</p> <p>Keywords:</p> <p>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).</p> <p>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</p>

	<p>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>
<b>MAURITANIA</b>	
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	
<p><b>CERD Concluding Observations – Mauritania 2004</b></p> <p>CERD/C/65/CO/5</p> <p>Keywords:</p> <p>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>
<b>Committee on the Rights of the Child (CRC)</b>	
<p><b>CRC Concluding Observations – Mauritania 2009</b></p> <p>CRC/C/MRT/CO/2</p> <p>Keywords:</p>	<p>36. While noting as positive the Act No. 2007-042 of 3 September 2007 criminalizing slavery, the Committee is concerned over the lack of effective implementation of the law. The Committee is seriously concerned over reports indicating the continued existence of caste based slavery, which has a particular impact on girls in domestic service and boys forced to beg by marabouts. The Committee is especially concerned over the absence of services to free and</p>

Caste-based slavery	<p>reintegrate children victims of slavery and over the lack of measures to educate the public about traditional slavery practices in general.</p> <p>37. The Committee urges the State party to take all necessary measures to eradicate slavery and in particular to ensure that perpetrators of such practices are held accountable in accordance with the law. The Committee calls upon the State party to implement a national strategy against slavery, including an analysis of its root-causes, and take effective measures to free victims of slavery and provide them with psycho-social recovery as well as reintegration measures. The Committee recommends that the State party conduct specific awareness-raising campaigns on the legislation which criminalizes slavery.</p> <p><i>The Committee invites the State party to submit its combined third, fourth and fifth report, by 14 June 2013. This report should not exceed 120 pages (see CRC/C/118).</i></p>
<b>Committee on Elimination of Discrimination against Women (CEDAW)</b>	
<p><b>CEDAW Concluding Observations – Mauritania 2014</b></p> <p><a href="#">CEDAW/C/MRT/CO/2-3</a></p>	<p>Employment</p> <p>37. The Committee recommends that the State party:</p> <p>(f) Fully dismantle the caste-based system of enslaving women in domestic work and thereby raise the dignity of women domestic workers, ensure that women domestic workers have access to effective complaint procedures and redress and consider ratifying ILO Convention No. 189 (1990) on decent work for domestic workers; and</p>
<b>MADAGASCAR</b>	
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	
<p><b>CERD Concluding Observations – Madagascar 2004</b></p> <p>CERD/C/65/CO/4</p> <p>Keywords:</p> <p>No definition of racial discrimination, caste system, descent-based discrimination, slavery, CERD general recommendation XXIX</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>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>
<b>SENEGAL</b>	
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	

<p><b>CERD Concluding Observations – Senegal 2012</b> <u>CERD/C/SEN/CO/16-18</u></p>	<p><b>Discrimination based on descent</b></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;</p> <p>(b) Take steps to raise awareness and educate the public about the harmful effects of the caste system and the situation of victims;</p> <p>(c) Provide the Committee with further detailed information on the phenomenon and its scale.</p>
<p><b>CERD Concluding Observations – Senegal 2002</b> 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>
<p><b>Committee on the Rights of the Child (CRC)</b></p>	
<p><b>CRC Concluding Observations -Senegal 2016</b> <u>CRC/SEN/CO/3-5</u></p>	<p>(b) Adopt a comprehensive strategy to eliminate de facto discrimination against all groups of children in vulnerable and marginalized situations, particularly girls, children in street situations and <i>talibés</i>, children with disabilities, children belonging to lower castes, children living in rural areas, and children infected and/or affected by HIV/AIDS</p>
<p><b>CHAD</b></p>	
<p><b>Committee on the Elimination of Racial Discrimination (CERD)</b></p>	
<p><b>CERD Concluding Observations – Chad 2013</b> <u>CERD/C/TCD/CO/16-18</u> Keywords: caste</p>	<p>C. Sujets de préoccupation et recommandations</p> <p>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 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).</p> <p>Rappelant sa recommandation générale no 29 (2002) concernant la discrimination fondée sur l’ascendance, le Comité recommande à l’État partie de:</p> <p>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);</p> <p>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;</p>

	<p>c) Intégrer cette question dans le Plan d'action national des droits de l'homme 2012-2015 qu'il entend adopter;</p> <p>d) Fournir au Comité des renseignements supplémentaires détaillés sur ce phénomène et son ampleur.</p>
<p><b>CERD Concluding Observations – Chad 2009</b> 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> <p>(a) take specific measures to combat and abolish the caste system, including the adoption of specific legislation prohibiting descent-based discrimination;</p> <p>(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</p> <p>(c) provide the Committee with additional detailed information on the nature and extent of this problem (art. 3).</p> <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>
<b>MALI</b>	
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	
<p><b>CERD Concluding Observations – Mali 2002</b> 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> <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></p>
<b>ETHIOPIA</b>	
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	
<p><b>CERD Concluding Observations – Ethiopia 2009</b> <u>CERD/C/ETH/CO/7-16</u> Keywords: Caste-like forms of racial discrimination</p>	<p>D. Concerns and Recommendations</p> <p>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)</p> <p>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</p>

	<p>into account general recommendation No. 29 (2002) on descent-based discrimination.</p> <p><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></p>
<p><b>CERD Concluding Observations – Ethiopia 2003</b></p> <p>CERD/C/62/CO/4(CERD, 2003)</p> <p>Keywords: Caste-like forms of racial discrimination, General Recommendation XXIX</p>	<p><b>D. Concerns and recommendations</b></p> <p>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)</p> <p><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></p>
<b>GHANA</b>	
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	
<p><b>CERD Concluding Observations – Ghana 2003</b></p> <p><u>CERD/C/62/CO/4</u></p> <p>Keywords:</p> <p>Descent-based discrimination, General Recommendation XXIX</p>	<p>D. Concerns and recommendations</p> <p>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.</p>
<b>MAURITIUS</b>	
<b>Committee on the Elimination of Racial Discrimination (CERD)</b>	
<p><b>CERD Concluding Observations – Mauritius 2013</b></p> <p><u>CERD/C/MUS/CO/15-19</u></p> <p>Keywords:</p> <p>caste, hierarchy, racial and ethnic superiority</p>	<p>C. Concerns and recommendations</p> <p>Identity and ethnic relations</p> <p>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 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).</p> <p>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><b>CERD Concluding Observations – Mauritius 1996</b></p> <p><a href="#">CERD/C/304/Add.19</a></p> <p>Keywords: caste</p>	<p>C. Positive aspects</p> <p>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>
<p><b>BURKINA FASO</b></p>	
<p><b>Committee on the Elimination of Racial Discrimination (CERD)</b></p>	
<p><b>CERD Concluding Observations - Burkina Faso</b></p> <p><a href="#">CERD/C/BFA/CO/12-19</a></p> <p>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</p> <p>Discrimination based on descent</p> <p>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;</p> <p>(b) Consider adopting special legislation on discrimination based on descent;</p> <p>(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;</p> <p>(d) Include this issue in the appropriate programmes, policies and strategies adopted by the State party;</p> <p>(e) Provide the Committee with detailed additional information on the impact of the measures taken to abolish this system.</p>
<p><b>CERD Concluding Observations – Burkina Faso</b></p> <p><a href="#">CERD/C/304/Add.41</a></p> <p>Keywords: caste</p>	<p>C. Positive aspects</p> <p>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>
<p><b>MICRONESIA (Federation States of)</b></p>	
<p><b>Committee on the Rights of the Child (CRC)</b></p>	
<p><b>CRC Concluding Observations – Micronesia 1998</b></p>	<p>C. Positive aspects</p> <p>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</p>

<p>CRC/C/15/Add.86)</p> <p>Keywords: Caste system</p>	<p>the Constitution, which makes it an excellent basis for the implementation of the Convention in Burkina Faso.</p> <p>D. Principal Subjects of Concern</p> <p>15. As regards the implementation of article 2, the Committee is particularly concerned at the insufficient measures adopted to ensure the full enjoyment by girl children of the rights recognized in the Convention. The Committee is concerned at the difference between boys and girls with regard to the minimum age of marriage, as well as the possibility for girls to marry at an earlier age than 16. The Committee is also concerned at the existence of a caste system, especially in Yap State, and its incompatibility with the provisions of article 2.</p> <p>E. Suggestions and Recommendations</p> <p>32. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussions and decision-making, but are also appropriately reflected in any judicial and administrative proceedings and in the development and implementation of all projects, programmes and services which have an impact on children. While noting existing legislation prohibiting discrimination, the Committee also emphasizes that the principle of non-discrimination, as provided under article 2 of the Convention, must be fully implemented, including with regard to the girl child, disparities between states and social status. In this regard, the Committee encourages the State party to send additional information on the caste system. The Committee wishes to encourage the State party to further develop a systematic approach to increasing public awareness of the participatory rights of children in the light of article 12 of the Convention.</p>
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**SURINAME**

**Committee on the Elimination of Racial Discrimination (CERD)**

<p><b>CERD Concluding Observations –Suriname</b></p> <p><u>CERD/C/SUR/CO/13-15</u></p> <p>Keywords: Caste, diaspora</p>	<p>C. Concern and recommendations</p> <p>Discrimination based on descent</p> <p>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).</p> <p>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>
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**GENERAL COMMENTS (OF RELEVANCE)**

**Committee on the Elimination of Racial Discrimination (CERD)**

<p><b>CERD</b></p> <p><u>General Comment No. 29</u> 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</p>
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	<p>taking into consideration the specific recommendations made by the Committee. Below are some abstracts from the General Recommendation:</p> <p>“The Committee on the Elimination of Racial Discrimination,</p> <p>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,</p> <p>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,</p> <p>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,</p> <p>Recommends that the States parties, as appropriate for their particular circumstances, adopt some or all of the following measures:</p> <p>I. Measures of a general nature</p> <ol style="list-style-type: none"> <li>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 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;</li> <li>2. Consider the incorporation of an explicit prohibition of descent-based discrimination in the national constitution;</li> <li>3. Review and enact or amend legislation in order to outlaw all forms of discrimination based on descent in accordance with the Convention;</li> <li>4. Resolutely implement legislation and other measures already in force;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>8. Educate the general public on the importance of affirmative action programmes to address the situation of victims of descent-based discrimination;</li> <li>9. Encourage dialogue between members of descent-based communities and members of other social groups;”</li> <li>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.</li> </ol> <p><b>MULTIPLE DISCRIMINATION AGAINST WOMEN MEMBERS OF DESCENT-BASED COMMUNITIES</b></p>
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	<p>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.</p> <p>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.</p> <p>13. To provide disaggregated data for the situation of women affected by descent-based discrimination.</p> <p><b>SEGREGATION</b></p> <p>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.</p> <p>15. To undertake to prevent, prohibit and eliminate practices of segregation directed against members of descent-based communities including in housing, education and employment.</p> <p>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.</p> <p>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.</p> <p><b>DISSEMINATION OF HATE SPEECH INCLUDING THROUGH THE MASS MEDIA AND THE INTERNET</b></p> <p>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.</p> <p>19. To take strict measures against any incitement to discrimination or violence against the communities, including through the Internet.</p> <p>20. To take measures to raise awareness among media professionals of the nature and incidence of descent-based discrimination.</p> <p><b>ADMINISTRATION OF JUSTICE</b></p> <p>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.</p> <p>22. To ensure where relevant that judicial decisions and official actions take the prohibition of descent-based discrimination fully into account.</p> <p>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.</p> <p>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;</p> <p>26. To encourage and facilitate constructive dialogue between the police and other law enforcement agencies and members of the communities.</p> <p><b>CIVIL AND POLITICAL RIGHTS</b></p>
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	<p>27. To ensure that authorities at all levels in the country concerned involve members of descent-based communities in decisions which affect them.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>31. To take steps to identify areas prone to descent-based violence in order to prevent the recurrence of such violence.</p> <p>32. To take resolute measures to secure rights of marriage for members of descent-based communities who wish to marry outside the community.</p> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></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><b>RIGHT TO EDUCATION</b></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>
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	<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><b>CERD</b></p> <p>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, [...]</i></p> <p><i>Bearing in mind</i> 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, [...]</p> <p><i>Determined</i> 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 <b>descent</b>, as well as other 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><b>CERD</b></p> <p>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 style="padding-left: 40px;">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 style="padding-left: 40px;">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</p>

	<p>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>
<b>Human Rights Committee (CCPR)</b>	
<p><b>HRC</b></p> <p>General Comment No.18 on Non-discrimination - 1989</p>	<p>6. The Committee notes that the Covenant neither defines the term "discrimination" nor indicates what constitutes discrimination. However, article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination provides that the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.</p>
<p><b>HRC</b></p> <p>General Comment No.25 on the Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service - 1996</p>	<p>15. The effective implementation of the right and the opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates. Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation. No person should suffer discrimination or disadvantage of any kind because of that person's candidacy.</p>
<b>Committee on Economic, Social and Cultural rights (CESCR)</b>	
<p><b>CESCR</b></p> <p>General Comment No. 20 on Non-discrimination - 2009</p>	<p>CESCR General Comment No. 20 on Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2) was adopted by the Committee at its 42<sup>nd</sup> session in May 2009. In the General Comment the Committee reaffirms that "the prohibited ground of birth also includes descent, especially on the basis of caste and analogous systems of inherited status." The Committee recommends States parties to "take steps, for instance, to prevent, prohibit and eliminate discriminatory practices directed against members of descent-based communities and act against dissemination of ideas of superiority and inferiority on the basis of descent.”</p> <p>Express grounds (of discrimination under article 2 of the Covenant)</p> <p>24. <u>National or social origin.</u> „National origin” refers to a person’s State, nation, or place of origin. Due to such personal circumstances, individuals and groups of individuals may face systemic discrimination in both the public and private sphere in the exercise of their Covenant rights [...] “Social origin” refers to a person’s inherited social status, which is discussed more fully below in the context of „property status, descent-based discrimination under „birth” and „economic and social status”.</p> <p>26. <u>Birth.</u> Discrimination based on birth is prohibited and Article 10(3) specifically states, for example, that special measures should be taken on behalf of children and young persons “without any discrimination for reasons of parentage”. Distinctions must therefore not be made against those who are born out of wedlock, born of stateless parents or are adopted or constitute the families of such persons. The prohibited ground of birth also includes descent, especially on the basis of caste and</p>

	analogous systems of inherited status. States parties should take steps, for instance, to prevent, prohibit and eliminate discriminatory practices directed against members of descent-based communities and act against dissemination of ideas of superiority and inferiority on the basis of descent.
<b>Committee on Elimination of Discrimination against Women (CEDAW)</b>	
<b>CEDAW</b> General Recommendation No. 33 on women’s access to justice 2015	8. Discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms, and gender-based violence, which particularly affect women, have an adverse impact on the ability of women to gain access to justice on an equal basis with men. In addition, discrimination against women is compounded by intersecting factors that affect some women to a different degree or in different ways than men and other women. Grounds for intersectional or compounded discrimination may include ethnicity/race, indigenous or minority status, colour, socio-economic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership, and being lesbian, bisexual, transgender women or intersex persons. These intersecting factors make it more difficult for women from those groups to gain access to justice. <sup>19</sup>
<b>CEDAW</b> General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women 2014	6. The Committee has, in previous general recommendations, clarified that articles 1, 2 (f) and 5 (a) of the Convention read together indicate that the Convention covers sex- and gender-based discrimination against women. The Committee has explained that application of the Convention to gender-based discrimination falls under the definition of discrimination contained in article 1, which points out that any distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of human rights and fundamental freedoms is discrimination. Discrimination against women based on sex and/or gender is often inextricably linked with and compounded by other factors that affect women, such as race, ethnicity, religion or belief, health, age, class, caste, being lesbian, bisexual or transgender and other status. <sup>3</sup> Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them.  16. Gender-related claims to asylum may intersect with other proscribed grounds of discrimination, including age, race, ethnicity/nationality, religion, health, class, caste, being lesbian, bisexual or transgender and other status. <sup>13</sup> The Committee is concerned that many asylum systems continue to treat the claims of women through the lens of male experiences, which can result in their claims to refugee status not being properly assessed or being rejected. Even though gender is not specifically referenced in the definition of a refugee given in the 1951 Convention relating to the Status of Refugees, it can influence or dictate the type of persecution or harm suffered by women and the reasons for such treatment. The definition in the 1951 Convention, properly interpreted, covers gender-related claims to refugee status. <sup>14</sup> It must be emphasized that asylum procedures that do not take into account the special situation or needs of women can impede a comprehensive determination of their claims. For example, asylum authorities may interview only the male “head of household”, may not provide same-sex interviewers and interpreters to allow women to present their claims in a safe and gender-sensitive environment or may interview women asylum

<sup>19</sup> See para. 18 of general recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women.

	seekers in the presence of their husbands or male family members who may in fact be the source or sources of their complaints.
<b>CEDAW</b> General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations - 2013	36. During and after conflict specific groups of women and girls are at particular risk of violence, especially sexual violence, such as internally displaced and refugee women; women’s human rights defenders; women belonging to diverse <b>caste</b> , ethnic, national, , religious or other minorities or identities who are often attacked as symbolic representatives of their community; widows; and women with disabilities.  Female combatants and women in the military are also vulnerable to sexual assault and harassment by State and non-State armed groups and resistance movements.
<b>CEDAW</b> General Comment No.28 on the Core Obligations of States Parties under Articles 2 - 2010	General comment No.28 on the Core Obligations of State Parties under Article 2 of the Convention clarifies that protection from discrimination under the Convention encompasses not only grounds explicitly mentioned but also grounds such as age, class, caste, race and ethnicity.  18. Intersectionality is a basic concept for understanding the scope of the general obligations of states parties contained under article 2. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status age, class, caste, and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways than men. States parties must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and General Recommendation No. 25.
<b>CEDAW</b> General Recommendation No. 25 on Temporary Special Measures - 2004	12. Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them.
<b>Committee on the Rights of the Child (CRC)</b>	
<b>CRC</b> General Recommendation No.7 on Implementing Child Rights in early Childhood - 2005	(b) Article 2 also means that particular groups of young children must not be discriminated against. Discrimination may take the form of reduced levels of nutrition; inadequate care and attention; restricted opportunities for play, learning and education; or inhibition of free expression of feelings and views. Discrimination may also be expressed through harsh treatment and unreasonable expectations, which may be exploitative or abusive.  For example: [...]  (iv) Discrimination related to ethnic origin, class/caste, personal circumstances and lifestyle, or political and religious beliefs (of children or their parents) excludes children from full participation in society. It affects parents’ capacities to fulfil their responsibilities towards their children. It affects children’s opportunities and self-esteem, as well as encouraging resentment and conflict among children and adults;  (v) Young children who suffer multiple discrimination (e.g. related to ethnic origin, social and cultural status, gender and/or disabilities) are especially at risk.

<p><b>CRC</b></p> <p>General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31) - 2013</p>	<p>VII. Children requiring particular attention to realize their rights under article 31</p> <p>52. Children from indigenous and minority communities: Ethnic, religious, racial or caste discrimination can serve to exclude children from realizing their rights under article 31. Hostility, assimilation policies, rejection, violence and discrimination may result in barriers to enjoyment by indigenous and minority children of their own cultural practices, rituals and celebrations, as well as to their participation in sports, games, cultural activities, play and recreation alongside other children. States have an obligation to recognize, protect and respect the right of minority groups to take part in the cultural and recreational life of the society in which they live, as well as to conserve, promote and develop their own culture. However, children from indigenous communities also have the right to experience and explore cultures beyond the boundaries of their own family traditions. Cultural and artistic programmes must be based on inclusion, participation and non-discrimination.</p>
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## UNIVERSAL PERIODIC REVIEW

<b>INDIA – 3<sup>rd</sup> (May 2017), 2<sup>nd</sup> (May 2012) and 1<sup>st</sup> (April 2008) UPR cycle</b>	
<p><b>Report of the Working Group on the Universal Periodic Review, 27<sup>th</sup> UPR Session India –4 May 2017</b></p> <p><a href="#">A/HRC/36/10</a></p> <p><a href="#">Government's of India responses to UPR recommendations</a></p>	<p><b>A. Presentation by the State under review</b></p> <p>17. India had also amended its laws to provide more stringent punishment for atrocities against persons belonging to the Scheduled Castes and Tribes. In addition, a range of policy measures had been adopted to address issues of social exclusion, deprivation and disadvantage that such groups might face.</p> <p>25. Safeguarding the rights of minorities formed an essential core of the polity of India, and the State made no distinction between a citizen's caste, creed, colour or religion.</p> <p><b>B. Interactive dialogue</b></p> <p>31. Guatemala was concerned about reports of discrimination against scheduled castes, women and religious minorities.</p> <p>104. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 had been amended with effect from January 2016, providing for the establishment of special courts for the speedy trial of cases.</p> <p><b>II. Conclusions and/or recommendations</b></p> <p>161.71 Intensify efforts to guarantee equality and non-discrimination in line with its international obligations by developing public human rights awareness programmes and taking concrete steps to advance the rights of women and girls, members of religious minorities, and lesbian, gay, bisexual, transgender and intersex persons and to combat caste-based discrimination, including to: criminalize marital rape; decriminalize consensual same-sex relations; and establish appropriate policies and practices for registering, investigating and prosecuting violence against women, girls and members of religious minorities (Ireland);</p> <p>161.72 Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, tribes and other vulnerable populations (United States of America);</p> <p>161.81 Continue the fight against discrimination, exclusion, dehumanization, stigmatization and violence suffered by scheduled castes (Peru);</p>



	<p>161.82 Take urgent measures to repeal the norms that discriminate against castes, and investigate and sanction the perpetrators of acts of discrimination and violence against them, in particular against the Dalits (Argentina);</p> <p>161.83 Take the necessary measures to ensure effective implementation of the Scheduled Castes and Scheduled Tribes Act, notably through the training of State officials (France);</p> <p>161.99 Prevent and pursue through the appropriate judicial means all violent acts against religious and tribal minorities, Dalits and lower castes (Holy See);</p> <p>161.101 Step up its efforts against caste-based violence, discrimination and prejudice, including by eradicating all forms of caste-based discrimination in the educational system (Czechia);</p> <p>161.130 Take visible policy and other measures to ensure the freedom of religion and belief and address the alarming trend of racism, racial discrimination, xenophobia and related intolerance including mob violence committed, incited and advocated by right-wing parties and affiliated extremist organizations against minorities, particularly Muslims, Christians, Sikhs and Dalits (Pakistan);</p> <p>161.152 Remove barriers prohibiting scheduled castes and schedule tribes from registering their children's births and obtaining birth certificates (Bahrain);</p> <p>161.155 Implement a human rights-based, holistic approach to ensure access to adequate housing as well as to adequate water and sanitation, including for marginalized groups, Dalits, scheduled castes, the homeless, the landless, scheduled tribes, religious and ethnic minorities, persons with disabilities and women (Germany);</p> <p>161.187 Increase investment in universal, mandatory and free education by giving priority to measures to eradicate discrimination and exclusion that affect girls, children with disabilities, Dalits and marginalized persons (Mexico);</p> <p>161.189 Continue to ensure access to education for all, especially children of scheduled castes and tribes (Holy See);</p> <p>161.215 Enhance activities aimed at eliminating discrimination against women, which particularly affects women from lower castes (Kyrgyzstan);</p>
<p><b>Report of the Working Group on the Universal Periodic Review</b></p> <p><b>13<sup>th</sup> UPR Session</b></p> <p><b>India – 24 May 2012</b></p> <p><a href="#">A/HRC/21/10</a></p> <p><a href="#">Government of India's responses to UPR recommendations</a></p> <p>Keywords:</p> <p>Dalits, caste based discrimination, scheduled castes, Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act (1989), disaggregated data,</p>	<p><i>Extracts from the Report of the UPR Working Group (relevant to the issue of caste discrimination and situation of Dalits):</i></p> <p><b>I. Summary of the proceedings of the review process</b></p> <p><b>A. Presentation by the State under review</b></p> <p>14. The last four years had seen tremendous strides in focusing on groups needing special attention including children, women, disabled, elderly, minorities, Scheduled Castes and Scheduled Tribes.</p> <p>15. India's efforts in the sphere of social and economic advancement had been significant. Poverty had declined by nine percent in a decade. MGNREGA played an extremely crucial role and provided 54 million households with employment in 2010 and 2011. Forty-eight percent of the employment created were for women. The declining trend in the unemployment rate between the years 2004-05 and 2009-10 was equally visible among Scheduled Castes and Scheduled Tribes and minorities.</p> <p>24. Several recent steps have been taken to impact positively on the lives of the Scheduled Castes as well as the tribal population. Under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as on February this year, India had disposed 2.72 million claims out of the 3.17 million filed i.e. 86 percent of the claims, and 1.25 million titles distributed. The Prime Minister's new 15-point programme for the welfare of minorities was being actively pursued. Certain</p>

<p>anti-discrimination mechanisms, impunity, freedom of religion, human rights training and reforms</p>	<p>proportion of development projects was being earmarked for minorities' concentration areas.</p> <p><b>B. Interactive dialogue and responses by the State under review</b></p> <p>65. Canada asked India to provide information as to the status of caste-based discrimination, the reforms underway and progress achieved. It noted that India was yet to be ratified the CAT. It made recommendations.</p> <p>67. Chile commended the adoption of the National Green Tribunal Act; the right to education Act; the policy incorporating a gender perspective and the measures to assist the vulnerable caste. It encouraged India to continue its efforts to address discrimination. Chile made recommendations.</p> <p>88. The delegation stated that socio-economic caste census was underway and would take into account multiple dimensions of deprivations for arriving at specific entitlements under various government programs and schemes.</p> <p>89. The delegation stated that more than 84 percent of households had drinking water. According to the Joint Monitoring Programme Report 2012 by WHO and UNICEF, India was on track to achieving its MDG target of safe drinking water. To ensure equitable access, specific percentages of the National Rural Drinking Water Programme allocations were earmarked for Scheduled Castes and Tribes concentrated habitations. Total Sanitation Campaign of 1999 aimed to ensure sanitation facilities in rural areas to eradicate the practice of open defecation and ensuring clean environment.</p> <p>102. Japan welcomed the adoption of legislation protecting children from sexual offences and the taking into account treaty body recommendations when developing anti-discrimination mechanisms. It appreciated steps taken to provide human rights education to teachers, but noted that prejudices against children of specific castes persisted. Japan made recommendations.</p> <p><b>II. Conclusions and/or recommendations</b></p> <p>138.47. Take adequate measures to guarantee and monitor the effective implementation of the Prevention of Atrocities Act, providing legal means for an increased protection of vulnerable groups like the Dalit, including the access to legal remedies for affected persons (Germany); <i>(not accepted)</i></p> <p>138.71. Continue its efforts to eliminate discrimination against and empower marginalized and vulnerable groups particularly by ensuring effective implementation of relevant laws and measures through proper and active coordination among line ministries, national and state governments; by extending disaggregated data to caste, gender, religion, status and region; and by increasing sensitization and reducing discriminatory attitudes among law enforcement officers through human rights education and training (Thailand); <i>(not accepted)</i></p> <p>138.72. Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens (United States of America); <i>(not accepted)</i></p> <p>138.73. Monitor and verify the effectiveness of, and steadily implement, measures such as quota programmes in the areas of education and employment, special police and special courts for effective implementation of the Protection of Civil Rights Act and the Scheduled Caste and Scheduled Tribes Act, and the work of the National Commission for Scheduled Castes (Japan); <i>(not accepted)</i></p> <p>138.75. Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the scheduled castes and scheduled tribes and minorities are well achieved (Ghana); <i>(accepted)</i></p>
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	<p>138.43. Enact a law on the protection of human rights defenders, with emphasis on those defenders facing greater risks, including those working on minority rights and the rights of scheduled castes and tribes (Czech Republic); <i>(not accepted)</i></p> <p>138.68. Implement the recommendations made by the Special Rapporteur on the rights of human right defenders following her visit in 2011, with particular emphasis on recommendations that concern defenders of women’s and children’s rights, defenders of minorities rights, including Dalits and Adavasi, and right to information activists (Norway); <i>(not accepted)</i></p> <p>138.118. Prevent and pursue through the judicial process, all violent acts against religious and tribal minorities, Dalits and other casts (Holy See); <i>(not accepted)</i></p> <p>138.87. Continue to promote the rights of women in their choice of marriage and their equality of treatment independently of caste and tribe or other considerations (Holy See); <i>(accepted)</i></p> <p>138.163. Strengthen human rights training aimed at teachers in order to eliminate discriminatory treatment of children of specific castes, as well as appropriately follow-up on the results of the training that has occurred thus far (Japan); <i>(not accepted)</i></p> <p>139. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.</p>
<p><b>Excerpts from the Report of the UPR Working group</b></p> <p><b>1<sup>st</sup> UPR session</b></p> <p><b>India – April 2008</b></p> <p><a href="#">A/HRC/8/26</a></p> <p><a href="#">Government of India’s responses to the UPR recommendations</a></p> <p>Keywords:</p> <p>Dalits, caste and related discrimination, scheduled castes, caste-based discrimination, untouchability</p>	<p><i>Extracts from the Report of the UPR Working Group (relevant to the issue of caste discrimination and situation of Dalits):</i></p> <p><b>I. Summary of the proceedings of the review process</b></p> <p>15. India has been deeply conscious of the need to empower the Scheduled Castes and Scheduled Tribes and is fully committed to tackle any discrimination against them at every level. The Constitution of India abolished “untouchability” and forbids its practice in any form. There are also explicit and elaborate legal and administrative provisions to address caste-based discrimination in the country. The caste system, which is unique to India, is not racial in origin, and therefore, caste based discrimination cannot be considered a form of racial discrimination.</p> <p><b>B. Interactive dialogue and responses by the State under review</b></p> <p>27. Canada recognized that India is a highly diverse country facing many challenges. It raised issues concerning the Armed Forces (Special Powers) Act (AFSPA), the situation of civil society and the situation of Dalits. Canada referred to reports of torture and abuse by and impunity of police and security forces acting under the AFSPA. Canada spoke about the commitment of the Prime Minister and the studies undertaken to reform the AFSPA and asked what measures had been taken to repeal or reform this Act. Canada referred to India as a model where civil society and democracy flourishes and the press actively reports on human rights abuses. However, it mentioned allegations about the use of the Foreign Contributions Regulations Act in limiting civil society’s work on sensitive issues and referred to reports that Amnesty International had to downsize its work on account of this Act. With reference to the follow-up of the 2007 concluding observations on India adopted by CERD, Canada recommended that India begin providing disaggregated data on caste and related discrimination.</p> <p>32. Malaysia congratulated India on putting in place an institutional, legislative and administrative framework aimed at improving the human rights situation of its people. It also noted the establishment of various institutions/national commissions which act as “watch dogs”, dealing with issues such as women rights, minorities, scheduled castes and tribes, backward classes and children rights. Additional information was requested on the implementation of their recommendations.</p>

36. Belgium commended India for the advancements made, in particular regarding the justiciability of certain social and economic rights in the context of the right to life. Regarding caste-based discrimination, in particular against Dalit women, Belgium wanted to know what actions were being taken to implement anti-discriminatory legislation and the role of the National Commission on Human Rights was in that regard. Belgium recommended that there be disaggregated data on caste-based discrimination so as to allow for targeted planning to improve the situation of the Dalits.

39. While congratulating India for the important constitutional and legislative measures taken to combat discrimination, Luxembourg endorsed Belgium's recommendation on disaggregated data. It asked for additional information on (a) statistics on jurisprudence related to discriminatory acts, (b) how recommendations from treaty bodies on scheduled castes and tribes were being implemented, (c) measures being taking to tackle discriminatory treatment in favour of males, including foeticide, and (d) right to food of the peasant population.

40. Germany asked India to provide complementary information on (a) how recommendations made by the Committee on the Elimination of Racial Discrimination and CEDAW on Dalits and scheduled castes were being followed up on, (b) what the position of the Government was regarding the recommendation of several treaty bodies to repeal the Armed Forces (Special Powers) Act of 1958, and (c) what concrete steps were being taken to implement national laws abolishing child labour.

41. The United States of America expressed its satisfaction to see a nation as diverse as India engaged in the UPR process. It asked for further details on (a) freedom of religion and expression and on the promulgation of state anti-conversion laws, (b) actions being undertaken to combat police and government corruption, (c) implementation of child labour laws, (d) crimes against women, including domestic violence, dowry-related deaths, honour crimes and sex-selective abortion of unborn girls, and (e) the social acceptance of caste-based discrimination.

44. France commended India's commitment to human rights and pluralism. It raised a question and made a recommendation relating to the ratification of the Convention against Torture. It also asked what means were available to and what analysis might be drawn from the work of the National Human Rights Commission of India and the National Commissions dealing with Women, Minorities, Scheduled Castes and Scheduled Tribes. Lastly, regarding the most vulnerable communities and their integration, it wished to know what would be the results of any stock-taking of their integration.

50. The Republic of Korea welcomed efforts by India to promote and protect indigenous and tribal peoples' rights. It asked for further elaboration on plans to protect these rights in newly industrialized zones. The Republic of Korea asked for more information on section 197 of the Code of Criminal Procedure of 1973 regarding the impunity of civil servants. It also asked about the position of India regarding the recommendations of CEDAW, particularly in relation to the situation of Dalit women.

53. Italy asked for additional information on (a) human rights education relating to traditional practices and customs and scheduled castes and tribes and (b) the National Child Labour Project. Italy recommended the strengthening of human rights education specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination. It also recommended that steps be taken towards the ratification of the Convention against Torture.

58. Azerbaijan asked India to elaborate on (a) what practical measures were being taken to fight poverty, (b) what are the difficulties experienced by Scheduled Castes and Tribes in terms of their human rights, (c) what national plans exist on Internally Displaced Persons and what access is given to international humanitarian organizations

	<p>to internal displacement affected regions, (d) school attendance of children in rural regions, and (e) human rights training among police and security forces.</p> <p>74. Regarding castes and racial discrimination, India noted that both Canada and Germany mentioned India’s position on the scope of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). India stated that their position on ICERD is unchanged and that while they recognize that caste-based discrimination exists in India, since the caste system, which is unique to India, is not racial in origin, caste based discrimination cannot be considered a form of racial discrimination.</p> <p>77. India noted that they do maintain statistics with regard to scheduled castes and scheduled tribes and that these statistics are in the public domain.</p> <p>79. India noted that some states have passed anti-conversion acts to check and regulate forced conversions.</p> <p><b>II. Conclusions and/or recommendations</b></p> <p>86. In the course of the interactive dialogue the following recommendations were made: [...]</p> <p>5. Maintain disaggregated data on caste and related discrimination (Canada, Belgium, Luxembourg); <i>(not accepted with the following explanation: Extensive disaggregated data, including on caste, are available in the public domain.)</i></p> <p>13. Strengthen human rights education, specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination (Italy); <i>(not accepted with the following explanation: Government of India recognizes the role of human rights education in combating discrimination. India has adopted a National Action Plan for Human Rights Education to promote awareness about human rights among all sections of the society. Specific target groups, such as schools, colleges and universities, have been identified and human rights education has been made part of curricula. Government officials, armed forces, prison officials and law officers are also being sensitised to the protection of human rights. Regular training programmes are organized by the National Human Rights Commission as well as State Human Rights Commissions. Awareness campaigns are also run by NGOs.)</i></p>
<b>PAKISTAN – 14<sup>th</sup> UPR session (October 2012) and 2<sup>nd</sup> UPR session (May 2008)</b>	
<p><b>Excerpts from the draft Report of the Working group</b></p> <p><b>14<sup>th</sup> UPR session</b></p> <p><b>Pakistan – October 2012</b></p> <p><a href="#">A/HRC/WG.6/14/L.10</a></p> <p>Keywords:</p> <p>Discrimination on the basis of caste, scheduled caste girls, forced and early marriage, forced conversions</p>	<p>During Pakistan’s second review by the UPR Working Group at its 14<sup>th</sup> session on 30 October 2012, two states made explicit recommendations related to caste-based discrimination. This led to the following, explicit recommendations in the Working Group’s report:</p> <p>122.92. Continue its efforts for the improvement of the health system and the elimination of discrimination against women and discrimination on the basis of caste (Holy See) <i>(Accepted with the following explanation: “Recommendations that enjoy the support of the Government of Pakistan and have already been implemented or in the process of implementation”.)</i></p> <p>122.103. Take effective measures to prevent forced or early marriage, in particular with a view to ending rape, sexual exploitation and forced conversions of scheduled caste girls (Austria). <i>“ Accepted with the following explanation: “ Recommendations that enjoy the support of the Government of Pakistan”.”)</i></p>
<p><b>Excerpts from the Report of the Working group</b></p> <p><b>2<sup>nd</sup> UPR session</b></p> <p><b>Pakistan – May 2008</b></p>	<p>I. Summary of the proceedings of the review process</p> <p>40. Luxembourg recommended that Pakistan bring an end to inequality between men and women, including with regard to access to property; continue to increase substantially public spending on health in order to increase access to health care; to take effective measures to allow women, in particular in rural areas, to have access to health</p>

<p><u>A/HRC/8/42</u></p> <p>Keywords: Caste discrimination, scheduled castes, discrimination on the basis of caste, descent and occupation, absence of laws, Dalit</p>	<p>care, education, clean water and sanitation; and to take measures to eliminate discrimination and severe poverty experienced by the castes. It asked about measures to end discrimination between men and women, in particular in connection with the right to property; and initiatives envisaged eliminating discrimination and acute poverty, from which the castes are suffering.</p> <p>67. Denmark referred to indications that the lower castes, Hindus officially known as Scheduled Castes (Dalits), are exposed to caste-based discrimination. It noted the absence of specific laws and measures prohibiting discrimination against Scheduled Castes. It asked about a proper legal framework to prevent discrimination on the basis of caste, descent and occupation. Denmark recommended (a) that Pakistan take specific and targeted measures to effectively prevent discrimination against Scheduled Castes; (b) the repeal of laws discriminating against non-Muslims, if any; and (c) that ICCPR and CAT be ratified as a matter of priority.</p> <p>99. Pakistan stated that it is a Muslim country and does not have the concept of Dalit or Scheduled. Pakistan noted that it is free from such kind of prejudices, and the existing norms do not contain discrimination on the basis of caste or creed.</p> <p>II. Conclusions and/or recommendations</p> <p>106. In the course of the discussion, the following recommendations were made to Pakistan:</p> <p>31. To take measures to eliminate discrimination against castes and high degree of poverty suffered by castes (Luxembourg) and take specific and targeted measures to effectively prevent discrimination against Scheduled Castes (Denmark);</p>
<p><b>SRI LANKA - 2nd UPR session (May 2008) and 14<sup>th</sup> session (November 2012)</b></p>	
<p><b>Excerpts from the Report of the Working group – Sri Lanka</b></p> <p><u>A/HRC/8/46</u></p> <p>Keywords: Caste-based discrimination</p>	<p>I. Summary of the proceedings of the review process</p> <p>61. Denmark was pleased to hear that Sri Lanka wants to focus attention on improving freedom of the press and enquired about the measures taken to that end. It recommended that (a) Sri Lanka undertake measures to improve safeguards for freedom of the press; it also recommended that (b) Sri Lanka accept the presence of an OHCHR field office. Noting steps taken by Sri Lanka to combat torture, torture is still widely practiced and, referring to 25 recommendations made by the Special Rapporteur on the question of torture, enquired what steps will be taken to implement them. Denmark recommended that (c) Sri Lanka immediately implement the Special Rapporteur's recommendations. It further enquired about the measures Sri Lanka employs to combat caste-based discrimination.</p>
<p><b>JAPAN - 2nd UPR session (May 2008) and 14<sup>th</sup> session (October 2012)</b></p>	
<p><b>Excerpts from the Report of the Working group – Japan</b></p> <p><u>A/HRC/22/14</u></p> <p>Keywords: Burakumin, racial discrimination</p>	<p>123. India noted the human rights curriculum for public servants. It called for the criminalization of all aspects of child pornography and for an open debate on the issue of the status of the <i>Burakumin</i> and urged the undertaking of stronger anti-trafficking measures. It made recommendations.</p> <p>147.34. Consider strengthening legislative protection from racial discrimination and discrimination based on sexual orientation (Canada);</p> <p>147.35. Implement the recommendation of the Committee on the Elimination of Racial Discrimination (CERD) to adopt specific legislation to outlaw direct and indirect racial discrimination, and guarantee access to effective protection and remedies through competent national courts (South Africa); <i>(Follow up to the recommendation partly accepted based on the following explanation:</i></p>

	<p>(a) <i>In the case of Japan, Article 14, Paragraph 1 of the Constitution stipulates that all people are equal under the law and there shall be no discrimination because of race.</i></p> <p>(b) <i>It is obvious from the provision "by all appropriate means" in Article 2.1 of the ICERD, legislative measures are required, where appropriate and necessary. We do not recognize that the present situation of Japan is one in which discriminative acts cannot be effectively restrained by the existing legal system and in which explicit racial discriminative acts, which cannot be restrained by measures other than legislation, are conducted. Therefore, penalization of these acts is not considered necessary".)</i></p> <p>147.36. Ensure that the domestic legislation concerning discrimination is consistent with that contained in the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) which deals furthermore with all forms of direct or indirect discrimination based on age, sex, religion and sexual orientation (Switzerland);</p>
<p><b>Excerpts from the Report of the Working group – Japan</b></p> <p><a href="#">A/HRC/8/44</a></p> <p>Keywords: Discrimination, minorities, legislative framework</p>	<p>I. Summary of the proceedings of the review process</p> <p>40. Guatemala noted that racism and discrimination still exist in the Japanese society, indicating that the fight against all forms of discrimination and the protection of minorities, and especially vulnerable groups, required an appropriate legislative framework and therefore urged Japan to consider introducing a definition of discrimination in its criminal law. [...]</p>
<p><b>BANGLADESH – 4<sup>th</sup> UPR session (February 2009) and 16<sup>th</sup> session (April 2013)</b></p>	
<p><b>Excerpts from the report of Working Group – Bangladesh 2013</b></p> <p><a href="#">A/HRC/24/12</a></p>	<p>The government of Bangladesh partly accepted the two recommendations concerning caste-based discrimination that were presented at the Interactive dialogue in April 2013:</p> <p>130.15. Adopt an action plan to address the situation of Dalits and eliminate discrimination against them, including by ensuring access to safe drinking water and sanitation (Slovenia);</p> <p>130.23. Continue improving the conditions of children, women, Dalits, indigenous people, refugees and migrants taking into account the special situation and difficulties that those groups have to overcome (Holy See);</p> <p>The two above recommendations on caste-based discrimination were accepted in part by the Bangladeshi Government with the following wording:</p> <p><i>These recommendations enjoy the support of Bangladesh in part where they are in consonance with national policies and laws. The Constitution of Bangladesh guarantees equal rights and freedoms for all citizens, and gives accent on ameliorating the conditions of the vulnerable groups.</i></p> <p><i>The Government has made sustained efforts to ensure protection of religious, ethnic and linguistic minorities and other marginalized groups in the country.</i></p> <p><i>The Government has taken initiatives to protect various disadvantaged groups from discrimination and stigmatization. These groups have been included in the social safety net programmes and free housing schemes for vulnerable groups. Some of them have been provided with reserved quotas for their employment in the public sector and in educational institutions. An Anti-Discrimination Law is in the offing, which will criminalize any legal or social discrimination against these vulnerable groups and provide them with higher protection.</i></p> <p><i>As per the Constitution of Bangladesh, there are no ‘indigenous minorities’ or ‘group’ in Bangladesh. All citizens of the country are indigenous to the land.</i></p>

<p><b>Excerpts from the Report of the Working group – Bangladesh 2009</b></p> <p><a href="#">A/HRC/11/18</a></p> <p>Keywords: Discrimination, minority religions</p>	<p>I. Summary of the proceedings of the review process</p> <p>75. Holy See noted positive measures against human rights violations, including the establishment of institutions addressing violence against women and children. It noted a number of cases where people suffered from violence and discrimination, especially women of minority religions, including Hinduism and Christianity. It recommended that Bangladesh investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations. It asked about measures envisaged to confront the plight of indigenous peoples.</p> <p>II. Conclusions and/or recommendations</p> <p>94. In the course of the discussion, the following recommendations were made to Bangladesh: [...]</p> <p>17. Investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations (Holy See).</p> <p><i>“Bangladesh replied with the following answer: The Government does not condone discrimination against anybody on the basis of race, colour, sex, religion, or any other status. Equality for all citizens is guaranteed in the constitution, legal provisions as well as State practice. Moreover, positive measures are in place to facilitate access to education, job and other areas for these groups. The present Government is particularly mindful of the welfare of religious minorities. Allegations of any discrimination are being dealt with seriously”.</i>)</p>
<p><b>MAURITANIA – 9th UPR session (November 2010) and 23<sup>rd</sup> UPR session (November 2015)</b></p>	
<p><b>Report of the Working Group on the Universal Periodic Review – Mauritania</b></p> <p>23 December 2015</p> <p><a href="#">A/HRC/31/6</a></p>	<p><b>129. The recommendations below did not enjoy the support of Mauritania and would thus be noted:</b></p> <p>129.49 Abolish the caste system that continues to promote de facto slavery through domestic servitude and bondage or forced labour (Uganda);</p> <p>129.51 Take action to identify and release people in slavery, support victims and end discrimination, in particular discrimination based on caste or ethnicity. As part of this, the Government should formally acknowledge the continued existence of slavery and begin to collect detailed data on the number of people held in slavery to facilitate monitoring of eradication efforts under the 2007 anti-slavery law (United Kingdom of Great Britain and Northern Ireland);</p>
<p><b>Excerpts from the Report of the Working group – Mauritania</b></p> <p><a href="#">A/HRC/16/17</a></p> <p><a href="#">Government of Mauritania’s response</a></p> <p>Keywords: caste-based slavery, traditional slavery, caste system</p>	<p>B. Interactive dialogue and responses by the State under review</p> <p>57. The United Kingdom of Great Britain and Northern Ireland welcomed progress in combating discrimination, particularly the law criminalizing slavery and slavery-like practices, while noting concern about the effective implementation of the anti-slavery legislation and the continued existence of caste-based slavery. Welcoming efforts to mainstream gender equality and the national strategy for eliminating female genital mutilation, it expressed concern about torture, prison conditions, violence against women and gender-based discrimination, including reported trafficking in women and girls; the continued practice of early marriage and forced feeding (<i>gavage</i>); child trafficking and the prevalence of child labour. It called on Mauritania to ensure access for detainees to independent and effective legal remedies. It made recommendations.</p> <p><b>92. The following recommendations will be examined by Mauritania, which will provide responses in due course, but no later than the 16th session of the Human Rights Council, in March 2011. The responses of Mauritania to these</b></p>



	<p><b>recommendations will be included in the outcome report adopted by the Council at its 16th session:</b></p> <p>92.35. Eradicate in law and in practice all forms of discrimination, including traditional slavery, the caste system, the racial and ethnic paradigm in State institutions and the use of ethnicity as a political tool, as noted by the Special Rapporteur on racism, and develop a national strategy on slavery, as recommended by the Special Rapporteur on slavery (Israel); <i>(not accepted)</i></p> <p>92.38. Adopt the measures necessary to abolish the caste system, given that, in many cases, it is conducive to the enduring existence of various forms of slavery (Ecuador); <i>(not accepted)</i></p>
<b>MADAGASCAR – 7th UPR session (February 2010)</b>	
<p><b>Excerpts from the Report of the Working group – Madagascar</b></p> <p><a href="#">A/HRC/14/13</a></p> <p>Keywords: Caste system</p>	<p><b>73. The recommendation from Chile on discrimination based on slavery descendants and caste systems was partly accepted by the government of Madagascar. The responses made to the recommendations by Madagascar will be included in the outcome report to be adopted by the Human Rights Council at its fourteenth session:</b></p> <p>8. To consider adopting measures to counter discrimination against the descendants of slaves and the persistence of the caste system (Chile);</p> <p><i>(partly accepted with the following explanation: “In response to that recommendation, it may be specified that:</i></p> <ul style="list-style-type: none"> <li>- Article 8 of the Constitution prohibits discrimination based on origin; consequently all Malagasy citizens are protected against any discrimination based on being the descendant of a slave.</li> <li>- Historically, Madagascar is not a destination country for slaves. Therefore, there are no descendants of those who were exported to and exploited on large-scale plantations as in other countries.</li> <li>- Accordingly, it is physically impossible to identify the descendants of slaves in Madagascar.</li> <li>- The caste system does exist but does not imply discrimination based on belonging to a particular caste, as evidenced by the fact that many persons are married to someone from a different caste.</li> <li>- Therefore it would be unnecessary to introduce specific measures to eliminate a form of discrimination that does not exist.</li> <li>- However, Madagascar intends to implement an economic policy to combat widespread poverty that affects the whole population, regardless of origin or caste.”)</li> </ul>
<b>MAURITIUS – 17th UPR session (October 2013)</b>	
<p><b>Excerpt from the Report of the Working Group - Mauritius</b></p> <p><a href="#">A/HRC/25/8</a></p> <p>Keywords: caste</p>	<p>Summary of the proceeding of the review process</p> <p>A. Presentation by the State under Review</p> <p>13. Mauritius also indicated that in 2012, the Equal Opportunities Act was enacted to provide better protection against all forms of discrimination. This Act aims at eliminating direct or indirect discrimination on the basis of age, <b>caste</b>, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation.</p>
<b>NEPAL – 10th UPR session (January 2011) and 23rd UPR session (2015)</b>	

<p><b>Report of the Working Group on the Universal Periodic Review – Nepal</b></p> <p>23 December 2015</p> <p><a href="#">A/HRC/31/9</a></p>	<p><b>B. Interactive dialogue and responses by the State under review</b></p> <p>9. Nepal was aiming to create an egalitarian society on the basis of the principles of proportional inclusion and participation. The following had been guaranteed in the Constitution: a proportional electoral system, inclusive representation of marginalized and disadvantaged communities in all State organs, positive discrimination and special provisions with regard to rights of women, Dalits, Madheshis, indigenous peoples, Tharus, Muslims, persons with disabilities and minorities.</p> <p>12. Nepal had established and further strengthened various commissions by making them independent constitutional bodies, including the National Women’s Commission, the National Dalit Commission, the National Inclusion Commission, the Indigenous People and Nationalities Commission, the Madheshi Commission, the Tharu Commission and the National Muslim Commission.</p> <p>33. While taking note of the Caste-based Discrimination and Untouchability Act, Denmark noted that discrimination based on gender, caste, ethnicity and religion was widespread. The implementation of the Act on the Commission on Investigation of Disappeared Persons, Truth and Reconciliation, remained slow.</p> <p>59. In article 24 of the Constitution, untouchability in both public and private places and discrimination in workplaces on the basis of untouchability were prohibited. The right of Dalits to participate in all State bodies on the basis of the principle of proportional inclusion was a fundamental right. It was the obligation of the State to make special provision for their empowerment, participation and representation in public places and to support them in the areas of employment, health, social security, housing and provision of land to landless Dalits within three years. Dalits had the fundamental right to free education up to higher education level through scholarships. Moreover, the Caste-based Discrimination and Untouchability Act was being implemented. Cases of discrimination against Dalits had been prosecuted under that law. In that regard, the Government was focusing on capacity-building of law enforcement officials, awareness-raising, ensuring Dalits’ access to justice and avoiding delay in the investigation of any cases. An integrated action plan was also being prepared to curb de facto discrimination.</p> <p>70. Thailand highlighted the need to prioritize the most disadvantaged and marginalized groups in policies and strategies on access to resources, while noting the progress made in poverty alleviation and housing programmes. Concern was expressed about caste-based violence and discrimination against women.</p> <p>115. Nepal appreciated concerns about educational reforms, poverty reduction measures, child labour, early marriages and caste-based discrimination. It indicated, however, that while not denying these problems, it had a strong legal and institutional framework and strong enforcement authorities to deal with such issues.</p> <p><b>122. The following recommendations enjoy the support of Nepal, which considers that they are already implemented or in the process of implementation:</b></p> <p><b>122.33 Develop public policies for the effective implementation of the Law on discrimination based on caste and untouchability (Paraguay);</b></p> <p><b>122.35 Ensures full and effective implementation of the 2011 Caste-based Discrimination and Untouchability Act (Denmark);</b></p> <p><b>122.36 Put in place a concrete strategy for the comprehensive implementation of the 2011 Law on Discrimination Based on Caste and Untouchability (Switzerland);</b></p> <p><b>122.39 Assess the implementation and effectiveness of laws aimed at ending and preventing all forms of discrimination, in particular against women and Dalits, and take concrete steps to translate anti-discrimination efforts into effective practice on the ground (Czech Republic);</b></p>
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	<p><b>122.40 Work actively to abolish legal and factual discrimination based on ethnicity, gender and caste, inter alia, by developing effective and independent mechanisms for the implementation of the Caste-based Discrimination and Untouchability Act (Germany);</b></p> <p><b>122.41 Take all necessary measures to ensure effective implementation of the Caste-based Discrimination and Untouchability Act of 2011 and to eliminate all forms of discrimination against women (Namibia);</b></p> <p><b>122.55 Investigate all acts of discrimination against the Dalit community (Argentina);</b></p> <p><b>122.104 Ensure equal educational opportunities for all children, including girls and Dalit children, in line with the observations made by the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights (Finland);</b></p> <p><b>122.111 Ensure that earthquake relief engages and addresses the needs of members of vulnerable communities, including Dalits, and promotes decent work (United States of America);</b></p>
<p><b>Excerpts from the report of the Working Group - Nepal</b></p> <p><a href="#">A/HRC/17/5</a></p> <p>Government of Nepal's responses to UPR recommendations: <a href="#">A/HRC/17/5/Add.1</a></p> <p>Keywords:</p> <p>Caste-based discrimination, Dalits, National Dalit Commission, untouchability, UN principles and guidelines</p>	<p>I. Summary of the proceedings of the review process</p> <p>Presentation by the State under review</p> <p>12. The National Human Rights Commission is a constitutional body with full autonomy. The National Foundation for the Development of Indigenous Nationalities, National Women Commission and National Dalit Commission are also the national human rights institutions established for the promotion and protection of the human rights of indigenous people, women and Dalit respectively.</p> <p>16. Nepal is committed to the protection and promotion of rights of the indigenous nationalities, dalit and marginalized groups. Nepal referred to significant achievements in social development in recent years despite having emerged from over a decade long armed conflict.</p> <p>Interactive dialogue and responses by the State under review</p> <p>28. The Czech Republic appreciated that Nepal's priorities include combating caste-based discrimination. It noted that journalists face threats from armed groups, noting that women human rights defenders and those representing sexual minorities were particularly at risk. It made recommendations.</p> <p>30. Slovenia recognized the difficult democratic transition in Nepal. It asked whether it intended to use the UN draft principles and guidelines for the effective elimination of discrimination on the basis of work and descent as a guiding framework in combating discrimination.</p> <p>33. Finland asked about the measures taken by Nepal to: ensure equal access to quality education to girls, Dalit children and children belonging to ethnic minorities; ensure that elements promoting gender and social equality in the Nepal Lands Act and other legislation would be enforced in practice. Finland made recommendations.</p> <p>37. Austria asked about steps taken to address discrimination and social exclusion related to gender, caste, class and ethnicity and how the Government intends to hold accountable public officials reported to practice torture... It asked about the return, rehabilitation and reintegration of internally displaced peoples. It made recommendations.</p> <p>59. Canada encouraged Nepal to pass the Caste-based Discrimination and Untouchability Crime Elimination and Punishment Act. It also encouraged Nepal to ensure effective investigation of all harassment complaints of journalists and to put an end to preventive detentions without charges or trials. Canada made recommendations.</p>

68. Slovakia commended Nepal for its: ratification of international human rights instruments, cooperation with OHCHR; and “A”-status National Human Rights Commission. Slovakia highlighted the long-standing discrimination and social exclusion associated with gender, caste, class, ethnicity, disability and geography. Slovakia made recommendations.

