

Universal Periodic Review (UPR)

Pakistan 2023 - 4th Cycle

Discrimination against Dalits

JOINT STAKEHOLDER SUBMISSION



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 **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 **Peace and Development Organization (PDO)**, is an autonomous movement for national and religious harmony, that supports and serves the people of marginalized and oppressed classes in the quest for solutions to biased communal, political and financial structures.



Aurat Foundation

The **Aurat Foundation (AF)** is committed to creating widespread awareness and commitment for a just, democratic and caring society in Pakistan, where women and men are recognised as equals, with the right to lead their lives with self-respect and dignity. Over the last 35 years, Aurat Foundation has come to be recognised nationally and internationally as one of the leading institutions creating, facilitating and strengthening civil society groups and networks for promoting trust and collaboration among citizens to mobilize public pressure for women's empowerment in the country.



PILER is a non-governmental organization dedicated to promoting a democratic and effective labour movement for the overall advancement of a just and equitable society where the fundamental rights of people are respected and guaranteed.

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.

Introduction

This submission aims to present the status of implementation of the recommendations made to Pakistan in the context of the Universal Periodic Review in the 3rd Cycle and to reinforce the relevant implementation process. Pakistan has made progress in amending the constitution and enacting legislation on a number of issues in favour of Dalits. However, challenges in disaggregated data collection and management, enforcement of the existing legislation, systemic discrimination and prejudices against Dalits perpetuate caste-based discrimination in the country. The situation of Dalit women is worsened in view of intersections between caste and gender, making them particularly vulnerable to the worst forms of human rights violations.

1 – Exclusion and Marginalisation

Equality and non-discrimination is the central point of the denial of rights for Dalits and other communities suffering from caste-based and other forms of inherited status in Pakistan.

Dalits, the most disenfranchised of Pakistan’s Scheduled Castes, form the largest minority group in Pakistan. As a result of structural discrimination, they live mostly under extreme poverty, facing landlessness and illiteracy, often allocated the lowest priority in disaster relief actions, humanitarian assistance and government compensation. They are subject to “untouchability” practices, which affect them in all spheres of private and public life. As a result, Scheduled Castes live in separate colonies, they are served food on separate crockery and they are not allowed to sit indoors with dominant castes.

The Committee for the Elimination of Racial Discrimination (CERD), in 2009, was “concerned about the persisting de facto segregation of and discrimination against Dalits regarding their enjoyment of all economic, civil, political, and social rights.”[1] In 2017, the Committee on Economic and Social Rights (CESCR) noted the structural discrimination and exclusion of Dalits in Pakistani society, noting the “well-documented reports of the continuing de facto discrimination and segregation facing members of the “scheduled castes” or Dalits and the entrenched stigma and prejudice against them”.[2]

1.1 - Recommendations made during the 3rd Cycle

152.81 Continue its efforts to improve the protection of human rights, especially by eliminating discrimination based on sex, race, caste and religion (Holy See);

152.87 Ensure that minority groups, including scheduled castes, are not discriminated against in education, health care, employment and other basic services and that perpetrators of hate crimes against them face the full force of the law (Sierra Leone);

152.83 Adopt the necessary legislative or regulatory measures to combat all forms of discrimination, particularly against ethnic or religious minorities (Côte d'Ivoire);

152.78 Continue implementing measures to safeguard the rights of women, children and other marginalized and vulnerable segments of society (Nepal);

152.80 Continue to adopt measures to protect the rights of vulnerable groups in rural areas (Plurinational State of Bolivia).

1.2 - Status of Implementation

In the reporting period, there was no specific legislation, notification or guidelines issued by the government to eliminate or criminalise caste-based discrimination in Pakistan. Forced conversions in Pakistan are the result of the absence of legal protection, impunity and ill treatment towards religious minorities. The majority of victims of forced conversions belong to Dalit communities who are landless, poor and work in the agriculture sector. Women and young girls are easy targets of abduction, rape, sexual harassment, forced conversion and forced marriage. Some efforts were made by minority parliamentarians both at the national and the provincial level to introduce laws against forced conversion but so far unsuccessfully

There is little security and respect for women belonging to religious minorities and Dalit communities, and no special measures are taken to protect the rights of vulnerable groups in rural areas. This clearly shows that Pakistan has failed to implement the recommendations accepted during the 3rd cycle.

