



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/2008/SR.14
13 May 2008

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fortieth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 7 May 2008, at 3. p.m.

Chairperson: Mr. TEXIER

CONTENTS

CONSIDERATION OF REPORTS:

- (a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH
ARTICLES 16 AND 17 OF THE COVENANT (continued)

Fifth periodic report of India

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Fifth periodic report of India (E/C.12/IND/5; E/C.12/IND/Q/5 and Add.1 and 2)

1. At the invitation of the Chairperson, the members of the delegation of India took places at the Committee table.

2. Mr. Swashpawan SINGH (India), introducing his Government's combined second, third, fourth and fifth periodic reports (E/C.12/IND/5), said that India was the largest democracy in the world and one of the most stable. It was a country of unparalleled pluralism. It had 22 official languages and was home to nearly all the world's religions. Since achieving independence in 1947, India had made substantial progress on the political, social and economic fronts, but much remained to be done in order to conquer poverty, ignorance and disease and ensure income and food security and social justice for all segments of the population.

3. Economic, social and cultural rights, including the right to adequate nutrition, clothing, shelter and basic education, were enshrined in India's Constitution and were therefore justiciable. The Government of India was committed to realizing the right to development of all its people by creating an environment that was conducive to inclusive growth, which meant empowering the disadvantaged, including women, scheduled tribes and scheduled castes, minorities and other backward classes, through legislation and entitlements. The Constitution had abolished untouchability and prohibited its practice, and legal and administrative provisions, including a large-scale affirmative action programme, were in place to address caste-based discrimination. One third of all seats on local government bodies were reserved for women.

4. Recent initiatives in the areas of employment, education and health included the National Rural Employment Guarantee Programme, a four-year plan for upgrading rural infrastructure, the Sarva Shiksha Abhiyan (Education for All) programme, a rural health programme and a debt waiver scheme for small farmers. The report and the Government's written replies (E/C.12/IND/Q/5/Add.1 and 2) contained details of those initiatives.

5. Mr. SEN (India) outlined the broad developments that had taken place in the 20-year period covered by the report (1986-2006) and the manner in which they had influenced the attainment of economic, social and cultural rights. Perhaps the most important political development had been the promulgation of two constitutional amendments that devolved authority to local governments for functions such as primary education, primary health, water supply and sanitation. Funding was being allocated to local bodies from the national and state budgets and a special ministry had been set up to build the necessary institutional capacity at local levels. The direct involvement of local people in decisions that affected their lives was expected to lead to better design, implementation and prioritization of public programmes and to more effective realization of economic and social rights. However, there was concern that social stratification could lead to the exclusion of some groups from local political processes. Vigilance by civil society and the courts would be needed to ensure that all groups and castes had a voice.

6. In the economic sphere, India had undertaken an extensive process of liberalization, which had provided much greater opportunity for private initiative and dramatically reduced the direct involvement of the Government in the economy, changing its role to that of monitor and regulator of the activities of the private sector and entailing a reorientation of government structures and institutions. Liberalization had also led to a decline in public-sector employment and tremendous growth in private-sector employment - sufficient, in fact, to absorb most of the nearly 200 million new workers who had joined the labour force in the previous 20 years.

7. With the growth in the private sector, however, it had become increasingly difficult for the Government to implement and enforce the rights set out in articles 6, 7 and 8 of the Covenant. For example, India had long had a strong affirmative action programme that reserved almost half of all public-sector jobs for members of disadvantaged groups, but the requirements of that programme were not binding on the private sector. An effective partnership of Government, civil society and the private sector was needed to safeguard the right to work for all Indians.

8. Although all the elements of article 7 of the Covenant were enshrined in laws and regulations, it was not easy to enforce and monitor compliance in an economy where 93 per cent of workers were engaged in the informal sector. Even if it were possible to monitor all activity in the informal economy, the Government would still have to tread carefully in order not to cross the thin line that separated proper enforcement of laws and excessive intrusion in private entrepreneurial activity. The best approach might be to focus on increasing the bargaining power and mobility of workers through better skills and social protection. The recently established National Rural Employment Programme was a major step in that direction. In addition, the Government was launching a skills development mission aimed at addressing skill deficits and broadening occupational choices for informal-sector workers. Legislation granting a basic social security package for such workers was under consideration.

