

US State Department: Country Reports on Human Rights Practices for 2011

In its annual human rights report, released in July 2011, the US State Department mentioned a significant number of issues and incidents involving caste discrimination in India. Caste-related human rights abuses were also reported from Nepal, Pakistan, Japan, Mauritania and Yemen. The relevant excerpts from the reports on these countries are included below.

The full report can be accessed via this link:

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

INDIA

Link to country report: <http://www.state.gov/documents/organization/186675.pdf>

Executive Summary (p. 1)

Trafficking in persons and caste-based discrimination and violence continued, as did discrimination against indigenous persons.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (p. 7)

On September 29, a court found 17 police and forest officials guilty of raping 18 lower-caste women during a 1992 raid on Vachathi village in Tamil Nadu state. They were sentenced to two to 10 years in prison.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press (p. 23)

The Press Council, an independent statutory body of journalists, publishers, academics, and politicians with a government-appointed chairman nominated by the chief justice, investigated what it considered irresponsible journalism and set a code of conduct for publishers. The code included injunctions against publishing stories that might incite caste or communal violence. The council publicly criticized those it believed broke the code.

Academic Freedom and Cultural Events (p. 25)

State governments in Uttar Pradesh, Punjab, and Andhra Pradesh banned the Bollywood film *Aarakshan*, a socio-political drama based on the policy of caste-based reservations in government jobs and educational institutions.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government Elections and Political Participation

Participation of Women and Minorities: (p. 32)

The constitution stipulates that to protect historically marginalized groups and to ensure representation in the lower house of parliament, each state must reserve seats for scheduled castes and scheduled tribes in proportion to their population in the state. Only candidates belonging to these groups can contest elections in reserved constituencies. In the 2009 elections, 84 seats for candidates from scheduled castes and 47 seats from scheduled tribes were reserved, representing 24 percent of the total seats in the lower house.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women (p. 38)

Women in conflict situations, such as in Jammu and Kashmir, and vulnerable women, including lower-caste or tribal women, were often victims of rape.

Persons with Disabilities (p. 49)

The state government of Tamil Nadu passed an order in 2010 reserving 3 percent of all positions in state public services and educational institutions for physically disabled persons and in all positions where reservations were applied for Scheduled Caste/Scheduled Tribes and Backwards Classes.

National/Racial/Ethnic Minorities (p. 51-53)

The national census does not recognize racial or ethnic groups; population is categorized by language spoken. Society has traditionally been divided into castes or clans. Caste is a complex Hindu social hierarchy traditionally based on ritual purity and occupation. While caste was outlawed in 1949, the registration of castes and tribes remains for the purpose of affirmative action programs. Article 15 of the constitution prohibits discrimination on the basis of caste, and the government continued to implement various programs to empower members of the low castes. The law gives the president authority to identify historically disadvantaged castes and tribes (who are outside of the caste system) for special quotas and benefits; these are the Scheduled Castes and Scheduled Tribes. Discrimination based on caste remained prevalent, particularly in rural areas.

The term Dalit, derived from the Sanskrit for “oppressed” or “crushed,” refers to members of what are traditionally regarded as the lowest Hindu castes, which are the Scheduled Castes (SC). Many SC members continued to face impediments to social advancement. According to the 2001 census, SC members constituted 16 percent (168.6 million persons) of the population. The MHA 2010-11 annual report noted 33,594 cases of registered crimes against SC members in 2009, compared with 33,615 cases in 2008. On March 1, the MHA informed parliament that 4,410 Dalits were hurt in various incidents and 1,683 persons were convicted of crimes against Dalits, according to NCRB records.

Although the law protects Dalits, in practice they faced violence and significant discrimination in access to services such as health care and education, attending temples, and marriage. Reports from the UN’s Committee on the Elimination of Racial Discrimination described systematic abuse of Dalits, including extrajudicial killings and sexual violence against Dalit women. For example, on February 7, a 16-year-old Dalit girl was mutilated when she resisted a rape attempt in Bindaki, Uttar Pradesh. The attackers cut off her nose, ear, and part of her hand and inflicted deep wounds on her legs and back. Authorities arrested the three accused youths and put them in prison. At year’s end the case had not gone to trial.

