

Alternative Report submitted to the CEDAW Committee for the examination of the 4th periodic report of Pakistan at the 54th CEDAW session in February 2013:

SCHEDULED CASTE WOMEN IN PAKISTAN

- Denied a life in dignity and respect

**Submitted by Pakistan Dalit Solidarity Network in association with
the International Dalit Solidarity Network - January 2013**



“The fate of my community would be changed through education and learning of new skills, if the government gives attention to their development”. Ms. Moolan Bai, Mithi, Pakistan.



“In school we—the girls from the Kolhi community—were not allowed to drink water from a glass. When we were thirsty, we had to cup our hands and have water poured in our hands from high up.” Ms. Kirshana Lal, Hyderabad, Pakistan



“This form of discrimination is deeply rooted within us. To shape a positive society, awareness should be given to the children from a very early age about equality, equal rights and justice for all”. Ms. Bhagwani Rathore, Godhiyo/Dabho Nijar village, Pakistan.



“Women and girls from the lower caste or religious minority are easy targets for harassment, because the majority knows that they are weak and cannot take any action.” Ms. Radha Bhil, Sattar Nagar Mirpurkhas, Pakistan.

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I. Introduction

1. This parallel report has been jointly prepared by the Pakistan Dalit Solidarity Network in association with the International Dalit Solidarity Network (IDSN) and submitted to the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) for the examination of the 4th periodic report of Pakistan at the 54th CEDAW session in Geneva in February 2013.
2. The report examines the current situation of scheduled caste women – also increasingly referred to as Dalit women – in Pakistan. It is the first report of its kind, submitted on the issue to a UN treaty body. The report provides information about the implementation gaps in the enforcement of the International Convention on the Elimination of all forms of Discrimination Against Women, and makes recommendations for the Committee’s examination in February 2013. The observations are based on government data and reports, independent studies and reports, case documentation, and recommendations by other UN human rights bodies. In the absence of comprehensive government research and data on the situation of scheduled castes in Pakistan, many findings are based on the comprehensive study “Long Behind Schedule: A study on the plight of Scheduled Caste in Pakistan” undertaken by Zulfiqar Shah of the Pakistan Institute of Labour Education and Research (PILER) in 2007, and published in 2008 as part of a regional study on caste-based discrimination in South Asia.ⁱ
3. The *Pakistan Dalit Solidarity Network (PDSN)* is a coalition of over two dozen rights-based civil society organizations in Pakistan. It was formally launched on 5th April 2009 after the 2007 research study, which identified serious violations of basic rights of scheduled castes in Pakistan. The main objectives of the network are to highlight the issue of scheduled castes through national and international advocacy.
4. The *International Dalit Solidarity Network (IDSN)* is an international network that works on a global level for the elimination of caste discrimination and similar forms of discrimination based on work and descent. Members include national Dalit platforms in caste-affected countries such as PDSN; Dalit Solidarity Networks in seven European countries; and international associates, among others (www.idsn.org).
5. The cases on the front page of this submission reflect the stories of Dalit women, who have described their life stories to Mr. Pirbhu Lal of PDSN for the purpose of this report.ⁱⁱ

II. Caste and gender-based discrimination in Pakistan

6. In Pakistan, scheduled castes fall victim to caste based discrimination including the practise of ‘untouchability’ among Pakistan’s 160 million people. Hindus and Christians in Pakistan, as religious minorities, already suffer discrimination in an Islamic society. For scheduled castes, there is double discrimination, because they are victimized by the rest of the society and by the Hindus themselves. In Pakistan, the term “Dalits” is increasingly used to refer to this community (who are officially termed “scheduled castes”). These two terms will therefore be used interchangeably in the report.
7. Official statistics claim that scheduled castes consist of 0,25% of Pakistan’s total population which amounts to approximately 330,000 persons.ⁱⁱⁱ This number does not include ‘lower castes’ within the Muslim community, living under similarly depressed conditions.^{iv} Representatives of scheduled castes claim, however, that the number of may be higher than 5 million persons in Pakistan.
8. As per the official census (1998), the scheduled caste Hindus in the Sindh province are concentrated in nine districts: Tharparkar, Umerkot, Mirpur Khas, Badin, Tando Allah Yar, Tando Muhammad Khan. Sanghar, Matiyari Hyderabad in southern Sindh and Ghotki, Sukkur, Khairpur districts of North Sindh. In Punjab the majority of scheduled castes Hindus live in the districts of Rahimyar Khan and Bahawalpur. Thus, it is estimated that 89 % of this population live in the above-mentioned 11 districts.
9. Dalit women in Pakistan experience multiple forms of discrimination as they are both discriminated on the basis of caste and gender. They continue to be extremely vulnerable to discrimination and social exclusion,

and are often subject to severe discrimination and physical assaults. Dalit women are marginalized due to their weak socio-economic status, low education levels, and their location in harsh conditions of work – such as bonded labour, cotton picking and working in brick kilns. A gender-based division of labour leaves the women the task of unpaid reproductive and domestic work as well as menial, informal work for which they receive lower wages than men.