1.3 - Recommendations for the 4th Cycle

1. 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, as recommended by the CERD, and put in place an effective means of implementation including through disaggregated data.
2. Conclude the enactment process of the Criminal Law (Protection of Minorities) Bill 2016 without any further delay and extend to the remaining three provinces of the country.

2 - Political Representation of Dalits

Dalits enjoy very little political representation in Pakistan, despite a system of 'temporary' special measures ("quotas") that have been in place since the country's independence. This quota is a complex system, which accounts for gender, merits and regional aspects, but does not formally consider Dalits. As a result, very few Dalit men, and no Dalit women, have been represented at the National Assembly.

In the current National Assembly, there is no representation of the Dalit community. All ten reserved seats for non-Muslims are occupied by dominant caste Hindus and Christians. Almost all major political parties have their minority wings and committees, which are controlled by dominant caste Hindus, and rich Christians, leaving Scheduled Castes with insignificant roles. In addition, biased attitudes were observed on social media against a Dalit representative, who ran in the election as an independent candidate. Dominant caste Hindus and Muslim political parties avoid giving ballots to Dalits, fearing that they might lose the election and wanted to avoid votes for the oppressed caste candidates. Similarly, in public services Dalit or minority people still lack jobs in the highest positions. Dalits are generally employed in low grade jobs, such as sanction workers.

2.1 - Recommendations made during the 3rd Cycle:

152.182 Enforce the measures adopted to ensure the participation of minorities in public affairs (Egypt);

152.183 Strengthen measures to ensure the participation of minorities in all spheres of national life (Zimbabwe);

2.2 - Status of Implementation since the 3rd Cycle

Article 25 of the Constitution of Pakistan deals with equality of all citizens. Article 36 provides safeguards for the promotion and protection of political rights. However, under Article 41.2, religious minority groups (including Dalits) are not allowed to hold certain public offices such as the Presidency, Prime Minister and provincial governors, which is a clear example of discrimination in the Constitution.

Since 1973, there have only been ten reserved seats for religious minorities in the National Assembly and 23 reserved seats in provincial assemblies. In the 2002 general elections, the total number of seats increased, both in the National and Provincial Assemblies, including reserved seats for women. However, the number of minority seats remained the same and there were no reserved seats for minority or Dalit women. Most of the reserved seats for minorities are occupied by dominant caste Hindus and Christians. The allocation for Dalits is less than dominant caste Hindus and Christians, although the Dalits have greater numbers.

2.3 - Recommendations for the 4th Cycle

3. Rectify the current quota system for representatives of Dalits in the National Assembly and Provincial Assemblies, according to the population's split, for the effective participation of Dalits in the legislative affairs of the government, including Dalit women, and in line with the ICERD's Article 2 and CEDAW Article 4.1;
4. Increase the representation of minorities and Dalits in federal and provincial cabinets of important ministries, parliamentary committees and administrative commissions increasing their participation, visibility and role in national affairs at large, in line with the ICERD and the CEDAW.

3 - Lack of Disaggregated Data

The lack of specific quantitative and qualitative official data on Dalits in Pakistan is one of the main obstacles to improving their situation through efficient and targeted policies. In 2009 the CERD recommended that Pakistan provide “statistical data on persons belonging to scheduled castes in the territory of the State party, including their enjoyment of all rights protected under article 5 of the Convention”.^[4] This was echoed in 2016, by the Special Rapporteur on Minorities Issues, who addressed the absence of statistics on non-Hindu religious communities, such as Dalit Muslim and Christian communities. There is an uncertainty on the exact number of Dalits living in Pakistan. In 2017 the CESCR recommended “a study on the situation of the “scheduled castes” or Dalits, with the participation of the members of that community and of relevant experts, and that it include information on the situation of Dalits in the country, including relevant statistical data, in its next periodic report. It also recommends that the State party take effective measures to eradicate stigma and prejudice against members of the “scheduled castes” or Dalits, including awareness-raising campaigns, and to combat discrimination against them, particularly in the employment and education sectors.” ^[5]

3.1 – Recommendations made during the 3rd Cycle

In previous cycles no States made recommendations specifically relating to the lack of disaggregated data on persons affected by caste, which would strengthen the efforts to eradicate caste-based discrimination in the country.

