



National Campaign on Dalit Rights
8/1, 2nd Floor, South Patel Nagar,
New Delhi-110008
Tel +91-11-25842249, 4500939,
Fax +91 25842250
Email: ncdhr@vsnl.net www.dalits.org

FOR IMMEDIATE RELEASE

Press Release

UN CERD to India: Put an End to Widespread Impunity on Violence against Dalits and Dalit women in particular

The UN Committee for Elimination of Racial Discrimination (UNCERD) urged India to “introduce mandatory training on the application of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989) for police, judges and prosecutors and take disciplinary or criminal law measures against police and other law enforcement officers who violate their duty to protect and/or investigate crimes against scheduled castes and scheduled tribes”. In their concluding observations on March 9, 2007, after examining India’s 15-19 th reports on February 23 and 26, the Committee found that ‘de-facto segregation of Dalits persists, expressed concern at the ‘alarming rate of sexual violence on Dalit women and caste discrimination in post-tsunami relief.

National Campaign on Dalit Human Rights, other Dalit and Human Rights organizations welcomed the Committee’s observations as yet another opportunity for opening the dialogue with the state, that has consistently and continuously refuted discussion on the human rights situation and abuse of Dalits in India on the basis that ‘caste cannot be equated to race’. Many academics and intellectuals and human rights organizations find Prof. Dipankar Gupta’s analysis and statements before the committee highly objectionable, untenable and an example of the caste mindset.

The Committee’s recommended that:

- Prevalent discrimination of Dalits, particularly in rural areas, with regard to access to places of worship, housing, hospitals, education, water sources, markets and other public places, needs to be checked by strictly enforcing the Protection of Civil Rights Act (1955).
- Mandatory training on the appliance of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989) for concerned officials, as there has been an alarming increase in the number of arbitrary arrests, torture and extrajudicial killings of members of scheduled castes and scheduled tribes by the police.
- With regard to the surmountable increase in cases of sexual violence against Dalit women by upper caste men, there needs to be immediate remedial and legal actions to ensure effective delivery of Justice to the victim.

- The State party restores the eligibility for affirmative action benefits to members of scheduled castes and scheduled tribes who have converted to another religion.
- Considering the prevalence of manual scavenging as a Dalit occupation, and the large number of child laborers from the Dalit Community, there has to be effective implementation of the Minimum Wages Act (1948), the Equal Remuneration Act (1976), the Bonded Labour (System) Abolition Act (1976), the Child Labour (Prohibition and Regulation) Act (1986) and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act (1993).
- Hunger, malnutrition, epidemics and fatal diseases can be alleviated by providing basic amenities and services.
- The State Party effectively enforces the prohibition of child marriage, the Dowry Prohibition Act (1961), and the practice of devadasi.

In its Concluding Observations, “the Committee reaffirm[ed] that discrimination based on the ground of caste is fully covered by article 1 of the Convention.” It cited its position expressed in General Recommendation No. XXIX, “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.”

The Committee requested India to respond to its recommendations on how widespread impunity against Dalits and Dalit women in particular can be put to an end India within a year and submit its twentieth and twenty-first periodic reports in a single report on 4 January 2010.

The delegation consisting of senior government officials of the ministries of External Affairs and Social Justice Empowerment, Goolam E. Vahanvati, the Solicitor General of India, Professor Dipankar Gupta, and others and was led by Indian Ambassador to Geneva

.....end of release