

## **UN Special Procedures (thematic mandates)**

### **References to caste-based discrimination in reports by thematic Special Rapporteurs (2005-2011)**

*Updated February 2011*

The UN special procedures is a monitoring mechanism established by the Commission on Human Rights and assumed by the Human Rights Council to address either specific country situations or thematic issues in all parts of the world. Thematic special procedures, which examine, monitor, advise, and publicly report on human rights situations on major phenomena of human rights violations worldwide, increasingly take up the issue of caste discrimination in their reports and communications to governments. This document contains abstracts relating to caste discrimination in annual reports, mission reports and summary of cases transmitted to governments by the following mandate holders:

- Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance
- Special Rapporteur on contemporary forms of slavery, including its causes and consequences
- Independent Expert 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
- Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation
- Independent Expert on human rights and extreme poverty
- Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health

#### **How to submit a complaint to the UN Special Procedures**

If a human rights violation has occurred, is ongoing, or has a high risk of occurring, you can submit a complaint to the UN Special Procedures about the alleged violation. With this information the mandate holders are able to intervene directly with Governments on specific allegations of violations of human rights that come within their mandates in the form of letters of allegation or urgent appeals.

Read about the procedures and criteria for submitting a complaint to the UN Special Procedures on IDSN's website:  
<http://idsn.org/international-advocacy/un/special-procedures/submit-a-complaint/>

**Special Rapporteur on Racism, Mr. Githu Muigai (and Mr. Doudou Diène until July 2008)**

<p>Statement by the Special Rapporteur on contemporary forms of racism, 8<sup>th</sup> session of the Intergovernmental Working Group on the Implementation of the Durban Declaration (Geneva, 18 October 2010)</p>	<p>At the 8<sup>th</sup> session of this Working Group, 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>Statement by the Special Rapporteur on contemporary forms of racism, 64<sup>th</sup> session of the UN General Assembly</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, graphical 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>Interim report of the Special Rapporteur on contemporary forms of racism, 64<sup>th</sup> session of the UN General Assembly</p>	<p>In an <i>Interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/64/271)</i> 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><b>Country visits</b></p> <p>10. Following his appointment in August 2008, the Special Rapporteur sent formal requests to visit <b>Bangladesh</b>, the Plurinational State of Bolivia, Bosnia and Herzegovina, Germany, <b>India</b>, Israel, <b>Malaysia</b>, Mexico, <b>Nepal</b>, 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 not been able to honour these invitations yet, the Special Rapporteur hopes that he will be able to do so in the near future.</p> <p><b>C. Thematic issues addressed by the Special Rapporteur through his participation in conferences, seminars and other meetings</b></p> <p><b>4. Discrimination based on descent</b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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”.</p> <p>58. As such, the Special Rapporteur reaffirmed that the legal framework on discrimination based on descent is unambiguous. Yet, it</p>
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	<p>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 suffered by individuals and groups on grounds of caste and other systems of inherited status.</p> <p><b>IV. Conclusions and recommendations</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>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.</b></p>
<p>Annual report submitted by Mr. Githu Muigai  (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 <b>Dalits</b>.</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, <b>systems of inherited status in other continents</b> 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 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 <b>lower castes</b> 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>Mission report from country visit to Mauritania by Mr. Doudou Diène</p> <p>(11<sup>th</sup> HRC session, June 2009)</p>	<p>The mission report (A/HRC/11/36/Add.2) was prepared by Special Rapporteur Mr. Diène who visited Mauritania from 20 to 24 January 2008 at the Government's invitation.</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 <b>social entrenchment of the caste system</b> (para. 64).</p> <p><b>Legal provisions against slavery</b></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 <b>a caste-like system</b>.</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 <b>castes</b>, 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 <b>existence of castes</b> 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. <b>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 consequences of the injustices and discrimination experienced by Mauritanian society.</b></p>
<p>Joint contribution prepared pursuant to decision</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>PC.1/10 of the Preparatory Committee of the Durban Review Conference at its first session</p>	<p><b>Discrimination on the grounds of caste and other systems of inherited status</b></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>Report submitted by Mr. Douadou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance</p> <p>(7<sup>th</sup> HRC session, March 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><b>F. Discrimination on the grounds of caste</b></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 <b>caste or analogous systems of inherited status</b>, and are constantly vulnerable to exclusion, marginalization and violence. The 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 <b>pollution or untouchability</b>; 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 <b>caste</b> has been on the</p>

	<p>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 ‘<b>descent</b>’ has its own meaning and is not to be confused with race or ethnic or national origin”. In its <b>General Recommendation XXIX</b> (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 <b>multiple discrimination</b>, 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>Summary of cases transmitted to Governments and replies received (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><b>INDIA</b></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 <b>Dalit communities, particularly women</b>, 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 <b>violence against Dalit women</b> 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</p>

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.

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).

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. & anr. vs. Respondent, Ram Krishna Balothia & 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).

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.

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.

72. The Special Rapporteur expresses his utmost interest in receiving responses in regard to the allegations submitted and would be particularly 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.

