

**Submission by the International Dalit Solidarity Network (IDSN)**

**to**

**the Committee on the Elimination of Racial Discrimination**

**(CERD)**

**113<sup>th</sup> session (05-23 August 2024)**

**Pakistan**

## 1. Introduction

This report has been prepared by the International Dalit Solidarity Network (IDSN) and submitted to the UN Committee on the Elimination of Racial Discrimination (CERD) for examination at the 113<sup>th</sup> Session of CERD, taking place 5-23 August 2024. The report includes contributions from the Pakistan Dalit Solidarity Network (PDSN), the Center for Law and Justice (CLJ), the Progressive Human Foundation (PHF), the Rural Advancement Development and Human Rights Association (FADHA), Dalit Sujag Tehreek (DST), the Hari-Welfare Association, the Peace and Development Organization (PDO) the Aurat Foundation (AF) and PILER, information about these organisations is at the end of the document.

Dalit lives are characterized by exclusion based on the notion of purity and pollution, patriarchy and gender discrimination. As a result of such exclusion and discrimination, they endure extreme forms of poverty, humiliation and denial of social and economic rights and lack of recognition as human beings. Dalit women, in particular, like other women from minority communities or indigenous peoples, tend to remain invisible even in the alternative reports by most mainstream civil society organizations.

This submission follows from the Committee's list of themes related to the combined twenty-fourth to twenty-sixth periodic reports of Pakistan, which includes, "Measures taken to address segregation of people belonging to minority groups, including the [...] Dalits, with reference to disaggregated data and social indicators of their access to employment, healthcare, education, and other basic services. Information in response to reports of barriers to using and studying in minority languages, including Pashto, which may have a discriminatory impact on people belonging to minority groups with respect to their enjoyment of economic, social, and cultural rights."

The report provides information about the implementation gaps in the enforcement of the International Convention on the Elimination of Racial Discrimination and makes recommendations for the Committee's examination in August 2024. The observations are based on government data and reports, independent studies and reports, case documentation, and recommendations by other UN human rights bodies.

This report is prepared by the International Dalit Solidarity Network (IDSN). IDSN is an international network that works on a global level for the elimination of caste discrimination and similar forms of discrimination based on work and descent. Members include national Dalit platforms in caste-affected countries; Dalit Solidarity Networks in seven European countries; and international associates, among others.

Contact information

Website: [www.idsn.org](http://www.idsn.org)

Email: [info@idsn.org](mailto:info@idsn.org)

Phone/mobile: +45 31 49 31 04

## 2. Caste and Discrimination in Pakistan

The CERD adopted General Recommendation XXIX in 2002 wherein the Committee explicitly included 'caste' within the scope of the Convention. 'Strongly reaffirming that discrimination based on 'descent' includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights'. Identifying several factors that could lead to discrimination on the basis of caste and analogous systems of inherited status including 'inability or restricted ability to alter inherited status; socially enforced restrictions on marriage outside the community; private and public segregation, including in housing and education, access to public spaces, places of worship and public sources of food and water; limitation of freedom to renounce inherited occupations or degrading or hazardous work; subjection to debt bondage; subjection to dehumanizing discourses referring to pollution or untouchability; and generalized lack of respect for their human dignity and equality'.<sup>1</sup>

When Pakistan is reviewed by the Committee on the Elimination of Racial Discrimination (CERD) at its 113th session in August 2024, Committee Members are urged to consider the situation of those identified as "lower caste" in Pakistan – mostly Hindus and Christians. Officially termed "Scheduled Castes," this group is the largest minority community in Pakistan suffering from caste-based discrimination, including the practice of "untouchability." Members of this community are among the poorest, with "untouchability" practices evident in all aspects of public and private life. Consequently, Scheduled Castes live in segregated colonies, are served food on separate crockery and are prohibited from sitting indoors with so-called *upper dominant* castes. Additionally, they have minimal political representation. Most Scheduled Castes endure severe poverty and low human development, exacerbated by entrenched exclusion and marginalization. They are frequently overlooked in development projects, humanitarian aid and government compensation programmes, where applicable.

