

References to Caste-Based Discrimination in reports presented at the 24th session of the Human Rights Council, September 2013

August 2013

<p>Excerpts of the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian.</p> <p>Thematic report on challenges and lessons in combating contemporary forms of slavery</p> <p>A/HRC/24/43</p> <p>1 July 2013</p> <p>Item 3</p>	<p>Challenges and lessons in combating contemporary forms of slavery</p> <p>15. <i>Discrimination based on race, ethnicity and caste also plays a role in increasing vulnerability to contemporary forms of slavery. Bonded labour in Asia, for example, disproportionately affects people with disadvantaged social statuses such as a low caste and the majority of forced labour victims in South America were from indigenous cultures, while strict social hierarchies in West Africa can dictate a person's status as a slave. In many societies, racism is very common and typically the darker the skin, the more abuse that follows. (p.5)</i></p> <p>16. <i>In Nepal, a debt bondage system, the labourers of which are known as Haliyas, can be found in the agricultural sector. Haliya means "one who ploughs". Ploughing land is considered to be dirty and unskilled work that only lower-class citizens should perform, making it the work of "untouchables" or Dalits. Haliyas are either paid very little for their work or paid only in small amounts of food. Debt quickly accrues as workers take out loans for personal expenses, while landowners take advantage of them by charging exorbitant interest rates. According to a Centre for Human Rights and Global Justice report, "such discrimination is intentionally designed to keep alive a system of debt bondage". (p.5)</i></p> <p>17. <i>In September 2008, the Government of Nepal officially liberated all Haliyas and pardoned their debts to landowners. However, in 2010, the Asia Human Rights Commission reported that most Haliyas were still working for their landlords, despite formal liberation. It is very difficult for former Haliyas to integrate into the labour force as they have little to no education or technical skills and 97 per cent do not own land. Approximately 150,000 people were estimated to be affected by the Haliya system in 2010. All Haliyas are male because females are not allowed to plough and cannot get loans to own land of their own. However, women still assist their husbands' landlords by collecting food for the animals or carrying manure to the farms. Children of Haliyas are often involved in the work as cattle herders, and therefore miss out on educational opportunities. (p.5)</i></p> <p>Institutional and implementation challenges</p> <p>38. <i>In many countries in which slavery occurs, victims are poor, have few political connections and have little power to voice their grievances. These communities are normally marginalized and discriminated against as a result of their caste, race, gender and/or their origin as migrants or indigenous populations. In contrast, perpetrators may be wealthy, well-connected individuals who are able to influence policy and enforcement. This can result in corruption and a system in which there is little pressure on authorities to take action to combat exploitation. In Peru, gold generates tremendous profits and breeds corruption at every level, making it extremely difficult to combat labour abuses in illegal gold mining, including significant indicators of slavery. Such corruption facilitates the continued operation of illegal mines and gold-laundering and frustrates government enforcement efforts. In many cases, even when authorities have the will to carry out enforcement, they lack the training and resources to adequately do so. (p.11)</i></p> <p>Conclusions and recommendations</p> <p>82. <i>Slavery and slavery-like practices are often clandestine. The majority of those affected are from the poorest, most vulnerable and marginalized social groups in society such as indigenous and caste-based groups. In order to effectively eradicate such exploitation in</i></p>
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	<p><i>all its forms, Governments and other stakeholders must address the root causes of poverty, social exclusion and all forms of discrimination. At the heart of these campaigns, poverty reduction, the promotion of the Millennium Development Goals, the protection of human dignity and the establishment of robust protections against human and labour rights abuses, including effective access to remedy, should guide national and international strategies. (p.20)</i></p> <p>II. Activities of the mandate Visits to countries and follow-up activities</p> <p>5. The Special Rapporteur would appreciate receiving invitations from the other countries to which she has sent requests to visit: Bangladesh, Ghana, Nepal, Niger, Sudan and Uzbekistan.</p>
<p>Excerpts of the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian.</p> <p>Mission to Madagascar, 2012</p> <p>A/HRC/24/43/Add.2</p> <p>Item 3</p>	<p>III. History of slavery</p> <p>7. Most Malagasy are descendants of Indonesian and African settlers. There are 18 main tribes in Madagascar, some of which have their own caste system. The Special Rapporteur mainly met with those from the Merina (which mainly inhabit Antananarivo and the surrounding highlands) and Bara tribes (based in the south), which both have a caste system. The Merina ruled Madagascar before French colonization and were the main group to benefit during French colonial rule. Ethnic tensions persist, largely due to the fact that the Merina consider themselves the descendants of kings and rulers, and consequently of higher social status than the other ethnic groups.</p> <p>8. There are four main castes within the Merina tribe. First there are the Andriana, who consider themselves nobles and the descendants of royalty. The second, the Hova or “free people”, are commoners whose role is to serve in the army and be businessmen and farmers. The third caste is the Mainty, who occupied the highland long before the importing of Masombika; unlike the Andevo, they lived freely and benefited from some royal advantages. Most of the Mainty served in the Merina army. The fourth caste is the Andevo, who are the descendants of slaves and mainly work for the other two castes. The Andevo were composed mainly of people brought by the Andriana from South and Eastern Africa (who were called Masombika referring to Mozambique country), and people from other regions of Madagascar taken to Antananarivo as prisoners after a military expedition.</p> <p>9. The nobles and commoners are generally light-skinned, whereas those in the latter two castes are dark-skinned. Many of them served and were sold in Antananarivo until French colonization, when slavery was abolished.</p> <p>10. The Masombika are former slaves who have no ancestral land. Many of them live on the western coast of Madagascar.</p> <p>11. Discrimination against the slave caste continues to exist, especially in marriages, where those in the first two castes are not allowed to marry someone from the slave caste. The Andevo live in slums located in the low villages, below the villages on the hill where the nobles and commoners settled. In the rural areas, the Andevo work the employer’s land (someone from a higher caste), tend livestock and sometimes act as guards.</p> <p>12. The Andevo and the Masombika do not have the same access to schooling and jobs as those from the light-skinned castes. Consequently, most Andevo and Masombika are illiterate and are more vulnerable to working in exploitative employment. In towns, they are mainly hawkers or employed in cleaning streets or hospitals. The overwhelming majority of professionals (such as lawyers and doctors) are either Andriana or Hova. Some</p>