10. Dalit women also fall victims to sexual abuse, violence, and abductions. As described in paras. 79-82 of this report, some Dalit women are subject to kidnapping and forced conversion into Muslim families under the disguise of marriage. The stories of the women's families reveal that religious conversion is a barrier for returning the women to their families and for police personnel to take action.^v
11. For Dalits, the practices of "untouchability" are obvious in all spheres of private and public life. As a result, they live in separate colonies, are served food in separate crockery, and cannot sit inside with upper castes. Another aspect is severe discrimination in disaster management and relief distribution.
12. The scheduled caste population represents the poorest of the poor, and one of the most marginalized sections of the population in Pakistan. Although the Constitution prohibits discrimination on the ground of caste, the successive governments have done very little to eliminate caste-based discrimination. Years of state denial of the problem has aggravated the situation, as no governments have bothered to put in place any legislative or legal measures to prevent this form of discrimination. Despite promises in international fora to address the problem, the present Government of Pakistan (GoP) has not yet initiated any affirmative action programmes for the promotion and protection of the scheduled caste community in the country.
13. A major problem is overwhelming illiteracy and poverty, which hinders Dalits in entering the education system. When in school, Dalit students are discriminated against and discouraged by teachers and fellow non-Dalit students. Health indicators reveal Dalits to be in the poorest condition of all. Access to basic health services is sometimes blocked by health staff, who deny them proper treatment or refuse to touch their bodies.

III. UN observations on caste-based discrimination in Pakistan

14. The issue of caste-based discrimination in Pakistan has been addressed by UN human rights bodies on a number of occasions (see Annex 1 for references by treaty bodies, the Universal Periodic Review, and Special Procedures). In 2009, the UN Committee on the Elimination of Racial Discrimination (CERD) expressed grave concern at the persistence of caste-based discrimination and made specific recommendations to enact a law to prohibit this form of discrimination in accordance with its General Recommendation 29.^{vi} A second recommendation was to intensify its efforts to implement the laws and programs adopted to put an end to bonded labour and discrimination against marginalized groups such as the scheduled castes.
15. During both Universal Periodic Reviews of Pakistan (in 2008 and 2012 respectively), several states raised concern about the issue of religious minorities, including the situation of scheduled castes. This has led to caste-specific recommendations in both UPR reports. In the second report of the UPR Working Group (2012), the following recommendations are included:
 - 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)*
 - 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)*
16. Over the years, the CEDAW Committee has underlined the obligations of States parties to address the intersectionality between gender and caste, including in General Recommendations 25 and 28.^{vii} It has furthermore expressed concern about caste-based exclusion and violence against Dalit women in other

country reviews (e.g. in reviews of India in 2000 and 2007; and Nepal in 2004 and 2011). It has, however, not yet directly addressed the situation of scheduled caste women in Pakistan.

17. In the previous review of Pakistan's implementation of the CEDAW Convention in May 2007, the Committee expressed deep concern about the lack of constitutional safeguards for women. In the concluding comments, the Committee also expressed concern about "pervasive patriarchal attitudes and deep rooted traditional and cultural stereotypes regarding the roles and responsibilities of women and men in the family, in the workplace and in society, which constitute serious obstacles to women's enjoyment of their human rights and impede the full implementation of the convention".
18. In response to the CERD review in 2009 and the first UPR review in 2008, the GoP demonstrated a constructive response to caste-related issues and made promises to address the problem. In spite of this, the government has not taken any specific measures to address the human rights situation of Dalit women in Pakistan. Minority groups continue to suffer in Pakistan, and no new legislation or amendments in laws have been made to protect the rights of scheduled castes.
19. In the List of Issues of 16 November 2011 (CEDAW/C/PAK/Q/4), the Committee asks the GoP to provide information on the situation of women from religious and ethnic minorities in the State party, including specific measures taken to eliminate multiple forms of discrimination against these groups of women. In the GoP's response to this question (CEDAW/C/PAK/Q/4/Add.1), it does not provide any information on the situation of scheduled caste women. In fact, this particular community of women is not mentioned in any of the government reports submitted to CEDAW, despite the many constitutional guarantees to explicitly protect their rights and the fundamental problems and disadvantages they encounter.
20. It is hoped that this submission will help to bring attention and recognition of the often overlooked situation of scheduled caste women in Pakistan. For this purpose, the report provides information and recommendations on their human rights situation according to provisions in the most relevant articles of the Convention. The report is intended to act as a catalyst for specific government action, such as the enactment of a law prohibiting caste and gender-based discrimination and affirmative action programmes, to improve the situation of scheduled caste women and girls in Pakistan who are denied the right to a life in dignity and respect.

IV. Implementation of obligations under the CEDAW Convention

Article 1 and Article 2: The definition and obligation to eliminate discrimination

21. In Article 26 of the Constitution it is stated that: "In respect of access to places of public entertainment or resort not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth" (highlight made by editors).
22. In its 4th periodic report to the CEDAW Committee (CEDAW/C/PAK/4), the GoP says that reducing and eliminating discrimination is a priority. In CEDAW General Recommendation 28 on the Core Obligations of State Parties under Article 2 of the Convention, the Committee clarifies that protection from discrimination under the Convention also encompasses discrimination on the ground of caste.^{viii}
23. Despite the GoP's commitment to eliminate the intersecting forms of discrimination based on gender and caste under the CEDAW Convention and other international treaties, there has been very little improvement in the situation of those affected by caste discrimination in contemporary Pakistan. For a long time, Pakistan was in a state in sheer denial of caste-based discrimination. Traditionally the argument has been that Islam teaches equality, so there is no question of discrimination on the basis of caste in an Islamic state. Over the past years, a more constructive engagement has been seen; not least in response to reviews by treaty bodies and the UPR mechanism where the issue has been raised. This is a positive development, but there is still a long way to concrete actions and meaningful participation of affected persons – especially scheduled caste

women – before Pakistan lives up to its international obligations to prevent and eliminate caste-based discrimination.