9. Despite steady growth in its economy since the mid-1900s, India remained a poor country, and progress in poverty reduction had been uneven across social groups. The situation in rural areas was especially grim. Agricultural production was no longer sufficient to sustain many rural households and, although non-agricultural activities had increased, their productivity remained low. The Government had launched an ambitious programme of rural infrastructure development to enhance rural productivity.

10. Despite a rapidly growing population, India had achieved food security. Diversification of agriculture had widened the range of available food products and improved the nutritional content of food. Nevertheless, nutritional deficiencies persisted, especially among women and children. A State distribution system provided food grains at highly subsidized prices to households below the poverty line. Two major interventions sought to improve child nutrition: the Integrated Child Development Scheme, which provided supplementary nutrition to pregnant women, nursing mothers and children under the age of 6, and a midday meal scheme in primary schools.

11. In the area of health, life expectancy at birth had nearly doubled in the previous five decades and infant mortality had dropped significantly. India had made reasonable progress in preventing and treating the major diseases. Nevertheless, the health system was under strain. Medical professionals were in short supply in many regions of the country, a problem which was exacerbated by emigration of health workers. To address those concerns, the Government had

launched the National Rural Health Mission, which sought to recruit and train local people to provide primary health care. In addition, an effort was being made to formalize and promote traditional systems of medicine, which were widely practised and accepted, especially in rural areas.

12. With regard to education, gross primary school enrolment rates were very high for both girls and boys, although the rates for particular groups remained low. Dropout rates were high, however, which was a source of concern. The main incentive for keeping children in school was the midday meal scheme. There was a need to change parents' perceptions about the value of education. Recent surveys had indicated that the quality of primary education left much to be desired, which might account for parents' reluctance to send their children to school. Improvements in teacher training were needed. The number of private educational institutions was growing, especially at the secondary level, but they were not affordable for a large segment of the population. The Government provided financial assistance to enable children from disadvantaged groups to attend private schools.

13. It had been feared that liberalization would significantly weaken the implementation of economic, social and cultural rights in India, but that had not occurred. The gradual withdrawal of the Government from direct production activities had released significant resources for investment in health, education and other social sectors, and as the private sector took on increasing responsibility for the development of economic infrastructure, the Government's ability to contribute to the realization of social and cultural rights should improve. However, new challenges, particularly climate change, were likely to strain its capacity to deliver on those rights.

Articles 1 to 5 of the Covenant

14. The CHAIRPERSON invited the members of the Committee to put questions to the delegation of India.

15. Ms. BONOAN-DANDAN welcomed the State party's report, but regretted the long delay since India's initial report. She was disappointed that the State party had failed to provide written replies to half the Committee's questions (E/C.12/IND/Q/5).

16. Mr. Singh had said that the Government was pursuing inclusive growth, but the reports received from civil society groups indicated that the root cause of many of India's major problems was exclusion. India had reason to be proud of its laws on economic, social and cultural rights, but laws had to be implemented in order to be effective. The Committee's task was to determine the extent to which that was occurring.

17. Mr. RIEDEL requested more information on the National Human Rights Commission. It was not clear that the Commission was independent, as the Committee had been informed that its members were appointed by the Government and that it reported to the Government, not to Parliament. Could the delegation provide examples of how the Commission was playing its role as an independent national human rights institution, particularly in relation to economic, social and cultural rights? He would also like to hear examples of how the Government was implementing and enforcing laws on those rights.

18. Ms. BRAS GOMES said that the fear that liberalization might weaken the implementation of economic, social and cultural rights was justified. Development-induced displacement and the consequent loss of livelihood had greatly affected the enjoyment of those rights by many segments of the population. She would like to know the Government's assessment of that situation. In particular, she wondered whether the economic benefits of such development really justified the social and environmental costs.

19. She would like information on the living conditions of Indian Muslims. Referring to the recommendations of the Sachar Committee, she asked if there had been any improvement in the overall situation of Muslims, and especially that of women and other backward classes.

20. She was aware that India was discussing trade agreements with the European Union, and she wondered what assurances the Government could provide that the economic, social and cultural rights of vulnerable groups would be protected in the context of such agreements. Lastly, she enquired what role India might play in raising the visibility of economic, social and cultural rights in South-South cooperation.

