

PERMANENT MISSION OF INDIA TO THE UN, GENEVA

HUMAN RIGHTS COUNCIL

20th SESSION (18th June - 6 July 2012)

AGENDA ITEM 9: Interactive Dialogue with

**Special Rapporteur on the Contemporary Forms of Racism, Racial
Discrimination, Xenophobia and Related Intolerance**

(3 July 2012)

Statement by India

Madam President,

India's fight to end racism stems from the significant contribution of our great leaders more than a century ago when our venerable monk Swami Vivekananda spoke about the concept of universal brotherhood. Mahatma Gandhi's tireless struggle against the abhorrent crime of racism, racial discrimination, xenophobia and other related intolerances is historic, significant and memorable. It was, therefore innate and instinctive that at independence, adequate safeguards were built into the Indian Constitution and the Indian Penal Code against racism. Our commitment is inherent in Article 14 and 15 of our Constitution, which enshrines the principle of equality and expressly prohibits discrimination on the grounds of race.

Madam President,

2. Racism is a far deeper social and psychological phenomenon that cannot simply end with the dissolution of racist laws and structures. Racism still affects all levels of human interaction - between states and within states, often permeating the workplace, schools, neighborhoods, political organisations, immigration, housing, public administration, and even systems of justice. Racial inequalities are widely evident in social and economic indicators and patterns. Racism has assumed subtler forms. It may not be found in the surface of laws and practices. It often comes coded. Sometimes it is buried in educational, cultural or linguistic qualifications. Racism and racist attitudes are so universal and psychologically deep-

rooted, they need to be addressed at several levels, including the psychological level. Racism is not confined to one or the other race. At one level, almost no one is free from such prejudice. Racism is therefore as much an examination of oneself as of society. Research and studies need to be carried out on some of these concealed or disguised manifestations of racism, and on their psychological sources and characteristics.

Madam President,

3. Racism and racial discrimination should not be muddled with discrimination in general. Racism and other forms of discrimination are analytically distinct and should be dealt with separately. In paragraph 15 of his report, in his treatment of the link between race and poverty, the Special Rapporteur has drawn on the report of his predecessor's work on racial discrimination against Roma and discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status. In this connection, we would like to recall the statement made by our delegation during the interactive dialogue with the previous mandate holder. India rejects any attempt that seeks to equate discrimination based on work and descent with racial discrimination.

4. The Special Rapporteur has expressed concern about reports indicating that racial discrimination and segregation in schools, poorer educational achievements and a low quality level of education still characterize the experiences of certain groups of individuals, including minorities, Roma, victims of caste-based discrimination, people of African descent, migrants, refugees and asylum seekers. In doing so, the Special Rapporteur has sought indirectly to impart a degree of parity between the Romas and the question of caste-based discrimination, something that we object to roundly and firmly. Such attempts have been made in the past and India has regarded them as malafide, unfounded, misconceived and therefore, unacceptable. Abhorrent as it is, caste-based discrimination is not racial discrimination and the two should not be confused. We would therefore caution the Special Rapporteur to take note of such attempts based on dubious assertions and avoid doing so in his treatment of the subject matter within his mandate. Our delegation remains ready to clarify any doubts that may arise in this regard.

Thank you Madam President.