71. Poland welcomed the establishment of the various bodies engaged in the defense of human rights but pointed out the challenges faced in practice. Poland asked about the steps taken to further improve the situation of women, children, Dalits, ethnic and linguistic communities.

74. Italy welcomed the abolition of death penalty and establishment of its National Plan of Action on Women Peace and Security. Italy expressed concerns regarding arbitrary executions committed during the conflict and obstacles to freedom of religion, mainly due to the caste system. Italy made recommendations.

83. Sweden noted the instances of police brutality and torture and the arrests without formal procedures and detentions- often under poor conditions- without charges. It noted that discrimination based on gender, caste, class, ethnicity, disability and geography continued to pose grave obstacles to the enjoyment of human rights. Sweden made recommendations.

87. The Plurinational State of Bolivia noted the inclusion of women, dalits and indigenous peoples in the Legislative Assembly. It highlighted the strategy to fight poverty based on structural reform. It welcomed the establishment of the National Commissions for Human Rights, Women and Dalits.

Nepal’s response:

96. The Constitution has several provisions against caste based discrimination and untouchability. Nepal has a caste-based discrimination control and punishment bill and also the National Dalit Commission to be converted as a statutory body. These two bills are in the Parliament.

## **II. Conclusions and/or recommendations:**

### **106. The recommendations formulated during the interactive dialogue/listed below have been examined by Nepal and enjoy its support:**

106.1. Give its full support to ensure that the Constituent Assembly successfully fulfils its mandate of drafting a new Constitution by May 2011, giving due consideration to the views of the different groups that compose Nepalese society (Republic of Korea); ensure full participation of ethnic groups and castes in the Constitution-making process, in particular in the Constituent Assembly (Poland); Accelerate steps towards framing a new Constitution (Egypt); frame a new Constitution and undertake a democratic, inclusive and progressive State restructuring (China); complete the new Constitution on time

and take into account that peaceful coexistence requires that the right to freedom of religion for all citizens be clearly included and formulated according to international standards (Holy See); ensure that the new Constitution fully guarantees the right to freedom of religion or belief and the right to equality and non-discrimination in line with international standards (Italy); (*accepted*)

106.2. Ensure that the new Constitution being formulated and its national legislation is in line with international human rights instruments acceded to by Nepal (France); continue the process of bringing its national legislation in line with international standards (Azerbaijan); review its legal framework to

	<p>provide for a better protection and promotion of women's rights (Slovakia); <i>(accepted)</i></p> <p>106.4. Introduce comprehensive legislation and more stringent enforcement of existing laws in the areas of domestic violence towards women and human trafficking (Indonesia); <i>(accepted)</i></p> <p>106.7. Strengthen the National Human Rights Commission (NHRC) to enable it to maintain its A-status accreditation (India); <i>(accepted)</i></p> <p>106.8. Continue promoting the work of the National Commissions for Women and for Dalit, through the reinforcement of resources that allows them to work in an efficient manner (Bolivia); <i>(accepted)</i></p> <p>106.14. Further enhance measures aimed at protecting the human rights of children, women and other vulnerable groups (Philippines); <i>(accepted)</i></p> <p>106.19. Make further efforts to implement the recommendations of various treaty bodies (Japan); <i>(accepted)</i></p> <p>106.21. Make further efforts to overcome the difficult issue of discrimination on the grounds of religion, gender, race or otherwise (Japan); Continue its efforts to end discrimination on the grounds of religion, race or gender in law and practice (Pakistan); Continue its efforts to overcome discrimination and social exclusion on the basis of gender, caste, class, ethnic group, disability or geographic situation, in order to ensure the respect of civil, political, economic, social and cultural rights (Argentina); <i>(accepted)</i></p> <p>106.24. Eliminate all forms of discrimination and pass the bill on caste-based discrimination and untouchability (Denmark); While appreciating the fact that the Government's priorities include combating caste-based discrimination, ensure that the policy is fully implemented also by the local authorities in rural and remote areas (Czech Republic); <i>(accepted)</i></p> <p>106.25. Promptly implement all recommendations put forward by the National Human Rights Commission regarding prosecutions and/or departmental actions against alleged human rights violators (Canada); <i>(accepted)</i></p> <p>106.26. Take concrete steps to ensure the security of human rights defenders, including journalists (Czech Republic); <i>(accepted)</i></p> <p>106.37. Seek to remove the obstacles faced by victims trying to access justice (Republic of Korea); <i>(accepted)</i></p> <p>106.41. Intensify efforts in providing basic services to vulnerable or marginalized groups or communities particularly providing quality health and education services and creating more employment opportunities (Myanmar); <i>(accepted)</i></p> <p>106.43. Step up its efforts to reduce poverty, particularly rural poverty (Algeria); Reinforce its efforts in the area of the fight against poverty with a view to attaining the Millennium Development Goals and to request the necessary financial and technical assistance in this regard (Morocco); continue implementing the necessary economic</p>
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	<p>measures to eradicate poverty, allowing all the Nepalese population a life with dignity (Bolivia); <i>(accepted)</i></p> <p>106.46. Step up efforts to achieve the effective realization of economic, social and cultural rights for the marginalized and vulnerable groups by ensuring that they are provided with adequate access to food, health, education and fair employment (Malaysia); redouble efforts to promote and protect the rights of vulnerable groups such as children, women, people with disabilities and aged persons (Cuba); <i>(accepted)</i></p> <p>106.48. Continue taking appropriate measures to narrow the gap between the rich and the poor. The international community must also rise to the occasion and help Nepal in its efforts (Pakistan); <i>(accepted)</i></p> <p>106.49. Improve food safety of vulnerable groups , particularly indigenous people, former bonded labourers, Dalits, Muslims, persons with disabilities and those who are infected with HIV/AIDs (Hungary); <i>(accepted)</i></p> <p>106.53. Ensure that all girls, Dalit children and children belonging to ethnic minorities have equal access to quality education (Finland); <i>(accepted)</i></p> <p><b>107. The following recommendations enjoy the support of Nepal which considers that they are already implemented or in the process of implementation:</b></p> <p>107.6. Provide the National Dalit Commission and the National Women’s Commission with sufficient resources to effectively realize their mandate (Slovenia);</p> <p>107.11. Take the necessary legal and policy measures to end discrimination, including of women, children and dalits (Netherlands);</p> <p>107.12. Criminalize discrimination based on caste, gender, religion, ethnicity, political belief or disabilities (Germany);</p> <p><b>108. The following recommendations will be examined by Nepal, which will provide responses in due time, but no later than the 17th session of the Human Rights Council in June 2011:</b></p> <p>108.10. Take further steps to eliminate discrimination against vulnerable or marginalised groups, including on the basis of gender or caste, by enacting laws to criminalize all forms of discrimination (UK); <i>(accepted with the following explanation: Recently, the Legislature-Parliament has passed the Caste-based Discrimination and Untouchability (Offence and Punishment) Bill, 2010. Several statutory mechanisms including the National Human Rights Commission, National Women’s Commission, National Dalit Commission and National Foundation for Development of Indigenous Nationalities exist to address all possible violations of rights. The GON remains committed to the promotion of their rights in conformity to its international obligations.)</i></p> <p>108.11. Review and adopt relevant legislation and policies, including bills related to Caste-based discrimination, the Women’s Commission, the Dalit Commission, the rights of Indigenous Peoples and the Rights of the Child, to ensure full compliance with international human rights standards (Norway); <i>(accepted with the abovementioned explanation)</i></p> <p>108.12. That the cases of caste-based discriminations are reported, investigated, perpetrators prosecuted and victims of such violence are compensated (Czech Republic); <i>(accepted with the following explanation: Discrimination in any forms, including caste-based one, has been outlawed, and cases of such discrimination have been reported, investigated, and perpetrators prosecuted in accordance with the laws. With the passage of the Caste-based Discrimination and Untouchability (Offence and</i></p>
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	<p><i>Punishment) Bill by the Legislature Parliament on 24 May 2011, these concerns have effectively been addressed.)</i></p> <p>108.31. Formulate effective strategies and programmes in order to provide employment and income generating opportunities for the population, in particular, the rural population, Dalits and ethnic minorities (Malaysia); <i>(accepted)</i></p> <p>108.35. Pay special attention to helping Dalit children, girls, and children belonging to ethnic minorities to complete their education cycle, and to ensure their employment opportunities after education in order to enable them to claim their rights and work as agents of change for their communities (Finland); <i>(accepted)</i></p>
<b>SENEGAL – 17th UPR session (October 2013)</b>	
<p><b>Excerpts from the report of the Working Group – Senegal</b></p> <p><u><a href="#">A/HRC/25/4</a></u></p> <p>Keywords: caste system</p>	<p><b>II. Conclusions and/or recommendations</b></p> <p>125.13 Eliminate the caste system, which leads to stigmatization and ostracism of certain groups of the Senegalese society (Romania); <i>(rejected)</i></p> <p><i>Replies to the 19 recommendations not considered on 21 October 2013</i></p> <p>18. In Senegal, best practices regarding the so-called “caste” system have not been institutionalized. Discrimination based on “caste” is neither authorized nor tolerated under the law. Indeed, the preamble to the Constitution proclaims “the rejection and elimination of all forms of injustice, inequality and discrimination”. Even better, this fundamental text, having laid down the principle of equality before the law and the sacred and inviolable nature of the human person, states, at the end of article 7, that “no one in Senegal shall have any liabilities or privileges based upon place of birth, status or family”.</p> <p>19. In sum, then, the Senegalese Constitution permits no form of discrimination, including on the basis of caste. The Government, in conformity with its international obligations, cannot tolerate any discrimination based on “caste”, as demonstrated by the absence of legal disputes based on this form of discrimination.</p> <p>20. While we must acknowledge that in Africa, as in other cultures of the world, caste issues may arise in myriad, oblique ways as part of social relations, frequently marriage relations, these relations are formed among private individuals, or groups of individuals, and accordingly are unknown to the State and its administrative branches. This recommendation is rejected.</p>
<b>UNITED KINGDOM OF GREAT BRITAIN – 2<sup>nd</sup> (May 2012) and 3<sup>rd</sup> (May 2017) UPR cycle</b>	
<p><b>Report of the Working Group on the Universal Periodic Review- United Kingdom of Great Britain and Northern Ireland</b></p> <p><u><a href="#">(A/HRC/36/9)</a></u></p>	<p><i>Extracts of particular relevance to the issue of caste discrimination in the UK</i></p> <p><b>II. Conclusions and/or recommendations</b></p> <p>134.81 Further reinforce measures to combat all forms of discrimination and inequality (Georgia);</p> <p>134.87 Review and strengthen current policies and initiatives to combat societal discrimination against members of racial, religious and ethnic minority groups (United States of America);</p> <p>134.154 Ensure the accessibility of appropriate legal aid to safeguard access to justice for all, particularly for the most marginalized groups in society (Netherlands);</p>

	134.165 Simplify, harmonize and reinforce the current legal norms on equality in favour of those most vulnerable (Bolivarian Republic of Venezuela);
<p><b>Excerpts from the report of the Working Group – UK</b></p> <p><u>(A/HRC/21/9)</u></p> <p><u>UK Government’s response to the UPR recommendations</u></p> <p>Keywords:</p> <p>Caste-based discrimination, anti-discrimination legislation, Equality Act 2010, vulnerable groups, minorities, access to health, education and employment, racial discrimination, disaggregated data</p>	<p><i>Extracts of particular relevance to the issue of caste discrimination in the UK</i></p> <p><b>B. Interactive dialogue and responses by the State under review</b></p> <p>61. China was concerned with the existence of discrimination against Muslims, Roma people and migrant workers and increased cases of racist incidents. China also asked the United Kingdom to elaborate on the measures taken to protect the fundamental freedom during the 2011 riots, especially those of the ordinary people who fell victims of the riots. China made a recommendation.</p> <p>80. In regard to Chile’s question about the impact of the legal aid reforms on vulnerable groups, the United Kingdom said that reforms in England and Wales had been subject to considerable amendments during the passage of the legislation in response to concerns raised by NGOs and Parliament. Public funding for the most vulnerable groups had been preserved but the impact would remain under review. The Scottish Government’s reforms to legal aid were also designed to maintain access to justice as much as possible.</p> <p>84. Honduras noted particularly the implementation of the Equality Act and the body of laws prohibiting direct or indirect discrimination, harassment, victimization and other specific conducts. Honduras made recommendations.</p> <p>86. India noted concerns that many public bodies faced difficulties in mainstreaming gender equality into policies and on the continuing prevalence of racial prejudice, discrimination of ethnic minorities, immigrants and asylum seekers. On the issue of immigrants and asylum seekers, India would like to know what the situation on the ground is, and what could be the basis for those concerns. India made a recommendation.</p> <p>91. Malaysia was concerned with the negative public attitudes towards minority groups, including Muslim, and with the reports on abuse or attacks against schoolchildren owing to their religious affiliation. Furthermore, Malaysia expressed concern that the powers regarding terrorism prevention and investigation were exercised in a discriminatory manner. Malaysia made recommendations.</p> <p>95. Nepal commended the United Kingdom for the establishment of national human rights institutions and the enactment of the Equality Act. Nepal noted with appreciation the overarching approach to advancing gender equality and the strategic vision to tackle violence against women and to promote their rights. Nepal made recommendations.</p> <p>98. Nicaragua commended the United Kingdom’s ratification of the ICRPD and encouraged the country to strengthen the criminal justice system. Nicaragua expressed concern about reports of systematic cases of caste-based discrimination, which should be prohibited in the country. Nicaragua made recommendations.</p> <p><b>II. Conclusions and/or recommendations</b></p> <p>110.49. Review national legislation to ensure equality and non-discrimination (Egypt); <i>(accepted)</i></p> <p>110.53. Take effective measure to eliminate discrimination on the grounds of race, religion and nationality and to guarantee the rights of Muslims, Roma people and migrant workers (China); <i>(accepted)</i></p> <p>110.61. Put in practice a national strategy to eliminate discrimination against caste, through the immediate adoption of the Equality Law of 2010 that prohibits such discrimination, in conformity with its international human rights obligations, including CERD’s General Recommendation 29 and recommendations of the Special Rapporteur on Contemporary Forms of Racism (Nicaragua); <i>(not accepted – in its response to the UPR recommendations, the UK Government gave the following</i></p>



	<p><i>explanation: "The recommendation does not enjoy the support of the United Kingdom. The UK Government are currently considering the evidence available to them, such as the report by the National Institute for Economic and Social Research (NIESR), together with the correspondence and representations put forward by both those who want the Government to legislate and those who are opposed to such legislation being introduced before reaching any conclusion on whether or not to prohibit caste discrimination as a specific aspect of race discrimination under the Equality Act 2010."</i></p> <p>110.91. Strengthen data collection and maintain disaggregated data to better understand the scale and severity of hate crimes towards women, immigrants, religious minorities, persons with disabilities, and children (United States); <i>(accepted in part)</i></p> <p>110.101. Provide more resources for reforming the welfare system in order to make it better able to tackle poverty and worklessness, and reduce negative impact on social vulnerable groups (Viet Nam); <i>(accepted)</i></p> <p>110.102. Strengthen measures aimed at reducing serious inequalities in access to health, education and employment, which still exist despite the adoption of the Equality Act (Spain); <i>(not accepted)</i></p> <p>110.107. Raise awareness campaign about rights of migrants and against racial discrimination (Bangladesh); <i>(accepted)</i></p>
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## UN SPECIAL PROCEDURES

<p><b>Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance</b></p> <p><b>Mr. Mutuma Ruteere (Mr. Githu Muigai until September 2011), (Mr. Doudou Diène until July 2008)</b></p>	
<p>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Mutuma Ruteere</p> <p><u><a href="#">A/HRC/32/50</a></u></p> <p>13 May 2016</p>	<p>10. A number of other international instruments specifically prohibit discrimination against certain groups. In its general comment No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee on the Elimination of Discrimination against Women clarified that the Convention necessarily applies to sex- and gender-based discrimination that disproportionately affects certain women on account of their race, ethnicity, religion or belief, caste or other status.</p>
<p>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Mutuma Ruteere: Addendum Mission to Mauritania</p> <p><u><a href="#">A/HRC/26/49/Add.1</a></u></p> <p>June 3 2014</p>	<p><b>II. Context</b></p> <p>The Haratine are thought to constitute the largest ethnic group in Mauritania and the most politically and economically marginalized in what remains a society deeply stratified by ethnicity, descent, <b>castes</b> and class. The word Haratine is derived from the Arabic word for freedom, as they are perceived by the rest of society as freed slaves.</p> <p>The Moors are divided into many different tribes stratified in <b>castes</b> by profession, such as blacksmith, religious leader, and warrior, inter alia. The</p>

Special Rapporteur was informed that relations among the different **castes** are very hierarchical and give rise to the exclusion and marginalization of certain **castes**, such as that of blacksmiths, in favour of others. Access to certain functions, activities and responsibilities is therefore closely linked to **caste** identity and marriages are highly codified according to descent. For example, the Special Rapporteur met with members of the blacksmith **caste**, who reported that 90 per cent are involved in business and retailing, that only 5 per cent are primary school teachers and that their sons cannot marry girls from other **castes**. Although some of the Afro-Mauritanian ethnic groups are not divided into **castes**, they too are very hierarchically organized and relations among the various subgroups are highly influenced by descent.

The Special Rapporteur noted that Mauritanian society is highly stratified along ethnic and **caste** lines, with de facto slaves and descendants of slaves assigned the lowest status, which is passed down through the generations. This stratification, which has historical roots, fuels latent tensions and conflicts which at times turn violent

#### **B. Justice system**

In addition, the justice system was reported to work mainly in Arabic, as bilingual judges are rare. This, and the fact that judges appear to be recruited mainly from one **caste** or tribe, represents a barrier to access to justice, leading to de facto exclusion of those who do not speak Arabic. The practice of prioritizing one language and one **caste** or tribe also makes access to the judiciary profession very limited for the other ethnic communities and contributes to fuelling impunity for human rights violations, including cases of ethnic and descent-based discrimination, as victims do not trust the justice sector, which they see as skewed in favour of certain segments of the population

#### **D. Census**

The authorities explained that the census was necessary to safeguard the security of the country as well as that of its residents and citizens, through the establishment of a centralized national biometric database to replace the 13 uncoordinated regional population databases, which were dismantled in May 2011. The census process started with the opening of a first census centre in Nouakchott on 5 May 2011; in 2013 there were a total of 216 census centres of which 8 located abroad for the census of Mauritanian expatriates. The Government explained that the census had been designed in three successive phases: (1) registration of the population in possession of all requested documents; (2) registration of those partially fulfilling the documentation requirements; (3) and registration of the population not possessing any identification documents. Although the Government reported that the current census had allowed for the registration of 2.9 million people, representing 700,000 additional citizens who did not appear in the 2008 census and subsequent complementary census operations conducted up to 2009, the current national exercise has brought to the surface not only the deep-seated issues that divided the society along ethnic and **caste** lines, but also unresolved human rights violations perpetrated in the late 1980s. Since September 2011, demonstrations have continued against certain practices linked to the census exercise and groups which have traditionally been discriminated against have expressed concerns with regard to the registration requirements, which have been viewed by some as an attempt to strip members of Mauritanian society of their right to nationality.

#### **F. Youth and education**

Young people, particularly in rural areas, appear to be strongly attached to the traditional values of their groups of origin: young people identify first

	<p>and foremost with the group to which they belong rather than to the nation. Some young people, for example, believe that maintaining the <b>caste</b> system is necessary to preserve the group identity and claim that mixed marriages are unacceptable. As a result the ethnic, religious or descent based groups compete with and fill the space left by public institutions and services which are no longer able to cater for an increasing young urban population, thus undermining efforts towards social cohesion.<sup>20</sup></p> <p>From the interactions during the visit, the Special Rapporteur sensed that the feeling of belonging to one nation had not yet been cemented and that individuals were more likely to mobilize along ethnic and <b>caste</b> lines. Hence it was reported that people tended to favour members of their families, their <b>castes</b>, ethnic groups or regions,<sup>21</sup> which perpetuates nepotism in both the political and economic spheres, leading to further discrimination and inequalities.</p> <p><b>VI. Conclusions and recommendations</b></p> <p>There is a need to improve the effectiveness of the relevant institutions in addressing the problems of discrimination and to win public confidence in their effectiveness and commitment to implementing the law. The competent ministries should therefore include in their annual budgets adequate resources to tackle issues of ethnic-, <b>caste</b>- and descent-based discrimination as well as slavery-like practices within their areas of responsibility, particularly to strengthen the capacity and expertise of officials, and maintain continued cooperation with relevant United Nations agencies, and in particular with the Office of the High Commissioner for Human Rights in Mauritania.</p>
<p><b>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere</b></p> <p><u>A/HRC/26/49</u> 6 May 2014</p>	<p>1. International frameworks and initiatives</p> <p>24. A number of United Nations human rights mechanisms have addressed the issue of the use of the Internet and social media to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance. The Committee on the Elimination of Racial Discrimination, in its <b>general recommendation XXIX on descent-based discrimination</b>, recommended that States take strict measures against any incitement to discrimination or violence against <b>descent-based communities</b>, including through the Internet. Furthermore, in its general recommendation XXX on discrimination against non-citizens, the Committee recommended that action be taken to counter any tendency to target, stigmatize, stereotype or profile, on the basis of race, colour, <b>descent</b>, and national or ethnic origin, members of “non-citizen” population groups, in particular by politicians, officials, educators and the media, on the Internet and other electronic communications networks. The Committee has also expressed concern at the dissemination of racist propaganda on the Internet in a number of recent concluding observations issued after consideration of regular reports submitted by States parties, recalling that such dissemination falls within the scope of prohibitions of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.</p> <p><b>IV. Conclusions and recommendations</b></p> <p>69. In the global digital network, the voices of victims of racial discrimination most often remain absent because of their lack of access to the Internet and social media, therefore often leaving racist ideas</p>

<sup>20</sup> Becapress, Government of the Islamic Republic of Mauritania and UNICEF, “Etude CAP sur les préjugés sociaux, la discrimination et la citoyenneté” (October 2010).

<sup>21</sup> Sall Ousmane and Abdallahi Ould Kerim, “L’introduction des *life skills* en Mauritanie: Document de base à l’intention des concepteurs des programmes scolaires de l’éducation nationale” (June 2005).

	<p>unchallenged. In this regard, the Special Rapporteur reiterates that States and the private sector should adopt effective and concrete policies and strategies to ensure that access is widely available and affordable for all, on the basis of the principles of non-discrimination of any kind, including on the grounds of race, colour, <b>descent</b>, and ethnic or national origin. National human rights institutions should also be encouraged to lead the development of these initiatives.</p>
<p><b>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere</b></p> <p><a href="#">A/68/333</a></p> <p>(GA 68<sup>th</sup> session – September 2013)</p>	<p>In this report, the Special Rapporteur focuses on the intersectionality between poverty and racism.</p> <p><b>C. Persons and groups affected by poverty and racism</b></p> <p>45. The Special Rapporteur notes that one of the major challenges in assessing the extent to which poor racial and ethnic minorities suffer discrimination is the lack of reliable disaggregated data. The lack of data is linked to legal prohibitions in some countries on collection of ethnically disaggregated data, the failure to establish mechanisms for collection of such data in others. The lack of this kind of data means that development policies such as those linked to the Millennium Development Goals may neglect to address the specific needs of racial and ethnic minorities.</p> <p>46. The Special Rapporteur observes that the problem of disproportionate poverty among some racial and ethnic groups is prevalent in all regions of the world. In this report, however, he highlights the situation of just some of those groups.</p> <p><b>4. Dalits</b></p> <p>63. The caste system continues to be the source of discrimination against the Dalits who have a low hierarchical status according to tradition and beliefs. A disproportionate percentage of the Dalits live in abject poverty and face discrimination and exclusion at social, economic and political levels.</p> <p>64. Abuses at school by teachers and fellow students such as corporal punishment, verbal abuse, forced “manual scavenging” or injuries reinforce social alienation and drop-out rates. In some cases, Dalits are not allowed to access the same facilities as non-Dalits, owing to what is referred to as the fear of uncleanness, untouchability and contagion. Most of the Dalits live in rural areas, and are often excluded from services only available in urban areas. It is estimated that less than 10 per cent of Dalit households can afford safe drinking water, electricity and toilets, and approximately 75 per cent are engaged in agricultural work, although many do not have their own land.</p> <p>65. Furthermore, the Dalits are often engaged in manual scavenging, digging of graves, cleaning of human excretions or forced prostitution, thus exposing them to a range of health hazards. A study in South Asia found that Dalits were denied entry into private health centres or clinics in 74 out of 348 villages surveyed, or 21.3 per cent of villages. The study also found that in the case of 30 to 40 per cent of the Dalit villages surveyed public health workers refused to visit. In some villages, Dalits also were prohibited from public streets and even police stations.</p> <p><b>IV. Conclusions and recommendations</b></p> <p>80. The Special Rapporteur welcomes the efforts and initiatives undertaken by various States to prohibit discrimination and segregation and to ensure full enjoyment of civil, cultural, economic, political and social rights for all individuals and groups. He notes that certain groups and individuals, including people of African descent, indigenous peoples, minorities, Roma, <b>Dalits</b> and migrants, are still confronted with poverty and discrimination, especially in the enjoyment of their economic and social rights. The persistence of discrimination against those groups and individuals remains a challenge to the</p>

	<p>construction of a tolerant and inclusive society, and only the guarantee of equality and non-discrimination policies can redress that imbalance and prevent those groups that are discriminated against from falling into or being trapped in poverty.</p>
<p><b>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere</b></p> <p><u><a href="#">A/HRC/23/56</a></u></p> <p>(HRC 23<sup>rd</sup> session - June 2013)</p>	<p><b>B. Disadvantaged and discriminated groups</b></p> <p>28. While recalling that there is no hierarchy between the victims of racism and racial discrimination, the Special Rapporteur would like to bring to the attention of States the situation faced by some specific groups of individuals, including, migrants, refugees, asylum seekers, people of African descent, victims of caste-based discrimination and members of minorities, including Roma, whose situation has also been addressed by his predecessors.</p> <p><b>4. Victims of caste-based discrimination, including Dalits</b></p> <p>46. As highlighted by the previous mandate holder (A/HRC/17/40, para. 27), there is serious concern about an estimated 250 million people around the world at risk of human rights violations on the grounds of caste and other systems based on inherited status. Indeed, reports received confirm that discrimination against Dalits in the educational system is a widespread problem in caste-affected countries. Alienation, social exclusion and physical abuse are present throughout all levels of education, from primary to university education. Illiteracy and dropout rates among Dalits are very high due to a number of social and physical factors. Legislation on the issue is limited, and measures to address the issue are often inadequately implemented. The forms of structural discrimination and abuse that Dalit children face in schools are often so stigmatizing that they are forced to drop out of school. One of the main issues is discriminatory practices conducted by teachers, which may include corporal punishment, denial of access to school water supplies, segregation in classrooms, and forcing Dalit children to perform “manual scavenging” on and around school premises. In addition, Dalit children face discriminatory attitudes from fellow students and the community as a whole, in particular from higher caste members, who perceive education for Dalits as a threat to village hierarchies and power relations. Intolerance of, prejudice against and harassment of Dalits are equally prevalent in institutions of higher education, where discrimination is practised by senior upper-caste students, teachers, faculties and university administrations. The caste bias manifests itself in the way teachers ignore Dalit students and unjustly fail them in exams and in the unwillingness of the university administration to assist and support Dalits. Reportedly, as a grave consequence of this harassment, a disproportionate number of Dalit students have committed suicide in some countries.</p> <p>47. In 2006, the Special Rapporteur on the right to education recommended that Governments remove known barriers to the enrolment and retention in school of young and teenage girls belonging to all ethnic groups, castes and communities that are discriminated against (E/CN.4/2006/45, paras. 80–85 and 140). The Special Rapporteur urges the concerned States to take appropriate measures to ensure the right to non-discrimination in education for victims of caste-based discrimination, including Dalits. He recalls general recommendation No. 29 (2002) of the Committee on the Elimination of Racial Discrimination on article 1, paragraph 1, of the Convention (descent), which recommends, inter alia, the prohibition and elimination of practices of segregation directed against members of descent-based communities in education, and the education of the population as a whole in a spirit of non-discrimination and respect for the communities subject to descent-based discrimination. Furthermore, it recommends the adoption of special measures in favour of descent-based groups and communities in order to ensure their access to education. The Special Rapporteur, moreover, considers that national</p>

and local authorities should take effective measures to reduce dropout rates and increase enrolment rates among children of affected communities at all levels of public and private schooling. Concrete steps should be taken to: eradicate the existing prevalence of caste-based discrimination in schools, including stereotypical and demeaning references, for example, in schoolbooks; ensure the inclusion of children of affected communities in schools; and disseminate general information about the importance of non-discrimination and respect for affected communities in the entire education system. The Special Rapporteur also encourages States to enable and improve educational and professional training for Dalit girls and boys so that they can move to professions of their choice.

### **C. Education and the economic crisis**

54. Reports received show that, in the field of education, financing presents a number of difficult and conflicting issues. Indeed, although several Governments have earmarked more resources for education, the level of commitment overall varies greatly. There is also evidence in some regions of growth in international aid, particularly for basic education, albeit with some failures in application. In the last few years, many countries have been experiencing a severe economic crisis, which in some instances has resulted in drastic budgetary restrictions and affects the education sector. It is essential that States carefully evaluate the potential impact of budgetary restrictions on the enjoyment of the right to education without discrimination. Budgetary stringency must not have a disproportionate impact on the enjoyment of the right to education, especially for disadvantaged groups, including minorities, Roma, people of African descent, migrants, undocumented migrants, refugees, asylum seekers and the victims of caste-based discrimination, since this could threaten the progress already achieved by some countries, and lead to increased marginalization and exclusion of part of these vulnerable groups.

56. Although the Special Rapporteur welcomes some of the efforts and initiatives undertaken by various States to prohibit discrimination and segregation in their educational system and improve access to education opportunities for all individuals and groups, he notes that certain groups and individuals, including people of African descent, minorities, Roma, migrants, refugees and asylum seekers, and victims of caste-based discrimination still face obstacles and challenges to the full enjoyment of their right to education, as they experience a low level of education – in both quality and duration – and discrimination and segregation in schools. This persistence of discrimination among these vulnerable groups and individuals remains a challenge to the construction of a tolerant society which rests upon an inclusive education system.

(c) In particular, States should adopt and implement laws that prohibit discrimination on the basis of race, colour, descent or national or ethnic origin at all levels of education, both formal and non-formal, take all appropriate measures to eliminate obstacles limiting the access of children to education, including through affirmative action programmes of a temporary nature, and ensure that all children, especially those of African descent, minorities, Roma, migrants, refugees and asylum seekers, and the victims of caste-based discrimination have access without discrimination to good-quality education, including higher education. Measures to eliminate obstacles limiting access to quality education include committing appropriate resources to eliminating inequalities in educational outcomes;

(h) Teachers at all levels of education should benefit from specialized training, including awareness-raising, in how to prevent racism, xenophobia and other forms of discrimination. Special emphasis should be placed on the situation of minority or vulnerable groups within their country, such as Roma or other

	<p>minorities, persons of African descent, Roma, migrants, refugees and asylum seekers, and the victims of caste-based discrimination. International norms prohibiting racism and racial discrimination and their implementation under domestic law should be emphasized in the curriculum;</p> <p>(1) States should carefully evaluate the potential impact of budgetary restrictions on education, and ensure that they do not have a discriminatory and disproportionate impact on the enjoyment of the right to education of disadvantaged groups, including minorities, Roma, people of African descent, migrants, undocumented migrants, refugees, asylum seekers and the victims of caste-based discrimination;</p>
<p><b>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere</b></p> <p>Prevention of racism, racial discrimination, xenophobia and related intolerance in line with the provisions of the Durban documents</p> <p><a href="#">A/HRC/20/33</a></p> <p>(HRC 20<sup>th</sup> session – June 2012)</p>	<p><b>B. Promoting equality of opportunity in social and economic areas and eradicating poverty</b></p> <p>12. The Special Rapporteur is convinced that there is a strong correlation between socio-economic inequality and racial discrimination and that these reinforce each other. Additionally, it is important to note that social and economic exclusion and disparities foster racial discrimination already experienced by the victims. [...]</p> <p>15. Poverty, economic and social exclusion constitute both causes and effects of racism, racial discrimination, xenophobia and related intolerance. As stated in the outcome document of the Durban Review Conference, poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty.<sup>9</sup> It should be noted that the previous Special Rapporteur devoted attention and work to elucidating the link between poverty and racism. He found that the intersection between race and poverty was a key dimension to the struggle against racism. This link was further demonstrated by the then Special Rapporteur while addressing racism and racial discrimination against Roma and discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status. The Independent Expert on minority issues has also noted that ethnic minorities are disproportionately affected by poverty in different parts of the world.</p> <p>16. There is a need to further recognize the interrelation between racism, racial discrimination, xenophobia, intolerance and poverty that contributes to the denial for some individuals and groups of individuals of the enjoyment of their civil, cultural, economic, social and political rights. Indeed the structural nature of poverty reinforces structural discrimination which traps the victims into a vicious cycle of social exclusion and marginalization. The Special Rapporteur shares the view of his predecessor that in developing effective and informed policy measures, there is a strong need for ethnically and racially disaggregated data. This would enable policymakers to make an in-depth analysis of social and economic exclusion of individuals and groups of individuals facing racial discrimination. Furthermore in the design and implementation of economic and social programmes at local and national levels, it is essential that attention be paid to the disadvantaged position of excluded ethnic groups and in particular those living in poverty. The Special Rapporteur is of the view that one of the means of promoting the inclusion of excluded individuals is to ensure that such programmes are consultative, involve a diversity of actors and provide mechanisms for securing their views.</p> <p><b>D. Education</b></p> <p>20. The Special Rapporteur notes with appreciation efforts made by different States to prohibit segregation in schools and improve access to education opportunities for all individuals and groups. He is however concerned about</p>

	<p>reports, including by his predecessors, indicating that racial discrimination and segregation in schools, poorer educational achievements and a low quality level of education still characterize the experiences of certain groups of individuals, including minorities, Roma, victims of caste-based discrimination, people of African descent, migrants, refugees and asylum seekers. The persistence of racial discrimination in the enjoyment of the right to education remains a major obstacle in building an inclusive educational system and thus a tolerant society.</p>
<p><b>Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action -</b></p> <p><b>Interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance</b></p> <p>A/66/313 (GA 66<sup>th</sup> session – August 2011)</p>	<p>3. In this report, the Special Rapporteur gives an overview of the issues of concern as addressed within the framework of his mandate since the submission of his previous report to the Assembly (A/65/295). These issues of concern for the mandate are presented in section II and include structural discrimination; incitement to national, racial or religious hatred; extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements; and victims of racism, racial discrimination, xenophobia and related intolerance, including people of African descent, Roma and the victims of discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status. The Special Rapporteur also highlights some best practices in the fight against racism, racial discrimination, xenophobia and related intolerance. [...]</p> <p>11. The Special Rapporteur further highlighted that structural discrimination can be the result of past historical injustices perpetrated against specific groups of individuals. Long after that formalized racial discrimination was dismantled, the inequalities that were created continued to have a disadvantage or disproportionate effect on the human rights of individuals of specific ethnic and racial groups.</p> <p>Indigenous peoples, Roma, members of communities based on caste or analogous systems of inherited status, ethnic minorities and people of African descent remain particularly affected by this historical legacy, notably in the areas of health, housing, employment, education, administration of justice as well as political representation and empowerment. Thus structural discrimination is one example of the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights. [...]</p> <p>26. In this context, the Special Rapporteur would like to highlight the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of the civil, cultural, economic, political and social rights of certain groups. Since his previous report to the General Assembly, the Special Rapporteur has discussed the situation of people of African descent (see subsection B.1), Roma (see subsection B.2) and those who face discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status (see subsection B.3).</p> <p><b>3. Discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status</b></p> <p>38. The Special Rapporteur has repeatedly raised the negative impact of discrimination based on work and descent on the full enjoyment of civil, cultural, economic, political and social rights. He reaffirms that States have to recognize that discrimination on the ground of descent constitutes a form of racial discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination. The Special Rapporteur has associated himself with the position taken by the Committee on the Elimination of Racial Discrimination which in its general recommendation No. 29: Article 1, paragraph 1, of the Convention (Descent) (2002), strongly reaffirmed that “discrimination based on ‘descent’ includes discrimination against members of communities based on forms of social stratification such as caste and analogous</p>



systems of inherited status which nullify or impair their equal enjoyment of human rights”.

39. The Special Rapporteur would like to stress that multiple discrimination compounds the severity of the plight of low castes, who sometimes form part of a religious minority. For instance, many Hindu members belonging to “scheduled castes” (Dalits) experience segregation in access to housing, live below the poverty line, earn less than the minimum wage and have no access to education. They suffer from numerous diseases, not least because of lack of access to safe drinking water and sanitation, and sometimes face discrimination in accessing public-health facilities. Pervasive discrimination keeps them poor, uneducated, in terrible living conditions and in menial jobs. Discriminated against in terms of education, children of lower castes are among the most vulnerable, facing recruitment as child labour, soldiers or as sex workers, and rampant torture and corporal punishment. Trafficking and the sale of children, especially young girls, and infanticide of female children are other multiple forms of discrimination. Women and girls face multiple discrimination, including through sexual exploitation, forced prostitution, violence in their family and communities, and from actors in other castes.

40. At the same time, the Special Rapporteur has identified good practices and challenges in the fight against discrimination based on work and descent at the international and national levels. He notes with satisfaction that some Governments have taken initiatives to address the problems facing communities affected by discrimination based on work and descent, and he encourages them to continue their efforts, share best practices and take the lead in regional and international initiatives to eliminate this form of discrimination.

41. However, despite Government efforts to eradicate this type of discrimination through constitutional guarantees, legislation and affirmative action programmes, the Special Rapporteur notes that caste-based discrimination remains deplorably widespread and deeply rooted. He would like to reiterate that, notwithstanding the existence of international legal obligations to protect against discrimination based on work and descent, certain Governments have failed to implement such obligations effectively and have, in some instances, sidestepped the question of caste discrimination by claiming that it does not fall under the scope of the international conventions, such as the International Convention on the Elimination of All Forms of Racial Discrimination, in contrast to the opinion of the Committee on the Elimination of Racial Discrimination. In that regard, he again recommends that the general measures contained in general recommendation No. 29 (2002) of the Committee on the Elimination of Racial Discrimination be implemented.

42. The Special Rapporteur recommends the continued use of the draft principles and guidelines for the elimination of discrimination based on work and descent<sup>7</sup> as a guiding framework for the elaboration of effective measures to be taken by States to fulfil international legal obligations, and invites Governments to consider creating consultative body of regional human rights institutions to study the issue and raise regional awareness. Furthermore, the Special Rapporteur recommends that measures with regard to the legal framework be taken hand-in-hand with awareness-raising measures. [...]

62. Racism, racial discrimination, xenophobia and related intolerance unfortunately continue to have a negative impact on the full enjoyment of civil, cultural, economic, political and social rights. This is particularly blatant for people of African descent, Roma, members of communities based on caste or analogous systems of inherited status and ethnic minorities in general, including in the areas of education, employment, health, housing, access to citizenship, administration of justice, racial profiling as well as access to political decision-making and judicial systems. In addition, women and girls

	<p>belonging to certain communities remain particularly vulnerable to exploitation, trafficking, racial abuse and violence.</p>
<p><b>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 65/199</b> <u>A/HRC/18/44</u> (HRC 18<sup>th</sup> session – July 2011)</p>	<p>8. A number of States have indicated that their Constitution and legislation prohibit racial discrimination. The Special Rapporteur welcomes such a step. The Special Rapporteur also notes with interest the information provided by States about non-citizens being guaranteed equality before the law and human rights without discrimination. He also welcomes the legislative measures taken to combat racism in sport. However, the Special Rapporteur notes that domestic law does not always fully cover the definition of racial discrimination as enshrined in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.</p> <p>Consequently, the Special Rapporteur urges States parties to this important instrument to ensure that the definition of racial discrimination under their domestic order complies with the provisions of article 1 and prohibit and eliminate any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.</p> <p>The Special Rapporteur also recalls that, under article 20 of the International Covenant on Civil and Political Rights, “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”. Furthermore, paragraph 13 of the outcome document of the Durban Review Conference reaffirms that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, as should be the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts.</p>
<p><b>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai</b> <u>A/HRC/17/40</u> (17<sup>th</sup> Human Rights Council session, June 2011)</p>	<p>III. Discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status</p> <p>25. Over the past three years, the Special Rapporteur has recalled that racial discrimination affects individuals in all societies and regions of the world. While the manifestations of racism may vary in nature and degree depending on the historical, geographical and cultural context, all individuals, regardless of their race, colour, descent or national or ethnic origin, should be offered robust and effective protection against discrimination. In this regard, the Special Rapporteur highlighted last year at the General Assembly that since the 2001 World Conference against Racism, the issue of discrimination based on descent has been on the international agenda. He has noted that the main human rights bodies working in the area of racism and discrimination have clearly stated that the prohibition of this type of discrimination falls within the scope of existing instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention). The Special Rapporteur has also referred to the draft principles and guidelines for the effective elimination of discrimination based on work and descent and have encouraged States to engage in substantive discussions on this topic and eventually rally around these draft principles.</p> <p>26. The Special Rapporteur has associated himself with the position taken by the Committee on the Elimination of Racial Discrimination, which, in its concluding observations, has stated that “the term ‘descent’ in article 1 of the Convention does not solely refer to race. The Committee affirms that the situation of scheduled castes and scheduled tribes falls within the scope of the Convention” (CERD/C/304/Add.13, para. 14). The Committee also stated that “discrimination on the grounds of caste constituted a form of racial discrimination” (A/64/271, para. 57) and that “the term ‘descent’ had its own</p>

meaning and was not to be confused with race or ethnic or national origin” (CERD/C/304/Add.114, para. 8). More broadly, in its general recommendation No. 29 (2002) on article 1, paragraph 1 (descent), the Committee further clarified its position by “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” (preamble).

27. Within the context of the Durban Review Conference, the Special Rapporteur highlighted his serious concern about an estimated 250 million people around the world being at risk of human rights violations on the grounds of caste and other systems based on inherited status.<sup>50</sup> He expressed concern at reports of the prohibition of or limitations on the ability to alter inherited status; socially enforced restrictions on marriage outside the community; public and private segregation, including in housing and education, and access to public spaces and places of worship and public sources of food and water; limitations on the freedom to renounce inherited or degrading occupations or hazardous work; and subjection to debt and bondage.

28. The Special Rapporteur reaffirmed that the legal framework on discrimination based on descent is unambiguous but is not properly implemented. The vital first step is for States to recognize that discrimination on the grounds of descent constitutes a form of racial discrimination prohibited by the Convention. Without such recognition it is not possible to effectively address the serious human rights violations and discrimination against individuals and groups on the grounds of caste and other systems of inherited status (A/64/271, para. 58). States should also raise awareness and challenge long-entrenched perceptions to help shape public opinion towards fairer and more equitable societies.

29. Despite Government efforts to eradicate this type of discrimination through constitutional guarantees, legislation and affirmative action programmes, caste-based discrimination remains deplorably widespread and deeply rooted. Victims face structural discrimination, locking them in a persistent and vicious cycle of poverty and marginalization.

30. The problem is neither confined to one geographical area nor exclusively practised within one particular religion or belief system. It is found in all geographical regions, including within diaspora communities.

#### A. Manifestations

31. Common denominators among victims of this kind of discrimination in the forthcoming examples include, inter alia, untouchability, which in some cases prevents them from using the same public wells or water taps, drinking from the same cups in tea stalls, or visiting the same temples as members of higher castes or of noble clans; occupational segregation, which impairs their access to employment, restricting them to traditionally assigned jobs (generally sweeping and manual scavenging); enforced endogamy, thus limiting intermarriage; severe restrictions on commensality; and social ostracism, including social boycotts and blockades.

##### 1. Caste-based occupations and untouchability

32. Discrimination against members of the affected groups manifests itself in work or occupation. Designated tasks considered ritually polluting and unclean to others in the social system further marginalize them as they are considered “untouchables” based on their employment. Untouchability has been banned in many countries (along with caste-based discrimination), but notions of impurity and pollution linked to jobs continue to persist through descent-based discrimination. Therefore, the notion of pollution ascribed

through work is intertwined with caste-based occupations, which include sweeping and manual scavenging (the cleaning of excreta from dry latrines).

33. Bonded labour and forced prostitution disproportionately affect those in lower castes, with a large number of Dalits in South Asia making up the majority of people in domestic bonded labour. A large number of victims of human trafficking, sexual slavery and other forms of labour exploitation are members of low castes. Wage discrimination and discrimination in hiring are prevalent.

## 2. Multiple discrimination

34. Multiple discrimination compounds the severity of the plight of low castes. Sometimes lower caste societies form part of a religious minority. For instance, in Pakistan victims of discrimination on the basis of caste, descent and occupation are also disadvantaged as they are members of the Hindu minority referred to as “scheduled castes” (Dalits).

35. Dalits also experience segregation in access to housing; most live below the poverty line, earn less than the minimum wage and have no access to education. They suffer from numerous diseases, not least because of lack of access to safe drinking water and sanitation, and sometimes face discrimination in accessing public-health facilities (A/HRC/15/55 and Corr. 1, para. 25). Pervasive discrimination keeps them poor, uneducated, in terrible living conditions and in menial jobs (ibid., para. 26).

36. Discriminated against in terms of education (CERD/C/IND/CO/19, para. 25), children of lower castes are among the most vulnerable, facing recruitment as child labour, soldiers or as sex workers, and rampant torture and corporal punishment. Trafficking (ibid) and the sale of children, especially young girls, and infanticide of female children are other multiple forms of discrimination.

37. Women and girls face multiple discrimination, including through sexual exploitation or forced prostitution (A/HRC/7/19 and Corr. 1, para. 71). Women are socio-economically positioned at the bottom of the caste, gender and class hierarchy, and face violence in their family and communities, and from actors in other castes. Women in Dalit Communities in Asia are subjected to physical abuse, sexual harassment, trafficking and sexual violence (E/CN.4/Sub.2/2001/16, para. 45). Violations of land and property rights also affect these women (A/HRC/10/7/Add.1, para. 52), who suffer disproportionately in terms of health care, education, and subsistence wages. Dalit women in India and Nepal make up the majority of landless labourers and scavengers.

38. The practice of devadasi (in which girls are pledged for life to temples at an early age by parents in return for heavenly favours and to placate the gods) continues in India. However, once women are ceremonially “dedicated”, they are forced to become prostitutes for upper-caste community members.<sup>55</sup> Recently, most devadasis have ended up working in the sex trade industry. In some cases, sexual violence is linked to debt bondage.<sup>56</sup> In Nepal, badis are viewed as a prostitution caste. Many Dalit women and girls, including badis, are trafficked into sex work. In Pakistan, it is reported that rape of female bonded labourers is one of the most pressing problems facing the movement to end debt bondage. In Mauritania, women referred to as “slaves” are often forced to remain with their “masters” as they are threatened with separation from their children if they escape.

## Intermarriage

39. Discrimination based on caste and analogous systems of inherited status permeates all aspects of life, including marriage. Seen as a method of “status advancement” for some in the lower castes, intermarriage is a way to dispel the

stereotypes and persistent artificial divisions between castes. However, this practice is condemned and socially discouraged (E/CN.4/Sub.2/2001/16, para. 8) in a number of countries including India, Japan, Senegal, Sri Lanka and among members of the South Asian diaspora (E/CN.4/Sub.2/2004/31, para. 37). Intermarriage can lead to violent reprisals from the families.

#### Religious conversion

40. Religious conversion is viewed as a way of escaping this kind of discrimination. However, in certain countries it permeates religious communities. Despite constitutional provisions and legal measures to protect the rights of members of scheduled castes and scheduled tribes, de facto segregation and discrimination persist.

41. In some countries, members of discriminated castes who convert to other religions lose out on the basic safeguards provided to them in policies of affirmative action, while the previous caste status and related social bias remains at the social level. Such is the case in India. Unlike converts who become Buddhists or Sikhs (CERD/C/IND/CO/19, p. 21), Dalits who convert to Islam or to Christianity reportedly lose their entitlement under affirmative action programmes (A/HRC/10/8/Add.3, para. 28), including the system of reservation (a quota system of posts reserved in employment in Government, public sector units, and all public and private educational institutions).

#### B. Good practices and contemporary challenges

##### 1. International

###### Sub-Commission on the Promotion and Protection of Human Rights

42. The Sub-Commission on the Promotion and Protection of Human Rights invested efforts to address discrimination based on work and descent. Four substantive reports and a draft set of principles and guidelines for the elimination of discrimination based on work and descent were considered by this body. These draft principles<sup>61</sup> have been cited and referred to, on various occasions, by treaty bodies, special procedures, civil society and national human rights institutions.

##### 2. National

43. To better illustrate manifestations of this form of discrimination, information has been collected from various sources and geographical regions. The identification of challenges and good practices has been done on the basis of publicly available information.

###### (a) Asia

44. The Special Rapporteur recognizes the efforts of countries that have adopted legislation to counter discrimination based on work and descent. A number of national constitutions list caste within their articles on non-discrimination.

45. The Constitution of India specifically provides for the abolition of the practice of untouchability. Constitutional bodies, special legislative measures and executive orders, a national commission and State institutions were established to protect scheduled castes and help them seek redress for violations. The Indian Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the subsequent addition in 1995 were enacted to protect these castes. Despite this, the practice of untouchability remains a part of rural India.

46. The Government of India has committed itself to developing policies aimed at the advancement of the Dalit population. The Special Central Assistance to Scheduled Castes Sub Plan is an example, as is the Employment

of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act of 1993. Despite this Act and Government investment, the National Scheme of Liberation and Rehabilitation of Scavengers and their Dependants has failed to achieve its objectives.

47. In Nepal, discrimination based on caste and on ethnicity persists, particularly in less developed and more remote areas. The Interim Constitution and the Civil Code criminalize discrimination on the basis of caste and penalize acts that perpetuate untouchability with imprisonment or fines, but there are considerable gaps in enforcement and implementation of anti-discrimination laws. Marginalized groups, including Dalits, face socio-economic and cultural obstacles to access justice. The Government has reported increased expenditure on social measures at the local government level and has implemented awareness-raising programmes and legal safeguards (A/HRC/16/23, para. 41).

48. The current legal framework has proved inadequate to effectively curb caste-based discriminatory practices or to hold perpetrators accountable. Due to the vagueness of provisions of the Civil Code, Government officials fail to view specific acts of discrimination as crimes and to take appropriate action. The submission of the draft bill on caste-based discrimination and untouchability crime elimination and punishment to Parliament in July 2009 is a positive development (A/HRC/16/23, paras. 54-55).

49. The Constitution of Bangladesh prohibits discrimination on grounds of race, religion, caste or sex, and states that no one can be detrimentally affected in respect of life, liberty, body, reputation or property (part III, art. 31). The pattern of discrimination against occupational groups related to caste systems has been recognized in the National Strategies for Accelerated Poverty Reduction. In the strategies, the Government envisioned that disadvantaged and stigmatized groups could be included into the mainstream by allowing their participation in socio-economic activities. While this is a strong step, more practical action is needed to redress this discrimination, such as the enforcement of current laws and the creation of a commission mandated to address concerns related to the lower castes.

50. In Sri Lanka there are two caste systems: one for the Sinhalese and one for the Tamils (E/CN.4/Sub.2/2001/16, para. 28). Caste differentiation occurs in both of Sri Lanka's main Tamil communities.<sup>64</sup> Caste-based discrimination is sometimes applied to non-Hindus—including Tamil Christian and Muslim converts and members of other minority groups. Caste differences between Indian-origin Tamil plantation workers also remain prominent. Untouchables are made to perform specific tasks during Hindu rituals that are particular to their low-caste status.

51. In 1957, the Government passed the Prevention of Social Disabilities Act, making it an offense to deny access to various public places to persons by reason of their caste. A 1971 amendment imposed stiffer punishments for the commission of these offenses. The 1978 Constitution of Sri Lanka does not provide for community-based affirmative action, but does prohibit discrimination on the grounds of caste, including caste-based restrictions on access to public places, including places of worship of one's own religion. However, serious problems remain.

52. In Japan, discrimination against Buraku, also known as eta ("pollution abundant" or "unclean"), persists despite the official abolition of the Buraku system by the Emancipation Edict of 1871 and other Government measures. Nevertheless, the implementation of special policy measures, based on the Law on Special Measures of 1969 aimed at improving the living environment of Buraku districts and improving access to employment and education for Buraku (E/CN.4/2006/16/Add.2 and Corr. 1, para. 15), gave positive results. Other achievements include the increase in the rate of Buraku children going to

senior high school, and a certain increase of public understanding of the problems facing Buraku.

53. The only provision in national legislation prohibiting racial discrimination is article 14 of the Constitution, but its provisions are not considered by courts to be self-executing. Since the provisions of the Convention are also considered to be not self-executing, there is no provision in national legislation that outlaws racial discrimination and provides for a judicial remedy for the victims (E/CN.4/2006/16/Add.2 and Corr. 1, para. 11).

54. The governmental strategy to fight discriminatory mentality against Buraku and other groups is carried out principally through human rights education policies promoted by the Ministry of Education (*ibid.*, para. 16). However, there is still no public authority specifically mandated to deal with burakumin discrimination.

55. The practice of hiring investigation or detective agencies to investigate the personal backgrounds of people to identify whether someone is of Buraku origin is not unusual in Japan. Some companies even continue to use “Buraku lists” (*ibid.*, para. 21).