3.2 – Status of Implementation since the 3rd Cycle

No policy was implemented to produce data disaggregated by caste and ethnicity.

3.3 – Recommendations for the 4th Cycle

5. Conduct a national census that includes data disaggregated by caste and religion, in order to guide development plans, according to the real profile of its population.

4 – Business and Human Rights – Worst Forms of Labour, Including Forced Labour and Debt Bondage

4.1 – Discrimination in the Labour Market

Dalits face extreme stigma, prejudice and exclusion in the labour market in Pakistan, which often trap them in poverty and in situations of slavery and forced labour. Dalits are also excluded from union representation to defend their rights.

The ILO’s Committee of Experts on the Application of Conventions and Recommendations (CEACR), in 2018, noted the persistent de facto segregation and discrimination against Dalits, as well as the need to put in place policies to eradicate such problems. This Committee recommended that Pakistan provide information about the concrete results of the general prohibition of discrimination, including on caste and sex of Dalits. Furthermore, the Committee recommended that Pakistan provide information on other measures to promote the inclusion of Dalits in the labour market, including through the Federal

Tripartite Committee. The Committee also found no clear criteria applied by the government on who is officially considered to belong to a Scheduled Caste, including the non-Muslim population.[6]

4.2 - Forced and Bonded Labour

Forced and bonded labour – a contemporary form of slavery – is widespread in Pakistan, particularly in agriculture, the cotton industry and the brick kiln sector.[7] The ILO describes the problem of debt bondage in Pakistan as among the worst in the world. Hundreds of thousands of Dalit bonded labourers in rural areas are enslaved by their landlords.

The working conditions for bonded labourers are extremely harsh, and they are severely oppressed because they are Dalit, non-Muslim and poor. The wives and daughters of bonded labourers are sexually abused, and have little to no chance of redress. Brick-kiln labourers include children who are sometimes 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 low chances of redress.[9]

Christians and oppressed caste Hindus are often employed as ‘manual scavengers’ (sanitation workers), cleaning sewers with their bare hands. Typically, these workers, including the Christians will be Dalits who converted centuries ago to escape the oppressive caste system, but are still forced to carry out a caste-based occupation.

Dalit women are often employed in jobs that are exploitative and discriminatory in nature and the incidence of vulnerable women, including Dalit women, to trafficking is very high.[8] Despite these numbers, Pakistan has not developed a national plan to combat trafficking [10] and NGOs providing shelters for victims of trafficking often have insecure funding.[11]

4.3 - Recommendations Made during the 3rd Cycle

152.188 Combat human trafficking and forced labour through the establishment of systematic and regular monitoring mechanisms (Iraq);

4.4 - Status of Implementation

As a result of the 18th Amendment to the Constitution in 2010 and the award of the GSP Plus in 2014, Pakistan passed record legislation on labour and other human rights issues. Notably, in the province of Sindh, where the prevalence of bonded labour is high, the government organised the Sindh Tripartite Labour Conference in 2017, formed the Tripartite Labour Standing Committee and introduced the first Provincial Labour Policy in 2018. The new labour laws were modernised and apply to all workers, including penalties and compensation in case of accidental death or disability. These new laws are gender sensitive, and an anti-discrimination clause has been added to each new proposed law, in accordance with the ILO requirements. The Sindh Industrial Relation Act 2013 covers rights to trade unions in agriculture and women’s participation in decision-making. The new Sindh Factories Act 2015

completely bans child work (below 14 years old) in factories, and it restricts the employment of contractual labour in the manufacturing process.

The implementation of these laws is, however, very poor or non-existent on the ground. There is as yet no relief for the forced or bonded labourers. The Sindh Women Agriculture Workers Act 2019 is a progressive law, but it has no regulations on businesses. Under the Bonded Labour System Abolition Act, the District Vigilance Committees should monitor bonded labour and work towards rehabilitation at the district level, but the Committees are dormant. There are no other monitoring mechanisms in place to address the issues of human trafficking or forced labour.

