

European Parliament resolution on the human rights situation of the Dalits in India

P6_TA-PROV(2007)0016

The European Parliament,

- having regard to the hearing held by its Committee on Development on 18 December 2006,
 - having regard to its resolution of 28 September 2006 on the EU's economic and trade relations with India⁽¹⁾ and Parliament's Human Rights Reports of 2000, 2002, 2003 and 2005,
 - having regard to General Recommendation XXIX (descent-based discrimination) adopted by the United Nations Committee on the Elimination of Racial Discrimination on 22 August 2002 and the 48 measures to be taken by the State Parties,
 - having regard to the study being undertaken by the UN Sub-Commission on the Promotion and Protection of Human Rights, in which draft Principles and Guidelines for the elimination of "discrimination based on work and descent" are being developed, and noting the preliminary report issued by the Special Rapporteurs on discrimination based on work and descent,
 - having regard to the various provisions in the Constitution of India for the protection and promotion of the rights of Dalits, concerning at least 167 million people, including the provisions on the abolition of the practice of untouchability, the prohibition of discrimination on grounds of caste, equality of opportunity in matters of public employment and educational, employment and political affirmative action through reservations in State-run institutions and political representative bodies; having regard also to numerous legislative measures ordering the abolition of some of the worst practices of untouchability and caste discrimination, including bonded labour, manual scavenging and atrocities against Dalits,
 - having regard to the National Human Rights Commission, the National and State Commissions for Scheduled Castes and the National Safai Karamchari Commission, dealing with the problem of manual scavenging,
 - having regard to Rule 91 and Rule 90(4) of its Rules of Procedure,
- A. whereas India is the largest functioning democracy in the world where every citizen is equal before the ballot box, India's immediate past President and Head of State was a Dalit and Dalits have served as ministers; whereas there are Hindu schools of thought which reject caste discrimination and exclusion as an aberration of their faith,
- B. whereas Dalits and similar groups are also found in Nepal, Pakistan and Bangladesh,

C. whereas the National Human Rights Commission of India has reported that the implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act remains very unsatisfactory, and whereas it has published numerous recommendations to address this problem,

D. whereas, despite twenty-seven officially registered atrocities being committed against Dalits every day, police often prevent Dalits from entering police stations, refuse the registration of cases by Dalits and regularly resort to the practice of torture against Dalits with impunity,

E. whereas, despite the fact that many Dalits do not report crimes for fear of reprisals by the dominant castes, official police statistics averaged over the past 5 years show that 13 Dalits are murdered every week, 5 Dalits' homes or possessions are burnt every week, 6 Dalits are kidnapped or abducted every week, 3 Dalit women are raped every day, 11 Dalits are beaten every day and a crime is committed against a Dalit every 18 minutes⁽²⁾,

F. whereas a recent study on untouchability in rural India⁽³⁾, covering 565 villages in 11 States, found that public health workers refused to visit Dalit homes in 33% of villages, Dalits were prevented from entering police stations in 27.6% of villages, Dalit children had to sit separately while eating in 37.8% of government schools, Dalits did not get mail delivered to their homes in 23.5% of villages, and Dalits were denied access to water sources in 48.4% of villages because of segregation and untouchability practices,

G. whereas half of India's Dalit children are undernourished, 21% are "severely underweight", and 12% die before their fifth birthday⁽⁴⁾,

H. whereas untouchability in schools has contributed to far higher drop-out and illiteracy levels for Dalit children than those of the general population, with the "literacy gap" between Dalits and non-Dalits hardly changing since India's independence and literacy rates for Dalit women remaining as low as 37.8% in rural India⁽⁵⁾,

I. whereas Dalit women, who alongside "Tribal" women are the poorest of the poor in India, face double discrimination on the basis of caste and gender in all spheres of life, are subjected to gross violations of their physical integrity, including sexual abuse by dominant castes with impunity and are socially excluded and economically exploited,

J. whereas the National Commission for Scheduled Castes has observed substantial under-allocation and under-expenditure of the allocation for Dalit welfare and development under the government's Special Component Plan for Scheduled Castes,

K. whereas Dalits are subjected to bonded and forced labour and discriminated against in a range of markets, including in the labour, housing, consumer, capital and credit markets; are paid lower wages and subjected to longer working hours, delayed wages and verbal or physical abuse,