In 2009, the CERD in its Concluding Observations expressed serious concerns on the situation of Dalits in Pakistan who face 'the persisting de facto segregation of and discrimination against Dalits regarding their enjoyment of all economic, civil, political, and social rights (arts. 2, 3 and 5)'.<sup>2</sup> The CERD referred to its general recommendation 29 (2002), on descent-based discrimination, and recommended that Pakistan 'adopt legislation aimed at the prohibition of caste-based discrimination and take effective and immediate measures to ensure its effective implementation' as well as provide statistical data on persons belonging to Scheduled Castes.

In 2016, the CERD's Concluding Observations reiterated its previous concerns on *de facto* discrimination against the Scheduled Castes (Dalits), particularly in the area of employment and education, limited access to justice and the persistence of bonded labour practices in Pakistan despite the legal prohibition, especially 'in brick kiln and textile industries and among the Scheduled Castes (Dalits)'.<sup>3</sup> The Committee also expressed deep concerns at the repeated

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<sup>1</sup> CERD General recommendation XXIX on article 1 para. 1, of the convention.

<sup>2</sup> CERD Concluding Observations 2009, available at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fPAK%2fCO%2f20&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fPAK%2fCO%2f20&Lang=en)

<sup>3</sup> CERD Concluding observations 2016, available at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fPAK%2fCO%2f21-23&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fPAK%2fCO%2f21-23&Lang=en)

reports on abduction of Dalit women and girls for the purpose of forced conversion to Islam and forced marriage and recommended that Pakistan take measures necessary to end discrimination against Dalits, prosecute and punish the abductors with penalties commensurate with the gravity of the crime and provide relevant statistical data on the situation of Dalits.

It is important to note that Pakistan does not produce data disaggregated by caste, neither qualitatively nor quantitatively, contrary to recommendations from the CERD (2009), the Special Rapporteur on Minorities (2016) and the CESCR (2017).

### **3. Ongoing Issues**

#### **i. Constitutional framework**

In Pakistan, the Constitution prohibits discrimination in general and states that all citizens are equal in the eyes of law. Article 27 of the Constitution provides general safeguards against discrimination in services and jobs, and yet there are no specific provisions prohibiting caste-based discrimination, nor are there any specific laws that give effect to the available anti-discrimination provisions in the Constitution or makes discrimination a punishable crime on any grounds. According to the Government of Pakistan, specific legislation outlawing caste-based discrimination is not necessary because a) Pakistan does not recognise caste-based discrimination as an issue in the country; and b) Islam teaches equality, so discrimination on the basis of caste in the Islamic Country of Pakistan is irrelevant.

However, the reality is significantly different from the Government's claims, and a range of evidence shows that discrimination on the basis of caste and descent does exist in Pakistan. Dalits, who are considered to be at the bottom of the hierarchical structure of descent, face discrimination in every aspect of life – in the economic, social, cultural and political spheres. The 2009 CERD recommendation to adopt legislation prohibiting discrimination on the basis of caste has yet to be implemented and the Committee's concern of the 'persisting de facto segregation of and discrimination against Dalits regarding their enjoyment of all economic, civil, political, and social rights'<sup>4</sup> has not been addressed.

#### **ii. Employment**

Dalits in Pakistan face extreme stigma, prejudice, and exclusion in the labour market, often trapping them in poverty and situations of slavery and forced labour, which is most prevalent in the brick kiln and agricultural sectors. They are also excluded from trades union representation, which would facilitate the defence of their rights.

In 2018, the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) highlighted the ongoing de facto segregation and discrimination against Dalits and emphasized the need for policies to eradicate these issues. The Committee recommended that Pakistan provide information on the tangible outcomes of the Constitution's general prohibition of discrimination, specifically regarding caste and sex of Dalits. Additionally, the Committee urged Pakistan to share information on other measures to promote the inclusion of Dalits in the labour market, including initiatives through the

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<sup>4</sup> Paragraph 12 of the Concluding Observations (CERD/C/PAK/CO/20) 10

Federal Tripartite Committee. It also noted the lack of clear criteria applied by the government to determine who is officially considered as belonging to a Scheduled Caste, including the non-Muslim population.<sup>5</sup>

Another critical issue is the traditional forms of bonded and debt labour many scheduled caste women are subject to. The ILO describes the problem of debt bondage in Pakistan as among the worst in the world. While exact numbers are difficult to ascertain, the Human Rights Commission of Pakistan estimated in 2010 that there are between 3-8 million labourers in the Sindh province alone.

