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PREVENTION OF DISCRIMINATION

**Expanded working paper by Mr. Asbjørn Eide and Mr. Yozo Yokota
on the topic of discrimination based on work and descent***

* The authors did not provide the reason for the late submission of this working paper, which is required in accordance with paragraph 8, section B, of General Assembly resolution 53/208.

Summary

The present working paper on the topic of discrimination based on work and descent has been prepared pursuant to Sub-Commission resolution 2003/22, with a view to fulfilling the mandate given in Sub-Commission resolution 2000/4. In accordance with Sub-Commission resolution 2003/22, the working paper focuses on three aspects. First, the paper presents a compilation of information available from treaty bodies in the form of State party reports or concluding observations, with regard to legal, judicial, administrative and educational measures taken by the Governments concerned. Secondly, the paper attempts to identify additional communities affected by discrimination based on work and descent, including diaspora communities in North America, the United Kingdom and other places where information was available. Thirdly, the working paper presents, as requested by the Sub-Commission, a proposed framework for a draft set of principles and guidelines for the elimination of discrimination based on work and descent for the consideration of the Sub-Commission. The paper further recommends that the Sub-Commission appoint a special rapporteur who would undertake a further study on the elimination of discrimination based on work and descent, focusing on the finalization of a draft set of principles and guidelines, in cooperation with relevant treaty bodies, special procedures and United Nations agencies.

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Introduction

1. At its fifty-second session, the Sub-Commission on the Promotion and Protection of Human Rights, in resolution 2000/4, declared that discrimination based on work and descent is a form of discrimination prohibited by international human rights law, and decided to entrust Mr. Rajendra Kalidas Wimala Goonesekere with the task of preparing, without financial implications, a working paper on the topic of discrimination based on work and descent, in order:

(a) To identify communities in which discrimination based on work and descent continues to be experienced in practice;

(b) To examine existing constitutional, legislative and administrative measures for the abolition of such discrimination; and

(c) To make any further concrete recommendations and proposals for the effective elimination of such discrimination as may be appropriate in the light of such examination.

2. At its fifty-third session, the Sub-Commission received and discussed the working paper (E/CN.4/Sub.2/2001/16) submitted by Mr. Goonesekere in accordance with the above mandate, in which it was noted that:

“The focus of this paper has been countries in Asia. At the time the resolution was discussed in the Sub-Commission it was mentioned that the problem was not limited to Asia alone and that it existed in some parts of Africa and perhaps in South America. The author has not been able to include in this paper the situation in these other areas because of constraints of time and lack of access to relevant material.”

3. In decision 2001/110, the Sub-Commission decided, without a vote, “to entrust Mr. Goonesekere with the preparation, without financial implications, of an expanded working paper on the topic of discrimination based on work and descent in other regions of the world”.

4. At its fifty-fourth session, in view of the fact that Mr. Goonesekere was not re-elected to the Sub-Commission and was therefore unable to fulfil the mandate entrusted to him in relation to the preparation of the expanded working paper, the Sub-Commission decided “to entrust Mr. Asbjørn Eide and Mr. Yozo Yokota with the preparation, without financial implications, of an expanded working paper on the topic of discrimination based on work and descent in regions other than those already covered” (decision 2002/108).

5. In parallel to the Sub-Commission discussion, on 22 August 2002, the Committee on the Elimination of Racial Discrimination adopted its general recommendation XXIX on descent-based discrimination, which is based on the Committee’s considerable experience of addressing situations of caste-based and analogous forms of discrimination in the course of its review of State party reports.

6. At its fifty-fifth session, the Sub-Commission received the expanded working paper (E/CN.4/Sub.2/2003/24), presented by Mr. Eide and Mr. Yokota. The paper discussed a number of communities thought to be affected by discrimination of this type outside of the Asian region,

and offered a tentative analysis of the common features of these situations, listing a series of “causal factors” and “consequences” of this type of discrimination, common to the communities discussed. The paper concluded that:

“discrimination based on work and descent is more widespread than might have been envisaged at the outset of this process. The authors believe that further examination will reveal still further examples of affected communities. This form of discrimination is distinct, in its combination of causal factors and expressions, from other forms of discrimination examined in the history of the Sub-Commission. [...] However, the authors consider that this form of discrimination, based particularly on work (or occupational role) and descent, requires much closer examination and attention both by national Governments and by the international human rights system, given the numbers of people affected and the extreme nature of many of the discriminatory attitudes and practices associated with it.”

7. The Sub-Commission consequently adopted a resolution 2003/22 calling for a further working paper on the topic. The main purposes of this working paper were:

(a) To examine legal, judicial, administrative and educational measures taken by the Governments concerned;

(b) To identify additional communities affected by discrimination based on work and descent; and

(c) To prepare a draft set of principles and guidelines for all relevant actors, not only national or federal Governments but also local governments, as well as private sector entities such as corporations, schools, religious institutions and other public places where discrimination based on work and descent often occurs, in cooperation and collaboration with relevant international human rights treaty bodies and United Nations organs and agencies, inter alia the Committee on the Elimination of Racial Discrimination, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, taking full account of the contents of the Committee’s general recommendation XXIX.

8. The present working paper, which should be seen as a supplement to and be read together with the two previous working papers, is submitted in accordance with that resolution.

I. LEGAL, JUDICIAL, ADMINISTRATIVE AND EDUCATIONAL MEASURES TAKEN BY THE GOVERNMENTS CONCERNED

9. This section has been prepared on the basis of information available on the United Nations human rights treaty body database, in the form of State party reports submitted by Governments, or concluding observations adopted by the treaty bodies. The account given of relevant measures taken in the countries concerned is therefore by necessity incomplete and dated. It should therefore only be seen as a step in a process aimed at a more substantive and comprehensive analysis of governmental responses to discrimination based on work and descent.

A. Bangladesh

10. Article 28 of the Constitution provides that “the State shall not discriminate against any citizen solely on grounds of religion, race, caste, sex or place of birth” and that “no citizen shall solely on grounds of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort or admission to any educational institution” (CRC/C/3/Add.38, para. 49). This protection against discrimination is enforceable by the High Court Division of the Supreme Court (CERD/C/379/Add.1, para. 17).

