

Minorities and caste-based discrimination

On 16 March 2016, the Office of the High Commissioner for Human Rights (OHCHR) hosted a side event in Geneva on 'Minorities and caste-based discrimination'.



The side event's panelists: From left Mohna Ansari (Nepal), Rania El Rajji (speaking on Yemen), moderator Antti Korkeakivi (OHCHR), UN Special Rapporteur Rita Izsák-Ndiaye, Salimata Lam (Mauritania) and Meena Varma (UK). Photo: IDSN

Introduction

The inspiration for the side event was the report by the UN Special Rapporteur on Minority Issues, **Rita Izsák-Ndiaye**, in which she examines the human rights challenges related to minorities and caste discrimination. The global nature of the issue was demonstrated by the selection of panelists at the event – apart from the Special Rapporteur herself, there were speakers from Nepal, Mauritania and the UK, and an expert on Yemen.

Ms Izsák-Ndiaye started out by explaining her reasons for dedicating a report to caste discrimination. These included a strong commitment to the issue from predecessor, Gay MacDougall, and the involvement of the UN, particularly the OHCHR. She added that there had not previously been a report that looked at caste discrimination in a global context. The Special Rapporteur admitted that expanding the scope outside South Asia was not without risk due to the scarcity of reliable data in other regions. Therefore, she knew that the report would be contested by some states as allegations of caste discrimination sometimes came from independent researchers rather than governments.

The Special Rapporteur called the interactive dialogue on her report in the Human Rights Council on 15 March 2016 a “historical moment which made us realise that we have to do more work and research. I hope that the report will restart the discussion on caste in the Human Rights Council.” She also noted that the issue of caste discrimination had “touched” her since the beginning of her mandate as Special Rapporteur: “It is unacceptable that 260 million people can be regarded as inferior. This cannot be tolerated,” Ms Izsák-Ndiaye said.

The Special Rapporteur raised the crucial question of challenging the mindsets of people who consider themselves superior – as well as those who feel inferior. She listed a number of important issues to examine further, including the link between poverty and caste, which is relevant for the SDGs; budgets, because it is important to have resources to push for a solution; education, including the responsibility of teachers; and access to justice.

She also stressed that the chapter on good practices in her report showed that there were good signs even from governments that were critical towards the report. She expressed her particular appreciation to

the Government of Nepal, which acknowledged during the interactive dialogue that the country does have a problem with respect to caste discrimination: “I hope to work with the state in the future,” she said.

Dalit human rights in Nepal

Mohna Ansari from the National Human Rights Commission of Nepal discussed that body’s work on Dalit human rights. She stressed that the Commission considers caste discrimination an important issue and that it is continuously raising the Dalit agenda, including cases of violence.

“Inter-caste marriages are a big challenge for the Dalit community. The Special Rapporteur mentioned mindsets, this is a challenge among higher castes in Nepal,” she said.

The National Human Rights Commission (NHRC) is also pushing the government to submit its long awaited national report to the CERD committee. The Commission also calls for better implementation of the country’s anti-caste discrimination law and for a stronger role for the National Dalit Commission.

Meena Varma of the Dalit Solidarity Network-UK mentioned her country’s Equality and Human Rights Commission and expressed concern about the “teeth” of such commissions.

“How are the recommendations followed through? It is good to have these institutions but perhaps we need a few more statutory steps before they can be truly effective,” she said.

Ms Ansari replied that the NHRC is good at addressing the agenda, but that the political commitment is lagging behind. At the local level, perpetrators of caste-related crimes are protected by the police.

Henri Tiphagne of Peoples Watch in India praised the commitment of Nepal to addressing caste discrimination and called it different from that of his own country. He mentioned the recent brutal attack against a young Dalit man who had married a woman from a dominant caste and noted that there is little protection for victims.

“The new amendment on the law on atrocities against Dalits and Adivasis in India is a huge step, but laws alone cannot change the situation. The criminal justice system is crumbling, we have extremely poor policing, and poorly informed judges,” he said and called for a strengthened role for the NHRC in India.

