

P7_TA(2012)0512

Caste discrimination in India

European Parliament resolution of 13 December 2012 on caste discrimination in India (2012/2909(RSP))

The European Parliament,

- having regard to its previous resolutions, in particular that of 1 February 2007 on the human rights situation of the Dalits in India¹ and those on the Annual Reports on Human Rights in the World, notably that of 18 April 2012²,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to the International Convention for the Elimination of Racial Discrimination (CERD), and to its General Recommendations XXIV, as ratified by India,
- having regard to the government proposal put forward by Mukul Vasnik, Minister of Social Justice and Empowerment, on ‘The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012’, presented to the Indian Parliament on 3 September 2012,
- having regard to the statement of 19 October 2009 by the UN High Commissioner for Human Rights, Navi Pillay, and her appeal to UN member states to endorse the draft UN Principles and Guidelines for the Effective Elimination on Discrimination based on Work and Descent,
- having regard to the recommendations arising from the UN Special Procedures and UN treaty bodies, as well as to those in the two Universal Periodic Reviews on India of 10 April 2008 and 24 May 2012,
- having regard to the recommendations of 9 July 2012 of the UN Working Group on the Universal Periodic Review on India,
- having regard to the deep concern expressed on 6 February 2012 by the UN Special Rapporteur on human rights defenders regarding the situation of Dalit activists in India,
- having regard to the ongoing Maila Mukti Yatra, the nationwide march of thousands of people for the eradication of manual scavenging which between 30 November 2011 and 31 January 2012 crossed 18 of India’s states,
- having regard to the EU-India thematic dialogue on human rights,
- having regard to Articles 2 and 3(5) of the Treaty on European Union,
- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

A. whereas India has made enormous economic progress, and as one of the BRICS countries

¹ OJ C 250 E, 25.10.2007, p. 87.

² Texts adopted, P7_TA(2012)0126.

now plays an important role in world politics; whereas, however, caste discrimination continues to be widespread and persistent;

- B. whereas India's Constitution grants its citizens equal status, and discrimination based on caste and untouchability is deemed illegal in its Articles 15 and 17; whereas Dalits have served in the highest political functions; whereas India has laws and regulations intended to protect Scheduled Castes and Scheduled Tribes, such as the 1976 Protection of Civil Rights Act and the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act; whereas Indian Prime Minister Manmohan Singh has made several strong statements about prioritising combating violence against Dalits;
- C. whereas, despite these efforts, an estimated 170 million Dalits and indigenous Adivasi in India continue to suffer from severe forms of social exclusion; whereas the ILO estimates that the overwhelming majority of bonded labour victims in the country are from Scheduled Castes and Scheduled Tribes;
- D. whereas manual scavenging, despite being legally banned, continues to be widespread, with hundreds of thousands of almost exclusively female Dalits performing this form of servitude, Indian Railways being the largest single employer of manual scavengers;
- E. whereas Dalit and Adivasi women are the poorest of the poor in India, face multiple discrimination on the basis of caste and gender, are frequently subjected to gross violations of their physical integrity, including sexual abuse with impunity by members of dominant castes, and are socially excluded and economically exploited, with a literacy rate of only 24 %;
- F. whereas according to estimates the vast majority of crimes against Dalit women are not reported owing to fear of social ostracism and threats to personal safety and security; whereas in one particular case in Haryana state a 16-year-old Dalit girl was gang-raped in the village of Dabra (Hisar district) on 9 September 2012; whereas her father committed suicide after discovering what had happened and the police only decided to take belated action when faced with mass protests;
- G. whereas on 20 November 2012, in Dharmapuri (Tamil Nadu state), a mob of approximately 1 000 people from higher castes looted and torched at least 268 houses in Dalit communities, with no intervention from the police officers present;
- H. whereas the Protection of Women from Domestic Violence Act of 2005 lacks effective implementation, and whereas the pervasive prejudice against women in the police, the legal system, the medical establishment and the political class impedes the dispensing of justice;
- I. whereas the conviction rate under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act continues to be very low, providing no deterrent against crimes;
- J. whereas, according to various local and international sources, between 100 000 and 200 000 girls – the majority of them Dalits – are allegedly trapped in bonded labour in spinning mills in Tamil Nadu which supply yarn to factories that produce garments for western brands;
- 1. Acknowledges the efforts at federal, state, regional and local level in India to eradicate caste discrimination; applauds, furthermore, the clear stance against caste discrimination taken by many Indian politicians, Indian media, NGOs and other public opinion makers at every

level of society;

2. Remains, however, alarmed at the persistently large number of reported and unreported atrocities and widespread untouchability practices, notably manual scavenging;
3. Urges the Indian authorities at federal, state, regional and local level to honour their pledges and to implement or, if necessary, amend the existing legislation, notably the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, in order to effectively protect Dalits and other vulnerable groups in society;
4. Underlines, particularly, the need for victims to be able to safely register their cases with the police and judicial authorities, as well as for serious follow-up by the police and judiciary of reported atrocities and other cases of discrimination;
5. Calls on the Indian Parliament to act on its plans to pass a new Bill prohibiting employment of manual scavengers and securing their rehabilitation, and on the Indian Government to take the necessary measures for its immediate enforcement;
6. Calls on the Indian authorities to repeal those provisions of the Foreign Contribution (Regulations) Act which do not conform to international standards and potentially undermine the work of NGOs, including Dalit organisations and other organisations representing disadvantaged groups in Indian society, by impeding them from receiving funds from international donors;
7. Calls on the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission (HR/VP), the EU Special Representative on Human Rights, and the EU Member States to develop an EU policy on caste discrimination and to endorse the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent in the UN Human Rights Council;
8. Welcomes the Union Cabinet's approval in September 2012 of the Child & Adolescent Labour (Prohibition) Act, banning employment of children below 14 years across all sectors and below 18 years for hazardous sectors; calls on the Government of India to take effective implementing measures in order to rapidly reduce what is still one of the highest number of working children in the world and to introduce legislation for a full ban on child labour in accordance with the International Labour Organisation guidelines;
9. Calls on the EU's and the Member States' representations in India to include the issue of caste discrimination in their dialogues with the Indian authorities, and to prioritise programmes addressing caste discrimination, including in education, and programmes with particular focus on women and girls; expects future EU cooperation with India to be assessed as to how it would affect caste discrimination;
10. Instructs its President to forward this resolution to India's Prime Minister, India's Minister for Law and Justice, India's Home Minister, India's Minister of Social Justice and Empowerment, the Council, the HR/VP, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the EU Member States, the Secretary-General of the Commonwealth, the Secretary-General of the UN and the President of the UN General Assembly.