24. Minority groups continue to suffer in Pakistan, and no new legislation or amendments in laws have been made to ensure the freedom of religion and belief. The major groups of non-Muslim minorities in Pakistan - the Ahmadis, Christians and Hindus - have remained under attack during the last four years.^{ix}
25. Despite constitutional safeguards, which outlaw discrimination based on caste, the GoP has taken no specific action aimed at eliminating the practice of discrimination on the basis of caste or eradicating poverty among scheduled castes.
26. In 2009, CERD expressed concerns about the fact that the GoP has “not yet adopted a law prohibiting discrimination on the basis of caste” and about the “persisting de facto segregation of and discrimination against Dalits regarding their enjoyment of all economic, civil, political, and social rights” in paragraph 12 of the Concluding Observations (CERD/C/PAK/CO/20).^x This recommendation has not yet been followed up on or implemented.
27. In effect, the submitting parties of this report recommend the GoP to enact and implement a law which prohibits all forms of discrimination, including caste-based discrimination and practices of “untouchability” against women. In this process, the GoP may use model legal acts from other caste affected countries as inspiration. It may also endorse and make use of the draft UN Principles and Guidelines for the effective Elimination of Discrimination based on Work and Descent – a comprehensive framework prepared as an outcome of a study on the issue by the UN Sub-Commission on the Promotion and Protection of Human Rights – as a guiding framework for such an action plan, proposing specific measures to be taken to eliminate caste discrimination.^{xi}
28. A monitoring mechanism should be established for the implementation of such a plan. The newly established National Human Rights Commission should play an active role in developing law and monitoring the implementation of laws and action plans to eliminate caste-based human rights violations.

Recommendations:

- a) The GoP should adopt a law prohibiting discrimination on the basis of caste and take effective and immediate measures to ensure its effective implementation to protect those discriminated against on the basis of caste.
- b) The GoP should come up with a concrete and measureable plan to address the high levels of poverty, illiteracy, and social exclusion - especially among scheduled caste women.
- c) The GoP should develop and implement a National Action Plan to address all forms of discrimination, including gender and caste-based discrimination, taking guidance from the draft UN Principles and Guidelines for the effective Elimination of Discrimination based on Work and Descent as a comprehensive framework to eliminate caste discrimination;
- d) The newly established National Human Rights Commission should incorporate caste-based human rights violations as an aspect of its work as a national human rights monitoring mechanism.

Article 4: Affirmative action

29. In the government report to the CEDAW Committee, the GoP states that while the 10% civil service employment quotas remain in place, not all seats have been filled. Furthermore, it informs that a 5% quota for members of minority communities was announced in May 2009.
30. The reality, however, is that the benefits of quota in jobs have not reached Dalit women. This is mainly due to the high illiteracy level among Dalit women. In the absence of any supporting mechanism, they may not be able to access this quota.

31. Previously a six percent quota was reserved for scheduled castes in the federal services of the government system. Since the law was introduced in 1948, the law provided three years age relaxation in the jobs and admissions. The law was however scrapped in 1998 during the regime of Mian Nawaz Sharif, a civilian Prime Minister. The present government claims that it has restored the quota, but scheduled caste representatives find no difference, as the provision has never been implemented. Since the 18th amendment of the Constitution, much of the powers of the federal departments have been devolved to the provinces. This has created further confusion about the implementation of the reserved quota; maintaining the quota in the provinces seems does not seem like a priority for the present government. In any event, the ambiguity regarding the 6% quota for the scheduled castes still exists. The GoP is therefore urged to put in place appropriate measures and monitoring mechanisms, so that such affirmative actions are accessible to and benefit scheduled castes.
32. Another issue is the lack and accuracy of disaggregated data. The GoP states in its report to the CEDAW Committee that efforts to ensure that gender-disaggregated data — including that on violence and trafficking — is collected and analyzed. However, one of the key problems to address caste and gender-based discrimination is the lack of disaggregated data on caste in Pakistan.^{xii} Unfortunately, no special efforts were made to ensure accuracy of the data based on caste in the new national census process in 2011. Without accurate, disaggregated data on caste, it is impossible to assess and redress issues concerning food security, employment, and living conditions enjoyed by this group, as well as other minorities in Pakistan.

Recommendations:

- a) The GoP should restore the six percent job quota for scheduled castes in all government service positions. A monitoring desk should be established to oversee the implementation of quota.
- b) The GoP should provide gender and caste-disaggregated data on all forms of violence against women, and should undertake a comprehensive study on discrimination against scheduled caste women in Pakistan.
- c) The GoP should provide information on concrete measures taken to combat caste-based discrimination and statistical data on persons belonging to scheduled castes in the next periodic report to CEDAW and other treaty body reports, and in the next UPR report.

Article 7: Elimination of discrimination in political and public life

33. According to the GoP's report to CEDAW, "more women than ever before are participating in political life, whether due to affirmative action (i.e. reservation of seats) or to efforts by political parties to attract women as workers and candidates."
34. Despite this optimistic assessment by the government, the reality is that religious minorities, including scheduled castes, in Pakistan are socially and physically excluded from the mainstream political process.
35. There is generally no participation of Dalit women in decision-making positions, such as political institutions or other key governance institutions. Today, one member of the Senate is a scheduled caste, Dr. Khatumal. There are however no Dalit women members in the four provincial assemblies, National Assembly or Senate. Although 33% of all women became members of the Parliament on reserved seats, no political party nominated a scheduled caste woman on these reserved seats.
36. The case is similar with other important institutions. Dalit or minority women have no representation in institutions such as National Commission on Status of Women (NCSW).
37. Almost all major political parties have their minority wings, but scheduled castes and the poor sections of Christians are generally left out. Indifferent attitudes of the major political parties towards minorities and scheduled castes are reflective of party politics and actions throughout the country.

