

References to Caste-Based Discrimination in reports and statements presented at the 25th session of the Human Rights Council, March 2014

March 2014

<p>UPR Mauritius, to be adopted at the HRC25</p> <p>Report of Working Group: A/HRC/25/8</p>	<p>Summary of the proceeding of the review process</p> <p>A. Presentation by the State under Review</p> <p>13. Mauritius also indicated that in 2012, the Equal Opportunities Act was enacted to provide better protection against all forms of discrimination. This Act aims at eliminating direct or indirect discrimination on the basis of age, caste, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation. (p.4)</p>
<p>UPR Senegal, to be adopted at the HRC25</p> <p>Report of the Working Group: A/HRC/25/4</p>	<p>Conclusions and/or recommendations</p> <p>125.13 Eliminate the caste system, which leads to stigmatization and ostracism of certain groups of the Senegalese society (Romania) (p. 22)</p>
<p>Excerpts of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights.</p> <p>A/HRC/25/31</p> <p>19 December 2013</p>	<p>Equality of access</p> <p>22. Access to justice for violations of economic, social and cultural rights must be provided for all on the basis of equality without discrimination. The Committee on Economic, Social and Cultural Rights has upheld this principle in a variety of contexts, stressing the need for remedies in case of discrimination (CESCR, general comment No. 16 (2005), para. 21; general comment No. 17 (2005), paras. 19, 39; general comment No. 20 (2009), para. 40; E/C.12/IND/CO/5, 2008, para. 53; E/C.12/1/Add.82, 2002, para. 36.), and many other treaty bodies have affirmed it, including the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, and the Committee on Migrant Workers. The Special Rapporteur on adequate housing and the Special Rapporteur on extreme poverty and human rights have stated that remedies for economic, social and cultural rights violations cannot discriminate against certain groups of rights holders, but must be available to all on an equal footing (A/HRC/19/53, para. 59; A/67/278, paras. 9–10). Particular attention should be paid to direct or indirect discrimination on the basis of poverty, social marginalization, age, caste (See E/C.12/IND/CO/5, 2008, para. 53), race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (p.12)</p>
<p>Excerpts of the report of the Independent Expert on Minority Issues, Ms. Rita Izsák.</p> <p>A/HRC/25/56</p> <p>6 January 2014</p>	<p>D. Additional activities.</p> <p>2. Events, conferences and outreach</p> <p>21. The Independent Expert has continued to raise awareness about discrimination on the basis of work and descent. On 24 May 2013, she led a joint statement calling for strengthened protection of more than 260 million victims of caste-based discrimination. On 16 and 17 December 2013, she participated in the Second South Asia Regional Consultation on Caste Based Discrimination in Kathmandu. The objective was to explore contemporary caste-based discrimination issues in the region, as well as to discuss United Nations action to combat such discrimination in</p>

country programmes. (p.7)

IV. Minorities in the context of specific areas of development consultation

B. Education

60. In 2009, of the world's 101 million children out of school, an estimated 50–70 per cent were from minorities or indigenous peoples.¹ In Central Africa, the great majority of Batwa and Baka have not had access even to primary education. Only 13 per cent of children in sub-Saharan Africa have access to primary education in their mother tongue.² In South Asia, **Dalit** girls are prevented from pursuing their education not only because of poverty, but through discrimination and sexual violence. Literacy levels are commonly much lower among **Dalit** girls. For example, in the Mushahar **Dalit** community in India, barely 9 per cent of women are literate (IDSN, recommendations on **Dalits'** access to education, submitted to the Forum on Minority Issues 2008). In Latin America, millions of indigenous and African descendant children work in fields, plantations or mines instead of being in school. (p.16)