(b) Africa

56. Descent-based discrimination is mainly of three types in Africa. First are caste systems based on “occupational specialization of endogamous groups, in which membership is based on ascription and between which social distance is regulated by the concept of pollution”.<sup>66</sup> The second is discrimination based on real or perceived descent from slaves, leaving many in “virtual” slavery, unable to leave their owner’s employ for fear of reprisals or starvation. The third is against the hunter-gatherer societies and their descendants. This marginalization may contain aspects of a purity-pollution dyad, as well as degrees of real or perceived occupation specialization.

57. Many African states have adopted measures to tackle caste-based discrimination. Some have adopted constitutional provisions guaranteeing freedom from discrimination. Others have enacted laws banning caste discrimination and slavery. However, these provisions have not been enforced.

58. In Nigeria, discrimination against Osu descendants remains a concern. Osu people were historically “owned” by deities among communities in Igboland, in south-east Nigeria. They were dedicated and “sacrificed” to these gods and were forced to live on the outskirts of villages to be the target of any bad luck that might occur. Being an Osu is a position ascribed at birth, based on descent.

59. Chapter IV, article 42, of the Constitution guarantees the right to freedom from discrimination for every citizen of Nigeria. In addition, the 1958 Osu Abolition Law legally abolished work- and descent-based discrimination. However, concerns remain about persistent allegations that members of Osu and other similar communities are still subjected to social exclusion, segregation and mistreatment, as well as discrimination in employment and marriage (CERD/C/NGA/CO/18, para. 15). Since the enactment of the Osu Abolition Law, no cases have been prosecuted in connection with the law because no claims of its violation have been made (CERD/C/SR.1720, para. 3). In this regard, the Committee on the Elimination of Racial Discrimination has made recommendations to Nigeria (CERD/C/NGA/CO/18, para. 15).

60. Caste systems exist within several ethnic groups in Senegal. All characteristics of caste can be found among the Wolof community, principally divided between the geer and the neeno. The Constitution of Senegal proclaims the right of all citizens to equal protection of the law regardless of race, religion, sex, or origin, a reference to one’s caste background (art. 1), and

prohibits all acts of racial, ethnic and religious discrimination (art. 5). However, the extent to which neeno castes approach the courts for legal redress on discrimination claims is negligible.

61. In Somalia, society is divided into patrilineal segmented and ranked clan groups. Among Somalia's minorities, the "occupational groups" include Midgan (or Madhiban), Tumal and Yibro.<sup>71</sup> These groups are also known as "sab", a collective term for "lowcaste". Tumal are traditionally blacksmiths; Yibro, ritual specialists; and Midgan, traditionally hunters and leatherworkers, but who also undertook various arts and craft work, male circumcision and female genital mutilation. The few educated members of occupational groups work in any chosen field, but most work in manual and service jobs.

The occupations of the sab groups are generally regarded as polluting. The sab groups are also feared and avoided as they have a reputation for occult practices. With the disappearance of their traditional lifestyles, and as a result of conflict, many have moved to urban settlements or internally displaced persons camps or fled to refugee camps in neighbouring countries. It is also reported that members of sab groups in the Somali refugee diaspora continue to suffer discrimination from members of other Somali clans.

62. The situation of minorities varies in terms of geographical areas. In Somaliland, article 8, paragraph 1, of the Constitution of May 2001 states that all citizens "shall enjoy equal rights and obligations before the law, and shall not be accorded precedence on grounds of colour, clan, birth, language, gender, property, status, opinion, etc". Under article 8, paragraph 2, "precedence and discrimination on grounds of ethnicity, clan affiliation, birth and residence is prohibited"; and "programmes aimed at eradicating long lasting bad practices shall be a national obligation". However, there is no specific antidiscrimination legislation. Puntland has provided little protection or assistance to minorities and the parliament has no seats reserved for small minority communities, including for Madhiban.

(c) Other parts of the world and the diaspora

Middle East

63. In Yemen, work- and descent-based discrimination affects the Akhdam ("servant" or "the marginalized ones") social group. Traditionally, land was the most important resource and those who did not own agricultural land worked in marginal occupations and services, and became part of the servant class (CERD/C/YEM/16, para. 159). Typical Akhdam occupational roles include garbage collection, street sweeping, and cleaning toilets and drains. They are often referred to generically as "sweepers" and are widely regarded as being dirty, immoral and dependent. The "low social status of this group stems from the members occupation as well as their [reputed] ethnic origins" (E/CN.4/Sub.2/2003/24, paras. 31-34). Dominant social opinion considers their men unscrupulous, lazy, unfit and unable to hold respectful jobs. The women are often stereotyped as promiscuous, unclean and leading lives as beggars and even prostitutes and children are considered to belong to a social category of so-called "servants" (E/CN.4/Sub.2/2004/31, para. 32).

64. The Yemeni Constitution maintains a bill of rights guaranteeing a wide range of rights and freedoms (arts. 41-61) to "all citizens". It also provides for equal opportunities in all economic, social, political and cultural activities (art. 24) and guarantees equal treatment before the Law. According to article 5 of the Code of Criminal Procedure, "citizens are equal before the law and an individual may not be punished or harmed on grounds of nationality, race, origin, language, belief, occupation, standard of education or social status" (CCPR/C/YEM/2001/3, para. 9). However, de facto discrimination persists.



	<p>The Constitution is neither implemented nor adequate to address the specific discrimination against this minority.</p> <p>65. The Government looks at the issue of marginalization of the “servant class” from a socio-economic perspective, since the legislative framework does not discriminate among citizens (CERD/C/YEM/16, para. 160).</p> <p>Diaspora communities</p> <p>66. Discrimination on the basis of work and descent continues to affect diaspora communities whose original cultures and traditions include aspects of inherited social exclusion. For example, the caste system has migrated with the South Asian diaspora and is observed, to varying degrees, in different geographical regions. Some reports indicate ongoing discrimination against Midgan-Madibhan in the Somali diaspora, and in certain West African diaspora communities (E/CN.4/Sub.2/2004/31, para. 35).</p> <p>67. Despite the limited information available on the issue, the Special Rapporteur has identified a good practice regarding the diaspora community in the United Kingdom, where the previous anti-discrimination legal regime has been replaced by the Equality Act 2010. This legislative framework aims to protect the rights of individuals and advance equality of opportunity for all. Initially, the Act covered nine protected characteristics (sex, gender reassignment, race, religion or belief, age, disability, sexual orientation, marriage and civil partnership, and pregnancy and maternity) in areas such as work, education and goods and services. It makes provision for the advancement of equality, through the public sector equality duty and through positive action.</p> <p>68. During the passage of the Equality Bill through Parliament, the Government considered that available evidence did not indicate that caste discrimination was a significant problem in the United Kingdom in the areas covered by discrimination legislation; however, it acknowledged that the protected characteristics of race, religion and belief might not always allow an avenue of redress for caste discrimination. It accepted an amendment to the Equality Bill, inserting section 9 of the Act, which provides that a Minister may by order amend that section to provide for caste to be an aspect of race (and to provide for exceptions in the Act to apply, or not to apply, to caste).</p> <p>V. Conclusions and recommendations</p> <p>Discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status</p> <p>85. The Special Rapporteur encountered difficulties in researching for the present report, particularly in the area of discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status. These difficulties included the paucity of sources and lack of recent public information, in particular regarding affected communities outside Asia. Further study of this issue is necessary.</p> <p>86. Notwithstanding the existence of international legal obligations to protect against discrimination based on work and descent, certain Governments have failed to implement such obligations effectively and have, in some instances, sidestepped the question of caste discrimination by claiming that it does not fall under the scope of the international conventions, such as the International Convention on the Elimination of All Forms of Racial Discrimination, in contrast to the opinion of the Committee on the Elimination of Racial Discrimination.</p> <p>87. However, the Special Rapporteur notes with satisfaction that some Governments have taken initiatives to address the problems facing communities affected by discrimination based on work and descent, and</p>
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	<p>encourage them to continue their efforts, share best practices and take the lead in regional and international initiatives to eliminate this form of discrimination.</p> <p>88. In several cases, the Special Rapporteur notes that shortcomings do not stem only from Governments and institutions but from the population itself, including within communities considered of lower caste or status. He recommends that measures with regard to the legal framework be taken hand-in-hand with awareness raising,</p> <p>with a special emphasis on the judiciary, police and civil service, to ensure effective implementation and enforcement of the law by the police and civil service to ensure access to justice and right to an effective remedy for victims.</p> <p>89. The Special Rapporteur:</p> <ul style="list-style-type: none"> <li>(a) Encourages the participation of Governments and civil society in broad local and national consultations on discrimination based on work and descent;</li> <li>(b) Calls upon States to foster the empowerment of victims, and especially women;</li> <li>(c) Recommends the collection of disaggregated data, on a regular basis, to be able to identify the number of people affected and design appropriate strategies to fight this kind of discrimination.</li> </ul> <p>90. Moreover, the Special Rapporteur recommends:</p> <ul style="list-style-type: none"> <li>(a) The enactment of laws and consistent implementation of existing laws, including the monitoring of domestic legal provisions as recommended by treaty bodies and other Special Rapporteurs. The general measures contained in general recommendation No. 29 (2002) of the Committee on the Elimination of Racial Discrimination should also be implemented. Specific legislation to outlaw direct and indirect racial discrimination against the affected groups is recommended;</li> <li>(b) The continued use of the draft principles and guidelines on discrimination based on work and descent as a guiding framework for the elaboration of effective measures to be taken by States to fulfil international legal obligations, including the duty of Governments to engage in genuine efforts to dispel the prejudicial beliefs that constitute, support and reinforce discrimination based on work and descent, including notions of untouchability;</li> <li>(c) That, where appropriate and taking into consideration the specific situation of each country, the design and implementation of affirmative action measures or programmes, including quota systems in the areas of education and employment, be considered.</li> </ul> <p>91. The Special Rapporteur invites Governments:</p> <ul style="list-style-type: none"> <li>(a) To engage in programmes promoting capacity-building and technical assistance through bilateral, regional and international cooperation aiming at the elimination of discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status;</li> <li>(b) To implement recommendations of United Nations human rights mechanisms, civil society and NHRIs pertaining to patterns of human rights violations against the so-called lower castes, and, where necessary, to expand the mandates of NHRIs to ensure appropriate monitoring and follow up to recommendations;</li> <li>(c) To consider creating a consultative body of regional human rights institutions to study the issue and raise regional awareness;</li> </ul>
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	<p>(d) To include information on the issue of discrimination based on caste and other analogous systems of inherited status in their reports to United Nations human rights bodies.</p> <p>92. The Special Rapporteur recommends that the full spectrum of special procedures address the issue of discrimination based on caste and other analogous systems of inherited status in the context of their respective mandates.</p>
<p><b>Statement by the Special Rapporteur on contemporary forms of racism</b></p> <p>Statement</p> <p>(8<sup>th</sup> session of the Intergovernmental Working Group on the Implementation of the Durban Declaration, October 2010)</p>	<p>At the 8<sup>th</sup> session of this Working Group in 2010, the Special Rapporteur made a statement on “Structural discrimination: definitions, approaches and trends.” He expressed his serious concern about the continuing existence of the caste system and described caste discrimination as a form of “societal” structural racial discrimination.</p> <p>”Furthermore, I would like to refer to the systems of inherited status such as caste, which may be a manifestation of what has been identified above as “societal” structural racial discrimination. In some cases for example, when a member of a Scheduled Caste left Hinduism and converted to Christianity or Islam, the previous caste status and related social bias would often remain at the social level while the person would legally no longer be eligible for government benefits for Scheduled Castes. In this respect, I would like to specifically refer to the Committee on the Elimination of Racial Discrimination (the CERD), which affirmed in its general recommendation No. 29 (2002) concerning discrimination on the grounds of descent, 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 enjoyment of human rights”.</p> <p>I am seriously concerned Mr President about the continued existence of such systems and I fully share the position taken by CERD in this respect (A/64/271). Indeed CERD has stated that discrimination on the grounds of caste constituted a form of racial discrimination and that “the term „descent“ has its own meaning and was not to be confused with race or ethnic or national origin”. These systems based on inherited status are good examples of cases where even when clear legislation exists to prohibit discrimination, individuals and groups of individuals continue to be so discriminated.” (...)</p> <p>”I also urge States to review and redesign legislation, policies and programmes that have a disproportionate effect on individuals of specific racial or ethnic group, including those legislation, policies and programmes that may discriminate directly or indirectly specific ethnic minorities, including Roma, Sinti, Gypsies, Travelers, and victims of inherited status systems.”</p>
<p><b>Report of the Special Rapporteur on contemporary forms of racism</b></p> <p>A/HRC/14/43</p> <p>(14th HRC session, June 2010)</p>	<p>The report (A/HRC/14/43) aims at providing an analysis of how racism, racial discrimination and conflict interrelate. Nepal is used as an example where the ethnic or racial dimension of a conflict has been acknowledged.</p> <p>IV. Racism, racial discrimination, xenophobia and related intolerance in post-conflict situations</p> <p>A. Acknowledging the ethnic or racial dimension of a conflict</p> <p>33. A conflict may be efficiently resolved only if its causes are adequately identified and addressed. Accordingly, the resolution of an ethnic conflict needs to acknowledge and address the ethnic or racial dimension of the conflict. Including those aspects will help to frame appropriate solutions and establish a clear mandate for those in charge of monitoring or contributing to the implementation of related peace agreements. In this regard, the peace agreements concluded in Burundi and in Nepal, described briefly below, are instructive. (...)</p>

	<p>37. The Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist) is another example of an agreement in which the ethnic dimension of a conflict was recognized and addressed. The Parties agreed that</p> <p>the State would be restructured in an inclusive, democratic and forward-looking manner “in order to end discriminations based on class, ethnicity, language, gender, culture, religion and region and to address the problems of women, Dalit, indigenous people, ethnic minorities (Janajatis), Terai communities (Madheshis), oppressed, neglected and minority communities and the backward areas” (para. 3.5) and they reaffirmed that “no individual shall be discriminated on the basis of colour, gender, language, religion, age, race, nationality or social origin, property, disability, birth and other status and thought or belief” (para. 7.1.1).</p>
<p><b>Statement by the Special Rapporteur on contemporary forms of racism</b></p> <p>Statement</p> <p>(64<sup>th</sup> session of the UN General Assembly, November 2009)</p>	<p>At the 64<sup>th</sup> session of the UN General Assembly, the Special Rapporteur presented his Interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/64/271) – see abstract below. In his presentation on 2 November 2009, he expressed concern about caste discrimination, referred to the draft UN principles and guidelines to eliminate caste discrimination, and urged States to take action on them.</p> <p>“Racial discrimination unfortunately affects individuals in all societies and regions of the world. While the manifestations of racism may vary in degree and nature depending on the historical, geographical and cultural context, all individuals, regardless of their race, colour, descent or national or ethnic origin, should be offered robust and effective protection against racial discrimination. In this regard, I was particularly pleased at the recent positive developments within the United Nations on the question of discrimination based on work and descent. Allow me here to refer to the “Draft UN principles and guidelines to eliminate caste discrimination” which were presented in Geneva in last September, with the support of the Office of the High Commissioner for Human Rights and which were endorsed by the Government of Nepal. I have already expressed my serious concerns about this form of discrimination and have in this respect associated myself with the clear position taken by the Committee on the Elimination of Racial Discrimination. As said two weeks ago by the UN High Commissioner for Human Rights, “the time has come to eradicate the shameful concept of caste”. It is therefore my hope that in the coming months, States will engage in substantive discussions on this topic and will eventually rally around these draft principles and guidelines to eliminate caste-based discrimination.”</p>
<p><b>Interim report of the Special Rapporteur on contemporary forms of racism</b></p> <p>A/64/271</p> <p>(64<sup>th</sup> session of the UN General Assembly, 2009)</p>	<p>In an Interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/64/271) to the UN General Assembly, the Special Rapporteur made extensive references to descent-based discrimination as a thematic issue addressed through his participation in a side event at the Durban Review Conference. He also mentions that he has re-issued requests for country visits to India, Nepal and Bangladesh since he took over in 2008.</p> <p>Country visits</p> <p>10. Following his appointment in August 2008, the Special Rapporteur sent formal requests to visit Bangladesh, the Plurinational State of Bolivia, Bosnia and Herzegovina, Germany, India, Israel, Malaysia, Mexico, Nepal, South Africa, the Sudan and the United Arab Emirates. The Special Rapporteur would like to acknowledge the letters of invitations extended to him by the Plurinational State of Bolivia and by Bosnia and Herzegovina. While he has</p>

not been able to honour these invitations yet, the Special Rapporteur hopes that he will be able to do so in the near future.

C. Thematic issues addressed by the Special Rapporteur through his participation in conferences, seminars and other meetings

#### 4. Discrimination based on descent

54. During the Durban Review Conference, the Special Rapporteur participated in a side event on “Communities empowered to resist discrimination and exclusion”, organized by the International Movement against All Forms of Discrimination and Racism and Lutheran World Federation, on 22 April 2009.

55. Recalling that the issue of discrimination based on descent was addressed by special procedures mandate holders in their joint contribution to the preparatory process of the Durban Review Conference (A/CONF.211/PC/WG.1/5), the Special Rapporteur highlighted that the mandate holders had already expressed their serious concern about this form of discrimination.

56. The Special Rapporteur referred to the estimated 250 million people around the world being at risk of violations of civil, political, social, economic and cultural rights, including violence, marginalization and discrimination, on the grounds of systems based on inherited status. Human rights violations could occur in a wide array of areas, including prohibition or limitations on the ability to alter inherited status, socially enforced restrictions on marriage outside the community, public and private segregation, including in housing and education, and access to public spaces and places of worship and public sources of food and water, limitation of freedom to renounce inherited or degrading occupations or hazardous work, as well as subjection to debt and bondage.

57. The Special Rapporteur recalled that since the 2001 World Conference against Racism, held in Durban, the issue of discrimination based on descent had been on the international agenda. Despite the objection of some States, the main human rights bodies working in the area of racism and discrimination had clearly stated that prohibition of this type of discrimination fell within the scope of existing instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination. In that regard, the Special Rapporteur specifically referred to the Committee on the Elimination of Racial Discrimination, which concluded at its forty-ninth session, that “the situation of the scheduled castes and scheduled tribes falls within the scope of the Convention”. In addition, the Committee also stated that discrimination on the grounds of caste constituted a form of racial discrimination and that “the term ‘descent’ had its own meaning and was not to be confused with race or ethnic or national origin”. More broadly, in its general recommendation No. 29 (2002) concerning discrimination on the grounds of descent, the Committee further clarified its position by “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”.

58. As such, the Special Rapporteur reaffirmed that the legal framework on discrimination based on descent is unambiguous. Yet, it remains to be implemented properly. Robust action was required from Governments in order to advance in the fight against discrimination based on descent. The vital first step in addressing this issue was for States to recognize that discrimination on the grounds of descent constituted a form of racial discrimination prohibited by the International Convention on the Elimination of All Forms of Discrimination. In the absence of such recognition it would not be possible to effectively address the serious human rights violations and discrimination

	<p>suffered by individuals and groups on grounds of caste and other systems of inherited status.</p> <p>IV. Conclusions and recommendations</p> <p>59. In relation to the Durban Review Conference held from 20 to 24 April 2009, the Special Rapporteur hopes that the momentum gained during the review process will maintain its strength and that all pledges and commitments made in the outcome document of the Review Conference will be effectively implemented by States, which bear the primary responsibility in this respect. The Special Rapporteur recommends that concrete measures be identified at the domestic level and that a road map with realistic benchmarks be established by States in cooperation with their civil society for the implementation of the outcome document of the Conference.</p> <p>63. In order to further clarify the existing links between race and poverty, the Special Rapporteur is of the view that it is necessary to collect ethnically disaggregated data. While he is fully aware of the arguments against the collection of such data, the Special Rapporteur recommends to shift from the debate on the need or not to collect ethnically disaggregated data to a thorough discussion on how to best collect them in order to comply with international standards and to avoid the misuse or manipulation of these data.</p> <p>67. In order to provide effective protection to individuals around the world being at risk of violations of civil, political, social, economic and cultural rights on the grounds of systems based on inherited status, the Special Rapporteur would like to encourage an international recognition that discrimination on the grounds of descent constitutes a form of racial discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination.</p>
<p><b>Annual report submitted by Mr. Githu Muigai</b> A/HRC/11/36 (11<sup>th</sup> HRC session, June 2009)</p>	<p>In his report presented to the Human Rights Council (A/HRC/11/36), the Special Rapporteur states that a central dimension of the fight against racism lies in the overlap between two key social indicators: class and race or ethnicity. Throughout his mandate, he intends to examine this question in depth in order to provide sound and policy-oriented recommendations to Member States (para. 16). He states that national data for many countries unambiguously show that racial or ethnic minorities are disproportionately affected by poverty; for example, in her report, the independent expert on minority issues (A/HRC/4/9) provides concrete examples of higher levels of poverty among some groups, including Dalits.</p> <p>The Special Rapporteur notes that the socio-economic vulnerability of minorities is generally the result of historic legacy, such as the impact of slavery in the American continent, systems of inherited status in other continents and also of systems of formalized and State-sponsored discrimination against minorities that were long in place in many parts of the world (para. 18).</p> <p>The Special Rapporteur intends to analyse specific measures further in future reports, in particular on three broad issues: the need for data-gathering that provides policymakers with reliable information concerning the socio-economic situation of minorities; the need to fully implement the obligation not to discriminate; and the need for special measures to redress historical imbalances (para. 19).</p> <p>The Special Rapporteur underlines the need for ethnically disaggregated data collection. “Without knowing which minority groups are more affected by poverty and lack of access to economic, social and cultural rights, devising specific public policies to redress these problems becomes virtually impossible. Lack of data means that minorities are officially “invisible” and that policies towards them, when existent, will be based on assumptions rather than on</p>

	<p>empirically sound information” (para. 21). We particularly welcome the Special Rapporteur’s suggestion to involve affected communities in all stages of the data collection exercise, including design and implementation.</p> <p>He also emphasizes the right to non-discrimination as a cornerstone and cross-cutting right that affects the enjoyment of all other human rights (para. 28). He mentions that discrimination on the provision of the right to education has also contributed to perpetuating imbalances among members of minorities, such as lower castes being prevented by schoolteachers from attending school.</p> <p>With regard to the promotion of non-discrimination, the Special Rapporteur welcomes the General Comment on non-discrimination drafted by the Committee on Economic, Social and Cultural Rights.</p>
<p><b>Mission report from country visit to Mauritania by Mr. Doudou Diène</b> A/HRC/11/36/Add.2 (11<sup>th</sup> HRC session, June 2009)</p>	<p>The Special Rapporteur concludes that Mauritanian society has been deeply marked by continuing discriminatory practices of an ethnic and racial nature, rooted in cultural traditions and pervasively present in social structures, the principal institutions of the State, in particular the armed forces and justice system, and attitudes. A number of persistent features of Mauritanian society have given substance and depth to such discrimination over a long period of time, including: the central role of traditional slavery; the cultural and social entrenchment of the caste system (para. 64).</p> <p>Legal provisions against slavery</p> <p>22. Slavery has long been a problem in all ethnic communities in Mauritania. Differences of opinion exist even among those who admit that the practice continues to exist and has left its mark on contemporary Mauritanian society: some deny it exists in their community, but point the finger at other ethnic groups; others claim it is limited to the Arab-Berber community; still others say it also exists in the other communities but in the form of a caste-like system. [...]</p> <p>41. Most of the officials who met with the Special Rapporteur stated that slavery was no longer practised and had left merely traces, underpinned to a large extent by underdevelopment, poor living conditions and poverty. In order to eradicate these remnants of slavery - which in many cases were not very different from the problem of castes, which affected all communities - the authorities stressed the importance of the new law criminalizing and penalizing slavery. They noted that a number of supporting measures will be introduced to implement the law, including the creation of mechanisms for the social and economic reintegration of the victims of slavery and a wide-ranging public awareness campaign.</p> <p>45. The great majority of civil society representatives were convinced that racism, racial discrimination and intolerance are deeply rooted in Mauritanian society. They believe that the problem of slavery, the existence of castes and, more recently, political practices that have favoured the Arab dimension in the building of a national identity, have contributed to discrimination and created divisions among the various communities.</p> <p><b>V. RECOMMENDATIONS</b></p> <p>84. The commission should tackle the main issues in Mauritanian society which give rise to discrimination, including the issue of slavery and caste and political practices which, in recent years, have made ethnicity a political tool and have widened the gap between the various communities. It should be mandated, on the one hand, to draft a white paper on the status, root causes, manifestations and consequences of the discrimination which has scarred Mauritanian history and, on the other hand, to develop on that basis a national programme of action against all forms of discrimination to help counteract the</p>

	consequences of the injustices and discrimination experienced by Mauritanian society.
<p><b>Joint contribution prepared pursuant to decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its first session</b></p> <p>A/CONF.211/PC/WG.1/5</p> <p>(1<sup>st</sup> session Preparatory Committee, September 2009)</p>	<p>The joint contribution (A/CONF.211/PC/WG.1/5) was prepared jointly by the UN Special Rapporteurs ahead of the Durban Review Conference. It contains the following separate section on caste discrimination.</p> <p>Discrimination on the grounds of caste and other systems of inherited status</p> <p>44. The Special Rapporteur on racism highlights his serious concern about discrimination on grounds of caste and other systems of inherited status. He notes that an estimated 250 million people around the world are at risk of violations of civil, political, social, economic and cultural rights, including violence, marginalization and discrimination, on the grounds of caste and other systems based on inherited status. He expresses his concern at reports of prohibition or limitations on ability to alter inherited status, socially enforced restrictions on marriage outside the community, public and private segregation, including in housing and education, and access to public spaces and places of worship and public sources of food and water, limitation of freedom to renounce inherited or degrading occupations or hazardous work, as well as subjection to debt and bondage.</p> <p>45. The Special Rapporteur on racism believes that the vital first step in addressing this issue is for Member States to recognize that discrimination on the grounds of caste and other systems of inherited status constitutes a form of discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). In the absence of such recognition it will not be possible to effectively address the serious human rights violations and discrimination suffered by individuals and groups on grounds of caste and other systems of inherited status.</p> <p>46. The Special Rapporteur on racism welcomes the clear confirmation by the Committee on the Elimination of Racial Discrimination that the situation of scheduled castes and scheduled tribes falls within the scope of the ICERD and that discrimination on the grounds of caste constitutes a form of racial discrimination. The Committee has also confirmed that discrimination on grounds of caste constitutes racial discrimination and that the term “descent” has its own meaning and is not to be confused with race or ethnic or national origin.</p> <p>47. The Special Rapporteur on racism is aware that the views of large sections of the population in some countries are informed by ideas based on caste and other systems of inherited status. These views are ingrained in the minds of many and have developed over years and generations. The Special Rapporteur is convinced that Governments and political leaders have a key role in combating racism, racial discrimination, xenophobia and related intolerance. As such, they should take the initiative by raising awareness and challenging long-entrenched perceptions and helping to shape public opinion to move towards fairer societies based on the equality of all human beings. These initiatives should be further complemented by meaningful legislative amendments to ensure equality and prohibit caste-based discrimination.</p>
<p><b>Report submitted by Mr. Doudou Diène, former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance</b></p> <p>A/HRC/7/19</p> <p>(7<sup>th</sup> HRC session, February 2008)</p>	<p>This annual report (A/HRC/7/19) was the last made by Mr. Diène. In the report, the Special Rapporteur devotes an entire chapter to discrimination based on caste, which he considers to be implicit in his mandate.</p> <p>F. Discrimination on the grounds of caste</p> <p>69. According to highly credible estimations and studies, 250 million people around the world, particularly in Asia and Africa, are victims of discrimination on the grounds of caste or analogous systems of inherited status, and are constantly vulnerable to exclusion, marginalization and violence. The</p>



	<p>discrimination they suffer, which affects their civil and political rights as well as economic, social and cultural rights, takes the form of, inter alia: 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, and access to public spaces, places of worship and public sources of food and water; limitation of freedom to renounce inherited or degrading occupations or hazardous work; subjection to debt bondage; subjection to dehumanizing utterances referring to pollution or untouchability; or generalized lack of respect for their human dignity and equality.</p> <p>70. Since the World Conference against Racism in Durban, the issue of discrimination on the grounds of caste has been on the international agenda. Despite the objection of some member States, the main human rights bodies working in the area of racism and discrimination have stated clearly that prohibition of this type of discrimination falls within the scope of existing instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination. Thus, the Committee on the Elimination of Racial Discrimination (CERD), at its forty-ninth session, concluded that “the situation of the scheduled castes and scheduled tribes falls within the scope of the Convention”. It also stated that discrimination on the grounds of caste constitutes a form of racial discrimination and that “the term ‘descent’ has its own meaning and is not to be confused with race or ethnic or national origin”. In its General Recommendation XXIX (2002) concerning discrimination on the grounds of descent, CERD further clarified its position by “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”.</p> <p>71. In this context, women and girls are victims of multiple discrimination, including in certain cases sexual exploitation or forced prostitution. These specific examples of dual discrimination were already acknowledged in the Durban Declaration and Programme of Action, which states that “racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination, and the limitation or denial of their human rights”. Meaningful work in the areas of legislation, the judiciary and education must be accompanied by strong political will to put an end to this form of discrimination.</p>
<p><b>Addendum to annual report - summary of cases transmitted to Governments and replies received</b></p> <p>A/HRC/7/19/Add.1 (7th HRC session, March 2008)</p>	<p>The addendum to the annual report (A/HRC/7/19/Add.1) contains several references to communications transmitted to the Government of India (para. 56-84) and Nepal (para. 118-126) and reiterates his request to visit the two countries, in particular to study the issue of caste-based discrimination.</p> <p><u>INDIA</u></p> <p>56. On 23 August 2007, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on violence against women and the Special Representative of the Secretary-General on the situation of human rights defenders regarding attacks on the Dalit communities, particularly women, in Somebhadra District, Uttar Pradesh, India.</p> <p>64. On 19 December 2007, the Special Rapporteur, jointly with the Independent expert on minority issues, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on violence against women, its causes and consequences sent an allegation letter to the Government concerning allegations of violence against Dalit women in India.</p>

	<p>65. According to information received, Dalit women and men suffer descent based discrimination in various aspects of their lives; they are also victims of violence and untouchability practices (based on notions of Dalits' supposed impurity) arising out of the caste system. While both men and women are discriminated and suffer from social exclusion, Dalit women are confronted with discrimination, exclusion and violence to a larger extent than men. They are not only discriminated by people of higher castes but also by men of their own communities. Violence against women in India is generally structured by relationships of power set in systematic caste, class and gender discrimination.</p> <p>66. The case of Dalit women is specific because of their socio-economic positioning at the bottom of the caste, class and gender hierarchies. Dalit women face violence in the community and in their family, from State and private actors alike, belonging to various castes and socio-economic groupings, and of both sexes. The major forms of violence that Dalit women are subjected to are physical and verbal abuse, sexual harassment, abduction, and sexual violence, including rape.</p> <p>67. It is alleged that on many occasions, cases of violence against Dalit women are not registered by the police, and opportunities for intervention in the legal system are inexistent due to a general lack of law enforcement. Women are unaware of the laws protecting their rights and their ignorance is easily exploited by perpetrators, and some members of the police and the judiciary. Allegedly, even when the cases are reported to the police and the perpetrators arrested, they are usually released on bail and women do not receive justice as a result.</p> <p>68. The Indian government adopted the "Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act" in 1989, to prevent atrocities against Scheduled Castes and Tribes. According to this act, in cases of violence against Dalits, including physical or sexual violence against Dalit women, the police are obliged to register the complaints. However, according to information received, the police often refuse to register complaints under this act or register them under a different act, because the act imposes high prison sentences and fines and the police may not agree with the purpose of the act and may try to protect the perpetrators (who may be their fellow caste members).</p> <p>69. If a case is not registered under the Prevention of Atrocities Act, it is possible for the perpetrator to receive anticipatory bail which, especially in rape cases, in practice means that the case is generally not examined and prosecuted further. This goes against a Supreme Court judgment that ruled that anticipatory bail should not be available in cases within the Prevention of Atrocities Act (Case 1995-1198, State of M.P. &amp; anr. vs. Respondent, Ram Krishna Balothia &amp; anr, judgment of 6 February 1995). The Supreme Court also ruled that anticipatory bail can be denied for the purpose of investigation (Case 2005-326), which would apply to most rape cases, but this is allegedly not implemented in practice (Appeal (crl.) 326 of 2005, Adri Dharan Das v. State of West Bengal, judgment of 21 February 2005).</p> <p>70. The Special Rapporteur presented to the Government allegations on specific cases of physical and sexual violence affecting 21 Dalit women or girls that occurred between August 2004 and April 2007, and which outlined the impunity that allegedly prevails with respect to ensuring protection and redress.</p> <p>71. The Special Rapporteur regrets that no reply to his communications had been received from the Government of India at the time this report was finalized.</p> <p>72. The Special Rapporteur expresses his utmost interest in receiving responses in regard to the allegations submitted and would be particularly</p>
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	<p>interested to know whether these cases have resulted in any prosecutions of alleged perpetrators. In the event that no response is received from the Government, he will no longer treat the cases as mere allegations but as proven facts.</p> <p>73. The Special Rapporteur wishes to refer to the invitation he requested to the Government of India in 2004 and 2006, which has remained unanswered, and reiterates his interest in visiting the country. The Special Rapporteur considers the issue of caste-based discrimination to be an integral part of his mandate, in line with the CERD's general recommendation XXIX which strongly reaffirms 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". In this regard, he wishes to refer to the chapter on caste-based discrimination in his 2008 general report to the 7th session to the Human Rights Council (A/HRC/7/19).</p> <p><u>NEPAL</u></p> <p>118. On 25 September 2007, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, as Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent an allegation letter to the Government concerning Ms. Uma Devi Badi, the coordinator of the "Badi Adhikari Sangharsa Samiti" (Badi community Struggle Committee), and women and male human rights defenders of the Badi community in Nepal.</p> <p>124. The Special Rapporteur wishes to refer to the invitation he requested to the Government of Nepal in 2004 and 2006, which has remained unanswered. The Special Rapporteur wishes to reiterate his interest in visiting the country, in particular to study the issue of caste-based discrimination, which he considers to be an integral part of his mandate, in line with CERD's general recommendation XXIX. In this regard, he wishes to refer to the chapter on caste-based discrimination in his 2008 general report to the 7th session to the Human Rights Council (A/HRC/7/19).</p>
<p><b>Updated study by the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène on Political Platforms which promote or incite racial discrimination</b></p> <p>A/HRC/5/10 (5<sup>th</sup> HRC session, June 2007)</p>	<p>The report (A/HRC5/19) provides an update to the previous study from 2006 (E/CN.4/2006/54) submitted pursuant to Commission on Human Rights resolution 2005/36 on the incompatibility between democracy and racism. In the report the SR examines the situation of political platforms which promotes racial discrimination in a number of countries, including some visited or examined previously (e.g. Japan). In the section concerning racial discrimination and hate speech in Asia, the SR describes how caste discrimination remains deeply rooted in societies in India, Nepal, Bangladesh, Pakistan and Japan.</p> <p>35. In Asia's many multi-ethnic, multicultural and multi-religious nation States, millions of people continue to be negatively affected by problems deriving from ethnic-nationalism, discrimination, xenophobia and related intolerance. Some political movements or even governments have overtly resorted to exclusionary ideologies, policies and practices in order to build political consensus. These platforms promote hostility between different groups on grounds of race, ethnicity, religion, indigenousness, statelessness or even migrant and/or refugee status. Vulnerable groups are, among others, indigenous populations, such as the Bihari in Bangladesh; the Burakumin as well as Korean and Chinese immigrants or nationals in Japan; the Karen, Shan and Rohingya peoples in Myanmar; groups in Nagaland, Mizoram and other regions in north-east India; and the Cordillerans in the Philippines. Some ethnic and religious problems occur not only within one State but also between</p>

	<p>neighbouring States and have been aggravated by some governments' attempts to manipulate and stir up the ethnic aspirations of some groups.</p> <p>36. In India, the caste system remains a source of great inequality for millions, particularly the Dalits, in spite of constitutional and other legal instruments introduced over the years to fight it. While measures such as the quota system, introduced by law, have enabled many Dalits to access State institutions, discrimination remains culturally deep-rooted and a serious threat to social cohesion in India. Among the political platforms that incite inter-religious violence is the <i>Rashtriya Swayamsevak Sangh</i> or RSS (National Volunteer Corps) and its political wing, the <i>Bharatiya Janata Party (BJP)</i>. The underlying ideology of these organizations, represented by <i>Hindutva</i> ("Hinduness"), exacerbates the social and political situations of the traditionally oppressed, the Dalits and religious minorities. Its assertion of Hindu supremacy ignores deep-rooted caste, class, ethnic, linguistic and regional loyalties. In other countries of the region such as Pakistan and Nepal, caste-based discrimination continues to marginalize millions of individuals.</p> <p>37. In Japan, except for the anti-discrimination provision contained in article 14 of the Constitution, there are no other instruments that enforce the general principle of equality or sanction discriminatory acts committed by citizens, businesses or non-governmental organizations (NGOs). [...] The Special Rapporteur's report on Japan (E/CN.4/2006/16/Add.2) points out that racial discrimination and xenophobia affects three categories of people: national minorities (the Buraku people, the Ainu and the people of Okinawa); people and descendants of former Japanese colonies (Koreans and Chinese); foreigners and migrants from other Asian countries and the rest of the world [...]</p>
<p><b>Communications to/from Governments</b></p> <p>A/HRC/4/19/Add.1</p> <p>(5<sup>th</sup> session of the HR Council, June 2007)</p>	<p>The addendum to the annual report (A/HRC/4/19/Add.1) is a summary of cases transmitted to Governments and replies received by the SR as an implementation of resolution 60/251 by the Human Rights Council. Several communications concerning caste-based discrimination has been sent by the SR to Governments in caste-affected countries, in particular India and Nepal. In this addendum the SR reiterates his request to visit India, Pakistan and Nepal to investigate forms of caste-based discrimination as previously inquired.</p> <p><u>INDIA</u></p> <p>Communications sent</p> <p>Several specific cases of abuse against Dalits are described in paragraphs 80-95.</p> <p>Reply from the Government</p> <p>96. On 29 May 2006, the Government of India replied to the communication sent by the Special Rapporteur on 11 May 2006 indicating the steps taken by the Government following the dispute that took place on 27 August 2005 between several members of the Jat and Dalit communities resulting in the death of one member of the Jat community. [...]</p> <p>97. The Government further explained that the National Human Rights Commission of India had taken <i>suo motu</i> cognizance of the incident. After considering the case, the Commission expressed appreciation for the sensitivity and promptness shown by the State Government of Haryana in awarding compensation, repairing and reconstructing the houses of the victims and taking action against those responsible. [...]</p> <p>Observations</p> <p>98. The Special Rapporteur thanks the Government of India for the response provided to the communication sent on 11 May 2006. In his view, the response</p>

	<p>confirms not only the political will but also the legal strategy of the Government to combat caste-based discrimination. However, he is particularly alarmed at the cultural depth of this form of discrimination in many parts of the countryside and by the continuing violence faced by the Dalit community.</p> <p>99. The Special Rapporteur regrets that no reply to the other communications had been received at the time this report was finalized. The Special Rapporteur intends to follow up on these cases. In the event that no response is received from the Government, he will no longer treat the cases as mere allegations but as proven facts. 100. The Special Rapporteur wishes to refer to the invitation to visit India which he requested from the Government in 2004 and 2006 and which has remained unanswered. The Special Rapporteur reiterates his interest in visiting India with a view to investigating all forms of racial discrimination, including caste-based discrimination, which he considers to be an integral part of his mandate, in the framework of a regional visit that would also cover Pakistan and Nepal.</p> <p>Follow-up to previously transmitted communications</p> <p>101. In the absence of an answer from the Government of India concerning his communication of 16 August 2005 (see E/CN.4/2006/16/Add.1, para. 33), the Special Rapporteur is forced to consider the following case no longer as allegations but as proven fact. [...]</p> <p><u>NEPAL</u></p> <p>Communications sent</p> <p>One communication was sent to the Government of Nepal on 10 October 2006 concerning attacks on members of the Dalit community in Doti District, Nepal. (see paragraph 128)</p> <p>Observations</p> <p>129. The Special Rapporteur regrets that no reply to his communications had been received from the Government of Nepal at the time this report was finalized.</p> <p>130. The Special Rapporteur intends to follow up on this case. In the event that no response is received from the Government, he will no longer treat the case as mere allegation but as proven fact.</p> <p>131. The Special Rapporteur refers to the invitation to visit Nepal that he requested from the Government in 2004 and 2006, which has remained unanswered. The Special Rapporteur reiterates his interest in visiting Nepal, in particular to study the issue of caste-based discrimination, which he considers to be an integral part of his mandate, in the framework of a regional visit that would also cover India and Pakistan.</p> <p>Follow-up to previously transmitted communications</p> <p>In a letter dated 4 January 2006, the Government responded to a communication sent on 17 November 2004 regarding the alleged rape of S.S. from Inruwa, Sunsari (see E/CN.4/2005/18/Add.1. para. 32) (see paragraph 132).</p>
<p><b>Annual Report 2006</b> E/CN.4/2006/16 (62<sup>nd</sup> CHR session)</p>	<p>Interestingly, the report (E/CN.4/2006/16) contains no specific reference to CBD but is mainly focusing on the tendencies created in the wake of the riots in France, including issues concerning Anti-Semitism and Islamophobia. Country visits: The SR mentions that he regrets that he has not yet received any response to his requests for country visits from the governments of India, Pakistan and Nepal.</p>

<p><b>Political platforms which promote or incite racial discrimination - Updated study 2006</b></p> <p>E/CN.4/2006/54 (62<sup>nd</sup> CHR session)</p>	<p>In the report (E/CN.4/2006/54), the SR mentions in section B concerning “The issue of multiculturalism as the determining factor of the impact of the resurgence of racism on democracy” that:</p> <p>17. Within this context, cultural diversity has been understood and practised as establishing a radical difference and a hierarchy between races, cultures and communities. The religious or mythical legitimization of diversity and the social structures which have expressed it have thus led to the establishment of caste systems in Africa and in Asia.</p> <p>This hierarchical interpretation of ethnic, racial, cultural and religious diversity was theorized and legitimized by philosophers, intellectuals and scientists in Europe in the eighteenth and nineteenth centuries and exploited very deliberately by the political authorities as the ideological foundation of European colonial and imperial expansion. This hierarchical vision of humanity rests on two related concepts: the superiority of European culture and civilization and the civilizing goal of colonial domination. [...]</p> <p>The historic depth of the hierarchical diversity of the societies concerned is a reflection in time and space of the longevity of the feudal, colonial or imperial political systems from which they originate. Its penetration in social relations, personal attitudes and the collective subconscious is due to its justification, transmission and maturation by the dominant systems of values, education, literature and the means of information and communication.</p>
<p><b>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène: Addendum: mission to Japan</b></p> <p>E/CN.4/2006/16/Add.2 (62<sup>nd</sup> CHR session)</p>	<p>The SR on racism visited Japan in 2005. The mission report was released in January 2006. From the report summary:</p> <p>“The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in pursuance of his mandate, visited Japan from 3 to 11 July 2005. He assessed the factors of discrimination that affect various minority groups, including minorities resulting from the caste-like class system, indigenous people, descendants of former Japanese colonies, foreigners and migrants workers. The Special Rapporteur concluded that there is racial discrimination and xenophobia in Japan, and that it affects three circles of discriminated groups: the national minorities – the Buraku people, the Ainu and the people of Okinawa; people and descendants of former Japanese colonies - Koreans and Chinese; foreigners and migrants from other Asian countries and from the rest of the world. The manifestations of such discrimination are first of all of a social and economic nature. All surveys show that minorities live in a situation of marginalization in their access to education, employment, health, housing, etc. Secondly, the discrimination is of a political nature: the national minorities are invisible in State institutions. Finally, there is profound discrimination of a cultural and historical nature, which affects principally the national minorities and the descendents of former Japanese colonies. This is mainly reflected in the poor recognition and transmission of the history of those communities and in the perpetuation of the existing discriminatory image of those groups.”</p> <p>On page 6, the SR refers directly to discrimination against the Buraku people:</p> <p>The caste-like class system</p> <p>7. During the feudal era of the Edo (1603-1867), a caste-like class system based on social and professional belonging was established. The humble people (<i>senmin</i>) were assigned such duties as disposing of dead cattle, leather production, being executioners and performers. Placed at the bottom of the system, they were designated as <i>eta</i> (extreme filth) and <i>hinin</i> (non-humans).</p> <p>In the late nineteenth century, the system was abolished, but a new class system was established, which again placed the most humble class (the <i>Buraku</i>, from</p>

	<p>the name of their district) at the bottom of the system. In the 1960s, following the claims of the Buraku Liberation League (BLL), the Government recognized the deep discrimination suffered by the Buraku people and adopted special measures to improve their living conditions.</p>
<p><b>Annual report 2005: Questionnaires to/from Governments</b> E/CN.4/2005/18/Add.1 (61<sup>st</sup> CHR session of the Commission on HR)</p>	<p>Summary of cases transmitted to Governments and replies received (E/CN.4/2005/18/Add.1). The report refers to CBD in the case of the countries India and Nepal:</p> <p><u>INDIA</u></p> <p>17. On 8 June 2004 the Special Rapporteur, jointly with the Special Rapporteur on violence against women, sent a letter of allegation to the Government concerning a group of 200 people who attacked a Dalit settlement in the Kalapatti village of the Coimbatore district, Tamil Nadu, on 16 May 2004. [...]</p> <p><u>NEPAL</u></p> <p>31. On 19 October 2004, the Special Rapporteur sent a letter of allegation to the Government concerning information that on 6 September 2004 a ban on the use of public facilities was reportedly imposed on Chamar Dalits by the upper-caste villagers in the village of Bhagawatpur, because the Chamar Dalits allegedly refused to remove the carcasses, which had been regarded as their traditional work in the society for a long time. [...] At the time this communication was sent, no effective measure had been taken to protect the rights of the Dalits in the village.</p> <p>32. On 17 November 2004, the Special Rapporteur sent a letter of allegation to the Government concerning S.S., a Dalit girl aged 14, from 6 Inaruwa, Sunsari, who was allegedly raped and then murdered with impunity. [...] The suspects are reported to belong to upper-castes families and are sons of landlords in the village. It is reported that no further investigation was conducted. The one suspect who was held in police custody for two months was reportedly released when an alibi was established. Due to fear for their security, S.S.'s family have been forced to leave the village.</p> <p>Observations (Nepal):</p> <p>33. The Special Rapporteur regrets that no replies to his communications had been received from the Government of Nepal at the time this report was finalised.</p> <p>34. The Special Rapporteur intends to follow up on these cases. In the eventuality that no responses are received from the Government, he will no longer treat the cases as mere allegations but will include them in his next general report.</p>
<p><b>Interim report of Mr. Doudou Diène</b> A/60/283 (60th GA Assembly)</p>	<p>This interim report sums up some of the contemporary forms of discrimination. In the report, he mentions his field mission to Japan and the lack of legislation against discrimination:</p> <p>“This report also covers the Special Rapporteur’s mission to Japan, at the conclusion of which he noted the existence of forms of discrimination against national minorities and foreign communities and the lack of a comprehensive legislation against racism and discrimination. The Special Rapporteur stresses the need for a vigorous political response from the Government and the enactment of legislation and an intellectual and ethical strategy to address the underlying cultural and historical causes of discrimination in Japan.”</p>

	<p>In section C, the discriminatory practises against the Buraku people in Japan are explained:</p> <p>“30. [...] Racism, discrimination and xenophobia are a reality in Japanese society. This discrimination affects, in different ways, three communities or groups: national minorities (Ainus, Burakumin and the people of Okinawa), the Korean and Chinese communities, and immigrants from Asia, the Middle East, Africa and Europe. [...] In this regard, Japan faces two major challenges: it must bring its internal social, human and cultural structures into line with its global dimension at the political and economic levels and, as a result, build a multicultural society. By inviting the Special Rapporteur to visit the country and facilitating his visit, movements and contacts, the Japanese Government has demonstrated its willingness to meet the serious challenges of racism, discrimination and xenophobia.”</p>
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**Special Rapporteur on contemporary forms of slavery, including its causes and consequences**  
**- Ms. Urmila Bhoola (Ms. Gulnara Shahinian until 2014)**

<p><b>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola</b></p> <p><u><a href="#">A/HRC/36/43</a></u>  02/08/2017</p>	<p><b>III. Challenges and obstacles encountered by persons subjected to contemporary forms of slavery to access justice</b></p> <p><b>A. Social and cultural barriers</b></p> <p><b>1. Discrimination and social structures</b></p> <p>19. Persons subjected to contemporary forms of slavery often belong to populations that are likely to be discriminated against, including women, children, indigenous people, people of “low” caste status and migrant workers. The societal discrimination that minority groups suffer denies their right to equal access to justice: often, State officials, including the police, prosecutors and the judiciary, are inherently prejudiced against people belonging to such groups. As a result, they experience discrimination at every step in the administration of justice for their rights violations. This situation is exacerbated when the groups are not represented within law enforcement authorities. Furthermore, the wide discrimination that people belonging to such groups suffer results in them having a sense of inferiority, which often poses challenges in their deciding to claim their rights or report the abuse they have suffered.</p> <p><b>People of “low” caste status, indigenous people and other minority groups</b></p> <p>20. In South Asia, debt bondage and forced labour is reported to be widespread in countries such as Bangladesh India, Nepal and Pakistan<sup>1</sup>. Those who are trapped in debt bondage in South Asia are predominantly Dalits, of “low” caste status, indigenous people or other minority groups. In some countries, a hierarchy of work has been created as a result of community divisions under which labourers are put at the lower level, particularly those of “low” caste status or those belonging to ethnic and religious minorities. An individual’s access to justice, jobs and other rights and privileges are often conditioned by this social hierarchy. This results in discrimination, domination, inequality and disparity, primarily through a lack of cultural and social power and access to resources for people who belong to minority groups. Furthermore, those who opt to defy traditional exploitative, discriminatory and humiliating roles, often face social boycotts that further restrict any opportunity to overcome discrimination-related poverty and dependency on employers or landlords.</p> <p><b>2. Self-identification and lack of trust in the justice system</b></p>
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26. Persons subjected to contemporary forms of slavery often do not have confidence in law enforcement and judicial bodies. They often consider them to be corrupt or fear they will be discriminated against or revictimized. Furthermore, the fact that legal processes tend to be prolonged and complex exacerbates their distrust of the legal system. Systemic discrimination against people of “low” caste, indigenous people, migrants and other minorities in wider society and corruption among law enforcement, coupled with victims’ concerns over their particular situation (e.g. irregular status), feed into a general distrust of the police among victims and a perception that law enforcement agencies and courts exist to protect the wealthy and powerful<sup>ii</sup>.

### **3. Lack of investigation, prosecution and punishment of perpetrators**

34. Many of the countries where contemporary forms of slavery occur have limited capacity to investigate and prosecute such crimes. The enforcement of laws criminalizing contemporary forms of slavery often remains ineffective owing to institutional weaknesses that are manifested in the failure of the police, prosecutors and the judiciary to respond adequately to reported cases of exploitation, from identifying and investigating to prosecuting and punishing perpetrators. Those weaknesses can be the result of a lack of training and capacity of the authorities responsible for the enforcement of legislation; a lack of political will on the part of the authorities to make victims protection a priority; susceptibility to corruption; and discrimination within the justice system against minorities. During the initial phase of the justice chain, 30 access to justice can be obstructed by weaknesses in the actions of the police, prosecutors and other authorities encountered by victims of contemporary forms of slavery. Those weaknesses are reflected in poor investigation and gathering of evidence. At the level of the administrative authorities and the police, there are often limited efforts to seek out victims, investigate cases that are brought to their attention or refer cases to prosecutors. Furthermore, at the prosecutorial level, there is often a failure to conduct criminal investigations with due diligence, and complaints concerning contemporary forms of slavery can be reclassified under other “lesser” and unrelated charges or informal settlements arranged. In some instances, victims are pressured from different actors, including the police and judicial officials, in order to reach an agreement to end the prosecution<sup>iii</sup>.

### **4. Lack of immediate and long-term assistance**

35. The absence of effective programmes and policies to provide socioeconomic support to victims of contemporary forms of slavery emerging from a situation of slavery make them vulnerable to relapsing into exploitation owing to the destitution that victims often face. Persons subjected to contemporary forms of slavery need to be able to have access to immediate and long-term assistance that enables them to restart their lives as independently as possible. Delays in the provision of assistance, complex procedures to gain access to those services, along with insufficient government funding to the assistance and recovery process and the contingency of assistance to victims on cooperation with the justice system, are some of the barriers that prevent victims from accessing immediate and long-term assistance<sup>iv</sup>. Immediately after escaping from the situation of exploitation, the victim must be provided with basic assistance, such as: housing in safe houses or shelters until the cases are closed; medical support, including basic health check-ups; mental health support; psychosocial counselling; financial aid; travel and maintenance expenses for victims and witnesses during investigation and trial; and travel and daily allowances. Once the shortterm needs of the victim are met, other services aimed at ensuring long-term recovery must be provided, such as life-skills training; assistance with job seeking; reintegration assistance; vocational training; language classes; education; and social activities.

