

Caste-based Discrimination is a form of discrimination prohibited by international human rights law, involving massive violations of civil, political, economic, social and cultural rights, which subjects an estimated 260 million people globally to discrimination on the grounds of work and descent. Although caste is distinct from the concept of race, both types of discrimination produce comparable forms of political, economic, and social exclusion. ICERD defines ‘racial discrimination’ as: any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. Numerous UN bodies and experts have repeatedly affirmed that the ‘descent’ limb of this definition encompasses caste. This was explicitly formulated by the UN Committee on the Elimination of Racial Discrimination (CERD) in [General Recommendation XXIX](#) (2002) on descent-based discrimination. Despite longstanding constitutional guarantees, legislation and affirmative action programmes in caste-affected countries, caste-based discrimination remains deplorably widespread, deeply rooted and constitutes one of the most serious and widespread global human rights challenges today. This can be attributed to among others, gaps in implementation, a lack of political will and inadequate legislative and policy measures.

World Conference against Racism (WCAR) and the Durban Review Conference (DRC)

Despite heavy civil society pressure at the WCAR in 2001 and the DRC in 2009, the Durban Declaration and Programme of Action (DDPA) and the DRC failed to explicitly address this type of discrimination, thereby effectively silencing the much needed debate on caste discrimination under the framework of the DDPA. Members and associates of IDSN have since the WCAR in 2001 worked to promote international support and recognition of the problem. [IDSN position paper on caste, race and descent](#), [IDSN webpage on the DRC](#).

The [draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent](#) (UN PnG) published by the HRC in 2009, is a comprehensive legal framework developed to eliminate discrimination based on work and descent. Based on existing international human rights principles and obligations, the framework proposes general and special measures to be taken by multiple stakeholders. Although still a draft, the UN Principles and Guidelines constitute a strong tool to encourage specific anti-discrimination legislation and relevant policy measures for governments and their agencies, UN and other international agencies, educational institutions, non-governmental organizations and the private sector. In 2014, to identify the gaps nationally against the draft UN PnG and to formulate future agendas, benchmarking studies were carried out for [India](#), [Nepal](#) and [Bangladesh](#).

UN developments on caste-based discrimination: The UN human rights system, including UN Treaty Bodies, Special Procedures and UPR Working Groups, has extensively addressed situations of caste discrimination, including through mandates and processes concerning ‘racial discrimination’. The overall number of UN observations and recommendations on caste discrimination has steadily increased and 21 countries have presently been addressed. Please find a [compilation](#) of these caste-specific references in UN documents. Noteworthy is also the increasing number of [statements by UN top officials](#) on caste-based discrimination. Further, UN consultations and engagements on caste-based discrimination:

- December 2011 OHCHR regional roundtable of UNCT representatives in South Asia.
- December 2013 UN RC Office in Nepal and OHCHR Consultation: [Report of the 2nd Regional Consultation on CBD](#)
- March 2013, **the Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities** recommended that UN action and policies should reflect the fact that persons targeted for discrimination based on descent, in particular caste-based discrimination and related practices, are in a number of contexts in a particularly marginalized position and in need of focused attention.

Recommendations in relation to the implementation of General Assembly resolution A/RES/69/162 of 18 December 2014

- UN Member States should welcome the work carried out by CERD on caste-based discrimination, review and implement the general measures contained in CERD's General Comment No. 29 on Descent, and include reference to it as a guiding opinion in defining and combating caste-based discrimination.
- UN member states, in particular members of the Human Rights Council, and relevant non-state actors are urged to support and endorse the draft UN Principles and Guidelines, to ensure effective follow-up to the study, and to implement the measures and recommendations contained in the Principles and Guidelines.
- UN Member States should uphold their own constitutional principles and international treaty obligations and work toward the full enjoyment of rights by all citizens, regardless of caste or descent.
- The UN General Assembly should promote and endorse specific measures to address this kind of discrimination and include caste in any review, framework and action plans on racial discrimination as well as in its follow-up to the Durban Declaration and Programme of Action and upon commemorating the fifteenth anniversary of the Durban Declaration and Programme of Action.