



International Dalit Solidarity Network

WORKING GLOBALLY AGAINST DISCRIMINATION BASED ON WORK AND DESCENT

Summary of stakeholders' information in UPR 1st and 2nd sessions:

Caste-based discrimination in India, Pakistan, Sri Lanka and Japan

1st UPR session (April 2008): India

India

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The 10-page summary report from stakeholders is based on the inputs from 39 submissions from civil society organizations, networks and platforms. The report contains summaries and references from the 39 UPR submissions, including the submission which IMADR and LWF submitted in associates with NCDHR and IDSN. It is however only the organizations with ECOSOC status (i.e. IMADR and LWF) which are referred to in the report. The report is generally critical towards the lack of enforcement of legal protection against vulnerable groups, such as Dalits, women, indigenous peoples, human rights defenders, etc. Two references are made to our report in para. 9 and 49 (see below), and many other references about the human rights violations against Dalits and non-implementation of the legal framework were mentioned based on other reports from People's Forum on UPR and ALRC among others. The submission from the People's Forum on UPR is frequently referred to in the report, and it is based on the inputs from 192 organizations in India incl. NCDHR, FORUM-ASIA and individual experts including Ruth Manorama and Dr. Umakant, under the initiative led by the Asian Centre for Human Rights.

Equality and non-discrimination. Para. 9 (about the caste system): "The International Movement against All Forms of Discrimination and Racism (IMADR) and the Lutheran World Federation (LWF) emphasized that the non-availability of disaggregated data on some areas of the caste-based discrimination prevents in-depth analysis and targeted planning which may contribute to discrimination against Dalits in the right to land, housing, health, education and employment."

Achievements, best practices and constraints. Para 49. "IMADR and LWF mentioned the statement made by the Indian Prime Minister in December 2006, in which he compared the untouchability practice in India to apartheid in South Africa, as a milestone in the recognition of the social discrimination against Dalits. They recommended that this public statement should be followed up by effective measures at the national level to implement the constitutional safeguards protecting Dalits from discrimination."

2nd UPR session (May 2008): Pakistan, Sri Lanka and Japan

The summary of stakeholders' information from NGOs in relation to the 2nd UPR session were made public by the OHCHR on 28 March 2008. This session will take place in May 2008 where Pakistan, Japan and Sri Lanka will be reviewed. All three stakeholders' reports take up the issue of caste-based discrimination, which show the result of the network's efforts to consistently raise this issue as part of this new mechanism. Here is a summary of the references in the reports to caste-based discrimination.

Pakistan

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II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND Section B: Implementation of international human rights obligations 1. Equality and non discrimination

"8. A joint submission of three NGOs (JS2) explained that although the Constitution of Pakistan generally prohibits discrimination, there is hardly any affirmative action aimed at uplifting Scheduled Castes from their present backward situation. Scheduled Castes in Pakistan are victims of discrimination on the basis of caste, descent and occupation and are in a dually disadvantageous position as they are Hindu (minorities in a Muslim majority country), and also 'lower castes'. They are socially and physically excluded from the mainstream as they are compelled to segregated housing and are denied social, political and economic rights. Apart from being treated as 'untouchables' and humiliated in public, Scheduled Castes live in separate colonies, they are served in separate crockery, and they cannot sit inside with upper castes. According to JS2, women in Pakistan are considered extremely vulnerable to discrimination and social exclusion.¹⁵"

Important contributions were also included from IDSN's international associates (HRW, ACHR, ALRC, Anti-Slavery International) and others (FIDH and Amnesty International).

Sri Lanka

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II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND B. Implementation of international human rights obligations, taking into account applicable international humanitarian law 1. Equality and non discrimination

"9. According to the joint submission of three NGOs (JS2) women may be seen as an especially vulnerable group with ethnic, caste, class and gender discriminations simultaneously impacting on them. Unemployment rates are particularly high among women and some have responded to this situation by joining the stream of migration abroad.²⁰"

"11. JS2 reported that despite the fact that explicit caste-based discrimination seems to have gradually diminished in most parts of Sri Lanka, new research documents that there continue to be pockets of outcast populations in diverse places such as Mahaiyawa in Kandy, Wilgoda in Kurunegala and IDP camps in Jaffna peninsula.²⁴ JS2 urged the Government to revise and implement the legal framework to have effective national remedies in place, and ensuring prohibition of practices of discrimination in both public and private places.²⁵"

Important contributions were also included from IDSN's international associates (HRW, ACHR, ALRC) and others such as Amnesty International.

Japan

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II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND B. Implementation of international human rights obligations 8. Minorities and indigenous peoples "27. STP (Society for Threatened

Peoples, Göttingen, Germany) further noted that Japan's main minority group, the three million Burakumin, also suffer from discrimination. The Burakumin are descendants of outcast communities of the feudal era, which mainly comprised those with occupations considered "tainted" with death or ritual impurity. With the abolition of the feudal caste system in 1871, the Burakumin were legally liberated, but the long history of taboos and myths left a continuous legacy of social exclusion.⁶¹"

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE "37. The JIHR NGO Network (Joint submission - Japan International Human Rights NGO Network and 50 signatory organizations, including IMADR and Buraku Liberation League) noted that there is a need for international technical support in the following areas: to promote an understanding of the rights of indigenous peoples and the concepts of "descent-based discrimination" and "discrimination based on work and descent"; to promote a deeper understanding about the importance and features of independent national human rights institutions for the protection and promotion of human rights; to put in place a comprehensive law prohibiting individuals from discriminating on the basis of race, ethnicity, descent, etc.; to provide human rights education to judges and law-enforcement officials.⁷⁵"