Bangladesh has a very weak NHRC, human rights campaigner **Zakir Hossain** said. The few commissioners are working closely with civil society, but have insufficient resources. He also mentioned the proposed anti-discrimination bill, which has not been passed. Mr Hossain called for the establishment of a National Dalit Commission.

Ms Ansari noted that in Nepal, the Dalit Commission only recently became a constitutional body. The NHRC shares recommendations with the government, and it is mandatory to fulfil them.

How to change mindsets?

The event’s moderator **Antti Korkeakivi** remarked that human rights lawyers think that strong institutions are the solution, but they are not necessarily enough. “How do you change the mindset of people,” he asked?

The Special Rapporteur called this “the million-dollar question” and returned to the recent case of a Dalit man in India who was killed for marrying a higher caste woman. “Such cases show us the urgency of this matter, it still happens, only three days ago. What do we do about this common mindset?” she asked and listed a few points:

- **Public condemnation:** Leaders should say that this is unacceptable. It should be on the national news.
- **Swift response:** The police should respond swiftly and promise to investigate.
- **Media:** Bring the issue to the media, allow different communities to talk about it, having Dalits and non-Dalits say: “We are standing with you.”
- **Education:** Teachers should bring the issue up in the classroom.

“This case has gone viral, now what is the next step? If nobody reacts there will be no change. A lot of players need to take responsibility,” she said.

Zakir Hossain stressed the importance of this point: “If there is no action, there will be no change of the mindset. The government says that it has nothing to do with the mindset, but it does have a role.”

The Muhamasheen of Yemen

The case of Yemen’s low caste Muhamasheen community was presented by **Rania El Rajii**, Middle East Programme Coordinator of Minority Rights Group. She noted that ideally, a representative of the

community should have spoken on the issue, but the ongoing conflict made this impossible.

The Muhamasheen are remnants of an otherwise disappeared caste system in Yemen and represent between two and ten percent of the population. They are a very poor and marginalized group, living in slums and working as street sweepers without any contracts or rights. Little documentation exists about them, only a few register their children at birth which makes it hard to gain political influence. They are often victims of sexual violence.

The myths about the Muhamasheen lead to further marginalisation. It is said that they eat their dead, that they drink and are non-Islamic. They are living on the margins of society, and their slums have become small cities.

There is no legal discrimination against the Muhamasheen, but no laws to protect them. Following the Arab spring, there was a National Dialogue Conference on a new constitution. They were represented by one person, which was a big breakthrough, but since the conflict broke out, everything has been put on hold.

The extent of the problem was underlined by an unfortunate case with an NGO where two staff members – a Muhamasheen and a non-Muhamasheen – were having an affair. They were both fired as they were accused of compromising the integrity of the organisation.

Prior to the conflict, the Muhamasheen were living in poor, marginalised conditions, but they had made a life for themselves. Now, the Muhamasheen have been torn apart. They are even more marginalised and more displaced than the rest of the population and are forced to live on the streets. Humanitarian assistance is distributed by local authorities, their shares are taken away and they are forcibly recruited into armed groups.

Ms El Rajii stressed the need for a campaign within the community to raise awareness of their rights and the importance of birth registration so that they can find a space in the future of Yemen.

Caste-based slavery in Mauritania

Salimata Lam works to eliminate caste-based slavery in Mauritania as National Coordinator of SOS-Esclaves. She made a powerful presentation on the issue of caste in her country, describing it as taboo,

because everyone is supposed to be equal, but in social terms they are not.

“We are speaking on behalf of those who are discriminated, since they cannot. They are too poor, too marginalised and too uneducated to have a voice. The caste system undermines any healthy relationship in society, whatever level of democracy, and whatever is written in country reports. Discrimination is a poison within our society. Change cannot happen without competent promotion of minorities,” she said.

Ms Lam spoke of the difficulty of inter-caste marriages and also mentioned the case of a low caste man who was sentenced to death. Few people cared because he was the “son of a woodcutter”.