	<p style="text-align: center;"><b>6. Weak victim and witness protection</b></p> <p>37. The absence of any legal and administrative mechanisms to protect victims from the time their complaints are registered by the police to the conclusion of the legal proceedings denies them the right to security of life and can be a powerful incentive for them not to claim their rights to have access to justice and remedy<sup>v</sup>. Persons subjected to slavery and related forms of exploitation, witnesses and members of the victim’s family often face threats and harassment from the perpetrator, the perpetrator’s community and in some cases the authorities. Such practices have been shown to have a negative influence on the outcome of trials as victims and witnesses can be intimidated into not cooperating with law enforcement authorities. In some cases, despite credible fears of reprisals, the law enforcement agencies have failed to take adequate measures to ensure victim and witness protection, despite being requested to do so by the courts<sup>vi</sup>. The fear of reprisals from perpetrators and the sense of insecurity is often exacerbated in cases where the victims continue to live in the same community as the alleged perpetrators.</p> <p><b>B. Recommendations to States Members of the United Nations</b></p> <p>61. With respect to social and cultural barriers, the Special Rapporteur recommends that States: (a) Take all steps necessary to tackle the root causes and manifestations of discrimination against minority groups that are vulnerable to contemporary forms of slavery, including women, children, indigenous people, people of “low” caste status and migrant workers;</p>
<p><b>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola</b></p> <p><a href="#">A/HRC/33/46</a></p> <p>See full report <a href="#">here</a></p> <p>04/07/2016</p>	<p><b>Trends in the prevalence of debt bondage</b></p> <p><b>A. Global</b></p> <p>9. Debt bondage occurs worldwide and is not confined to any one country or region and it occurs across various sectors of the economy. A global trend can be seen whereby vulnerable people, including those belonging to minority groups, indigenous people, women, children, people determined as being of low caste, and migrant workers, are disproportionately impacted by debt bondage. As will be discussed below, many victims of debt bondage face multiple and intersecting sources of discrimination which make them vulnerable to exploitation and abuse.</p> <p><b>B. Regional</b></p> <p><b>Asia</b></p> <p>15. The practice of debt bondage in South Asia is reported to be widespread, particularly in India, Pakistan, Bangladesh and Nepal.<sup>9</sup> The existence of debt bondage has also been reported in Afghanistan and Sri Lanka. However the majority of those in debt bondage are reported to be in India, Pakistan, Bangladesh and Nepal, despite the specific prohibition on such practices within the legal frameworks of these countries. Those who are trapped in debt bondage in South Asia are reportedly predominantly Dalits, persons of “low” caste, indigenous peoples<sup>10</sup> or members of other minority groups.</p> <p>18. In India, debt bondage is geographically widespread and has been reported to be prevalent in sectors such as the brick kiln industry, stone quarries, mining, manufacturing of beedi (Indian cigarettes), carpet weaving, construction, agriculture, power looms and cotton handlooms, as well as fish processing. Such practices are reported to be present in both the formal and the informal sectors. A survey conducted in 10 States in 1978 and 1979 by the Gandhi Peace Foundation and the National Labour Institute, which remains the most detailed survey on debt bondage, estimated the total number of bonded labourers in the agricultural sector at 2.62 million. The majority of people who are in debt</p>

bondage are Dalits, of “low” caste, or indigenous peoples — also referred to as members of the scheduled castes and scheduled tribes.

19. In the western and central parts of Tamil Nadu, a high number of adolescent girls reportedly work as bonded labourers under the sumangali scheme<sup>18</sup> in textile mills and garment factories, which is a major hub in the global knitwear sector that supplies international brands.<sup>19</sup> The majority of these workers are reported to belong to Dalit communities and are aged between 14 and 18 years.<sup>20</sup> Debt bondage is also reported in power loom workshops located in the Tiruppur region of Tamil Nadu, which produce woven cloth both for domestic manufacturers and for global suppliers. Those affected by debt bondage in this region are reported to include members of Dalit communities and other poor communities and to include both men and women. Furthermore, some non-agricultural industries in which debt bondage among children is reported to exist include carpet weaving, beedi making, silk production, silk sari production, the brick kilns and stone quarries.<sup>21</sup>

20. In Pakistan, debt bondage has been reported in industries such as the brick kilns, agriculture, fisheries, mining, carpet weaving and glass bangle production, among others.

Debt bondage is primarily concentrated in the provinces of Sindh and Punjab in agriculture, and in the brickmaking industry where often entire families are held in bondage. Landless sharecroppers (haris) in Sindh and brickmakers (patheras) in Punjab are the most affected by debt bondage. It has been reported that bonded labourers are often held in captivity by armed guards or their family members are held as hostages, severely limiting the freedom of movement both of the bonded labourers and of their families. The estimates reported by the Human Rights Commission of Pakistan pertaining to the period from 2011 to 2014 on the number of releases of bonded labourers ordered by courts in Sindh indicate that the largest number of releases occurred in the districts of Mirpur Khas, Sanghar and Umerkot. Furthermore, natural disasters such as the monsoon floods in 2010 have had a negative impact on the levels of debt bondage in agriculture and have increased migration based bonded labour in numerous sectors such as construction and brickmaking. Debt bondage in Pakistan is mainly found among minorities, such as non-Muslims (Hindus or Christians) or Muslims who have converted from Hinduism.

21. In Nepal, bonded labour can be found in sectors such as agriculture, cattle rearing, domestic labour, the brick kiln industry, embroidered textiles and the stone-breaking industry. A United Nations assessment carried out in 2011 suggested that 547,000 individuals in Nepal were in forced and bonded labour. A large proportion of bonded labourers were reported to be involved in traditional forms of agricultural bonded labour, such as haruwa charuwa, haliya or kamaiya. The majority of kamaiya labourers were released following the declaration in 2000 that abolished the system and the enactment of the Bonded Labour (Prohibition) Act, 2058 (2002).

However, traces of the kamaiya system still remain, particularly where government action aimed at identification, release and rehabilitation has not reached those affected. In 2008 the Government abolished the haliya system and cancelled the debts of haliya bonded labourers, but in the absence of a comprehensive rehabilitation programme some reportedly remain trapped in debt bondage.

A study conducted by ILO between 2008 and 2010 addressing forced labour of adults and children in agriculture, with a particular focus on the haruwa-charuwa system in central and eastern Tarai and the haliya system in the far western hills, found that haruwa-charuwa and haliya households accounted for 72 per cent of adults in forced labour. The ILO study also estimated that 33.5

per cent of the 89,545 working children aged from 5 to 17 were in forced labour, 62 per cent of whom were male and 38 per cent of whom were female. The vast majority of bonded labourers in Nepal are reported to be Dalits, persons of “low” caste, indigenous peoples or members of religious minorities.

## **B. Debt bondage legislation, policies and programmes**

### **Discrimination**

33. In South Asia, specific legislation on debt bondage and other relevant legislation to combat debt bondage has been enacted in India, Nepal and Pakistan. In India, the Bonded Labour System (Abolition) Act, 1976 abolishes the bonded labour system and discharges every bonded labourer from any obligation to render labour related to debts. The Act also prohibits the giving of advances to bonded labourers, obliges local governments to rehabilitate freed bonded labourers and imposes a penalty on perpetrators of up to 3 years’ imprisonment and a fine of up to Rs. 2,000. The Act mandates the establishment of vigilance committees at the district and subdivisional level, with a duty to provide for the economic and social rehabilitation of bonded labourers. In addition, the Child Labour (Prohibition and Regulation) Act, 1986 prohibits the participation of children under 14 years of age in certain kinds of hazardous employment and regulates the conditions of work in other kinds of employment. Section 374 of the Indian Penal Code punishes compelling any person to labour against the will of that person, and section 370 prohibits trafficking in persons for the purpose of exploitation, which includes “physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs”. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 prohibits forced or bonded labour of a member of a scheduled caste or tribe.

41. Bonded labourers commonly belong to minority groups vulnerable to discrimination, such as certain racial groups, women, indigenous people, people of low” caste and migrant workers. The discrimination suffered by these groups frequently prevents them from accessing education, health care, clean water and credit. Furthermore, demands from bonded labourers for fair treatment, or their resistance to exploitation, often cause them to face social sanctions and boycotts that further restrict their possibility of overcoming discrimination or of leaving the situation of bondage. The discrimination faced by bonded labourers comes in some cases not only from society at large but also from other members of the same minority groups.

Developing an integrated, human rights -based approach to eradicating and preventing debt bondage

49. Comprehensive national and/or regional surveys should be undertaken to identify those in bonded labour, and should include disaggregated information on those affected, by age, gender, nationality, caste or ethnic group, and to identify the industries in which debt bondage is prevalent. The existence of detailed data is a necessary step for the development of effective policies, systems and practices.

## **VII. Conclusions and recommendations**

53. The practice of debt bondage is prevalent worldwide in numerous sectors of the economy and particularly affects people belonging to minority groups, including women, children, indigenous people, people of “low” caste and migrant workers. Poverty, the lack of economic alternatives, illiteracy and the discrimination that people from minority groups suffer leave them with no other option than to take a loan or advance from employers or recruiters to meet basic needs, in exchange for their work or the work of their families. People in debt bondage end up working for no wages or

	<p>wages below the minimum in order to repay the debts contracted or advances received, even though the value of the work they carry out exceeds the amount of their debts. Furthermore, bonded labourers are often subjected to different forms of abuse, including long working hours, physical and psychological abuse, and violence. Debt bondage is prevalent in many countries, due to a failure by many Governments to implement effective legislation on debt bondage, including deficiencies in the areas of identification, release, rehabilitation, and the prosecution of offenders, and due to a lack of data on the prevalence of debt bondage, weak rule of law, social exclusion and discrimination</p> <p><b>Recommendations to Member States</b></p> <p><b>Institutional and legal framework</b></p> <p>Undertake national and/or regional surveys to identify victims of debt bondage; these should include disaggregated information on those affected, by age, gender, nationality, caste and ethnic group, as well as information about the industries in which debt bondage is prevalent. Such surveys should cover A/HRC/33/46 GE.16-11363 21 remote areas and informal workplaces. Data collected from such surveys should be used as the basis for the development of effective legislation, policy and programmes.</p>
<p><b>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola</b></p> <p><b>Addendum Mission to the Niger</b></p> <p><a href="#">A/HRC/30/35/Add.1</a></p> <p>HRC 30<sup>th</sup> session – September 2015</p> <p>July 30 2015</p>	<p><i>Summary</i></p> <p>In the present report, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, presents her main findings from her country visit to the Niger, conducted from 11 to 21 November 2014. After an analysis of the country’s legal, institutional and policy framework, the Special Rapporteur highlights the major issues of concern for her mandate, including descent-based slavery, the practice known as <i>wahaya</i>, child marriage, the worst forms of child labour and domestic servitude. While commending the criminalization of slavery in 2003 and acknowledging the Government’s commitment to eradicating slavery and slavery-like practices, the Special Rapporteur points to a number of challenges the Government faces to address effectively the root causes of slavery, including poverty, inequality and customary norms that cause widespread discrimination against former slaves and their descendants and undermine efforts to create alternative livelihoods. She concludes with some key recommendations to assist the Government in intensifying its efforts, with the support of national and international partners, to improve the coordination and streamlining of anti-slavery efforts, ensure effective law enforcement, increase access to justice and enhance victim protection and empowerment.</p> <p><b>IV. Descent-based slavery</b></p> <p>36. Determining the prevalence of slavery in the Niger would require comprehensive research. However, the Special Rapporteur learned from her extensive consultations with various stakeholders that, despite being legally abolished, descent-based slavery continues to exist in Tuareg, Fulani (Peul), Toubou and Arab communities. Those societies are very hierarchical and dominated by powerful traditional chiefs, and the number of slaves still appears to determine the social status and the power of the masters.<sup>22</sup> The Tuareg community is considered the most highly socially stratified of the communities, its structure resembling that of the caste system, with the slaves at the bottom.</p> <p>39. The Special Rapporteur’s attention was drawn to the predominant situation in the Niger today: that of former slaves and descendants of former slaves who do not live with their masters but remain tied to them and face social exclusion</p>

<sup>22</sup> Sékou and Abdoukarimou, “The legacy of slavery”, pp. 78–79.

	<p>and violations of their human rights, including widespread descent-based discrimination.<sup>23</sup> That is referred to as “passive slavery” in the Niger and exists especially among sedentary groups, such as Djerma-Songhai.</p> <p>47. The Special Rapporteur heard of cases where people of slave descent had achieved economic and political success in urban areas. They were, however, still regarded as a part of the slave caste by the communities they originated from, which points to the inability to alter the inherited status. The Special Rapporteur was also informed of a case of a businessperson of slave descent who wanted to buy a piece of land in the region of Tillabéry, but the deal fell through when the land owner discovered the person’s ancestry.</p>
<p><b>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola</b></p> <p><a href="#">A/HRC/30/35</a></p> <p>30<sup>th</sup> session of the Human Rights Council, September 2015</p> <p>July 8 2015</p>	<p><b>II. Activities of the mandate</b></p> <p>10. On 18 June 2015, the Special Rapporteur provided an introductory statement via video message at a Council side event on the role of the United Nations in combating the intersection of <b>caste</b> and gender in the area of forced and bonded labour, sponsored by Human Rights Watch, the International Movement Against All Forms of Discrimination and Racism, the Minority Rights Group, Anti-Slavery International and Franciscans International and organized in association with the <b>International Dalit Solidarity Network</b>.</p> <p><b>III. Enforcing State and business accountability for ending contemporary forms of slavery in supply chains</b></p> <p><b>B. Causes and prevalence of contemporary forms of slavery in supply chains and examples of sectors at risk</b></p> <p>Globalization has created unprecedented opportunities for corporations to extend their operations across national borders, including to developing countries, in order to source the cheapest products and maximize profit. The demand for cheap labour meets a ready supply of workers from vulnerable groups: indigenous people, minorities, those considered to be from the “<b>lowest castes</b>” and migrants, especially those in an irregular situation. Women workers are particularly vulnerable to exploitation in certain sectors given the nexus of gender discrimination and inequality.</p>
<p><b>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, Ms. Urmila Bhoola</b></p> <p><a href="#">A/HRC/27/53</a></p> <p>27<sup>th</sup> session of the Human Rights Council, September 2014</p> <p>July 22 2014</p>	<p>III. Priorities of the Special Rapporteur for the period 2014-2017</p> <p>18. During her tenure, the Special Rapporteur will continue to address the different forms of contemporary slavery, including subtler forms of slavery that deserve specific attention, such as bonded labour, domestic servitude, early and forced marriage, child slave work, servile marriages and caste-based forms of slavery, which affect the lives of many and are not confined to developing and poor countries. She will also continue to work on the remaining challenges to the eradication of contemporary forms of slavery, as highlighted by her predecessor in her report to the Human Rights Council at its twenty-fourth session (A/HRC/24/43).</p>
<p><b>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, Ms.</b></p>	<p>Conclusions and recommendations</p> <p>Slavery law and policies:</p>

<sup>23</sup> A similar situation affects those belonging to castes linked to certain professions, for example, blacksmiths, butchers and traditional musicians, who are also at the bottom of the highly stratified caste-based society. Discrimination on the grounds of descent, that is, against members of communities based on forms of social stratification such as caste and analogous systems of inherited status violates the International Convention on the Elimination of All Forms of Racial Discrimination. See general recommendation No. 29 (2002) on article 1 (1) of the Convention (Descent).

<p><b>Gulnara Shahinian, follow-up mission to Mauritania</b>  <a href="#">A/HRC/27/53/Add.1</a>  27<sup>th</sup> session of the Human Rights Council, September 2014  August 26 2014</p>	<p>36. The Special Rapporteur encourages the Ministry of Justice to expedite the review of the Slavery Act of 2007, and calls upon the Government to amend the Act in accordance with her previous recommendations and the road map, including to ensure better protection for victims recognized as slaves. The Special Rapporteur reiterates the need to accord the right to act as a civil party to an independent mechanism in order to ensure that victims of slavery and slavery-like practices are assisted by independent lawyers offering pro bono services so that they make take effective legal steps and obtain redress, as well as the need to introduce a law against discrimination practices based on <b>caste</b> or ethnic slavery. The criminal law approach should be accompanied by effective measures to compensate for discrimination and to assist the integration of victims of slavery into an independent life.</p>
<p><b>Thematic report on challenges and lessons in combating contemporary forms of slavery</b>  <a href="#">A/HRC/24/43</a>  (24<sup>th</sup> session of the Human Rights Council, September 2013)</p>	<p><b>Challenges and lessons in combating contemporary forms of slavery</b></p> <p>15. Discrimination based on race, ethnicity and caste also plays a role in increasing vulnerability to contemporary forms of slavery. Bonded labour in Asia, for example, disproportionately affects people with disadvantaged social statuses such as a low caste and the majority of forced labour victims in South America were from indigenous cultures, while strict social hierarchies in West Africa can dictate a person’s status as a slave. In many societies, racism is very common and typically the darker the skin, the more abuse that follows. (p.5)</p> <p>16. In Nepal, a debt bondage system, the labourers of which are known as Haliyas, can be found in the agricultural sector. Haliya means “one who ploughs”. Ploughing land is considered to be dirty and unskilled work that only lower-class citizens should perform, making it the work of “untouchables” or Dalits. Haliyas are either paid very little for their work or paid only in small amounts of food. Debt quickly accrues as workers take out loans for personal expenses, while landowners take advantage of them by charging exorbitant interest rates. According to a Centre for Human Rights and Global Justice report, “such discrimination is intentionally designed to keep alive a system of debt bondage”. (p.5)</p> <p>17. In September 2008, the Government of Nepal officially liberated all Haliyas and pardoned their debts to landowners. However, in 2010, the Asia Human Rights Commission reported that most Haliyas were still working for their landlords, despite formal liberation. It is very difficult for former Haliyas to integrate into the labour force as they have little to no education or technical skills and 97 per cent do not own land. Approximately 150,000 people were estimated to be affected by the Haliya system in 2010. All Haliyas are male because females are not allowed to plough and cannot get loans to own land of their own. However, women still assist their husbands’ landlords by collecting food for the animals or carrying manure to the farms. Children of Haliyas are often involved in the work as cattle herders, and therefore miss out on educational opportunities. (p.5)</p> <p><b>Institutional and implementation challenges</b></p> <p>38. In many countries in which slavery occurs, victims are poor, have few political connections and have little power to voice their grievances. These communities are normally marginalized and discriminated against as a result of their caste, race, gender and/or their origin as migrants or indigenous populations. In contrast, perpetrators may be wealthy, well-connected individuals who are able to influence policy and enforcement. This can result in corruption and a system in which there is little pressure on authorities to take action to combat exploitation. In Peru, gold generates tremendous profits and breeds corruption at every level, making it extremely difficult to combat labour abuses in illegal gold mining, including significant indicators of slavery. Such corruption facilitates the continued operation of illegal mines and gold-laundering and frustrates government enforcement efforts. In many cases, even</p>

	<p>when authorities have the will to carry out enforcement, they lack the training and resources to adequately do so. (p.11)</p> <p><b>Conclusions and recommendations</b></p> <p>82. Slavery and slavery-like practices are often clandestine. The majority of those affected are from the poorest, most vulnerable and marginalized social groups in society such as indigenous and caste-based groups. In order to effectively eradicate such exploitation in all its forms, Governments and other stakeholders must address the root causes of poverty, social exclusion and all forms of discrimination. At the heart of these campaigns, poverty reduction, the promotion of the Millennium Development Goals, the protection of human dignity and the establishment of robust protections against human and labour rights abuses, including effective access to remedy, should guide national and international strategies. (p.20)</p>
<p><b>Report on mission to Madagascar in 2012</b></p> <p><u><a href="#">A/HRC/24/43/Add.2</a></u></p> <p>(24<sup>th</sup> session of the Human Rights Council, September 2013)</p>	<p><b>III. History of slavery</b></p> <p>7. Most Malagasy are descendants of Indonesian and African settlers. There are 18 main tribes in Madagascar, some of which have their own caste system. The Special Rapporteur mainly met with those from the Merina (which mainly inhabit Antananarivo and the surrounding highlands) and Bara tribes (based in the south), which both have a caste system. The Merina ruled Madagascar before French colonization and were the main group to benefit during French colonial rule. Ethnic tensions persist, largely due to the fact that the Merina consider themselves the descendants of kings and rulers, and consequently of higher social status than the other ethnic groups.</p> <p>8. There are four main castes within the Merina tribe. First there are the Andriana, who consider themselves nobles and the descendants of royalty. The second, the Hova or “free people”, are commoners whose role is to serve in the army and be businessmen and farmers. The third caste is the Mainty, who occupied the highland long before the importing of Masombika; unlike the Andevo, they lived freely and benefited from some royal advantages. Most of the Mainty served in the Merina army. The fourth caste is the Andevo, who are the descendants of slaves and mainly work for the other two castes. The Andevo were composed mainly of people brought by the Andriana from South and Eastern Africa (who were called Masombika referring to Mozambique country), and people from other regions of Madagascar taken to Antananarivo as prisoners after a military expedition.</p> <p>9. The nobles and commoners are generally light-skinned, whereas those in the latter two castes are dark-skinned. Many of them served and were sold in Antananarivo until French colonization, when slavery was abolished.</p> <p>10. The Masombika are former slaves who have no ancestral land. Many of them live on the western coast of Madagascar.</p> <p>11. Discrimination against the slave caste continues to exist, especially in marriages, where those in the first two castes are not allowed to marry someone from the slave caste. The Andevo live in slums located in the low villages, below the villages on the hill where the nobles and commoners settled. In the rural areas, the Andevo work the employer’s land (someone from a higher caste), tend livestock and sometimes act as guards.</p> <p>12. The Andevo and the Masombika do not have the same access to schooling and jobs as those from the light-skinned castes. Consequently, most Andevo and Masombika are illiterate and are more vulnerable to working in exploitative employment. In towns, they are mainly hawkers or employed in</p>



	<p>cleaning streets or hospitals. The overwhelming majority of professionals (such as lawyers and doctors) are either Andriana or Hova. Some from the lower caste who are able to obtain an education and some degree of economic security do not want to be associated with their communities. In some protestant churches, those considered of lower caste are seated separately from the higher caste.</p> <p>13. The Special Rapporteur noted that, although poverty and extreme poverty affect the majority of Malagasy, those in the lowest castes have the additional burden of being discriminated against, and they are the most vulnerable to poverty and slavery-like practices.</p> <p>14. Although mixed couples from different castes are on the increase, such marriages are not supported and still face exclusion from their families, while their children are regarded as unclean.</p> <p><b>a) Arranged marriages (Valifoho)</b></p> <p>129. In places like Ihorombe, in the Bara community, when a girl reaches the age of 10, she is separated from other family members and can receive male visitors without need for approval from her male relatives. Indeed, her father and brothers no longer have any contact with her.</p> <p>130. In the Bara community, when a girl is born, she is betrothed and the parents receive 10 oxen (oxen are a sign of wealth and prestige). Parents try to marry off their daughters to a man with many cattle. The man can take the girl from the age of 7 years or ask her parents to raise her until she is 12, at which time she will be taken to the husband's home.</p> <p>131. Betrothed children accept marriage as they do not want to be excluded from the family (such exclusion would otherwise result in the girl being left destitute). Only the children of male offspring are allowed to marry in order to ensure that the wealth (oxen) stays within the family. Those betrothed are usually of the same age and start to live together from the age of 13 years.</p> <p>132. In some cases, an elderly man, although already married, may become betrothed to an infant and marry her when she turns 10. A girl in these circumstances is usually pregnant by the time she is 12, and the man may die while she is still a teenager. It is difficult for the widowed girl to remarry; she is often cast out by the first wife from her husband's home, and is not entitled to any of her late husband's possessions.</p> <p>133. <b>Girls are forbidden to marry anyone from the slave caste.</b> The Special Rapporteur spoke with a woman who had been ostracized by her family and faced stigma in the community because she had married someone from the slave caste. The pressure put on her husband by her own family was so great that he eventually left the household, leaving her to raise the children on her own. Her family was now trying to force her to marry a man from the same caste in the Bara community.</p> <p><b>Conclusions and recommendations</b></p> <p>164. The issue of caste discrimination should be addressed openly, not as a taboo; in this way, issues relating to vulnerability to poverty and slavery-like practices may also be dealt with in a comprehensive manner. The Government, civil society organizations and the international community must work with local communities to eradicate the stigma that the descendants of slaves experience, by means of programmes, technical expertise and the funding of projects to combat caste discrimination.</p>
<p><b>Press statement following country visit to Madagascar, 10-20 December 2012</b></p>	<p>Madagascar: "Poverty and impunity have increased contemporary forms of slavery," warns UN Expert (Geneva, 19 December 2012)</p>

	<p>In addition, the Special Rapporteur was informed of the deeply rooted discrimination based on caste. In a country where over 70 percent are poor and over 50 percent are extremely poor, the slave descendants are the most vulnerable as they suffer from social, economic and political discrimination.</p> <p>“The Government, as well as civil society and international organisations cannot continue to ignore this issue. All actors must work with local communities in order to eradicate the stigma that slave descends experience,” she stressed. “The country cannot effectively move forward until these old wounds are recognised and addressed. The government must work at all levels -particularly through community leaders such as the fokotany and lunaka in order to tackle such discrimination.”</p> <p>The independent expert also urged the authorities to prioritise and devote sufficient resources to address the phenomena. “During my field visits, I met with local authorities and civil society organisations who were working to combat slavery with limited resources,” she said. “Amongst my other recommendations, I urge the government to develop urgent measures and fully resourced programmes with local authorities and work closely with civil society and international organisations in order secure funding and combat contemporary forms of slavery.”</p> <p>The full mission report will be presented at the 24<sup>th</sup> session of the Human Rights Council in September 2013.</p>
<p><b>Thematic report on servile marriage</b>  <a href="#">A/HRC/21/41</a>  (21<sup>th</sup> session of the Human Rights Council, September 2012)</p>	<p>6. The Special Rapporteur participated in an international consultation on good practices and strategies to eliminate caste-based discrimination held in Kathmandu from 29 November to 1 December 2011. The consultation was organized by the International Dalit Solidarity Network in cooperation with the Feminist Dalit Organization, the Nepal National Dalit Social Welfare Organization, the Dalit NGO Foundation and the Samata Foundation. Its aim was to enhance engagement among countries, constituencies and institutions with a view to sharing good practices and strategies to eliminate caste-based discrimination. The Special Rapporteur was a keynote speaker and also facilitated a working group session on forced and bonded labour and discrimination issues in employment.</p> <p><b>V. Root causes of servile marriage</b></p> <p><b>B. Family honour</b></p> <p>47. Honour-related killings are practised by some communities in their countries of origin or in the countries to which they have immigrated. Honour-related killings occur in Asia, the Middle East and Europe, where first-generation immigrants have passed the practice on to their children and grandchildren. Among some Asian communities, to guard the honour of a clan, marriages take place within the biradari system, a social caste system that divides people into separate communities and combines caste and honour with notions of total loyalty to the clan.</p> <p>48. Reports also indicate that relentless pressure and emotional blackmail are used by parents and families to force young girls into unwanted marriages. More extreme forms of pressure can involve threatening behaviour, abduction, imprisonment, physical violence, rape and, in some cases, murder.</p> <p><b>C. Poverty</b></p> <p>53. To help to reduce servile marriage, the Government of India launched conditional cash transfer initiatives to provide incentives to families to delay their daughters’ marriages. The “Apni beti apna dhan” (“Our daughter, our wealth”) programme was established by the local government of Haryana to</p>

	<p>issue long-term savings bonds redeemable on a girl's eighteenth birthday, provided that she is unmarried.</p> <p><b>E. Cultural and religious practices</b></p> <p>57. In Sindh, a province of Pakistan, the custom of <i>swara</i> is practised, by which women are used as commodities to settle disputes between clans and tribes. They are either forced to marry the men from the receiving tribe or used by them as sex slaves. This form of servile marriage continues to occur even in the face of legislation prohibiting this practice and the upholding of that legislation by the Supreme Court of Pakistan (see EGM/GPLHP/2009/EP.14).</p> <p>61. There are several practices in which girls are forced into marriage under the guise of religious rites. For example, the Committee on the Elimination of Racial Discrimination has noted the existence in India of devadasi, whereby a girl, usually a Dalit, is forced to marry a deity and forced to have sex with members of the temple (CERD/C/IND/CO/19, para. 18). The Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination have addressed the <i>deuki</i> system in Nepal, under which girls may be offered to deities by their families or by wealthy people who buy girls from their parents to be granted wishes or heavenly favours. The girl is then called a <i>deuki</i> and engages in prostitution (CRC/C/15/Add.261, para. 67, and CEDAW/C/NPL/CO/4-5, para. 17).</p> <p><b>B. Sexual slavery</b></p> <p>75. Sexual slavery is a situation in which absolute control over one person is imposed on another, either by the use or threat of force. Servile marriage results in sexual slavery. As mentioned previously, girls in ritual slavery are forced to have sex with the priest who consummates the marriage between the girl and the deity. A ritually enslaved girl may also be forced to have sex with multiple sexual partners who believe that they become cleansed by having sex with her. The girls are also rendered physically weak by the pregnancies, births and, on occasion, abortions that they undergo. As a result of having multiple sexual partners the girls suffer from reproductive tract infections and sexually transmitted diseases. Unable to leave or seek help, they are often socially marginalized, with few support systems. This contributes to a lack of confidence and low self-esteem, perpetuating subordination.</p>
<p><b>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian</b></p> <p>A/HRC/18/30 (HRC 18<sup>th</sup> session – 2011)</p>	<p>J. Discrimination</p> <p>46. Many children who work also come from groups that have been discriminated against and/or marginalized, for example, indigenous peoples, migrants or those given a certain social status such as caste. For example, countries may have a highly stratified society which in many communities dictates the kind of work one does. This means that a family from a particular stratum can only perform certain jobs. The lower you are in this stratified society the lower paid the jobs that one can perform. Consequently, one finds that many children who work are those from the lower strata.<sup>16</sup> This makes them doubly vulnerable to abuses.</p>
<p><b>Report by the Special Rapporteur on contemporary forms of slavery, with a particular focus on the manifestations and causes of domestic servitude</b></p> <p>A/HRC/15/20 (15<sup>th</sup> HRC session, September 2010)</p>	<p>Ms Gulnara Shahinian presented her report on domestic servitude to the 15<sup>th</sup> session of the Human Rights Council (A/HRC/15/20). The report underlined the intrinsic link between domestic servitude and caste discrimination:</p> <p>51. Physical and psychological abuses reinforce dependency and, in extreme cases, become the very cause of domestic servitude (rather than a mere consequence). A domestic worker may, for instance, be subjected to abuse so severe that a psychological dependency on the perpetrator ensues (a phenomenon known as the “battered women syndrome” in the domestic violence context). The victim may be systematically beaten, insulted, humiliated and belittled to force her to submit to excessive working hours,</p>

	<p>unpaid overtime on rest days, etc.. Such abuse can reinforce other patterns of learned submission based on caste, ethnic or gender discrimination. Sexual violence, ranging from sexual harassment to repeated rape or the threat of trafficking into forced prostitution, is also employed as a tool of subjugation. The Special Rapporteur also received numerous reports of domestic workers being threatened with denunciation for crimes they did not commit if they complained about exploitative working conditions.</p> <p>2. Discrimination based on ethnicity, race, skin tone or caste</p> <p>69. Domestic servitude is intrinsically linked to discrimination based on ethnicity, race, skin tone or caste. Imagined distinctions in human worth and dignity, derived from meaningless differences in outward appearance or lineage, set the ground for ruthless exploitation. Patterns of discrimination are internalized by both perpetrators and victims, who more or less consciously envisage themselves as “masters” or “servants”.</p> <p>72. Caste-based discrimination, found in various cultural contexts, and domestic servitude are linked. In South Asia, so-called “untouchables” (<i>dalits</i>) and certain indigenous communities make up the vast majority of people in domestic bonded labour, which is a form of domestic servitude. Moreover, specific types of degrading domestic chores are specifically associated with lower castes and linked to exploitative conditions. In certain States in India, despite a long-standing Government campaign to eradicate the practice, many <i>dalit</i> women reportedly still have to engage in “manual scavenging”: because of their caste they are expected to take care of scraping human excrement from dry toilets in private households or public places.</p> <p>99. Domestic servitude is rooted in entrenched patterns of gender discrimination and discrimination on the basis of race, ethnicity and caste. At the heart of the problem is the fact that work in or for the household, whether paid or unpaid, is undervalued.</p> <ul style="list-style-type: none"> <li>• States should reinforce their efforts to implement the commitments agreed at the Fourth World Conference on Women in Beijing and the Durban Review Conference.</li> <li>• Senior Government officials, religious and community leaders should publicly acknowledge the value of domestic work to society and emphasize the equal dignity and autonomy of domestic workers.</li> </ul>
<p><b>Report by the Special Rapporteur on contemporary forms of slavery on her mission to Mauritania</b> A/HRC/15/20/Add.2 (24 Oct-4 Nov 2009)</p>	<p>Ms Gulnara Shahinian presented the report from her country visit to Mauritania at the 15<sup>th</sup> session of the Human Rights Council. The report mentions numerous examples of caste-based slavery in Mauritanian society:</p> <p>9. Mauritanian society is highly stratified along ethnic and racial lines. In the black African communities, noble and freemen are at the top, followed by “casted” groups (usually occupational and endogamous groups such as blacksmiths and musicians), with slaves and their descendants coming at the very bottom.</p> <p>10. The Special Rapporteur heard reports that the black African slaves, depending on the economic status of their masters, have de facto equal access to basic services such as education, even though when it comes to social ceremonies such as worship, marriage and burial, the black African slaves must keep within their caste. For example, among the Soninke, slaves are not allowed to be in the first row at the mosque and cannot be buried in the same cemeteries as their masters.</p> <p>12. The elite white Moors (Berber Arabs) control the economy and the vast majority of the administrative State, including the Government, the military and the police. Historically they raided, enslaved and assimilated people from sedentary black ethnic groups along the Senegal River. Today this assimilated</p>

	<p>group of people is also called the black Moors. Following the 1905 law abolishing slavery in Mauritania, the black Moors gradually started being freed and were commonly referred to as Haratine. The word “Haratine” is derived from the Arabic word for freedom, as they are perceived by the rest of society as freed slaves. The Haratine continue to suffer discrimination, marginalization and exclusion due to their membership of a “slave caste” and are the ethnic group most associated with slavery in Mauritania today. In many cases, the Haratine, even if freed, continue to serve their masters because they are economically, culturally and psychologically attached to them and they see no other viable option. Whether freed or still enslaved (<i>abid</i>), black Moors are referred to as Haratine.</p> <p>17. Several treaty bodies have issued observations and recommendations related to slavery in Mauritania, the most recent of which has been the Committee on the Rights of the Child. In its concluding observations, the Committee expressed concerns about the high number of children engaged in labour, particularly in the agricultural sector, and the continued existence of caste-based slavery, which has a particular impact on girls in domestic service and boys forced to beg by <i>marabouts</i> (Islamic religious leaders or teachers).</p> <p>51. While the practice of slavery is illegal, deeply embedded discriminatory attitudes form part of the basis of slavery in Mauritania. The country’s stratified, caste-based society means that even those who are former slaves or descendants of former slaves still live under the shroud of their “slave class” and are ostracized from society. As a result of discriminatory practices, former slaves often end up in service and manual labour positions in urban areas. When they rise above their strata, former slaves still experience discrimination. The Special Rapporteur heard of a situation where a minister, who happened to be from a lower caste in the Soninke community, was appointed and yet the people from his own community refused to recognize him. This shows that, even where the Government has used positive discrimination, such persons have faced setbacks, as certain communities have refused to let go of old traditional beliefs in caste-based slavery. The person appointed to a senior position is not respected.</p> <p>105. As the Minister of Justice reviews the effectiveness of the 2007 Slavery Act, the Special Rapporteur urges him to consider incorporating the following:</p> <ul style="list-style-type: none"> <li>– Introduction of a law against discrimination practices based on caste or ethnic slavery;</li> </ul>
<p><b>Thematic report by the Special Rapporteur on contemporary forms of slavery</b> A/HRC/12/21 (12<sup>th</sup> HRC session, September 2009)</p>	<p>Ms. Gulnara Shahinian presented her first thematic report on debt bondage before the 12th session of the Human Rights Council (A/HRC/12/21). In the report she underlines the link between forced labour and caste discrimination, and describes how sexual exploitation can also be linked to forced prostitution:</p> <p>51. ILO research shows a clear link in Asian countries between forced labour and long-standing patterns of discrimination. In India, the overwhelming majority of bonded labour victims in agriculture, brick making, mining and other sectors are from Scheduled Castes and Scheduled Tribes.</p> <p>53. Bonded labour can also be linked to sexual exploitation. According to information gathered from NGOs, in some countries multiple wives are bonded into prostitution, a practice that is embedded within the system of polygamy and bride procurement. Men take a number of loans to procure several wives. Women may then be sent to work in brothels, or alternatively “loaned” to brothel owners, where their earnings are shared between the brothel owner and the husband. The bonded woman is not allowed to leave the brothel until the debt of her husband has been cleared. Men who are unable to pay their debts to landowners are also reported to have bonded their wives into prostitution.</p>

	<p>In the interactive dialogue at the 12<sup>th</sup> HRC session, the Special Rapporteur said in her presentation that 'slavery exists all over the world', and that 'the majority of public information and awareness on bonded labour refers to its traditional manifestation which is widely reported in Africa, Asia and South America.' She also said that the 'causes of bonded labour have, disheartingly, not changed with the times. Factors such as poverty, migration, discrimination on the basis of race, caste, social status and gender are still the main causes of bonded labour.'</p>
<p><b>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian</b>  A/HRC/9/20  (9<sup>th</sup> HRC session, September 2008)</p>	<p>This report (A/HRC/9/20) of 29 July 2008 is the first by the Special Rapporteur, whose mandate was created pursuant to Human Rights Council resolution 6/14. This new mandate replaces the Working Group on Contemporary Forms of Slavery. The report explains the definition of the mandate, the scope of the mandate, the legal framework, methods of work, and activities carried out by the Special Rapporteur.</p> <p>II. SCOPE OF THE MANDATE</p> <p>11. As one of the oldest forms of human relationship, slavery has evolved and manifested itself in different ways throughout history. Today some old traditional forms of slavery still persist in their earlier forms, others transmute into new ones. Analysis of worldwide annual applications to the United Nations Trust Fund on Slavery, reports of the Working Group on Contemporary Forms of Slavery, as well as reports written by United Nations bodies and non-governmental organizations, document the persistence of the old forms of slavery that are embedded in traditional beliefs and customs. These forms of slavery are a result of long-standing discrimination against the most vulnerable groups in societies such as: those regarded as being of low caste, tribal minorities and indigenous peoples.</p> <p>Focus areas:</p> <p>Forced labour</p> <p>Child labour</p> <p>Domestic work</p> <p>IV. METHODS OF WORK</p> <p>In the discharge of the above functions, the Special Rapporteur will:</p> <p>Carry out country visits in order to obtain firsthand information on the situation from officials, members of the civil society, and UN agencies. A report of these visits, highlighting findings, conclusions and recommendations, will be submitted to the Human Rights Council.</p> <p>Act upon reliable information submitted on human rights violations, whether they have occurred or are deemed imminent,</p> <p>undertake research on a specific theme / phenomenon in relation to the mandate and provide the Human Rights Council with advise and specific recommendations in this regard</p> <p>Conduct advocacy and awareness raising to promote human rights with regard to slavery and to prevent slavery like practices from taking place.</p> <p>33. In carrying out her duties, the Special Rapporteur will work at the national, regional and international levels in order to ensure the effective fulfilment of her mandate. She will work to collate, promote and distribute examples of best practice at the national, regional and international levels in order to eliminate slavery.</p>

## Special Rapporteur on minority issues

- Ms. Rita Iszàk (Ms. Gay MacDougall (until July 2011))

**Report of the Special Rapporteur on minority issues on her mission to Sri Lanka - Note by the Secretariat**

**20 February 2017**

[A/HRC/34/53/Add.3](#)

### **II. Minority rights: legal, political and institutional framework**

8. The 1978 Constitution establishes the principle of equality and non-discrimination under its article 12 (2), which contains general provisions prohibiting discrimination on the grounds of race, religion, language, caste, sex, political opinion and place of birth, though not on the basis of colour or national or ethnic origin.

#### **F. Caste-affected groups**

56. The Special Rapporteur observed that the caste system, the existence of which is not disputed, is evidently an uncomfortable topic for the majority of Sri Lankans. She was told that three parallel caste systems that define interpersonal relationships exist within the Sinhala, Sri Lankan Tamil and Indian Tamil communities. Additionally, some members of the lower caste groups have clearly inherited status that limits them, by birth, to certain occupations that are considered the most dirty, menial and hazardous, such as manual scavenging and street sweeping, and that are passed down through generations, continuing patterns of social exclusion and marginalization. Most of these persons suffer discrimination in all spheres of life, have limited or no access to political representation and often have their children excluded from the education system, perpetuating the cycle of extreme poverty. The Public Representations Committee on Constitutional Reform stated that it had received information from “discriminated caste and menial labour groups”, indicating that they faced several challenges with regard to access to services as well as to representation and development.

57. In Jaffna, where the caste system is reportedly the most rigid, the Special Rapporteur was told of deep-rooted discrimination and inherent structural inequality in all spheres of life, including employment, education, the right to own property and political representation. In Kandy, Indian Tamil scavengers in Mahaiyawa working in inner-city settlements live in the worst sanitary conditions in the city, in a slum-like settlement. Members of lower caste groups within the Sinhalese community in Welivita, Henawala and Kuragala, which are remote villages in the central region, are confined to hereditary caste occupations as scavengers, living in small groups in conditions of extreme poverty and socially ostracized. Historically, the Plantation community is said to be constituted largely of members ascribed to lower castes. Their historical exclusion from access to resources, services and development as well as political participation, which kept them in extreme poverty for generations, is attributable, at least in part, to their caste status. The patterns of migration from the rural areas of the central provinces reportedly indicate that most women migrants are from depressed caste communities. It is reported that most of those still languishing in the internally displaced camps are also persons of low caste groups.

58. While there are differences of opinion on whether caste-affected groups fall under the category of “minority groups” in Sri Lanka, it is evident that there are significant segments of Sri Lankan society that face multiple and intersecting forms of discrimination on the grounds of both their minority status and descent. Therefore, the approach taken by the Public Representations Committee on Constitutional Reform in recommending various areas of constitutional reform, to consider caste groups among the “minorities and underrepresented groups” requiring particular attention, seems to have much validity in the Sri Lankan context.

	<p><b>VI. Conclusions and recommendations</b></p> <p><b>Political participation and inclusive governance</b></p> <p>68. The Special Rapporteur also urges the Government to consider measures aimed at ensuring that government and provincial offices, law enforcement bodies, the armed forces and education and health institutions are truly reflective of the diversity within Sri Lankan society by including members of ethnic, linguistic and religious minorities at all levels, with particular attention to those facing multiple and intersecting forms of discrimination such as women and lower caste groups. This may be achieved through mandatory quota systems, especially at the federal level, as well as targeted affirmative action in training and recruitment programmes. Separate departments within institutions established for and composed of minorities may also be a possibility.</p> <p><b>Targeted actions needed for Sri Lankan minorities</b></p> <p>83. The Special Rapporteur draws the attention of the Government to the recommendations contained in her report on minorities and discrimination based on caste and analogous systems of inherited status (A/HRC/31/56) and urges their implementation as appropriate.</p>
<p><b>Report of the Special Rapporteur on minority issues</b></p> <p><b>9 January 2017</b></p> <p><a href="#">A/HRC/34/53</a></p>	<p><b>II. Activities of the Special Rapporteur in 2016</b></p> <p><b>D. Events and conferences</b></p> <p>14. On 16 March, she participated as a keynote speaker in a side event organized by OHCHR, held in Geneva during the session of the Human Rights Council, on minorities and caste-based discrimination.</p> <p><b>III. Reflections on the six-year tenure of the Special Rapporteur</b></p> <p><b>A. Introduction</b></p> <p>33. During her tenure, from August 2011 to December 2016, the Special Rapporteur focused her thematic reports to the Human Rights Council and the General Assembly on the following topics: the role and activities of national institutional mechanisms in promoting and protecting minority rights; the rights of linguistic minorities; minority rights-based approaches to the protection and promotion of the rights of religious minorities; ensuring the inclusion of minority issues in post-2015 development agendas; preventing and addressing violence and atrocities against minorities; hate speech and incitement to hatred against minorities in the media; minorities in the criminal justice system; minorities and discrimination based on caste and analogous systems of inherited status; and minorities in situations of humanitarian crises. At the invitation of the Council, she prepared a comprehensive study on the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti Gypsyism.</p> <p><b>C. Major challenges identified</b></p> <p><b>1. Major barriers to the effective promotion and protection of minority rights</b></p> <p>66. Furthermore, the Special Rapporteur acknowledges that in order to avoid protection gaps, the minority rights framework can and should be applied to groups that, although belonging to the same ethnic, religious or linguistic group as the larger community are in a non-dominant (and often marginalized) position and suffer stigma, self-identify as minorities and have historically used the minority rights framework to claim their rights. This is the case of many caste-affected groups worldwide, to which the Special Rapporteur devoted her previous thematic report to the Human Rights Council (A/HRC/31/56)</p>



<p><b>Recommendations of the Forum on Minority Issues at its eighth session: Minorities and the criminal justice system (24 and 25 November 2015)</b></p> <p><b>4 February 2016</b></p> <p><a href="#">A/HRC/31/72</a></p>	<p><b>3. Investigation into crimes committed against minorities – minorities as victims</b></p> <p>48. States should specifically ensure the availability of remedies for minority women victims of gender-based violence, who may face multiple stigma and intersecting forms of discrimination with regard to their minority origin (including caste), their gender and the nature of the crime suffered. Gender sensitization is crucial in enabling government and law enforcement officers to understand minority women’s challenges within their communities, including forms of abuse often classed as cultural practices, including forced and early marriages or female genital mutilation, so they can assist in establishing appropriate platforms to report and prevent such violations.</p>
<p><b>Report of the Special Rapporteur on minority issues</b></p> <p><b>28 January 2016</b></p> <p><a href="#">A/HRC/31/56</a></p>	<p><b>Based on information received regarding incidents of discrimination in caste-based and analogous systems of inherited status, including atrocities committed against individuals ascribed to the lowest strata by virtue of their caste status, the Special Rapporteur on Minorities dedicated her annual report to the Human Rights Council to a thematic focus on “minorities and discrimination based on caste and analogous systems of inherited status”.</b></p> <p><b>The contents of the report includes an introduction to the issue and definition of caste based discrimination. In her report the Rapporteur covers specific areas of impact of discrimination in caste-based and analogous systems in relation to core human rights along with initiatives and good practices to address caste-based discrimination.</b></p> <p><b>See: <a href="#">full report by the Special Rapporteur on minority issues</a></b></p>
<p><b>Report by the Special Rapporteur on Minority Issues. Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities</b></p> <p><a href="#">A/70/212</a></p> <p>30 July 2015</p>	<p><b>H. Minority victims and witnesses</b></p> <p><b>1. Access to justice for victims</b></p> <p>67. Multiple forms of discrimination which may further curtail access to justice can also arise from within the minority community. Minority women may face multiple stigmas in relation to their ethnic or religious background, their sex, and the nature of the crime of which they were the victim. In India, for instance, Dalit women subjected to violence reportedly face unnecessary delays and pressure to drop charges, which are linked to a combination of their gender and minority status. In some countries of Eastern and Central Europe and Central Asia, parental attitudes can limit minority children’s access to justice: girls in particular are expected to remain silent about problematic family situations.</p>
<p><b>Recommendations of the Forum on Minority Issues at its seventh session: Preventing and addressing violence and atrocity crimes targeted against minorities (25 and 26 November 2014)</b></p> <p><a href="#">A/HRC/28/77</a></p> <p>January 2015</p>	<p><b>III. Recommendations</b></p> <p><b>A. Recommendations to prevent violence and atrocity crimes</b></p> <p><b>1. Recommendations to States</b></p> <p>17. States should pay particular attention to and urgently address the situation of persons belonging to minority groups who may face the most severe and entrenched forms of discrimination and exclusion. Such discrimination and exclusion may include stigmatization and dehumanization on the basis of their <b>work and descent or caste</b>, notions of pollution and other forms of stigmatization resulting in wide-ranging exploitation, abuse and exposure to violence.</p> <p>24. States should collect data disaggregated by, inter alia, gender, age, ethnicity, <b>caste</b>, religion, mother tongue and geographical location, including in national census processes. Such data, analysed in combination with socioeconomic indicators, provide a better understanding of the size and</p>

	<p>status of minorities and a factual basis for developing a common understanding of the causes of inequalities and exposure to violence, as well as targeted objectives in the context of inclusive initiatives intended to prevent violence. Such data should be based primarily on self-identification, and civil society and minority groups should be involved throughout the process from design to collection and analysis, in order to improve accuracy and consistency of data collection and evaluation processes.</p>
<p><b>Report of the Special Rapporteur on minority issues, Rita Izsák</b> <u>A/HRC/28/64</u> January 2015</p>	<p>II. Activities of the Special Rapporteur C. Additional activities Events, conferences and outreach On 17 June 2014, she participated in the side event on “<b>Caste-based violence against women and girls</b>”, organized by the <b>International Dalit Solidarity Network</b>, in Geneva. She discussed the role of special procedures in combating <b>caste-based discrimination and violence</b>.</p>
<p><b>UNGA Report of the Special Rapporteur on Minority Issues, Rita Izsák</b> <u>A/69/266</u> 69th session of the General Assembly, September 2014</p>	<p>D. History of violence with impunity and tensions without reconciliation 31. In some cases, violence or the threat of violence against certain stigmatized minority communities is common and almost socially accepted. Despite legislation in India (Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, adopted in 1989) which bans caste-based discrimination, violence against Dalits remains widespread and their access to justice poor. In May 2013, the Special Rapporteur, along with other United Nations experts, noted that caste-based discrimination remained widespread and deeply rooted, that its victims faced violence, structural discrimination, marginalization and systematic exclusion and that the level of impunity was very high.</p>
<p><b>Communications to/from Governments</b> <u>A/HRC/27/72</u> (27<sup>th</sup> session of the HR Council, September 2014)</p>	<p>PAK 6/2014 Pakistan - Alleged death of at least 132 children in the Thar desert, Tharparkar district, Sindh province as a result of malnutrition. According to the information received, severe and chronic food and water shortages due to drought and extreme poverty are the principal causes of death. The majority of victims reportedly belong to the minority Dalit community. Reports suggest that the crisis has been exacerbated by insufficient investment in healthcare facilities with long standing vacancies in Government run hospitals and health centres, as well as a lack of female doctors, limiting the provision of adequate medical services. Undue delays on the part of the authorities to react to the crisis have reportedly resulted in the Sindh provincial Government being accused by the Supreme Court of failing to fully report the facts, highlighting its failure to distribute sixty thousand bags of wheat flour allocated to the region in December 2013.  To mandates: Food; Health; Minority issues; Water and Sanitation</p>
<p><b>Report of the Independent Expert on minority issues, Rita Izsák</b> <u>A/HRC/25/56</u> 25<sup>th</sup> HRC Session, March 2014</p>	<p>D. Additional activities. 2. Events, conferences and outreach 21. The Independent Expert has continued to raise awareness about discrimination on the basis of work and descent. On 24 May 2013, she led a joint statement calling for strengthened protection of more than 260 million victims of caste-based discrimination. On 16 and 17 December 2013, she participated in the Second South Asia Regional Consultation on Caste Based Discrimination in Kathmandu. The objective was to explore contemporary caste-based discrimination issues in the region, as well as to discuss United Nations action to combat such discrimination in country programmes.  IV. Minorities in the context of specific areas of development consultation B. Education</p>

60. In 2009, of the world's 101 million children out of school, an estimated 50–70 per cent were from minorities or indigenous peoples. In Central Africa, the great majority of Batwa and Baka have not had access even to primary education. Only 13 per cent of children in sub-Saharan Africa have access to primary education in their mother tongue. In South Asia, Dalit girls are prevented from pursuing their education not only because of poverty, but through discrimination and sexual violence. Literacy levels are commonly much lower among Dalit girls. For example, in the Mushahar Dalit community in India, barely 9 per cent of women are literate (IDSN, recommendations on Dalits' access to education, submitted to the Forum on Minority Issues 2008). In Latin America, millions of indigenous and African descendant children work in fields, plantations or mines instead of being in school.

#### C. Health

64. In Nepal, according to UNDP, life expectancy of a Hill Dalit was 61 in 2009 compared to 68 for a higher caste Hill Brahmin. A 2011 Open Society Foundation study reported that Roma are disproportionately unvaccinated, have poorer than average nutrition and experience higher rates of infant mortality and tuberculosis. There is evidence that life expectancy among Roma communities is 10 to 15 years lower than in non-Roma communities. In Cameroon, visited by the Independent Expert in 2013, the access to health and health situation of Pygmy communities is extremely poor relative to other population groups. In Pakistan, UNICEF reports that the maternal mortality ratio for Baluchistan — largely inhabited by the Baluchi minority — is 758 per 100,000 live births, almost three times the national average of 276 per 100,000 and far from the MDG target of 140 per 100,000.

#### E. Hunger, food security and nutrition:

67. Directly linked to health concerns, minorities are frequently in a vulnerable situation in regard to hunger, food security and nutrition. High levels of poverty and extreme poverty, lack of access to employment or secure forms of income, land or land tenure all impact on their food security. In India, for example, child malnutrition is some 14–20 per cent higher for Scheduled Castes and Scheduled Tribes and has been declining at a slower rate than for the rest of the populations over the period of the MDGs. In country visits by the mandate holders to Rwanda (2011) and Cameroon (2013), food security and nutrition was a major concern of Batwa and Pygmy communities, many of whom are displaced from traditional forest habitats and can no longer maintain their hunter/gather lifestyles and access forest-based food sources.