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).

#### **NEPAL**

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>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>Updated study on Political Platforms (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 <b>Asia's</b> 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, indigenesness, statelessness or even migrant and/or refugee status. Vulnerable groups are, among others, indigenous populations, such as the Bihari in <b>Bangladesh</b>; the Burakumin as well as Korean and Chinese immigrants or nationals in <b>Japan</b>; 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 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 <b>India</b>, the <b>caste system</b> 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 <b>Dalits</b> 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 <i>RSS</i> (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 <b>Pakistan and Nepal</b>, caste-based discrimination continues to marginalize millions of individuals.</p> <p>37. In <b>Japan</b>, 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 (<b>the Buraku people</b>, 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>Communications to/from Governments (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><b>INDIA</b></p>

**Communications sent**

Several specific cases of abuse against Dalits are described in paragraphs 80-95.

**Reply from the Government**

"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. [...]

97. The Government further explained that the National Human Rights Commission of India had taken *suo motu* 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. [...]"

**Observations**

"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 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.

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.**"

**Follow-up to previously transmitted communications**

"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. [...]"

**NEPAL****Communications sent**

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)

**Observations**

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.

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.

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 castebased 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><b>Follow-up to previously transmitted communications</b>  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>
Annual Report 2006 (62 <sup>nd</sup> CHR session)	<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, inkl. issues concerning Anti-Semitism and Islamophobia.</p> <p><b>Country visits:</b> 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>
Political platforms which promote or incite racial discrimination - Updated study 2006 (from the 62 <sup>nd</sup> CHR session)	<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 <b>caste systems</b> in Africa and in Asia. 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. [...] 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>
Annual Report 2005 (from the 61 <sup>st</sup> CHR session)	<p>The report (E/CN.4/2005/18) makes no specific reference to CBD.</p> <p><b>Country visits of relevance:</b>  The SR requests country visits to e.g. Japan, India, Pakistan and Nepal. So far Japan is the only country that has accepted the invitation, and a visit was conducted in July 2005.</p>
Country visit to Japan (2005)	<p>The SR on racism visited Japan in 2005. The mission report (E/CN.4/2006/16/Add.2) was released in January 2006.</p> <p>From the <b>report summary:</b>  “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 <b>caste-like class system</b>, 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 <b>Buraku people</b>, 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><b>The caste-like class system</b>  “7. During the feudal era of the Edo (1603-1867), a <b>caste-like class system</b> 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). In the late nineteenth century, the system was abolished, but a new class system was established, which again placed the most humble class (<b>the Buraku</b>, from 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>Annual report 2005:  Questionnaires to/from  Governments  (61<sup>st</sup> CHR session of the  Commission on HR)</p>	<p><b>Summary of cases transmitted to Governments and replies received</b> (E/CN.4/2005/18/Add.1). The report refers to CBD in the case of the countries India and Nepal:</p> <p><b>INDIA</b>  “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 <b>Dalit settlement</b> in the Kalapatti village of the Coimbatore district, Tamil Nadu, on 16 May 2004. [...]”  E/CN.4/2005/18/Add.1</p> <p><b>NEPAL</b>  “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 <b>Chamar Dalits</b> 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.  32. On 17 November 2004, the Special Rapporteur sent a letter of allegation to the Government concerning S.S., a <b>Dalit girl</b> 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><b>Observations (Nepal):</b>  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.  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>Interim report of Mr.  Doudou Diène  (60th GA Assembly)</p>	<p>This interim report (A/60/283) sums up some of the <b>contemporary forms of discrimination</b>.</p> <p>In the report, he mentions his <b>field mission to Japan</b> and the lack of legislation against discrimination:  “This report also covers the Special Rapporteur’s mission to <b>Japan</b>, 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</p>

	<p>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 <b>Buraku people</b> in Japan are explained:  “30. [...] Racism, discrimination and xenophobia are a reality in Japanese society. This discrimination affects, in different ways, three communities or groups: national minorities (Ainus, <b>Burakumin</b> 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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<b>Special Rapporteur on contemporary forms of slavery, Ms. Gulnara Shahinian</b>	
<p>Report by the Special Rapporteur on contemporary forms of slavery, with a particular focus on the manifestations and causes of domestic servitude, 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, unpaid overtime on rest days, etc.. <b>Such abuse can reinforce other patterns of learned submission based on caste, ethnic or gender discrimination.</b> 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><b>2. Discrimination based on ethnicity, race, skin tone or caste</b></p> <p>69. Domestic servitude is intrinsically linked to <b>discrimination based on ethnicity, race, skin tone or caste</b>. 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><b>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.</b></p> <p><b>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</b></p>

**undervalued.**

- States should reinforce their efforts to implement the commitments agreed at the Fourth World Conference on Women in Beijing and the Durban Review Conference.
- 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.