Scheduled caste women are particularly vulnerable to labour exploitation and bondage due to factors such as low education levels, exclusion from family decision-making processes and a lack of property rights. Additionally, rape of female bonded labourers is widespread and violent, with little legal recourse available to victims.

Moreover, in the brick-kiln industry, it is reported that children are also often employed, or even kept as hostages to prevent their parents from escaping. In 2017, the Human Rights Committee noted its concern about 'the high number of children engaged in labour under hazardous and slavery-like conditions, particularly in the brick kiln industry and domestic settings', the insufficiency of labour inspections of child labour and the high impunity, leaving victims and survivors with few chances of redress.

Laws aimed at addressing bonded labour in Pakistan, such as the Bonded Labour System Abolition Act 1992 and the Sindh Tenancy Act 1950, exist to regulate relationships between landlords and tenants. In addition, the Criminal Procedure Code (CRPC) Section 491-A, which guarantees personal liberty also serves to help bonded labourer's escape. Several cases have been brought under the CRPC and the public is well aware of this legislation. In addition, Pakistan has ratified international conventions like ILO Conventions 29 and 105, as well as the International Convention on Civil and Political Rights, which call for the elimination of bonded labour. There are no other monitoring mechanisms currently in place to address the issues of human trafficking or forced labour.

However, the implementation of these laws remains inadequate and there has yet to be relief for the thousands of forced or bonded Dalit women labourers. The Sindh Women Agriculture Workers Act 2019 is a progressive law, but it does not regulate businesses. Under the Bonded Labour System Abolition Act 1992, District Vigilance Committees should monitor bonded labour and work towards rehabilitation at the district level, however the Committees are dormant. Unfortunately, although labour inspections may happen in Karachi and other larger cities, there are very few labour inspections into high-risk workplaces in rural areas. Bonded labourers, who should be able to go to the police, are forced to approach a lawyer, who, in turn must go to the court to petition for the labourer's freedom. If successful, the courts will direct the police to raid these workplaces to free the workers. Even if a bonded labourer is able to complete all of these steps, the landlord will often keep the worker's life savings,

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<sup>5</sup> ILO: Observation (CEACR) - adopted 2017, published 107th ILC session (2018) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Pakistan (Ratification: 196

leaving them vulnerable. In some cases, despite a motion being filed under the CRPC Section 491-A, the perpetrator escapes with impunity, or the worker is continually harassed.<sup>6</sup>

### **iii. Education**

Despite the Constitutional provision of free and compulsory education to each child, Pakistan's current education system is discriminatory and perpetuates intolerance based on religion, ethnicity and income class. In schools, Scheduled Caste children are discriminated against by other children, as their parents tell them not to associate with children from the SC community or to share food and water. Such practices are not discouraged by the teachers or school administration. There are around 26 million children out of school in Pakistan and most of them are from the Scheduled Caste communities.<sup>7</sup>

The Government of Pakistan has taken some steps towards the empowerment of children from Dalit communities at the provincial and national level. There has been a major change in the syllabus in Sindh, which previously included discriminatory material, that has been replaced with new lessons.

Nearly 74% of Pakistan's Dalits are illiterate, of which 90% are Dalit women.<sup>8</sup> This does not just prevent individuals from attaining a better future: poor education is just one example of the lack of care that the state shows towards a community of people deemed "untouchable". Without an education, Dalit children are unable to vie for higher positions, where even well-educated Dalits are often discriminated against, or participate in a political life with the power to change the present state of affairs for the oppressed castes.

As far as legislation is concerned, Scheduled Castes have only experienced setbacks, rather than improvements, when a law securing 6% quota in government jobs was scrapped in 1998 and replaced by a 5% job quota for all minorities.<sup>9</sup> Not only do Dalits struggle to gain access and suffer stigma in school, but caste discrimination is reinforced by the education programme itself. School textbooks portray non-Muslims in negative terms, and Hindus are depicted as enemies of Pakistan. Hindu Dalits are discriminated against by the majority Muslim population for religious reasons, and by dominant caste Hindus because of their caste status.