21. Mr. ATANGANA said that it was regrettable that the State party had not answered all the questions on the list of issues. He noted that there was a law providing for legal aid to poor women, but rural women apparently had difficulty accessing legal aid in practice. The Committee had heard reports relating to the lack of independence of the judiciary, inequitable court decisions, and impunity for human rights violations, and he asked what the Government was doing to address the situation and modernize the judicial system.

22. Mr. KOLOSOV requested information regarding civil registration, which must be well regulated in a country with a population the size of India's. He also expressed concern that there were clearly major problems of law enforcement.

23. Ms. WILSON commended the State party on its report, which was well written and informative. It was regrettable, however, that it did not refer to efforts to combat discrimination in general. She asked whether the State party intended to ratify the Convention against Torture, and whether it planned to invite the Special Rapporteur on torture to visit the country.

24. If the State party did not recognize caste discrimination as a form of racial discrimination, it could nevertheless be considered discrimination based on social origin, which was prohibited under article 2, paragraph 2, of the Covenant. She wondered what legislation was in place to address the double discrimination faced by Dalit women and asked the delegation to comment on reports that violence against them went unpunished. She wished to know what role the National Commission for Scheduled Castes and Scheduled Tribes played in implementing relevant legislation.

25. She welcomed the fact that India had ratified the Convention on the Rights of Persons with Disabilities, established a national commission and adopted legislation on persons with disabilities, but noted that these measures had had minimal practical effect and that discrimination was still widespread. She asked what steps were being taken to create equality and ensure that all persons with disabilities had the same entitlements.

26. Mr. SADI said that it was difficult to fathom how the caste and tribal system could persist in a country such as India, and wondered whether that legacy would ever be eradicated. He expressed particular concern with regard to sex selection. No country could reach its full potential if such practices persisted, and he wished to know whether there were plans in place to aggressively combat them.

27. He asked the State party to reconsider its position that caste-based discrimination was not covered by article 1 of the Convention on the Elimination of All Forms of Racial Discrimination. He wished to know why the law on castes was referred to as the law on prevention and atrocities.

28. He asked for an explanation why it had taken the State party so long to present its second to fifth periodic reports to the Committee. He hoped India would set a better example to less developed countries in future.

29. Mr. PILLAY said that it appeared that not all economic, social and cultural rights were justiciable in India because they did not have the necessary legislative backing. Moreover, while the Protection of Human Rights Act provided for the establishment of human rights courts, only one state had such a court, and it had no jurisdiction to hear cases relating to economic, social and cultural rights.

30. He expressed concern at the problem of lack of implementation of court decisions, the high cost of taking a case to court, and the lack of independence of the judiciary at the local level. He asked the delegation to comment on reports that human rights defenders were the victims of threats and violence by agents of the State and that the State took no action in that regard.

31. Ms. BONOAN-DANDAN expressed concern at the situation of some 270 indigenous groups in north-east India, numbering more than 38 million people, whose traditional land rights were allegedly not adequately recognized under the law.

32. She was also concerned that, under the Armed Forces (Special Powers) Act, the military appeared to have unfettered powers. She asked why the Government had ignored repeated calls by international and domestic bodies to repeal the Act.

33. Despite strong opposition from indigenous communities and civil society, dam construction projects that would result in the flooding of indigenous villages and sacred sites were going ahead. She asked for an update on the situation regarding the Tipai Mukh dam.

34. She asked how many panchayats had a Dalit leader. She pointed out that question 5 on the list of issues, on legal remedies for Dalits, had not been answered.

35. Lastly, she asked the delegation to comment on allegations that tsunami relief funds had been diverted.

36. The CHAIRPERSON asked whether the State party intended to ratify International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

37. Mr. PURI (India) said that the Government took its obligations under international conventions very seriously and before ratifying any such convention it ensured that the necessary laws and other measures for implementing its obligations under the convention were in place. Under the Constitution, international treaties and conventions ratified by India did not automatically acquire the status of law. Implementing legislation must be adopted by Parliament to incorporate them into domestic law. However, the Supreme Court had held that international human rights conventions were to be read into Indian law. It was now an accepted rule that domestic law must be construed in the light of international conventions where such conventions clarified and laid down rights of individuals to fair treatment, regardless of whether India was a party to a given instrument.