Recommendations:

- a) The State and political parties should ensure representation of scheduled caste women in the National Assembly, provincial assemblies, the Senate and political parties, e.g. through appropriate reforms in the electoral system by the Election Commission;
- b) The GoP should develop affirmative action programmes to ensure that minority and scheduled caste women are represented in policy making institutions, such as the National Human Rights Commission, the National Commission on the Status of Women, the Planning Commission and other institutions;

Article 10: Equal rights to all aspects of education

38. Article 22 of the Constitution of Pakistan states that “no citizen shall be denied admission to any education institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth. Nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens” (highlight made by editors).
39. In the government report, it is stated that: “Despite some excellent initiatives the public education system is not yet able to meet the needs of all children. The 2006 National Education Census showed that 21.56% of villages had no educational institution and many do not have a girls’ school. Of the schools included in the Census, 12,737 institutions were non-functional. The highest percentage of these (58%) was in Sindh” (highlights made by editors). As the government report acknowledges, “the disadvantage faced by female students is multiplied if the female student happens to be in a low performing province or region.”
40. It is the assessment of submitting parties of this report that scheduled caste women and girls – especially in rural areas of Sindh – face some of the most severe challenges in accessing education. Among the ethnic and religious minorities the nexus between poverty and illiteracy is strong: people are illiterate because they are poor, and they are poor because they are illiterate.
41. The study “Long Behind Schedule” from 2008 confirms that scheduled caste communities are at the bottom of all indicators of social development. The absence of any affirmative action and measure on part of the government is shown in massive illiteracy of these communities. Religious and caste biases at school and college levels also keep them from pursuing their education.
42. In 2010, a new section 10 A was inserted in Pakistan’s Constitution by an 18th amendment in order to make primary education for 5-16 years children free and compulsory. However, the resources allocated to make this commitment a reality are very limited, even compared to other countries in the region.^{xiii} Low enrolment rates at the primary level, lack of trained teachers, and poor physical infrastructure mark the educational system of the country.^{xiv} Viewed in this context, the quality of education in the country points to the GoP’s failure in fulfilling its constitutional obligation to provide this fundamental service to its citizens.
43. A 2012 report titled “Education or Fanatic Literacy” prepared by the National Commission for Justice and Peace (NCJP) examined 22 textbooks for the academic year 2012-13, under use in the provinces of Punjab and Sindh for grades 1–10. It revealed that there are 55 chapters containing hate against Hindus, Indians, and Christians, insulting remarks against the minority religions and distorted historical facts.^{xv} The report says that the whole treatment and arrangement of text books is visibly discriminatory against the non-Muslim citizens of Pakistan, and are in violation of articles 18, 20, 22 and 25 of the Constitution.

Recommendations:

- a) Education should be made a priority and there should be a focus on affirmative programmes for minorities such as ethnic, religious, scheduled castes and indigenous people. A special action plan should be enacted to ensure equal access to education for all, including marginalized women and girls from the scheduled caste community.

- b) The GoP should come up with an action plan inclining appropriate budgetary allocations to realize the right to education as enshrined in article 25 A;
- c) Insulting remarks and distorted historical facts against religious minorities – including Hindus, Christians and Ahmadis – should be removed from school books.

Article 11: Employment

44. Both the Constitution and a number of employment-specific laws enshrine the rights of women to the benefits and protection identified in Article 11 of the CEDAW Convention.
45. Unfortunately the programmes enacted by the GoP to provide employment opportunities for the informal sector, such as the Benazir Bhutto Shaheed Youth Development Program (BBSYDP) in Sindh, are unlikely to benefit scheduled castes and other excluded communities. These programmes are mainly designed and accessible for youth with a certain level of education. In comparison, scheduled caste women are often illiterate and live in largely rural areas where government schemes do not reach.
46. To reach these communities, the GoP should enact social security schemes and come up with a specific, innovative and targeted plan to provide dignified employment to scheduled caste women and other excluded communities.
47. In terms of employment, one of the most pressing concerns is that many scheduled caste women are subjected to traditional forms of bonded and debt labour. Although there are no exact numbers, the Human Rights Commission of Pakistan estimated in 2010 that there are between 3-8 million labourers in the Sindh province.^{xvi} The majority of the bonded labour community belongs to marginalized and excluded groups such as the scheduled caste Hindus, Christians and Muslim Sheikhs. Many of them work as agriculture laborer or brick layers.
48. Laws dealing with bonded labour in Pakistan include the Bonded Labour System Abolition Act 1992 and Sindh Tenancy Act 1950 to regulate the relationship between landlord and tenant. Besides, ILO Conventions, 29 and 105 and International Convention on Civil and Political Rights which Pakistan has ratified call for elimination of bonded labour.
49. However, the implementation of these laws remains a far cry. A study prepared by Anti-Slavery International in association with Pakistan Institute of Labour and Research (July 2008) estimated that over 1.8 million people live in debt bondage in Pakistan.^{xvii} A combined effect of low education levels, exclusion from family decision making processes and a lack of property rights make scheduled caste women particularly vulnerable to labour exploitation and bondage.^{xviii} Rape of female bonded labourers is widespread and violent, and there is little legal recourse.^{xix}
50. After the 18th constitutional amendment in Pakistan in 2010, the separate provinces are supposed to enact labour legislation. However, no province has made any legislation condemning bondage yet. It is therefore important that such legislation is enacted and implemented.
51. The GoP should ensure that Scheduled Caste peasants are given their due share of agricultural productions, so that labourers are not subjected to bonded labour. This can be achieved by making progressives changes in Tenancy Legislation (especially the Sindh Tenancy Act).

