

IDSN comments and recommendations on agenda items of relevance to be considered at the 37th session of the UN Human Rights Council

(26 February - 23 March 2018)

In connection with their participation in the 37th Human Rights Council session, states are encouraged to consider the ongoing and systemic practice of discrimination based on work and descent, also known as caste-based discrimination, affecting more than 260 million people globally.

Caste discrimination is found in various regions of the world including the Americas, Africa, Asia and Europe and continues to be addressed by the UN High Commissioner for Human Rights and the Special Procedures' mandate holders. Nonetheless, more needs to be done to ensure the caste-based discrimination is recognised by the Council and mainstreamed into UN resolutions.

In the context of the reports presented at the 37th Council session, IDSN urges states to pay particular attention to caste-based discrimination being included on a par with other forms of discrimination in thematic HRC resolutions.

Please find [linked here](#) an IDSN overview of all references to caste in reports and statements from the current session.

ITEM 2 – ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

Annual report by the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities

The High Commissioner's report ([A/HRC/37/26](#)) highlights relevant developments in the field of minority rights worldwide for 2017, comprising of initiatives strengthening awareness of caste-based discrimination through the United Nations network on racial discrimination and protection of minorities.

Notably, 'OHCHR has spearheaded the preparation of a guidance tool on descent-based discrimination, looking at key challenges and strategic approaches to combat caste-based and analogous forms of discrimination. The guidance tool sets out guiding principles and a framework for action with a view to ensuring a comprehensive and coherent approach in combating that type of discrimination'.

The guidance tool was launch in March 2017 in Nepal, bringing together 65 participants, who were able to 'discuss how United Nations country teams, national human rights institutions and civil society organizations would put it to good use, with a view to attaining several goals and, most importantly, to building strategic approaches to combating caste-based discrimination'.

IDSN recommends states to:

- **Participate in the General Debate and urge the High Commissioner and his Office to continue to address caste discrimination on a par with other forms of discrimination in relation to the work to protect the human rights of persons belonging national or ethnic, religious and linguistic minorities.**

- **Recommend the Office of the High Commissioner to ensure that recent initiatives undertaken by the Office to address caste-based discrimination are promoted effectively at the national level in caste affected countries, and in particular in relation to the implementation of the UN agenda for Sustainable Development.**

Report of the United Nations High Commissioner for Human Rights: Summary report on the panel discussion of the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls

The High Commissioner's report [A/HRC/37/28](#) provides a summary of a three-hour panel discussion held on 25 September 2017, on the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls.

'During the panel discussion, participants explored the interface between gender norms, racial discrimination, religious intolerance and xenophobia in the context of women's and girls' public participation and empowerment'.

One of the panelist's referred to some of the Committee's findings and noted that in conflict situations women and girls are at higher risk of violence, especially sexual violence, and in particular *'internally displaced and refugee women from particular castes, ethnicities, nationalities or religions would often be attacked as symbolic representatives of their community'.*

IDSN recommends states to:

- **Take note of the report and the vulnerable position of women, who are affected by discrimination based on caste and analogous systems of inherited status.**

ITEM 3. PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS

Interactive Dialogue with the Special Rapporteur on minority issues (Wednesday, 14 March, between 15:00-18:00)

The Special Rapporteur on minority issues, Fernand de Varennes of Canada, will present his first report at the Human Rights Council 37th session ([A/HRC/37/66](#)). The report highlights the activities of the previous Special Rapporteur, including

'a side event entitled "Minorities and caste-based discrimination". The event was inspired by her report to the Human Rights Council, in which she considered caste discrimination in a global context'

and *'the launch of the publication, Guidance Tool on Descent-Based Discrimination: Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination (2017), in Nepal'* in March 2017.

The report also outlines priorities and a vision for the mandate, which embraces

'addressing discrimination, exclusion and other violations of human rights involving caste-based and analogous systems of inherited status, particularly affecting the Dalit, Burakumin and other particularly vulnerable minorities such as Roma'.

The SR plans to hold consultations with members of those marginalized groups and communities during his country visits.

IDSN recommends states to:

- **Support the Special Rapporteur on Minority Issues mandate and participate in the interactive dialogue with the Special Rapporteur and make inquiries on how to best address the root causes of discrimination based on caste and analogous systems of inherited status in relation to the promotion and protection of the rights of minorities.**
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ITEM 6. UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review, Pakistan

Pakistan was reviewed at the 28th session of the Universal Periodic Review, in November 2017. IDSN and its member, Pakistan Dalit Solidarity Network (PDSN), submitted [a joint NGO report](#) and [a factsheet](#) prior to the review, highlighting caste-based discrimination in Pakistan. On the day of the review IDSN issued a [joint statement](#) together with PDSN, Anti-Slavery International, Minority Rights Group International, FORUM Asia and International Movement Against All Forms of Discrimination and Racism. During the review ([A/HRC/37/13](#)) three states - Sierra Leone, Holy See and Argentina, directly mentioned “caste” in their recommendations. Fifteen states made recommendations on religious minorities and three on bonded labour.

Below are the three recommendations directly addressing caste-based discrimination:

152.81 Continue its efforts to improve the protection of human rights, especially by eliminating discrimination based on sex, race, caste and religion (Holy See);

152.84 Make greater efforts to investigate complaints and prosecute those that commit crimes against ethnic and religious minorities, such as the Hazaras, Dalits, Christians, Hindus and Ahmadis (Argentina);

152.87 Ensure that minority groups, including scheduled castes, are not discriminated against in education, health care, employment and other basic services and that perpetrators of hate crimes against them face the full force of the law (Sierra Leone);

IDSN recommends states to:

- **Encourage the Government of Pakistan to accept and implement all 3 recommendations referring to caste-based discrimination and ensure effective implementation of the existing laws and policies aimed at combating caste-based practices.**

Report of the Working Group on the Universal Periodic Review, Sri Lanka

In the outcome report from the third Universal Periodic Review of Sri Lanka ([A/HRC/37/17](#)), only one but very important recommendation referred to caste-based discrimination. The recommendation was made by Uruguay:

116.36 Adopt measures to strengthen the legal framework with the aim of eliminating all forms of discrimination against minority groups in society, based on ethnicity, gender, caste or any other ground (Uruguay);

IDSN recommends states to:

- **Encourage the Government of Sri Lanka to accept and implement the recommendation referring to caste-based discrimination and ensure effective implementation of the existing laws and policies aimed at combating caste-based practices in Sri Lanka.**

- **Ask the Sri Lanka Government on its plans to eliminate all forms of discrimination and inequality, including based on caste.**
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Please note that some HRC37 reports have yet to be published but could prove relevant. An overview of all reports for the HRC37 can be found [here](#).

For more recommendations on caste discrimination within the UN framework see the [draft United Nations Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent](#) (2009)

For a full compilation of references to caste-based discrimination in UN human rights bodies see: [IDSN compilation of UN reference to caste discrimination](#) (December 2017).

Launched in March 2017, by the OHCHR, [Guidance tool on descent-based discrimination: key challenges and strategic approaches to combat caste-based and analogous forms of discrimination](#) offers concrete suggestions for actions to address caste-based discrimination in caste affected countries.

Published in November 2017, [IDSN Roadmap](#) to the OHCHR Guidance tool on Descent-based discrimination offers a simplified overview of the above Guidance tool.