11. Given that the term “descent” does not refer solely to race or ethnic or national origin, and that the situation with respect to castes falls within the scope of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination has recommended that the State party provide information about the enjoyment of rights by all groups, including castes.

B. Burkina Faso

12. Article 1, paragraph 3, of the Constitution prohibits discrimination of “any kind, particularly based on race, ethnicity, region, colour, sex, language, religion, caste, political opinion, wealth and birth” (CERD/C/279/Add.2, para. 8). This prohibition has been noted “with appreciation” by the Committee on the Elimination of Racial Discrimination, which requested, however, that the State party provide information “on the composition of the population and on the representation of ethnic groups at various levels of public life, as well as on their enjoyment of economic, social and cultural rights” (CERD/C/304/Add.41, para. 14). Article 19, paragraph 2, of the Constitution furthermore guarantees the equal right to work for all and prohibits discrimination based, inter alia, on social origin and ethnicity in employment and remuneration. In terms of administrative measures, a national committee “to combat discrimination in all its forms” was set up in 1993 (CERD/C/SR.1236, para. 12), and, in 1995, the office of Mediator of Burkina Faso was created with the task to consider, “without distinction or discrimination, ... complaints from public officials of the State who feel arbitrarily penalized by an act of the Administration” (CERD/C/279/Add.2, para. 23).

C. India

13. Article 14 of the Constitution provides that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. According to article 15, paragraph 1, the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Further, under article 15, paragraph 2 (a) and (b), no citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and places of public entertainment; or to the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. However, this article shall not “prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes” (art. 15, para. 4). Finally, “untouchability” “and its practice in any form” is forbidden under article 17 and shall be an offence punishable by law. Other caste-related provisions are: articles 16 (equality of

opportunity in matters of employment), 23 (prohibition of trafficking in human beings and forced labour), 29, paragraph 2 (admission to state educational institutions), 325 (elections), 330 (reservation of seats in the House of the People), 338 (National Commission for Scheduled Castes and Scheduled Tribes) and 341 (Scheduled Castes).

14. The following ordinary laws have also been adopted to deal with problems related to castes or other socially disadvantaged groups: the Protection of Civil Rights (Anti-Untouchability) Act 1955, the Bonded Labour (Abolition) Act 1976, the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989, the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993, and land reform laws (see E/CN.4/Sub.2/2001/16, para. 22).

15. The Government has, inter alia, created a National Commission for Minorities, a National Commission for Scheduled Castes and Scheduled Tribes and a National Commission for Human Rights. The National Commission for Scheduled Castes and Scheduled Tribes “has the powers of a civil court in investigating violations of rights guaranteed to Scheduled Castes and Tribes”; its functions include “regular monitoring of (a) the constitutional and legislative safeguards and provisions for ensuring exercise of basic human rights by Scheduled Castes and Tribes; (b) developmental measures undertaken by Government; (c) investigating allegations of human rights violations both *suo moto* or brought to its attention by individuals, etc.; (d) making recommendations for improvements both in institutional mechanisms and implementation” (CCPR/C/76/Add.6, para. 22). Special measures have also been taken “to create an effective environment for the exercise of human rights by certain vulnerable sectors of society”; such measures include “reservation of seats in the public services, administration, Parliament (Lower House) and State legislatures, and setting up of advisory councils and separate departments for the welfare of such socially and economically vulnerable groups” (ibid., para. 16).

16. The Committee on the Rights of the Child considered that “insufficient efforts have been made to implement legislation and decisions of the courts and the commissions”, such as the National Human Rights Commission and the Scheduled Castes and Scheduled Tribes Commission, recommending that the State party take “all necessary measures, including the allocation of the required resources” to ensure effective implementation of laws; it further recommended that “adequate resources” be granted, and “all other necessary steps” be taken to strengthen the capacity and effectiveness of the aforementioned institutions (CRC/C/15/Add.115, paras. 12-13). The Committee has further expressed concern “at the absence of an effective mechanism to collect and analyse disaggregated data of all persons under 18 years for all areas covered by the Convention [on the Rights of the Child], including the most vulnerable groups”, such as children belonging to different castes and tribal groups (ibid., para. 16).

17. The Human Rights Committee noted with concern that, despite measures taken, members of scheduled castes and scheduled tribes “continue to endure severe social discrimination and to suffer disproportionately from many violations of their rights under the Covenant, inter alia, inter-caste violence, bonded labour and discrimination of all kinds”; it recommended that “further measures be adopted, including education programmes at national and state levels, to combat all forms of discrimination against these vulnerable groups” (CCPR/C/79/Add.81, para. 15). Finally, the Committee has expressed concern at the extent of bonded labour and at the fact that this practice is “far higher” than indicated by the Government in its report; the measures adopted

did not “appear to be effective in achieving real progress in the release and rehabilitation of bonded labourers” and the Government was recommended urgently to undertake a thorough study to identify the extent of bonded labour and to take more effective measures to eradicate this practice (ibid., para. 29).

18. For the Committee on the Elimination of Racial Discrimination a subject of concern was “[t]he absence of information on the functions, powers and activities of the National Commission on Scheduled Castes and Scheduled Tribes and of the National Commission on Minorities”, which made it “impossible to assess whether these Commissions have a positive impact upon the enjoyment of human rights and fundamental freedoms by members of the groups in question”; another matter of concern was the “numerous reports” of acts of discrimination based inter alia on descent and which, allegedly, had not yet been brought before the courts and this led the Committee “to wonder whether individuals are sufficiently informed about their rights” (CERD/C/304/Add.13, paras. 17-18).

D. Japan

19. Article 14, paragraph 1, of the Constitution provides that “all of the people are equal under the law and [that] there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin” (CERD/C/350/Add.2, para. 3). With regard to the “*Dowa* problem” or the Buraku community, the Government has submitted that it has promoted various measures which have resulted in “large improvements” in the physical living environment, although psychological discrimination “deeply persists”. In 1996, prior to the expiry in 1997 of the Special Fiscal Measures of the Government for Regional Improvement Projects, the Cabinet Council took a decision on measures aimed at solving the “*Dowa* problem”. These measures included temporary legislative measures to ensure the smooth transition from special fiscal measures to general ones, improved counselling services on human rights aimed at the promotion of education and the elimination of “psychological discrimination” and, finally, steps to establish self-administration to improve the self-reliance of *Dowa* district residents (CCPR/C/115/Add.3, paras. 203-207).