Recommendations:

- a) The GoP should implement international conventions and treaties abolishing bonded labour, and the National Policy and Plan of Action (NPPA, 2001) for the abolition of Bonded Labour and Rehabilitation of freed bonded labourers, and distribute land among them.
- b) Rehabilitation schemes and health-related programmes enacted by the GoP should have a special focus on reproductive health of scheduled caste women engaged in agriculture;

- c) All provincial assemblies should implement the Bonded Labour System (Abolition) Act;
- d) The GoP should enact social protection schemes and special rural employment schemes for scheduled caste women;
- e) The GoP should extend an invitation to the UN Special Rapporteur on contemporary forms of slavery.

Article 12: Health

- 52. According to Article 38 of the Constitution “The State shall provide for basic necessities of life such as food, clothing, housing, education and medical relief for all such citizens irrespective of sex, caste, creed or race, as are temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment” (highlight made by editor).
- 53. However, health remains a major issue for the majority of Pakistanis, and the poor population is facing intense deprivation of basic necessities such as education, health and an adequate standard of living, affecting the rural population and people belonging to marginalized groups. The situation in rural areas is far worst, particularly where scheduled caste populations live (such as district Umerkot and Mithi).
- 54. Since scheduled castes live in localities with no sewerage and hygienic facilities due to negligence of authorities, they are more vulnerable to diseases and often suffer diseases like Tuberculosis and Hepatitis-B and C which are expensive and difficult to treat. Sometimes nurses and doctors refuse to touch their body parts because they are considered dirty and filthy and it will pollute them.
- 55. Lack of proper food results in malnutrition and has a bad effect on the health of children and women in particular. The 2008 study “Long Behind Schedule” reveals that there is hardly any Government health facility available in scheduled caste villages. If they dare to travel to major cities for treatment they face a lot of discrimination and are not treated equally.
- 56. There is no evidence that government increased spending on health during last few years.^{xx} Budgetary allocations to the social sector suggest that social development is not on the priority of government. In fact, Pakistan spends a very minimal percentage of its GDP on health and education.^{xxi}

Recommendations:

- a) The GoP should commit to taking serious measures to strengthen equal access to basic services, with an emphasis on the most marginalized communities, including scheduled castes;
- b) The government agencies dealing with health, medical care and social services must sensitize their staff to the concepts of non-discrimination. Moreover a focused approach should be adopted while dealing with health needs and diseases related to poverty and social exclusion;
- c) The GoP should pay adequate attention to caste-affected communities in all assessments, including data collation, planning, and implementation of any human rights, development and humanitarian programmes;
- d) The GoP should take specific measures to increase scheduled caste women’s access to health services, clean water and sanitation, for example by launching a health insurance scheme.

Article 13: Economic, social and cultural rights

- 57. Article 38 of the Constitution of Pakistan says that “the State shall promote the social and economic well being of the people irrespective of sex, caste, creed, or race; by raising their standard of living” and shall “provide for basic necessities of life such as food clothing housing, education and medical relief for all such citizens irrespective of sex, caste, creed or race, as are temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment” (highlights made by the editors).

58. Despite these constitutional guarantees, the socio-economic status of scheduled castes, especially women and girls, remains very poor. An overwhelming majority of scheduled castes have no or very restricted access to property or assets. They are landless peasants with no other assets such as land property. The official data does not provide categorized statistics on the basis of caste, religion, gender, etc. about important socio-economic indicators e.g. employment, living conditions, ownership. The lack of disaggregated data makes assessments and planning even more difficult.
59. In the government report, it is stated that in August 2008 the GoP announced a Program for the Grant of State Land to Poor Landless Haaris (tenant labourers). Furthermore, the report states that low-cost housing project in Sindh has been introduced for extremely poor families who lack decent shelter.
60. While recognising the GoPs efforts to address the high level of poverty among marginalised communities, the submitting parties recommend that such programmes are specifically designed to target scheduled caste women. Otherwise there is a high risk that programmes will not benefit this community, because 90% scheduled castes are living in rural areas and their livelihood is linked to agriculture.
61. In the rural areas, scheduled caste women and children are considered an integral part of labour in agriculture. The 2008 study “Long Behind Schedule” revealed that 83 % of the scheduled caste population did not own even a small piece of land. The land ownership by the remaining 17 % was also small. 90 % of the scheduled caste, who owned land, were in possession of 1-5 acres of agricultural land.
62. Scheduled caste communities are often subjected to inhumane treatment by the landlords and their staff. They usually build huts or mud houses on government land or land owned by the land lord, where they have to compromise their economic and physical freedom and have no job security. Scheduled castes villages and settlements are often without any civic facilities. There is a lack of basic infrastructure such as electricity, water supply or sanitation available in the villages in the whole of Pakistan, but particularly in the smaller provinces. Even potable drinking water is not available in some settlements of scheduled castes. Several government reports have depicted a very dismal picture of housing in general in Pakistan and for the poorest section of the population in particular.^{xxii}

Recommendations:

- a) The GoP should provide adequate housing and shelter to marginalized groups, including scheduled castes, with a particular focus on women and girls;
- b) The GoP should introduce policies for allocating agricultural land to landless peasants, just wages and working conditions in order to comply with international labour standards. Agricultural labourers from marginalized communities, such as women from a scheduled caste background, should be considered on priority basis;
- c) The GoP should regularize the informal housing and shelters built on government land both in urban and rural area, ensuring that minorities and scheduled castes do not have to face evictions and illegal adjustments;
- d) The GoP should extend an invitation to the UN Special Rapporteur on adequate housing.