38. On the question of ILO Convention No. 169, he pointed out that the Constitution had specific provisions to deal with the welfare and empowerment of scheduled tribes and there was an independent Ministry of Tribal Affairs. India had ratified ILO Convention No. 107 concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries. It had also voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples both in the Human Rights Council and at the General Assembly. However, India had explained its position that all its people, including tribal people, were indigenous. India's reservation with regard to Convention No. 169 was that it had blurred the distinction between indigenous and tribal people. Lastly, he pointed out that that Convention had received only 19 ratifications to date.

39. Mr. Swashpawan SINGH (India) said that India's Penal Code had clear provisions on torture and the Supreme Court, in a well-known judgement, had issued important guidelines on conditions of detention that were applicable throughout the country. The ratification of the Convention against Torture was being actively processed by the Government.

40. Regarding the continued applicability of the Armed Forces (Special Powers) Act, he said that all legislation must conform to the Constitution and was subject to judicial review. The constitutionality of the Act had been upheld by a Constitutional bench of the Supreme Court. Moreover, the armed forces were governed by provisions that ensured that any violations were dealt with expeditiously. Special training and operating procedures were in place to protect human rights even in counter-terrorism operations.

41. The Protection of Human Rights Act had established the National Human Rights Commission and the state human rights commissions, which had been set up in 18 states. The National Human Rights Commission was a powerful independent statutory body and had complete autonomy. It had been created by, and reported to, Parliament. It was headed by a retired chief justice, who had the status of chief justice, while members of the Commission had the status of Supreme Court judges. The chairperson and members were selected on the recommendation of a politically balanced high-level committee. They could not be removed from office unless a proper inquiry had been conducted by the Supreme Court. The Commission had its own independent investigation wing, which was answerable to the Commission alone.

42. The Commission's recommendations were presented to Parliament and the Government was obliged to report on their implementation, thus ensuring accountability. If the Government disagreed with the recommendations it was required to furnish reasons. To date, 95 per cent of the Commission's recommendations had been implemented. The Commission's jurisdiction

covered the entire range of civil, political, economic, social and cultural rights. It actively addressed issues, either ex officio or on the basis of reports by civil society, the media, concerned citizens or expert advisers. The Commission was playing a major role in the drafting of a national action plan for human rights, which would cover issues such as the rights to health, education, food security, housing, custodial justice and trafficking in women and children. The Commission's role was complementary to that of the judiciary: the Supreme Court had referred a number of important matters to the Commission for monitoring, while the Commission had also taken specific cases of violations of human rights to the courts.

The meeting was suspended at 4.45 p.m. and resumed at 4.50 p.m.

43. Mr. SEN (India), responding to the Committee's concerns regarding implementation, said that it was important to bear in mind that, unlike rights enshrined in specific legal documents, economic, social and cultural rights were supposed to be realized progressively. Therefore, the real question was whether the situation of inclusion was improving and the rate of progress was sufficient.

44. Regarding the observations by civil society that India's growth process had been exclusionary, he said that the very fact that the Government had officially adopted the position that the growth process needed to be inclusive was recognition of the exclusionary tendencies of the past.

45. He said that the special economic zones were the most publicized of the displacement issues because, unlike displacement caused by infrastructure projects, the establishment of such zones was considered to be for private gain rather than the public good. The nature of land use, and therefore displacement, was determined by national economic strategy and imperatives. Problems had arisen initially, because the Government's powers of eminent domain had tended to be used to acquire the land and hand it over for the development of special economic zones. That policy had been reconsidered and compulsory acquisition was no longer being applied across the board; rather, developers were being encouraged to obtain the land on mutually agreed commercial terms. Nonetheless, if the Government believed that the special economic zones were in the longer-term interests of the Indian economy, a certain amount of land acquisition would have to take place. Even without such zones, land acquisition would have to take place for various infrastructure programmes. Nearly 70 per cent of India's hydroelectric potential was in the north-east and had barely been exploited. As the demand for electricity accelerated, then, those issues would become increasingly important. There would have to be a national dialogue on the subject.

46. A new rehabilitation and resettlement policy had recently been adopted, which marked a significant improvement over the previous system. A project authority must convince the Government that its proposal would entail less displacement than any of the alternatives. In addition to the environmental impact assessment, a social audit was now mandatory for all major projects. Under the new policy, it was not only landowners who received compensation, but also those who occupied the land and even sub-tenants.