20. The Committee on the Rights of the Child has expressed concern that “societal discrimination persists” in Japan against Buraku children, among others, recommending that the State party undertake “all necessary proactive measures”, including public education and awareness campaigns, to combat this discrimination (CRC/C/15/Add.231, paras. 24-25). The Committee on Economic, Social and Cultural Rights has also been concerned about persisting de jure and de facto discrimination against minority groups, including the Buraku communities, especially in the fields of employment, housing and education (E/C.12/1/Add.67, para. 13). The Committee on the Elimination of Racial Discrimination has recommended that Japan provide “full details” on the composition of its population and information on economic and social indicators reflecting the situation of all minorities, including Buraku communities, and ensure the protection against discrimination in the enjoyment of rights of all groups, including Buraku people (A/56/18, paras. 165-166).

E. Kenya

21. Section 70 of the Constitution guarantees fundamental rights and freedoms to every person in the country “irrespective of race, religion, sex, tribe, place of origin, political opinion, residence or any other local connection, colour, creed or sex”. Discrimination is prohibited under section 82 of the Constitution, which states that no law shall provide for discriminatory practices; “discriminatory” in this context means “treating persons differently on the basis of their race, tribe, place of origin, residence or other local connection, political opinions, colour or creed” (CRC/C/3/Add.62, paras. 101-102).

F. Mali

22. According to article 2 of the Constitution, cited in its fourteenth periodic report, “all Malians are born free and equal in terms of rights and duties. All discrimination on grounds of social origin, colour, language, race, sex, religion and political opinion shall be prohibited”. Article 58 of the Penal Code provides, furthermore, that “[a]ny statement or deed which establishes or gives rise to racial or ethnic discrimination ... shall be punishable by a prison sentence of between 1 and 5 years or optionally prohibition of residence of between 5 and 10 years” (CERD/C/407/Add.2, paras. 31-32). In the same report, the Government submitted that the *sinangouya* is “one of the leading features of Malian culture and one of the foundations of national unity”; by resorting to everyday jokes, the various ethnic groups, races or communities “manage to overcome social prejudices and foster understanding, tolerance and friendship”(para. 156).

23. In the light of this practice, the Committee on the Elimination of Racial Discrimination has expressed the wish “to receive information on the approach the State party intends to take regarding the persistence of the consequences of a traditional caste system that could give rise to descent-based discrimination” (A/57/18, para. 406). The Human Rights Committee has recommended that Mali “conduct a careful study of the relations between the descendants of slaves and the descendants of slave-owners in the north of the country, with a view to determining whether slavery-like practices and hereditary servitude still continue and, if so, to inform the Committee of measures taken in response” (CCPR/CO/77/MLI, para. 16).

G. Micronesia (Federated States of)

24. According to article IV, section 4, of the Constitution, “[e]qual protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language or social status”. 1 FSMC, paragraph 107, Bill of Rights, appears more restrictive and provides that no law shall be enacted “which discriminates against any person on account of race, sex, language or religion” (CRC/C/28/Add.5, paras. 56 and 57). The Government has submitted that the people of the State of Yap are divided into a higher and a lower caste, and that those in the lower caste have “fewer traditional privileges and sometimes more obligations”; the Government respects the existence of the caste system and, in the State of Yap itself, it is accepted as “an integral part of social and political life” (CRC/C/SR.440, para. 82). The Committee on the Rights of the Child has expressed concern at this caste system and has encouraged the State party to send additional information thereon (CRC/C/15/Add.86), paras. 15 and 32.

H. Nepal

25. Article 11, paragraph 1, of the Constitution guarantees the right to equality before the law, while paragraph 2 specifies that “[n]o discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, caste, tribe or ideological conviction or any other ground”. According to paragraph 3, the “State shall not discriminate among citizens on grounds of religion, race, caste, tribe or ideological conviction or any other ground”, although “special provisions may be made by laws for the protection and advancement of the interests of women, children, the aged or those who are physically or mentally incapacitated or those who belong to a class which is economically, socially or educationally backward”. Finally, paragraph of the Constitution provides that “[n]o person shall, on the basis of caste, be discriminated against as untouchable, be denied access to any public place, or be deprived of the use of public utilities. Any contravention of this provision shall be punishable by law”.

26. Among other relevant laws are: the Civil Liberties Act 1954, which, inter alia, guarantees the right to equality and equal protection of the law in recruitments in the civil service, and prohibits any restrictions against any citizen on the basis of religion, race, sex, caste or any other ground; the Legal Aid Act 1998, which aims at improving access to justice of the economically underprivileged and other disadvantaged groups like Dalit and ethnic groups; and the Local Self-Governance Act 1999, the purpose of which is to enforce the constitutional equality provisions by seeking to institutionalize the process of development through representation of ethnic communities, indigenous groups and down-trodden people in the local bodies.

27. The Government has taken various special long- and short-term measures to develop socio-economic conditions and to mainstream the Dalits and nationalities in Nepal. However, in its sixteenth periodic report to the Committee on the Elimination of Racial Discrimination, it acknowledged that discrimination persists nonetheless and that “[c]asteism is a major problem that still makes the Dalits vulnerable to attitudinal discrimination in society”.¹ At the institutional level, the Government has created a National Dalit Commission, although this Commission “lacks a statutory basis until the Parliament is restored and the necessary Act is adopted”, an aspect about which the Committee on the Elimination of Racial Discrimination has expressed concern (CERD/C/64/CO/5, para. 11). Furthermore, the Government submitted in the above-mentioned periodic report that it has, inter alia, established a National Committee for the Upliftment of the Depressed, Oppressed and Dalit Community under the Ministry of Local Development, which is working for the development of the Dalits (para. 77).