<p>Report by the Special Rapporteur on contemporary forms of slavery on her mission to Mauritania (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 (A/HRC/15/20/Add.2). 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 <b>“casted”</b> 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 <b>black African slaves must keep within their caste</b>. 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 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. <b>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.</b> 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 <b>the continued existence of caste-based slavery, which has a particular impact on girls in domestic service and boys forced to beg by marabouts</b> (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. <b>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.</b> 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. <b>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.</b> The person appointed to a senior position is not respected.</p> <p>105. <b>As the Minister of Justice reviews the effectiveness of the 2007 Slavery Act, the Special Rapporteur urges him to consider incorporating the following:</b>  – Introduction of a law against discrimination practices based on caste or ethnic slavery;</p>
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<p>Thematic report by the Special Rapporteur on contemporary forms of slavery, 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 <b>long-standing patterns of discrimination</b>. In India, the overwhelming majority of bonded labour victims in agriculture, brick making, mining and other sectors are from <b>Scheduled Castes</b> and Scheduled Tribes.</p> <p>53. Bonded labour can also be linked to <b>sexual exploitation</b>. 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. <b>Factors such as poverty, migration, discrimination on the basis of race, caste, social status and gender are still the main causes of bonded labour.</b>'</p>
<p>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian (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><b>II. SCOPE OF THE MANDATE</b></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 <b>low caste</b>, tribal minorities and indigenous peoples.</p> <p>Focus areas:</p> <ul style="list-style-type: none"> <li>A. Forced labour</li> <li>B. Child labour</li> <li>C. Domestic work</li> </ul> <p><b>IV. METHODS OF WORK</b></p> <p>In the discharge of the above functions, the Special Rapporteur will:</p>



	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Act upon reliable information submitted on human rights violations, whether they have occurred or are deemed imminent,</li> <li>• 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</li> <li>• Conduct advocacy and awareness raising to promote human rights with regard to slavery and to prevent slavery like practices from taking place.</li> </ul> <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>
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<b>Independent Expert on Minority Issues, Ms. Gay MacDougall</b>	
<p>Annual report of the independent expert on minority issues, Ms. Gay MacDougall (13<sup>th</sup> HRC session, March 2010)</p>	<p>In her annual report to the Human Rights Council (A/HRC/13/23), 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 <b>draft United Nations principles and guidelines for the effective elimination of discrimination based on work and descent</b> 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>Annual report of the independent expert on minority issues, Ms. Gay MacDougall (11<sup>th</sup> HRC session, June 2009)</p>	<p>The report to the Council (A/HRC/10/11) 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><b>Forum on Minority Issues</b> 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><b>UNDP Resource Guide</b> 15. [...] A UNDP Resource Guide on Minorities in Development was produced in cooperation with OHCHR and following extensive</p>

	<p>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>16. The primary target groups of the proposed Resource Guide are the UNDP country office practitioners and those with policy advisory responsibilities. However, it can also serve as a reference document for other United Nations agencies, government counterparts and other relevant partners.</p> <p><i>IDSN has proposed that a text box on caste discrimination be included in the Resource Guide with an explanation of the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent.</i></p> <p><b>Regional activities</b></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><b>Requests for country visits</b></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>Annual report of the independent expert on minority issues, Ms. Gay McDougall (7<sup>th</sup> HRC session, March 2008)</p>	<p>The thematic focus of the report (A/HRC/7/23) 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><b>V. IMPACT OF DISCRIMINATORY DENIAL OR DEPRIVATION OF CITIZENSHIP ON MINORITIES</b></p> <p><b>VI. REGIONAL PRACTICES</b></p> <p><b>B. Asia</b></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 <b>minority status</b> or because <b>their ancestors migrated to the territory relatively recently</b>. 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 <b>discrimination against women</b> 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 <b>Urdu-speaking minority in Bangladesh, the Biharis</b>, 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 <b>Nepal</b>, ingrained discriminatory sentiments mainly against Madhesis, <b>Dalit</b> 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 <b>Sri Lanka</b>, despite having lived there for generations, "<b>estate</b>" or "<b>plantation</b>" <b>Tamils</b> were historically denied the right to Sri Lankan nationality 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>Summary of cases transmitted to Governments and replies received</p> <p>(7<sup>th</sup> HRC session, March 2008)</p>	<p>This report (A/HRC/7/23/Add.1) 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. Link: <a href="http://daccessdds.un.org/doc/UNDOC/GEN/G08/115/12/PDF/G0811512.pdf?OpenElement">http://daccessdds.un.org/doc/UNDOC/GEN/G08/115/12/PDF/G0811512.pdf?OpenElement</a></p> <p><b>INDIA</b></p> <p><b>Letter of allegation</b></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 <b>Dalit minority</b>. 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><b>NEPAL</b></p> <p><b>Letter of allegation</b></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 Chepang (Tsepeng) communities and the <b>Dalit communities</b>. 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</p>

standard of living (A/HRC/7/16/Add.1).

**Special Rapporteur on Adequate Housing, Ms. Raquel Rolnik (Mr. Miloon Khotari until July 2008)**

Annual report of the Special Rapporteur on Adequate Housing (13<sup>th</sup> session of the Human Rights Council)

In her report to the Human Rights Council (A/HRC/13/20), 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.

