

References to Caste-Based Discrimination in reports and statements presented at the 31th session of the Human Rights Council, February-March 2016

(Updated 26 February 2016)

<p>Report of the Special Rapporteur on minority issues</p> <p>28 January 2016</p> <p>A/HRC/31/56</p>	<p>Based on information received regarding incidents of discrimination in caste-based and analogous systems of inherited status, including atrocities committed against individuals ascribed to the lowest strata by virtue of their caste status, the Special Rapporteur on Minorities has dedicated her annual report to the Human Rights Council to have a thematic focus on “minorities and discrimination based on caste and analogous systems of inherited status”.</p> <p>The contents of the report includes an introduction to the issue and definition of caste based discrimination. The Rapporteur covers specific areas of impact of discrimination in caste-based and analogous systems in relation to core human rights along with initiatives and good practices to address caste-based discrimination.</p> <p>See: full report by the Special Rapporteur on minority issues</p>
<p>Report of the Working Group on the Universal Periodic Review – Mauritania</p> <p>23 December 2015</p> <p>A/HRC/31/6</p>	<p>129. The recommendations below did not enjoy the support of Mauritania and would thus be noted:</p> <p>129.49 Abolish the caste system that continues to promote de facto slavery through domestic servitude and bondage or forced labour (Uganda);</p> <p>129.51 Take action to identify and release people in slavery, support victims and end discrimination, in particular discrimination based on caste or ethnicity. As part of this, the Government should formally acknowledge the continued existence of slavery and begin to collect detailed data on the number of people held in slavery to facilitate monitoring of eradication efforts under the 2007 anti-slavery law (United Kingdom of Great Britain and Northern Ireland);</p>
<p>Report of the Working Group on the Universal Periodic Review – Nepal</p> <p>23 December 2015</p> <p>A/HRC/31/9</p>	<p>B. Interactive dialogue and responses by the State under review</p> <p>9. Nepal was aiming to create an egalitarian society on the basis of the principles of proportional inclusion and participation. The following had been guaranteed in the Constitution: a proportional electoral system, inclusive representation of marginalized and disadvantaged communities in all State organs, positive discrimination and special provisions with regard to rights of women, Dalits, Madheshis, indigenous peoples, Tharus, Muslims, persons with disabilities and minorities.</p>

12. Nepal had established and further strengthened various commissions by making them independent constitutional bodies, including the National Women's Commission, the National Dalit Commission, the National Inclusion Commission, the Indigenous People and Nationalities Commission, the Madheshi Commission, the Tharu Commission and the National Muslim Commission.

33. While taking note of the Caste-based Discrimination and Untouchability Act, Denmark noted that discrimination based on gender, caste, ethnicity and religion was widespread. The implementation of the Act on the Commission on Investigation of Disappeared Persons, Truth and Reconciliation, remained slow.

59. In article 24 of the Constitution, untouchability in both public and private places and discrimination in workplaces on the basis of untouchability were prohibited. The right of Dalits to participate in all State bodies on the basis of the principle of proportional inclusion was a fundamental right. It was the obligation of the State to make special provision for their empowerment, participation and representation in public places and to support them in the areas of employment, health, social security, housing and provision of land to landless Dalits within three years. Dalits had the fundamental right to free education up to higher education level through scholarships. Moreover, the Caste-based Discrimination and Untouchability Act was being implemented. Cases of discrimination against Dalits had been prosecuted under that law. In that regard, the Government was focusing on capacity-building of law enforcement officials, awareness-raising, ensuring Dalits' access to justice and avoiding delay in the investigation of any cases. An integrated action plan was also being prepared to curb de facto discrimination.

70. Thailand highlighted the need to prioritize the most disadvantaged and marginalized groups in policies and strategies on access to resources, while noting the progress made in poverty alleviation and housing programmes. Concern was expressed about caste-based violence and discrimination against women.

115. Nepal appreciated concerns about educational reforms, poverty reduction measures, child labour, early marriages and caste-based discrimination. It indicated, however, that while not denying these problems, it had a strong legal and institutional framework and strong enforcement authorities to deal with such issues.

122. The following recommendations enjoy the support of Nepal, which considers that they are already implemented or in the process of implementation:

122.33 Develop public policies for the effective implementation of the Law on discrimination based on caste and untouchability (Paraguay);