#### G. Environmental Sustainability:

71. According to the report of the United Nations System Task Team on the Post-2015 United Nations Development Agenda: “Deepening resilience among vulnerable populations and reducing risks of disasters and other shocks must be central to limiting the social and economic costs of disasters, in terms of death, hunger, malnutrition, displacement and forced migration.” Equally, Claus H. Sorensen, Director-General of the European Commission Directorate General for Humanitarian Aid and Civil Protection stated:

“Those who are most vulnerable and marginalised need primary attention when a disaster strikes, both because the impact of the disaster is likely to be higher on them than others, and because of the likelihood that they find themselves excluded from response and recovery efforts. By systematically addressing in each action the inclusion of those who are marginalised (in particular, persons affected by caste discrimination, minorities, as well as persons with disabilities, women, and the elderly), lives have been saved, the suffering of those in need has been alleviated, and their dignity protected.” (International Dalit Solidarity

	<p>Network, Equality in aid: Addressing Caste Discrimination in Humanitarian Response (2013), p. 2.)</p> <p>72. In South Asia, experiences from the 2001 Gujarat earthquake, the 2004 Asian Tsunami and flooding in Nepal in 2008, the Indian States of Bihar, Andhra Pradesh, Karnataka and Assam during 2007–2009, and Pakistan in 2010, demonstrated that Dalits are frequently the worst affected and also often “systematically excluded from relief and recovery efforts” (International Dalit Solidarity Network, Equality in aid: Addressing Caste Discrimination in Humanitarian Response (2013), p. 3.). The impact of Hurricane Katrina and its aftermath on African-American communities was well documented as were deficiencies in the relief and reconstruction efforts. Minorities may be more vulnerable to natural disaster due to the location of their homes in marginal locations, vulnerable occupations, and poor-quality housing. The environmental impact of development mega-projects often has a disproportionate impact on minorities, as demonstrated by the impact of aggro-business projects on Afro-Colombian minorities and their lands and indigenous minorities in the Gambella region of Ethiopia displaced from their lands, as well as the impact on Pygmy communities of the Chad-Cameroon oil pipeline in Cameroon — a few of many examples.</p> <p>J. Water</p> <p>77. The Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, focused her 2012 report to the Council (A/HRC/21/42) on stigmatization in the realization of the rights to water and sanitation. The report examines different manifestations of stigma in the context of the human rights to water and sanitation and explores recommendations for policymaking and solutions to prevent and respond to human rights violations resulting from stigma. The Special Rapporteur found that stigma pushes people to the margins of society and results in the rejection, avoidance and marginalization of certain groups. Access to water and sanitation for many Roma communities is notoriously precarious. Similarly, the report highlights that Dalit habitations are often systematically excluded from service provision.</p> <p>V. Conclusion and recommendations</p> <p>85. The post-2015 framework of new goals should be based on human rights, including minority rights as established in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the principles of equality, non-discrimination and participation. A focus on disadvantaged minorities and specific minority groups, including Roma, people of African Descent, Dalits, and disadvantaged religious and linguistic minorities worldwide would potentially bring much needed development attention to millions of the most excluded and impoverished peoples globally.</p>
<p><b>Communications Report of Special Procedures</b></p> <p><u><a href="#">A/HRC/24/21</a></u></p> <p>24th session of the HRC, September 2013</p>	<p><u><a href="#">Joint Other Letter sent 2 May 2013</a></u> by the Special Rapporteurs on Minority Issues and Racism</p> <p><b>United Kingdom of Great Britain and Northern Ireland</b> - New amendment to introduce anti-caste legislation in the UK. According to the information received, on 4 March 2013, the House of Lords of the United Kingdom of Great Britain and Northern Ireland voted in favour of amendment number 37 to the House of Lord Bill 95, which called for <b>caste</b> to be recognized among other forms of discrimination in the Equality Act, 2010. On 23 April 2013, the House of Commons voted in favour. It is reported that <b>caste-based discrimination</b> exists in the United Kingdom and specifically within the Indian community and there is no official data on the <b>Dalit</b> population in the UK who constitute the main victims of <b>caste based discrimination</b>. Reportedly the introduction of the</p>

	<p>amendment would be instrumental in addressing the existing legal protection gap for victims of <b>caste-based discrimination</b> and harassment.</p>
<p><b>Report of the Independent Expert on minority issues, Rita Izsák</b> <u>A/HRC/22/49</u> 22<sup>nd</sup> HRC session, December 2013</p>	<p>Focus on the rights of linguistic minorities</p> <p>A. Thematic reports</p> <p>3. The mandate holder is required to report to the General Assembly annually, pursuant to Assembly resolution 66/166 (para. 21). The Independent Expert presented her first annual report to the General Assembly at its sixty-seventh session, on 2 November 2012. The report (A/67/293) contained a thematic discussion on the role and activities of national institutional mechanisms protecting and promoting minority rights. The Independent Expert considered the value of institutional attention to minority issues in governmental organs, national human rights institutions and other relevant national bodies as a means of promoting minority rights and mainstreaming attention to minority issues across all relevant national bodies. States were urged to consider institutional attention as an essential component of their human rights, equality and non-discrimination obligations and a means to practically implement the 1992 Declaration on Minorities.</p> <p>D. Consultations and meetings</p> <p>6. The Independent Expert welcomes the decision of the Secretary-General in March 2012 to establish the United Nations network on racial discrimination and protection of minorities, to be coordinated by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The network will enhance dialogue and cooperation between relevant United Nations departments, agencies, programmes and funds and develop a guidance note for the United Nations system on how to address racial discrimination and protection of minorities in line with core human rights standards. The Independent Expert noted her readiness to assist the network, and on 26 November attended its second meeting to update members on her activities and priorities and provided some practical recommendations.</p> <p>10. The Independent Expert has noted that, while the 2015 deadline for achieving the Millennium Development Goals is approaching, progress in achieving the Goals for minorities has not met expectations, and emphasized that renewed attention should be given by all States to the situation of minorities. She also participated in and submitted contributions to consultations on inequalities in the development agenda beyond 2015. She emphasized the need for solutions that work effectively for disadvantaged minorities, and that strategies beyond 2015 should better address and target the development needs and human rights of minorities. She participated in a side event on this issue hosted by the United Nations Children's Fund (UNICEF) on 28 November 2012, during the fifth session of the Forum on Minority Issues.</p>
<p><b>Annual report of the independent expert on minority issues, Ms. Rita Izsák</b> A/67/293 (67<sup>th</sup> session of the UN General Assembly, October 2012)</p>	<p>VIII. The role of independent national human rights institutions</p> <p>79. National commissions exist in numerous countries and may be general bodies or address thematic or group specific issues.[...]</p> <p>81. Besides its National Human Rights Commission, Nepal also has a National Dalit Commission, which was established in 2002 in recognition of the fact that caste discrimination and untouchability practices continue. It promotes implementation of national and international law and advocated for the Caste-based Discrimination and Untouchability Act, adopted in May 2011, which criminalized such discrimination in private and public spheres. Among its activities was the organization of a 100-day campaign against caste discrimination, in collaboration with the office of the United Nations High Commissioner for Human Rights in Nepal, launched in September 2011 by the President and the High Commissioner.</p>

<p><b>Annual report of the independent expert on minority issues, Ms. Rita Iszàk</b>  <u>A/HRC/19/56</u>  (19<sup>th</sup> HRC session, March 2012)</p>	<p>In her annual report to the Human Rights Council (A/HRC/19/56), the Independent Expert recognises that women and girls belonging to minorities frequently face <b>multiple or intersecting forms of discrimination</b> emanating from their status as members of minorities and as women or girls. This may make minority women and girls particularly vulnerable to violations and the denial of their rights in both public and private life. Without explicit recognition of the different life experiences of minority women and men, such discrimination will often go unnoticed and not be addressed adequately.</p> <p>“E. Achieving the Millennium Development Goals for disadvantaged minorities</p> <p>33. The Declaration on Minorities states in article 4 that “States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country”. Nevertheless some disadvantaged minority groups in all regions continue to face high and disproportionate levels of poverty and face discrimination and marginalization that impacts on their rights and opportunities in all fields of life, including their education, access to employment and participation in economic life, their access to adequate housing, health and service provision.</p> <p>34. The independent expert considers the work undertaken by the mandate to highlight the situation of minorities in the context of the Millennium Development Goals<sup>3</sup> to be highly important as the international community approaches the 2015 deadline for achieving the Goals. She considers that efforts by States to ensure that the Goals are met for the poorest and most disadvantaged communities, frequently including minority groups, should be intensified including via interventions targeted at particular minority communities. Millions of persons belonging to minorities globally, including, for example, people of African descent, Roma, Dalits and others, are at risk of being left behind by initiatives that fail to benefit them due to discrimination, lack of adequate attention to their unique circumstances of poverty, or neglect.</p> <p>35. Minority communities frequently experience discrimination and exclusion which leave them in situations of poverty and which require targeted solutions. The independent expert encourages States to recognize that one-size-fits-all solutions to achieve the MDGs will often not be effective for minorities who are frequently the poorest of the poor, who may live in remote or isolated localities and who may experience widespread discrimination in society resulting in entrenched exclusion and poverty. She will urge States to give specific attention to minority groups in the context of their efforts to achieve the Goals, to conduct rigorous needs assessments as well as research into the impact of Millennium Development Goal programmes and activities on minorities and to evaluate the extent to which progress has been made or remains required for minority groups.”</p>
<p><b>Annual report of the former independent expert on minority issues, Ms. Gay McDougall</b>  A/HRC/16/45  (16<sup>th</sup> HRC session, March 2011)</p>	<p>In this report, the independent expert announced the publication <i>Marginalised Minorities in Development Programming: A UNDP Resource Guide and Toolkit</i><sup>2</sup>, which was launched and distributed to UNDP offices and staff globally on 26 May 2010 (para. 14-16).. ”The <i>Resource Guide and Toolkit</i> provides an overview of the international and regional legal standards and mechanisms relevant for minority rights and will enable UNDP staff in all regions to understand the key conceptual issues and fundamental principles for the promotion and protection of minority rights. It reviews programming opportunities and relevant strategies for UNDP to integrate minorities in development, including capacity development support for government officials and institutions, UNDP staff and minorities, as well as possible entry points for effective advocacy and partnership building efforts.”</p>

	<p>The resource guide contains several references to caste discrimination and the situation of Dalits, as well as the 'draft UN principles and guidelines for the effective elimination of discrimination based on work and descent' in text box.</p>
<p><b>Annual report of the former independent expert on minority issues, Ms. Gay McDougall</b> A/HRC/13/23 (13<sup>th</sup> HRC session, March 2010)</p>	<p>In her annual report to the Human Rights Council, the Independent Expert expresses her support to the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent contained in the final report on discrimination based on work and descent (A/HRC/11/CRP.3) which was published by the Human Rights Council in accordance with decision A/HRC/10/117:</p> <p>“8. The independent expert fully supports the outcome of the Durban Review Conference and urges States to fulfil their obligations and commitments in the area of anti-racism, non-discrimination and equality. She has encouraged and supported new and emerging initiatives to combat long-standing and entrenched manifestations of discrimination in all regions; for example, the independent expert welcomes and urges further discussions on the draft United Nations principles and guidelines for the effective elimination of discrimination based on work and descent as an important contribution to the global struggle to combat discrimination on the grounds of work and descent which often affects members of minority groups.”</p>
<p><b>Annual report of the independent expert on minority issues, Ms. Gay McDougall</b> A/HRC/10/11 (11<sup>th</sup> HRC session, June 2009)</p>	<p>The report to the Council by the Independent Expert provided a summary of activities undertaken by the IE, including the first session of the forum and the ongoing collaboration of the independent expert with the United Nations Development Programme (UNDP) with the aim of strengthening UNDP engagement with minorities in development processes.</p> <p>“Forum on Minority Issues</p> <p>The inaugural session of the Forum on Minority Issues was held on 15 and 16 December 2008. The Forum considered the thematic issue of “Minorities and the Right to Education”. Some Dalit representatives participated in the Forum in 2008 to highlight the situation of Dalit girls and boys in access to education and IDSN submitted suggestions for recommendations in the final outcome documents.</p> <p>UNDP Resource Guide</p> <p>15. [...] A UNDP Resource Guide on Minorities in Development was produced in cooperation with OHCHR and following extensive consultations with UNDP country offices and staff. A validation consultation on the draft UNDP Resource Guide on Minorities in Development was subsequently held on 2 and 3 December 2008 in New York to critically review the draft guide. The consultation also sought, inter alia, to share challenges and good practice in addressing minority issues in development, and to further enhance the inclusion of minority issues in UNDP programming. The guide will be finalized by mid-2009.</p> <p>Regional activities</p> <p>21. As part of her interaction with country and regional NGOs the independent expert attended the Regional Workshop on Minority Issues in Southeast Asia from 21 to 23 January 2008, held in Bangkok. The workshop was organized by the Asian Forum for Human Rights and Development (Forum-Asia) in cooperation with the International Movement Against All Forms of Discrimination and Racism (IMADR), and Minority Rights Group International (MRG). The workshop brought together some 30 representatives of minority communities and minority rights organizations in Southeast Asia engaged in the promotion and protection of minority rights. [...]</p>

	<p>22. The workshop was the first on the theme of minority issues to take place in the region. It considered minorities in the region in the context of numerous thematic issues including the right to culture; economic and development participation; health, education and the MDGs; political participation; and the situation of minority women. [...]</p> <p>Requests for country visits</p> <p>5. The IE looks forward to continuing a dialogue with, amongst others, Bangladesh, Malaysia, Nepal, Surinam, and Sri Lanka, to whom she has made requests to visit.”</p>
<p><b>Annual report of the independent expert on minority issues, Ms. Gay McDougall</b>  A/HRC/7/23  (7<sup>th</sup> HRC session, March 2008)</p>	<p>The thematic focus of the report of 28 February 2008 are issues relating to the discriminatory denial or deprivation of citizenship as a tool for exclusion of national, ethnic, religious and linguistic minorities. In the report, she also writes that she looks forward to continuing a dialogue with Bangladesh, Nepal, and Sri Lanka, among others, to whom she has made requests to visit.</p> <p>V. IMPACT OF DISCRIMINATORY DENIAL OR DEPRIVATION OF CITIZENSHIP ON MINORITIES</p> <p>VI. REGIONAL PRACTICES</p> <p>B. Asia</p> <p>56. There are a range of situations in Asia in which minority groups have been arbitrarily denied or deprived of their nationality, typically because they are viewed as not belonging to the mainstream of society on account of their minority status or because their ancestors migrated to the territory relatively recently. As in other regions, these situations often result from legislation which was designed to exclude specific populations by, for example, imposing evidentiary requirements for acquisition or confirmation of citizenship which are impossible to meet. These situations are sometimes compounded by discrimination against women in regard to acquisition, change and retention of nationality and conferral of nationality on their children. In recognition of the negative impact of statelessness, a number of States have recently taken measures to grant or confirm nationality of minority populations.</p> <p>57. Despite the fact that the Urdu-speaking minority in Bangladesh, the Biharis, qualify for citizenship under the Constitution and nationality legislation, it is reported that an estimated 300,000 Biharis were, until recently, still being denied citizenship mainly on the basis of accusations of disloyalty and political support for Pakistan. For more than 30 years, this minority community has reportedly not only been denied citizenship, but also segregated from the rest of the population and has faced severe discrimination regarding opportunities to obtain a decent living standard, access to education and employment. In a favourable development, the Government recommended in September 2007 that citizenship be granted to most of the Bihari community habitually residing in Bangladesh.</p> <p>60. In Nepal, ingrained discriminatory sentiments mainly against Madhesis, Dalit and Janjatis have been blamed for the denial or deprivation of citizenship and undocumented status of such groups. However, the Government recently granted citizenship to about 2.4 million previously stateless persons, including approximately 1.2 million Madhesis from the Terai region. This was made possible by the introduction of a new citizenship law in 2006, followed by a government initiative in early 2007 to create mobile teams which visited the country’s 75 districts, including the remotest of regions, to issue citizenship certificates. Efforts are still needed to ensure that those who did not benefit from the latter process may take advantage of opportunities for late registration.</p> <p>61. In Sri Lanka, despite having lived there for generations, “estate” or “plantation” Tamils were historically denied the right to Sri Lankan nationality</p>



	<p>because of their status as plantation workers and the country's stringent citizenship laws. Following community efforts, in 2003, legal developments led to the immediate conferral of citizenship to this minority group. Mobile clinics and information campaigns supported by UNHCR and the direct involvement of the minority concerned were critical to success. Follow-up is however necessary, as reports indicate that the process of obtaining the necessary documentation has slowed down in recent years; a problem which may be associated with the ongoing conflict in the country.</p>
<p><b>Summary of cases transmitted to Governments and replies received</b>  A/HRC/7/23/Add.1  (7<sup>th</sup> HRC session, March 2008)</p>	<p>This report of 3 March 2008 is an addendum of the annual report of the Independent Expert on Minorities Issues. It refers to two joint letters of allegation sent to the Government of India and Nepal together with other Special Rapporteurs.</p> <p><u>INDIA</u></p> <p>Letter of allegation</p> <p>19. On 19 December 2007, the independent expert sent a joint letter of allegation to the Government of India in regard to the Dalit minority. This letter of allegation was sent jointly with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on violence against women, its causes and consequences, regarding acts of violence perpetrated against Dalit Women in India. Further details of this communication are available in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/7/19/Add.1, Para 64-70).</p> <p><u>NEPAL</u></p> <p>Letter of allegation</p> <p>37. On 4 September 2007, the independent expert sent a joint letter of allegation to the Government of Nepal in regard to the Tamang and Chepeng (Tsepeng) communities and the Dalit communities. This letter of allegation was sent together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the right to food, and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people regarding the situation of the right to food of these communities, living around the Royal Chitwan National Park (RCNP), in Nawalparasi District. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).</p>
<p><b>Report of the Independent Expert on Minority Issues, Ms. Gay McDougall following her mission to Ethiopia (28 November-12 December 2006)</b>  A/HRC/4/9/Add.3  4th session of the Human Rights Council, March 2007</p>	<p>I. Recognition of Minorities in Ethiopia</p> <p>6. Government census statistics from 1994 reveal that the Amhara and Oromo ethnic groups each comprise about 30 per cent of the population, while the Somali and Tigrayan ethnic groups each comprise circa 6 per cent. Numerous other groups make up the remainder of the Ethiopian population of over 70 million, with only the Afar, the Gedeo, the Gurage, the Hadiya, the Keffa, the Sidama, and the Wolaita officially constituting more than 1 per cent of the overall population. The populations of some of the smallest ethnic groups can be counted in the hundreds and research is still required to fully document all communities. Some have estimated that the true number of ethnic groups, including subgroups and "caste-groups" is far higher</p>
<p><b>Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context</b></p>	

**Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, on her mission to India**

**10 January 2017**

[A/HRC/34/51/Add.1](#)

#### **B. Scheduled castes and scheduled tribes**

67. In India, the legacy of scheduled castes and so-called “backward classes” remains. Scheduled castes and scheduled tribes comprise 22 per cent of the population of India, but are overrepresented among the poor. Despite affirmative action programmes and “reservations”, those groups continue to be subject to stigmatization and discrimination, including in relation to housing. According to the 2011 census, scheduled castes and scheduled tribes have, on average, lower quality housing, made with inadequate materials, with only 22 per cent of households of scheduled tribes made with brick or concrete walls. Figures concerning the lack of access to latrines were more alarming than for the general population, with 66 per cent of members of scheduled castes lacking access to latrines, and 77 per cent of scheduled tribes.<sup>24</sup>

68. In 2007, the Committee on the Elimination of Racial Discrimination urged India to intensify its efforts to effectively punish acts of “untouchability”, to take effective measures against residential segregation and to ensure equal access for Dalits to places of worship, water sources and any other places or services intended for use by the general public (see CERD/C/IND/CO/19, para. 13).

69. Although specific provisions to protect scheduled tribes are included in the Constitution and in numerous policies, the reality is less than satisfactory. Entire tribal communities remain excluded from benefits essential to them, like the tea plantation workers in Assam, who were forcibly brought from central India, but have not been given the status of scheduled tribe. Furthermore, their housing and living conditions, and the insecurity of tenure that they endure, are cause for concern.<sup>25</sup>

70. The Special Rapporteur heard testimonies about the impact of displacement on scheduled tribes. They underscored her concerns about the construction of the Mapithel Dam as part of the Thoubal Multipurpose Project in the state of Manipur and the evictions resulting from the dam, which threaten the right to an adequate standard of living, including food and housing, and the way of living and livelihood of members of several tribal communities.<sup>26</sup>

#### **D. Muslims 72.**

Muslims represent 14 per cent of the overall population. Discrimination against Muslims in housing manifests itself in different ways in different parts of the country. For example, studies on access to private rental accommodation in the capital show that discrimination against Muslims (as well as Dalits) can at times be a barrier to access to housing.<sup>51</sup> Private landlords, real estate brokers and property dealers will often refuse to rent to someone who is Muslim, or impose unfair conditions on them. The Special Rapporteur was informed that in some parts of the country, Muslims have felt compelled to leave their neighbourhoods and move to places where other Muslims are living, often in informal settlements. The Special Rapporteur visited one such settlement where

<sup>24</sup> See <http://censusindia.gov.in/default.aspx>.

<sup>25</sup> See FIAN International and others, “A life without dignity — the price of your cup of tea: abuses and violations of human rights in tea plantations in India” (Heidelberg, Global Network for the Right to Food and Nutrition, 2016)

<sup>26</sup> A/HRC/30/27, p. 18 (case No. IND 4/2015).

the conditions were extreme owing to overcrowding, the absence of sanitation facilities and electricity and the lack of garbage collection.<sup>27</sup>

#### **E. Manual scavengers**

73. Efforts to end manual scavenging in India are decades old, with various options having had limited success. Most recently, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 was followed by a Supreme Court decision requiring state intervention to end manual scavenging and “rehabilitate” all people engaged in the practice, in line with the Constitution. Nonetheless, deeply-rooted caste and gender- workers in Assam, who were forcibly brought from central India, but have not been given the status of scheduled tribe. Furthermore, their housing and living conditions, and the insecurity of tenure that they endure, are cause for concern.<sup>28</sup>

#### **VI. Conclusions and recommendations**

83. In the Special Rapporteur’s view, the existing schemes seem to emphasize and focus primarily on homeownership as the key housing model to respond to the current needs of India. However, even when well regulated, that model may be ill-suited to ensuring adequate housing for those most in need, including women, religious minorities, and scheduled castes and scheduled tribes. In the light of the diverse housing needs across the country, the Government must consider investing more in alternative housing policies that better suit those who have scarce or no resources: people who are homeless, living on pavements and informal settlements and those who face traditional practices of exclusion and discrimination, as well as members of the growing middle-class in urban areas who are not able to access affordable rentals owing to the lack of availability.

85. In the light of those conclusions, the Special Rapporteur makes the following recommendations to the central and state governments:

(g) Enact legislation to curb all forms and practices of de facto housing discrimination against any individuals or groups, in particular religious and ethnic minorities, women, scheduled castes and scheduled tribes, internal migrants and manual scavengers in relation to their right to housing. Enhance monitoring and protection against discrimination in relation to rental accommodation, access to credit, inheritance and ownership. Specific measures must be found to enforce existing legislation, including in villages and panchayati;

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<sup>27</sup> Sukhadeo Thorat and others, “Urban rental housing market: caste and religion matters in access”, *Economic and Political Weekly*, vol. L, nos. 26 and 27 (June 2015), p. 47.

<sup>28</sup> Human Rights Watch, “Cleaning human waste: manual scavenging: caste and discrimination in India”, 25 August 2014. Available from [www.hrw.org/report/2014/08/25/cleaning-humanwaste/manual-scavenging-caste-and-discrimination-india](http://www.hrw.org/report/2014/08/25/cleaning-humanwaste/manual-scavenging-caste-and-discrimination-india).

<p><b>Joint report of Special Procedures for the 23 session of the HRC on adequate housing – communications and replies.</b></p> <p><a href="#">A/HRC/23/51</a></p> <p>(23HRC session June 2013)</p> <p>Agenda items 3, 4, 7, 9 and 10.</p>	<p><b>Joint letter of allegation of 20/12/2012 – <a href="#">IND 25/2012</a> – India</b></p> <p><b>Adequate housing, Extreme poverty.</b></p> <p>Alleged impacts of the expansion of the East Parej Open Cast Coal Mine on the rights of 228 families in the Jharkhand state. According to the information received, 228 families (1200 persons) were at risk of being evicted to give way to an expansion of East Parej Open Cast Coal Mine, operated by Central Coalfields Limited, India. On 26 October 2012, and at two other occasions, representatives of the mining company surveyed households in the villages of Agarva Tola, Dudmitya Tola and Fakodih, for the purpose of acquiring their homes to facilitate the expansion of the mine. Over 1,000 people from surrounding villages have already been displaced in previous years by activities associated with the East Parej Open Cast Coal Mine. The affected households belonged to marginalized communities, including scheduled tribes and <b>Dalits</b>. They were allegedly resettled in inadequate sites and have suffered impoverishment since displacement.</p>
<p><b>Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik</b></p> <p><a href="#">A/HRC/22/46</a></p> <p>22nd HR Council session, December 2012</p>	<p><b>B. Who is affected by tenure insecurity—measuring and assessing the extent of the problem</b></p> <p>10. The United Nations Settlements Programme (UN-Habitat) provides data on —slums<sup>1</sup>, the word it has adopted to define such settlements. One UN-Habitat study estimated that 924 million people were living in slums in 2001;<sup>8</sup> an estimate for 2010 placed the number at about 828 million.<sup>9</sup> However, by 2010 tenure security was not taken into account in the UN-Habitat measurements of slums, hence the latter figure offers only a very small insight into the current extent of tenure insecurity in urban areas.<sup>10</sup> Similarly, the revised indicator for the Millennium Development Goal target of improving the lives of 100 million slum dwellers (7 (d)) does not include security of tenure.<sup>11</sup> While this particular target was reached, the question remains as to whether this result reflects the real situation of slums and informal settlements worldwide. Developing effective ways to measure tenure (in)security is an urgent imperative, including for the Millennium Development Goals and the United Nations development agenda beyond 2015.</p> <p>11. Informal settlements are by no means the only example of tenure insecurity. In fact, a wide range of individuals and groups may be insecure:<sup>12</sup> refugees and internally displaced persons, affected by or under threat of conflicts, disasters and climate change; people on land set aside or affected by development projects; residents of informal settlements; occupants of valuable land; tenants with or without legal leases/titles, in informal settlements or formal contexts, in rural and urban areas; internal or international migrants; minorities; nomadic communities; groups affected by stigma or <b>caste-based discrimination</b>; the poor, landless, jobless and/or homeless; sharecroppers; bonded labourers; other marginalized groups, such as persons with disabilities or persons living with HIV; children; indigenous peoples; groups with customary land rights; and even individual property owners.</p> <p>12. Among all these, women, who often have to depend on a man to gain access to housing and secure tenure, are particularly vulnerable. Single and older women, in particular, too often do not have the legal empowerment, education or financial resources to defend their tenure.</p> <p>13. While no one appears fully protected from tenure insecurity, it is evident that the most marginalized and poorest bear the brunt of the insecurity burden.</p>

<p><b>Summary of cases transmitted to Governments and replies received</b></p> <p>A/HRC/16/42/Add.1 (16<sup>th</sup> HRC session, March 2011)</p>	<p><u>INDIA</u></p> <p>Communications sent</p> <p>34. On 13 January 2010, the Special Rapporteur sent an urgent appeal letter to the Government of India, regarding the alleged situation of homeless in New Delhi, including deaths due to severe cold weather. According to information received, between 31 December 2009 and 11 January 2010, at least seven homeless people died from cold in New Delhi. Concerns were also expressed that because of the weather and the lack of a sufficient number of equipped shelters, the life of additional homeless people was at stake in New Delhi. The information received indicated that the number of homeless persons in New Delhi was growing and exceeded the capacity of emergency centres operating in the capital. It was alleged that the number of homeless shelters in New Delhi had recently been reduced from 46 to 24, in disregard of the Delhi Master Plan 2021 and the Delhi Municipal Corporation Act 1957. It was further reported that despite the severe cold weather, homeless shelters were recently demolished and homeless people were evicted from the places they used as shelters. (...)</p> <p>It was alleged that on 9 January 2009, officials from the Northern Railway, the Delhi Police and the MCD evicted more than 400 people from an area they were using as shelter at Pul Mithai, Sadar Bazaar. Reportedly, during these events women and children were beaten with batons and the possessions of the people were destroyed. 60 of the evicted families were reportedly Dalits, many of them employed as construction workers for the Commonwealth Games. (...)</p> <p>35. On 10 June 2010, the Special Rapporteur sent a letter of allegation to the Government of India regarding the alleged evictions and demolitions of informal settlements and slums in New Dehli in the run-up to the Commonwealth Games. According to information received by the Special Rapporteur, New Delhi witnessed evictions and demolitions of informal settlements and slums in the run-up to the Commonwealth Games that took place from 3-14 October 2010 in the capital city. Most of these evictions were apparently carried out to construct roads, bridges, stadiums, and parking lots, or to beautify the city. In addition, beggars and homeless persons were allegedly rounded up, arrested and arbitrarily detained under the Bombay Prevention of Beggary Act 1959 in preparation for the Games. According to information received by the Special Rapporteur, in 2004, Delhi authorities evicted more than 35,000 families living along the banks of the river Yamuna to make way for a tourism and city beautification project on land adjacent to the Commonwealth Games (...)</p> <p>A slum cluster of 368 families of Dalit Tamils at Jangpura's Barapullah Nullah was also reportedly demolished to construct another parking lot for the Games. The Tamils, who had been living there for the past 35 years, did not receive any compensation or resettlement and were thereafter living on the streets. (...)</p> <p>Replies received</p> <p>36. On 7 April 2010, the Government of India replied to communication IND 8/2008 dated 5 March 2008 which was sent by the Special Rapporteur jointly with the Special Rapporteur on Violence Against Women (a summary of this communication can be found in the document A/HRC/10/7/Add.1, para.54). The Government of India noted that it has examined the complaint with regard to allegations filed by Mrs. Ramashree and found them to be inaccurate. According to the Government, Mrs. Ramashree's husband was arrested on 15 November 2006 at about 1900hrs in connection with manufacture of illicit liquor, following which a charge-sheet was filed in the</p>
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local court on 26 December 2006. The subject filed a petition in the local court that was dismissed on 11 April 2008. Since the allegations were found to be inaccurate and even dismissed by the Court, the question of compensation for the subject did not arise.

37. On 7 April 2010, the Government of India replied to the communication IND 8/2009 sent on 20 July 2009 by the Special Rapporteur (a summary of this communication can be found in the document A/HRC/13/20/Add.1, para.37). According to the Government, on 27-28 May 2009, the local authorities carried out demolition of only unauthorized hutments on public land. These demolitions were carried out in accordance with the due procedure laid down by the law and no incidents of violence were reported. According to the Government of India, contrary to what had been asserted in the communication, the Government of Maharashtra's Slum Redevelopment and Relocation Scheme *was not* applicable to *unauthorized* hutment dwellers. The Government of India assured that it is aware of its obligations under the ICESCR and that it fully abides by them. In this context, the Government of India reminded that the General Comments of any treaty body do not constitute international human rights law.

38. On 6 April 2010, the Government of India replied to the urgent appeal sent by the Special Rapporteur on 13 January 2010. According to the Government, contrary to what was stated in the urgent appeal, the number of homeless shelters in Delhi was *not* reduced from 46 to 24. The Municipal Corporation of Delhi set up 37 additional night shelters in January 2010, over and above the existing 27 permanent night shelters. Further, the Government of the National Capital Territory of Delhi also set up another seven temporary night shelters in January 2010, in addition to the 17 temporary night shelters that it had established, as a yearly exercise, in December 2009. The authorities provided over 2,800 blankets for the inmates of these shelters who were also provided medical assistance electricity, and water and sanitation facilities in association with some local NGOs. As for the demolition of a temporary night shelter on Pusa Road and evictions of squatters in Sadar Bazar, these were carried out in accordance with the procedure laid down by law and temporary night shelters were set up to provide shelter to those evicted. The authorities did not receive any reports of deaths due to severe cold weather at any of the night shelters being run by the authorities, or due to lack of such shelters. In fact, in its order on 27 January 2010, the Supreme Court of India expressed its satisfaction with the prompt action and arrangements by the authorities to safeguard the human rights of the homeless and needy.

39. On 29 July 2010, the Government of India replied to the urgent appeal sent by the Special Rapporteur on 9 December 2009, regarding the alleged forced evictions along the Cooum River in Chennai, Tamil Nadu (a summary of this communication can be found in the document A/HRC/13/20/Add.1, para.37). The Government examined the facts of the case and found the allegations to be inaccurate. The families living along the banks of the Cooum River had illegally encroached upon the riverine area, which had been declared as an environmentally sensitive area by the Supreme Court of India. Nevertheless, no forced evictions had been made and appropriate procedural protection was extended to all the project affected families. During the enumeration process conducted six months prior to the movement, all families had been fully informed of the resettlement process and their consent had been duly obtained. No formal complaint had been filed against any plausible forced eviction in this regard. The Tamil Nadu Slum Clearance Board was designated as the nodal agency for the rehabilitation and resettlement of the affected families. Alternate housing was provided to each family, on a non-discriminatory basis, in the suburbs of Chennai. Each family was given Rs 1000 as shifting allowance and transport arrangements were made to carry their

	<p>belongings to alternate accommodation. Moreover, vocational training was imparted to the unemployed youth in order to enable them to seek remunerative employment.</p> <p>Observations</p> <p>40. The Special Rapporteur thanks the Government for the information received and regrets that at the time of the finalization of this report, the Government had not transmitted any reply to her letter of allegation sent on 10 June 2010.</p>
<p><b>Annual report of the Special Rapporteur on Adequate Housing</b> A/HRC/13/20 (13<sup>th</sup> session of the Human Rights Council)</p>	<p>In her report to the Human Rights Council, the UN Special Rapporteur on Adequate Housing expresses serious concern about displacement and forced evictions as a result of preparations for mega events. Ms. Rolnik refers in paragraph 18 to several allegations of mass evictions, including one in New Delhi where 35,000 families were evicted from public lands in preparation for the 2010 Commonwealth Games.</p> <p>1. Evictions</p> <p>“16. Displacement and forced evictions are common features of preparations for megaevents. The heightened demand for space to construct sports venues, accommodation and roads is channelled through urban redevelopment projects that often require the demolition of existing dwellings and the opening of space for new construction. The importance given to the creation of a new international image for the cities, as an integral part of the preparations for the games, often implies the removal of signs of poverty and underdevelopment through reurbanization projects that prioritize city beautification over the needs of local residents. As public authorities use the organization of mega-events as a catalyst for the regeneration of their city, residents of the affected areas may face mass displacement, forced evictions and the demolition of their homes. Displacement may also result from the measures taken by local authorities to quickly remove unsightly slums from areas exposed to visitors, even without being framed within larger redevelopment projects.</p> <p>17. In most cases, alternatives to evictions are not sufficiently explored, displacement is not accompanied by prior consultation with the affected communities, and adequate compensation or alternative housing is not provided to victims. In addition, evictions almost never allow the return of former dwellers to newly built homes. Indeed, owners, tenants and squatters are often subjected to pressure by public authorities or private developers to leave the area, their rights are seldom recognized, and they receive no guarantees of return to the redevelopment site. In many occasions, evictions are carried out in a context of violence, harassment and assaults against the inhabitants. Time constraints are usually cited as the reason for disruptive and violent evictions and disregard for the rights of affected communities.</p> <p>18. Examples of evictions due to the construction of sporting venues, accommodation for visitors and infrastructure improvements include: [...] (d) in New Delhi, 35,000 families were evicted from public lands in preparation for the 2010 Commonwealth Games.”</p> <p>In a press statement of 19 January 2010 Ms. Rolnik expressed further concern about the situation of the homeless in New Delhi, both due to the extreme weather conditions and the demolitions of shelters in connection with the planning with this international sport event. While there are no government statistics on how many homeless live in New Delhi, nor how many come from a 'lower caste' background as Dalits, it has been estimated that there may be well up to 150,000 persons. In the January statement Ms. Rolnik warned about the eviction of shelters where construction workers and Dalit families live and</p>

	<p>welcomed the interim order adopted by the Delhi High Court in January in this context. She urged authorities to comply with the latter and in this framework to halt the demolition of homeless shelters, to provide immediate assistance and adequate shelter to the affected persons and not to evict homeless persons in the winter, on humanitarian grounds.</p>
<p><b>Annual report of the Special Rapporteur on Adequate Housing</b> A/HRC/10/7 (10<sup>th</sup> session of the Human Rights Council)</p>	<p>This report was the first to be presented to the Human Rights Council by the new mandate holder, Raquel Rolnik, who took up her position on 1 May 2008. In view of the current crisis in the housing and financial sector, the Special Rapporteur decided to devote the thematic report to the consequences of certain economic, financial and housing policies and approaches that have seriously impacted the right to adequate housing in the past decades and have contributed to the present crisis.</p> <p>The report does not specifically mention Dalit housing rights, but addresses discrimination in access to housing and forced evictions. The addendum to the annual report considers these elements more thoroughly (see below).</p> <p>G. Discrimination in access to housing</p> <p>“60. Discrimination related to adequate housing may be the result of discriminatory laws, policies, and measures; inadequate zoning regulations; exclusionary policy development; exclusion from housing benefits; denial of tenure security; lack of access to credit; limited participation in decision-making processes related to housing; or lack of protection against discriminatory practices of private actors. Lending practices may discriminate against particular groups such as nomads, minorities, migrants and women.</p> <p>61. Members of minority groups trying to purchase homes may face discrimination, for instance from mortgage lending institutions. They may be denied equal access to capital (as they may be less likely to obtain mortgage financing) or receive less favourable conditions for a mortgage when one is obtained. [...]</p> <p>H. Security of tenure, evictions and homelessness</p> <p>69. It is important to understand the impact of foreclosure – or eviction – on a household. It pushes people into more difficult situations and inadequate living conditions and impacts their ability to cope with further hardship, particularly where it results in homelessness. It is much more difficult to maintain employment while having difficulty in accessing water and sanitation and basic services. A lot of effort is required to cope with weather changes and administrative demands, relocating belongings, and maintaining an address where one can be reached. In some cases, not having a permanent address leads to exclusion from certain types of aid, or results in denial of civil and political rights, including the right to vote. [...]</p> <p>73. In addition to the physical and psychological trauma of eviction and homelessness, households, especially women and children, lose the support systems they were used to and their relations with a community. The breaking of these social ties and the loss of stability lead to many other problems. [...]</p>
<p><b>Summary of cases transmitted to Governments and replies received</b> A/HRC/10/7/Add.1 (10<sup>th</sup> HRC session, March 2009)</p>	<p>The addendum to the annual report of the Special Rapporteur contains summaries of communications sent by the Special Rapporteur from the period of 5 December 2007 to 5 December 2008 and replies received for the period of 24 January 2008 to 6 February 2009. A number of the communications contained in the present report were sent by the former Special Rapporteur, Mr. Miloon Kothari.</p> <p>Forced evictions</p>



A large number of the communications in the period under review are related to cases of forced evictions. Forced evictions constitute prima facie violations of a wide range of internationally recognized human rights and large-scale evictions can only be carried out under exceptional circumstances and in full accordance with international human rights law. The Special Rapporteur notes that in the majority of cases, state authorities carrying out evictions appear completely unaware of the state's human rights obligations, in particular the need for assessing the impact of evictions on individual and communities, the need to consider eviction only as a last resort after having envisaged all other options, meaningful consultation with affected communities, adequate prior notification, adequate relocation and compensation. The Special Rapporteur reminds all states that eviction should never result in rendering people homeless and putting them in a vulnerable situation. In this context, the Special Rapporteur reminds all Governments of the Basic principles and guidelines on development-based evictions and displacement that can be used as a tool to prevent human rights violations in cases where evictions are unavoidable.

#### India

52. On 29 February 2008, the Special Rapporteur together with the special Rapporteur on violence against women, its causes and consequences sent a joint allegation letter to the Government of India concerning reports they have received regarding violence against Dalit women. Dalit women and men suffer descent based discrimination in various aspects of their lives and are also victims of violence and untouchability practices arising out of the caste system. Despite the formal abolition of "Untouchability" by article 17 of the Indian Constitution, de facto discrimination and 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. Dalit women are confronted with discrimination, exclusion and violence to a larger extent than men. Lands and properties in particular are issues of conflicts over which Dalit women have faced evictions, harassment, physical abuses and assaults. Dalits women are often denied access to and are evicted from their land by dominant castes, especially if it borders land belonging to such castes. They are therefore forced to live on the outskirts of villages, often on barren land. Violence against Dalits is also caused due to land or property disputes. Reportedly, on many occasions, cases of violence against Dalit women are not registered. Adequate procedures are not taken by the police. The following specific cases have been brought to the attention of the Special Rapporteurs. They outline the impunity that seems to prevail with respect to ensuring protection and redress for Dalit women victims of violence linked to their rights to adequate housing and property [...]

54. On 5 March 2008, the Special Rapporteur together with the Special Rapporteur on violence against women, its causes and consequences sent a joint allegation letter to the Government of India regarding information they received concerning Mrs. Shobhavati Devi in Baulia village, Shivdaspur, Post Manduvadih, Varanasi, and Mrs. Ramashree, in Tahirpur village, Shahabad, Hardoi, Uttar Pradesh, two members of the Dalit caste. [...]

#### Response received

55. On 29 April 2008, the government of India sent a response to the joint communication dated 29 February 2008, concerning cases of alleged violence against Dalit women in India. In this regard, the Government of India noted that the said communication did not include any information on the places of occurrence of these cases. The government of India requested that details pertaining to the place of occurrence (village/district/State) concerning each case be provided to facilitate investigations by Indian authorities.

	<p>Observations</p> <p>56. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communications dated 5 March 2008.</p>
<p><b>Report of the Special Rapporteur on adequate housing</b> A/HRC/7/16 (7th HRC session, March 2008)</p>	<p>This report constitutes a review of the work and activities of the first Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Miloon Kothari, since his appointment in 2000. It aims to provide a number of recommendations to the Council and the next mandate holder in relation to the main obstacles to the realization of the human right to adequate housing and on the development of the mandate.</p> <p>A. Women and adequate housing</p> <p>39. There is an urgent need to address multiple forms of discrimination that women face on grounds including race, class, ethnicity, caste, health status, disability, income, sexual orientation, and other factors. An intersectional approach to gender discrimination is essential to address the multiple forms of discrimination faced by women. Other categories of women may face further discrimination due to their status, including women affected by domestic violence, women in rural and remote areas, women affected by HIV/AIDS, pregnant women, women with newborn children, and single women, including single mothers.</p> <p>B. Suggested areas of continued focus</p> <p>1. Access to land</p> <p>75. Land is also of great importance to certain groups that have suffered historic discrimination, whether on grounds of descent, race or colour. For instance, descent and work-based communities, such as the Dalits in India, continue to face extreme human rights violations, including with regard to land and housing rights. In Brazil, the Afro-Brazilian communities of <i>quilombos</i> (former slave colonies) face discrimination that severely impacts their ability to enjoy the human right to land and adequate housing and force them to the fringes of mainstream society.</p>
<p><b>Summary of cases transmitted to Governments and replies received</b> A/HRC/7/16/Add.1 (7th HRC session, March 2008)</p>	<p>The addendum to the annual report contains references to communications transmitted to the Government of India (para. 57-58) and Nepal (para. 104-105).</p> <p><u>INDIA</u></p> <p>57. On 23 August 2007, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on violence against women and the Special Representative of the Secretary-General on the situation of human rights defenders regarding attacks on the Dalit communities, particularly women, in Somebhadra District, Uttar Pradesh, India. It is reported that in Sonebhadra District, the poorest District in Uttar Pradesh with a large Dalit population, Dalit families have been cultivating and living in a Government's waste lands, the Gram Sabha's, for years. Reportedly, the land ownership has always been a conflicting issue between the Upper Caste controlling land resources and Dalits and tribes. Reports indicate that Dalits' reclaim of land has led to conflicts with forest officials and the Police, especially after the adoption of the "Schedule Tribe and other Forest Dwelling Communities (Recognition of Forest Rights) Act of 2006". [...] This was allegedly the third attack of this kind against Dalits in less than two weeks and reportedly a consequence of the Dalits families' requests for land that started in</p>

	<p>the last two years, as a response to the forest department's Government Resolution of 2002-3 to clear forest lands from any encroachments. During the events, the police reportedly left the village giving an ultimatum to remove the bricks of the houses by 11 August 2007, or they would come back with the administrative order to destroy the houses.</p> <p>58. The Special Rapporteur regrets that at the time of the finalization of the present report, the Government had not transmitted any reply to his communications. The Special Rapporteur continues to monitor the situation with interest.</p> <p><u>NEPAL</u></p> <p>104. On 4 September 2007, the Special Rapporteur sent a joint allegation letter with the Independent Expert on minority issues, the Special Rapporteur on the right to food, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people concerning indigenous and minority population, located around the Royal Chitwan National Park (RCNP), in Nawalparasi District, gazetted in 1973 and declared a World Heritage Site by the United National Education and Science Organization (UNESCO) in 1984. According to the information received the Ramandar settlement in Makawanpur District, Manahari, where there are approximately 1,200 households, is mostly composed of Tamang and Chepang (Tsepeng) indigenous communities and Dalits. [...]</p> <p>105. On 11 September 2007, the Permanent Mission of Nepal acknowledged receipt of the communication of 22 August 2007 and channelling it to the capital. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. The Special Rapporteur continues to monitor the situation with interest.</p>
<p><b>Report to the Human Rights Council (implementation of resolution 60/251)</b></p> <p><u>A/HRC/4/18</u> (5<sup>th</sup> session of the HR Council, June 2007)</p>	<p>In the report the SR does not mention country-specific studies of the right to adequate housing in the report and therefore makes no reference to caste-based discrimination in relevant countries. The report, however, provides practical and operational tools to promote, monitor and implement the human right to adequate housing. As an inspiration for similar processes, the report is interesting because it mentions the development of basic principles and guidelines aimed at assisting States and the international community in reducing the practise of forced evictions. Annex 1 (p. 13) provides a full overview of the contents of this instrument, including obligations on duty bearers and the nature of obligations for states. It also describes proposed remedies for forced evictions, including compensation, and follow-up action such as monitoring and evaluation.</p>
<p><b>Communications to/from Governments</b></p> <p>A/HRC/4/18Add.1 (5<sup>th</sup> session of the HR Council, June 2007)</p>	<p>In the addendum to the report there is a summary of cases transmitted to Governments and replies received by the SR as an implementation of resolution 60/251 by the Human Rights Council. Several communications concerning caste-based discrimination has been sent by the SR to Governments in caste-affected countries, some as urgent appeals/joint letters together with other SRs, in particular to India and Nepal.</p> <p><u>INDIA</u></p> <p>Communications sent</p> <p>Two communications were sent to the Government of India (for more information, see paragraph 30-31).</p> <p>Communications received</p>

	<p>The SR received the same answer as the SR on Racism, Mr. Diène, concerning the case of assaults against a Dalit community in Gohana, Sonapat district of Haryana state, in August-September 2005.</p> <p>Observations</p> <p>In paragraph 33, the SR thanks the Government for its reply. However, he regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication of 7 April 2006. The Special Rapporteur states that he continues to monitor the situation with interest.</p> <p><u>PAKISTAN</u></p> <p>Two communications were sent to the Government of Pakistan, both concerning forced evictions.</p> <p>44. On 17 May 2006, the Special Rapporteur sent an urgent appeal regarding the situation of the Lyari Expressway Project, allegedly due to render over 250,000 people homeless when completed. [...]</p> <p>45. On 13 July 2006, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of religion or belief, concerning 12 Ahmadiya families from Jhando Sahi village in Daska Tehsil. [...]</p>
<p><b>Annual Report 2006</b> E/CN.4/2006/41 (62<sup>nd</sup> session of the Commission on Human Rights)</p>	<p>Country visits: There are no specific references to upcoming country visits in the report. However, in a separate report the SR mentions that a number of communications about adequate housing included in the 2005 report have been sent to various Governments, incl. Bangladesh, India and Sri Lanka, without any response yet.</p>
<p><b>Women and adequate housing</b> E/CN.4/2006/118 (62<sup>nd</sup> session of the Commission on Human Rights)</p>	<p>In a separate report the SR studies the situation of women and housing and refers to caste as a basis for discrimination of vulnerable groups.</p> <p>Thematic findings: A) Groups of women in vulnerable situations</p> <p>“30. There are different groups of women who can be particularly vulnerable to discrimination and, due to a combination of factors, face additional obstacles in accessing adequate housing. The Special Rapporteur reiterates the fact that special attention is required for some groups/categories of women who can be more vulnerable than others, at higher risk of becoming homeless, facing violence or suffering from the consequences of inadequate housing and living conditions. Such groups often include victims of domestic violence, widowed, elderly, divorced or separated women, female-headed households, women forcibly separated from their children, women victims of forced evictions, indigenous and tribal women, women with disabilities and women in conflict/post-conflict situations, women from ethnic and national minorities, including refugees, migrant women workers, women from descent- and work-based communities, domestic women workers, sex workers, and lesbian and transgender women. [...]</p> <p>31. Highlighting the violations of the right to adequate housing experienced by different groups of women in vulnerable situations brings to the forefront the impact of multiple discrimination women face in relation to adequate housing, due to their gender, race, caste, ethnicity, age and other factors, but in many cases, also due to their relative impoverishment and lack of access to social and economic resources. “ [...]</p> <p>Furthermore, India is mentioned as one of the countries where the Government has worked in conjunction with women groups successfully. Women are highlighted in the report as one group which is extremely vulnerable when natural or man-made disasters hit a country, like the 2004 Tsunami disaster.</p>

<p><b>Annual Report 2005</b> E/CN.4/2005/48 (61<sup>st</sup> session of the Commission on Human Rights)</p>	<p>The report refers specifically to the situation of Dalits in e.g. Nepal:</p> <p>F. Communities discriminated against on the basis of ethnicity and descent 62. Certain sections of the world’s population face multiple forms of discrimination. For instance, the Dalits - a community facing historical caste-based discrimination and disenfranchisement in India, Nepal and to some extent Pakistan - suffer extreme human rights violations, including with regard to land and housing rights. A majority of Dalits are still prevented from owning land and are forced to live on the outskirts of villages, often on barren land. While the struggle for Dalit land rights is growing, land reforms intended to benefit the rural poor and Dalits have been ineffective due to weak legislative provisions, inadequate implementation, and a lack of State commitment. In Nepal, for instance, two out of every five Dalits are landless. According to the <i>Human Development Report 2004</i>, 15.32 per cent of Dalits living in Nepal’s hill areas are landless, and in the Tarai (plains), 43.98 per cent are landless (table 11). Nepal has 800,000 landless Dalits and 400,000 semi-landless. For those Dalits who do have access to housing, studies have pointed out that they tend to live in the poorest-quality houses, many of them being temporary thatched roof structures.” [...]</p> <p>Later the report continues:</p> <p>“In the context for the need for a deeper analysis of the impact of the denial of economic, social and cultural rights, including housing, of descent- and ethnicity-based communities, the Special Rapporteur welcomes the new study initiated by the Sub-Commission on the Promotion and Protection of Human Rights in its resolution 2004/17.</p>
<p><b>Report of the Special Rapporteur on adequate housing, Mr. Miloon Kothari, following a mission to Kenya (2004)</b> <a href="#">E/CN.4/2005/48/Add.2</a></p>	<p>III. CONCLUSIONS AND RECOMMENDATIONS</p> <p>(b) The Special Rapporteur recommends that the Government further review existing programmes as well as policies and laws being developed, in order to orient them towards the poorest, vulnerable or marginalized segments of the population, such as indigenous peoples, persons living with HIV/AIDS, disabled persons, the Watta community (for relevant steps to be followed see the general recommendation of the Committee on the Elimination of All Forms of Racial Discrimination No. 29 on article 1 (1) regarding descent (2002)), other formerly or currently destitute pastoralists, and forest dwellers. The Special Rapporteur recommends that the Government establish an emergency assistance programme for extreme cases of humanitarian crisis, such as the community in Huruma village in Kieni forest, who are being denied the right to adequate housing;</p>
<p><b>Special Rapporteur on the right to food</b> <b>- Ms. Hilal Elver (Mr. Oliver De Schutter until 2014)</b></p>	
<p><b>Report of the Special Rapporteur on the right to food</b> 14 December 2015 <a href="#">A/HRC/31/51</a></p>	<p><b>II. Social, Cultural and Structural Barriers</b></p> <p>10. Social segregation based on gender, when combined with other forms of discrimination based on religion, race, ethnicity, class and caste, disadvantages women even further.</p>
<p><b>Study of the Human Rights Council Advisory Committee on discrimination in the context of the right to food</b> A/HRC/16/40</p>	<p>In its resolution 10/12, the Human Rights Council mandated the Advisory Committee to undertake a study on discrimination in the context of the right to food, including identification of good practices of anti-discriminatory policies and strategies. The study is the outcome of a thorough research process and consultations among the members of the Advisory Committee and was</p>

<p>(16<sup>th</sup> session of the HR Council, March 2011)</p>	<p>endorsed by the Committee at its sixth session, for submission to the Human Rights Council at its sixteenth session.</p> <p>IV. Anti-discriminatory policies and strategies</p> <p>C. Legal and social protection of the urban poor</p> <p>56. Discrimination of the socially impoverished from urban areas often overlaps discrimination based on gender, ethnicity, religion, caste or age.<sup>66</sup> Governmental strategies aimed at improving access of the urban poor to food, health care and education must thus remove the multiple layers of discrimination.</p>
<p><b>Communications to/from Governments</b></p> <p>A/HRC/10/5/Add.1</p> <p>(10th session of the HR Council, March 2009)</p>	<p>In the addendum to the annual report, the Special Rapporteur reports on the following communications sent to the Indian Government.</p> <p><u>INDIA</u></p> <p>53. On 13 December 2007, the Special Rapporteur, together with the Special Representative of the Secretary-General on the situation of human rights defenders, sent a joint allegation letter regarding Dr Lenin Raghuvanshi and Mr Manoj Kumar. Dr Lenin Raghuvanshi and Mr Manoj Kumar are convener and staff member of the People's Vigilance Committee on Human Rights (PVCHR) in Varanasi, Uttar Pradesh state, respectively. Dr. Lenin Raghuvanshi was the subject of a joint urgent appeal sent by the Special Representative of the Secretary-General on the situation of human rights defenders, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on 16 August 2005. On 4 December 2007, from approximately 4.45pm (Indian Standard Time), Dr. Lenin Raghuvanshi reportedly received anonymous threatening phone calls on his mobile phone from callers warning him that he will be shot and killed if the PVCHR continues to report cases of deaths from starvation and malnutrition in the Uttar Pradesh state. The callers have also informed him that if the PVCHR continues its activities, staff members are to be charged with fabricated charges and the PVCHR itself forced to close down. There has been national media coverage of the death of a three-year-old boy from starvation on 25 November 2007 that was reported by the PVCHR. Its staff member, Mr. Manoj Kumar, working in the Ambedkarnagar district where the boy lived, has reportedly also been receiving threats. Concern was expressed for the physical and psychological integrity of Dr. Lenin Raghuvanshi and Mr. Manoj Kumar. Further concern is expressed that the aforementioned threats against Dr. Lenin Raghuvanshi and Mr. Manoj Kumar may be directly related to the human rights activities of the PVCHR, in particular its work to defend the right to food in India. In view of the urgency of the matter, the Special Rapporteur and the Special representative requested a response on the initial steps taken by the Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments. They also asked for clarifications and observations on the following matters:</p> <p>Whether a complaint has been lodged by or on behalf of the alleged victims, Details, and where available results, of any investigation and judicial or other inquiries carried out in relation to the aforementioned threats against Dr. Lenin Raghuvanshi and Mr. Manoj Kumar and how they conform with international standards. If no inquiries have taken place, or if they have been inconclusive, please explain why. [...]</p> <p>54. On 2 December 2008, the Special Rapporteur sent an allegation letter regarding the challenges and obstacles that the internally displaced communities from Dantewada and Bijapur districts in Southern Chattisgarh have faced in the exercise of their right to food. According to these allegations,</p>