The Sindh High Court issued a landmark pro-peasants' verdict in 2019 and ordered the government to make amendments to the Sindh Tenancy Act (STA) 1950 and to take necessary measures, including transferring all peasants' cases under the STA to the judiciary. Instead of complying with the relevant judgement, the Sindh government appealed to the Supreme Court of Pakistan in November 2020. The government's reaction was widely condemned by civil society in the province.

4.5 - Recommendations for the 4th Cycle

6. Develop a comprehensive human rights development plan, along with budgetary allocation both at the national and provincial level, which includes effective implementation of all human rights and labour rights for peasants, workers and bonded labourers in the agriculture, cotton industry and brick kiln sector, in line with the ILO standards, the ICERD and the CEDAW.
7. Increase efforts to implement Sindh Women Agricultural Workers Act 2020 with respective amendment by other provinces in Pakistan, in order to provide registration of women in the agriculture sector, fair wages and other benefits ensured by legislation, including mechanisms to ensure that Dalit women and women belonging to minorities equally benefit from the said legal protection and entitlements.
8. Establish a mechanism to allocate farming land to the landless Dalit peasants, in order to enhance their livelihood, develop a rehabilitation plan for families, victims and survivors of bonded labour and establish peasant colonies at Taluka and District levels.

4.6 - Sanitation workers

An increasing number of sanitation workers continue to lose their lives to poor sanitation planning and management whilst they clean roads, streets and drains, unclog manholes and remove faecal sludge without any safety equipment or tools.[12]

Despite recognisable progress in improving access to water and sanitation, descendants of Hindu Dalits, who have mostly converted to Christianity, comprise most of the workforce in this sector, suffering under low wages and low status. 80% of sanitation work in Pakistan is carried out by minority communities.[13] According to the ILO, most of the occupational stigma is a result of the caste system, which is highly graded and unequal. Hereditary and fixed by birth, the social sector at the bottom of the

caste hierarchy is regarded as impure and polluting, previously known as “untouchable”. Water and sanitation issues are thus intimately linked to the mistaken notion of purity.[14]

According to a 2016 report, sanitation workers “face a fatality risk that is 10 times higher than workers in all other industries”.[15] Sanitation workers are not unionised at the federal level, which makes them even more vulnerable.[16] 58% of these workers have below primary education.[17] There is an important intersection of caste and religious discrimination in hazardous sanitation activities.[18] Christians, a minority in the country, are the largest religious community represented in the sanitation workforce. Similarly, a high number of sanitation workers belong to the Hindu Scheduled Castes in the Sindh Province. Very few Muslims are employed in this sector. The magnitude of caste discrimination in the sanitation sector may be even greater, but this is hard to estimate since Pakistan does not report on the caste or ethnic profile of these workers.[19]

During the pandemic, a large proportion of sanitation workers had direct contact with COVID-19 patients, working on the frontline of the country’s isolation centres. They received no additional payments for working with infected patients, as workers from other sectors had received.[20]

4.7 - Recommendations made in the 3rd Cycle

152.191 Continue to raise the level of protection of human rights of vulnerable groups, with particular reference to eliminating child labour (Turkey);

152.192 Undertake the necessary steps for the effective implementation of the national framework programme to combat child and bonded labour (Russian Federation);

152.193 Develop a clear implementation and monitoring plan for all national and provincial legislation on bonded labour (Ireland);

152.194 Strengthen the monitoring of national labour conditions to eliminate the practice of bonded labour and unlawful child labour (Republic of Korea);

4.8 - Status of Implementation of Recommendations

Since the last cycle, a few more laws have been passed at the provincial level, such as the Sindh Prohibition of Employment of Children Bill, 2017; the Islamabad Capital Territory Child Protection Act, 2018; the Domestic Workers Employment Rights Bill, 2018; and the Punjab Domestic Workers Act, 2018. Yet, once again, the government has failed to put an effective implementation system in place. The Bonded Labour System Abolition Act, 1992 and the Employment of Children Act, 1991 were federal laws but after the 18th Amendment to the Constitution of Pakistan and the delegation of power to provinces, such laws were enacted by the provinces separately. In some cases, decades after being passed, these laws still lack implementation on the ground. In a few districts, the government has formed the District Vigilances Committees (DVCs) on bonded labour and established Child Protection Units (CPUs), and while these units and committees have been created, they lack resources. The major reasons for poor or

non-implementation of these laws are the absence of proper and dedicated human resources, poor capacity of existing staff, insufficient budget allocation, lack of interest of the concerned departments and lack of political will