	<p>from the lower caste who are able to obtain an education and some degree of economic security do not want to be associated with their communities. In some protestant churches, those considered of lower caste are seated separately from the higher caste.</p> <p>13. The Special Rapporteur noted that, although poverty and extreme poverty affect the majority of Malagasy, those in the lowest castes have the additional burden of being discriminated against, and they are the most vulnerable to poverty and slavery-like practices.</p> <p>14. Although mixed couples from different castes are on the increase, such marriages are not supported and still face exclusion from their families, while their children are regarded as unclean.</p> <p>a) Arranged marriages (Valifofo)</p> <p>129. In places like Ihorombe, in the Bara community, when a girl reaches the age of 10, she is separated from other family members and can receive male visitors without need for approval from her male relatives. Indeed, her father and brothers no longer have any contact with her.</p> <p>130. In the Bara community, when a girl is born, she is betrothed and the parents receive 10 oxen (oxen are a sign of wealth and prestige). Parents try to marry off their daughters to a man with many cattle. The man can take the girl from the age of 7 years or ask her parents to raise her until she is 12, at which time she will be taken to the husband's home.</p> <p>131. Betrothed children accept marriage as they do not want to be excluded from the family (such exclusion would otherwise result in the girl being left destitute). Only the children of male offspring are allowed to marry in order to ensure that the wealth (oxen) stays within the family. Those betrothed are usually of the same age and start to live together from the age of 13 years.</p> <p>132. In some cases, an elderly man, although already married, may become betrothed to an infant and marry her when she turns 10. A girl in these circumstances is usually pregnant by the time she is 12, and the man may die while she is still a teenager. It is difficult for the widowed girl to remarry; she is often cast out by the first wife from her husband's home, and is not entitled to any of her late husband's possessions.</p> <p>133. Girls are forbidden to marry anyone from the slave caste. The Special Rapporteur spoke with a woman who had been ostracized by her family and faced stigma in the community because she had married someone from the slave caste. The pressure put on her husband by her own family was so great that he eventually left the household, leaving her to raise the children on her own. Her family was now trying to force her to marry a man from the same caste in the Bara community.</p> <p>Conclusions and recommendations</p> <p>164. The issue of caste discrimination should be addressed openly, not as a taboo; in this way, issues relating to vulnerability to poverty and slavery-like practices may also be dealt with in a comprehensive manner. The Government, civil society organizations and the international community must work with local communities to eradicate the stigma that the descendants of slaves experience, by means of programmes, technical expertise and the funding of projects to combat caste discrimination.</p>
<p>Excerpts of the report of the Special Rapporteur on the human right to safe</p>	<p>F. A pattern of neglect of the most vulnerable and marginalized</p> <p>50. What emerges from the above is a pattern of neglect of the needs of the most vulnerable and marginalized groups in society across planning, institutional responsibilities and resource allocation. Disadvantaged groups can often be identified along ethnic,</p>

