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OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by the International Humanist and Ethical Union
(IHEU), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[2 March 2007]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Dalits, the Caste System and Human Rights: Broken Lives

The poor status and treatment of Dalits is one of the most important challenges facing Indian society today. Indeed, along with widespread poverty, hunger and deprivation, the persistence of discrimination against Dalits can fairly be described as one of the most important moral challenges facing not just India, but the world.

The Dalits number well over 250 million worldwide and are known as 'the broken people' because they suffer extreme discrimination on the basis of descent and occupation. They constitute 4% of humanity, and are concentrated in Africa and South Asia. In Nigeria there are four million Osu and in Japan there are three million Buraku. However, it is in South Asia that over three quarters of the world's Dalits live: the Islamic Republic of Pakistan has some 2 million Dalits, Nepal's 4 million Dalits make up nearly one-fifth of the country's population and India's 165 million Dalits form about 16% of her population.

Living on the fringes of human society, the Dalits lead miserable lives, and in the case of the Indian sub continent, are born to perform tasks that are considered taboo by the rest of society. In India, historically, the exclusion of Dalits from human society has been for religious and cultural reasons. Because of the pre-assigned duties of the caste into which they are born, many Dalits are condemned to clean toilets, transport human excreta manually, clear animal carcasses and human remains etc., while others are forced to work in the hazardous leather and tanning industry. Frequently subjected to humiliation, often the victims of rape and enforced prostitution, controlled in parts of the country by caste militias, the Dalits are virtually slaves and hardly in a position to choose a profession of their own choice. For most Dalits, birth is in itself a life sentence as there is hardly any prospect of improvement in social status despite education or a change of profession. At times even a change of religion does not help.

Considered impure and therefore untouchable, even a Dalit's shadow was considered polluting in the past. Free access to drinking water from sources shared by upper castes is still forbidden in many parts of rural India. Exposure to education is extremely limited, and interaction with other sections of society not easy. Their earnest demands for equality are frequently met with dishonest denial of the problem itself. Faced with untouchability, social exclusion, official apathy or even antagonism from inadequately trained public officials, Dalits are denied the opportunity to participate meaningfully in society, either culturally or economically.

Rarely protected by the police, frequently denied entry into places of worship, succumbing to superstition and far removed from the achievements and benefits of modern civilisation, the Dalits of India are the victims of the Hindu caste system.

Human Rights and the Caste System

Claims of freedom of religion, cultural autonomy or national sovereignty are irrelevant in a discussion about Human Rights abuse that is being carried out in the name of tradition and religion. The right to religious freedom does not confer the right to abuse the rights of others.

The caste system militates against:

Article 1 of the UDHR which states: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

Article 23 of the UDHR which states: "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment."

The International Convention on the Elimination of All Forms of Racial Discrimination (1965) defines 'racial discrimination' as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

The caste system should be an automatic target for this Convention because the system, despite claims to the contrary by the Indian government, embodies racial discrimination. Indeed, the Aryan term *Varna* which is used interchangeably with *caste* literally means colour. The Portuguese who introduced the term *caste* for Hindu society's unequal and inflexible hierarchy intended it to demarcate different proportions of racial purity.

Important, but Inadequate Government Efforts

In India where the Dalit problem is at its most severe, there have been many efforts to improve the situation. Indeed, there are many inspiring examples - the father of India's constitution Dr. Ambedkar was born an untouchable, as was President K.R. Narayanan, a recent Head of State. The current Chief Justice of India K.G. Balakrishnan was also born an untouchable. The law criminalises untouchability. Manual scavenging was banned a long time ago. There is an elaborate system of positive discrimination to help the disadvantaged (untouchable or backward) castes obtain seats in educational institutions and jobs in government. Yet discrimination against Dalits continues almost unabated. We recognise the scale of the problem and the fact that the practices are rooted in millennia-old traditions, and that a period of 60 years since independence is not adequate to redress all the historical wrongs. Yet, the Indian Prime Minister Dr. Manmohan Singh recently acknowledged in December 2006 the persistence of the problem and termed it a 'blot on humanity'.

The reason for this is that the fundamental problem - the caste system - is not being addressed. The severe social discrimination that is sustained by the caste system is a form of racism, and no resolution of the problem will be possible simply by criminalising untouchability, (which, for example the governments of Nigeria and India have both done) without changing social attitudes. It is not sufficient for a government to pass laws and then fail to ensure that they are enforced. The problem can only be solved by dismantling the very caste system itself - the jati-varna system of Hinduism.

A Way Forward

For many, the Dalit problem appears to be intractable, but Human Rights activists and social reformers take courage and hope from the fact that France and Spain had a similar problem of untouchability a few hundred years ago. This was overcome through a combination of legislative measures and social development.

- We suggest that the Government of India take immediate measures to ensure that all laws on the statute book be fully implemented both in letter and in spirit, and appoint a monitoring organisation to examine why, despite the wide-scale abuse of the rights of the Dalits, only a few cases ever get registered and convictions are rare.

It is estimated that there are still 800,000 Dalit women who clean toilets by hand, despite the ban on manual scavenging.

- We suggest that the Government of India immediately sanction adequate funds to replace the dry latrines by those that do not require manual scavenging. If it were not possible for the Government of India to allocate these funds, we request that the funds be allowed to be donated by NGOs and International Aid Agencies abroad.

Families of Dalits are routinely murdered by members of the upper castes, with no credible investigations into the crimes.

- We urge the Government of India to ensure that the law and order system retains its credibility by providing adequate training to the government officers and the police, most of whom are from the upper castes.

Those who have converted from Hinduism to Christianity or Islam do not have the protection of positive discrimination. This forces many families to remain nominally Hindu and continue to silently submit themselves to extreme humiliation.

- We suggest that those Dalits who have converted to other religions be extended the benefit of positive discrimination as their social and economic disability does not disappear automatically with the conversion and the present situation negatively affects their freedom of religion.

The problem of discrimination based on work or descent is not confined to India

- We can applaud the policies and legislation that have been adopted by the Indian government aimed at helping the Dalits. In this context, despite serious disappointment over the lack of progress in the practical implementation of the law, we would suggest that much of the experience gained by the government of India could be applied to assist nations such as Japan and Nigeria where laws are still urgently needed to help address inequality.

India led the moral battle against apartheid in South Africa, following the example of Gandhi, Father of the Nation.

- The Indian government should now take the lead in an all-out battle against this pernicious system rooted as its own culture, religion and tradition.

Finally, we urge the international community to unite - as it did against the apartheid system - in an international campaign against the persistence of caste-based discrimination: what has been described as “the worst system of institutionalized discrimination remaining on earth”.