**1. Evictions**

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.

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.

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.**

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 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>Link to the UN press statement (19 January 2010) 'Warning on dire situation of New Delhi's homeless persons':  <a href="http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9749&amp;LangID=E">http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9749&amp;LangID=E</a></p>
<p>Annual report of the Special Rapporteur on Adequate Housing (10<sup>th</sup> session of the Human Rights Council)</p>	<p>This report (A/HRC/10/7) 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><b>G. Discrimination in access to housing</b></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><b>H. Security of tenure, evictions and homelessness</b></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>Summary of cases transmitted to Governments and replies received (10<sup>th</sup> HRC session, March 2009)</p>	<p>The addendum (A/HRC/10/7/Add.1) 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><b>Forced evictions</b></p> <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</p>

	<p>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.</p> <p><b>India</b></p> <p>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 <b>violence against Dalit women</b>. 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 [...]</p> <p>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. [...]</p> <p><b>Response received</b></p> <p>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> <p><b>Observations</b></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>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</p>	<p>This report (A/HRC/7/16) 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><b>A. Women and adequate housing</b></p> <p>39. There is an urgent need to address multiple forms of discrimination that women face on grounds including race, class, ethnicity, <b>caste</b>, health status, disability, income, sexual orientation, and other factors. An intersectional approach to gender discrimination is</p>

<p>(7th HRC session, March 2008)</p>	<p>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>B. Suggested areas of continued focus</b></p> <p><b>1. Access to land</b></p> <p>75. Land is also of great importance to certain groups that have suffered historic discrimination, whether on grounds of <b>descent</b>, race or colour. For instance, <b>descent and work-based communities</b>, such as the <b>Dalits</b> 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>Summary of cases transmitted to Governments and replies received (7th HRC session, March 2008)</p>	<p>The addendum to the annual report (A/HRC/7/16/Add.1) contains references to communications transmitted to the Government of India (para. 57-58) and Nepal (para. 104-105).</p> <p><b>INDIA</b></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 <b>Dalit communities, particularly women</b>, 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 <b>Dalits</b> 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 <b>Dalits</b> 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.</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><b>NEPAL</b></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 <b>Dalits</b>. [...]</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>Report to the Human Rights Council (implementation of resolution 60/251) (5<sup>th</sup> session of the HR Council, June 2007)</p>	<p>In the report (A/HRC4/18) 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>Communications to/from Governments (5<sup>th</sup> session of the HR Council, June 2007)</p>	<p>In the addendum to the report (A/HRC/4/18Add.1) 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><b>INDIA</b>  <b>Communications sent</b>  Two communications were sent to the Government of India (for more information, see paragraph 30-31).</p> <p><b>Communications received</b>  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><b>Observations</b>  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><b>PAKISTAN</b>  Two communications were sent to the Government of Pakistan, both concerning forced evictions.  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. [...]  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>Annual Report 2006 (62<sup>nd</sup> session of the Commission on Human Rights)</p>	<p>Report (E/CN.4/2006/41)</p> <p><b>Country visits:</b> There are no specific references to upcoming country visits in the report. However, in a separate report the SR mentions that a number of <b>communications</b> 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>There are no specific references to CBD in the report. However, the SR highlights some of the current trends in the right to adequate</p>



	<p>housing, and mentions that it is important to be aware of discrimination and human rights issues that may arise in the wake of natural disasters such as the Tsunami:</p> <p><b>II. MAIN OBSTACLES AND CONTEMPORARY TRENDS (annual report 2006)</b> [...]</p> <ul style="list-style-type: none"> <li>• <i>Natural disasters and humanitarian emergencies.</i> Tragic events in recent years, such as the earthquake in Bam, Islamic Republic of Iran, in December 2003; <b>the Indian Ocean tsunami in December 2004</b>; the South Asia earthquake in October 2005 that affected areas of Pakistan and India; Hurricane Katrina, which caused flooding along the Gulf Coast of the United States; and Hurricane Mitch, which devastated parts of Nicaragua, have shown that there is a need to integrate human rights standards into relief and rehabilitation efforts. Concerns raised in recent evaluation studies include <b>discrimination and corruption in distribution of aid</b>, compensation and reconstruction work; and overcrowding, lack of water and sanitation, and <b>violations of the human rights to adequate housing</b>, and privacy and security of the person in temporary and intermediate shelters. Attention should be paid to the elaboration of means by which the international community, including international financial institutions and non-government organizations, can incorporate human rights standards in their policies and practices including the speedy transition from temporary shelter to permanent housing. [...]</li> </ul>
<p>Women and adequate housing (62<sup>nd</sup> session of the Commission on Human Rights)</p>	<p>In a separate report (E/CN.4/2006/118) the SR studies the situation of women and housing and refers to caste as a basis for discrimination of vulnerable groups.</p> <p><b>Thematic findings: A) Groups of women in vulnerable situations</b></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, <b>women from descent- and work-based communities</b>, 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, <b>race, caste, ethnicity</b>, 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, <b>India</b> 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 <b>2004 Tsunami disaster</b>.</p>
<p>Annual Report 2005 (61<sup>st</sup> session of the Commission on Human Rights)</p>	<p>The report (E/CN.4/2005/48) refers specifically to the situation of Dalits in e.g. Nepal:</p> <p><b>F. Communities discriminated against on the basis of ethnicity and descent</b> 62. Certain sections of the world’s population face multiple forms of discrimination. For instance, the <b>Dalits</b> - a community facing historical <b>caste-based discrimination</b> and disenfranchisement in <b>India, Nepal</b> and to some extent <b>Pakistan</b> - 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 <b>Nepal</b>, for instance, two out</p>