47. Turning to minority rights, he said that his Government had adopted a 15-point programme incorporating the recommendations contained in the Sachar Committee's report on the social, economic and educational status of India's Muslim community. As for the status of Muslim

women, India had a separate system of personal law for Muslims and Muslim women were naturally subject to that law. The extent to which that law needed to be amended was a matter for discussion within the Muslim community.

48. With regard to guarantees of economic, social and cultural rights in the context of trade agreements, he stressed that every such agreement included an assessment of its impact on the population, in particular the poor and disadvantaged. India had a tradition of leading by example with regard to the promotion of economic, social and cultural rights in South-South cooperation. India's five-year development plans likewise prioritized protection of economic, social and cultural rights.

49. He said that efforts to provide comprehensive social security were hampered by a lack of data on civil status. Although registration of births and deaths was required by law, it was difficult to get 100 per cent compliance. Moreover, compliance rates varied from state to state, from a high of 93 per cent to a low of less than 40 per cent, which made it difficult to evaluate and promote measures for the well-being of the population.

50. His Government took the issue of discrimination very seriously; discriminatory acts on the part of agents of the State were relatively easy to identify and punish but individual acts of discrimination against another individual were more difficult to detect and punish. It was difficult to modify mindsets; the Government could guide and direct but could not change the situation overnight by simply adopting a law. The judiciary had an important role to play in the elimination of discrimination but it was important to develop systems to provide the judiciary with accurate information so that the courts could make fair judgements.

51. Significant progress had been made in the past 15 to 20 years in eliminating deeply-rooted traditional discriminatory attitudes to castes. At the political level, although by law 16.2 per cent of local elected officials had to be from scheduled castes, the actual figure was more than 18.5 per cent. The scheduled castes were forming strong and dynamic political parties and there was growing awareness even among the traditional parties of the need to eliminate discrimination.

52. His Government was firmly opposed to sex selection for babies and it was a criminal act for a doctor to perform a sex test on a baby and then perform an abortion based on the result of that sex test. It was not however a crime for parents to request a sex test and an abortion based on the result of that sex test.

53. Economic, social and cultural rights were not justiciable because his Government believed that those rights must be implemented progressively, to the extent possible taking account of local conditions. It was difficult to draft specific legislation on the right to health and other economic, social and cultural rights.

54. He did not believe that there was a significant problem with non-implementation of court decisions. Although it might be true that some court decisions were not implemented, his Government believed in the rule of law and took full account of court decisions. The Indian courts did not hesitate to impose penalties for contempt of court.

55. Lastly, with regard to tsunami relief and reconstruction efforts, his Government made a distinction between relief efforts to meet immediate basic needs and reconstruction efforts to restore or even improve the infrastructure. Tsunami reconstruction efforts required major investment to ensure the livelihoods of the affected populations, but relief efforts had not been neglected, with priority given to rebuilding housing, schools, health facilities and orphanages.

56. Mr. PURI (India) said that the delegation would provide the Committee with comprehensive information on its post-tsunami response. As for South-South cooperation, India's long-standing practice was to promote capacity-building, training and education in cooperation with all its development partners.

57. His Government was fully committed to the elimination of caste discrimination and was open to discussing the issue of empowering the untouchables and scheduled castes and tribes in the appropriate forums. It did not however consider that caste discrimination fell within the mandate of the Committee on the Elimination of Racial Discrimination or that of the Third Committee of the General Assembly.

58. Independence of the judiciary was a cornerstone of India's legal system. The decisions of lower courts could be reviewed by the higher courts in each state and further appeal was possible to the Supreme Court. Supreme Court judges could only be removed by act of Parliament. India's judiciary was among the most independent in the world and no institution or individual, including the police and armed forces, enjoyed impunity. India was a country governed by the rule of law and its laws were rigorously implemented. India was the world's largest democracy, and one of its most vibrant, and his Government made every effort to protect the interests of all segments of society.

59. The CHAIRPERSON, speaking in his individual capacity, recalled that pursuant to article 2, paragraph 2, of the Covenant, discrimination was part of the Committee's mandate. He also recalled the Committee's general comment No. 3 on the nature of States parties' obligations, including the obligation to ensure that economic, social and cultural rights were exercised without discrimination and the notion that, while full implementation of economic, social and cultural rights might be progressive, there were minimum essential levels for each right that it was incumbent on the State party to satisfy.