Official statistics suggest that Pakistan has the second largest number of out-of-school children (aged between 05 to 16) in the world.[21] The Sindh Human Rights Commission raised concerns over legal gaps on the implementation of the relevant legislation[22] and the National Commission on the Rights of Child (NCRC) pushed the government to implement laws and activate the District Vigilance Committees (DVCs) so that those trapped in bonded labour can be rehabilitated.[23] No practical action by the government to implement these recommendations have been taken. In fact, child labour and bonded labour might have increased due to rising poverty, inflation and unemployment – and as a result of the COVID pandemic.

4.9 - Recommendations for the 4th Cycle

9. Implement an effective enforcement mechanism to give effect to the Sindh Prohibition of Employment of Children Bill, 2017; the Islamabad Capital Territory Child Protection Act, 2018; the Domestic Workers Employment Rights Bill, 2018; and the Punjab Domestic Workers Act, 2018, with precise targets and benchmarks, in close consultation with the affected communities.
10. Strengthen the Child Protection Units (CPUs) / Bureau's, taking into consideration the ethnic, cultural and religious diversity of the country's population in the Units approaches and staff.
11. Conduct a thorough analysis on child and adolescent dropouts, considering the legislative gaps, challenges in implementation and the situation of Dalit children and adolescents.

5 - Extreme Poverty

As it stands, no specific legislation is in force to address the poverty situation of Dalits in Pakistan. Since 2006, the Parliament has provided circa 6,000 projects in a national poverty reduction scheme. Though this progress is welcome, none of these projects target the issues specifically facing Dalits. The “oppressed caste” communities are rarely prioritised. This leaves the vast majority of “oppressed caste” Hindus floundering in a vicious cycle: poverty and lack of land forces Dalits into often poorly paid employment. Many take loans from their employers and are unable to pay them back. This traps them into bondage and frequently forces their children into work as well.

5.1 - Recommendations Made during the 4th Cycle

152.44 Continue to apply and strengthen programmes and public policies on social development, inclusion, the reduction of poverty and inequality, and non-discrimination (Nicaragua);

152.217 Expand further the ongoing efforts to provide medical facilities and access to vulnerable groups, particularly women and girls, in rural areas, as part of the overall effort to achieve universal health coverage in Pakistan (Malaysia);

5.2 - Status of Implementation of Recommendations

No specific policy or programme has been created by the government to reduce poverty, inequality and discrimination faced by the Dalit communities. Reports from the Sindh Police reveal that 681 Muslims and 606 Hindus ended their life between Jan 2014 and June 2019 in the Sindh province. Of these two figures, 590 suicides are attributed to people from the Scheduled Castes who face extremely distressing economic situations.[24] The current inflation has severely impacted almost every Pakistani, and the poor are the worst affected.[25]

There were some anti-poverty programmes initiated on political basis, such as The Ehsaas Program. This is a government-led poverty reduction programme initiated in 2018, which provided PKR 12,000 to those in need.[26] With the support of The International Fund for Agricultural Development (IFAD), several other projects were initiated during the reporting period to support poor rural populations to increase their assets and reduce poverty.[27] Several Dalit families who were below the poverty line and met the criteria are beneficiaries of these projects.

In terms of health care performance, currently Pakistan stands at 154 out of 195 countries and is known as one of low spenders on health (less than 2% of GDP). 2017-18 estimates reveal Pakistan spent \$45 per person on health annually. This breakdown is disturbing as only \$14 was spent by the public sector, \$28 was spent by the citizens themselves and a mere \$3 comes from external sources. Much improvement is needed in the quality of health services at the grassroots level.

5.3 - Recommendations for the 4th Cycle

12. Introduce a special development package for the socio-economic development of Dalits in Pakistan to reduce inequalities and discrimination on the basis of caste, based on concrete targets, disaggregated data and in consultation with the affected communities.
13. Implement the recommendation of the World Health Organization, to increase Pakistan's health budget up to 5% of GDP, taking into consideration the ethnic, religious and gender diversity in the country, including the Dalit community.