	<p>as of February this year around 49,000 displaced persons were residing in 24 officially recognized Salwa Judum camps in the abovementioned districts with limited access to basic facilities and livelihood opportunities. The State Government claimed that it has provided free food or subsidized rations and employment opportunities in the camps under the existing social policies schemes. However, the allegations received indicate that in many camps, despite the existence of a clear food distribution plan, the public authorities have not issued to camp residents the documents necessary for them to benefit from the public distribution systems, particularly ration cards. [...]</p> <p>Communication received</p> <p>55. On 11 July 2008, the Government sent a reply to a joint communication dated 11 July 2007 regarding allegations of non-implementation of the National Rural employment Guarantee Act (NREGA) in 22 districts of Uttar Pradesh. [...]</p> <p>Follow-up</p> <p>57. On 4 December 2008, the Special Rapporteur sent a letter to ask the Government to elaborate on the reply he received on 11 July 2008. According to the Ministry, employment under NREGA is completely demand driven and there exists an elaborate procedure for the issuance of job cards. In this regard, the Special Rapporteur requested, first, further clarifications related to the extent to which information has provided to the beneficiary population about the specific modalities of this procedure; and, second, the extent to which the responsibilities and obligations of each institution involved in the procedure to issue job cards were clearly defined and communicated to the said population. [...]</p> <p>Observations</p> <p>58. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communications dated 13 December 2007 and 2 December 2008 and any further reply to his letter of 4 December 2008.</p>
<p><b>Report of the former Special Rapporteur on the right to food Jean Ziegler</b> A/HRC/4/30 (5<sup>th</sup> session of the HR Council, June 2007)</p>	<p>In the report the SR analyzes the positive developments in realizing the right to food, situations of serious concern and gives a summary of some thematic studies. In a study concerning children and their right to food, the SR mentions the issue of caste-based discrimination and cites from Prof. Thorat and Joel Lee's work on Discrimination and Exclusion in Food Related Governments Programme (see p. 13). "1. The prohibition of discrimination</p> <p>34. The prohibition of discrimination requires Governments not to discriminate against children in their access to food, nor to the means and entitlements for its procurement, on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status. Yet discrimination against children is still frequent between rural and urban areas or within different communities in one country. Children living in rural areas are twice as likely to suffer from malnutrition as those living in urban areas in almost all developing countries. In South Asia, girls are more likely to be underweight than boys. In India, Dalit children are discriminated against in multiple ways that affect their right to food. These disparities, whether they are the direct or indirect consequences of governmental policies and practices, constitute violations of the prohibition of non-discrimination in the enjoyment of children's right to food."</p> <p>In the conclusion of the report, the SR makes recommendations to other countries to follow the recent examples of e.g. India (which he visited in 2005 – see the summary from the mission below).</p>

	<p>“V. CONCLUSION AND RECOMMENDATIONS</p> <p>68. The eradication of hunger and violations of the human right to food is the most urgent priority facing Governments today. In a world that is richer than ever before, it is unacceptable to allow children, women and men to suffer from hunger and famine. Hunger and people’s lack of access to sufficient productive resources to be able to feed themselves will continue to create conflicts and force children out of school into forced labour, including recruitment into armed forces. Hunger will also continue to force people to flee their own countries. The answer is not a criminalization of those who suffer from hunger. The answer is to take immediate action to respect, protect and fulfil the right to food of every human being.</p> <p>69. The Special Rapporteur makes the following recommendations:</p> <p>(a) Governments should follow the recent examples of Brazil, Guatemala, India, South Africa, Venezuela and Bolivia in the implementation of the right to food at the national level. The Special Rapporteur encourages Governments to adopt an adequate legal framework to ensure the right to food for all, including and in particular for the most vulnerable. This should include a clear definition of the right to food and the obligations of the Government to respect, protect and fulfil the right to food, without discrimination, as well as provisions for strong, independent and adequately financed monitoring mechanisms; [...]</p>
<p><b>Communications to/from Governments</b></p> <p>A/HRC/4/30/Add.1</p> <p>(5<sup>th</sup> session of the HR Council, June 2007)</p>	<p>The report (A/HRC/4/30/Add. 1) which is an addendum to the main report submitted to the HRC, summarizes the communications sent to Governments and the replies received by the SR on the right to food. India is the only caste-affected country mentioned in the summary. The report, however, contains a large section covering communications sent to the Government of India with the specificities of each case (see p. 17-21). One case, written to the Government on 21 August 2006, concerns discrimination against Dalits in Uttar Pradesh:</p> <p>“32. [...] Allegations that the residents of Jai Bheem Nagar (JBN), in Meerut City, Uttar Pradesh, do not have access to safe drinking water and are therefore compelled to consume contaminated water. JBN is a slum located on the banks of the Kali Ganga River in Meerut City, which has a population of approximately 10,000 people, mostly Dalits. [...]”</p> <p>According to the report, no replies from the Government were received by the SR by the time of the submission of the report. Hence, no follow-up has been made on these cases.</p>
<p><b>Interim report, Mission to India</b></p> <p>E/CN.4/2006/44/Add.2</p> <p>(62<sup>nd</sup> session of the Commission on Human Rights)</p>	<p>Interim report (E/CN.4/2006/44/Add.2) on the right to food based on his mission to India in 2005.</p> <p>The report contains several references to the connection between caste-based discrimination and undernourishment in India and some interesting recommendations. In the summary section, the SR states that: “[...] the key finding of the report is that, although famine has been overcome, millions of Indians still suffer from chronic undernourishment and severe micronutrient malnutrition, especially women and children and people of lower-caste scheduled castes and tribes. Starvation deaths have not been fully eradicated, nor have discrimination against women and against lower castes, corruption, impunity and a wide range of violations including forced labour, debt bondage and forced displacement (destroying people’s access to productive resources) remain serious obstacles to the realization of the right to food. [...]”</p> <p>In the introductory part, the SR states that: “Although today the threat of famine has been conquered, hunger and poverty remain a chronic and pervasive</p>



	<p>problem, exacerbated by widespread discrimination under the caste system and against women.</p> <p>Hunger and food in India:</p> <p>“11. Scheduled castes and tribes suffer most from hunger and malnutrition, making up 25 per cent of the rural population but 42 per cent of the poor. As a result of discrimination, many low-caste Dalits are expected to work as agricultural labourers without being paid, many held in debt bondage by their higher-caste employers. Although debt bondage is illegal, NGOs estimate that there are between 20 to 60 million bonded labourers in India, 85 per cent of them belonging to scheduled castes and scheduled tribes. Widespread discrimination prevents Dalits from owning land, as they are seen as the “worker class”, and even if they receive land (as a result of redistribution and agrarian reform programmes in some states), such land is frequently taken by force by higher-caste people in the area. Lower castes are also often restricted from using village wells, as observed by the Special Rapporteur in Shivpuri District.”</p> <p>Discrimination against the Scheduled Castes and the Scheduled Tribes:</p> <p>43. Most of the victims of starvation are women and children, members of the Scheduled Tribes and Scheduled Castes, with their deaths mainly due to discrimination in access to food or productive resources, evictions or the lack of implementation of the food-based schemes. Despite an extensive legal framework prohibiting discrimination and untouchability, discrimination persists, particularly in rural areas. In Madhya Pradesh and Orissa, the Special Rapporteur observed that access to village water wells is still not allowed for Dalits and that even if members of the Scheduled Castes or Scheduled Tribes were granted lands, higher castes often take the land away. Reports were also received that in Uttar Pradesh and Uttaranchal, Dalit families were forcibly evicted from their land by upper castes, and sometimes forced to work for them. In Harinagar, Kashipur, it is reported that 154 Dalit families have been forcibly evicted from their land and remain landless to this day despite a decision by the Supreme Court in their favour in 1996. As former Chief Justice R. Mishra said in a meeting with the Special Rapporteur, “low-caste people receive the land, but the upper caste enjoys it”. These are crimes punishable by imprisonment and fine under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, but the law is not enforced.</p> <p>Recommendations (of relevance):</p> <p>(e) All Indians should be treated equally before the law. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, should be fully implemented, and atrocities committed should be prosecuted and brought to justice; (m) Implementation of all food-based schemes must be improved by incorporating the human rights principles of non-discrimination, participation, transparency and accountability. Monitoring of all food-based programmes, including PDS, must include monitoring of impacts on malnutrition and undernourishment;</p>
<p><b>Special Rapporteur on the right to education</b>  <b>- Mr. Kishore Singh (Mr. Vernor Munoz Villalobos until 2010)</b></p>	
<p><b>Annual Discussion Day on the Human Rights of Women</b>  DisplayNews</p>	<p>The Special Rapporteur on education made a reference to Dalit women during the Annual Discussion Day on the Human Rights of Women (7 June 2010). He noted that there were significant problems concerning women and segregation and stereotypes in schoolbooks. This was often the case with migrant groups, and in particular indigenous women, Roma women and Dalit women. There</p>

(14 <sup>th</sup> session HR Council, June 2010)	was clearly an urgent need to bring these women back into the mainstream education system in order to help them integrate into society.
<p><b>Annual report 2006 – Girls’ right to education</b></p> <p>E/CN.4/2006/45</p> <p>(62<sup>nd</sup> session of the Commission on Human Rights)</p>	<p>Report on Girls’ right to education</p> <p>III. THE LONG ROAD TO GENDER EQUALITY</p> <p>E. Girls from communities that experience discrimination</p> <p>80. The Committee on the Elimination of Racial Discrimination has dwelt on the need for more consistent methods of evaluating discrimination against women, and the disadvantages, obstacles and difficulties they encounter in exercising and enjoying their rights to the full irrespective of race, colour, descent or ethnic or national origin.</p> <p>81. Those strategies must include reducing dropout rates among girls and combating the harassment of students from communities facing discrimination on account of their descent, since many Governments pay little attention to the structural causes of dropping out or low enrolment in school of girls from ethnic minorities.</p> <p>82. Communities historically discriminated against include the Dalits, who suffer many forms of exclusion in several Asian and African countries.</p> <p>83. In one such country literacy levels are lowest among Dalit girls, at 24.4 per cent, compared to the national average of 42.8 per cent for the female population. In the Mushahar Dalit community, barely 9 per cent of women are literate.</p> <p>84. High illiteracy rates combine with an enduring gender gap and with differences between urban and rural areas, also to the detriment of young and teenage girls.<sup>49</sup> In addition, teachers have been known to declare that Dalit pupils “cannot learn unless they are beaten”.</p> <p>85. Other studies have documented absenteeism, irregular attendance and negligence by teachers, who have in addition used Dalit and Adivasi children to do work for them, corporal punishment and fear of teachers - one reason cited by parents for not sending their children to school.</p> <p>VII. Conclusion and recommendations (Accessibility to Education):</p> <p>140. Remove known barriers to the enrolment and retention in school of young and teenage girls belonging to all ethnic groups, castes and communities that are discriminated against; address as a priority the reasons why they drop out, and take action to ensure that they are not stigmatized in the curriculum or in school activities.</p>
<p><b>Special Rapporteur on the situation of human rights defenders</b></p> <p><b>- Mr. Michel Forst (Ms. Margaret Sekaggya until 2014)</b></p>	
<p><b>Report of the Special Rapporteur on the situation of human rights defenders: observations on communications transmitted to Governments and replies received</b></p> <p>22 February 2016</p> <p><a href="#">A/HRC/31/55/Add.1</a></p>	<p><b>Nepal</b></p> <p>332. JAL 20/08/2015</p> <p>Case no: NPL 2/2015</p> <p><b>State reply: none to date Alleged excessive use of force by the police to disperse a peaceful protest in Kathmandu, and serious injuries sustained by several protestors</b></p> <p>334. The Special Rapporteur raises serious concerns in relation to the allegations of excessive use of force by police officers in the dispersing of a peaceful protest for Dalit human rights, and the resulting serious injuries to human rights defenders, and prominent members of Dalit civil society, Ms.</p>

	<p>Kamala Hemchuri, Ms. Durga Sob and Mr. Ganesh B.K. The Special Rapporteur recalls the announcement by the Government of the establishment of a committee to investigate these allegations in August 2015, and calls on the Government to provide information as to any advances by the committee in their investigations, given the serious concerns for the situation of Dalit human rights defenders, including women human rights defenders, who are facing severe risks of multifaceted attacks and retaliation for the legitimate exercise of their rights, and their work as human rights defenders.</p>
<p><b>Communications Reports of Special Procedures</b></p> <p><u><a href="#">A/HRC/24/21</a></u></p> <p>(24<sup>th</sup> session of the Human Rights Council, September 2013)</p>	<p><u><a href="#">Joint Allegation Letter sent 8 March 2013</a></u> by the Special Rapporteurs on Human Rights Defenders; Minority Issues and Summary executions</p> <p><b>India</b> - Alleged killing of Mr. Gaikwad, a human rights defender who reportedly registered and followed-up on cases of <b>Dalits</b> who had been the victims of caste-based discrimination when trying to access justice and worked as a volunteer with the National <b>Dalit</b> Movement for Justice, monitoring and documenting violations on the basis of <b>caste</b>; and attempted killing of another defender, Mr. Dada Shivaji Jadhav. According to the information received, on 12 February 2013, human rights defender Mr. Chandra Kant Gaikwad was fatally shot by unidentified persons while visiting a fellow human rights defender, Mr. Dada Shivaji Jadhav, who managed to escape alive. The unidentified perpetrators are reported to have arrived on a jeep. It is reported that Mr. Gaikwad, Mr. Jadhav and a third human rights defender, Mr. Vaibhav Gite, had received threats from a man in relation to whom they had filed a complaint alleging crimes committed against <b>Dalits</b>.</p>
<p><b>Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya</b></p> <p><b>Addendum - Mission to India (10–21 January 2011)</b></p> <p><u><a href="#">A/HRC/19/55/Add.1</a></u></p> <p>(19<sup>th</sup> session of the Human Rights Council, March 2012)</p>	<p><b>3. Shortcomings in the legal framework</b></p> <p>26. The Special Rapporteur notes with satisfaction the comprehensive and progressive legal framework that guarantees human rights and fundamental freedoms in India, and welcomed the commitment expressed by officials she met, at both central and State levels, to uphold human rights.</p> <p>27. However, the first-hand information she gathered throughout her mission (see chap. III) indicates that the cause of the challenges faced by human rights defenders lies mainly in the under-implementation of a number of the aforementioned legal instruments, at both central and State levels. Widespread deficiencies in the full implementation of such instruments are said to have adversely affected the work and safety of human rights defenders. The reasons frequently cited include lack of capacity, owing to the sheer size of the country, as well as heavy bureaucracy and political interference. Problems of overlap and coordination within and among the authorities may also explain such deficiencies.</p> <p>31. The Special Rapporteur is further concerned about the new regime introduced under the Foreign Contribution Regulation Bill, which requires existing non-governmental organizations (NGOs) to renew their certificate every five years (sections 11(1)). In addition, according to section 11(3), the Central Government may specify (a) the person or class of persons who shall obtain its prior permission before accepting the foreign contribution; and (b) the area(s) (c) the purpose(s) for which, and (d) the source(s) from which such a contribution may be received with the prior permission of the Central Government. The Special Rapporteur is of the opinion that such provisions may lead to abuse by the authorities when reviewing applications of organizations which were critical of authorities.</p> <p>32. Finally, given the particular risks faced by human rights defenders, the Special Rapporteur believes that the absence of legislation on the protection of human rights defenders is a significant lacuna. The adoption of such a law, and its full implementation, would contribute to the improvement of their situation.</p>

## **5. Shortcomings in the institutional framework**

### *(a) Law enforcement authorities*

55. Most of the human rights violations reported to her prior, during and after her visit, are reportedly attributed to law enforcement authorities, in particular the police. Failure to register and/or investigate violations against defenders was widely reported. This is of great concern to the Special Rapporteur, as highlighted in chapter III of the present report. This appears to be deliberate on many instances, and indicative of the lack of police training.

56. Police reform does not seem to be a reality in the whole country, as the implementation at the state level is reportedly quite weak.

### **III. Situation of human rights defenders**

68. Throughout her mission, the Special Rapporteur heard numerous testimonies about female and male human rights defenders, and their families, who have been killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, falsely charged, placed under surveillance, forcibly displaced or had their offices raided and files stolen because of their legitimate work in upholding human rights and fundamental freedoms. They are often labelled as “Naxalites (Maoists)”, “terrorists”, “militants”, “insurgents”, “anti-nationalists” and “members of underground” and their rights to freedom of expression, peaceful assembly, association and movement is on many occasions unlawfully restricted.

69. Such violations are commonly attributed to law enforcement authorities; however, they have reportedly also shown collusion and/or complaisance with abuses committed by private actors. Some instances of serious human rights abuses by armed groups against human rights defenders were reported. Impunity for such violations was reported as a chronic problem, and defenders and their communities were often caught in between during the fight between security forces and armed groups, targeted or killed for allegedly taking the “wrong” side.

### **F. Defenders working for the rights of marginalized people**

109. The Special Rapporteur is particularly concerned at the plight of human rights defenders working for the rights of marginalized people, including Dalits, Adivasis (tribals) and sexual minorities, who face particular risks and ostracism because of their legitimate activities. Collectivities striving to achieve the rights of those people have also been victimized.

#### **1. Dalits’ rights activists**

110. The Special Rapporteur was deeply disturbed by the situation of Dalits’ rights activists. She met with members of the National Campaign on Dalit Human Rights and other Dalits’ rights activists. She was greatly impressed by their work and their courage in undertaking their activities.

111. Dalits’ rights activists strive for the promotion and realization of Dalits’ civil, political, economic, social and cultural rights. The range of human rights violations they suffer is appalling.

112. From the dominant caste, Dalits’ rights defenders reportedly face, inter alia, death threats, beatings and caste-based insults in public places, direct and indirect destruction of their property/belongings; and filing of false cases against them.

113. With regard to the police and state officials, Dalits’ rights defenders reportedly have often seen their complaints not taken up and instead have been charged in false cases and filed counter cases, in collusion with the dominant caste community. They have also been summarily executed, forcibly

disappeared, physically assaulted, arbitrary detained, named rowdy sheeters,<sup>6</sup> branded as Naxalites and anti-nationals, and had their privacy invaded, including by being placed under surveillance.

114. Regarding other civil society organizations, Dalits' rights defenders often do not enjoy support for their cause and are instead pressured to tackle general issues. Written and oral threats to kill Dalits' rights defenders have been made.

115. Lastly, concerning family and community members, Dalits' rights defenders are sometimes pressured to abandon their work in fear of intimidation and/or reprisals from the dominant caste, or to pursue paid activities instead owing to their dire financial situation. For instance, the relatives of a Dalit activist, tried to convince him to give up his work because they received threats from the dominant caste, stating that he would be killed if he continued his activities. The police arrested several persons who were later released on bail and are yet to be charged. These same perpetrators reportedly continue to threaten the family, urging the activist to withdraw his complaint.

116. The Special Rapporteur is particularly concerned at the plight of women Dalits' rights defenders who face gender-based violence, or restrictions, regarding their work on the basis of their caste and gender. In August 2010, an elected female Dalit representative in Rajasthan was insulted and beaten by members of the dominant caste because she had taken up cases of land rights in her community. She filed a complaint to the police, but the perpetrators were reportedly never arrested. In another case, a centre working on issues pertaining to Dalit women was forcibly closed down by the dominant caste, and the manager was subsequently attacked by villagers and forced to leave the village with her family.

#### **IV. Conclusion and recommendations**

##### **B. Recommendations**

1. Recommendations for the consideration of the central and state Governments, and the legislature:

137. The highest authorities at the central and state levels should publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, "individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels" (art. 1 of the Declaration on Human Rights Defenders).

138. Specific attention must be given by all authorities to the categories of human rights defenders mentioned in the present report, in particular defenders working on rights of marginalized groups, including Dalits and Adivasis; defenders working on economic, social and cultural rights; defenders affected by security legislations and militarization; Right to Information activists; journalists; and women defenders and defenders working on women and child rights.

139. A comprehensive, adequately resourced protection programme for human rights defenders and witnesses at the central and state levels and in conjunction with the National and State Human Rights Commissions should be devised. This programme could be funded by the State, but should not be closely controlled by the State apparatus. In particular, it should not be associated with State agencies, such as the police, security agencies and the military.<sup>7</sup> The process for applying for protective measures provided under such a programme should be cost-free, simple and fast, and immediate protection should be granted while the risk situation of the person is being assessed. When assessing the risk situation of a defender or witness, the specificities of his/her profile pertaining to caste, gender and ethnic, indigenous and/or religious affiliation,

	<p>inter alia, should be systematically taken into account. Finally, the personnel assigned to the protection of defenders or witnesses should not gather information for intelligence purposes.</p> <p>140. Security forces should be clearly instructed to respect the work and the rights and fundamental freedoms of human rights defenders, especially the categories of defenders mentioned in the present report.</p> <p>141. Sensitization training to security forces on the role and activities of human rights defenders should be significantly strengthened as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners.</p> <p>142. Prompt, thorough and impartial investigations on violations committed against human rights defenders should be conducted, and perpetrators should be prosecuted, on a systematic basis. Fair and effective remedies should be available to victims, including those for obtaining compensation.</p> <p>143. The Supreme Court judgment on police reform should be fully implemented in line with international standards, in particular at the state level.</p> <p>144. A law on the protection of human rights defenders, with an emphasis on defenders facing greater risks, developed in full and meaningful consultation with civil society and on the basis of technical advice from relevant United Nations entities, should be enacted.</p> <p>3. Recommendations for the consideration of the judiciary</p> <p>159. The judiciary should be vigilant and cognizant of the role of human rights defenders.</p> <p>160. The judiciary should take proactive measures to ensure the protection of human rights defenders at risk, witnesses and victims.</p> <p>161. The judiciary should ensure better utilization of <i>suo motu</i> whenever cases of violation against human rights defenders arise.</p> <p>4. Recommendations for the consideration of human rights defenders</p> <p>162. Platforms or networks aimed at informing and protecting defenders, facilitating dialogue and coordination among defenders should be devised or strengthened.</p> <p>163. Defenders should better acquaint themselves with the Declaration on Human Rights Defenders.</p> <p>164. Efforts should be made to continue making full use of United Nations special procedures and other international human rights mechanisms when reporting on human rights violations.</p> <p>5. Recommendations for the consideration of the international community and donors</p> <p>165. The situation of human rights defenders, in particular the most targeted and vulnerable ones, should be continually monitored and support for their work should be expressed through, inter alia, interventions before central and state institutions.</p> <p>166. Efforts should be intensified in empowering civil society, including by increasing their capacity.</p>
<p><b>Summary of cases transmitted to Governments and replies received</b> A/HRC/16/44/Add.1</p>	<p>1094. On 18 August 2010, the Special Rapporteur, jointly with the Chair-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal regarding the situation of Ms. Bharathi Pillai, Ms. Niharga Priya, Ms. Sudha, Mr. Gnana Diraviam, and Mr. Anandan,</p>

<p>(16<sup>th</sup> session of the HR Council, March 2011)</p>	<p>participants of a human rights training course organized by the non-governmental organizations the Dalit Foundation (DF) and People's Watch (PW), from 11 to 20 August 2010, in Nagamalai Puthukottai, near Madurai in Tamil Nadu. The DF works to eliminate caste discrimination and caste-based violence, with a particular emphasis on Dalit women and manual scavengers, and the PW provides legal support and human rights education.</p> <p>1095. According to the information received, on 15 August 2010, around 6.30 p.m., as part of their fieldwork exercise, Ms. Bharathi Pillai, Ms. Niharga Priya, Ms. Sudha, Mr. Gnana Diraviam, and Mr. Anandan went to the Veeravanallur Police Station, in Tirunelveli District of Tamil Nadu, to gather information in relation to allegations of torture of a Dalit youth by police officers at the station. The five human rights defenders identified themselves, and requested permission to Ms. P. Roswin Savimo, Sub-Inspector of police, and Mr. T. Murugesan, Inspector of police, to be provided with documents relating to the case. As a result, they were questioned and kept in the police station. It is alleged that Mr. Murugan is one of the alleged perpetrators in this case. (...)</p> <p>1099. Finally, it is reported that in the case remand report, Mr. Henri Tiphagne, Executive Director of PW-India, Member of the Executive Committee of the Asian Forum for Human Rights and Development (FORUM-ASIA), and a member of the Asian NGOs Network on National Human Rights Institutions, was referred to as an “absconding accused”, although no charges had been filed against him, nor was he present at the police station at the time of the arrest of the five defenders.</p> <p>1100. Serious concerns were expressed that the arrest and detention of Mr. Gnana Diraviam, Mr. Anandan, Ms. Bharathi Pillai, Ms. Niharga Priya, and Ms. Sudha, and the charges brought against them, might have been related to their legitimate human rights activities. Further concerns were expressed for the physical and psychological integrity of the five human rights defenders.</p>
<p><b>Statement by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, at the conclusion of her visit to India</b></p> <p>Statement (21 January 2011)</p>	<p>In a statement concluding her January visit to India, the UN Special Rapporteur on the situation of human rights defenders raised particular concern for the situation of Dalit human rights defenders:</p> <p>”I note with satisfaction that India has a comprehensive and progressive legal framework which guarantees human rights and fundamental freedoms, as enshrined, inter alia, in the Constitution, the Protection of Human Rights Act, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and the Right to Information Act. I welcome the commitment expressed by Indian authorities to uphold human rights...</p> <p>Besides the National Human Rights Commission and existing State-level Human Rights Commissions, I note the existence of a wide range of Statutory Commissions mandated to promote and protect the rights of, inter alia, women, children, scheduled castes and scheduled tribes.</p> <p>However, despite the aforementioned laws aimed at promoting and protecting human rights, I note widespread deficiencies in their full implementation at both central and state levels, adversely affecting the work and safety of human rights defenders. Similarly, I have observed the need for the National and existing State Human Rights Commissions to do much more to ensure a safe and conducive environment for human rights defenders throughout the country.</p> <p>Throughout my mission, I heard numerous testimonies about male and female human rights defenders, and their families, who have been killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, falsely charged, under surveillance, forcibly displaced, or their offices raided and files</p>

	<p>stolen, because of their legitimate work in upholding human rights and fundamental freedoms.”</p> <p>“I am particularly concerned at the plight of human rights defenders working for the rights of marginalized people, i.e. Dalits, Adavasis (tribals) religious minorities and sexual minorities, who face particular risks and ostracism because of their activities. Collectivities striving for their rights have in fact been victimized.</p>
<p><b>Annual report of the Special Rapporteur</b> A/HRC/10/12 (10th session of the HR Council)</p>	<p>In the second chapter of her first report to the Council the Special Rapporteur focuses, among other things, on the potential of the universal periodic review (UPR) mechanism of the Human Rights Council in enhancing the protection of human rights defenders. It gives an overview of the strategic value of the UPR in reviewing and potentially improving the situation of human rights defenders.</p> <p>3. Summary of stakeholder information: overview and analysis</p> <p>74. Targeting of specific groups was mentioned in relation to women human rights defenders in Bahrain, Israel and Serbia; indigenous groups in Ecuador; defenders working on issues related to persons belonging to minorities in the Czech Republic (Roma), India (Dalits) and Turkmenistan; defenders working on lesbian, gay, bisexual and transgender issues in Israel, Montenegro, the Republic of Korea, Serbia and Sri Lanka. Problems faced by defenders working on issues related to migrants were mentioned with regard to South Africa.</p>
<p><b>Summary of cases transmitted to Governments and replies received</b> A/HRC/10/12/Add.1 (10<sup>th</sup> session of the HR Council, March 2009)</p>	<p>The addendum to the annual report contains a large number of references to cases submitted involving attacks and threats against Dalit activists, especially in India but also in Nepal.</p> <p><u>INDIA</u> Letter of allegations</p> <p>1189. On 28 February 2008, the then Special Representative sent a letter of allegations to the Government concerning Mr Arumugam Katuraja Kanagaraj, a Dalit human rights activist and the District human rights monitor in Salem district (Tamil Nadu) of the National Project on Preventing Torture in India of People’s Watch. [...]</p> <p>1192. Concern was expressed that the assault and detention of Mr Arumugam Katuraja Kanagaraj may be related to his activities in defense of human rights, particularly his work to prevent corruption within local government. Furthermore, in light of the death threats made against Mr. Kanagaraj and his possible pending arrest, concern was expressed for his physical and psychological integrity.</p> <p>Letter of allegations</p> <p>1201. On 28 April 2008, the then Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a letter of allegation to the Government concerning mass arrest of participants in the “The Long March for Justice for Special Task Force (STF) Victims”, including Messrs Henri Tiphagne, Executive Director of People’s Watch, Mahaboob Batcha, Managing Trustee of the Society for Community Organisation Trust (SOCO Trust), and V.P. Gunasekaran, District Secretary of the Communist Party of India. [...]</p> <p>1204. Concern was expressed that the aforementioned arrests may be related to the protestors’ activities in defense of human rights; their peaceful exercise of the right to freedom of expression and assembly and their protest against alleged crimes perpetrated by members of the Special Task Force.</p> <p>Response from the Government</p>



1205. In a letter dated 19 January 2009, the Government responded to the communication sent on 28 April. In transmitting the reply of the concerned authorities in India, the Government noted that the allegation contained in the communication was examined by the Government and that an enquiry was conducted on the above incident by the concerned authorities. It was revealed that the aforementioned individuals along with 205 other party members intended to go on a protest march from Exode to Chennai in order to draw attention to the relief and rehabilitation of the purported Special Task Force victims. However, in violation of law, they did not seek any prior permission from the concerned police authorities. If they had been allowed to proceed with this march it could have resulted in a disruption of law and order and inconvenienced the general public. Hence, as a preventive measure, the aforementioned persons were taken into police custody as per law and a case was registered against them. However, they were released on the very same day and all further action against them was dropped.

#### Urgent appeal

1211. On 23 May 2008, the Special Rapporteur sent an urgent appeal to the Government concerning Mr Lenin Raghuvanshi, Convener of the People's Vigilance Committee on Human Rights (PVCHR) in Varanasi, State of Uttar Pradesh. Mr Lenin Raghuvanshi has focused his work on the right to food and on victims of death due to starvation and he is also a member of the District Vigilance Committee on Bonded Labour.

1213. According to information received, on 26 April 2008, Mr Lenin Raghuvanshi began to receive abusive and threatening phone calls, which warned him to end the PVCHR's work in the district of Varanasi. On 18 May, he received a phone call, thought to be from a powerful member of a criminal group in Uttar Pradesh, which threatened that if the PVCHR did not stop working for the Musahar community, a Dalit group subject to caste-based discrimination, men hired by upper caste feudal lords would raze Musahar ghettos and villages in Varanasi. The caller also questioned Mr Lenin Raghuvanshi about the funding of the PVCHR, in what is believed to be a warning to the PVCHR to pay protection money to local mafias.

1214. Concern was expressed that the threats and intimidation directed against Mr Lenin Raghuvanshi may be directly linked to his work and that of the PVCHR in defense of human rights, in particular the rights of Dalit communities in the State of Uttar Pradesh.

In view of these threats, serious concern was expressed for the physical and psychological integrity of Mr Lenin Raghuvanshi and the members of the PVCHR.

#### Response from the Government

1215. In a letter dated 28 January 2009, the Government responded to the urgent appeal of 23 May 2008. The allegations contained in the communication were examined by the Government, which informed that a complaint was lodged in Thana Cant, Varanasi, following which a chargesheet was sent to the court on 21 July 2008 against accused Bulbul Singh alias Uday Narayan Singh. In the meantime, necessary instructions were issued to the local police station to provide adequate security to Dr Lenin.

#### Letter of allegations

1216. On 10 June 2008, the Special Rapporteur, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a letter of allegations to the Government concerning Messrs Henri Tiphagne, Executive Director of People's Watch and member of the National Human Rights Commission of India; S. Martin, Regional Law

	<p>Officer at People’s Watch; and G. Ganesan and M.J. Prbakar, both State Monitoring Officers at the same organization. [...]</p> <p>1219. It was alleged that the charges brought against the aforementioned individuals may be directly related to their activities in defense of human rights, in particular their efforts to end impunity for crimes of torture in India. In view of these reports, concern was expressed for the physical and psychological integrity of those named.</p> <p><u>NEPAL</u></p> <p>1957. In the district of Kanchanpur in Nepal, women human rights defenders face death threats, attacks and harassment because of their work. Gender-based violence is reportedly widespread in Nepal, common among women regardless of their social, economic and cultural status. At present there is no specific law addressing domestic violence in Nepal.</p> <p>1965. The Special Rapporteur hopes that the Government of Nepal will respond favourably to her request of November 2008 to visit the country in order to resume the dialogue with the authorities.</p>
<p><b>Summary of cases transmitted to Governments and replies received by Ms. Hina Jilani</b> A/HRC/7/28/Add.1 (7<sup>th</sup> session of the HR Council, March 2008)</p>	<p>This report of 3 March 2008 was submitted by the Special Representative of the Secretary-General on the situation of human rights defenders, Ms. Hina Jilani. It contains a large number of references to cases submitted involving Dalits, especially in India but also in Nepal.</p> <p><u>INDIA</u></p> <p>Letter of allegations</p> <p>1062. On 26 January 2007 the Special Representative, together with the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, sent a letter of allegations to the Government concerning an attack against Mr Ravikumar, Member of the Legislative Assembly of the Kaaumannarkoil constituency, owing allegiance to the Vidudalai Chruthaiga, Dalit Panthers of India (DPI), in Sedapalayam village of Cuddalore District, in the State of Tamil Nadu. Mr Ravikumar also served as state president of the People’s Union for Civil Liberties, Tamil Nadu-Pondicherry and was elected as a Member of the Tamil Nadu Legislative Assembly in 2006. He is also a well known Dalit writer, social activist and co-publisher of a publishing house which focuses on caste issues.</p> <p>1063. According to information received, on 2 January 2007, Mr Ravikumar sustained injuries to his hands and legs during an alleged attack by a contingent of approximately 100 police officers, including Delta police personnel, in Sedapalayam village during a funeral procession for Mr Siva, a Dalit youth murdered on 1 January 2007. Twenty-eight other Dalit Panthers of India (DPI) members were also injured in the attack. Mr Ravikumar was admitted to the Sri Ramachandra Medical College in Chennai on 3 January 2007 and discharged three days later. According to reports, the funeral procession was attacked by police officers in response to an attempt by some individuals attending the funeral to set fire to houses belonging to the alleged perpetrators of Mr Siva’s murder. Dalit youths who later attended the hospital for medical treatment were reportedly arrested by police on charges of attempted murder.</p> <p>1064. Prior to the events of 2 January 2007, Mr Ravikumar had reportedly been in contact with Mr Gagandeep Singh Bedi, District Collector, Cuddalore, and Mr M Karunanidhi, Chief Minister of Tamil Nadu urging them to ensure that an immediate investigation be carried out in relation to Mr Siva’s murder on 1 January 2007, and that the perpetrators be brought to justice. He also made an appeal to the police and district administration to ensure that law and order</p>

be maintained during the funeral. Concern was expressed that the funeral procession of Mr Siva was violently suppressed by authorities and that excessive police force may have been used against peaceful attendees of the funeral. Concern was also raised that Mr Ravikumar may have been targeted due to his high profile work in defence of the human rights of Dalits.

#### Urgent appeal

1096. On 23 August 2007, the Special Representative, together with the Special Rapporteur on violence against women and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, sent an urgent appeal to the Government concerning attacks on Dalit communities, particularly women, in Somebhadra District, Uttar Pradesh, India. On 3 August 2007, Ms Roma and Ms Shanta Bhattacharya were arrested in Robertsganj under charges of provoking Dalits and Tibals to encroach forest lands. They were arrested under section 120 (B) and 447 of Penal Code; they were in Mirzapur jail and their bail applications had been rejected at the Circle Judicial Magistrate.

1097. On 5 August 2007, Lalita Devi and Shyamlal Paswan were arrested from a local market in Rangarh and were also in Mirzapur jail. As a consequence of these imprisonments, people have been staging a protest since 4 August in front of the District Magistrate (DM) office in Sonebhadra demanding the immediate release of the activists. New charges were brought against Ms. Roma under article 4 of the National Security Act on 10 August. Reports also indicated that on 10 August 2007, at around 9 p.m., the police attacked Dalit women in Chanduli Village, in Sonebhadra District, leaving fifteen women seriously injured. Two trucks loads of Police along with Upper Caste representatives of the locality descended on Chanduli village in Sonebhadra district. They were allegedly heavily armed, and demanded to see Bachchalal, an active member of the local organisation Kaimoor Kshetra Mahila Mazdoor Kisan Sangharsh Samiti (KKMMKSS).

1098. According to information received, when they did not find Bachchalal in the village, they started attacking women present in the village. Police and upper caste representatives barged into the house of Bachchalal and attacked his pregnant sister and sister-in-law; pulling them out and attacking them. In three hours, the police and upper caste representatives beat up around 15 women and destroyed their houses. At the time of the incident, there were very few male members in the village as most of them were staging a protest in front of the DM's office in Sonebhadra against the arrest of Ms. Roma, Ms. Shanta Bhattacharya, Lalita Devi and Shyamlal Paswan. This was allegedly the third attack of this kind against Dalits in less than two weeks and reportedly a consequence of the Dalits families' requests for land that started in the last two years, as a response to the forest department's Government Resolution of 2002-3 to clear forest lands from any encroachments. During the events, the police reportedly left the village giving an ultimatum to remove the bricks of the houses by 11 August 2007, or they would come back with the administrative order to destroy the houses.

[...]

#### Observations

1106. The Special Representative thanks the Government of India for their response to the communication of 10 May 2007, but regrets the lack of response to the other fourteen communications sent in the time-period covered by this report.

1107. The Special Representative reiterates her concerns for the situation of human rights defenders representing vulnerable groups, such as lesbians, gays, bisexual and transgender (LGBT) persons and members of caste groups facing

	<p>discrimination. The situation of the Dalit community is of particular concern as human rights defenders advocating their rights face entrenched prejudice from many sectors of society.</p> <p>1108. The Special Representative hopes that the Government of India will continue in its efforts to work for the improvement of conditions for those belonging to such communities and those working in defence of their rights.</p> <p><u>NEPAL</u></p> <p>Urgent appeal</p> <p>1488. On 20 June 2007 the Special Representative, together with the Special Rapporteur on violence against women, sent an urgent appeal to the Government concerning human rights defenders Ms. Rita Mahato and Ms Dev Kumari Mahara, members of the Women’s Rehabilitation Centre (WOREC), in the Siraha district. WOREC is a non-Governmental organization working on social justice and human rights, specifically women’s rights, and the rights of marginalized groups in Nepal such as the Dalits. Ms Mahato and Ms Mahara have been involved in documenting cases of violence against women and providing support to victims for several years.</p> <p>Observations</p> <p>1517. The Special Representative thanks the Permanent Mission of Nepal in Geneva for its acknowledgement of receipt of the communications sent and hopes that the further information requested from the Government by the Permanent Mission will be provided at the first available opportunity.</p> <p>1518. She is particularly concerned by the cases involving allegations of harassment, intimidation or ill-treatment of human rights defenders by members of the Police Force and trusts that the Government will acknowledge the seriousness of these allegations through comprehensive investigation.</p>
<p><b>Report of the former Special Representative of the Secretary-General on the situation of human rights defenders, Ms. Hina Jilani</b></p> <p>A/60/339 (60th GA Assembly)</p>	<p>Report on the situation of human rights defenders in Nepal. In the report concerning the case study of human rights defenders in Nepal there is, interestingly enough, no specific mention of CBD or discriminatory practises against Dalits in the description of the conflict in Nepal.</p>
<p><b>Promotion and Protection of Human Rights Defenders Report submitted by the former Special Representative of the Secretary-General on human rights defenders, Hina Jilani, Addendum, Compilation of developments in the area of human rights defenders since June 2000 by Ms. Hina Jilani</b></p> <p>E/CN.4/2006/95/Add.5 (62<sup>nd</sup> session of the Commission on Human Rights)</p>	<p><u>INDIA</u></p> <p>738. The Special Representative regrets that the Government has not provided her with information in response to the questionnaire she transmitted for the preparation of the present report at the time of the finalization of the report. She encourages the Government to transmit this information so that the below profile can be updated in the future.</p> <p>The human rights defenders community</p> <p>739. Human rights defenders in India are active on a wide range of civil and political, economic, social and cultural rights such as caste discrimination, child rights, environmental issues, globalization and human rights, housing rights, indigenous rights, LGBT rights, women’s rights and trafficking.</p> <p><u>NEPAL</u></p> <p>1147. [...] The human rights defenders community in Nepal today is active but weakened in part as a result of the repressive measures it has been subjected to. The royal takeover and the subsequent declaration of a State of Emergency is widely seen as exacerbating the already high risk to defenders</p>

	<p>and the civilian population in general. The human rights situation, and hence the situation for defenders working in Nepal, has deteriorated in recent years. Subsequently, several defenders have reportedly either gone underground or left the country, in order to continue with their human rights advocacy on Nepal in a more secure environment. [...]</p> <p>1149. In general, most NGOs in Nepal focus on development activities or actions that mitigate the effect of human rights violations, such as rehabilitation for victims. A smaller number focus on the overall human rights situation, and some focus on specific human rights concerns such as caste-based discrimination and LGTB rights. Women human rights defenders play an increasingly prominent role as advocates on a wide range of human rights issues in Nepal. A small number of NGOs have a national network through Nepal.</p>
<p><b>Special Rapporteur on torture and other cruel, inhuman or degrading treatment or Punishment</b>  <b>- Mr. Juan Mendez (Mr. Manfred Novak until October 2010)</b></p>	
<p><b>Communications to/from Governments</b>  A/HRC/16/52/Add.1  (16<sup>th</sup> session of the HR Council, March 2011)</p>	<p><u>INDIA</u></p> <p>Para. 54. Concerning Mr. A. S, a 28-year-old dalit.</p> <p>Mr. A.S. was arrested on 4 January 2010 at 10:00 p.m. by a police officer. He was held in police custody remand (PCR) until 11 January and was charged with robbery. Throughout the detention period, Mr. S was beaten repeatedly, including on his arms and legs with wooden planks, and on his genitals. It is believed that he may have suffered from vision loss and a fractured arm and leg. During this time, his family was not allowed to see him, and he was neither given food nor allowed to use the bathroom. On 7 January, as part of the investigation, a police officer took Mr. S to the place where the alleged robbery took place. The officer (whose name remains on record with the mandate holders) then proceeded to hit him on numerous occasions on his head and genitals with his boots, and forced him to jump in public for thirty minutes. The same procedure was repeated in front of the victim's house. In addition, Mr. S was verbally abused regarding his caste and his religion. The officer also threatened Mr. S by stating that he would shoot all the boys born in the same caste. When Mr. S was presented before a court, the police officer presented a false medical certificate and threatened Mr. S not to speak about his experience in detention. Mr. S refused to request medical treatment for fear of reprisals. His family has also received threatening messages not to take legal action. Mr. S is currently detained under magisterial custody remand (MCR) and has not had access to medical attention. He reportedly cannot walk properly and stammers due to the beatings and requires urgent medical attention.</p> <p>By a letter dated 6/04/2010, the Government of India examined the communication and found that it would not be possible to investigate the allegation in absence of information about the specific place of occurrence of the alleged incident. It is, therefore, requested that information be provided about the specific place of occurrence of the alleged incident (village/town/area/district/state) to enable suitable investigations. The Permanent Mission of India requests that the response of the Government of India be presented in full to the Chairperson- Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the Question of Torture.</p>
<p><b>Interim report of Mr. Manfred Nowak</b>  A/60/316</p>	<p>Interim report (A/60/316) on torture and other cruel, inhuman or degrading treatment or punishment.</p> <p>Country visits of relevance: India and Nepal</p>

(60th GA Assembly)	<p>The SR regrets that there has not been any response from the Indian Government concerning a country visit which was requested in 1993.</p> <p>A country visit to Nepal had been requested and was undertaken in 2005.</p>
<p><b>Report to 62<sup>nd</sup> CHR session: Mission to Nepal</b></p> <p>E/CN.4/2006/6/Add.5</p>	<p>Country visit to Nepal: In his report, the SR makes no specific reference to CBD or any problems encountered by Dalits in the conflict in Nepal despite the increased international recognition of the connection between CBD as a root cause of the conflict (as documented in the report “The Missing Piece of the Puzzle” and as referred to in the Concluding Observations issued by CERD after its examination of Nepal in November 2005).</p>
<p><b>Special Rapporteur on violence against women, its causes and consequences</b> <b>- Ms. Rashida Manjoo (Ms. Yakin until June 2009)</b></p>	
<p><b>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, following her mission to India (22 April to 1 May 2013), April 1 2014</b></p> <p><u><a href="#">A/HRC/26/38/Add.1</a></u></p> <p>(26<sup>th</sup> HRC session, June 2014)</p>	<p>II. Manifestations of violence against women and girls, its causes and consequences</p> <p>B. Violence against women in the community</p> <p>15. Violence against various groups is also of concern. Dalit and Adivasi women and women from other scheduled castes and tribes and other “backward classes” are frequent victims of multiple and intersecting forms of discrimination, as well as violence. Caste-based discrimination, which also includes intra-caste hierarchies, continues to be pervasive and widespread. The intergenerational nature of caste-based discrimination condemns women to a life of exclusion, marginalization and disadvantage in every sphere of life. Many of those women are denied an education and economic opportunities, and perform dangerous and unprotected work, including bonded labour (debt bondage) and manual scavenging, which are both widely regarded as forms of forced labour and modern forms of slavery. Women represent the vast majority of manual scavengers in the country, and are commonly from scheduled castes and minority groups. While legislation has been adopted to eradicate bonded labour and manual scavenging,<sup>8</sup> reports and interlocutors indicate that there is a consistent failure in the implementation of such laws<sup>9</sup> and a tendency to minimize the significance of the problem.</p> <p>9. Ravi S. Srivastava, “Bonded labour in India: its incidence and patterns”, International Labour Organization working paper (2005), p. 35; and International Dalit Solidarity Network, “Manual scavenging”, briefing paper (2012), p. 1.</p> <p>D. Violence against women in the transnational sphere</p> <p>28. The trafficking of women and girls from, and to, India was reported as widespread. Disadvantaged women from minority groups, scheduled castes and tribes and the “backward castes” are usually the main victims. Young unskilled women are allegedly given false work promises, resulting in forced domestic servitude in foreign countries. Women who are trafficked and forced into prostitution are left unable to defend their rights, and lack access to rehabilitation and compensation for such crimes. This lack of protection and prioritization of the problem by the State has intensified the violence perpetrated against them by criminals or those involved in trafficking practices. The complicity of State officials in human trafficking was also reported as a concern. The Immoral Traffic (Prevention) Act, 1956 and its amendments<sup>18</sup> are reportedly more directed at safeguarding public moral than combating trafficking in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.</p>

	<p>III. Implications of inequality, discrimination and violence on women's enjoyment of their human rights</p> <p>31. At the national level, laws and policies have been put in place to prevent and respond to violence against women. These include the Penal Code, the Criminal Law (Amendment) Act 2013, the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act, 2013, the Protection of Women from Domestic Violence Act, 2005, the Indecent Representation of Women (Prohibition) Act, 1986, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Dowry Prohibition Act, 1961, the Commission of Sati (Prevention) Act, 1961, the Immoral Traffic (Prevention) Act, 1956 and the Bonded Labour System (Prohibition) Act of 1976, among others. Despite those positive developments, effective implementation of those laws and the allocation of financial resources to support their execution adequately is reportedly lacking in many instances.</p> <p>IV. Challenges in fulfilling the State's obligation to act with due diligence to eliminate violence against women</p> <p>B. Protection</p> <p>60. Although telephone hotlines are available, the police are usually the first point of contact for many women, according to reports received. Victims of violence, who require from the State special security, shelter, public housing, health care and socioeconomic protection, often face significant challenges. Many services are channelled through providers that lack sufficient resources. Numerous allegations were made of de facto caste-based discrimination, perpetrated by police officers, public representatives and community members, with regard to access to services.</p> <p>D. Provision of effective redress, including reparations</p> <p>70. With regard to systemic failures, the low rate of prosecution and conviction for acts of violence against women contributes to the lack of effective redress provided to victims. Redress begins with the filing of domestic incident reports and a First Information Report. As noted above, this is deficient in many respects. Compensation payment is dependent on the filing of a case, which is dependent on the availability of protection officers and the provision of some form of legal identification. Women belonging to marginalized groups, including irregular migrants, domestic workers, scheduled castes and tribes and so-called backward castes are often unregistered citizens, or lack identification cards. Such factors contribute to a culture of normalization of violence against women.</p> <p>E. Remedies for specific groups at risk</p> <p>74. The Special Rapporteur was informed that the draft Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill envisages offering protection to religious and linguistic minorities and to scheduled castes and tribes, while providing standards for addressing communal violence. The Bill reaffirms the importance of non-discrimination when public officials discharge their responsibilities, in particular with regard to addressing violence against religious and linguistic minorities and scheduled castes and tribes. However, as noted by the Committee on the Elimination of Discrimination against Women, the Bill should include, inter alia, "a comprehensive system of reparations for victims of such crimes; and gender-sensitive victim-centred procedural and evidentiary rules" (CEDAW/C/IND/CO/3, para. 25).</p> <p>V. Conclusions and Recommendations</p> <p>Statistics and data collection</p>
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	81. The Special Rapporteur recommends that the Government: (a) Strengthen the current system hosted by the National Crime Records Bureau of the Ministry of Home Affairs for the collection and analysis of data relating to crimes against women, by disaggregating data by sex, age, caste, disability, religion, language and other relevant characteristics
<p><b>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, following her mission to Bangladesh (20 May to 29 May 2013)</b></p> <p><u>A/HRC/26/38/Add.2, April 1 2014</u></p> <p>(26<sup>th</sup> HRC session, June 2014)</p>	<p>II. Manifestations of violence against women and girls, its causes and consequences</p> <p>B. Violence against women in the community</p> <p>16. The Special Rapporteur also received information indicating high levels of violence against women from religious and ethnic minority communities, with Dalits, Hindus and indigenous groups most at risk.<sup>15</sup> Persecution of minorities includes rape and sexual assault of women in these communities.<sup>16</sup> The rate of rape is higher for minority women in Bangladesh because they are considered “double infidels” for being women and also for being part of a religious minority.<sup>17</sup> They are also commonly victims of <i>salish/fatwa</i>-related violence.</p>
<p><b>Statement by Special Rapporteur on violence against women, Ms. Rashida Manjoo</b></p> <p><u>Statement on Bangladesh visit, May 2013</u></p>	<p>According to interlocutors, the most pervasive form of violence against women in Bangladesh is domestic violence, with an estimated 60% of married women reported to having experienced violence at the hands of a spouse and/or in-laws. Other manifestations of violence include: different forms of sexual violence including rape and eve-teasing; discrimination and violence based on ethnicity, religion, caste, indigenous status, disability, or work; dowry-related violence; sexual harassment; forced and/or early marriages; acid attacks; psychological violence in custodial settings; economic exploitation and cross-border trafficking, among others. Harmful customary and religious practices and violence perpetrated against minorities were also highlighted in numerous testimonies.</p>
<p><b>Statement by Special Rapporteur on violence against women, Ms. Rashida Manjoo</b></p> <p><u>Statement on India visit, April 2013</u></p>	<p>The Government of India has signed and ratified numerous international human rights instruments and has also adopted numerous progressive laws and policies at the Union and State levels. Numerous laws, including amendments to existing laws, have been enacted to address various manifestations of violence against women. Among others, these include: the Indian Penal Code which broadly includes crimes against women. This law includes the crimes of rape, kidnapping and abduction for specified purposes, homicide for dowry, torture, molestation, eve teasing, and the importation of girls, among others. More specific laws on crimes against women include: the Criminal Law Amendment Act 2013, the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act 2013, the Protection of Women from Domestic Violence Act 2005, the Indecent Representation of Women (Prohibition) Act 1986, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, the Dowry Prohibition Act 1961, the Commission of Sati Prevention Act 1961, and the Immoral Traffic (Prevention) Act 1956 among others.</p> <p>In India, women from the Dalit, Adivasi, other Scheduled castes, tribal and indigenous minorities, are often victims of a multiplicity of forms of discrimination and violence. Despite protective legislative and affirmative action laws and policies, their reality is one where they exist at the bottom of the political, economic and social systems, and they experience some of the worst forms of discrimination and oppression - thereby perpetuating their socio-economic vulnerability across generations. They are often forced to live in displacement settings, experience forced labour practices, prostitution and trafficking, and also experience intra-community violations of rights.</p> <p>Customary and religious practices such as child marriages and dowry-related practices, sorcery, honour killings, witch-hunting of women, and communal violence perpetrated against cultural and religious minorities, were highlighted in numerous testimonies. Communal violence, inspired by religious</p>



	<p>intolerance, does manifest in some parts of India. Indiscriminate attacks by religious majorities on religious minorities, including Christian and Muslim minorities, is frequently explained away by implying that equal aggression was noted on both sides. Also, such violence is sometimes labelled as ‘riots’, thereby denying the lack of security for religious and other minorities, and disregarding their right to equal citizenship. This issue is of particular concern to many, as the wounds of the past are still fresh for women who were beaten, stripped naked, burnt, raped and killed because of their religious identity, in the Gujarat massacre of 2002.</p> <p><b>Conclusion:</b></p> <p>6. Grave concerns are noted as regards the continuing atrocities perpetrated against Dalit women. There is a culture of impunity for violations of the rights of Dalit women (CEDAW). Concerns are further expressed for the failure to properly register and investigate complaints of violations against scheduled castes and tribes, the high rate of acquittals, the low conviction rates, and the alarming backlog of cases related to such atrocities (CRC, CEDAW and CERD).</p> <p>7. The practice of devadasi is of concern (HRC). The effective enforcement of relevant legislation and the Indian Constitution is required to end this practice (CERD).</p> <p>12. Continuing disparities in literacy levels are of concern, in particular the educational status of scheduled castes, scheduled tribes and Muslim women (CEDAW). Effective measures must be adopted to reduce the drop-out rates among Dalit girls (CERD).</p> <p>13. More effort is needed to end customary practices which deprive women from underprivileged classes, castes and religious minorities of their rights to human dignity and to non-discrimination (HRC).</p>
<p><b>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo</b></p> <p>Thematic report on gender-related killings  <a href="#">(A/HRC/20/16)</a>  (20<sup>th</sup> HRC session, June 2012)</p>	<p>39. Women accused of witchcraft in Ghana are often violently driven from their communities and forced to take refuge in —witch camps. Many widows are subjected to property-related violence, including violent evictions and loss of inheritance; and subjected to sexual abuse and harassment by relatives. In India, based on accusations of being a dayan (witch) or practising banamathi (witchcraft), physical violence is sometimes employed against Dalit women as a mechanism to take possession of their family lands and/or to keep them under economic subjugation, sexual exploitation, gender domination and control. In Nepal, particularly in the southern Terai region, elderly women, widows, destitute women and women of low caste are often targeted and deprived of their property rights or victimized to settle a personal vendetta.</p> <p><b>5. Dowry-related killings of women</b></p> <p>56. In some South Asian countries, a widespread practice is that of dowry-related murders. This term covers the deaths of young brides who are murdered, or driven to suicide by continuous harassment and torture perpetrated by the groom’s family in an effort to extort dowry payment or an increased dowry of cash or goods. The most common manifestation of this practice is the burning of the bride. These incidents are often presented as, and accepted to be, accidents, such as death as a result of an —exploding stove.</p> <p>57. Dowry-related violence is embedded in religious and cultural traditions of the South Asian region. The practice has permeated all communities. Pakistan enacted an anti-dowry law in 1976, Bangladesh in 1980 and Nepal in 2009. Despite legislative reforms, dowry is an indispensable part of weddings in this region; it has been a cause of violence against women, and the laws have failed to have an impact in curbing dowry or elevating the status of women within marriage.</p>