Article 14: Rural women

Multiple discrimination against religious and ethnic minorities

63. In the List of Issues, the Committee asks the GoP to provide information on the situation of women from religious and ethnic minorities in the State party, including specific measures taken to eliminate multiple forms of discrimination against these groups of women.
64. In the GoP’s response to this question, it does not provide any information on the situation of scheduled caste women. In fact, this community of women is not mentioned anywhere in the government’s reports to

CEDAW, despite the many constitutional guarantees to protect their rights and the fundamental discrimination problems and disadvantages they encounter.

65. The submitting parties of this report find that the GoP needs to recognize and take action to improve the human rights situation of scheduled caste women, who are largely marginalized and excluded from accessing basic rights.
66. Scheduled caste women fall victim to severe discrimination, domestic violence and family feuds as a result of traditional harmful practices and patriarchal attitudes within families. Living in extreme poverty, negligence and in high degree of illiteracy, they are deprived of a life in dignity and respect. There are no legal safeguards to save them from such actions.
67. Given their low status in society and status of agricultural workers trapped under slavery-like conditions, scheduled caste women are often sexually abused. This action is taken for granted and there is hardly any resistance against it. Because the abusers are often landlords, their henchman, or local criminals, these assaults have a very stigmatizing effect on the women.

Recommendation:

- Pakistan must make a concrete policy and implementation plan to prevent gender and caste-based discrimination experienced by women especially for minorities and scheduled caste women in Pakistan, in accordance with the CEDAW Convention and as reaffirmed by the CEDAW Committee in its General Recommendations 25 and 28.

Caste-based discrimination in disaster management

68. In the List of Issues, the Committee asks the GoP to provide updated information on measures taken to ensure women's and girls' access to assistance and services, and emergency shelter, including measures taken to eliminate gender-based violence against women and girls in the IDP camps. The Committee furthermore asks the GoP to provide information on measures taken to ensure the participation of women in the consultative mechanisms and decision-making processes and institutions such as the National Disaster Management Authority related to the humanitarian response to the natural disasters which have been affecting the country, such as the 2010 and 2011 floods.
69. In the GoPs response, there is no information on the particularly damaging effects the floods in 2010 and 2011 had on particularly vulnerable groups, such as scheduled caste women.
70. This is despite the evidence and reports, which found that scheduled castes were some of the worst hit victims during these floods.^{xxiii} The President of Pakistan even announced an inquiry into incidents of discrimination against Dalits in relief during the 2011 floods. Since then, the report has however never been published.
71. The GoP must make the report public and take action against those responsible officials, and enact special measures for the rehabilitation of the scheduled castes affected by this situation. Since these people are landless peasants, genuine rehabilitation should include provision of land for cultivation and housing.
72. Moreover, the GoP should make it mandatory that an initial mapping of the communities affected by the disaster is undertaken, so that those engaged in the relief work are aware whether communities that are usually excluded in the social process, including on the basis of caste, do not fall victims of the disaster.^{xxiv}

Recommendations:

- a) The GoP should prepare and publicize an inquiry report into alleged reports of discrimination against Dalits in disaster management in 2011, and should act on the basis of the findings;
- b) The GoP should provide special guidelines for assisting scheduled castes during relief and rehabilitation work in disaster management laws and plans;

- c) The GoP and international agencies should take special care to address the situation of the most vulnerable groups, including women, children, the sick or disabled, the aged, and caste-affected groups in disaster management, including in the policy, planning, implementation and evaluation of relief plans.^{xxv}

Article 15: Equality before the law

Forced conversions

73. In the List of Issues, the Committee asks the GoP to provide information on measures taken to repeal provisions in existing laws which discriminate against women from religious minorities with respect to marriage and family relations. It furthermore asks what measures have been taken to eliminate the practice of forced marriages.
74. The submitting parties of this report find the Committee's questions about forced marriages extremely timely. The problem of faith conversion is a serious situation, which affects a minority and marginalized group in a country where the majority are Muslims. Many of the women and girls, who are forced to convert under the disguise of marriage of choice, come from a scheduled caste Hindu background in the Sindh province. The Pakistan Hindu Council, a social organization in Pakistan, has estimated that at least 25 Hindu girls are reported kidnapped each month in Sindh, leaving out those cases that are unreported.
75. Several cases of kidnapping and forced conversions of Hindu girls in 2012 illustrate the need for immediate response by the government to this increasing problem.^{xxvi} One case, which received media coverage in local, national and international newspapers, was the case of Ms. Rinkel Kumari, a 17-year old Hindu girl from the town of Mirpur Mathelo. She was kidnapped on February 24 2012; a kidnapping which was allegedly ordered by a Member of the National Assembly (MNA) of the Pakistan People's Party (PPP).^{xxvii} The same week that Rinkel was kidnapped three other Hindu girls were kidnapped and underwent the same harassment, conversion, and forced marriage including a physician who worked at a prestigious hospital in Karachi.
76. As demonstrated by these cases, the general practice of forced conversions is that a girl is kidnapped; her parents lodge a complaint with the police about the kidnapping; and a few days later she is declared to have embraced Islam, and her marriage with a Muslim man is announced. In such cases, the law against forced marriages hardly applies, because the case becomes a religious issue; once the girl is declared a Muslim, she cannot revert back to her former religion. The government therefore needs to put in place laws and measures, which take this matter into account and protect the rights of these minority girls. A recommendation is that the GoP forms a high level commission comprising all faiths to oversee the faith conversion and marriage process.