	<p>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:          "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 <b>descent- and ethnicity-based communities</b>, the Special Rapporteur welcomes <b>the new study initiated by the Sub-Commission</b> on the Promotion and Protection of Human Rights in its resolution 2004/17.</p>
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<b>Special Rapporteur on the Right to Food, Mr. Oliver De Schutter (Mr. Jean Ziegler until April 2008)</b>	
<p>Communications to/from Governments</p> <p>(10<sup>th</sup> session of the Human Rights Council, March 2009)</p>	<p>In the addendum (A/HRC/10/5/Add.1) to the annual report, the Special Rapporteur reports on the following communications sent to the Indian Government.</p> <p><b>INDIA</b></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> <ul style="list-style-type: none"> <li>- Whether a complaint has been lodged by or on behalf of the alleged victims,</li> <li>- 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. [...]</li> </ul>

	<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, 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><b>Communication received</b></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><b>Follow-up</b></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><b>Observations</b></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>Communications to/from Governments (7<sup>th</sup> session of the Human Rights Council, March 2008)</p>	<p>There are many references in this report (A/HRC/7/5/Add.1) to cases involving scheduled castes and minorities, especially in India, both in terms of access to food, land and resettlements. The report was prepared by Mr. Jean Ziegler.</p> <p><b>INDIA</b></p> <p>57. [...] In addition, it was reported that approximately 80% of the population of Nandigram belongs to <b>scheduled caste and minority communities</b>, who lack access to adequate productive resources, education, health and other social facilities. It has been reported that on 3 January, the police attacked a peaceful demonstration, firing at least 15 rounds to quell agitated villagers in Nandigram, resulting in at least 4 injuries. Furthermore, on the night of 6 January, two villages (Sonachura and Tekhali) were attacked by an unidentified group, allegedly in connection to the ruling party in West Bengal, with bombs and guns, while allegedly the police refused to intervene even though they were informed at the time by local villagers. Reportedly at least 8 people died in January, including children, and at least 20 others have been injured. [...]</p> <p>58. [...] Furthermore, allegations received claimed that the State Government in Uttarkhand has been increasingly acquiring agricultural land for industrial purposes. This has reportedly made it difficult for the <b>Dalits</b> who were evicted in 1993 from the Ambedkar Nagar village, district of Kashipur, Uttarkhand, following the demolishment and levelling of this village, to repossess their land. The 154 <b>Dalit</b> families from Ambedkar Nagar village were reportedly forcibly evicted only a day after the land commissioners had verified that they were the rightful owners of the land. [...]</p> <p>63. [...] JBN, a slum located on the banks of the Kali Ganga River in Meerut city with a population of approximately 10,000 people, mostly</p>

	<p><b>Dalits</b>, did not reportedly have any provision of municipal water. It was reported that JBN residents were compelled to consume water from private and government hand pumps, water allegedly polluted, discoloured and contaminated with heavy metals like chromium, cadmium, lead, iron and mercury many more times above the accepted limits. Whilst the Special Rapporteur welcomed the approval by the State Government of a project to construct an overhead water tank which could provide safe drinking water to JBN residents, information received indicated that implementation of this project has come to a standstill and could unlikely be completed by the end of December 2007 as originally foreseen. [...]</p> <p><b>NEPAL</b></p> <p>79. On 22 August 2007, the Special Rapporteur together with the Independent Expert on Minority Issues, 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 and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people brought to the Government's attention information received concerning the situation of the right to food of two specific communities in the country, including indigenous and minority population, located around the Royal Chitwan National Park (RCNP), in Nawalparasi District. In the first case, information was received concerning the Ramandar settlement in Makawanpur District, Manahari, where there are approximately 1,200 households, mostly composed of Tamang and Chepang (Tsepeng) indigenous communities and <b>Dalits</b>. According to this information, these families were resettled in 2002 in this area as a result of displacement caused by floods and landslides. The settlement area consists of a small, de-forested hillside with no infrastructure, located within the RCNP's buffer-zone area. The allegations claimed that the new settlement area for the above communities provides space for housing but does not have adequate areas for food cultivation. [...]</p> <p>80. On 11 September 2007, the Government acknowledged receipt of the communication from the Special Rapporteurs regarding the Ramandar settlement and the Piprahar indigenous community and informed that it forwarded it to the capital.</p>
<p>Report of the SR on the right to food (5<sup>th</sup> session of the Human Rights Council, June 2007)</p>	<p>In the report (A/HRC/4/30) 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 about 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).</p> <p><b>“1. The prohibition of discrimination</b></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, <b>Dalit children</b> 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 <b>violations of the prohibition of non-discrimination</b> 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><b>“V. CONCLUSION AND RECOMMENDATIONS</b></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</p>