	<p>122.35 Ensures full and effective implementation of the 2011 Caste-based Discrimination and Untouchability Act (Denmark);</p> <p>122.36 Put in place a concrete strategy for the comprehensive implementation of the 2011 Law on Discrimination Based on Caste and Untouchability (Switzerland);</p> <p>122.39 Assess the implementation and effectiveness of laws aimed at ending and preventing all forms of discrimination, in particular against women and Dalits, and take concrete steps to translate anti-discrimination efforts into effective practice on the ground (Czech Republic);</p> <p>122.40 Work actively to abolish legal and factual discrimination based on ethnicity, gender and caste, inter alia, by developing effective and independent mechanisms for the implementation of the Caste-based Discrimination and Untouchability Act (Germany);</p> <p>122.41 Take all necessary measures to ensure effective implementation of the Caste-based Discrimination and Untouchability Act of 2011 and to eliminate all forms of discrimination against women (Namibia);</p> <p>122.55 Investigate all acts of discrimination against the Dalit community (Argentina);</p> <p>122.104 Ensure equal educational opportunities for all children, including girls and Dalit children, in line with the observations made by the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights (Finland);</p> <p>122.111 Ensure that earthquake relief engages and addresses the needs of members of vulnerable communities, including Dalits, and promotes decent work (United States of America);</p>
<p>Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh</p> <p>22 January 2016</p> <p>A/HRC/31/18/Add.2</p>	<p>B. Personal and community safety</p> <p>52. Within the Hindu community, Dalits constitute a subgroup characterized by additional vulnerability and stigmatization. For instance, Dalits are effectively prevented from performing certain rituals. However, the Dalit issue seems to be much less visible and politicized than in some countries that neighbour Bangladesh.</p> <p>B. Freedom of religion or belief of hijras and other sexual minorities</p> <p>95. The only question is whether and how to recognize this reality. An opening-up in this regard helps to overcome prejudices and unsubstantiated anxieties,</p>

	<p>thus giving more breathing space to human beings who otherwise would be forced to conceal important aspects of their personal identity. The Special Rapporteur would like to stress that the right to freedom of religion or belief is guaranteed for every single human being, so no one should be deprived the right on the basis of sexuality, gender, ethnicity or caste. He has heard of encouraging initiatives by representatives of sexual minorities and religious community leaders in South Asia, including some from Bangladesh, who met to discuss and better understand these issues.</p>
<p>Annual report of the High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities</p> <p>4 December 2015</p> <p>A/HRC/31/27</p>	<p>B. Regional and country engagement: areas of focus</p> <p>21. In December 2015, OHCHR and the United Nations office in Nepal organized a workshop to support the work of the National Dalit Commission, the National Human Rights Commission, the National Women’s Commission and civil society organizations on caste-based discrimination. The workshop was followed by a round-table discussion with United Nations staff in Nepal to take stock of current initiatives to combat this form of discrimination.</p> <p>B. General comments and general recommendations</p> <p>40. In its general recommendation No. 33 on women’s access to justice (CEDAW/C/GC/33), the Committee on the Elimination of Discrimination against Women noted that discrimination against women was compounded by intersecting factors, including ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership and identity as a lesbian, bisexual, transgender woman or intersex person, and that these factors made it more difficult for women from those groups to gain access to justice. The Committee recommended that States parties should, inter alia, develop targeted outreach activities and distribute, through specific units or desks for women, information about the justice mechanisms, procedures and remedies available, in various formats and also in community languages. It also recommended that such activities and information should be appropriate for all ethnic and minority groups in the population and designed in close cooperation with women from these groups and, especially, women’s and other relevant organizations.</p>
<p>Report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights</p> <p>27 January 2015</p>	<p>III. Accountability</p> <p>30. In India, the Mahatma Gandhi National Rural Employment Guarantee Act of 2005 aims at providing security of work by guaranteeing 100 days of waged-employment per year to rural households whose members volunteer for unskilled manual labour. Information about the implementation of the Act is available at an</p>

<p>A/HRC/31/31</p>	<p>online portal, thereby increasing accountability. The portal includes information on the type and length of the employment provided and data on the beneficiaries disaggregated, inter alia, by geographical location, sex and scheduled castes and tribes.</p>
<p>Report of the Special Rapporteur on the right to food</p> <p>14 December 2015</p> <p>A/HRC/31/51</p>	<p>II. Social, Cultural and Structural Barriers</p> <p>10. Social segregation based on gender, when combined with other forms of discrimination based on religion, race, ethnicity, class and caste, disadvantages women even further.</p>
<p>Report of the Special Rapporteur on the sale of children, child prostitution and child pornography</p> <p>30 December 2015</p> <p>A/HRC/31/58</p>	<p>3. Underlying level</p> <p>45. Racism and discrimination play a central part in certain forms of demand for the sexual exploitation of children. Some offenders, in particular in the context of travel and tourism, target children of a different ethnicity because they believe that the children are inferior and/or that the local culture condones the sexual exploitation of children. In addition, caste-based systems or similarly entrenched inequities enable the offender to justify the sexual exploitation of children from lower castes or groups. Discrimination based on sexual orientation is also a source of demand, since the sexual exploitation of homosexual or transgender children can be seen in certain cultures as acceptable. Indeed, in those contexts the sexual orientation of the child is condemned and his or her exploitation is blamed on him or her.</p>