6 - Right to Education

Nearly 74% of Pakistan's Dalits are illiterate, among which 90% are Dalit women.[28] 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 also become part of Pakistan's illiterate masses. They are unable to vie for higher positions, where even well-educated Dalits are often discriminated against, or for a political life with power to change the present state of affairs for "oppressed caste" Hindus. At present, none of the

members of the National Assembly are Dalits. 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.

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.

6.1 - Recommendations made during the 3rd Cycle

152.226 Implement federal and provincial laws on the right to education to ensure universal access (Norway);

152.224 Continue the current efforts to ensure that all children, without discrimination, enjoy the right to education (Kazakhstan);

6.2 - Status of Implementation of Recommendations

Pakistan still lags behind in terms of providing free and compulsory education to each child, as required by Article 25A of the Constitution. Pakistan's current education system is discriminatory and perpetuates intolerance based on religion, ethnicity and income class in Pakistan. In 2019, the Prime Minister of Pakistan announced the formation of 'National Curriculum Council' to devise a uniform education system and curriculum in the country. In 2021, the government launched their new initiative the Single National Curriculum (SNC) in Pakistan, despite many concerns raised by renowned educationists over the legal, social and economic implications that the SNC will have over education systems across the country. The SNC is still in process but the priority for uniformity in the education system focuses on an ideological basis of Pakistan that has left very little space for protecting the cultural and religious pluralism of our people. Moreover, the regressive implementation policies of the SNC have gravely undermined the diversity of solutions that are actually required to ensure embracing marginalised and excluded communities.

6.3 - Recommendations for the 4th Cycle

14. Implement legislation and a relevant normative framework to support Article 25A of the Constitution, on free and compulsory education for every child, including children belonging to minorities.

15. Put in place a specific programme to combat intolerance based on caste, ethnicity, religion and economic status in schooling, in close consultation with the affected communities, with sufficient budget allocation, periodic evaluation and benchmarks.

16. Ensure that educational policies contemplate the ethnic, religious, gender and cultural diversity in the country.

7 - Dalit Women

The situation of Dalit women in Pakistan represents one of the most critical intersecting instances of gender and caste worldwide. Dalit women in Pakistan sustain persistent discriminatory stereotypes,[29] which, added to the low level of political participation and the forced disenfranchisement of women, leads to a very low level of participation of Dalit women in political life.[30] Data about women belonging to minorities, such as Dalit women, remain insufficient.[31] This systemic stereotyping of Dalit women, compounded by their low participation in political life perpetuates the invisibility of this social sector in public policies, justice, public debates and other important aspects of social life.

7.1 - Recommendations from the 3rd Cycle

152.242 Continue efforts aiming at empowering women, combating social and economic discrimination and protecting them from violence (Poland);

152.273 Work on raising the legal marriage age to 18 years (Bahrain);

152.241 Continue efforts to combat and eliminate all forms of discrimination against women (Tunisia);

152.84 Make greater efforts to investigate complaints and prosecute those that commit crimes against ethnic and religious minorities, such as the Hazaras, Dalits, Christians, Hindus and Ahmadis (Argentina);

7.2 - Political Participation of Dalit Women

The National Assembly has never had a Dalit woman parliamentarian. The election of Krishna Kumari Kolhi, from Pakistan's Sindh province, the first-ever Hindu Dalit woman Senator in the country, is a rare exception of a woman's participation in high political posts. However, this single elected representative is severely restricted in what changes she can make or even suggest. Despite the fact that 33% of all women have seats in the National Parliament due to temporary special measures, few political parties nominate a Dalit woman for the reserved seats. Indifference from major political parties about Dalit women politicians leave them invisible in the electoral scenario with negligible chances of becoming candidates.