	<p>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. <b>The Special Rapporteur makes the following recommendations:</b></p> <p><b>(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; [...]"</b></p>
<p>Communications to/from Governments (5<sup>th</sup> session of the Human Rights 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 <b>Dalits</b>. [...] “</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>Interim report, Mission to India (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 <b>mission to India</b> in 2005.</p> <p>The report contains several references to the connection between <b>caste-based discrimination</b> 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 <b>lower-caste scheduled castes</b> and tribes. Starvation deaths have not been fully eradicated, nor has discrimination against women and against <b>lower castes</b>, corruption, impunity and a wide range of violations including <b>forced labour, debt bondage and forced displacement</b> (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 problem, exacerbated by <b>widespread discrimination under the caste system</b> and against women.</p> <p><b>Hunger and food in India:</b>  “11. <b>Scheduled castes</b> 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 <b>low-caste Dalits</b> 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 <b>bonded labourers</b> 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. <b>Lower castes</b> are also often restricted from using village wells, as observed by the Special Rapporteur in Shivpuri District.”</p> <p><b>Discrimination against the Scheduled Castes and the Scheduled Tribes:</b>  43. Most of the victims of starvation are women and children, members of the Scheduled Tribes and <b>Scheduled Castes</b>, 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 <b>untouchability</b>, 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 <b>Dalits</b> 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, <b>Dalit families</b> 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, “<b>low-caste people</b> 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><b>Recommendations</b> (of relevance):  (e) All Indians should be treated equally before the law. The <b>Scheduled Castes</b> and Scheduled Tribes (<b>Prevention of Atrocities</b>) 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 <b>human rights principles of non-discrimination</b>, participation, transparency and accountability. Monitoring of all food-based programmes, including PDS, must include monitoring of impacts on malnutrition and undernourishment;</p>
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<b>Special Rapporteur on Education, Mr. Vernor Munoz Villalobos</b>	
Annual Discussion Day on the Human Rights of Women, 14 <sup>th</sup> HRC session, June 2010	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 <b>Dalit women</b> . There was clearly an urgent need to bring these women back into the mainstream education system in order to help them integrate into society.
Annual report 2006 (62 <sup>nd</sup> session of the Commission on Human Rights)	<p>Report (E/CN.4/2006/45)</p> <p><b>Country visits:</b> According to the information available online, Mr Munoz has not requested any country visits to caste-affected countries in the near future.</p> <p><b>Recommendations (Accessibility to Education):</b>  140. Remove known barriers to the enrolment and retention in school of young and teenage girls belonging to all <b>ethnic groups, castes and communities</b> 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.  <i>(References to 3 reports on CBD was mentioned in the report, incl. The Missing Piece of the Puzzle)</i></p> <p>Furthermore, the SR mentions in his report in section B “From equal access to total equality” that <b>Nepal, India and Yemen</b> have undergone progress in reducing the <b>gender gap</b> in education:  “62. The global situation notwithstanding, some countries have made sterling efforts; one such is Benin, which has increased the general enrolment rate of girls and boys aged 6-12 from 44 per cent in 1996 to 55 per cent in 2001, reducing the gender gap from 21 per cent to 17 per cent. Rapid progress has also been made in Afghanistan, Chad, Ethiopia, Gambia, Guinea, India, Morocco, Nepal and Yemen.”</p>

<b>Special Rapporteur on the situation of human rights defenders, Mrs. Margaret Sekkagya (Ms. Hina Jilani until March 2008)</b>	
Statement by the Special Rapporteur at the conclusion of her visit to India (21 January 2011)	<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 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>
Annual report of the Special Rapporteur (10 <sup>th</sup> session of the Human Rights Council)	<p>In the second chapter of her first report to the Council (A/HRC/10/12) 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><b>3. Summary of stakeholder information: overview and analysis</b></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), <b>India (Dalits)</b> 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>
Summary of cases transmitted to Governments and replies received	<p>The addendum (A/HRC/10/12/Add.1) 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><b>INDIA</b></p>