“There has never been a law that creates equality. There is a need for positive legal discrimination. The idea of how we perceive others is crucial. There are popular myths associated with curses, impurity and bad luck. It is up to the government to focus on this issue, civil society is not enough. There is a need for public denunciations of these cases, and such initiatives should be supplemented by education and positive discrimination,” she stressed.



Speaking of the work of her organisation, SOS-Esclaves, she noted that violence can be insidious and relates to lack of opportunities. The hurtful discrimination is usually concealed by taboos. She also stressed the importance of getting support from the UN to harmonise legislation.

During the ensuing discussion, the question of legal mechanisms to combat social discrimination was raised. Salimata Lam replied that political will is needed for change to occur.

“There needs to be a state-sponsored campaign accompanied by a robust law. We need very strong legislation that prohibits discrimination against lower castes. The attitude of condescending behaviour towards them castes can be reversed only by making it illegal,” she said.

Manjula Pradeep of Navsarjan in India commented that it was eye-opening for her as an Indian Dalit to listen to the presentations on Yemen and Mauritania where the people who are subjected to caste discrimination seem to have no voice.

Rita Izsak-Ndiaye expressed hope that the report would restart the discussion on caste in the Human Rights Council. She also stressed the importance of getting caste on the agenda at the UN in New York.

With regard to mindsets, she talked about her personal experiences from Senegal where she now lives: “Talking about caste is difficult in my family in Senegal. There is no legal obstacle to the issue, but there is a taboo, and people are not interested in changing it or addressing it,” she noted.

During her work on the report, she had sent out e-mails to officials, but they did not respond. People called her husband to say that there was no issue: “We need to look in to the response system and a strengthening of the legal system as a first step of changing the mind-set. The report calls for a strong judiciary and social responses.”

Caste in a UK context

Meena Varma commented on the situation in the UK as an example of how caste can follow outside the country context. There is a huge South Asian diaspora in the UK, representing many different groups. She stressed that caste is not an “anti-one-country issue.”

Regarding implementation, Ms Varma spoke on the caste clause in the Equality Act which has not been properly activated due to delaying tactics by the British government.

In the UK census, caste numbers are not included. Critics say that an inclusion would bring added focus on the caste and hereby embed it in the UK social and educational systems.

“Unlike in India, the rule of law matters in the UK and this has an effect on the behaviour and later on the

mindsets. Behaviours only change when people know they will be prosecuted,” she said.

The impact of caste on women

During the concluding part of the side event, the important issue of gender in a caste context was raised. **Rania El Rajii** noted that in Yemen, the level of intolerance and violence is quite unacceptable. Sexual violence against Muhamasheen women is not prosecuted, and it is possible to kill Muhamasheen without being punished. There is very little attention from the international community, and the conflict has had a direct impact on the community.

Meena Varma commented that from a “business and human rights” perspective, the worst cases of discrimination are in labour supply chains and women are especially affected by this: “Unless they address caste discrimination, they will not address labour rights,” she said.

Salimata Lam noted that caste discrimination hits women harder, and that women who wish to marry are facing obstacles in their social mobility. In Mauritania, women are far less likely to move out of their situation – if a woman is a slave, her children will follow her work status. Women cannot break with the caste-based attitude on their own and are much more likely to be victims of social abuse than men.

John Fisher of Human Rights Watch noted the importance of continuing the discussion on caste in the Human Rights Council, and endorsing the UN Principles and Guidelines for the Elimination of Caste-based Discrimination.

As the two-hour event came to a close, the Special Rapporteur reiterated her commitment to addressing the issue of caste discrimination and added that “we have learnt a lot today.”

It was obvious that the interventions on Yemen and Mauritania had a particular impact on the audience, underlining the global nature of the caste issue and the need to address it outside South Asia.

More information:

[Report on caste discrimination by the Special Rapporteur on Minority issues](#)

[UN expert calls on states to end caste discrimination](#) (IDSN/HRW/MRG press release)

[HRC holds interactive dialogue with Special Rapporteur on Minority Issues](#) (OHCHR)

[Caste systems violate human rights of millions worldwide – new UN expert report](#) (UN News)