Many Dalits were malnourished. Most bonded laborers were Dalits. Dalits who asserted their rights often were attacked, especially in rural areas. As agricultural laborers for higher-caste landowners, Dalits often worked without remuneration. Crimes committed by upper-caste Hindus against Dalits often went unpunished, either because the authorities failed to prosecute or because victims did not report the crimes due to fear of retaliation.

On January 14, Purushottam Dwivedi, a member of the Uttar Pradesh state assembly from the Bahujan Samaj Party, was imprisoned for raping a minor Dalit girl in December 2010 at his home in Banda District.

The girl escaped when Dwivedi allegedly attempted rape for the third time, and she was subsequently arrested on theft charges. On January 20, Uttar Pradesh Chief Minister Mayawati ordered the suspension of four police officers and a jailer for their laxity and complicity in the case. On September 21, the CBI registered a case against Dwivedi and four others for the alleged rape. At year's end the case had not gone to trial.

NGOs reported that students were denied admission to certain schools because of their caste or were required to present caste certification prior to receiving admission. According to the executive director for the South India Cell for Human Rights Education and Monitoring, caste discrimination continued in Karnataka, particularly in rural areas. Dalits in rural Karnataka frequently were denied access to temples, clean water sources, and passage through village streets.

The Tamil Nadu Untouchability Eradication Front (TNUEF) continued to highlight continuing caste-based discrimination in the state. According to the TNUEF, many Dalits were not permitted to walk on public pathways, wear footwear, access water from public taps in upper caste neighborhoods, participate in some temple festivals, bathe in public pools, or use some cremation grounds. For example, Dalits in Perali village, Perambalur District, reported that they could not ride bicycles on streets where upper caste families reside. There were also separate temples on upper caste and Dalit streets so that the two communities could worship separately.

On June 17, the NHRC asked the Tamil Nadu government to submit a report on the alleged beating of a Dalit boy who took water from a public tap in Karikkilipalayam village, Coimbatore District. The NHRC also asked the government to report on specific steps taken to prevent future acts of discrimination against Dalits.

During the year there were reports that school officials barred Dalit children from morning prayers, asked Dalit children to sit at the back of the class, or forced Dalit children to clean school toilets while denying them access to the same facilities. There were also reports that teachers refused to correct the homework of Dalit children, refused to provide midday meals to Dalit children, and asked Dalit children to sit separately from children of upper caste families.

The federal and state governments continued to implement various programs for scheduled caste members, ostensibly to provide better quality housing, reserved seats in schools, government jobs, and access to subsidized foods, but critics claimed that many programs suffered from poor implementation and corruption.

In April 2010 members of the dominant Jat community burned 10 Dalit homes in Mirchpur, Haryana, killing 70-year-old Tara Chand and his disabled daughter Suman and injuring more than a dozen other individuals. On September 24, newspapers reported that of the 97 persons accused, 82 of them were acquitted by a Delhi court. Fifteen persons were convicted but none were found guilty of murder; three were convicted of culpable homicide not amounting to murder, with a maximum 10-year jail term. After the verdict was announced, calm prevailed, with both sides agreeing that the arrest of 97 persons was unjustified.

The issue of manual scavenging continued, and the National Advisory Council set March 2012 as the new deadline for abolishing the practice, despite the practice having been outlawed under the Employment of Manual Scavengers and Construction of Dry Latrines (Prevention) Act of 1993. On September 21, Chennai's

National Commission for Scavenger's Welfare reported that men were being forced to get into sewage pits without safety measures despite orders against the practice, and requested state intervention. Violators may face up to one year's imprisonment and a fine of 2,000 rupees (\$38), but the law was not enforced. In June six persons died in the Kolar Gold Fields, near Bangalore, as a result of illnesses contracted from manual scavenging.