### **iv. Healthcare**

In Pakistan, healthcare remains a significant challenge for most citizens, particularly affecting the rural population and marginalized groups. In rural areas, where Scheduled Caste populations are concentrated, such as district Umerkot and Mithi, the situation is especially dire.

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<sup>6</sup> See the [case of Paarsan Kolhi, that is currently pending in the courts, where despite a court order to free Ms Kolhi she is threatened and harassed by the landlord and his associates.](#)

<sup>7</sup> Purbhu Lal Satyani, Provincial Coordinator of National Commission on the Rights of Children

<sup>8</sup> IDSN: Pakistan's "lower caste" Hindus: Equality Denied

<sup>9</sup> [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session2/PK/TRDP\\_PAK\\_UPR\\_S2\\_2008\\_ThardeepRuralDevelopmentProgramme\\_uprsubmission\\_JOINT.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session2/PK/TRDP_PAK_UPR_S2_2008_ThardeepRuralDevelopmentProgramme_uprsubmission_JOINT.pdf)

Due to the negligence of authorities, Scheduled Caste localities often lack basic infrastructure such as sewerage and hygienic facilities. As a result, residents are more vulnerable to diseases, with prevalent illnesses including Tuberculosis and Hepatitis-B and C, which are expensive and difficult to treat. Additionally, discrimination within healthcare settings exacerbates the situation, with nurses and doctors sometimes refusing to touch Scheduled Caste individuals due to perceptions of dirtiness.

Furthermore, the lack of access to proper food contributes to malnutrition, particularly among children and women. A 2008 study titled "Long Behind Schedule" revealed the scarcity of government health facilities in Scheduled Caste villages. When individuals from these communities seek treatment in major cities, they often face discrimination and unequal treatment. Being only able to quote a 2008 study shows how little attention is paid to the plight of Dalits/Scheduled Castes in Pakistan in more recent years.

#### **v. Forced Marriages and Conversions**

In Pakistan, forced marriages and forced conversions of women and girls affect Hindu and Christian minorities disproportionately. There are frequent reports that persons belonging to these minorities are kidnapped and subjugated to physical and emotional abuse, including threats of violence. Many of the victims are forced to convert under the guise of a marriage of choice.<sup>10</sup> Those most affected are Scheduled Caste Hindu girls, especially Dalits, who are kidnapped or lured into conversion, sexually exploited and then abandoned.<sup>11</sup>

Often, these minorities face obstacles in pursuing remedies for the violations sustained. There is no official data regarding the number of forced conversions to Islam of girls and young women from religious minority communities. NGO estimates of this phenomenon vary from 300 to 1,000 cases per year. The variation in numbers is, in part, due to the different definitions of forced conversion use.<sup>12</sup>

The 2011 Prevention of Anti-women Practices Act abolishes the practice of forced marriages and the exchange of girls in settling disputes, as well as the marriage of minor girls. However, despite this legislation, police often refuse to intervene in such cases. The courts can also be complicit in this, by nullifying women's previous non-Islamic marriages and recognizing their forced marriages instead. Furthermore, the Sindh Child Marriage Restraint Act from 2013 prohibits marriage before the age of 18, but courts are failing to implement the law in cases concerning Hindu Dalit minors in the Sindh province.

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<sup>10</sup> IDSN and PDSN: – "Schedules Caste Women in Pakistan - Denied a life in dignity and respect.", Alternative report to the CEDAW for the examination of the 4<sup>th</sup> periodic report of Pakistan 2013, para. 74.

<sup>11</sup> Scheduled Caste Children in Pakistan - Committee on the Rights of the Child (CRC) 72<sup>nd</sup> PSWG 5 - 9 October 2015 – Pakistan Joint alternative NGO report by the Pakistan Dalit Solidarity Network (PDSN) and the International Dalit Solidarity Network (IDSN), p. 9. See also: IDSN "Dalit women in Pakistan", indicating that Dalit women that are victims to sexual abuse, abduction and forced religious conversion suffer triple discrimination due to their gender, religion and caste.

<sup>12</sup> International Commission of Jurists - Violations of the Right to Freedom of Religion or Belief in Pakistan - A Briefing Paper, July 2021, p. 36.