28. In its concluding observations on that report, while noting “with satisfaction” the various steps taken by the Government to promote human rights and combat discrimination, the Committee on the Elimination of Racial Discrimination has been concerned “at information on the existence of segregated residential areas for Dalits, social exclusion of inter-caste couples, restriction to certain types of employment, and denial of access to public spaces, places of worship and public sources of food and water, as well as at allegations that public funds were used for the construction of separate water taps for Dalits”. It has also expressed concern over “the allegations of ill-treatment and ineffective protection of and discrimination against Dalits

and other vulnerable groups in society, by law enforcement officials, especially the police". With regard to agricultural bonded labour, known as *Kamaiya*, abolished in 2000, the Committee has expressed concern that the emancipated Kamaiyas are still "facing many problems, including lack of housing, land, work, and education for their children" and it therefore recommended that the State party ensure effective enforcement of the Bonded Labour Prohibition Act 2002 (CERD/C/64/CO/5).

I. Pakistan

29. In its fourteenth periodic report, the Government has submitted that the Constitution "obligates the State to discourage parochial, racial, tribal, sectarian and provincial prejudices" and that it moreover "guarantees fundamental rights to each citizen irrespective of his/her race, religion, caste, sex, residence or place of birth" (CERD/C/299/Add.6, para. 7). According to this submission, the reference to "caste" was included in the Constitution for purposes of guaranteeing equal treatment to members of the Hindu community (CERD/C/SR.1199, para. 21). The Committee on the Elimination of Racial Discrimination has welcomed this provision, albeit recommending that the State party bring its legislation into line with the wider definition of discrimination contained in article 1, paragraph 1, of the Convention (CERD/C/304/Add.25, paras. 13 and 22). Following the adoption of the Bonded Labour (Abolition) Act 1992, the Government constituted vigilance committees at the district level consisting of representatives of the police, the judiciary, the Bar, municipal authorities and representatives of trade unions and employers' associations. A "Fund for the education of working children and rehabilitation of freed bonded labourers" has also been created (CRC/C/65/Add.21).

J. Senegal

30. According to article 5 of the Constitution, "any act of racial, ethnic or religious discrimination and any regionalist propaganda prejudicial to the internal security of the State or to the integrity of the territory of the Republic" shall be punishable by law. The Government has submitted that there is "no caste of 'untouchables'" in Senegal, although in certain remote communities a caste system based on the division of labour exists; "a concerted effort" was being undertaken to abolish the system (CERD/C/SR.1528, para. 17). The Committee on the Elimination of Racial Discrimination has noted "with concern the continuing legacy in Senegal of aspects of a caste-based system, despite its having been banned by law" (A/57/18, para. 445).

K. Sri Lanka

31. Article 12 of the Constitution provides that all persons are equal before the law and entitled to equal protection under the law. According to paragraph 2, "no citizen shall be discriminated against on grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds", while paragraph 3 stipulates that "no person shall, on the grounds of race, religion, language, caste, sex or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of worship of his own religion". Although the right to work enjoys no constitutional protection, the Supreme Court has "upheld the principle of equality of opportunity of advancement in the Public Service irrespective of race, caste, religion, etc."²

L. Yemen

32. Article 41 of the Constitution guarantees that “[a]ll citizens are equal in regard to their public rights and duties”. According to article 5 of the Code of Criminal Procedure, “[c]itizens are equal before the law and an individual may not be punished or harmed on grounds of nationality, race, origin, language, belief, occupation, standard of education or social status” (CCPR/C/YEM/2001/3, para. 9). With regard to the “Akhdam” children, it has been submitted on behalf of the Government that they belong to “a social category of so-called ‘servants’ whose status was comparable to that of the Roma in Europe. In fact, nothing prevented that category of children from attending school, but their parents preferred to steer them towards begging”.³

33. The Committee on Economic, Social and Cultural Rights has expressed concern about the persistence of de facto discrimination of some vulnerable groups, “commonly referred to as *Akhdam*, *Ahjur* or *Zubud*”, and has urged the Government “to undertake effective measures, such as awareness-raising campaigns and educational programmes, to combat [this] de facto discrimination” (E/C.12/1/Add.92, paras. 8 and 27). The Committee on the Rights of the Child has expressed concern at “the insufficient measures and programmes for the protection of the rights of the most vulnerable children, in particular [...] *akhdam* children and children who are forced to live and/or work in the streets, including child beggars”. It encouraged the Government to identify appropriate disaggregated indicators so as to enable it to pay particular attention to all groups of children, including the most vulnerable ones such as *akhdam* children. It further recommended that the State party undertake “all appropriate measures” to ensure that budgetary allocation is provided to services for children, particularly in the areas of education and health, and that priority attention is paid to the protection of the rights of children belonging to the most disadvantaged groups, including *akhdam* children and children who are forced to live and/or work in the streets.

II. ADDITIONAL COMMUNITIES AFFECTED BY DISCRIMINATION BASED ON WORK AND DESCENT

A. Diaspora communities

34. In the expanded working paper submitted to the fifty-fifth session of the Sub-Commission, the authors noted that:

“The sources presently available to the authors do indicate the persistence of discrimination based on work and descent in at least some South Asian, West African, Somali and Japanese diaspora communities. To the extent that that is the case, a number of additional Governments, other than those of the regions and countries mentioned in this expanded working paper or in the original working paper, may have responsibilities to address the issue of discrimination based on work and descent. This issue requires further research.”

The authors here seek to advance the discussion of this aspect of the issue.

35. Discrimination on the basis of work and descent continues, to a greater or lesser extent, to affect diaspora communities whose original cultures and traditions include aspects of inherited social exclusion. For example, the caste system has migrated with the South Asian diaspora and

is observed, to varying degrees, in the diaspora communities in East and South Africa, Mauritius, Fiji, Suriname, the Middle East (for example in Bahrain, Kuwait and the United Arab Emirates), Malaysia, the Caribbean, the United Kingdom of Great Britain and Northern Ireland, North America, and other countries and regions. Some reports indicate ongoing discrimination against Midgan-Madibhan in the Somali diaspora, and in certain West African diaspora communities. However, relevant information in this area is very limited and further study is still required.

