

## **IDSN recommendations on agenda items of relevance to be considered at the 30th session of the Human Rights Council (HRC) (14 Sept-2 Oct 2015)**

**9 September 2015**

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ITEM 3 – PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS

### **Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (July 2015)**

In the HRC report, [A/HRC/30/35](#), Special Rapporteur on contemporary forms of slavery Urmila Bhoola addresses the need to enforce state and business accountability for ending contemporary form of slavery in supply chains.

Globalization has created unprecedented opportunities of corporations to extend their operations across national borders, including developing countries, in order to source the cheapest products and maximize profit. The demand for cheap labour meets a ready supply of workers from vulnerable groups: indigenous people, minorities, those considered to be from the “**lowest castes**” and migrants, especially those in an irregular situation. Women workers are particularly vulnerable to exploitation in certain sectors given the nexus of gender discrimination and inequality.

In the report, the SR further highlights her participation in a HRC side event on the role of the United Nations in combating the intersection of **caste** and gender in the area of forced and bonded labour, to which she provided an introductory statement by video. The event was sponsored by Human Rights Watch, the International Movement Against All Forms of Discrimination and Racism, the Minority Rights Group, Anti-Slavery International and Franciscans International and organized in association with the **International Dalit Solidarity Network**.

#### **IDSN recommendations related to the report of the Special Rapporteur:**

- IDSN calls on states to raise the issue of enforcing state and business accountability in relation to caste based discrimination at the clustered interactive dialogue with the Special Rapporteur on contemporary forms of slavery scheduled for 14. September 2015 (15.00-18.00).
- IDSN encourages states to recall the [report](#) from the UN HRC29 side-event on Caste and Gender-Based Forced and Bonded Labour (June 18<sup>th</sup> 2015) highlighting the need for comprehensive research and a multidimensional approach to address caste and gender-based forced and bonded labour noting the six key recommendations from the UN Special Rapporteur on contemporary forms of slavery:
- Effective and broad partnerships and targeted advocacy based on comprehensive research and reliable data aimed at addressing the root causes of contemporary slavery, such as poverty, social exclusion and discrimination.
- A multi-dimensional approach, including legal, policy and institutional measures to combat discrimination of caste-affected communities, deeply entrenched social prejudices, value systems, customs and beliefs, developed with the active involvement of those concerned.

- Securing rehabilitation and economic and social empowerment of those belonging to so called lower castes, and removing barriers to their effective access to justice and meaningful participation in decision-making processes.
- Effective implementation of the existing laws, policies and programmes aimed at guaranteeing human rights and ensuring de facto equality of those affected by caste-based discrimination and allocation of adequate resources, with the support of the international community and donor agencies, if needed, to tackle it effectively.
- Adopting a human rights-based approach in the development programmes, taking into account the specific needs of those most vulnerable to slavery and slavery-like practices, including those belonging to so called lower castes.
- Endorsement and implementation by the States of the UN Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent.

***The side-event brought out further recommendations for the endorsement by the States of the UN Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent, coordinated engagement through the Special Procedures and the UPR reviews, and a panel discussion within the framework of the Human Rights Council***

ITEMS 2 & 10 – ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND THE SECRETARY GENERAL

**Report by the UN Secretary-General on Capital punishment and the implementations of the safeguards guaranteeing protection of the rights of those facing the death penalty- yearly supplement of the Secretary-General to his quinquennial report on Capital punishment (July 2015)**

In his report, [A/HRC/30/18](#), the Secretary-General notes how poor or economically less privileged individuals do not have access to effective legal representation are frequently disproportionately subjected to the death penalty. In many States, the most important factor in determining whether a defendant will be sentenced to death is the quality of the legal representation of an accused person. Around the world, a large number of defendants in capital cases cannot afford to pay their own lawyers. In many cases, Government-appointed defence lawyers are overworked, underpaid and lack the experience required for death penalty cases. In his report, the Secretary-General refers to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, [A/HRC/11/2/Add.5](#), which showed that failure to provide adequately funded state-wide public defenders led to inadequate legal representation for defendants in capital cases.

In a recent judgement, the Supreme Court of India referred to poverty as a new mitigating factor to commute a convict's death penalty to life imprisonment. It stated that socioeconomic compulsions such as poverty were factors that should be considered by Courts while awarding a death sentence. Research into death row prisoners in India has found that the overwhelming majority of the convicted individuals are poor and from lower castes.

#### **IDSN recommendations related to the report of the Secretary-General**

- IDSN recommends states to note the report of the Secretary-General linking the issue of lacking effective legal representation to the report of the Special Rapporteur, showing how the majority of death row prisoners in India are poor and from lower castes, and to comment on this dimension in the General Debate, scheduled for the 30<sup>th</sup> of September (15.00-18.00).

*IDSN is pleased to extend the following invitation to your delegation*

**HRC30 Side-event:** “ENDING CONTEMPORARY FORMS OF SLAVERY IN SUPPLY CHAINS: challenges, strategies and opportunities and the 2030 agenda for sustainable development.

Wednesday 16 September 2015, 12h00 -14h00 Geneva, Palais des Nations, Conference Room XXI.

The event is organized by Anti-slavery International and the Office of the High Commissioner for Human Rights.

Sponsored by the UN Voluntary Trust Fund on contemporary forms of slavery and Permanent Missions of Australia, Belgium, Brazil (tbc), the Netherlands, the Niger (tbc) and the United Kingdom of Great Britain and Northern Ireland to the United Nations Office in Geneva and supported by Franciscans International, International Commission of Jurists and the International Dalit Solidarity Network (IDSN).

This side event will assess the most effective strategies and recommend concrete measures for States, businesses and other stakeholders to prevent and eradicate contemporary forms of slavery from supply chains and to provide assistance and redress to victims.

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- Please note that some HRC30 reports have yet to be published, but could prove relevant. If so, we will disseminate the relevant extracts. See extracts on caste in HRC30 reports [here](#)

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The IDSN Compilation of references to caste based discrimination in UN human rights bodies (June 2015):

- [IDSN compilation of UN reference to caste discrimination](#) (Ninth edition)