7.3 - Forced Marriages and Conversions of Dalit Women and Girls

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 disguise of marriage of choice.[32] Those most affected are Scheduled Caste Hindu girls, especially Dalits, who are kidnapped or lured into conversion, sexually exploited and then abandoned.[33] 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 hailing from religious minority communities. NGO estimates of this phenomenon vary from 300 to 1000 cases per year. The variation in numbers is, in part, due to the different definitions of forced conversion used.[34]

The Centre for Social Justice (CSJ) produced a datasheet of the cases reported in mainstream and social media, judiciary and police reports from 2013-2020. CSJ verified 162 such incidents. According to their collected data, only 16.67% of victims were above 18, while nearly half of the victims of forced conversion were minors. The actual ratio of underage victims could be much higher because the exact age of 37% of the victims was not mentioned in the report. Further data should be collected to identify the particulars of the issue.[35]

The CERD has demonstrated its concern about the instances of forced marriage in a periodic review of Pakistan, including the relevant lack of data on how this violation affects Dalit women and girls.^[36] The surrounding drastic socio-economic context and the position of the victims in society are key factors that victimize women and girls in forced marriage and conversion. Young Dalit women and girls who work in the agricultural sector, are much more vulnerable to violence, harassment and rape. Other factors, such as the destruction of community buildings and temples, leave Hindus vulnerable due to a lack of community protection and cohesion.

The Child Marriage Restraint Act of 1929 is rarely applied, and has been branded as un-Islamic, thus blocking efforts to prevent forced conversion. This was pointed out by the CESCR in 2017, which went on to recommend that Pakistan prohibit the forced conversion of a person from his/her belief without his/her consent.^[37] This Act's amendment in 2016, provided an additional legal definition of woman as a "non-Muslim woman". This additional definition is ambiguous, problematic and open to abuse. Such scenarios are further complicated by the application of Sharia (Islamic Law) principles.

A positive step was the unanimous adoption of the Sindh Criminal Law (Protection of Minorities) Bill in 2016 by the Sindh Assembly. It included many sections banning forced marriage through specific instruments of implementation, defining forced conversions (Chapter IV(5)), mandating training and sensitization of the police and the judiciary on child marriage (Chapter II), prohibiting forced conversion (Chapter III) and setting penalties for child marriage (Chapter IV). It also gives priorities for such cases in courts (Chapter V) and relevant procedural protection (Chapters X through XII). However, this has not been enacted by the governor, in light of the strong pressure exerted by Islamist groups and parties.

In 2017, the Hindu Marriages Act was approved by the National Assembly in Pakistan, formalising the registration of Hindu marriages. It closed an important gap regarding official registration, particularly in view of the risk of Hindu women and girls being accused of adultery, through the *zina* judgments. However, this law authorises the unilateral right to divorce by one of the parties in case of the conversion of the other party. Furthermore, the Act has yet to be implemented or enforced in several

provinces or even in the capital territory of Islamabad

7.4 - Recommendations for the 4th Cycle

17. Conduct a comprehensive analysis on the challenges in enforcing the Child Marriage Restraint Act (1929), and create concrete solutions such as amendments, regulations and awareness-raising programs, in close consultation with the affected communities.
18. Revoke the unilateral right to divorce from the Hindu Marriages (2017).
19. Conclude the enactment of the 2016 amendment to the Child Marriage Restraint Act (1929), in order to turn into law, the safeguards provided to women and girls belonging to minorities.

[1] UN Doc.: [CERD/C/PAK/CO/20](#), para. 12.

[2] [E/C.12/PAK/CO/1](#), para. 31.

[3] <https://idsn.org/countries/pakistan/>

[4] UN Doc.: [CERD/C/PAK/CO/20](#), para. 12.

[5] UN Doc. [E/C.12/PAK/CO/1](#), para. 32.

[6] ILO: [Observation \(CEACR\) - adopted 2017, published 107th ILC session \(2018\) Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\) - Pakistan \(Ratification: 1961\)](#).

[7] Anti-Slavery International: [Poverty, Discrimination and Slavery: The reality of bonded labour in India, Nepal and Pakistan](#), 2008, p. 10.

[8] UN Doc. [CEDAW/C/PAK/CO/5](#), paras. 33 and 33 (f).

[9] UN Doc. [CCPR/C/P AK/CO/1](#), para. 43.

[10] UN Doc. [CEDAW/C/PAK/CO/5](#), para. 33 (d)

[11] UN Doc. [CEDAW/C/PAK/CO/5](#), para. 33 (e)

[12] Pirbhu Satyani: [Forgotten Issues of Sanitation Workers in Pakistan](#). The Knowledge Forum Blog, 9 August 2021.

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- [30] UN Doc. [CEDAW/C/PAK/CO/4](#), (2013), para. 25, and [CEDAW/C/PAK/CO/5](#) (2020), para. 35.
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