C. Health

64. In Nepal, according to UNDP, life expectancy of a Hill Dalit was 61 in 2009 compared to 68 for a higher **caste** Hill Brahmin. A 2011 Open Society Foundation study reported that Roma are disproportionately unvaccinated, have poorer than average nutrition and experience higher rates of infant mortality and tuberculosis. There is evidence that life expectancy among Roma communities is 10 to 15 years lower than in non-Roma communities. In Cameroon, visited by the Independent Expert in 2013, the access to health and health situation of Pygmy communities is extremely poor relative to other population groups. In Pakistan, UNICEF reports that the maternal mortality ratio for Baluchistan — largely inhabited by the Baluchi minority — is 758 per 100,000 live births, almost three times the national average of 276 per 100,000 and far from the MDG target of 140 per 100,000." (p.17)

E. Hunger, food security and nutrition

67. Directly linked to health concerns, minorities are frequently in a vulnerable situation in regard to hunger, food security and nutrition. High levels of poverty and extreme poverty, lack of access to employment or secure forms of income, land or land tenure all impact on their food security. In India, for example, child malnutrition is some 14–20 per cent higher for **Scheduled Castes and Scheduled Tribes** and has been declining at a slower rate than for the rest of the populations over the period of the MDGs. In country visits by the mandate holders to Rwanda (2011) and Cameroon (2013), food security and nutrition was a major concern of Batwa and Pygmy communities, many of whom are displaced from traditional forest habitats and can no longer maintain their hunter/gather lifestyles and access forest-based food sources. (p.18)

¹ Minority Rights, "Millions of European children still denied an education – new global report", 16 July 2009. Available from www.minorityrights.org/7967/press-releases/millions-of-european-children-still-denied-an-education-new-global-report.html.

² UNDP, *Human Development Report 2004* (New York): p. 34, figure 2.4.

G. Environmental Sustainability

71. According to the report of the United Nations System Task Team on the Post-2015 United Nations Development Agenda: "Deepening resilience among vulnerable populations and reducing risks of disasters and other shocks must be central to limiting the social and economic costs of disasters, in terms of death, hunger, malnutrition, displacement and forced migration." (Realizing the Future We Want for All: Report to the Secretary-General). Equally, Claus H. Sorensen, Director-General of the European Commission Directorate General for Humanitarian Aid and Civil Protection stated:

*Those who are most vulnerable and marginalised need primary attention when a disaster strikes, both because the impact of the disaster is likely to be higher on them than others, and because of the likelihood that they find themselves excluded from response and recovery efforts. By systematically addressing in each action the inclusion of those who are marginalised (in particular, persons affected by **caste discrimination**, minorities, as well as persons with disabilities, women, and the elderly), lives have been saved, the suffering of those in need has been alleviated, and their dignity protected (International **Dalit** Solidarity Network, Equality in aid: Addressing Caste Discrimination in Humanitarian Response (2013), p. 2.). (p.19)*

72. In South Asia, experiences from the 2001 Gujarat earthquake, the 2004 Asian Tsunami and flooding in Nepal in 2008, the Indian States of Bihar, Andhra Pradesh, Karnataka and Assam during 2007–2009, and Pakistan in 2010, demonstrated that **Dalits** are frequently the worst affected and also often "systematically excluded from relief and recovery efforts" (International **Dalit** Solidarity Network, Equality in aid: Addressing Caste Discrimination in Humanitarian Response (2013), p. 3.). The impact of Hurricane Katrina and its aftermath on African-American communities was well documented as were deficiencies in the relief and reconstruction efforts. Minorities may be more vulnerable to natural disaster due to the location of their homes in marginal locations, vulnerable occupations, and poor-quality housing. The environmental impact of development mega-projects often has a disproportionate impact on minorities, as demonstrated by the impact of aggro-business projects on Afro-Colombian minorities and their lands and indigenous minorities in the Gambella region of Ethiopia displaced from their lands, as well as the impact on Pygmy communities of the Chad-Cameroon oil pipeline in Cameroon — a few of many examples. (p. 19-20)