It must be noted that police enjoy very little public trust, which is another barrier to Dalits/Scheduled Caste individuals accessing justice. Police are known to accept bribes from both parties and in some cases, even when directed to act by the Court, the police charge the survivor money. It is understood that the police will help their friends and family and those with political influence but turn away applicants from SC/Dalit communities. These applicants are then forced to file a First Information Report (FIR) with the courts to seek justice, a long and expensive process.

#### **4. Recommendations to the State**

- Adopt legislation prohibiting discrimination on the basis of caste and take effective and immediate measures to ensure its implementation to protect those discriminated against on the basis of caste, and put in place an effective means of implementation including through disaggregated data.
- Ensure the effective implementation of the Bonded Labour System Abolition Act and activate District Vigilance Committees to monitor and rehabilitate bonded labourers.
- Strengthen labour inspections and enforcement mechanisms to address and prevent bonded and forced labour practices, particularly in industries like brick kilns and agriculture.
- Implement measures to improve access to quality education for Dalit children, particularly girls, to break the cycle of poverty and illiteracy.
- Improve healthcare infrastructure in rural areas and Scheduled Caste localities, ensuring access to basic services such as sanitation and clean water.
- Strengthen the enforcement of laws prohibiting forced marriages and conversions, including the Prevention of Anti-Women Practices Act and the Sindh Child Marriage Restraint Act.
- Provide anti-discrimination training to police services, and make the non-registration of cases a punishable offence. In addition, organize seminars around relevant law that can protect minority and marginalized communities throughout Pakistan, especially in smaller cities and rural areas.
- Provide support services, including legal aid and rehabilitation programs, for victims of forced marriages and conversions.
- Collect and publish disaggregated data on the socio-economic status of Dalits, including their access to employment, education, healthcare, and other basic services.
- Establish independent monitoring bodies to oversee the implementation of anti-discrimination policies and laws, ensuring accountability and transparency.
- Collaborate with civil society organizations to gather and report on the ground realities of caste-based discrimination and human rights violations against Dalits.
- Reinstate the 6% job quota for Scheduled Caste communities in the government sector, civil service, judiciary, agriculture department and other institutes to guarantee work for the community.



## Contributing organisations



The **PAKISTAN DALIT SOLIDARITY NETWORK (PDSN)** is a coalition of dozens of rights-based civil society organizations in Pakistan. It was formally launched in April 2009 after a research study conducted in 2007, which identified serious violations of basic rights of Scheduled Castes (Dalits) in Pakistan. The main objectives of the network are to highlight the issue of Scheduled Castes through national and international advocacy.



The **Center for Law & Justice (CLJ)** is a non-profit, nonpartisan, non-government organization striving to protect the rights and interests of disadvantaged religious communities, women and labour rights by engaging in advocacy, strategic litigation and research and policy analysis since 2011. Research and advocacy on sanitation workers and religious minorities suffering from intersectionality of caste and religion have been the prime focus of the Center since its founding.



The **Progressive Human Foundation (PHF)** is a nongovernmental organization registered under the Societies Registration Act XXI of 1860. It has worked on multiple self-funded projects of Legal Assistance to religious minorities, youth empowerment, women economic empowerment, bonded labour and the education of children from marginalized rural communities in the Sindh province.



The **Rural Advancement Development and Human Rights Association (RADHA)** is women-led, and women-focused entity committed to indigenous organization. RADHA is working for the protection of rights of indigenous minorities and scheduled castes in Sindh. Key areas of work are human rights, education, health, safe drinking water and women's empowerment.



The **Dalit Sujaag Tehreek** is a movement and organisation representing the scheduled caste Hindu communities in Pakistan. The movement was launched in 2016 during the 125th anniversary of the birth of Baba Saheb Ambedkar at Mirpurkhas. It was formed by the combination of different Scheduled Caste organisations in Pakistan



The **HARI-Welfare Association** is a non-governmental organization. Through research, advocacy and lobbying, HWA aims to promote economic, social, cultural, civil and political rights of peasants, workers and other marginalized communities, including Dalits engaged in agriculture in rural areas of Sindh and Pakistan.



The **International Dalit Solidarity Network (IDSN)** was founded in March 2000 to advocate for Dalit human rights and to raise awareness of Dalit issues nationally and internationally. IDSN is a network of international human rights groups, development agencies, national Dalit solidarity networks from Europe and national platforms in caste-affected countries.