1. Welcomes the various provisions in the Constitution of India for the protection and promotion of the rights of Dalits; notes however that, in spite of these provisions, implementation of laws protecting the rights of Dalits remains grossly inadequate, and that atrocities, untouchability, illiteracy, inequality of opportunity, manual scavenging, inadequacy of wages, bonded labour, child labour and landlessness continue to blight the lives of India's Dalits;
2. Expresses its concern at the low rate of conviction for the perpetrators of such crimes and calls on the Government of India to improve its criminal justice system in order to facilitate registration of charges against perpetrators of crimes against Dalits, to increase the conviction rate for such perpetrators, to significantly reduce the duration of court procedures; and to take special measures for the protection of Dalit women;
3. Welcomes the recent ban on the employment of children as domestic servants and workers in roadside eateries, restaurants, teashops etc. and urges the Indian Government to take further steps towards the complete banning of all forms of child labour;
4. Calls on the Government of India to take urgent steps to ensure equal access for Dalits to police stations and all other public institutions and facilities, including those related to its democratic structure such as panchayat buildings (the buildings housing local assemblies) and polling booths;
5. Applauds the fiscal policy followed by the Planning Commission of India and the various Ministries in the provision of the budgetary allocations towards the welfare and development of Dalits, and calls on the Government of India to ensure complete and time-bound implementation of all policy and budgetary measures towards the welfare and development of Dalits, including full implementation of the Special Component Plan for Scheduled Castes;
6. Urges the Government of India to engage further with relevant UN human rights bodies on the effective elimination of caste-based discrimination, including the Committee on the Elimination of Racial Discrimination and the UN Special Rapporteurs assigned to develop Principles and Guidelines for the Elimination of Discrimination based on Work and Descent;
7. Calls on the Government of India to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to take preventive measures to reduce the risk of Dalits facing torture, to take legal measures to criminalise torture in India, to take punitive measures to prosecute police who commit torture, to consistently provide rehabilitation and compensation for torture victims and to put in place an independent complaints mechanism for victims of torture that is accessible to Dalits;
8. Notes with concern the lack of substantive EU engagement with the Indian Government, notably within the EU-India Summits, on the vast problem of caste-based discrimination;

9. Urges the Council and the Commission to raise the issue of caste-based discrimination during EU-India Summits and other meetings as part of all political, human rights, civil society, development and trade dialogues and to inform the committees concerned of the progress and outcome of such dialogues;

10. Urges the EU members of the Joint Action Committee to develop dialogue on the problem of caste-based discrimination in terms of its discussions on democracy and human rights, social and employment policy and development cooperation;

11. Reiterates its expectation that EU development programmes in India include specific measures to ensure that minorities such as Dalits and Adivasis and other marginalised communities, tribes and castes, are able to close the wide gap with the rest of the population regarding the attainment of the Millennium Development Goals;

12. Recalls its demand that the Council and the Commission give priority to promoting equal opportunities in employment in private EU-based companies and encouraging EU-based companies to implement the "Ambedkar Principles" (Employment and Additional Principles on Economic and Social Exclusion Formulated to assist All Foreign Investors in South Asia to Address Caste Discrimination);

13. Welcomes the EU's commitment to the development of Principles and Guidelines for the Elimination of Discrimination on the basis of Work and Descent by the UN Sub-Commission on the Promotion and Protection of Human Rights, and urges the Commission and the Council to continue that support;

14. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the President, the Government and Parliament of India, the UN Secretary-General, and the heads of the UN Sub-Commission on the Promotion and Protection of Human Rights, the International Labour Organization, the UNICEF, the World Bank and the International Monetary Fund.

(1) *Texts Adopted* , P6_TA(2006)0388

(2) Derived from figures provided in *Crime in India 2005* , <http://ncrb.nic.in/crime2005/home.htm> and <http://ncrb.nic.in/crime2005/cii-2005/CHAP7.pdf>

(3) Cf. G. Shah, H. Mander, S. Thorat, S. Deshpande and A. Baviskar *Untouchability in Rural India* , , Sage Publications, India, 2006.

(4) National Family Health Survey, commissioned by the Indian Ministry of Health and Family Welfare, 1998-99 (last survey available), Chapter 6, p. 187, <http://www.nfhsindia.org/data/india/indch6.pdf>

(5) 2001 Census of India.