J. Water

77. The Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, focused her 2012 report to the Council (A/HRC/21/42) on stigmatization in the realization of the rights to water and sanitation. The report examines different manifestations of stigma in the context of the human rights to water and sanitation and explores recommendations for policymaking and solutions to prevent and respond to human rights violations resulting from stigma. The Special Rapporteur found that stigma pushes people to the margins of society and results in the rejection, avoidance and marginalization of certain groups. Access to water and sanitation for many Roma communities is notoriously precarious. Similarly, the report highlights that **Dalit** habitations are often systematically excluded from service

	<p>provision. (p. 21)</p> <p>V. Conclusion and recommendations</p> <p>85. The post-2015 framework of new goals should be based on human rights, including minority rights as established in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the principles of equality, non-discrimination and participation. A focus on disadvantaged minorities and specific minority groups, including Roma, people of African Descent, Dalits, and disadvantaged religious and linguistic minorities worldwide would potentially bring much needed development attention to millions of the most excluded and impoverished peoples globally. (p. 23)</p>
<p>Excerpts of the statement of the United Nations High Commissioner for Human Rights, Ms. Navi Pillay on the presentation of her annual report</p> <p>Navi Pillay's statement</p> <p>6 March 2014</p>	<p>On the occasion of the presentation of her annual report to the 25th session of the Human Rights Council (3-28 March 2014) on March 6, 2014, the High Commissioner issued a statement highlighting discrimination on the basis of caste. The statement includes the following reference to caste in the section on discrimination, which is one of the six thematic priorities the office has pursued in 2013:</p> <p><i>“Excellencies, discrimination is a severe attack on the universality of human rights. The exclusion, marginalization and abuse of people on the basis of their perceived race, their indigenous, ethnic or religious background, their colour, gender, caste status, disability, age, health status, or sexual orientation, are scourges that my Office is determined to combat”</i></p>
<p>Excerpts of the report of the United Nations High Commissioner for Human Rights, Ms. Navi Pillay, on the Rights of persons belonging to national or ethnic, religious and linguistic minorities</p> <p>A/HRC/25/30</p> <p>17 March 2014</p>	<p>II. Work of the Office of the United Nations High Commission for Human Rights at headquarters and in the field</p> <p>9. During her meeting on caste-based discrimination in the United Kingdom organised by the Anti-Caste Discrimination Alliance on 6 November 2013, the High Commissioner asserted that caste-based discrimination is of immediate concern to the Office, “because it is destructive of all we stand for”. She stated that it is estimated that caste-based and other, related forms of discrimination spell a life of humiliation, exclusion and poverty for about one-quarter of a billion women, men and children worldwide and that the problem is not restricted to one region or one religious community. She made several recommendations and encouraged renewed political and social commitment to legal principles, and the need to engage the international and national working mechanisms to advance implementation. (p.4)</p> <p>IV. Treaty bodies</p> <p>A. General comments and Concluding observations</p> <p>4. Committee on the Elimination of Discrimination against Women</p> <p>52. During the period under consideration, the Committee on the Elimination of Discrimination against Women adopted General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations. The Committee called attention to the situation of women and girls belonging to diverse caste, ethnic, national, religious or other minorities identities who are often attacked as symbolic representatives of their community (CEDAW/C/GC/30 para 60). (p.11)</p> <p>V. Special procedures</p>

71. On 24 May, a group of independent human rights experts, including the Independent Expert on minority issues, appealed for the protection of **Dalits** against **caste**-based discrimination which remains widespread and deeply rooted in many countries. '**Dalits**' face: marginalization, social and economic exclusion, segregation in housing, limited access to basic services including water and sanitation and employment, and work in conditions similar to slavery. The experts said that **Dalit** women and girls are particularly vulnerable and face multiple forms of discrimination and violence, including sexual abuse. Children are also at high risk of being sold and sexually exploited. The experts called on world Governments to endorse and implement the UN Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent. (p.15)