	<p>58. In several cases in Bangladesh, dowry-related harassment of women has been aggravated to acid attacks, leading to blindness, disfigurement and death of women. In 2002, Bangladesh passed a law imposing the death penalty on offenders and also restricted the sale of acid, in response to the growing problem of acid attacks. In the first half of 2009, 119 cases of dowry-related violence, including 78 deaths, were reported. In 2008, 172 women were killed, and the figure for 2007 was 187.95</p> <p>59. Statistics for the period 2007 to 2009 show that there have been between 8,093 and 8,383 reported cases of dowry deaths in India. As noted by experts, the numbers of reported cases do not add up to conviction rates. The National Crime Records Bureau of India reports that for 2008 there were 1,948 convictions, as against 3,876 acquittals. Acid attacks are also becoming a growing phenomenon in India, with young women being targeted for spurning suitors and for rejecting proposals of marriage, as well as in connection with contestation over dowry.</p> <p>60. Human rights bodies have strongly condemned these practices. Experts argue that there is a need to address the underlying cultural concerns, such as the subordinate status of women within their birth/natal and marital homes; issues of property and ownership within these realms; the control of women's sexuality; the stigma attached to divorce; and the lack of support for a woman after she is married.</p>
<p><b>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo</b></p> <p>Addendum - Communications to and from Governments</p> <p>A/HRC/17/26/Add.1</p> <p>(17<sup>th</sup> session of the Human rights Council, June 2011)</p>	<p><b>Bangladesh</b></p> <p><b>Allegation letter</b></p> <p>35. On <b>30 November 2010</b>, the Special Rapporteur, jointly with the Special Rapporteur</p> <p>on freedom of religion or belief sent an allegation letter to the Government concerning MMB, a Hindu woman from Tala Upazila, Satkhira District.</p> <p>36. According to the information received, MMB was the wife of PB and belonged to the Lower Caste of the Hindu minority in Tala Upazila of Satkhira District. On 20 April 2010, at about 9:00 a.m., MMB went to fetch water from a well near the Tala police station. Allegedly, MMB was then kidnapped by MZG with the help of KG, AZ and SG. On 21 April 2010, a criminal case under section 7/30 of the 2003 Women and Children Repression Act was opened against MZG and three unidentified perpetrators.</p> <p>37. It was reported that MZG forcefully converted MMB to Islam on 9 June 2010, renamed her as FB and married her in contravention of section 494 of Bangladesh Penal Code. Subsequently, MZG reportedly put mental and physical pressure on MMB to withdraw the abduction case dated 21 April 2010, and also to get money from her parents as dowry. When MMB expressed her inability to procure dowry money from her destitute parents, Mr. MZG started beating her. As a result, MMB died at the house of MZG on 28 October 2010. MZG tried to portray this as a suicide, hanging her dead body in his room and then fled away.</p> <p>38. On 28 October 2010, the same day, the police recovered the dead body and filed another case against four perpetrators responsible for abatement of murder, including MZG, under section 11(ka)/30 of the 2003 Women and Children Repression Act. However, the police had yet been unable to arrest the perpetrators. The body of MMB was subsequently buried as per Muslim custom.</p> <p>39. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as further clarification concerning any complaints that might have been lodged; the results of any judicial investigation; and any plans, policies or legislation instituted to prevent</p>

	<p>violence against women, in particular forced marriages and dowry related violence.</p> <p><b>Response from the Government</b></p> <p>40. In a letter dated <b>30 November 2010</b>, the Government responded to the communication sent on 30 November 2010 indicating that the contents of the communication had been duly noted and forwarded to the concerned authorities in Bangladesh for necessary inquiry and actions.</p> <p><b>Observations</b></p> <p>41. The Special Rapporteur looks forward to receiving further information from the Government regarding the allegations above and takes this opportunity to recall that the right to marry, only with one's free and full consent, is recognized in the Universal Declaration of Human Rights (Article 16(2)) and that Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women refers to the right of women and men to freely choose a spouse, to enter marriage only with their free and full consent and with the same rights and responsibilities.</p> <p>42. The Special Rapporteur also wishes to recall the obligation by States under international human rights law to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.</p>
<p><b>Communications to/from Governments and interactive dialogue</b></p> <p>A/HRC/14/22/Add.1</p> <p>(14th session of the HR Council, June 2010)</p>	<p><u>NEPAL</u></p> <p>Urgent appeal</p> <p>251. On 30 April 2009, the Special Rapporteur on violence against women, its causes and consequences, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent an urgent appeal to the Government regarding Ms. K.D.S., Ms. T.M., Ms. S.K., Ms. B.C., Ms. S.S., Ms L.C. and other women human rights defenders of Chimdi Village Development Committee (VDC) in Sunsari district in Nepal, as well as Mr. R.N., Mr. K.B. and Mr. G.K., all of them journalists, Mr. S.C., representative for the Informal Sector Service Centre (INSEC) and Mr. B.C., a member of the Women's Rehabilitation Centre (WOREC), an organization helping victims of domestic and sexual violence.</p> <p>252. According to the information received, on 9 April 2009, Ms. K.D.S., after calling for respect of the fundamental right of any person to marry and to choose freely her/his spouse, was beaten up by the relatives of Ms. L.G., a young woman who planned to have an intercaste wedding with a young man belonging to the Dalit community. The two young people were also beaten up by L.G.'s relatives for speaking to each other in public. Immediately after the assault, Ms. K.D.S. approached the Illaka police station of Chimdi to file a complaint, but the Sub-Inspector refused to receive it.</p> <p>253. On 11 April 2009, the Women Human Rights Defender Network, Sunsari, and more than 500 women from eight Village Development Committees (VDC) staged a demonstration in front of the police station in Chimdi VDC, in order to call for sanctions against the police for refusing to register Ms. K.D.S. complaint and to denounce the denial of access to justice. While doing so, they evoked the statement made by the Prime Minister on 25 January 2009, in which he committed himself to establish a complaints centre for women in order to end all forms of violence against women and criminalize caste-based discrimination against Dalits. They also called for a police apology</p>

	<p>since, on 10 April, while the Chimdi VDC were walking towards the police station in Chimdi, police officers publicly insulted them.</p> <p>(...)</p> <p>257. The Special Rapporteur requested some clarifications from the Government on the following matters:</p> <ol style="list-style-type: none"> <li>1. Are the facts alleged in the above summary of the case accurate?</li> <li>2. Has a complaint been lodged by or on behalf of the alleged victim?</li> <li>3. Please provide the details, and where available the results, of any investigation and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.</li> <li>4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?</li> </ol> <p>Response from the Government</p> <p>258. By a letter dated 8 February 2010, the Government responded to the communication sent on 30 April 2009. (...)</p> <p>Observations</p> <p>265. The Special Rapporteur is grateful to the Government of Nepal for its response. She wishes to call upon the Government to enhance efforts towards ensuring the right of women, on equal terms with men, to participate in non-governmental organizations and associations concerned with the public and political life of the country. She also wishes to refer to the observations made by the Special Rapporteur on the situation of human rights defenders in A/HRC/13/22/Add.1.</p>
<p><b>Communications to/from Governments and interactive dialogue</b></p> <p>A/HRC/11/6/Add.1</p> <p>(11th HRC session, June 2009)</p>	<p>In the addendum to her report to the Human Rights Council, the Special Rapporteur on Violence against Women, Ms. Yakin Ertürk, refers to 30 cases of violence against Dalit women in India, including incidences of physical and verbal abuse, gang rape, sexual exploitation, witch hunting, and naked parading (paragraphs 185-246). This is the result of a long-term process pulled by several persons involved in the Dalit women's working group especially in India, and with assistance from Cordaid and Justice and Peace Netherlands.</p> <p>The Special Rapporteur concludes in her rapport:</p> <p>“217. According to the information received, Dalit women and men suffer descent based discrimination in various aspects of their lives and are also victims of violence and untouchability practices arising out of the caste system. Despite the formal abolition of “untouchability” by article 17 of the Indian Constitution, de facto discrimination and segregation of Dalits persists, in particular in rural areas and with regard to access to places of worship, housing, hospitals, education, water sources, markets and other public places.</p> <p>218. Dalit women are confronted with discrimination, exclusion and violence to a larger extent than men. Land and property issues in particular, tend to cause or be at the root of conflicts over which Dalit women have faced eviction, harassment, physical abuse and assault. Dalit women are often denied access to or are evicted from their land by dominant castes, especially if it borders land belonging to such castes. They are thus forced to live in the outskirts of villages, often on barren land. Reportedly, on many occasions, cases of violence against Dalit women are not registered, and adequate procedures are not taken by the police.”</p>

	<p>In the interactive dialogue Ms. Yakin Ertürk referred to the number of cases on violence against Dalit women in her presentation to the Council and proposed that this specific issue was examined in more detail by the new mandate holder. Two delegations (Slovenia and Denmark) raised this issue in their questions to the Special Rapporteur in the interactive dialogue.</p> <p>In resolution A/HRC/11/L.5 on “Accelerating efforts to eliminate all forms of violence against women” the Human Rights Council Council expressed deep concern that “all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage, can lead to the particular targeting or vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, [...] women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation.”</p> <p>The same resolution also encouraged the Special Rapporteur “to consider in future reporting the needs of women who experience multiple forms of discrimination, and to examine effective measures to respond to those situations”.</p>
<p><b>15 Years of the UN Special Rapporteur on Violence against Women – August 2010</b></p> <p><u>Review</u></p>	<p>Ms. Yakin Ertürk initiated this study with the objective of reviewing the work of the SRVAW, highlighting the conceptual shifts in the VAW mandate since its inception, and assessing the lessons learned as well as remaining challenges in combating VAW.</p> <p>Applying Intersectionality</p> <p>pp. 49-50. Other violations persist that would warrant further attention by the SRVAW. Although gender dimensions of conflict situations are covered, those pertaining to disaster management and humanitarian relief remain in need of elaboration. In addition, violence specific to elderly women or adolescent girls, women who are victims of caste-based discrimination*, and women who are migrants, refugees or non-citizens needs to be highlighted. Intersectionality sets out a wide canvas for the SRVAW to work on, as no matter how much ground is covered, issues and contexts that need attention will remain, given the overlapping and interconnectedness of issues, discriminations and structures of power.</p> <p>* In a joint contribution to the Durban Review Process, the SRVAW expressed her concerns regarding the numerous complaints she was receiving about violence perpetuated against women on the grounds of caste, as highlighted in her communications with governments; see A/CONF.211/PC/WG.1/5.</p>
<p><b>Joint contribution prepared pursuant to decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its first session</b></p> <p>A/CONF.211/PC/WG.1/5</p>	<p>The joint contribution was prepared by several Special Rapporteurs ahead of the Durban Review Conference. The SR on violation against women has the following remark in a separate section devoted to the issue of caste discrimination.</p> <p>“Discrimination on the grounds of caste and other systems of inherited status</p> <p>48. Against this backdrop, the Special Rapporteur on violence against women wishes to express her concerns about the numerous complaints she receives about violence perpetuated against women on the grounds of caste, as highlighted in her communications with Governments, jointly with other Special Rapporteurs.”</p>
<p><b>Communications to/from Governments</b></p> <p>A/HRC/7/6/Add.1</p>	<p>This report contains a number of cases submitted to the governments of India and Nepal.</p> <p>4. Violence against women facing multiple and intersecting layers of discrimination</p>

<p>(7th session HR Council, March 2008)</p>	<p>23. 19 out of 59 communications sent (32 per cent of the total number) concerned women facing multiple and intersecting layers of discrimination.</p> <p>24. Women belonging to national, ethnic or religious minorities or lower social castes, indigenous women, and migrant women are strongly overrepresented among reported victims. The Special Rapporteur has also acted on a case of a transgender/gay activist, who was targeted due to his sex identity choice and his activity of bisexuals, gays and tranvestites' rights defender, as well as on a case of a lesbian couple, who was reportedly persecuted because of their sexual orientation.</p> <p>25. In this regard, the Special Rapporteur would like to refer to Commission on Human Rights resolution 2005/41 on the elimination of violence against women in which the Commission calls on States to address the specific circumstances facing indigenous women and girls in relation to gender-based violence, especially sexual violence, arising from multiple, intersecting and aggravated forms of discrimination, including racism, paying particular attention to the structural causes of violence. [...]</p>
<p><b>Report of Dr. Yakin Ertürk – Communications to and from Governments</b></p> <p>(61<sup>st</sup> session of the Commission on Human Rights)</p>	<p>The report mentions communications to and from governments in four caste-affected countries, incl. Bangladesh, India, Nepal and Pakistan. The three following allegations were brought to the attention of the three governments:</p> <p><u>Bangladesh:</u></p> <p>24. J.T., aged 19 and her two cousins, R.T. and K.T., three young women from a low-caste Hindu family. According to information received, they were gang-raped on several occasions by five men, the names of three being known to the Special Rapporteur. The incidents occurred in Fatemabad village, under Lalmohan police station of Lord Hardinge in Bhola District of Bangladesh. The police were alleged to have not taken any action. The cases are as follows.</p> <p><u>India:</u></p> <p>181. By letter dated 8 June 2006 sent jointly with the Special Rapporteur on Racism, the Special Rapporteur advised the Government that she had received information according to which a group of 200 people attacked a Dalit settlement in Kalapatti village of Coimbatore district, Tamil Nadu, India on 16 May 2004. It is reported that the Dalits' homes were attacked by upper-caste villagers using swords and other weapons. They reportedly pushed the Dalits to the ground and stamped on them, verbally abusing them by using degrading caste names.</p> <p><u>Nepal:</u></p> <p>271. By letter dated 18 May 2004 sent jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteurs expressed their concern at the alleged social and economic discrimination faced by Badi women and girls.</p> <p>According to information received, the Badis, who are said to number tens of thousands across western Nepal, are one of 36 castes who make up Nepal's untouchables. It is reported that Badi women and girls, due to the discrimination, stigma and vulnerability inherent in the caste system, are forced to work in prostitution.</p> <p>[...]</p> <p>274. By letter dated 17 November 2004 sent jointly with [SR on Racism and SR on the Sale of Children], the Special Rapporteur advised the Government that she had received information concerning S.S., a Dalit girl aged 14, from Inaruwa, Sunsari, who was allegedly raped and then murdered with impunity.</p>

<p><b>Report of the Special Rapporteur on violence against women, Ms. Rashida Manjoo following her mission to Bangladesh, Nepal and India on the issue of trafficking (28 October-15 November 2000)</b></p> <p><u>(E/CN.4/2001/73/Add.2)</u></p> <p>57th session of the Human Rights Commission, February 2001</p>	<p><b>II. GENERAL BACKGROUND TO THE PROBLEM OF TRAFFICKING IN SOUTH ASIA</b></p> <p>20. The causes of trafficking are manifold and remain of great concern for the sending countries of the region. In her discussions with the women as well as with activists, the Special Rapporteur noted that poverty was a major factor and that many of these women were either sold into prostitution or left their homes to escape poverty. However, it was also pointed out that the poorest areas of Nepal were not the areas from which women are being trafficked. Other factors contributing to trafficking were traditional practices in certain villages and among certain castes whereby young girls were sold into concubinage for feudal lords or into prostitution. Social discrimination against women was also responsible for women leaving home. Lack of access to inheritance, land and employment and the practice of polygamy made women easy prey for traffickers who exploit their desire to migrate. Child marriage and unilateral divorce also make women extremely vulnerable to the whims of male partners. This discrimination was often given as the reason why women did not wish to return to their homes once they had been rescued. They were afraid of the stigma, but they also did not want to return to the same lives that they had sought to escape. In addition, all commentators point to the fact that members of lower castes and ethnic minorities appear to be disproportionately represented in the sex worker population</p> <p><b>III. GENERAL FINDINGS</b></p> <p>49. The Special Rapporteur found that women and girls leave Nepal and Bangladesh in such large numbers because of a lack of economic opportunities at home and because they suffer from a great deal of social discrimination. Many of these women belong to lower caste groups or ethnic minorities. In addition, the inheritance laws, land laws and employment regimes in these countries appear to discriminate against women. Many women and girls leave home because husbands have taken second and third wives. Girls often run away from home because of stepmothers or because they feel they are not wanted or because there is abuse. The need to alleviate poverty is recognized as an important way to fight all forms of human exploitation, including trafficking. However, in addition, States must feel compelled to take measures that give dignity and equality to women and girls. Inheritance laws, personal laws and socially discriminatory attitudes should be reformed in order to give women an equal chance in their society and prevent them from becoming easy prey to traffickers. Their desperation to leave their home countries, recounted in one testimony after another, often makes women complicit in their own trafficking, at least in the initial stages. The Special Rapporteur recorded only a very few cases that involved abduction. Most of the cases involved young girls and women who wanted to leave in search of a better life than the one they had at home. Providing women with income-earning opportunities and avenues for economic independence is one strategy that should be adopted to prevent trafficking. The removal of discriminatory legislation and discriminatory practices is also essential if the root causes of trafficking are to be tackled. Unless the sending countries understand that most of the women leave because of unhappy conditions in the home, they will not take the measures that are necessary to prevent trafficking while respecting the human rights of the individual women</p> <p><b>VI. INDIA</b></p> <p><b>Programmes and Policies to combat trafficking</b></p> <p>125. The aspects of the Plan of Action that the Special Rapporteur feels pose human rights problems are, among others, the suggestion that the children of prostitutes be removed from their mothers to more healthy environments. This is a very disturbing violation of the right to family even if it is done with good</p>
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	<p>intentions. The report also seems to rely on social surveillance as a method of preventing and fighting trafficking. Given the hierarchies of class, religion and caste, this can result in a great deal of abuse. Some of the women we interviewed described this abuse in detail, describing how certain women and groups are targeted for this type of social surveillance. Accountable state institutions are better vehicles for enforcement than social surveillance. In addition, the report focuses on the victim and has little to add with regard to laws and strategies for finding and punishing traffickers.</p>
<p><b>Special Rapporteur on freedom of religion or belief</b>  <b>- Mr. Heiner Bielefeldt (Ms. Asma Jahangir until 2008)</b></p>	
<p><b>Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh</b></p> <p>22 January 2016</p> <p><a href="#">A/HRC/31/18/Add.2</a></p>	<p><b>B. Personal and community safety</b></p> <p>52. Within the Hindu community, Dalits constitute a subgroup characterized by additional vulnerability and stigmatization. For instance, Dalits are effectively prevented from performing certain rituals. However, the Dalit issue seems to be much less visible and politicized than in some countries that neighbour Bangladesh.</p> <p><b>B. Freedom of religion or belief of hijras and other sexual minorities</b></p> <p>95. The only question is whether and how to recognize this reality. An opening-up in this regard helps to overcome prejudices and unsubstantiated anxieties, thus giving more breathing space to human beings who otherwise would be forced to conceal important aspects of their personal identity. The Special Rapporteur would like to stress that the right to freedom of religion or belief is guaranteed for every single human being, so no one should be deprived the right on the basis of sexuality, gender, ethnicity or caste. He has heard of encouraging initiatives by representatives of sexual minorities and religious community leaders in South Asia, including some from Bangladesh, who met to discuss and better understand these issues.</p>
<p><b>Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt</b></p> <p><a href="#">A/HRC/28/66</a></p> <p>December 2014</p>	<p>II.Preventing violence committed in the name of religion</p> <p>B.Overcoming simplistic interpretations</p> <p><b>Inadequacy of isolating “religion” as a factor in conflict descriptions</b></p> <p>Non-religious factors that deserve to be taken seriously may include intricate historic legacies of a country, a climate of political authoritarianism, military interventions, extreme poverty, social, cultural, economic and political discrimination, exclusion and marginalization, inequalities, <b>caste hierarchies</b>, ethnic fragmentation, rapid demographic changes, patriarchal values and a “macho” culture, migration processes, a widening gulf between urban and rural areas, the breakdown of meaningful public discourse, lack of intergroup communication, endemic corruption and political cronyism, widespread disenchantment with politics, general loss of trust in weak or inexistent public institutions, and a culture of impunity and denial for past serious violations of international human rights and humanitarian law. Any specific incident of violence in the name of religion warrants a careful, contextualized analysis of all relevant factors, including the broader political environment. It will thereby become clear that religion is almost never an isolated root cause of violent conflicts or attacks.</p>
<p><b>Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt</b></p> <p><a href="#">(A/HRC/22/51)</a></p>	<p>Focus on the need to respect and protect freedom of religion or belief of persons belonging to religious minorities</p> <p><b>2. Specific areas of violations</b></p>



<p>22nd HR Council session, December 2012</p>	<p>41. The following violations of the rights of persons belonging to religious minorities constitute a non-exhaustive list of patterns observed by the mandate holders during their country visits and in communications sent to States.</p> <p><i>(c) Structural discrimination and exclusion</i></p> <p>44. Persons belonging to religious minorities often suffer from systematic discrimination in various sectors of society, such as educational institutions, the labour market, the housing market or the health-care system. Scores of examples account for structural discrimination in those and other important societal areas. Minorities are frequently underrepresented in the public sectors as well, including in the police force, the military, public media and high-level posts in public universities. Members of certain groups, once identified as such, may not have access to higher education<sup>17</sup> or certain public positions, or may be expelled from previously held positions. Moreover, many members of religious minorities experience multiple, intersectional and otherwise aggravated forms of discrimination, for instance a discriminatory link between <b>scheduled caste status</b> and affiliation to specific religions, or a combination of religion and ethnicity-based violence. Women or girls often have to cope with gender-based and religious discrimination, for example dress code regulations that discriminate against persons belonging to religious minorities, in particular women.</p>
<p><b>Mission report from country visit to India</b> A/HRC/10/8/Add.3 (10th session HR Council, March 2009)</p>	<p>In this addendum, the Special Rapporteur Ms. Asma Jahangir concludes on her country visit to India from 3 to 20 March 2008, which was conducted upon the invitation of the Government. In the report, the Special Rapporteur focuses on the following issues of concern: the situation of religious or belief minorities; justice for victims and survivors of communal violence; freedom of religion or belief in Jammu and Kashmir; the negative impact of laws on religious conversion in several states; and implications of religion-based personal laws.</p> <p>Summary</p> <p>The Special Rapporteur appeals to the authorities to take quick and effective measures to protect members of religious minorities from any attacks and to step up efforts to prevent communal violence. Any specific legislation on communal violence should take into account the concerns of religious minorities and must not reinforce impunity of communalized police forces at the state level. While inquiries into large-scale communal violence should not be performed hastily, they should be accorded the highest priority and urgency by the investigation teams, the judiciary and any commission appointed to study the situation. Furthermore, the laws and bills on religious conversion in several Indian states should be reconsidered since they raise serious human rights concerns, in particular because of the use of vague or overbroad terminology and discriminatory provisions. In addition, the eligibility for affirmative action benefits should be restored to those members of scheduled castes and scheduled tribes who have converted to another religion. Finally, religion-based personal laws should be reviewed to prevent discrimination based on religion or belief and to ensure gender equality.</p> <p>Situation of religious or belief minorities</p> <p>(a) Christians</p> <p>18. Widespread violence in the Kandhamal district of Orissa in December 2007 primarily targeted Christians in Dalit and tribal communities. The Special Rapporteur received credible reports that members of the Christian community alerted the authorities and politicians in advance of the planned attacks of 24-27 December 2007. The police, too, had warned Christian leaders about anticipated violence. In its report on the events of December 2007, the National Commission for Minorities confirmed that “destruction on such a large scale in</p>

places which are difficult to access could not have taken place without advance preparation and planning”.

19. The situation in Orissa has reportedly deteriorated again after 23 August 2008, when Swami Lakhmananda Saraswati, a local leader of the Vishwa Hindu Parishad (VHP), and four other VHP members were killed. Although a Maoist leader had claimed responsibility and the Christian leadership had condemned the killings, organized mobs subsequently attacked Christians in Dalit and tribal communities. By the end of September 2008, more than 40 people had allegedly been killed in Orissa, over 4,000 Christian homes destroyed and around 50 churches demolished. Around 20,000 people were living in relief camps and more than 40,000 people hiding in forests and others places. The Special Rapporteur was profoundly alarmed by the humanitarian situation in relief camps where access to food, safe drinking water, medical care, proper sanitary arrangements and adequate clothing were reportedly lacking.

(c) Sikhs, Jains and Buddhists

27. Further problems can arise for members of the Scheduled Castes, especially when they want to convert to a different religion, since government benefits for Scheduled Castes are by law limited to Hindus, Sikhs and Buddhists. The Constitution (Scheduled Castes) Order 1950 provided that no person who professes a religion different from the Hindu religion shall be deemed to be a member of a Scheduled Caste. This provision was subsequently amended in 1956 and 1990 to also include Sikhs and Buddhists.<sup>14</sup> However, the Special Rapporteur’s interlocutors pointed out for example that Sikhism and Buddhism did not recognise the caste-system. She was also informed that when a member of a Scheduled Caste left Hinduism and converted to Christianity or Islam, the previous caste status and related social bias would often remain at the social level while the person would legally no longer be eligible to government benefits for

Scheduled Castes. In some cases, there are separate churches and cemeteries for members of the Scheduled Castes who converted to Christianity.

28. The legal link between Scheduled Caste status and affiliation to specific religions seems problematic in terms of human rights standards. The Special Rapporteur would like to recall that the Committee on the Elimination of Racial Discrimination noted 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 (A/62/18, para. 179). In 2008, an independent research study commissioned by the National Commission for Minorities found that there is a strong case for offering Muslims and Christians of Dalit origin the same constitutional safeguards already available to Hindu, Sikh and Buddhist Dalits. The report by the National Commission for Religious and Linguistic Minorities, headed by Justice Renganath Misra, recommended to delete paragraph 3 of the Constitution (Scheduled Castes) Order 1950 - which originally restricted the Scheduled Caste net to the Hindus and later opened it to Sikhs and Buddhists - and to make the Scheduled Castes net fully religion-neutral like that of the Scheduled Tribes.

Justice for victims and survivors of communal violence

31. The Special Rapporteur fully agrees with the analysis by the National Commission for Minorities that communal violence is not merely a “law and order” problem but has a serious socio-economic basis and ramifications. Sectarian riots are most likely to occur when the

following elements are present: (i) severe long-standing antagonism on religious lines in particular villages and urban localities; (ii) an emotional

response of members of religious communities to a precipitating event; (iii) a feeling in the minds of rioters and the larger religious group to which they belong that sectarian violence is justifiable; and (iv) the assessment by the rioters that the reaction from the police to sectarian violence will be either absent or partisan or ineffective.

(c) Communal violence after the Godhra train burning incident (2002)

36. With regard to the Gujarat massacre in 2002, the Special Rapporteur met a large number of eyewitnesses as well as people who visited Gujarat during the communal violence and she also received numerous reports, from both official bodies and civil society organisations. The Special Rapporteur also met a former Prime Minister of India and Members of Parliament who visited Gujarat soon after the riots in 2002. The state government reported that, prior to the Godhra train burning incident, Gujarat had witnessed 443 major communal incidents between 1970 and 2002. However, the massacre that took place after the tragic deaths in the Godhra train burning incident on 27 February 2002, is all the more horrifying since at least a thousand people<sup>15</sup> were systematically killed. While the Special Rapporteur notes the controversy about the different conclusions of various public enquiries concerning the question whether the Godhra train burning incident was an accident or a deliberate criminal act, she would like to emphasize that there can be no justification for the large-scale killings and violence after 27 February 2002. In addition, there are credible reports that inaction by the authorities was evident and most of the Special Rapporteur's interlocutors, including politicians, alleged complicity by the state government.

37. While discussing the events with victims, the Special Rapporteur could see their continuing fear which was exacerbated by the distress that justice continues to evade most victims and survivors. A large number of criminal cases relating to the communal violence in 2002 remain un-investigated or have been closed by the Gujarat police and the plight of those internally displaced from their home continues. In addition, there is increasing ghettoization and isolation of Muslims in certain areas of Gujarat, for example in one part of Ahmedabad which is colloquially called "little Pakistan". The assertion of the state government that development by itself will heal the wounds does not seem to be realistic. The Special Rapporteur believes that it is crucial to recognise that development without a policy of inclusiveness of all communities will only aggravate resentments.

38. During her visit to Gujarat, the Special Rapporteur was also disturbed that at various meetings with members of civil society, plain-clothed government agents took names of her interlocutors and also made their presence felt afterwards. On several occasions, the Special Rapporteur had to insist that police officers left the room during her non-governmental meetings. The terms of reference for fact-finding missions by Special Rapporteurs (E/CN.4/1998/45, appendix V) guarantee confidential and unsupervised contact of the Special Rapporteur with witnesses and other private persons. Furthermore, she would like to remind the authorities in Gujarat of the Government's assurance according to these terms of reference "that no persons, official or private individuals who have been in contact with the special rapporteur/representative in relation to the mandate will for this reason suffer threats, harassment or punishment or be subjected to judicial proceedings".

## V. CONCLUSIONS AND RECOMMENDATIONS

61. The National Commission for Minorities, too, has taken up several challenges. Their members took prompt action and issued independent reports on incidents of communal violence with concrete recommendations. However, the performance of various state human rights commissions depends very much on the selection of their members and the importance various governments

	<p>attach to their mandates. It is vital that members of such commissions have acute sensitivity to human rights issues and they must reflect the diversity of the state, particularly in terms of gender, since women are often subject to religious intolerance. The inclusion of women in such commissions would be welcomed by the Special Rapporteur as she noticed that women's groups across religious lines were the most active and effective human rights advocates in situations of communal tension in India.</p> <p>62. All of the Special Rapporteur's interlocutors recognised that a comprehensive legal framework to protect freedom of religion or belief exists, yet many of them – especially from religious minorities - remained dissatisfied with its implementation. Since the political system of India is of a federal nature and states have wide powers, including in the field of law and order, the level of action of the Government to protect its citizens in terms of freedom of religion or belief varies from state to state. The Special Rapporteur would like to recognize the efforts and achievements of the central Government. However, several issues of concern with regard to intolerance and discrimination based on religion or belief remain pertinent, especially in the context of certain states.</p> <p>63. Organised groups claiming roots in religious ideologies have unleashed an allpervasive fear of mob violence in many parts of the country. Law enforcement machinery is often reluctant to take any action against individuals or groups that perpetrate violence in the name of religion or belief. This institutionalised impunity for those who exploit religion and impose their religious intolerance on others has made peaceful citizens, particularly the minorities, vulnerable and fearful.</p> <p>71. The Special Rapporteur would like to recall the recommendation by the Committee on the Elimination of Racial Discrimination (A/62/18, para. 179) to restore the eligibility for affirmative action benefits of all members of Scheduled Castes and Scheduled Tribes having converted to another religion. The Special Rapporteur recommends that the Scheduled Caste status be delinked from the individual's religious affiliation.</p>
<p><b>Report of the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir</b></p> <p><b>Addendum</b></p> <p><b>MISSION TO INDIA</b></p> <p>(10th session of the Human Rights Council, March 2009)</p>	<p><b>Summary</b></p> <p>The Special Rapporteur appeals to the authorities to take quick and effective measures to protect members of religious minorities from any attacks and to step up efforts to prevent communal violence. Any specific legislation on communal violence should take into account the concerns of religious minorities and must not reinforce impunity of communalized police forces at the state level. While inquiries into large-scale communal violence should not be performed hastily, they should be accorded the highest priority and urgency by the investigation teams, the judiciary and any commission appointed to study the situation. Furthermore, the laws and bills on religious conversion in several Indian states should be reconsidered since they raise serious human rights concerns, in particular because of the use of vague or overbroad terminology and discriminatory provisions. In addition, the eligibility for affirmative action benefits should be restored to those members of scheduled castes and scheduled tribes who have converted to another religion. Finally, religion-based personal laws should be reviewed to prevent discrimination based on religion or belief and to ensure gender equality.</p> <p><b>III. DOMESTIC LEGAL FRAMEWORK ON FREEDOM OF RELIGION OR BELIEF</b></p> <p>11. A number of Indian states have adopted specific laws which seek to govern religious conversion and renunciation. Five states have passed and implemented the so-called Freedom of Religion Acts (Orissa, Madhya Pradesh, Chhattisgarh, Gujarat and Himachal Pradesh). Similar laws have been passed but not yet implemented in two other states (Arunachal Pradesh and Rajasthan).</p>

All of these laws stipulate that “no person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion”. The term “force” is defined to “include a show of force or a threat for injury of any kind including threat of divine displeasure or social excommunication”. These laws carry penalties of imprisonment and fines with harsher penalties in case children, women or persons belonging to the Scheduled Castes or Scheduled Tribes are forcibly converted. Furthermore, in some states anyone converting another person from one religion to another is required to obtain prior permission from state authorities thirty days before the date of such intended conversion<sup>4</sup> or submit a related intimation.<sup>5</sup> In other states with such laws, anyone intending to change his or her religion needs to give prior notice<sup>6</sup> or intimation after the conversion ceremony.<sup>7</sup>

(c) Sikhs, Jains and Buddhists

27. Further problems can arise for members of the Scheduled Castes, especially when they want to convert to a different religion, since government benefits for Scheduled Castes are by law limited to Hindus, Sikhs and Buddhists. The Constitution (Scheduled Castes) Order 1950 provided that no person who professes a religion different from the Hindu religion shall be deemed to be a member of a Scheduled Caste. This provision was subsequently amended in 1956 and 1990 to also include Sikhs and Buddhists.<sup>14</sup> However, the Special Rapporteur’s interlocutors pointed out for example that Sikhism and Buddhism did not recognise the caste-system. She was also informed that when a member of a Scheduled Caste left Hinduism and converted to Christianity or Islam, the previous caste status and related social bias would often remain at the social level while the person would legally no longer be eligible to government benefits for Scheduled Castes. In some cases, there are separate churches and cemeteries for members of the Scheduled Castes who converted to Christianity.

28. The legal link between Scheduled Caste status and affiliation to specific religions seems problematic in terms of human rights standards. The Special Rapporteur would like to recall that the Committee on the Elimination of Racial Discrimination noted 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 (A/62/18, para. 179). In 2008, an independent research study commissioned by the National Commission for Minorities found that there is a strong case for offering Muslims and Christians of Dalit origin the same constitutional safeguards already available to Hindu, Sikh and Buddhist Dalits. The report by the National Commission for Religious and Linguistic Minorities, headed by Justice Renganath Misra, recommended to delete paragraph 3 of the Constitution (Scheduled Castes) Order 1950 - which originally restricted the Scheduled Caste net to the Hindus and later opened it to Sikhs and Buddhists - and to make the Scheduled Castes net fully religion-neutral like that of the Scheduled Tribes.

5. Religion-based personal laws

57. During her visit, the Special Rapporteur also received reports of violence and rape, for example in Uttar Pradesh, as a reaction to cases of intermarriage between believers of different religions or castes. Acts of violence continue to occur while perpetrators are dealt with some sympathy by the law enforcement agents. This bias is deep-rooted in certain sections of society and it makes the protection of the victims even more difficult. In this regard it seems important to apply a gender perspective and to protect women effectively against any forms of violence or discrimination.

## V. CONCLUSIONS AND RECOMMENDATIONS

62. All of the Special Rapporteur's interlocutors recognised that a comprehensive legal framework to protect freedom of religion or belief exists, yet many of them – especially from religious minorities - remained dissatisfied with its implementation. Since the political system of India is of a federal nature and states have wide powers, including in the field of law and order, the level of action of the Government to protect its citizens in terms of freedom of religion or belief varies from state to state. The Special Rapporteur would like to recognize the efforts and achievements of the central Government. However, several issues of concern with regard to intolerance and discrimination based on religion or belief remain pertinent, especially in the context of certain states.

63. Organised groups claiming roots in religious ideologies have unleashed an all pervasive fear of mob violence in many parts of the country. Law enforcement machinery is often reluctant to take any action against individuals or groups that perpetrate violence in the name of religion or belief. This institutionalised impunity for those who exploit religion and impose their religious intolerance on others has made peaceful citizens, particularly the minorities, vulnerable and fearful.

64. In this report the Special Rapporteur would also like to follow-up on her predecessor's country visit to India in 1996 and on his pertinent recommendations. As the communal violence in Gujarat in 2002 evidences, Mr. Amor was unfortunately prophetic in his country report, in which he expressed his fears that "something in the nature of the Ayodhya incident will recur in the event of political exploitation of a situation" (E/CN.4/1997/91/Add.1, para. 46). She is also very much concerned about the degree of polarization in some pockets of different faith groups and about the danger of chain reactions that can be triggered by communal tensions. The Special Rapporteur would like to emphasize that there is at present a real risk that similar communal violence might happen again unless political exploitation of communal distinctions is effectively prevented and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence is adequately addressed.

65. It is a crucial - albeit difficult - task for the State and civil society to challenge the forces of intolerance. The Special Rapporteur would like to refer to encouraging examples where private individuals have come to each other's rescue during communal violence, crossing all religious boundaries. Indeed, a large number of victims in Gujarat recognized the positive role played by some national media channels and other courageous individuals who effectively saved lives during the communal violence in 2002.

66. The visual arts industry in India has played an important role in public education regarding religious tolerance and can contribute to the prevention of communal tensions. However, due to its visibility and potential impact on the population, the visual arts industry remains a target of mob pressure and intimidation by non-State actors. While any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence needs to be prosecuted, this subtle form of self-censorship begs the question how the State could prevent the build-up of an atmosphere of fear of repercussions and mob pressure.

67. The Special Rapporteur appeals to the Indian authorities to take quick and effective measures to protect members of religious minorities from any attacks and to step up efforts to prevent communal violence. Legal aid programmes should be made available to survivor groups and minority communities in order to effectively prosecute and document cases of communal violence. Furthermore, a central telephone hotline might be set up to accept complaints and to register allegations concerning police atrocities. Any specific legislation

	<p>on communal violence should take into account the concerns of religious minorities and must not reinforce impunity of communalised police forces at the state level.</p> <p>69. Concerning vote-bank politics and electoral focus on inter-communal conflicts, the Special Rapporteur would like to reiterate her predecessor’s suggestion to debar political parties from the post-election use of religion for political ends. In addition, the</p> <p>Representation of the Peoples Act 1951 should be scrupulously implemented, including the provision on disqualification for membership of parliament and state legislatures of persons who promote feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language.</p> <p>70. The laws and bills on religious conversion in several Indian states should be reconsidered since they raise serious human rights concerns, in particular due to the use of discriminatory provisions and vague or overbroad terminology. A public debate on the necessity of such laws, more information on their implementation and safeguards to avoid abuse of these laws seem vital to prevent further vilification of certain religious communities. The Special Rapporteur is concerned that such legislation might be perceived as giving some moral standing to those who wish to stir up mob violence. She would like to emphasize that the right to adopt a religion of one’s choice, to change or to maintain a religion is a core element of the right to freedom of religion or belief and may not be limited in any way by the State. She also reiterates that peaceful missionary activities and other forms of propagation of religion are part of the right to manifest one’s religion or belief, which may be limited only under restrictive conditions.</p> <p>71. The Special Rapporteur would like to recall the recommendation by the Committee on the Elimination of Racial Discrimination (A/62/18, para. 179) to restore the eligibility for affirmative action benefits of all members of Scheduled Castes and Scheduled Tribes having converted to another religion. The Special Rapporteur recommends that the Scheduled Caste status be delinked from the individual’s religious affiliation.</p> <p>72. With regard to religion-based personal laws, the Special Rapporteur would like to recommend that such laws be reviewed to prevent discrimination based on religion or belief as well as to ensure gender equality. Legislation should specifically protect the rights of religious minorities and of women, including of those within the minority communities.</p> <p>74. Finally, the State, non-governmental organizations and all members of civil society are encouraged to join their efforts with a view to taking advantage of the media and cultural institutions to provide the individual with relevant knowledge in the field of freedom of religion or belief. In this regard, setting up educational institutions for the whole South Asian region or encouraging joint movie productions might contribute to strengthening peace, understanding and tolerance among individuals, groups and nations.</p>
<b>Special Rapporteur on the issue of human rights obligations related to access to safe drinking water and sanitation -Léo Heller (Ms. Catarina de Albuquerque until 2015)</b>	
<b>Report of the Special Rapporteur on the human right to safe drinking water and sanitation</b>	<b>III. Intersectionality and multiple forms of discrimination</b> <p>12. Although women —at every economic level, all over the world — may suffer disproportionate disadvantages and discrimination, they cannot be seen as a homogenous group. Different women are situated differently and face different challenges and barriers in relationship to water, sanitation and hygiene. Gender-based inequalities are exacerbated when they are coupled</p>

<p><a href="#">A/HRC /33/41</a></p> <p>See full report <a href="#">here</a></p>	<p>with other rounds for discrimination and disadvantages. Examples include when women and girls lack adequate access to water and sanitation and at the same time suffer from poverty, live with a disability, suffer from incontinence, live in remote areas, lack security of tenure, are imprisoned or are homeless. In these cases, they will be more likely to lack access to adequate facilities, to face exclusion or to experience vulnerability and additional health risks. The effects of social factors such as caste, age, marital status, profession, sexual orientation and gender identity are compounded when they intersect with other grounds for discrimination. In some States, women sanitation workers are particularly vulnerable, as they are exposed to an extremely dirty environment and contamination, which have a far greater impact during pregnancy and menstruation. Women belonging to certain minorities, including indigenous peoples and ethnic and religious groups, may face exclusion and disadvantages on multiple grounds. Those factors are not exhaustive and may change over time.</p> <p><b>B. Social norms and stereotyping</b></p> <p>19. Compounded gender stereotypes can have a disproportionately negative impact, in particular on the enjoyment of the human rights to water and sanitation, on certain groups of women, such as women with disabilities, women from minority or indigenous groups, women from lower caste groups and women of lower economic status. They may moreover become further compounded when they intersect with other forms of stigma or taboos, like those linked to menstruation and perimenopause, incontinence or childbirth-related complications, such as obstetric fistula. The power of stereotypes, stigmas, taboos and gender-assigned roles is such that persons sometimes do not claim their legal rights for fear or because of the pressure placed on them to conform to societal expectations. These deeply entrenched issues call for approaches that go beyond formal protection in the law</p> <p><b>G. Participation and empowerment</b></p> <p>61. Marginalized women and girls (including those with disabilities, those who are elderly, uneducated or impoverished, and sex workers) face additional barriers to participation. It is therefore important to consider who participates, since participation is often extended only to certain women, in other words the wealthiest, more educated and those who are relatively privileged owing to their caste or religion.</p>
<p><b>Report of the Special Rapporteur on the human right to safe drinking water and sanitation</b></p> <p><a href="#">A/70/203</a></p> <p>(70th session of the General Assembly, September 2015).</p> <p>July 27 2015</p>	<p><b>B. Targeting and prioritizing the most disadvantaged individuals and groups</b></p> <p>84. Therefore, the key question to ask in order to achieve an equitable redistribution and to set priorities in policy-making and resource allocation is: who has been and who is being disadvantaged? Undertaking this analysis through the lens of equality and non-discrimination will demonstrate that the unserved and underserved are not randomly distributed. It will often point to communities in informal settlements, especially those that do not have security of tenure, as well as in remote rural areas. It will expose entrenched gender inequalities and the disadvantages and barriers faced by persons with disabilities, older persons and chronically ill people. It will point to patterns of neglect in service provision for communities that belong predominantly to indigenous peoples or ethnic minorities. It will bring discrimination on the basis of language, caste or religion to the fore.</p>
<p><b>Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque – “Common</b></p>	<p><b>D. Violations of the obligation to refrain from discrimination and to ensure substantive equality</b></p> <p><b>Failure to prevent and combat stigmatization and to take measures against discrimination in the private sphere</b></p>



<p><b>violations of the human rights to water and sanitation”</b>  <u>A/HRC/27/55</u>  (27<sup>th</sup> session of the Human Rights Council, September 2014)  June 30 2014</p>	<p>62. People may be deliberately excluded from the use of existing facilities, for instance through societal rules preventing <b>Dalits</b> from using water fountains or not allowing women and girls or other individuals to use an existing toilet in the household. Inordinate amounts of time spent by women and girls carrying water have major impacts on access to paid employment and education. Measures to address such practices could seek to alleviate that burden, for instance by making water collection over long distances unnecessary by providing direct access, while challenging the stereotypes which lead to that task being assigned to women.</p> <p>63. Sanitation workers frequently face serious health risks, stigmatization, violence and exploitation. In India, the Parliament adopted an act requiring that sanitation systems be overhauled so as to eliminate the need for manual scavengers and seeking to eradicate stigma, inter alia by arranging for alternative jobs. The Supreme Court of India observed that “manual scavengers are considered as untouchables by other mainstream <b>castes</b> and are thrown into a vortex of severe social and economic exploitation”. It held that the continuation of manual scavenging violated human rights and ordered the State to fully implement the new act and take appropriate action in response to any violations.</p> <p>64. Women and girls are frequently subjected to unacceptable risks of violence, including sexual violence, in accessing water and sanitation facilities. Their right to personal security may be violated by failures to provide adequate protection from violence, including through appropriate design and placement of facilities with the participation of women. Many other groups and individuals such as <b>Dalits</b> and lesbian, gay, bisexual, transgender and intersex individuals also face violence in accessing water and sanitation, often linked to deeply entrenched stigmatization.</p>
<p><b>Report focusing on sustainability and the human rights to water and sanitation</b>  <u>A/HRC/24/44</u>  (24<sup>th</sup> session of the Human Rights Council, September 2013)</p>	<p><b>F. A pattern of neglect of the most vulnerable and marginalized</b></p> <p>50. What emerges from the above is a pattern of neglect of the needs of the most vulnerable and marginalized groups in society across planning, institutional responsibilities and resource allocation. Disadvantaged groups can often be identified along ethnic, geographic, and socioeconomic divides (see, for example, A/HRC/18/33/Add.4, para.79). Indigenous peoples, Dalits and Roma are among such groups facing discrimination with whom the Special Rapporteur has met during the course of her mandate. Moreover, there are vast gender inequalities –in many poor communities, the task of collecting water overwhelmingly falls to women and girls (see, for example, A/HRC/15/31/Add.3 and Corr.1, para.22). Persons with disabilities are also disproportionately represented among those lacking access to water and sanitation (A/HRC/15/55, para.21). Neglect can occur for a variety of reasons: groups and individuals may experience stigmatization, they may live in remote areas making serving them costly, or politicians may be indifferent to their needs.</p>
<p><b>Annual report of the Special Rapporteur on the human right to safe drinking water and sanitation</b>  (67<sup>th</sup> session of the UN General Assembly, October 2012)  A/67/270</p>	<p>In the report, the Special Rapporteur argues for a post-2015 development agenda that integrates equality and non-discrimination, paired with equity.</p> <p>32. In her country missions, the Special Rapporteur has noted that specific groups are excluded from access to water and sanitation, often reflecting patterns of discrimination, marginalization and limited political will to ensure substantive equality. These groups can be identified along ethnicity and socioeconomic divides. In some countries, indigenous peoples living on reserves do not have access to water or sanitation services. Dalits often suffer discrimination in accessing water and sanitation, while Roma are most disadvantaged in many European countries. Moreover, the Special Rapporteur’s attention has repeatedly been drawn to vast gender inequalities and multiple discrimination, or the compounded impact of various grounds of</p>

	<p>discrimination on the same individual or group. For instance, women and girls are overwhelmingly tasked with collecting water and are physically and sexually threatened when they fetch water.<sup>18</sup> Persons with disabilities are also disproportionately represented among those who lack access to safe drinking water and sanitation.</p> <p>36. Being disadvantaged relates to different factors such as ethnicity, language, religion, caste, gender, age, disability, nationality, and others. While the focus of the equity discourse is often on people living in poverty, it must not be forgotten that the world’s poorest are not randomly distributed — they disproportionately share one or several of the factors that commonly lead to exclusion and discrimination.</p>
<p><b>Thematic report on Stigma and the realization of the human right to safe drinking water and sanitation</b></p> <p><u>A/HRC/21/42</u></p> <p>(21<sup>st</sup> session of the Human Rights Council, September 2012)</p>	<p>11. In the report, the Special Rapporteur first seeks to convey an understanding of stigma and to elucidate its drivers. She links stigma explicitly to water, sanitation and hygiene before examining different manifestations of stigma. [...]</p> <p><b>II. Understanding stigma and its drivers</b></p> <p>12. Stigma relates closely to power and inequality, and those with power can deploy it at will. Stigma can broadly be understood as a process of dehumanizing, degrading, discrediting and devaluing people in certain population groups, often based on a feeling of disgust. Put differently, there is a perception that “the person with the stigma is not quite human”.</p> <p>13. What is considered “abnormal” changes over time and place, while the targets of stigma are always those who do not fit the “social norm”. In some instances, stigma is attached to a person’s social identity, especially in relation to one’s gender or gender identity, sexual orientation, <b>caste</b> or race. [...]Indeed, stigma is often closely linked to the body as a site of the normal and the different and as a vehicle of contagion, especially in terms of sexuality and disease. Furthermore, stigma is frequently attached to activities that are considered “immoral”, “detrimental to society” or “dirty”, affecting, for instance, sex workers, <b>sanitation workers</b>, prisoners and homeless people.</p> <p>14. In many instances, stigma is compound, multiple or intersectional, meaning that a single person can possess different attributes to which stigma are attached, such as in the case of an ex-prisoner who is homeless. Individuals experiencing compound stigma are often the ones who are most marginalized and discriminated against. The concept of intersectionality recognizes that individuals have multiple identities, attributes and behaviours, and that the intersections of these multiple aspects give shape to experiences of stigmatization and discrimination. Individuals falling into a particular category do not all inhabit the same social positions.</p> <p>15. People who are stigmatized can find it is almost impossible to escape the stigma. Similarly, some may experience stigma by association, that is, extending beyond a person with a particular attribute. The Committee on Economic, Social and Cultural Rights has found that people may be discriminated against by being associated with or by being perceived as part of a particular group.<sup>6</sup> For example, during her mission to Bangladesh, the Special Rapporteur found that the occupation as “<b>sweeper</b>” is passed down through generations and that people in that occupation feel “trapped” (A/HRC/15/55 and Corr.1, paras. 26, 75 and 76).</p> <p>20. Stigma also has its drivers at the societal level with, for instance, the media contributing to spreading prejudices and stereotypes. It is also driven by deeply entrenched cultural beliefs relating, for instance, to gender, sexuality, health and descent. <b>Caste systems</b> are striking examples of systems that lead to the</p>

stigmatization of large parts of the population, potentially amounting to violations of human rights.

### **III. Stigma and its links to water, sanitation and hygiene**

22. Stigmatization often results in lack of access to water and sanitation and poor hygiene standards. The lack of access to essential services is a symptom, while the root causes lie in stigmatization. Only through an understanding of these causes will it be possible to implement effective measures to improve access to services. Stigma is often closely linked to perceptions of uncleanness, **untouchability** and contagion. In many instances, stigmatized people are perceived as “dirty”, “filthy” and “smelly”, affecting for instance homeless populations, menstruating women and girls, Roma communities, **Dalits** or women suffering from obstetric fistula.<sup>7</sup> Individuals who find themselves stigmatized because of the perception that they are “dirty” or “contagious” may be socially ostracized and be denied access to water, sanitation and hygiene services, hence reinforcing the stereotype of uncleanness and prolonging a vicious circle. It is not their inherent condition to live in filthy and poor conditions; it is a position imposed by society that uses stigma as a tool to create, perpetuate and justify marginalization and inequality.

### **IV. Manifestations of stigma**

#### **A. Rendering people and their needs invisible**

24. Stigma has a perverse effect of silencing. It creates taboos and results in issues not being addressed. Stigma renders some people and their needs invisible in society. For instance, denying the practice of “untouchability” and the resulting silence that surrounds it is part of the stigma.

#### **B. Pushing people to the margins of society**

29. Stigma is also manifest in the rejection, avoidance and marginalization of certain groups, quite literally pushing people to the margins of society. Racist and similar attitudes demean, degrade and dehumanize groups of people because of their racial, ethnic, religious, linguistic or **caste identity**. Many racial and ethnic groups or **castes** experience stigma, including indigenous peoples, pastoralists, (semi-)nomadic tribes such as the Bedouins, persons with albinism, Roma in Europe and **Dalits in South Asia**. They may suffer from pervasive negative stereotyping, social exclusion and denial of fundamental human rights. In some instances, people are forced to live at the outskirts of cities and villages, sometimes being relocated to more remote areas, subjected to an —out of sight, out of mindl attitude.

32. Similarly, caste systems are closely related to stigma and patterns of human rights violations. Caste systems across the world are deeply rooted in social segregation, based on ideas of purity and pollution and lending traditional “legitimacy” to discrimination. The International Dalit Solidarity Network underlines that Dalits — ‘are considered “lesser human beings”, “impure” and “polluting” to other caste groups. They are known to be “untouchable” and subjected to so-called “untouchability practices” in both public and private spheres’. In terms of water and sanitation provision, Dalit habitations are often systematically excluded (A/HRC/15/55 and Corr.1, para. 76).