Recommendations:

- a) The GoP should take action to prevent and investigate cases of forced and early marriage, with an emphasis on the most vulnerable groups such as scheduled caste girls;
- b) The GoP should mandate a commission comprising members from all religions to oversee faith conversions and look into the issue.

V. ANNEX I: UN human rights bodies' observations on caste discrimination in Pakistan

Universal Periodic Review mechanism:

a) UPR working group's first report on Pakistan, 2nd session, 2009

When Pakistan was reviewed by the UPR Working Group at its 2nd session in May 2008, several states expressed concern about the protection of minorities and caste-based discrimination. This led to the following, explicit recommendation in the Working Group's report (A/HRC/8/42):

Recommendation No 31 (accepted): *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).*

b) UPR working group's second report on Pakistan, 14th session, 2012

During Pakistan's second review by the UPR Working Group at its 14th session in October 2012, two states made explicit recommendations related to caste-based discrimination. This led to the following, explicit recommendation in the Working Group's report (A/HRC/WG.6/14/L.10):

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)

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)

UN treaty bodies:

a) CERD Concluding Observations, 74th session, 2009

In 2009, CERD expressed the following concerns in the Concluding Observations (CERD/C/PAK/CO/20):

10. 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 (1) of the Convention. [...]

12. While the Committee welcomes the steps taken by the State party to address caste-based discrimination, such as a range of development schemes and the appointment of a member of a scheduled caste as advisor to the Sindh Province Senate, it is concerned that the State party has not yet adopted a law prohibiting discrimination on the basis of caste. It is further concerned about the lack of information in the State party's report on concrete measures taken to combat caste-based discrimination. The Committee is also concerned about the persisting de facto segregation of and discrimination against Dalits regarding their enjoyment of all economic, civil, political, and social rights (arts. 2, 3 and 5).

The Committee refers the State party to its General Recommendation 29 (2002), on descent-based discrimination, and recommends that the State party adopt legislation aimed at the prohibition of caste-based discrimination and take effective and immediate measures to ensure its effective implementation. The State Party is also invited to provide, in its next periodic report, statistical data on persons belonging to scheduled castes in the territory of the State party, including their enjoyment of all rights protected under Article 5 of the Convention.

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 programs 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.

b) CRC Concluding Observations, 2009:

In 2009, the Committee on the Rights of the Child (CRC) expressed concern at “the persistence of discriminatory societal attitudes and discrimination against children belonging to a religious or other minority group, children with disabilities, children living in poverty and children living in rural and remote areas” (Concluding Observations 2009, CRC/C/PAK/CO/3-4), and also in 2003.

UN Special Procedures:

a) Special Rapporteur on contemporary forms of slavery:

The Special Rapporteur has on various occasions underlined the link between bonded labour and caste. Examples include her 2009 report on debt bondage (A/HRC/12/21), the 2010 report on domestic servitude (A/HRC/15/20), and the 2011 report on child slavery in the artisanal mining and quarrying sector (A/HRC/18/30).

VI. Notes

ⁱ Indian Institute of Dalit Studies (IIDS), 2008: http://idsn.org/fileadmin/user_folder/pdf/Old_files/asia/pdf/RR_Pakistan.pdf

ⁱⁱ The full version of the four case stories of Dalit women in Pakistan can be found on IDSNs website: http://idsn.org/fileadmin/user_folder/pdf/New_files/Pakistan/Dalit_women_in_Pakistan_-_case_studies_2012.pdf

ⁱⁱⁱ Pakistan Census Report 1988

^{iv} Source: “Long Behind Schedule: A Study on the Plight of Scheduled Castes in Pakistan” (2008). The focus of the study is on Pakistan’s Scheduled Castes residing in lower districts of Sindh and Southern Punjab in Pakistan. It was part of a Regional Study on Caste-based Discrimination in South Asia, and is available here:

http://idsn.org/fileadmin/user_folder/pdf/Old_files/asia/pdf/RR_Pakistan.pdf

^v See ‘Long Behind Schedule – a study on the plight of scheduled caste Hindus in Pakistan’ by Zufilkar Shah 2007, submitted to IIDS and IDSN.

^{vi} For CERD’s observations and recommendations on caste discrimination in Pakistan, see paragraphs 10, 11, 12 and 21 of Concluding Observations (CERD/C/PAK/CO/20), 16 March 2009.

^{vii} CEDAW General Recommendation No.28 on the Core Obligations of States Parties under Articles 2 – 2010 (2010) and CEDAW General Recommendation No. 25 on Temporary Special Measures (2004)

^{viii} In General Recommendation 28 (2010), the Committee further explains in para. 18 that: “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.”

^{ix} According to Human Rights Commission of Pakistan, 110 Ahmedis were killed during the years from 2009-10 and 11. Hindus also continue to face incidents of violations and intimidation. The most horrific incidence is the killing of three Hindu men in district Shikarpur, Sindh on Eid Day (November 7, 2011). It was due to the hatred and religious bigotry in Pakistan that 151 Pakistani Hindus sought asylum in India in 2011 (Source - HRCP).