<p>(10<sup>th</sup> session of the Human Rights Council, March 2009)</p>	<p><b>Letter of allegations</b></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 <b>Dalit human rights activist</b> and the District human rights monitor in Salem district (Tamil Nadu) of the <b>National Project on Preventing Torture in India of People's Watch</b>. [...]</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><b>Letter of allegations</b></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 <b>Henri Tiphagne</b>, Executive Director of People's Watch, <b>Mahaboob Batcha</b>, Managing Trustee of the Society for Community Organisation Trust (SOCO Trust), and <b>V.P. Gunasekaran</b>, 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><b>Response from the Government</b></p> <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.</p> <p><b>Urgent appeal</b></p> <p>1211. On 23 May 2008, the Special Rapporteur sent an urgent appeal to the Government concerning Mr <b>Lenin Raghuvanshi</b>, 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.</p> <p>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</p>
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	<p>community, a <b>Dalit group subject to caste-based discrimination</b>, 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.</p> <p>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 <b>Dalit communities</b> in the State of Uttar Pradesh. In view of these threats, serious concern was expressed for the physical and psychological integrity of <b>Mr Lenin Raghuvanshi</b> and the members of the PVCHR.</p> <p><b>Response from the Government</b></p> <p>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.</p> <p><b>Letter of allegations</b></p> <p>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 <b>Henri Tiphagne</b>, Executive Director of People's Watch and member of the National Human Rights Commission of India; <b>S. Martin</b>, Regional Law Officer at People's Watch; and <b>G. Ganesan</b> and <b>M.J. Prabakar</b>, 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><b>NEPAL</b></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>Summary of cases transmitted to Governments and replies received by Ms. Hina Jilani (7<sup>th</sup> session of the Human Rights Council, March 2008)</p>	<p>This report (A/HRC/7/28/Add.1) 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><b>INDIA</b></p> <p><b>Letter of allegations</b></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</p>

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.

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.

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 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'**

	<p>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. [...]</p> <p><b>Observations</b></p> <p>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.</p> <p>1107. The Special Representative reiterates her concerns for the situation of human rights defenders representing vulnerable groups, such as lesbians, gays, bisexual and transgender (LBGT) persons and <b>members of caste groups facing discrimination</b>. The situation of the <b>Dalit community</b> 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><b>NEPAL</b></p> <p><b>Urgent appeal</b></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 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 <b>women's rights</b>, and the rights of marginalized groups in Nepal such as the <b>Dalits</b>. 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><b>Observations</b></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>Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Ms. Hina Jilani (60th GA Assembly)</p>	<p>Report (A/60/339) on the situation of human rights defenders in Nepal.</p> <p><b>Case studies of relevance: Nepal</b></p> <p>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 despite the increasing international awareness of this issue in UN circles. Furthermore, IDSN had worked hard to provide the SR with adequate information on the issue, but apparently without any measurable result in the report.</p>
<p>Compilation of</p>	<p><b>INDIA</b></p>

<p>developments in the area of human rights defenders since 2000 by Ms. Hina Jilani (62<sup>nd</sup> session of the Commission on Human Rights)</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><b>The human rights defenders community</b></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><b>NEPAL</b></p> <p>1147. [...] The <b>human rights defenders community</b> 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 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 <b>caste-based discrimination</b> and LGBT 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 <b>national network</b> through Nepal.</p>
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<b>Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Novak</b>	
<p>Interim report of Mr. Manfred Nowak (60th GA Assembly)</p>	<p>Interim report (A/60/316) on torture and other cruel, inhuman or degrading treatment or punishment.</p> <p><b>Country visits of relevance: India and Nepal</b></p> <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>Report to 62<sup>nd</sup> CHR session: Mission to Nepal</p>	<p>Report (E/CN.4/2006/6/Add.5)</p> <p><b>Country visit to Nepal:</b> 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>

**Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk (until June 2009)**

<p>Communications to/from Governments and interactive dialogue (11<sup>th</sup> HRC session, June 2009)</p>	<p>In the addendum to her report to the Human Rights Council (A/HRC/11/6/Add.1), 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, <b>Dalit women</b> and men suffer descent based discrimination in various aspects of their lives and are also <b>victims of violence and untouchability practices</b> arising out of the caste system. Despite the formal abolition of “untouchability” by article 17 of the Indian Constitution, <b>de facto discrimination and segregation of Dalits persists</b>, 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 <b>Dalit women</b> 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 <b>interactive dialogue</b> 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 <b>multiple or aggravated forms of discrimination and disadvantage</b>, 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 <b>multiple forms of discrimination</b>, and to examine effective measures to respond to those situations”.</p>
<p>15 Years of the UN Special Rapporteur on Violence against Women</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><b>Applying Intersectionality</b> 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, <b>women who are victims of caste-based discrimination*</b>, 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><i>*) 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.</i></p>
<p>Joint contribution prepared pursuant to decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its first session</p>	<p>The joint contribution (A/CONF.211/PC/WG.1/5) 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><b>Discrimination on the grounds of caste and other systems of inherited status</b></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>Report of the Special Rapporteur on Indicators on Violence against Women and State response by Dr. Yakin Ertürk (7<sup>th</sup> HRC session, March 2008)</p>	<p>This report (A/HRC/7/6) of 28 January 2008 contains 'Indicators on violence against women and State response'. Chapter II highlights the SRs activities in 2007, and Chapter III proposes indicators on violence against women and State response to such violence. Such indicators can be used by the Dalit Womens' working group to improve the ability to measure human rights violations against women and hold state and non-state actors accountable to their obligations and responsibilities.</p>
<p>Communications to/from Governments (7<sup>th</sup> HRC session, March 2008)</p>	<p>This report (A/HRC/7/6/Add.1) contains a number of cases submitted to the governments of India and Nepal.</p> <p><b>4. Violence against women facing multiple and intersecting layers of discrimination</b></p> <p>23. 19 out of 59 communications sent (32 per cent of the total number) concerned women facing <b>multiple and intersecting layers of discrimination</b>.</p> <p>24. Women belonging to national, ethnic or religious minorities or <b>lower social castes</b>, 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>Report of Dr. Yakin Ertürk – Communications to and from Governments (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><b>Bangladesh:</b></p> <p>24. J.T., aged 19 and her two cousins, R.T. and K.T., three young women from a <b>low-caste Hindu family</b>. 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 Lalmojan police station of Lord Hardinge in Bhola District of Bangladesh. The police were</p>