33. **Dalits** are regularly forced into the most menial, socially degrading, dirty and hazardous jobs. Some Dalits, in particular women, work as manual scavengers or sweepers; the terminology varies across countries, but generally refers to those who clean faeces from dry toilets.<sup>15</sup> As a result of their direct contact with human faeces, manual scavengers suffer from a range of health problems (A/HRC/15/55 and Corr.1, para. 75) that are for the most part left untreated and add further to their stigmatization. Manual scavengers and

	<p>sweepers suffer extreme forms of social exclusion, even within their own caste. These practices are not only deeply rooted in society, but also institutionalized through State practice, with municipalities themselves employing sweepers (ibid.). Moreover, patterns of stigmatization are perpetuated in schools, being reflected in the nature of cleaning duties, namely, through the assignment of toilet cleaning to the —lower  castes.<sup>16</sup> Instead of breaking caste barriers, teachers perpetuate stigmatization, limiting the rights of young people to be free from discrimination and to access education.</p> <p><b>C. Excluding people from facilities</b></p> <p>36. Stigma often manifests itself in exclusion from social gatherings or everyday activities. Many people affected by stigma also experience the impact of stigma in their access to shared or common water and sanitation facilities. Reportedly, <b>Dalits</b> have been unable to collect water from shared wells or have been fined for drinking from a common water tap, and Dalit women have reportedly had to wait in a separate queue until non-Dalits have fetched water. Large-scale violence and physical attacks by members of the dominant caste have been reported where Dalits attempted to access facilities in areas inhabited by the dominant caste.<sup>20</sup> Similarly, people living with HIV/AIDS have sometimes been locked out of communal latrines or water taps by their neighbours.<sup>21</sup></p> <p><b>C. Non-discrimination and equality</b></p> <p>50. In terms of prohibited grounds of discrimination, the International Covenants on Human Rights list race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The term “other status” indicates that these lists are not exhaustive. The treaty bodies have sought to elucidate the term, finding that it encompasses, inter alia, disability, age, sexual orientation and gender identity, health status, place of residence, and economic and social situation.<sup>29</sup> These grounds show a significant overlap with groups experiencing stigmatization, highlighting again that stigma often lies at the root of discrimination. Conversely, this relationship also allows for the use of stigma as a marker and for the consideration of groups who experience stigmatization when interpreting the term —other status . While it may already be implicit in the treaty bodies’ reasoning, this would, for instance, require the recognition of homelessness as a prohibited ground of discrimination.</p>
<p><b>Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque - Addendum: Compilation of good practices</b> A/HRC/18/33/Add.1 (HRC 18<sup>th</sup> session 2011)</p>	<p>E. Non-discrimination [...]</p> <p>61. Discriminatory practices originate not only from the State, but also from deeply ingrained cultural and social practices. In Tamil Nadu, India, the Department for Water Affairs<sup>22</sup> committed itself to addressing discriminatory practices based on caste, using access to water and sanitation as the entry point for discussing discrimination. The programme implementers found that, frequently, it was not just policies and programmes that were perpetuating discriminatory practices, but also that local communities needed awareness training to recognize that their own attitudes were discriminatory.</p>
<p><b>Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque – Mission to Japan</b> <a href="#">A/HRC/18/33/Add.3</a></p>	<p>IV. Discrimination and exclusion</p> <p>24. There has long been reluctance on the part of many in Japan, including the government, to recognize the country’s diversity in terms of wealth disparities, minority groups and other types of heterogeneity.<sup>14</sup> While minority groups, such as new immigrants, Koreans, the Burakumin, and Ainu and Okinawan indigenous communities, receive greater recognition than in the past, they continue to face economic disadvantage and social exclusion.</p>

(18 <sup>th</sup> session of the Human Rights Council, July 2011)	
<p><b>Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation</b></p> <p>A/HRC/12/24</p> <p>(12th HRC session, September 2009)</p>	<p>In the first report submitted by the mandate holder to the Human Rights Council on 1 July 2009, the Independent Expert focuses on the human rights obligations related to sanitation. One of the key issues linked to this mandate is the right of sanitation workers and manual scavengers who are often treated as the "lowest of the low" in the caste hierarchy.</p> <p>"K. Prohibition of discrimination</p> <p>53. More broadly, discrimination and exclusion play a significant role with regard to access to sanitation. It is often the poorest and the most marginalized groups who lack access to sanitation. According to UNDP, the majority of people without access to sanitation live on less than 2 United States dollars a day. Minority groups, migrants, indigenous peoples, refugees and internally displaced persons (IDPs), prisoners and detainees, and persons with disabilities also suffer discrimination which may affect their access to sanitation. Sanitation workers face particular stigmatization for having a job which is perceived as "unclean" or lowly. Such groups often have little influence on policy formulation and resource allocation at the national and local levels, making it difficult for them to improve their access to sanitation.</p> <p>54. The International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, in their articles 2, both provide that the rights contained in those Covenants should be enjoyed without discrimination. Article 26 of the International Covenant on Civil and Political Rights further provides for equal protection under the law, including "effective protection against discrimination". The treaty bodies have raised the issue of sanitation in the context of discussions on discriminatory treatment in their dialogues with States parties. For example, they have expressed concern about sanitation for Roma people, Dalits (CEDAW/C/IND/CO/3 (India), para. 29), refugees and asylum-seekers, indigenous peoples, religious minorities, and migrants. The Special Rapporteur on torture has also specifically addressed sanitation with regard to persons with disabilities."</p>
<p><b>Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque - Addendum: Compilation of good practices</b></p> <p>A/HRC/18/33/Add.1</p> <p>(HRC 18<sup>th</sup> session 2011)</p>	<p>E. Non-discrimination [...]</p> <p>61. Discriminatory practices originate not only from the State, but also from deeply ingrained cultural and social practices. In Tamil Nadu, India, the Department for Water Affairs<sup>22</sup> committed itself to addressing discriminatory practices based on caste, using access to water and sanitation as the entry point for discussing discrimination. The programme implementers found that, frequently, it was not just policies and programmes that were perpetuating discriminatory practices, but also that local communities needed awareness training to recognize that their own attitudes were discriminatory.</p>
<p><b>Special Rapporteur on human rights and extreme poverty</b></p> <p><b>- Mr. Philip Alston (former: Ms. Maria Magdalena Sepulveda Carmona)</b></p>	
<p><b>Report of the Special Rapporteur on extreme poverty and human rights on his mission to Mauritania</b></p>	<p><b>IV. Specific issues</b></p> <p><b>A. Exclusion of Haratines and Afro-Mauritanians</b></p> <p>25. There is a systematic absence from almost all positions of real power and a continuing exclusion from many aspects of economic and social life of</p>

A/HRC/35/26/Add.1

This should be read in reference to the Special Rapporteur's on Minority Issues annual report on "discrimination based on caste and analogous systems of inherited status", which noted that "the two major cultural and ethnolinguistic groups, the Arab-Berber (commonly referred to as Moors), which includes the Beidane and the Haratines (also known as black moors) and some of the Afro-Mauritanian communities (including the Peuhl, Soninke, Wolof and Bambara), present divisions along ethnic and caste lines. <...> Relations among the different castes are very hierarchical and result in the exclusion and marginalization of certain castes".

(A/HRC/31/56)

Haratines (Black Moors) and Afro-Mauritanians. These groups make up over two thirds of the population of Mauritania, but various policies serve to render their needs and rights invisible. As a matter of policy, the Government does not collect statistics on the number of Haratines and AfroMauritanians living in Mauritania, nor does it disaggregate data in areas such as health and education to see how certain groups in society are faring vis-à-vis others.

28. The extent of exclusion of Haratines and Afro-Mauritanians from positions of power in society is reflected in a 2014 report, in which it is stated that, "out of 95 seats in the National Assembly, only 5 were held by Haratine; and out of the 56 senators only 1 was Haratine. Moreover, only 2 out of 13 regional governors and 3 of the 53 regional prefects were Haratine".<sup>35</sup> In the same report, it was noted that many non-governmental representatives had observed that the Arab-Moors dominated participation in political and economic life, whereas the majority of the population, mainly represented by the other two groups, had been de facto systematically excluded. According to another study, which used 2005 figures, 90 per cent of the officers in the military were Beydane, 7 per cent, Haratine and 3 per cent, Afro-Mauritanian<sup>vii</sup>.

29. Extensive background research as well as conversations with a wide variety of interlocutors in Mauritania provided no reason to challenge these consistent findings. The United States of America Department of State estimated that Beydanes accounted for 27 per cent of the population, but occupied 80 per cent of the top leadership positions. Haratines (Black Moors) constituted 44 per cent of the population and held 10 per cent of those positions. The sub-Saharan ethnic groups, Halpulaar (18 per cent of the population in 8 per cent of the positions), Soninke (9 per cent in 1.5 per cent of the positions) and Wolof (2 per cent and in 0.75 per cent of the positions), remained greatly underrepresented in leadership positions in the Government<sup>viii</sup>. As a result, Beydane tribes and clans dominate positions in Government and business far beyond their representative proportion in the population. As a group, the Haratine remain politically and economically weaker than the Beydane, although it is the largest ethnocultural group in the country. The sub-Saharan ethnic groups, including the Halpulaar (the largest non-Moor group), Soninke and Wolof, were concentrated in the Senegal River Valley and urban areas. They, along with the Haratine, remain grossly underrepresented in leadership positions in Government, industry and the military<sup>ix</sup>.

30. Despite such extensive evidence, the Special Rapporteur was consistently told by government officials that there is no discrimination in Mauritania and certainly not on the grounds of ethnicity, race or social origin. The Government claimed that the statistics put forward above are unscientific but did not offer any alternative statistics. The emphatic repetition of such an implausible claim might reasonably be taken as evidence of the contrary. In addition to this counter-intuitive factual claim, the position of the Government also has a deliberate policy component according to which it would be both discriminatory and divisive to acknowledge ethnic disparities. However, rather than being idealistic and altruistic, this approach is both self-serving by protecting the privileges of the dominant group and counterproductive by concealing the most significant societal challenges that need to be confronted. Group identity lies at the heart of politics everywhere and no more so than in a country that has only recently emerged from centuries of slavery and is still grappling with its ubiquitous consequences. To deny the relevance of ethnicity and insist that all citizens are treated in the same manner, without any effort to target particularly disadvantaged groups, is a recipe for the maintenance of the status quo.

33. To deal effectively with discrimination, the Government's commitment to ending the "vestiges of slavery" must be expanded to address directly the most enduring and consequential vestige — the continuing deep disempowerment of

	<p>the great majority of former slaves. Furthermore, discussions of such vestiges should not be permitted to obscure the actual practice of slavery, which still exists in Mauritania. Because of the nature of the practice and the unwillingness on the part of the Government to collect meaningful data, it is difficult to estimate the exact number of slaves in Mauritania. The 2016 Global Slavery Index estimates that 43,000 Mauritians or 1.06 per cent of the population is in a situation of slavery, based on 1,000 random-sample telephone or face-to-face surveys<sup>x</sup>. The 2014 figures were four times higher at 155,600 or 4 per cent of the population. However, the radical drop in numbers does not reflect changes on the ground, but rather a change in methodology. The 2014 estimate was based on pre-existing surveys and unidentified secondary sources. Such reporting does little to establish credibility and can actually undermine international monitoring efforts. By contrast, Anti-Slavery International estimates more prudently that “thousands of people still remain enslaved”<sup>xi</sup>.</p> <p>34. The Government formally abolished slavery in 1981, but did not criminalize it until 2007 in Act No. 2007-048, followed by the inclusion in article 13 of the Constitution of a provision on punishing slavery and other forms of exploitation as crimes against humanity. In 2015, Act No. 2015-031, a new and more comprehensive law against slavery was adopted, which amended the 2007 Act. However, despite this important legal recognition of slavery as a serious human rights violation, the real problem lies with the implementation of the law. Civil society organizations refer to the “continued failure of police and administrative authorities to follow up instances of slavery brought to their attention, of prosecutors to adequately investigate reported cases and of judges at every stage of court proceedings to enforce proper procedure or sentence slave-owners in compliance with the law”<sup>xii</sup>. These omissions send a very inappropriate signal and it is hoped that the conviction in May 2016 of two slave-owners by a new Special Court for Slavery in Nema will be the beginning of a more serious effort by the State to eradicate slavery.</p>
<p><b>Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona</b></p> <p>Focusing on participation</p> <p><a href="#">A/HRC/23/36</a></p> <p>(23<sup>rd</sup> session HRC, June 2013)</p>	<p>13. The right of people living in poverty to participate fully in society and in decision-making is blocked by multiple compounding obstacles – economic, social, structural, legal and systemic.<sup>3</sup> All of these relate to their lack of financial, social and political power. Discrimination and stigma, disempowerment, lack of income, mistrust and fear of authorities all limit the possibilities and incentives for people living in poverty to participate. Due to their lack of status and power, people living in poverty are also particularly vulnerable to corruption, clientelism or co-optation. At the most extreme level, poor or marginalized individuals may face reprisal (emanating from State or non-State actors such as corrupt community leaders of business enterprises) if they speak out in participatory spaces, in the form of violence or threats to them, their families, property or livelihoods. Often, the economic dependency of people living in poverty on more powerful individuals or groups may also prevent them from participating or speaking out, even in the absence of concrete threats, for fear of losing their livelihoods. This is a problem particularly in very hierarchical or caste-based societies. (p.5)</p>
<p><b>Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona</b></p> <p>Follow up to Bangladesh visit (2009)</p> <p><a href="#">(A/HRC/20/25)</a></p> <p>(20<sup>th</sup> HRC session, June 2012)</p>	<p><b>IV. Bangladesh</b></p> <p>61. From 3 to 10 December 2009, the Special Rapporteur undertook a mission to Bangladesh, in collaboration with the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation (see A/HRC/15/55). Updated statistics reveal a significant reduction in poverty from 2005, when the incidence of poverty at the national level was estimated at 40 per cent, to 31.5 per cent in 2010.</p> <p>62. Nevertheless, Bangladesh remains one of the poorest countries in the world. Advancements in poverty alleviation have not been sufficiently drastic or</p>

	<p>widespread, and have excluded, in particular, the rural population, more than 35 per cent of whom live in poverty. As a result, Bangladesh is unlikely to fully meet a number of the Millennium Development Goal targets, specifically those related to rural poverty, primary education completion rates, and maternal health.</p> <p><b>B. Situation of people vulnerable to poverty</b></p> <p>66. Those most vulnerable to poverty in Bangladesh include women, children, persons with disabilities, minority groups, indigenous peoples and refugees. As described in the mission report, these groups experience multiple forms of stigmatization and intolerance and are frequently deprived of the opportunities and resources necessary to enjoy minimum essential levels of economic, social and cultural rights (A/HRC/15/55, paras. 14–33). According to the information available to the Special Rapporteur, it appears that the situation of the most vulnerable groups in Bangladesh has not changed significantly since her visit. She reiterates the need for Bangladesh to actively tackle discrimination against those groups and ensure their access to services and adequate social protection.</p>
<p><b>Joint report of the Independent expert on the question of human rights and extreme poverty and the Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation - Mission to Bangladesh</b></p> <p>A/HRC/15/55</p> <p>(15th HRC session, September 2010)</p>	<p>The Independent Expert on water and sanitation and the Independent Expert on human rights and extreme poverty presented their joint report from Bangladesh at the 15th session of the Human Rights Council. The report contained extensive references to Dalits:</p> <p>24. Bangladesh has a diverse ethnic, religious and indigenous population. The experts met with various members of different minority groups, and also received reliable information concerning the situation of other groups. They note that some of these groups are victims of discrimination and live in extreme poverty. The experts recall that the Constitution prohibits discrimination on the grounds of “religion, race, caste, sex or place of birth”.</p> <p>25. The experts met with groups of people who identify themselves as Dalits. The caste system was described as an occupational system, whereby people, according to their descent, undertake certain professions that are generally considered to be menial. The experts were informed that these people suffer discrimination in all areas of life, including segregation in their access to housing. Most live beneath the poverty line, earn less than the minimum wage and have no access to education. Dalits also suffer from numerous diseases, not least because of their lack of access to safe drinking water and sanitation, and they sometimes face discrimination in their access to public-health facilities.</p> <p>26. In their meetings with Dalits, the experts perceived an overwhelming feeling of their being “trapped”. Dalits feel they have no opportunity to seek other jobs, since their families have had these occupations for generations and because they lack adequate education. Pervasive discrimination against them keeps them poor, uneducated, in terrible living conditions and in menial jobs. While the Government of Bangladesh does not make specific reference to the situation of Dalits in its National Strategy for Accelerated Poverty Reduction, it recognizes the pattern of discrimination against occupational groups related to caste systems. The strategy indicated the need to understand further the situation of these groups and to promote targeted policies aimed at improving their living conditions. The Government should explicitly recognize the discrimination experienced by Dalits and take more concrete steps to redress it, including through the enforcement of existing laws and the establishment of a special commission with a mandate to address concerns particular to Dalits. The National Human Rights Commission also has a central role to play in combating discrimination based on caste. The independent expert on water and sanitation analyses the particular issues related to Dalits under her mandate (see paragraphs 75–76 below).</p>



In the latter part of the report, the Independent Expert on water and sanitation analyses the particular issues related to Dalits under her mandate:

58. The independent expert is concerned that very little attention is paid to ensuring the safe treatment and disposal of wastewater. She notes that there is a tradition of manual scavenging in Bangladesh, which poses serious health concerns (see paragraph 76 below). She was impressed by the efforts made by non-governmental organizations to find technological solutions for hygienically emptying pit latrines, such as the *Vacutug*. Apparently, the contents of the pits are currently emptied directly into waterways, jeopardizing the quality of that water. The Dhaka Water Authority reported to the independent expert that it only had one sewage treatment plant for a population of 10 million. The sewage load in Dhaka is estimated to be 100 times greater than the capacity of the plant. Despite the known problems with treating wastewater, construction of new habitations continues in Dhaka, with increasing connections to a sewage network that has a limited capacity for treatment. The Water Authority explained that five new sewage treatment plants are needed in Dhaka, and that two of these plants are currently under consideration for construction. Given the fact that the Government has to use surface water as an alternative source of drinking water, the construction of these five treatment plants is urgent.

#### Dalits

75. The independent expert is concerned about discrimination against sweepers, who are predominantly Dalits. This occupation has been passed down through the generations; although non-Dalits are starting to take the job of sweeper, however, traditional sweepers are resisting this trend, because they claim they are not eligible for other jobs. The work of the sweeper is to clean out sewers and septic tanks. They are employed by the municipality and private employers. In rural areas, the job of sweepers is akin to manual scavenging, which is the process of cleaning out dry toilets manually. In Dhaka and other areas, where sewerage and septic tanks are used, the job is to clear blocked pipes and empty septic tanks.

In both cases, the workers have no protective gear and are subjected to considerable health risks. They reportedly suffer from diarrheal diseases and dysentery. One woman explained that the men need to get drunk to be able to bear this work.

76. Sweepers are also subjected to discrimination in the community. The children of sweepers are reportedly ostracized by teachers at school, and feel forced to hide their origins. The independent expert visited a community of sweepers and saw that they had no access to water or safe sanitation. They used a hanging latrine, which emptied out directly into a passing stream. In another Dalit slum, two water points reportedly served 12,000 people. The women and girls have to carry the water up several flights of stairs, which poses a serious threat to their physical well-being. In addition, the women's toilets had a hole in the ceiling where boys watched the girls, depriving them of all privacy. The toilets were in a deplorable state, with faeces covering the entire area. Most Dalits live in rural areas, where they reportedly face similar problems of inadequate housing and the constant threat of eviction.

The Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation calls on the Government:

125. (d) To adopt an explicit policy to address the situation of Dalits, and to eliminate discrimination against them; and to take special measures to improve the situation of sweepers, including by ensuring the protection of their health while at work, and that they have access to safe drinking water and sanitation in their homes.

	<p>The Independent Expert on water and sanitation also made a reference to Dalits when presenting the report on 15th September 2010:</p> <p>“I am also particularly concerned about discrimination against sweepers, who are predominantly Dalits. Their job is to clean the sewers, septic tanks, and latrines. They reportedly have no protective gear and are subjected to considerable health risks. Furthermore, they live in slum communities which have no access to water and sanitation. I urge the Government of Bangladesh to eliminate all forms of discrimination, and to ensure the right to water and sanitation for all people.”</p>
<p><b>Statement on the conclusion of a visit to Bangladesh together with the Independent Expert on human rights and extreme poverty</b></p> <p>Statement (10 December 2009)</p>	<p>The independent expert on water and sanitation undertook a visit to Bangladesh together with the independent expert on human rights and extreme poverty in December 2009. The two experts issued a joint press statement on the conclusion of their stay on 10 December 2009. During their stay they were invited to the Gonoktuli Dalit 'colony' in Dhaka, the largest of 17 such communities in the city. The visit was organised by the Bangladesh Dalit and Excluded Rights Movement (BDERM) and Nagorik Uddyog in Bangladesh. In the joint statement the independent expert on water and sanitation stated the following:</p> <p>“We met with several people who suffer from discrimination based on their occupation, or their parents’ occupation, namely sweepers, who identify themselves as Dalits. These people clean the toilets and empty the septic tanks of others throughout the country. They are reportedly denied education because of social stigma, and their jobs are threatened. Although they work in sanitation all day long, they have no or inadequate access to water and sanitation in their own homes. The Government must end all forms of discrimination and adopt immediate measures to guarantee their human rights.</p> <p>Access to safe drinking water and sanitation in slums is also a big concern for me. In practice, many people in slums are unable to connect to the water and sewage network because they do not have tenure status. The practice of using civil society organizations as a mediator to bring water to the populations in the slums is a positive example of finding solutions to these problems. Nevertheless, the rights of the people living in slums must be recognized – this is not a matter of charity, but a legal entitlement. [...]</p> <p>Responsibility for water and sanitation is spread across different ministries, and there are many non-governmental organizations, donor agencies and UN agencies also deeply involved in these activities. There must be better coordination among all of these actors, as well as improved information sharing about projects and resources. To find solutions to the difficult challenges that Bangladesh faces in water and sanitation, it would be important to know exactly what the available resources for water and sanitation are, where they are spent, and who benefits. I also urge the Government to establish an independent regulator for water and wastewater that would inter alia be competent for establishing water tariffs, controlling water quality and ensuring access for all.”</p>
<p><b>Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health</b></p> <p>- <b>Mr. Danius Puras (Mr. Anand Grover until 2014)</b></p>	
<p><b>Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of</b></p>	<p>The report by the former Special Rapporteur, Paul Hunt, from his mission to India (Nov-Dec 2007) was circulated as an addendum to the report of his successor, Anand Grover, and presented to the 14<sup>th</sup> session of the Human Rights Council in June 2010 (A/HRC/14/20/Add.2). The report notes that</p>

<p><b>health, Paul Hunt: Addendum, Mission to India</b> A/HRC/14/20/Add.2 (14<sup>th</sup> HRC session, June 2010)</p>	<p>disadvantaged groups, including Dalits or so-called ‘Scheduled Castes’, suffer from lack of access to health care, but also commends the Government of India for taking its commitment and obligations to enhance access for all seriously:</p> <p>3. Accessibility</p> <p>Inequitable access: systemic disadvantage</p> <p>36. Access is profoundly inequitable in India’s health system. The Government recognizes this unacceptable state of affairs. For example, after listing some of the chronic conditions afflicting the population, the NRHM emphasizes that the “large disparity across India places the burden of these conditions mostly on the poor, and on women, scheduled castes and tribes especially those who live in the rural areas of the country. The inequity is also reflected in the skewed [distribution] of public resources between the advanced and less developed states”. Of course, this systemic disadvantage is reflected in maternal health indicators, for example, illiterate mothers and women from the lowest wealth quintile have reduced access to basic maternal health care. To their credit, the authorities have developed numerous strategies, policies and plans, and invested considerable resources, to put the situation right. Many of these initiatives, not least the NRHM, are impressive and highly commendable, suggesting that the Government of India takes seriously its commitment and obligation to enhance access for all.</p>
<p><b>Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression</b> <b>Mr. David Kaye (Mr. Frank La Rue until 2014)</b></p>	
<p><b>Addendum - Communications to and from Governments</b> (17<sup>th</sup> session of the Human rights Council, June 2011) A/HRC/17/27/Add.1</p>	<p>INDIA</p> <p>1001. On 18 August 2010, the Special Rapporteur, jointly with the Chair-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the situation of human rights defenders, sent an urgent appeal regarding the situation of Ms. Bharathi Pillai, Ms. Niharga Priya, Ms. Sudha, Mr. Gnana Diraviam, and Mr. Anandan, participants of a human rights training course organized by the non-governmental organizations the Dalit Foundation (DF) and People's Watch (PW), from 11 to 20 August 2010, in Nagamalai Puthukottai, near Madurai in Tamil Nadu. The DF works to eliminate caste discrimination and caste-based violence, with a particular emphasis on Dalit women and manual scavengers, and the PW provides legal support and human rights education.</p>
<p><b>Addendum - Communications to and from Governments</b> (14<sup>th</sup> session of the Human Rights Council, June 2010) A/HRC/14/23/Add.1</p>	<p>1727. On 9 April 2009, Ms. K. D. S., after calling for respect of the fundamental right of any person to marry and to choose freely her/his spouse, was beaten up by the relatives of Ms. L. G., a young woman who had planned to have an inter-caste wedding with a young man belonging to the Dalit community. The two young people were also beaten up by L. G.’s relatives for speaking to each other in public. Immediately after the assault, K. D. S. approached the Illaka police station of Chimdi to file a complaint, but the Sub-Inspector refused to receive it.</p> <p>1728. On 11 April 2009, the Women Human Rights Defender Network, Sunsari, and more than 500 women from eight Village Development Committees (VDC) staged a demonstration in front of the police station in Chimdi VDC, in order to call for sanctions against the police for refusing to register K.D.S.’s complaint and to denounce the denial of access to justice. While doing so, they evoked the statement made by the Prime Minister on 25 January 2009, in which he committed himself to establish a complaints centre for women in order to end all forms of violence against women and criminalize caste-based discrimination against Dalits. They also called for a police apology</p>

	since, on 10 April, while the Chimdi VDC were walking towards the police station in Chimdi, police officers publicly insulted them.
<b>UN Working Group on the issue of discrimination against women in law and practice</b>	
Report of the Working Group on the issue of discrimination against women in law and in practice  08/04/2016  <a href="#">A/HRC/32/44</a>	<b>Minority women</b>  57. As highlighted by the Special Rapporteur on minority issues (A/HRC/31/56), minority women, including women affected by discrimination based on caste, are particularly vulnerable to violations of their right to health, including reproductive and sexual health. Women members of “lower caste” groups present the worst health outcomes, especially in terms of life expectancy, access to maternal care, nutrition and incidence of infections.
Report of the Working Group on the issue of discrimination against women in law and in practice  <a href="#">A/HRC/29/40</a>  April 2015	III. Thematic analysis: eliminating discrimination against women in cultural and family life, with a focus on the family as a cultural space  B. The family: conceptual and sociological aspects  1. Redefining the family by incorporating a gender perspective  23. The family exists in various forms. The expression “diverse families” encompasses, for example, single-parent families; families headed by women; intergenerational families including, among others, grandparents; families headed by children, such as orphans or street children; families comprising lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; extended families; self-created and self-defined families; families without children; families of divorced persons; polygamous families; and non-traditional families resulting from interreligious, intercommunity or <b>inter-caste marriages</b> . Self-created and self-defined families include, in particular, families formed in marginalized communities. In all these different forms of family, women tend to be subject to legal sanctions and to experience difficult social and economic situations. Indigenous and minority women and women living in strict patriarchal, religious, traditional or <b>caste systems</b> are more likely to be found in these forms of family and are especially vulnerable to early and/or forced marriage, while men may have multiple households or second families with their de facto spouses or partners.  24. The different forms of family and their recognition by the State are influenced by a multitude of normative factors, such as culture, religion and <b>caste</b> , and behavioural factors, such as livelihoods, sexuality and social status. Although several international forums recognize family diversity, including “in different cultural, political and social systems”, <sup>29</sup> many of the aforementioned non-traditional forms of family are not recognized by all States. The family is often defined by legal systems as a unit founded on marriage between a man and a woman, affecting rights relating to, for example, inheritance, property, child custody, pensions, tax relief and social service provision. Laws and public institutions in some States require a male family member or male guardian to initiate or conclude official transactions, thus placing families headed by women or consisting solely of women at a disadvantage. Families headed by women, like those headed by children, are more seriously affected by poverty because of the discrimination they suffer. Given that State recognition is often a condition for families to receive services and benefits, such as

<sup>29</sup> See *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (A/CONF.177/20/Rev.1), Beijing Platform for Action, para. 29; Panel on the protection of the family, 15 September 2014, twenty-seventh session of the Human Rights Council.

	accommodation and protection provided by the State and/or non-State actors, lack of recognition leads to the marginalization of these families.
<p>Report of the Working Group on the issue of discrimination against women in law and in practice</p> <p><a href="#">A/HRC/23/50</a></p> <p>23<sup>rd</sup> HRC session – June 2013</p>	<p>28. The Working Group is concerned that the knowledge gap remains on the whole spectrum of women’s participation in political and public life. This undermines the capacity to move to gender - responsive inclusive democracy, development and peace. Most available data is not sufficiently disaggregated to allow the understanding of the intersectionality of gender with other grounds of discrimination, in the light of Committee on the Elimination of Discrimination against Women general recommendation No. 28 (2010) according to which “discrimination against women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity” (para. 18). Evidence - based knowledge is weak on the extent of violence against women in political and public life and its impact on women’s capacity to exercise their right to political participation.</p> <p>“70. Women who belong to vulnerable groups, based on race, class, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity, are effectively barred from political and public life based on multiple stereotyping. In its concluding observations, the Committee on the Elimination of Discrimination against Women has expressed concern about stereotyped media portrayals of women’s roles within the family and society“.</p>
<p><b>Report of the Working Group on the issue of discrimination against women in law and in practice</b></p> <p><a href="#">A/HRC/20/28</a></p> <p>(20th HRC session – June 2012)</p>	<p>In this first report to the Human Rights Council, the Working Group develops a conceptual framework that will guide its analyses of issues relating to equality and non-discrimination (sect. III) and highlights its thematic priorities for 2012-2013, which are discrimination against women in law and in practice in political and public life, and in economic and social life (sect. IV).</p> <p>13. For legal guarantees of gender equality to benefit all women, implementation frameworks and strategies must be responsive to the intersections of sex-based discrimination with other grounds of discrimination, such as race, ethnicity, religion or belief, language, political affiliation, health, status, age, class, caste, national or social origin, property, birth, and sexual orientation and gender identity. Legal guarantees and implementation frameworks and strategies must also integrate special measures to reach women who face multiple forms of discrimination, such as rural and indigenous women, women with disabilities, women living in poverty and women facing other forms of marginalization. This requires a comprehensive and coherent human rights-based approach that ensures that women are at the centre of efforts to hold principally States accountable for implementing international standards guaranteeing civil, cultural, economic, political and social rights. National, regional and international human rights mechanisms play critical roles in ensuring the full enjoyment by women of their human rights.</p>
<p><b>Special Rapporteur on extrajudicial, summary or arbitrary executions</b></p> <p><b>Mr. Christof Heyns</b></p>	
<p>Follow up report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns on his mission to India in 2012</p> <p>May 2015</p> <p><a href="#">A/HRC/29/37/Add.3</a></p>	<p><i>In the present report, the Special Rapporteur on extrajudicial, summary or arbitrary executions analyses the steps taken by India to implement the recommendations contained in the report made following his visit to the country from 19 to 30 March 2012. During that visit, the Special Rapporteur documented extrajudicial killings by security officers, the State Police, Armed Forces and armed groups. He also reported killings related to communal violence and practices affecting women’s right to life as a serious problem in some areas of the country. In addition, he noted a number of challenges at</i></p>

*various stages of the accountability process leading to impunity in many instances.*

*Since the visit, the Government has taken some steps to address human rights violations committed against women and in support of victims of terrorist-related activities. However, vulnerable groups remain at risk of violent and often lethal attacks. Impunity remains a serious challenge, as does the implementation of existing guidelines and directives issued by the courts and national human rights institution. The Special Rapporteur urges the Government to implement the recommendations contained in the visit report insofar as this has not been done.*

### **Killings of vulnerable persons**

#### **1. Scheduled castes and tribes and other marginalized communities**

47. In his country visit report, the Special Rapporteur noted that, according to the National Crime Records Bureau, 35 murders had been committed in 2011 for caste-related reasons (ibid., para. 77). In 2013, according to the Bureau, the figure had decreased to 32 murders.<sup>21</sup> The figures quoted by the Bureau differ substantially from those provided by non-governmental organizations. The Special Rapporteur recommended that existing criminal legislation be reviewed to ensure that perpetrators of killings against members of lower castes or tribes receive higher sentences, perhaps life imprisonment (see A/HRC/23/47/Add.1, para. 105).

48. The Special Rapporteur also noted with concern that the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 did not incorporate Dalit Muslims and Christians into the definition of scheduled castes and tribes. A recommendation was made that the legislation should be reviewed to extend the definition (see A/HRC/23/47/Add.1, para. 104). The Committee on the Elimination of Discrimination against Women noted in 2014 that Dalit women were particularly vulnerable as they faced multiple forms of discrimination presenting barriers to justice and that poor implementation of the Act was of concern (see CEDAW/C/IND/CO/4-5, para. 10 (d)). The Special Rapporteur is aware of the recent passing of the Constitution (Scheduled Castes) Orders (Amendment) Bill, 2014, and welcomes the inclusion of additional communities to the list of scheduled castes, but reiterates the importance of ensuring the protection of all marginalized communities in practice through effective implementation of the related legislation, as well as the conduct of relevant education and awareness-raising campaigns reaching out to all communities.

49. The Special Rapporteur welcomes the introduction of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill of 2014, which includes new categories of offences; specifies the duties of a public servant, including to register a complaint or First Information Report; provides that the Exclusive Special Courts must be established at the district level to try offences; and adds a chapter on the rights of victims and witnesses, including taking immediate action in respect of any complaint relating to the harassment of a victim, informant or witness. Effective implementation of this legislation remains essential.

#### **3. Protection of victims and witnesses**

53. The Special Rapporteur notes the recommendation by the Justice Verma Committee that the State immediately implement measures of special care to ensure the safety of female complainants and witnesses in cases of sexual assault by armed personnel. The inclusion of a chapter on the rights of victims and witnesses in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill of 2014 is a welcome step.

	<p><b><u>Summary of follow-up to each recommendation</u></b></p> <p><b>B. Violations of the right to life by non-State actors</b></p> <p>11. <b>The protection of civilians in all instances of violence should constitute the ultimate priority. All sides involved in armed activities should immediately cease attacking civilians, including members of tribes and castes, human rights defenders and journalists. While having the duty to protect its people from the attacks perpetrated by various non-State actors, the Indian authorities should ensure its acts do not target civilians by any means, and are directed in a very precise manner at neutralizing violent non-State actors.</b></p> <p>Sufficient information has not been provided to enable assessment of progress.</p> <p><b>D. Killings of vulnerable persons</b></p> <p>20. <b>The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act should be reviewed with the aim of extending its scope to Dalit Muslims and Dalit Christians.</b></p> <p>This recommendation has been partially implemented.</p> <p>21. <b>The criminal legislation should be reviewed to ensure that all gender-based killings, as well as killings of any member of a tribe or lower caste receive high sentences, possibly under the form of life imprisonment.</b></p> <p>This recommendation has been partially implemented.</p> <p>23. <b>Information and awareness-raising campaigns should be launched to raise the level of knowledge of human rights and access to justice of the public at large, with a particular focus on vulnerable persons such as women and members of tribes and lower castes. Legal aid mechanisms for these vulnerable persons should be devised to enable them to seek protection, justice and redress in cases of violation of their rights.</b></p> <p>Sufficient information has not been provided to enable assessment of progress</p>
<p>Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns on his mission to India in 2012</p> <p>April 2013</p> <p><a href="#">A/HRC/23/47/Add.1</a></p>	<p><b>Summary</b></p> <p>The Special Rapporteur on extrajudicial, summary or arbitrary executions conducted an official visit to India from 19 to 30 March 2012. This report presents his main findings and proposes recommendations to ensure better protection of the right to life in India. India’s human rights situation has many positive elements. However, the level of extrajudicial executions in this country still raises serious concern. This includes deaths resulting from excessive use of force by security officers, and legislation that is permissive of such use of force and hampers accountability. The role of various non-State actors in the violation of the right to life is also examined. This includes killings by armed groups and those in the context of communal violence. Vulnerable persons, including women, are at particular risk of killing. Impunity represents a major challenge. The Special Rapporteur’s recommendations include a series of legal reforms and policy measures aimed at fighting impunity and decreasing the level of unlawful killings in India.</p> <p><b>Deaths resulting from excessive use of force</b></p> <p>17. Several victims who made presentations to the Special Rapporteur on this issue emphasized the need to know the truth, and to “clear the names” of loved ones who had been labelled terrorists” and killed in “fake encounters”. The NHRC also acknowledged the problem of encounters in India, and expressed its agreement with the view that encounter killings “have become virtually a part of unofficial State policy”.<sup>5</sup></p>

The Special Rapporteur reiterates therefore the importance of shedding light on the acts committed during encounters and of bringing the perpetrators to justice in all cases.

(Foot note 5) NHRC, Report on Prevention of Atrocities Against Scheduled Castes & Scheduled Tribes, 2004, p.106

#### **Killings related to communal violence**

45. The Special Rapporteur was informed that attacks of communal violence are often planned in order to target members of a particular group or acquire its property. For instance, Hindu fundamentalists reportedly carried out attacks against Dalits, who had changed religion to escape the degrading treatment associated with being a Hindu Dalit. The Special Rapporteur was informed of the severe communal violence against Dalit and Adivasi Christians in Orissa, between 2007 and 2008 when, according to non-governmental sources, approximately 100 individuals were killed.

In this regard, the Government of India commented that, in the communal violence between Hindus and Christians, three persons were killed in 2007, and 40 persons were killed in 2008.

#### **Honour killings**

58. So-called “honour” killings are committed against persons believed to have sullied the honour of a family. They are almost always directed against women, usually for having exercised their right to choose a partner whom the family does not approve of. There are reports of a strong correlation between “honour” killings and inequalities of castes and gender.

#### **Fight against impunity**

65. The fight against impunity in India is faced with challenges at various stages of the accountability process. At the stage of reporting a crime, the Special Rapporteur has heard numerous allegations that the security forces refuse to register FIRs, including those related to killings or death threats. Persons attempting to register FIRs are often subjected to threatening treatment or to the fact that their complaints are not given serious consideration.

The Special Rapporteur heard that in particular the Dalits, the representatives of lower castes, tribes and poorer communities, as well as women are exposed to difficulties in registering FIRs. Individuals who wish to report violations by security officers face similar challenges which dissuade them from complaining and impede the accountability of State agents.

#### **Killings of vulnerable persons**

Scheduled castes and tribes and other marginalized communities

77. Discrimination on the basis of caste is prohibited in India, and some positive steps have been taken to improve the situation, although the impact on lower castes and tribes in practice so far is limited. According to NCRB, there were 35 murders registered in 2011 due to caste-related reasons. Non-governmental organizations indicate that 3,593 murders against scheduled castes or tribes occurred between 1995 and 2007.

78. The Special Rapporteur heard a number of cases on the killings of persons belonging to scheduled castes or tribes, as well as to other marginalized communities. The violence against them is more prevalent in rural areas, largely due to prejudices that are still firmly entrenched. Patterns of killings relate to condemnation of intermarriage between higher castes and scheduled castes, or witchcraft accusations. Tribal individuals may also be killed in the armed exchanges between the Government forces and armed groups, by any of the sides. In such contexts, members of tribes are sometimes labelled



	<p>“terrorists” and killed, although later it becomes clear that they were ordinary civilians. Adivasis were moreover killed in ethnic violence in the 1990s, while their killing at present appears to be largely due to issues concerning land disputes and attacks in insurgency-affected areas.</p> <p>79. The low social status of these persons renders them vulnerable to violations of all their rights, including the right to life, and hampers their access to justice and redress mechanisms.</p> <p>80. The Special Rapporteur notes the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, adopted in 1989, which aims at dissuading violence by providing harsher punishment for persons committing offences against individuals protected under this Act. He is, however, concerned that Dalit Muslims and Dalit Christians have not been incorporated into the definition of scheduled castes under this Act, and thus do not benefit from its provisions. In addition, he wishes to underline the importance of ensuring the protection of all marginalized communities in practice through proper implementation of the related legislation, as well as the conduct of relevant education and awareness-raising campaigns.</p> <p><b>Recommendations</b></p> <p>104. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act should be reviewed with the aim of extending its scope to Dalit Muslims and Dalit Christians.</p> <p>105. The criminal legislation should be reviewed to ensure that all gender-based killings, as well as killings of any member of a tribe or lower caste receive high sentences, possibly under the form of life imprisonment.</p> <p>115. The protection of civilians in all instances of violence should constitute the ultimate priority. All sides involved in armed activities should immediately cease attacking civilians, including members of tribes and castes, human rights defenders and journalists. While having the duty to protect its people from the attacks perpetrated by various non-State actors, the Indian authorities should ensure its acts do not target civilians by any means, and are directed in a very precise manner at neutralizing violent non-State actors.</p> <p>118. Information and awareness-raising campaigns should be launched to raise the level of knowledge of human rights and access to justice of the public at large, with a particular focus on vulnerable persons such as women and members of tribes and lower castes. Legal aid mechanisms for these vulnerable persons should be devised to enable them to seek protection, justice and redress in cases of violation of their rights.</p>
<p><b>Special Rapporteur on extrajudicial, summary or arbitrary executions</b></p> <p><a href="#"><u>Press statement following country visit to India, 19-30 March 2012</u></a></p> <p>Issued 30 March 2012</p>	<p>Press statement: “India: Concern expressed about extrajudicial killings”</p> <p>The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, called on the Government of India to continue to take measures to fight impunity in cases of extrajudicial executions, and communal and traditional killings. The Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, concluded today his official visit to India, which took place from 19 to 30 March 2012. (...)</p> <p>While recognizing the size, complexity, security concerns and diversity of India, the Special Rapporteur remains concerned that the challenges with respect to the protection of the right to life in this country are still considerable. “Evidence gathered confirmed the use of so-called ‘fake encounters’ in certain parts of the country. Where this happens, a scene of a shoot-out is created, in which people who have been targeted are projected as the aggressors who shot at the police and were then killed in self-defence. Moreover, in the North</p>

	<p>Eastern States, and Jammu and Kashmir the armed forces have wide powers to employ lethal force.”</p> <p>The above is exacerbated by the high level of impunity that the police and armed forces enjoy, due to the requirement that any prosecutions require sanction from the central government – something that is rarely granted. “The main difficulty in my view has been these high levels of impunity”, stressed the Special Rapporteur.</p> <p>Other areas of concern relate to the prevalence of communal violence, and, in some areas, the killing of so-called witches, as well as dowry and so-called “honour” killings, and the plight of dalits (‘untouchables’) and adivasis (‘tribal people’).</p> <p>Christof Heyns proposed a number of provisional steps to be taken to address these concerns. In the first place, he called for the establishment of a Commission of Inquiry, consisting of respected lawyers and other community leaders, to further investigate all aspects of extrajudicial executions. This should entail a form of transitional justice.</p>
<b>Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Maina Kiai</b>	
<p><b>Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai</b></p> <p><a href="#">A/HRC/35/28</a></p>	<p><b>C. Civil society’s achievements</b></p> <p><b>ii. Supporting participation and empowerment</b></p> <p>52. Groups that work to end discrimination based on caste and descent, and groups that combat discrimination against people with albinism have succeeded in raising the profile of the often underreported violations that these groups face. As a result, the first comprehensive UN report on caste-based discrimination was presented by the UN Special Rapporteur on minority issues in March 2016 (A/HRC/31/56), and the mandate of UN Independent Expert on the enjoyment of human rights by persons with albinism was established in 2015<sup>xiii</sup>.</p>
<p><b>Communications report of special procedures</b></p> <p><a href="#">A/HRC/33/32</a></p> <p><b>09/09/2016</b></p>	<p><b>Freedom of peaceful assembly and of association;</b></p> <p>20/05/2016</p> <p><a href="#">OTH 16/2016</a></p> <p>Alleged blocking of consultative status of a non-governmental organization working on caste-based discrimination by a member of the ECOSOC Committee on NGOs. According to the information received, since 2008, the International Dalit Solidarity Network (IDSN) has been seeking to obtain ECOSOC consultative status with the ECOSOC Committee on NGOs. In response to its application, IDSN has received 75 questions, posed by India, to which it has responded in detail. IDSN has not received a credible explanation for its questioning and deferral, and many of the questions received are reportedly repetitive and appear to be beyond the scope of what is relevant to the Committee’s decision. Concern is expressed about the current working methods of the Committee on NGOs and the continued deferral of IDSN’s application for accreditation, which appears to be a targeted act of reprisal against the organization for its human rights work and cooperation with the United Nations, its representatives and mechanisms in the field of human rights for the past 13 years.</p>
<p><b>UNGA Report of the Special Rapporteur on the rights to</b></p>	<p>B. State practices pertaining to the exercise of the rights to freedom of peaceful assembly and of association at the multilateral level</p>

<p><b>freedom of peaceful assembly and of association, Maina Kiai</b></p> <p><u>A/69/365</u></p> <p>1 September 2014</p>	<p>72.The Special Rapporteur has also been apprised of challenges regarding the accreditation process within the United Nations. As he mentioned above, the Committee recommends NGOs applying for consultative status to the Economic and Social Council members. This Committee is composed of 19 Member States: five from Africa, four from Asia, two from Eastern Europe, four from Latin America and the Caribbean, and four from Western Europe.</p> <p>74.The Special Rapporteur is concerned that the Committee has on several occasions acted in a manner contrary to the spirit of resolution 1996/31. He was informed that the Committee has arbitrarily deferred applications for consultative status of NGOs, several for many years. As of April 2014, out of the 48 organizations which have had their accreditations repeatedly deferred, 46 work on human rights issues, such as children and women’s rights, minorities and country situations: e.g., the Asia Centre for Human Rights (since 2008), the Child Rights Information Network (since 2010), the Iran Human Rights Documentation Centre (since 2010) and the Global Network for Rights and Development (since 2011). The Committee has reportedly addressed either repetitive or irrelevant questions to such organizations. <u>The case of the International Dalit Solidarity Network, an international NGO focusing on caste-based discrimination and other forms of discrimination based on work and descent, is particularly troubling: since 2008, the Network has received 64 written questions from the Committee, all raised by India. It is now the longest pending application before the Committee.</u></p> <p>88.The Special Rapporteur calls upon the United Nations specifically to:</p> <p>(a) Reform the Committee on Non-Governmental Organizations to prevent Member States from blocking accreditation applications with perpetual questioning and to unilaterally vetoing applications. The reform process should be guided by the principle that the United Nations functions best when it is accessible to the greatest diversity of voices possible;</p> <p>90. Moreover, the Special Rapporteur calls upon States members of multilateral institutions to:</p> <p>(b) Publicly condemn all acts of reprisal by State and non-State actors against those engaging or seeking to engage with multilateral institutions;</p> <p>(c) Refrain from unduly preventing NGOs from obtaining accreditation with multilateral institutions, arbitrarily withdrawing accreditations, or deferring the examination of periodic reports of accredited organizations;</p>
<p><b>Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai</b></p> <p><u>A/HRC/26/29</u></p> <p>14 April 2014</p>	<p>C. Challenges to the enjoyment of the right to freedom of peaceful assembly by groups most at risk</p> <p>Practices that threaten or impede the enjoyment of the right to freedom of peaceful assembly</p> <p>46. In other cases, inaction by authorities may prevent some groups from exercising their right to freedom of peaceful assembly. The Special Rapporteur has received numerous reports from India regarding the disruption of public assemblies of <b>Dalit</b> individuals — members of the country’s traditional “untouchable” <b>caste</b>. This includes one case in 2009 in which members of another <b>caste</b> obstructed a funeral procession and beat members of the <b>Dalit</b> community. Police reportedly failed to intervene, despite being present.</p> <p>D. Challenges to the enjoyment of the right to freedom of association by groups most at risk</p> <p>Practices threatening and impeding the enjoyment of the right to freedom of association</p> <p>66. Patriarchal attitudes and stereotypes in societies that promote a narrow understanding of the role of women as being confined to the private sphere</p>

	<p>mitigate against the ability of women to organize and participate in activities in the public sphere. Thus, the Committee on the Elimination of Discrimination against Women has expressed concern at the harassment, intimidation and imprisonment of members of women’s NGOs and women human rights defenders and at restrictions placed on the activities of organizations focused on gender equality (see, for example, CEDAW/C/UZB/CO/4, paras. 17–18). Similarly, the Working Group on the issue of discrimination against women in law and in practice found that women’s participation in political and public life is commonly constrained by structural and societal discrimination in the family, in caregiving responsibilities and in violence against women, and by marginalization by political parties and other non-State public institutions. The obligation of States to remove those barriers is clearly mandated in article 2 (f) of the Convention on the Elimination of All Forms of Discrimination against Women and has been repeatedly advocated by the Committee on the Elimination of Discrimination against Women (A/HRC/23/50, para. 56). Despite laws prohibiting <b>caste discrimination</b> and positive measures to reverse the impact of discrimination and violence, the <b>Dalit</b> population in India continues to face severe social restrictions in participating on an equal footing with others in political parties and associations.</p>
<p><b>Special Rapporteur on the sale of children, child prostitution and child pornography</b> <b>Maud de Boer-Buquicchio</b></p>	
<p><b>Report of the Special Rapporteur on the sale of children, child prostitution and child pornography</b> 30 December 2015 <a href="#">A/HRC/31/58</a></p>	<p><b>C. Demand for the sexual exploitation of children</b> <b>3. Underlying level</b> 45. Racism and discrimination play a central part in certain forms of demand for the sexual exploitation of children. Some offenders, in particular in the context of travel and tourism, target children of a different ethnicity because they believe that the children are inferior and/or that the local culture condones the sexual exploitation of children. In addition, caste-based systems or similarly entrenched inequities enable the offender to justify the sexual exploitation of children from lower castes or groups. Discrimination based on sexual orientation is also a source of demand, since the sexual exploitation of homosexual or transgender children can be seen in certain cultures as acceptable. Indeed, in those contexts the sexual orientation of the child is condemned and his or her exploitation is blamed on him or her.</p>
<p><b>Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio</b> <a href="#">A/HRC/28/56</a> December 2014</p>	<p><b>II. Activities</b> <b>B. Other activities</b> Since her appointment, the Special Rapporteur has conducted four working visits to Geneva and two working visits to New York, where she held initial consultations with many stakeholders relevant to her mandate, including... and various non-governmental organizations (International Catholic Child Bureau, Caritas Internationalis, Casa Alianza Suisse, Child Rights Connect, Child Rights Information Network, Defence for Children International, ECPAT, <b>International Dalit Solidarity Network</b>, Oak Foundation, Plan International, Save the Children, Terre des Hommes Federation Internationale, Under the Same Sun Fund and World Vision International)</p>
<p><b>UN Working Group of Experts on People of African Descent</b></p>	
<p>Keynote Speech delivered by Professor Verene Shepherd</p>	<p>To avoid any such consequence, let us do today what we did in the past to end slavery, apartheid, colonial rule, discriminatory laws and practices and various</p>

<p>(Member of the Working Group of Experts on People of African Descent) at the UN General Assembly on the Occasion of the International Day for the Elimination of Racial Discrimination</p> <p><a href="#">Keynote Speech</a></p> <p><a href="#">UN GA Meetings Coverage</a></p> <p>20 March 2015</p>	<p>unjust wars – form a united front comprising all nations, ethnic and religious groups, genders, classes and <b>castes</b> to end racism, racial discrimination, xenophobia and related intolerance and let us do it now in a spirit of mutual respect and tolerance, and by so doing demonstrate our commitment to the foundational principle of the inherent dignity of the human person.</p>
<p><b>Report of the Independent Expert on the enjoyment of all human rights by older persons</b>  <b>-Rosa Kornfeld-Matte</b></p>	
<p><b>Addendum Mission to Mauritius</b></p> <p><b>Report of the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte</b></p> <p><a href="#">A/HRC/30/43/Add.3</a></p> <p>30<sup>th</sup> session of the Human Rights Council October 2015</p> <p>August 12 2015</p>	<p><b>IV. Independent Expert’s main findings</b></p> <p><b>A. Discrimination</b></p> <p>29. Article 16 of the Constitution of Mauritius provides that no law shall make any provision that is discriminatory either of itself or in its effects. While it does not refer to discrimination on the ground of age or older age, specific enactments, such as the Equal Opportunities Act of 2012, explicitly prohibit discrimination based on age in various spheres of activity, namely employment, education, the provision of goods, services or facilities, accommodation, access to premises and sports, disposal of immovable property, and societies, registered associations and clubs. Among other protected grounds of discrimination under the law include are caste, ethnic origin and impairment, including physical and mental disabilities</p> <p>35. Other concerns that were also raised by the Committee on the Elimination of Racial Discrimination in 2013 are the persistence of hierarchical structures in society, particularly relating to the caste system, which are a source of exclusion. Although law does not recognize the caste system, it is deeply rooted in Mauritian tradition.</p> <p><b>V. Conclusions and recommendations</b></p> <p><b>B. Recommendations to the Government</b></p> <p><b>3. Discrimination</b></p> <p>100. While the caste system is not recognized by law, hierarchical structures along caste and racial lines still persist. The Independent Expert stresses the importance of raising awareness of equality and changing people’s attitudes and beliefs to eliminate negative prejudices regarding certain groups. The Independent Expert encourages the Government to take affirmative action in favour of all marginalized groups including on the basis of age to redress the existing imbalances.</p>

<sup>i</sup> Submissions to the Special Rapporteur from the organizations READ, DSN-UK and the Nepal National Dalit Social Welfare Organization. See also A/HRC/33/46.

<sup>ii</sup> Submissions to the Special Rapporteur from the organizations ASI and the Global Alliance Against Traffic in Women.

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<sup>iii</sup> National Dalit Movement for Justice, *Justice Under Trial, Caste Discrimination in Access to Justice before Special Courts* (New Delhi, 2014). Available from [www.annihilatecaste.in/uploads/downloads/Justice%20Under%20Trial.pdf](http://www.annihilatecaste.in/uploads/downloads/Justice%20Under%20Trial.pdf)

<sup>iv</sup> Submissions to the Special Rapporteur from the organizations International Dalit Solidarity Network and the Freedom Fund.

<sup>v</sup> See *Justice Under Trial* (footnote above).

<sup>vi</sup> Office of the United Nations High Commissioner for Human Rights, *Opening the Door to Equality, Access to Justice for Dalits in Nepal* (Nepal, 2011), available from [www.opendemocracy.net/beyondslavery/gscpd/urmila-bhoola/urmila-bhoola-yes](http://www.opendemocracy.net/beyondslavery/gscpd/urmila-bhoola/urmila-bhoola-yes). See also The Freedom Fund, *Putting Justice First: Legal Strategies to Combat Human Trafficking in India*, available from [www.trust.org/contentAsset/raw-data/ceedfd4f-0573-4caa-85ce-d5c222570078/file](http://www.trust.org/contentAsset/raw-data/ceedfd4f-0573-4caa-85ce-d5c222570078/file).

<sup>vii</sup> Vincent Bisson, “Échec et mat chez les Maures! Coups d’état et attentats en République Islamique de Mauritanie”, *Recherches internationales*, No. 97, October-December 2013, p. 166.

<sup>viii</sup> United States of America, Department of State, *Mauritania Human Rights Report 2015*, p. 14.

<sup>ix</sup> *Ibid.*, p. 22-23.

<sup>x</sup> Walk Free Foundation, *Global Slavery Index 2016: Country Study — Mauritania*. Available from [www.globalslaveryindex.org](http://www.globalslaveryindex.org).

<sup>xi</sup> See Anti-Slavery International, “*Slavery in Mauritania*”. Available at [www.antislavery.org/english/slavery\\_today/descent\\_based\\_slavery/slavery\\_in\\_mauritania/default.aspx](http://www.antislavery.org/english/slavery_today/descent_based_slavery/slavery_in_mauritania/default.aspx)

<sup>xii</sup> See Minority Rights Group International and others, *Enforcing Mauritania’s anti-slavery legislation: the continued failure of the justice system to prevent, protect and punish*, October 2015, p. 2.

<sup>xiii</sup> <http://www.ohchr.org/EN/Issues/Albinism/Pages/Mandate.aspx>