36. The main focus in this section of the current working paper is on the South Asian diaspora in the United States of America and the United Kingdom of Great Britain and Northern Ireland. Experiences of other communities and in other countries have been referred to where information was available to the authors.

South Asian diaspora

Intermarriage

37. The area where discrimination is most common among members of the South Asian diaspora is the social prohibition against intermarriage between castes. Although this is less prevalent than in (rural) India, and the prohibition is weakening among second and third generation members of the South Asian diaspora, matrimonial advertisements (especially in media organs specifically serving the South Asian diaspora, such as *India Abroad*, *The Asian Reporter*, etc.) still show a preference for marriage within one's own caste. Many of the dating/matrimonial web sites catering to South Asian communities in the United States of America and the United Kingdom (such as www.indiandating.com, www.indianmarriages.com, www.indianmatches.com, www.shaadi.com, and www.kaakateeya.com) also demonstrate this, as there is generally a section for caste in the profile. Many contributors do list their caste, although a few do not.

38. In an interview broadcast on *BBC Radio 4* in April 2003 entitled "The Caste Divide", Parar Bagawar, proprietor of the Suman Marriage Bureau, one of the oldest and largest "Asian" matrimonial agencies in the United Kingdom, confirmed that "people are still mentioning the issue of caste and bringing it up when it comes to marriage". He said that "people don't want to marry into a lower caste". He also indicated that many lower-caste members would prefer to marry someone from the same background, for fear of being victimized. The strongest stigma is against intermarriage with members of the former "untouchable" community. As a result, some people change their names to disguise their backgrounds. According to Parar Bagawar, people sometimes investigate through marriage agencies the origins of persons claiming high-caste status.

39. Some community leaders consider that for many in the South Asian diaspora in the United States of America, it is easier to marry outside one's race than outside one's caste. An online article by Anamika Arora, "Selfless Service Aims to Bring Solidarity and Awareness at the Shri Guru Ravidas Sabha of New York",⁴ indicates that caste is also very influential in Sikh marriages in the United States. Some religious leaders in the Tamil community in New York indicate that preference is still given to marrying within one's caste.

40. In the South Asian diaspora in Canada, most marriages are said to take place within caste groups. It is reported that when inter-caste marriages do take place, families of the upper-caste bride or groom will often boycott the wedding ceremony.

41. According to an article published in the newspaper *The Star* in Kuala Lumpur in 1997,⁵ caste awareness and associated preferences are also reflected in matrimonial advertisements placed in media organs in Malaysia by members of the minority Indian community, and marriage brokers may be expected to take caste into account when finding suitable matches. One researcher observed that:

“Caste has, indeed, such a strong hold in marriage matters that inter-caste marriages between different categories of higher-caste status sometimes do not take place with parents’ approval, much less between higher- and lower-caste members. Abolition of caste discrimination in this area remains a distant dream.”⁶

Commensality

42. Social avoidance of commensality (the act or practice of eating/drinking together) is also demonstrated among members of the South Asian diaspora, although to a much lesser degree than in South Asia itself. For example, it is reported that at a factory in Wolverhampton in the United Kingdom, upper-caste Jat women refused to take water from the same tap as lower-caste people. Another reported example took place during an inter-temple sport tournament where the majority Jats refused to eat the sanctified food (*Langar*) as it was made by the lower-caste Chamaars.⁷

43. In the United States, it has been reported that social functions among the Tamil community of New York are dominated by upper-caste traditions and the different caste members eat separately. In general, lower castes will often avoid social interaction with upper castes or some will hide their caste if they do socially interact.

44. In Malaysia, this is seen within rather than outside the home. Some families, for example, refuse to dine with or accept food and drinks from people they suspect of being lower caste.

45. From Trinidad, there are some reports of restricted commensality, for example with Trinidadian Brahmin priests at rituals. In Guyana there are examples of upper castes not wanting to eat at the homes of lower-caste members.⁸

Places of worship

46. Caste divisions appear to continue to affect access to and the organization of places of worship in the South Asian diaspora. For example, among Indian Christians in the diaspora, denomination is often associated with caste identity. Caste divisions are reported to have led to splits in church congregations. In 1981, there was a split in the Tamil Church in New York that led to the formation of a new Dalit Tamil Church in Elmhurst, New York.

47. Despite the ideology of Sikhism, which aims at transcending caste distinctions, such distinctions remain present in practice in the diaspora. In the United States and in Canada, in Vancouver in particular, Ramdasi and Ravidasi Sikhs are not completely accepted by Jat and

Katri Sikhs, and so *gurdwaras* (Sikh houses of worship) are segregated in terms of caste. Similarly, as pointed out by Anamika Arora (see above), the Shri Guru Ravidas Sabha of Queens, New York, is a *gurdwara* mainly for lower-caste Sikhs, and upper-caste Sikhs would not feel appropriate worshipping there. This is also observed in the United Kingdom, for example with the Guru Ravidass *gurdwara* in Bedford.⁹

48. Leadership roles at the Hindu Temple in Flushing, Queens, New York, are also said to reflect traditional caste hierarchies. In the United Kingdom, due to caste prejudices, many lower-caste members have also formed their own separate organizations and temples. An example of this is the Central Valmik Sabha and Valmiki temples.¹⁰ Some, such as Suresh Grover of the National Civil Rights Movement in the United Kingdom, feel the proliferation of places of worship on caste lines is creating profound divisions.

Employment

49. Caste discrimination has also been alleged in the area of employment in both the United Kingdom and United States. For example, Pinaki Mazumder, a professor of engineering at the University of Michigan, has filed an unprecedented federal civil rights lawsuit, claiming discrimination based on caste and national origin. He claims that discrimination by an Indian administrator of a higher caste in the engineering department affected his performance reviews and pay raises. The lawsuit also alleges that the university did nothing to stop the bias, trivialized his concerns, and retaliated against him when he complained.¹¹

50. Other incidents of caste discrimination in the area of employment are alleged, but they rarely have led to a formal complaint or legal action.