60. Ms. BRAS GOMES expressed concern that arguments about the progressive realization of economic, social and cultural rights could be used as an excuse to do nothing. With regard to the displacement of populations for development projects, she requested a copy of the State party's National Policy on Resettlement and Rehabilitation of Project-affected Families. She wondered if any assessment of the impact of trade agreements on the human rights of the Indian population had been made and asked why the periodic report provided no information on the implementation of articles 1 to 5 of the Covenant. She regretted the lack of information in the report on discrimination and implementation of Covenant rights and stressed that the Committee received a wealth of information from various sources, which it used to inform its assessment of the situation in the State party.

61. Ms. BONOAN-DANDAN said that the principle of non-discrimination, including equality between women and men, applied to all rights under the Covenant. She disagreed with the delegation's contention that it was difficult to draft specific legislation on economic, social and

cultural rights. She suggested that, as so much time had elapsed since the State party had presented its initial report, it was perhaps not aware of the Committee's general comments on the interpretation of the Covenant and State party obligations.

62. She did not agree that displacement of populations for development projects was simply an unfortunate side effect of steps that had to be taken for the economic development of the country. States parties had a responsibility to ensure respect for economic and social rights even in the direst of circumstances.

63. Lastly, she asked how much the State party had spent on tsunami relief and reconstruction. She would like the delegation to comment on newspaper reports that billions of rupees intended for such work had in fact been diverted for other uses.

64. Mr. PILLAY wondered how the Government's attitude to implementation of Covenant rights could be different from that of the Supreme Court, which had upheld the right to shelter, for example. He suggested that, if the State party was unable to guarantee minimum essential levels of the rights enshrined in the Covenant, it should seek international assistance for that purpose.

65. His question on the independence of the judiciary had referred to the lower courts. There was a perception that local courts would not protect the rights of the disadvantaged and marginalized. He enquired whether the special courts provided for under the Civil Rights Act of 1955 had been constituted. It was regrettable that there was no similar legislation on economic, social and cultural rights.

66. He acknowledged that the State party had legislation prohibiting sex discrimination for unborn children but wondered what was being done to enforce that legislation. The State party must also do more to combat caste discrimination. In a community in Tamil Nadu State, the higher castes had built a wall to separate them from the Dalits. The state government had demolished part of it, but he would like to know why the entire wall had not been torn down.

67. He said that impunity for human rights violations committed by the police and the security forces was more than a mere perception and the Committee had information on intimidation of human rights defenders. There also had been many incidents of local populations being forcibly uprooted to make way for development projects. While some compensation was provided for displaced populations, he wondered if it was adequate, and he recalled the Committee's general comment No. 7 on forced evictions. Lastly, he stressed the importance of a constructive dialogue between the Committee and the State party with a view to overcoming problems, not avoiding the unpalatable.

68. Mr. KERDOUN noted India's long-standing commitment to South-South cooperation and, in that context, requested information on the outcome of the recent India-Africa Forum Summit, in particular with regard to assistance in promoting economic, social and cultural rights.

69. Mr. SEN (India) said that his Government accepted the notion of minimum essential levels of economic, social and cultural rights, and that was why its five-year development plans included clear targets for those rights. He said that full information on his Government's tsunami

relief work would be provided to the Committee. With regard to the human rights of populations displaced by development projects, he said that the principle of respect for human rights was set out in the National Policy on Resettlement and Rehabilitation of Project-affected Families.

70. Mr. Swashpawan SINGH (India) said that the April 2008 India-Africa Forum Summit was an example of India's decades-old engagement with the African continent. Many Africans had received training in India, and India was involved in a number of bilateral projects with African States. His Government was committed to real cooperation, rather than competition with Africa, a continent that held great promise for the future; to that end, his Government intended to allow duty-free access to Indian markets for goods from the least developed countries. The text of the final declaration of the Summit would be provided to the Committee.

71. His Government did not dispute that caste discrimination existed or that it fell within the Committee's mandate; his Government's position was simply that caste discrimination was not racial discrimination. He recognized the need to collect more data on the situation of scheduled castes and tribes with a view to enriching the dialogue with the Committee. His delegation was in no way attempting to avoid dealing with the unpalatable. It shared the Committee's goal of promoting the full realization of economic, social and cultural rights.

72. The CHAIRPERSON asked the delegation to provide more information on harassment of human rights defenders and efforts to protect the rights of marginalized groups such as the Dalits.

The meeting rose at 6.05 p.m.