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PERMANENT MISSION OF INDIA TO THE UN, GENEVA

HUMAN RIGHTS COUNCIL

17<sup>TH</sup> SESSION (30 May-17 June 2011)

12

**AGENDA ITEM 3: Interactive Dialogue with  
Special Rapporteur on the Contemporary Forms of Racism, Racial  
Discrimination, Xenophobia and Related Intolerance  
(14 June 2011)**

**Statement by India**

Mr. President,

My delegation takes the floor to reject categorically the observations by the Special Rapporteur on the issue of discrimination based on work and descent. We would challenge the underlying basis of these observations as we consider them to be flawed on procedural, conceptual and legal grounds.

02. The Special Rapporteur claims that his report is prepared pursuant to Human Rights Council Resolution 7/34, as updated in Council Resolution 16/33. A close scrutiny of the texts of these two Resolutions has not helped us in establishing anyway that the mandate of the Special Rapporteur extends to discrimination on the basis of work and descent.

03. The Special Rapporteur then goes on to assert that the Durban Declaration and Programme of Action adopted at the conclusion of the



2001 World Conference Against Racism, Racial Discrimination, Xenophobia and related Intolerance had advocated a victim-oriented approach and, therefore, the Special Rapporteur believes that "all forms of racism and racial discrimination should be addressed with the same emphasis and determination" and is convinced of the "need to have a comprehensive approach all manifestations of racism and discrimination". Consequently, he has focused in the present report on racial discrimination and racism against Roma, and discrimination based on work and descent. By doing so, the Special Rapporteur appears to equate discrimination based on work and descent with racial discrimination, something which my delegation cannot accept. Any cursory reading of the documents relating to the 2001 Durban Review Conference and the preparatory regional meetings held prior to the Durban meeting would have shown that there were deliberate attempts, arising from motivated groups, to include discrimination based on work and descent on the agenda and programme of action of the Durban Conference and these had been rejected roundly and firmly.

04. In Section III of the report dealing with discrimination based on work and descent, the Special Rapporteur dwells at length on "discrimination based on caste and analogous systems of inherited status". For this purpose, he takes recourse to general recommendation No.29 (2002), Article 1 of paragraph 1 of the Committee on the Elimination of Racial Discrimination. This is something which India has rejected from the time the Committee had pronounced on the matter and sought to equate discrimination based on work and descent with racial discrimination.



05. We do not wish to press this point endlessly: we would only seek a clarification as to why for over three decades after the international Convention on the Elimination of Racial Discrimination was opened for signature in 1966, no inter-governmental body such as the UN Commission on Human Rights or any of the mechanisms or Special Procedures Mandate Holders had asserted that caste fell within the ambit of the term descent and that they could be equated with racial discrimination, that is not until the contrive interpretation through general comment No.29 by the Committee in 2002.

06. We would also object to the way the Special Rapporteur has sought indirectly to impart a degree of parity between the Romas and the question of discrimination based on work and descent. Obviously, the Special Rapporteur could not perhaps afford to focus on the Romas on the alone, without balancing it with some other 'issue' from other regions.

07. My delegation is not making any claim that instances based on caste-based discrimination do not exist in the Indian society; we would assert that such instances have been sought to be described as racism on the basis of a dubious assertion. In the process, the Special Rapporteur and his benefactors have sought to shift the essential focus of the debate under racism. Rather than focusing on the racist treatment meted out to Africans and people of African descent, Arabs, Asians and people of Asian descent, migrants, refugees, asylum-seekers and persons belonging to minorities, they are asserting that these people practice racism against one another in their own countries that needs to be studied first.



08. India has never shied away from discussing the issue of caste. What we refuse to do, however, is to discuss this matter in the manner being attempted. We regard it as motivated, malafide, unacceptable and deeply offensive. If it is the case of the Special Rapporteur that the CERD's opinion is infallible - and this seems to be the case - then we have nothing to discuss.

09. We request that a fuller version of our statement be placed on the record.

Thank you, Mr. President.

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Anlass der  
Zurück