^x In para. 12 of the Concluding Observations (CERD/C/PAK/CO/20) CERD states that: 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).*

^{xi} Published by the UN Human Rights Council in 2009 (A/HRC/11/CRP.3)

^{xii} Scheduled Caste representatives reject the official figures in the last census held in 1998, as they think the number of Scheduled Castes was considerably lower than the actual number.

^{xiii} The GoP’s spending on education at less than 2% of the GDP is the lowest expenditure on the sector in the region. Bangladesh spends 2.5%, Nepal 3.1%, India 3.2%, OECD countries 6.2%, while Malaysia spends 23% of its GDP on education. Also, it is pertinent to note that India, Bangladesh and Sri Lanka are all on track to meet their education Millennium Development Goals. Bangladesh has improved access to primary schools at double the rate seen in Pakistan in the last 20 years. India’s progress in reducing the number of children out of schools is ten times the rate seen in Pakistan.

^{xiv} Pakistan has the highest dropout rate with hardly 10 percent of the population completing twelve years of schooling. The state is the largest provider of education service in the country, serving 19 million or two thirds of the almost 28 million children enrolled in schools. Private education system caters to merely 9.1 million or 33% of school children. A recent report, ‘Education Emergency in Pakistan’ reveals that only 35% of school children, aged 6-16, can read a story, while 50% cannot read a sentence. Their performance is only slightly better than that of out-of-school children, of whom 24% can read a story. This is an alarming demonstration of the ineffectiveness of schooling, particularly the state schooling system.

^{xv} See news about the publication of the report (Daily Times, 6 Sept 2012):

http://www.dailytimes.com.pk/default.asp?page=2012\09\06\story_6-9-2012_pg12_1

^{xvi} According to the Human Rights Commission of Pakistan (HRCP), there are 3-8 million people working as bonded labour in Sindh and Punjab in agriculture and brick kiln sector mostly as debt ridden workers. HRCP annual reports of last three years mention that more than 6000 bonded labourers were released through court orders and by law enforcement agencies during 2009 and 2011 which reflect the intensity of the problem. Source: Human Rights Commission of Pakistan, *The State of Pakistan's Children*, Annual Report SPARC, 2010.

^{xvii} *Forced and Bonded Labour in Pakistan*, Anti Slavery International, July 2008

^{xviii} See also "Poverty, discrimination and slavery - The reality of bonded labour in India, Nepal and Pakistan" by Krishna Prasad Upadhyaya Anti-Slavery International 2008 and "THE CHOICE OF REFORMS - The human rights situation of ethnic, linguistic, religious minorities, scheduled castes Hindus and indigenous people in Pakistan" - a

Joint NGO report to the UN Committee on the Elimination of Racial Discrimination (CERD) for the examination of the 15th-20th periodic reports of Pakistan at the 74th CERD session in February 2009.

^{xix} See also *Dalit Women: Fear and Discrimination* by Meena Anand, Gyan Books, 2005: 52

^{xx} A latest report (Annual Health Report 2012) of Pakistan Medical Association (PMA), reveal that Pakistan has spent a very meager amount of 0.23 per cent of its GDP on health during the fiscal year of 2011-2012.

^{xxi} Human Development Report 2010 of Mahbub ul Haq Development Centre, Lahore. The poor spending on health is reflected from budgetary allocations of the government. According to the Economic Survey Government of Pakistan 2011 and official budget documents, the budgeted health to GDP ratio during 2007-08 was 0.18% which decline to 0.16% during 2009-08. This health to GDP ratio remained at 0.16% in 2009-10 and declined in 2010-11 to 0.1% in 2010-11.

^{xxii} *Pakistan Social and Living Standard Measurement Survey*, Government of Pakistan (2010-11), *Pakistan Statistical Book 2010 & 11*, and Reports of Urban Resource Centre (URC), Karachi.

^{xxiii} Collection of press articles from Pakistani newspapers reporting on the effects of the floods against Dalits in 2011:

http://idsn.org/fileadmin/user_folder/pdf/New_files/Pakistan/Press_Clipplings_on_Discrimination_in_Disaster_Relief_in_Sindh_2011.pdf

^{xxiv} For example, local authorities must be given clear instructions for ensuring that no discrimination takes place in relief during emergencies. Special attention needs to be made to ensure that the location of the relief camps, or sites from where the relief activities are carried out, are easily accessible to the „excluded“ communities and that where necessary, special sites are created to ensure that the relief activities could be easily accessible to the excluded communities on par with the rest of the communities.

^{xxv} Agencies engaged in relief work after the disaster and proceeding to carry out rehabilitation or reconstruction work need to ensure that in their own policy for rehabilitation of the victims of the disaster, as well as that of the government, the rehabilitation programme that is being envisaged to be undertaken directly considers the existence of „excluded„ communities and incorporates and attends to these communities in drawing up their plans of action, and will be monitored during implementation and form part of any evaluation.

^{xxvi} News clippings of cases 2012 collected by PDSN for the purpose of this report:

http://idsn.org/fileadmin/user_folder/pdf/New_files/Pakistan/News_clippings_by_PDSN_2012.pdf

^{xxvii} See a summary of the Rinkel Kumari case, collected and prepared by Pakistan Institute of Labour Education and Research (PILER) – December 2012: http://idsn.org/fileadmin/user_folder/pdf/New_files/Pakistan/Rinkel_Kumari_case_-_2012.pdf