Section 7. Worker Rights

b. Prohibition of Forced or Compulsory Labor (p.60)

On March 8, newspapers reported that the state government of Orissa abolished the traditional practice of semibonded labor called the "bartan" after pressure from social activists and intervention from the NHRC. Under the practice upper caste families extracted work from barbers and washermen for as little as 15 kilograms (33 pounds) of paddy rice a year.

c. Prohibition of Child Labor and Minimum Age for Employment (p. 63)

According to a 2009 UNICEF report, private companies in Andhra Pradesh reportedly employed 200,000 children in the hybrid seed industry. Most were girls between the ages of seven and 14; the children were predominantly Dalits and members of economically disadvantaged castes and tribal groups forced to work in debt bondage. They were abused routinely, exposed to dangerous pesticides, and denied access to education.

P. 65: Members of Scheduled Castes and Tribes, including children, often worked as rag pickers, recycling trash under hazardous and generally substandard conditions. Workers from these groups also cleaned sewers and drains of human excrement without proper equipment and under extremely unsanitary conditions.

NEPAL

Link to country report: <http://www.state.gov/documents/organization/186683.pdf>

Executive Summary (p. 1)

Violence associated with caste-based discrimination occurred.

Section 1. Respect for the Integrity of the Person, Including Freedom from: Arbitrary or Unlawful Deprivation of Life (p. 2)

In March 2010 members of the Nepal Army (NA) killed two Dalit ("untouchable" lower-caste) women, Devisara BK and Amrita BK, and a 12-year-old girl, Chandrakala BK, inside Bardiya National Park in Surkhet District. Although the NA alleged that the three were armed and involved in poaching and were killed during a firefight, a National Human Rights Commission (NHRC) investigation concluded that they were shot in the back from a distance. The NHRC recommended action against those involved in the incident, including 15 army personnel of the Jwala Dal Battalion led by Captain Subodh Kunwar. The NHRC also recommended compensation to the families of 300,000 rupees (\$3,525) for each of those killed and free education for the children of the deceased women. Following an internal investigation in 2010, the army claimed that its personnel were performing their duty in good faith, and the military court took no action

against those involved in the incident. The government provided 25,000 rupees (\$295) to the next of kin to perform last rites for the deceased.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Elections and Political Participation (p. 19)

Participation of Women and Minorities: There are no specific laws that restrict women, indigenous people, or minorities from voting or participating in government or in political parties, but tradition limited the roles of women and some castes and ethnicities in the political process. Members of certain castes traditionally held more power than others. There were 194 women in the 594-seat Constituent Assembly. In the 44-member cabinet, seven members were from ethnic minority communities, five were women, and four were Dalits. Most of the larger political parties had associated youth wings, trade unions, and social organizations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons (p. 22)

The law prohibits discrimination based on race, caste, gender, disability, language, or social status. However, the government did not effectively enforce these prohibitions. The Caste Discrimination and Untouchability Act, passed in May, criminalizes discrimination based on caste. As of year's end, its effectiveness was unclear. A rigid caste system continued to operate throughout the country in many areas of religious, professional, and daily life. Societal discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas.

Women (p. 23)

Traditional beliefs about witchcraft negatively affected elderly rural women and widows with low economic status, especially those who belonged to the lower caste of Dalits. Shamans or other local authority figures publicly beat and otherwise physically abused alleged witches as part of exorcism ceremonies. The media and NGOs reported numerous cases of such violence during the year.

National/Racial/Ethnic Minorities (p. 28-29)

There were more than 75 ethnic groups which spoke 50 different languages. Discrimination against lower castes and some ethnic groups was especially common in the Tarai region and in rural areas in the West, even though the government outlawed the public shunning of Dalits and made an effort to protect the rights of disadvantaged castes. Better education and higher levels of prosperity, especially in the Kathmandu valley, were slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes continued to dominate politics and senior administrative and military positions and control a disproportionate share of natural resources.

