



# General Assembly

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## Human Rights Council

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Agenda item 9

**Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action**

### **Written statement\* submitted by World Barua Organization (WBO), 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.

[23 August 2023]

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\* Issued as received, in the language of submission only.



## **Durban Declaration and Programme of Action and the Caste System in India**

Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is a comprehensive and visionary document that embodies the world's commitment to tackle the scourge of racism in all its forms and manifestations. India is one of the signatories to DDPA. However, racism prevails in India in the form of the Caste system. It has shaken the basic principles of equality, liberty and fraternity enshrined in the Constitution of India. India has failed so far to address the issue of caste, which is a complex form of racism, satisfactorily. There are legislative provisions prohibiting caste discrimination, however, it exists and prevails, mainly due to failure to implement the legislative and policy level provisions. We would like to attract the council's attention to this grave issue faced in India through this written statement.

### **Racism and Castism**

Racism and Casteism according to one line of thought can be considered as entirely distinct and separate issues. However, the experience of exclusion is not entirely unique. The psycho-social and economic devastation faced by an individual and the community is drastic in both racism as well as casteism. In the case of the caste system, the problem of exclusion becomes very complicated and difficult to address as it is a system of graded inequality. It grades castes one over another pushing the Dalits (constitutionally known as Scheduled Caste) at the bottom of the ladder. The Indian Constitution prohibits discrimination on any grounds. It specifically identified race and caste as two distinct grounds along with others on which discrimination is prohibited. This distinction has been used by the government of India for evading any questions by Committee on the Elimination of Racial Discrimination related to the Caste system, untouchability and discrimination. However, we want to attract the attention of the council to the fact that the Committee has recommended India include casteism as a related form of intolerance and discrimination based on descent.

### **Caste Atrocities in India:**

Caste Atrocities are happening every day in India affecting Scheduled Castes, also known as Dalits and Scheduled Tribes, also known as Adivasis (literary Indigenous Peoples). The amplitude of the violence is spread all over India to such a degree that violence has become part of the daily life of Dalits. For instance, on Jun 7 this year, a Dalit man died in Gujarat's Mahisagar district after he was allegedly beaten up by a dominant caste hotel manager and his accomplice following an argument over a food order. The Dalit man was beaten for 'wearing sunglasses' at Mota village in Palanpur of Gujarat State in Month of May this year. Madhya Pradesh, another State in India recorded two incidents of caste-based atrocity within a week in Month of July 2023. In another deeply unsettling and appalling event, a Dalit widow experienced a savage attack in State of Andhra Pradesh, India. This brutal assault encompassed the distressing acts of disrobing, restraining her limbs, applying pepper to her eyes, and a purported endeavour to set her ablaze. Reportedly, this incident occurred due to her brother's decision to elope and marry a woman from an upper caste several months ago. The incident took place a day before India was getting ready to celebrate its Independence Day, that is, on 14th August 2023. On 14th June 2023, the private parts of a 32-year-old Dalit man were allegedly slashed by upper caste men for "objecting" to tree felling on his land in Uttar Pradesh's Etah district. These are not isolated incidences of caste violence. They are experience of daily life and the numbers are speaking for themselves.

A study conducted by Evidence, the civil Society Organisation, from November 2022 to January 2023 has revealed an alarming rise in atrocities against Dalits in the state. During this period, nearly 450 cases have been registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. This is excluding data from four to five districts which could not be obtained.

In March 2023, the Center told in a parliament session that over 1.8 lakh cases of crimes against Dalits were registered between 2018 and 2021. This was data revealed through official data published by the Government of India.

### **Violence Against Dalit Human Rights Defenders:**

Human Rights Defenders especially from Dalit community are raising voice against this injustice in India. However, even they are not safe. They face the challenge from non state forces and also have to defend reprisals from State and Central Government. It has been experienced by them, in every part of India, that Police Department, established to maintain law and order is always non cooperative. Grave attacks on the Dalit Socio-political and cultural leaders are not addressed with due recognition by the police force. One of the well known Human Rights Defenders, Mr. Chandrashekhar Azad was shot at in month of June 2023. He survived the deadly attack with minor injury as his fellow activist moved quickly in his defence. The State Police did not provide him with necessary protection even after this deadly attack. After an extensive follow up by social organisations, finally state made some security arrangements. However, this arrangement is clearly not sufficient. The State thus has put the life of this Human Rights Defender in danger.

Another activists from Nanded District from State of Maharashtra in India was killed in month of June. The Human Rights Defender was well know in the area for his support extended to victims of caste atrocities.

### **Failure of Implementing Agencies:**

Indian Constitution prohibits caste discrimination. Accordingly there are some legislative provisions to prevent the atrocities. The government of India has always defended its failure by stating that it has taken sufficient measures through legislative provisions. But, in reality, this legislation is rendered ineffective due to poor implementation. For instance, the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act 1989 provides for monetary compensation to the victims of caste atrocities. However, victim never gets it on time. In fact according to the experience of Campagin Advocating Rights of Victims of Atrocities working all over India, in almost all the cases the compensation amount is either given with huge delay or not given entirely. Also, the compensation given to the victims is always below the stipulated amount in the legislation. The Campagin claims that in State of Maharashtra, it is struggling with State authorities to release the compensation amount of over 300 victims.

Failure of Investigation agencies is another big challenges in this regard. The conviction rate of case registered under the said Prevention of Atrocities Act had remained low all over India because of poor Investigation.

So we urge this council to communicate with India to uphold it's commitment given in DDPA by -

Ensuring strict implementation of anti-castism laws and provisions

Introducing new policy measures to support the Scheduled Caste and Scheduled Tribes in India.

To recognise caste as one of the complex forms of racism.

To collect and publish segregated data on caste atrocities every month

To take measures to ensure safety of Dalit Human Rights Defenders and stop targetting Dalit Human Rights Defenders as terrorists or anti-nationals.

Voices for Peace, NGO(s) without consultative status, also share the views expressed in this statement.