

Caste-based discrimination in Pakistan

Key recommendations for the Universal Periodic Review of Pakistan, 14th UPR session, 30 Oct 2012

PAKISTAN DALIT SOLIDARITY NETWORK · INTERNATIONAL DALIT SOLIDARITY NETWORK

Executive summary

When the Government of Pakistan (GoP) was reviewed by the UPR Working Group at its 2nd session in May 2008, several states expressed concern about minorities and marginalized communities in Pakistan. Three states raised the issue of caste-based discrimination and the situation of Dalits (officially known as “scheduled castes”), which led to the following recommendation – accepted by Pakistan – in the outcome document (A/HRC/8/42):

31. To take measures to eliminate discrimination against castes and high degree of poverty suffered by castes (Luxembourg) and take specific and targeted measures to effectively Prevent discrimination against Scheduled Castes (Denmark).

The Pakistani delegation’s first response to these recommendations was that Pakistan is “free from such kind of prejudices, and the existing norms do not contain discrimination on the basis of caste or creed”. A few months later, a more open position was taken on this issue, saying that “efforts are made to eliminate discrimination wherever it exists and to give maximum support to scheduled castes”, and accepted Recommendation No. 31. Despite this, the GoP has not taken any measures to address the human rights violations and high degree of poverty affecting scheduled castes and other marginalized communities. Nor was the UPR consultation process fully inclusive of this.

In Pakistan, Dalits continue to be socially and physically excluded from the mainstream as they are compelled to segregated housing and denied social, political and economic rights. As a minority living among Pakistan’s 160 million people, Dalits fall victim to the practise of ‘untouchability’ in all spheres of private and public life. As a result they live in separate colonies; are served food in separate crockery; and cannot sit inside with upper castes.

Officially, the number of Dalits is approximately 330,000 (1998 census), but according to researchers the real figure may be two million, or even higher when ‘lower castes’ within the Muslim community are included. In the first phase of the new national census process, which was started in 2011, no special efforts have been made to ensure accuracy of the data based on caste. [Full version of UPR submission \(findings and recommendations for UPR II\)](#)

Key Issues and Recommendations

Legal measures to eliminate caste-based discrimination and violence

- The GoP should enact a specific law to prohibit discrimination on the basis of caste (in accordance with CERD General Recommendation 29), and take effective measures to ensure its effective implementation to prevent violence and protect those discriminated against on this basis, as recommended by CERD in 2009;
 - The GoP should establish a commission with substantial authority to look into the socio-economic and political conditions of scheduled castes and other marginalized groups, and suggest remedial measures. On this basis, the GOP should develop a special action plan and monitoring mechanism to eliminate caste discrimination, giving special attention to post-violence scenarios in which such marginalized groups are most vulnerable. When making action plans, the GoP may endorse the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent as a guiding framework;
 - The GoP should restore the six percent job quota for scheduled castes in government service positions, and allocate adequate development funds to promote the socio-economic status of marginalized groups;
 - The newly established National Human Rights Commission should incorporate human rights violations on the basis of caste as an aspect of its work as a national human rights monitoring mechanism.
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Forced and bonded labour

The problem of forced and bonded labour continues to be a major problem in Pakistan. In the Sindh province alone, it is estimated that between 3-8 million labourers work under such conditions in the agriculture and brick kiln sector

(Human Rights Commission of Pakistan, 2012). The majority of bonded labourers and landless rural workers are from the scheduled caste and other marginalized communities (Anti Slavery International, 2008). Laws dealing with bonded labour such as the Bonded Labour System Abolition Act, 1992 and Sindh Tenancy Act, 1950 and ILO Conventions (No. 29 and 105) are not properly implemented.

- The GoP should ensure that Scheduled Caste peasants are given their due share of agricultural productions, so that labourers are not subjected to bonded labour. This can be achieved by making progressive changes in Tenancy Legislation (especially the Sindh Tenancy Act);
 - The GoP should implement international conventions (ILO Conventions 29, 105, 138, 182, 100 and 111), international treaties, the National Policy and Plan of Action (2001) for the abolition of Bonded Labour and Rehabilitation of freed bonded labourers, and distribute land among them so that they can escape this;
 - The GoP should extend an invitation to the UN Special Rapporteur on contemporary forms of slavery.
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Disaster management

When Pakistan is hit by humanitarian disasters, such as the floods in 2010 and 11, scheduled castes are some of the worst victims. In connection with the 2010 flooding, the President of Pakistan announced an inquiry into incidents of discrimination against Scheduled Castes in relief camps, but the report is not yet public. Since these people are landless peasants, genuine rehabilitation should include provision of land for cultivation and housing. As a consequence, the GoP must enact special measures for the rehabilitation of those worst affected by this situation, and invoke a mandatory mapping of the communities, so that those engaged in the relief work are aware whether communities are excluded in the social process, including on the basis of caste.

- The GoP must provide special guidelines for assisting scheduled castes during relief and rehabilitation work in disaster management laws and plans;
 - The GoP and international agencies should take special care to address the situation of the most vulnerable groups, including women, children, the sick or disabled, the aged, and caste-affected groups in disaster management, including in the policy, planning, implementation and evaluation of relief plans.
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Dalit women and girls

Dalit women and girls in Pakistan experience multiple forms of discrimination, as they are both discriminated on the basis of caste and gender. They continue to be extremely vulnerable to social exclusion, and are often subject to physical assaults, including rape, due to their weak socio-economic status. One of the key concerns faced by this group, particularly Hindus in Sindh province, is the problem of forced marriage and conversions. The worst victims are Scheduled Caste girls who are kidnapped, sexually exploited and then abandoned.

- The GoP should take action to prevent and investigate cases of forced and early marriage, with an emphasis on the most vulnerable groups such as Scheduled Caste girls, and mandate a commission comprising members from all religions to look into the issue;
 - The GoP should include take steps to eliminate multiple forms of discrimination against Dalit women, and include this information as part of UN reviews, including when it is being reviewed by CEDAW in 2013.
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Political participation

- The GoP should take effective measures to secure that scheduled castes are granted meaningful participation in the political process, e.g. by ensuring that scheduled castes are represented in federal and provincial cabinets;
 - The GoP should take effective steps to ensure the safety and protection of human rights defenders, including those working for the protection of scheduled castes.
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Capacity-building and technical assistance through bilateral, regional and international cooperation

Initiatives, which are recommended to support elimination of caste-based discrimination in Pakistan, include:

- Technical and institutional support to identify suitable policy frameworks and national programmes; review anti-discrimination legislation; establish monitoring mechanisms on the implementation of anti-discrimination and affirmative action legislation; enable and implement legislation and national action plans to abolish forced and bonded labour;
- Support to thematic research on caste discrimination in Pakistan, including on human rights violations; the situation of affected communities; and its impact on poverty and access to development.