Caste-based discrimination is illegal. However, Dalits occasionally were barred from entering temples and sharing water sources. Progress in reducing discrimination was more successful in urban areas.

Resistance to intercaste marriage remained high and in some cases resulted in forced expulsion from the community. While Dalits who participated in wedding activities traditionally reserved for non-Dalits, such as riding a horse, were sometimes assaulted, the courts showed a willingness to prosecute such cases of discrimination.

PAKISTAN

Link to country report: <http://www.state.gov/documents/organization/186685.pdf>

Executive summary (p. 1)

Societal discrimination against national, ethnic, and racial minorities continued, as did discrimination based on caste, sexual orientation, gender identity, and HIV status.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons (p. 41)

The constitution provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on each of these factors.

Section 7. Worker Rights

b. Prohibition of Forced or Compulsory Labor (p. 55)

The use of forced and bonded labor continued to be widespread and was common in many industries across the country. NGOs reported that more than one million persons were in bondage, primarily in Sindh and Punjab. A large proportion of bonded laborers were low-caste Hindus as well as Christians and Muslims with lower socio-economic backgrounds.

JAPAN

Link to country report: <http://www.state.gov/documents/organization/186486.pdf>

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

National/Racial/Ethnic Minorities (p.19)

Although not subject to governmental discrimination, Buraku (the descendants of feudal era “outcasts”) frequently were victims of entrenched societal discrimination. Buraku advocacy groups reported that despite the socioeconomic improvements achieved by many Buraku, widespread discrimination persisted in employment, marriage, housing, and property assessments. While the Buraku label is no longer officially used to identify people, the family registry system can be used to identify them and facilitate discriminatory practices. Buraku advocates expressed concern that employers, including many government agencies, which require family registry information from job applicants for background checks, may use this information to identify and discriminate against Buraku applicants.

MAURITANIA

Link to country report: <http://www.state.gov/documents/organization/186431.pdf>

Section 1. Respect for the Integrity of the Person, Including Freedom from:

e. Denial of Fair Public Trial (p.8)

Sharia provides the legal principles upon which the law and legal procedure are based; the courts did not treat women equally in all cases. Lawyers also reported that in some cases, the unequal treatment of women was based on such considerations as a woman's caste or nationality.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women (p. 19)

The AFCF stressed that these deficiencies applied in particular to poor women and women from traditionally lower castes such as slaves and former slaves, who also often lacked access to contraception, obstetric and postpartum care, and treatment for sexually transmitted infections.

Discrimination: Cultural resistance to marriages among members of different castes persisted, and NGOs reported that powerful individuals used the judicial system to intimidate and persecute members of their families who married below their social rank.

Human rights lawyers reported that judges treated differently cases concerning White Moor women, female slaves or other lower-caste women, and foreign women.

Children (p. 20)

Education: The law mandates six years of school attendance for all children, but the law was not effectively enforced. Many children, particularly girls, did not attend school for six years. Children of slave-caste families often did not receive an education.

YEMEN

Link to country report: <http://www.state.gov/documents/organization/186667.pdf>

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons (p. 29)

The law provides for equal rights and equal opportunity for all citizens; however, the government did not consistently enforce the law. Discrimination based on race, gender, and disability remained serious problems. One group, the marginalized Akhdam community, faced societal discrimination based on social status.

National/Racial/Ethnic Minorities (p. 36-37)

Although racial discrimination is illegal, racial and societal discrimination against the Akhdam (an estimated 2-5 percent of the population) was a problem. The Akhdam generally lived in poverty and endured persistent social discrimination. According to a 2009 study by the NGO Save the Children, the Akhdam community, an ethnic minority descended from East Africans, was the social group most vulnerable to discrimination. The government's social fund for development provided basic services to assist them.