51. In Mauritius, a highly qualified woman from the South Asian community stated that she would never get a high position in the State bureaucracy because she was a Brahmin.¹²

Politics

52. In the United Kingdom, caste is alleged to have played a discriminatory role in politics. For example, Ram Lakha, a Labour councillor, alleges that there was much resentment when his name was put forward by members of the Labour Party in 1989 and upper-caste members waged a campaign to remove him as he was lower caste.¹³

53. Some in the United Kingdom feel that leaders of the Asian community are promoting racial equality but not doing enough to promote equality within the Asian community. An example has been given of a local upper-caste councillor in Coventry who authored a booklet promoting the caste system and its practices. In 1995, Prashotam Lal Joshi prepared a booklet entitled *A guide to minority ethnic customs, religions and aiming systems in Coventry* which stated "Caste is inherited by birth and one cannot change or leave one's caste. Hindus in Britain may wish to observe the caste system and wish to avoid dining and intermarriage with members of other castes." The draft booklet was withheld and an apology was issued by the Council; however, no disciplinary action was taken (Naresh Puri, *The Caste Divide*).

54. Caste was also a driving force in a lengthy dispute between two prominent Malaysian Indian politicians, the president of the All Malaysian Indian Progressive Front (IPF), Datuk M. G. Pandithan, and the president of the Malaysian Indian Congress (MIC) party, Datuk Seri S. Samy Vellu. In 1988, Pandithan, then the vice-president of MIC, was expelled from the party for accusing the party of practising caste-based politics that favoured higher castes. In 1997, Vellu rejected Pandithan's claim that "casteism is a deep-rooted issue in Malaysia which is silently but strongly being practised". Pandithan was particularly critical of the existence of some 22 registered caste-based associations in Malaysia, dedicated to assisting members of their own caste socially and financially. These associations sometimes impose caste-based restrictions on members, such as banning exogamous marriages.¹⁴

Media

55. Caste consciousness is also promulgated through the media, especially in the United Kingdom, where there is a large Asian media establishment. Many songs played on South Asian radio mention the upper-caste Jats and encourage caste consciousness and notions of caste superiority. South Asian DJ Bobby Friction has referred to many Asian songs which allude to the power of the Jats. Some car stickers in the United Kingdom have been seen with the words "Jattan de putt", proclaiming the superiority of the Jats.

Violence

56. Though caste-based violence appears to be rare in the diaspora population, there have been cases of physical violence against those who have entered into inter-caste marriages or eloped against their families' will. In an extreme example, Vijay Bulla, a man from Ann Arbor, Michigan, USA, was killed in October 1999 after he entered into a heated argument with Satish Mariswamy, a man he rejected as a suitor for his wife's sister in India as he was of a lower caste. Mariswamy was convicted of first-degree murder and given a life sentence.¹⁵

57. In the United States, there have been reports of physical fights when lower-caste members tried to stand for leadership in higher-caste *gurdwaras*. In the United Kingdom, there are reports of fights breaking out amongst university students when derogatory caste-based remarks are made (Naresh Puri, *The Caste Divide*).

Somali diaspora

58. Large Somali populations have existed, for generations in many cases, in Kenya, Ethiopia, Tanzania, Djibouti and Yemen. In a submission to the Committee on the Elimination of Racial Discrimination during a thematic discussion on 8 August 2002, prior to the adoption of the Committee's general recommendation XXIX on descent-based discrimination, Professor Asha Samad of the Somali International Minority Association (SIMA) declared that in all of these populations, Midgan-Madhiban and other outcast groups are the lowest rank of the society's stratification.

59. In addition, large numbers of Somalis have fled conflict in their own country, and either continue to languish in refugee camps in neighbouring countries or have found refuge in places as far away as Canada, the United States, the United Kingdom, the Netherlands, Australia, and Nordic countries.

60. According to Professor Samad, the Midgan-Madhiban and members of other outcast communities face ongoing discrimination, abuse and attack by members of the dominant clans even in the refugee camps. She says that in those Somali communities that have been admitted to other countries through asylum and other immigration processes, “clan and caste continue”.

61. Professor Samad alleges that “many ‘noble’ clan Somalis seeking refugee or political asylum have falsely claimed outcaste Midgan-Madhiban status” in order to enhance their asylum claims. “Quite often”, according to Professor Samad, “when such a false application is granted, the applicant then takes pain to overemphasize, within the Somali community, his or her actual noble status. ... Meanwhile, the Midgan-Madhiban in the diaspora still face caste discrimination within the Somali community.”

B. Other additional communities

“Caste” in the State of Yap, Federated States of Micronesia

62. As referred to above, the treaty body database itself discloses information on another community not previously referred to in the Sub-Commission’s discussions. During the review by the Committee on the Rights of the Child of the initial report by the Federated States of Micronesia under the Convention on the Rights of the Child in January 1998, the representative of the Government advised that the people of Yap were divided into a higher and a lower caste. Those in the lower caste had fewer traditional privileges and sometimes more obligations. She was not well informed about the degree of segregation involved. The national Government had taken up no position on the caste system but respected its existence. There had been no court cases at national or state level concerning discrimination on grounds of caste. In the State of Yap itself, the caste system was accepted as an integral part of social and political life (CRC/C/SR.440, para. 82).

63. Questioned about the implications of the caste system for children’s access to health and education services, she said that the caste system was difficult to describe because the expression carried such negative connotations throughout the world. She was able to state, however, that it was never used as a basis for selectivity or discrimination in the delivery of public services or in providing access to health and educational services.

64. The State party’s initial report had however alluded to an associated problem. Referring to the situation of health services, and specifically nursing services, the report indicated that “difficulties arise when the nurse ... is faced with evaluating the job performance of a lower-level staff member who is of a higher caste status than she” (CRC/C/28/Add.5, para. 263).

65. In its concluding observations, the Committee expressed its concern “at the existence of a caste system, especially in Yap State, and its incompatibility with the provisions of article 2” of the Convention, and encouraged the State party to “send additional information on the caste system” (CRC/C/15/Add.86, paras. 15 and 32).