<p>drinking water and sanitation, Ms. Catarina de Albuquerque.</p> <p>A/HRC/24/44</p> <p>11 July 2013</p> <p>Item 3</p>	<p><i>geographic, and socioeconomic divides (see, for example, A/HRC/18/33/Add.4, para.79). Indigenous peoples, Dalits and Roma are among such groups facing discrimination with whom the Special Rapporteur has met during the course of her mandate. Moreover, there are vast gender inequalities –in many poor communities, the task of collecting water overwhelmingly falls to women and girls (see, for example, A/HRC/15/31/Add.3 and Corr.1, para.22). Persons with disabilities are also disproportionately represented among those lacking access to water and sanitation (A/HRC/15/55, para.21). Neglect can occur for a variety of reasons: groups and individuals may experience stigmatization, they may live in remote areas making serving them costly, or politicians may be indifferent to their needs.</i></p>
<p>Excerpt of the fourth periodic report on the human rights situation in Yemen by the UN High Commissioner for Human Rights</p> <p>Technical assistance and capacity building</p> <p>A/HRC/24/34</p> <p>25 July 2013</p> <p>Items 2 and 10</p>	<p>B. Political developments</p> <p><i>6. The NDC Technical Committee was charged with the organization of NDC, particularly with regard to member representation. It decided to guarantee representation for the southern population at a rate of at least 50 per cent of the total number of conference members, women at a rate of 30 per cent and youth at a rate of 20 per cent of all participating groups and entities. This process led to the participation of 565 participants from different sections of society. Despite the lengthy and tense nomination process, most of the seats were eventually granted to the major political blocks. This led to complaints by representatives of independent youth movements, which had been at the forefront of the 2011 events, for receiving a limited number of seats. Minority groups like the Jewish and Ismaili communities did not obtain any representation, whereas the Muhamasheen* [6] were given only one seat, with a view to submitting recommendations to tackle the deep-rooted discrimination faced by the members of their community. The United Nations, spearheaded by the Special Adviser to the Secretary-General on Yemen, in addition to other international actors and national stakeholders, have supported the process in various ways, particularly to ensure the active and meaningful participation of all Yemenis, in line with Security Council resolutions 2014 (2011) and 2051 (2012) (para. 3 (a)). (p.4)</i></p> <p><i>Footnote 6: The Muhamasheen community, also referred to as Al Akhdam (“servant” in Arabic), are a minority group distinct by their African features and are confined to menial jobs. See also A/HRC/19/51, para. 45, and A/HRC/21/37, para. 50.</i></p> <p>G. Marginalized groups</p> <p><i>46. The Muhamasheen community continues to suffer from discrimination. Although the demands of some individuals working as street cleaners were met through the regularization of their contracts, the situation remained precarious for the majority of the community. In April 2013, members of the Muhamasheen community staged a strike in the capital demanding permanent contracts and social benefits, but agreed to its suspension after the Government promised to provide a solution within a two-month period. (p.13)</i></p> <p><i>*The use of the term “Muhamasheen” varies; in some contexts it covers a wider section of marginalised groups in Yemen, or as in the context of this report it refers specifically to the Al Akhdam. The term “Al Akhdam” has been contested as it carries a derogative meaning.</i></p>
<p>UPR Bangladesh, to be adopted at the HRC24</p> <p>Report of Working</p>	<p>The government of Bangladesh partly accepted the two recommendations concerning caste-based discrimination that were presented at the Interactive dialogue in April 2013.</p> <p>Recommendations on caste-based discrimination:</p> <p><i>130.15. Adopt an action plan to address the situation of Dalits and eliminate</i></p>

<p>Group: A/HRC/24/12</p> <p>The response of the Government of Bangladesh: A/HRC/24/12/Add.1</p>	<p><i>discrimination against them, including by ensuring access to safe drinking water and sanitation (Slovenia);</i></p> <p><i>130.23. Continue improving the conditions of children, women, Dalits, indigenous people, refugees and migrants taking into account the special situation and difficulties that those groups have to overcome (Holy See);</i></p> <p>The two above recommendations on caste-based discrimination were further examined and have been accepted in part by the Bangladeshi Government with the following wording:</p> <p><i>These recommendations enjoy the support of Bangladesh in part where they are in consonance with national policies and laws. The Constitution of Bangladesh guarantees equal rights and freedoms for all citizens, and gives accent on ameliorating the conditions of the vulnerable groups.</i></p> <p><i>The Government has made sustained efforts to ensure protection of religious, ethnic and linguistic minorities and other marginalized groups in the country.</i></p> <p><i>The Government has taken initiatives to protect various disadvantaged groups from discrimination and stigmatization. These groups have been included in the social safety net programmes and free housing schemes for vulnerable groups. Some of them have been provided with reserved quotas for their employment in the public sector and in educational institutions. An Anti-Discrimination Law is in the offing, which will criminalize any legal or social discrimination against these vulnerable groups and provide them with higher protection.</i></p> <p><i>As per the Constitution of Bangladesh, there are no 'indigenous minorities' or 'group' in Bangladesh. All citizens of the country are indigenous to the land.</i></p>
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