	<p>alleged to have not taken any action. The cases are as follows.</p> <p><b>India:</b> 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 <b>Dalit settlement</b> in Kalapatti village of Coimbatore district, Tamil Nadu, India on 16 May 2004. It is reported that the Dalits' homes were attacked by <b>upper-caste</b> villagers using swords and other weapons. They reportedly pushed <b>the Dalits</b> to the ground and stamped on them, verbally abusing them by using degrading <b>caste names</b>.</p> <p><b>Nepal:</b> 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 <b>Badi women and girls</b>. 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 <b>untouchables</b>. It is reported that Badi women and girls, due to the discrimination, stigma and vulnerability inherent in the <b>caste system</b>, are forced to work in prostitution. [...] 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 <b>Dalit girl</b> aged 14, from Inaruwa, Sunsari, who was allegedly raped and then murdered with impunity.</p>
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Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir	
<p>Mission report from country visit to India (10<sup>th</sup> HRC session, March 2009)</p>	<p>In this addendum (A/HRC/10/8/Add.3), the Special Rapporteur 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><b>Summary</b> 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>

## **1. Situation of religious or belief minorities**

### **(a) Christians**

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 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.

## **2. 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 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.**

**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**

	<p>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>
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Independent Expert on water and sanitation, Ms. Catarina de Albuquerque	
<p>Joint report from a visit to Bangladesh with the independent Expert on human rights and extreme poverty, 15<sup>th</sup> 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 (A/HRC/15/55) at the 15<sup>th</sup> 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. <b>The experts recall that the Constitution prohibits discrimination on the grounds of “religion, race, caste, sex or place of birth”.</b></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</p>

**the particular issues related to Dalits under her mandate (see paragraphs 75–76 below).**

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.**

The Independent Expert on water and sanitation also made a reference to Dalits when presenting the report on 15<sup>th</sup> September 2010:

**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,

	<p>they live in slum communities which have no access to water and sanitation. <b>I urge the Government of Bangladesh to eliminate all forms of discrimination</b>, and to ensure the right to water and sanitation for all people.</p>
<p>Statement on the conclusion of a visit to Bangladesh together with the Independent Expert on human rights and extreme poverty (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. Link to the press statement: <a href="http://www2.ohchr.org/english/issues/water/lexpert/docs/PressStatement10Dec2009.pdf">http://www2.ohchr.org/english/issues/water/lexpert/docs/PressStatement10Dec2009.pdf</a></p> <p>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>Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation (12th HRC session, September 2009)</p>	<p>In the first report (A/HRC/12/24) 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><b>K. Prohibition of discrimination</b></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. <b>Sanitation workers</b> face particular stigmatization for having a job which is perceived as "<b>unclean</b>" or <b>lowly</b>. 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</p>

	<p>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 <b>treaty bodies</b> 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, <b>Dalits (CEDAW/C/IND/CO/3 (India), para. 29)</b>, 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>
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<b>Independent Expert on human rights and extreme poverty, Magdalena Sepulveda</b>	
<p>Joint report from a visit to Bangladesh with the Independent Expert on water and sanitation, 15<sup>th</sup> HRC session, September 2010</p>	<p>The Independent Expert on human rights and extreme poverty and the Independent Expert on water and sanitation presented their joint report from Bangladesh at the 15<sup>th</sup> 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. <b>The experts recall that the Constitution prohibits discrimination on the grounds of “religion, race, caste, sex or place of birth”.</b></p> <p><b>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.</b></p> <p><b>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</b></p>

	<b>has a central role to play in combating discrimination based on caste.</b>
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<b>Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health, Mr. Anand Grover (Paul Hunt until July 2008)</b>	
<p>Report of the (now former) Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health, Paul Hunt: Addendum, Mission to India (14<sup>th</sup> HRC session, June 2010)</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 Dalits suffer from lack of access to health care:</p> <p><i>Inequitable access: systemic disadvantage</i></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, <b>scheduled castes</b> 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>