The Fuga communities of Ethiopia

66. According to Herbert Lewis,¹⁶ “[v]irtually every Ethiopian Cushitic- or Semitic-speaking society for which evidence exists contains within it at least one endogamous group of hereditary

occupational specialists”. The occupational specialists of the Gurage and Kambata, collectively known as *Fuga*, are said to be ritually impure and that others may be polluted by contact with them. Above all, others will not willingly or knowingly marry them. They are not supposed to enter the houses of non-artisans, and if a Gurage *Fuga* should do so, the homestead must be ritually cleansed. Meat prepared by occupational specialists is taboo to others. “Low-caste” groups such as the *Fuga* are often said to eat impure meat (i.e. from taboo animals or meat parts) or that their ancestors once did and that they continue to bear the stigma. Members of these groups are not allowed to own land and are normally disenfranchised from the regular political and judicial life of the societies at large. Like other similar groups elsewhere in Africa, they also perform ritual roles for the wider society.

67. Bruk Ayele describes the *Fuga* as “mainly potters who are a low-caste occupational group in Kambata and other neighbouring ethnic groups”.¹⁷ The name itself is said to be pejorative. Some members of this group interviewed by Ayele explained their low status as “an inborn character, that means, they are created in this status and can never escape from it”. Ayele describes how the adoption of Christianity by most other groups in the region has served to underline the separateness of the *Fuga*, most of whom maintain a traditional belief system and practices. This has “made people attribute every evil practice to them”. Marriage between the *Fuga* and other clans is strictly forbidden. Ayele was aware of only one case of deliberate intermarriage, which “created much trouble among the respective society”.

C. Similarities and differences between ethnic minorities and communities discriminated against on the grounds of work and descent

68. The expanded working paper submitted to the fifty-fifth session of the Sub-Commission addressed the question whether ethnic minorities such as Roma/Sinti/Travellers are discriminated not simply on the ground of their national or ethnic origin but also because of the work in which members of those groups engage. Further examination of this question seems to indicate, however, that while discrimination against those communities identified thus far in this study, and one against certain ethnic minorities may appear to share, in general terms, some of the common consequences of discrimination based on work and descent described in the expanded working paper, the latter does not seem to have the same causal factors, such as the notion of “pollution/purity”, hierarchical ranking and religious sanction and myths. They are essentially discriminated against because of racism.

69. The authors also wish to point out that those ethnic minorities, notably Roma/Sinti/Travellers, are already covered by a range of international and regional instruments in the fields of human rights and minority rights, through provisions which are specific to them. Moreover, the tendency of members of ethnic minority groups engaged in certain occupations appears to be rather attributed to lack of choice due to discrimination in education, among other areas.

70. Nevertheless, it may be argued that occupations in which some of the ethnic minorities tend to engage may serve as an aggravating factor in discrimination, and further marginalize them from the rest of the society. Given the similar manifestation of both forms of discrimination, the authors believe that the recommendations arising from this study are also largely applicable to discrimination against ethnic minorities.

III. PROPOSED FRAMEWORK FOR A DRAFT SET OF PRINCIPLES AND GUIDELINES FOR THE ELIMINATION OF DISCRIMINATION BASED ON WORK AND DESCENT

71. As the third element of the mandate contained in its resolution 2003/22, the Sub-Commission called for the preparation of “a draft set of principles and guidelines for all relevant actors, not only national or federal Governments but also local governments as well as private sector entities such as corporations, schools, religious institutions and other public places where discrimination based on work and descent often occurs, in cooperation and collaboration with relevant international human rights treaty bodies and United Nations organs and agencies, inter alia the Committee on the Elimination of Racial Discrimination, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, taking full account of the contents of the Committee’s general recommendation XXIX”.

72. The authors note the explicit reference in this mandate not only to the content of the valuable general recommendation XXIX, but also to the need to cooperate and collaborate in particular with the Committee on the Elimination of Racial Discrimination, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization in the preparation of the requested principles and guidelines. Due to the limitations on time and resources, it has not been possible to undertake such cooperation and collaboration with the bodies mentioned.

73. In addition, the authors note the indications given by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance of his intention to focus on similar issues in the next period of his mandate.

74. It is clear that as well as securing more comprehensive information from concerned Governments, cooperation and collaboration with the various United Nations organs, agencies and mandates that have or are developing an expertise in this area will be essential for the preparation of an effective set of principles and guidelines.

75. The authors therefore offer here only a proposed framework for such principles and guidelines.

A. Principles

76. The principles expounded in the document should, at a minimum, include the following:

(a) Discrimination based on work and descent is a form of discrimination prohibited by international human rights law, including the International Convention on the Elimination of All Forms of Racial Discrimination. The basis of this prohibition in international human rights law could be further explicated.

(b) Discrimination based on work and descent is a human rights problem deeply rooted in societies and cultures in many parts of the world. Therefore, guidelines must not only address Governments and the international community, but also local authorities as well as private sector entities such as corporations, schools, religious institutions, labour unions,

agricultural associations, and the media. It is imperative, as a first step, for all those actors - in particular the Governments concerned and the international community - to acknowledge the existence of the problem and the communities affected thereby, and for the people affected by such discrimination to become aware of their human rights. Comprehensive measures need to be taken and implemented systematically. In particular, appropriate legislative, administrative and budgetary actions - including appropriate forms of affirmative action - should be undertaken. Such discrimination should be explicitly prohibited, and offenders prosecuted. Full and effective protection and remedies should be provided for victims, and a comprehensive range of human rights education and public awareness activities should be undertaken to eradicate prejudice against those affected.

(c) As the people discriminated against are usually minorities, marginalized and politically, economically and socially powerless, the cooperation of the international community, including of development agencies and international financial institutions, is indispensable.

B. Guidelines

77. Some possible categories of guidelines would include the following:

(a) *Survey and research: understanding the actual situation.* In order to develop effective measures for the elimination of discrimination based on work and descent, it is essential to understand not only the historical but also the current situation. To this end, a regular survey and/or appropriate research should be conducted, and new measures should be adopted or existing measures be reviewed accordingly.

(b) *Participatory process.* All efforts to achieve the elimination of this discrimination and to establish not only de jure but also de facto equality must be made, with the effective participation of members of affected communities.

(c) *Discriminatory customs and institutions.* The Governments concerned as well as the affected communities themselves, together with the population at large, should examine the customs and institutions that cause or otherwise contribute to discrimination based on work and descent.

(d) *Public awareness-raising and education.* In order to address deep-rooted beliefs and practices, like those that sustain discrimination based on work and descent, a long-term commitment to public awareness-raising and education is required. Such initiatives should be considered at multiple levels, including through family education; pre-school education; primary school education; training for judges, law enforcement officers, schoolteachers and other relevant public service professionals; training programmes for private sector employees; and general public awareness campaigns.

(e) *Affirmative action.* Given the nature and effect of the often ancient attitudes and practices of discrimination based on work and descent, appropriate affirmative action programmes should be given priority. Efforts should be made to identify international best practices in this regard.

(f) *Effective implementation of legislative and administrative measures.* Effective implementation of legislative and administrative measures to address discrimination based on work and descent has, in practice, proved to be difficult to ensure. Together with appropriate awareness-raising and education programmes for relevant officials, it is therefore also necessary to give particular attention to mechanisms for promoting such implementation.

(g) *Monitoring.* Appropriate systems should be established to monitor the impact of measures taken, such as national/local committees, focal points, liaison persons/units, ombudspersons, etc.

(h) *Access to justice.* In addition to the appropriate training of judges and law enforcement officers, additional measures to facilitate practical access to justice for members of affected communities must be considered, such as targeted legal aid and associated services.

(i) *The role of national human rights institutions and other specialized institutions.* Appropriate mandates and powers must be given to existing human rights institutions, and/or specialized institutions created so as to provide proper independent attention to the problems of the communities concerned.

(j) *International cooperation.* The international community must provide appropriate support through technical assistance and advisory services, but also through the establishment and application of guidelines for development cooperation that ensures the elimination of discrimination based on work and descent, rather than further entrenching it. The role of the international human rights institutions and procedures must also be considered in this context.

IV. CONCLUSION AND RECOMMENDATIONS

78. The elimination of discrimination based on work and descent is an important global human rights challenge. It has until recently failed to receive the attention that it deserves at the international level. So far as can be judged by information currently available, national responses to the issue are best developed in India, though implementation remains a critical concern. In many other contexts, responses appear to be inadequate or practically non-existent.

79. In India, some of the longest-standing and most extensive affirmative action measures ever developed have been applied to this problem. However, concerns persist about the effectiveness and impact of these measures. India therefore provides an important context for the examination of best practices in affirmative action, as well as of obstacles to its effectiveness.

80. The apparent existence of discrimination based on work and descent in diaspora communities engages the responsibility of a wider circle of Governments and authorities, beyond those of the countries of origin of such communities.

81. Both in countries of origin and in diaspora communities, the role and responsibility of the media cannot be underestimated.

82. Public awareness-raising and education programmes are of central importance in addressing the century-old beliefs and practices that lead to discrimination based on work and descent. Human rights education for members of the affected communities themselves must also be a priority. It appears that in almost all relevant contexts these elements are lacking.

83. There is an obvious need to undertake a comprehensive study of relevant measures taken by Governments and other authorities, and of the effectiveness of such measures. Such a study is beyond the possibilities of the authors under the present informal mandate.

84. There would be considerable value in the development of a set of principles and guidelines on the elimination of discrimination based on work and descent. Such principles and guidelines would draw together applicable instruments and elements of existing human rights law and practice, including, in particular, general recommendation XXIX, as well as best practices identified from a study of measures already taken by Governments and other authorities. They could also serve to draw attention not only to the obligations of Governments, but also to the role of other actors, including private sector entities.

85. Cooperation and collaboration in this process should be sought with national human rights institutions, United Nations human rights bodies, especially the Committee on the Elimination of Racial Discrimination and other treaty bodies, and the Special Rapporteur on contemporary forms of racism and other relevant special procedures of the Commission on Human Rights, agencies, especially the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, and other intergovernmental and non-governmental organizations.

86. **The authors therefore recommend that:**

(a) The Sub-Commission appoint a Special Rapporteur with the task of preparing a study on the elimination of discrimination based on work and descent, focusing on the finalization of a draft set of principles and guidelines on the elimination of discrimination based on work and descent, addressing all relevant actors, not only national or federal Governments but also local authorities as well as private sector entities such as corporations and other business entities, schools, religious institutions and the media;

(b) The Special Rapporteur be authorized to request the United Nations High Commissioner for Human Rights to transmit a questionnaire elaborated by the Special Rapporteur to Governments, national human rights institutions and non-governmental organizations to solicit information required in connection with the study, in particular concerning legislative, judicial, administrative and educational measures taken to address discrimination based on work and descent; and

(c) The study and the preparation of the draft principles and guidelines be undertaken in cooperation and collaboration with relevant international human rights treaty bodies and United Nations organs, agencies and mandates, inter alia, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, in consultation with the representatives of affected communities, and taking full account of the contents of general recommendation XXIX.

Notes

- ¹ CERD/C/452/Add.2, para. 75. For details on the measures taken or planned such as included in the Ninth and Tenth Plans, see *ibid.*, paras. 71-72.
- ² In *Ramupillai v. AG* (CERD/C/234/Add.1, para. 49).
- ³ CRC/C/SR.523, para. 43. See also the statement contained in CRC/C/8/Add.20 with regard to education that “some groups are opposed to school attendance, one example being the ‘Akhdam’, who refuse to emerge from the abyss of poverty and who reject education for their children” (para. 63).
- ⁴ <http://www.barnard.edu/religion/hinduismhere/anamika.html>.
- ⁵ Wani Muthiah, “Pride and Prejudice”, *The Star*, 24 November 1997.
- ⁶ Rajakrishnan Ramasamy, *Caste Consciousness Among Indian Tamils in Malaysia*, 1984, p. 46.
- ⁷ These and other incidents are referred to in a paper by Sat Pal Muman entitled “Caste in Britain”, available online at www.ambedkar.org/Worldwide_Dalits/caste_in_britain.htm.
- ⁸ R.K. Jain, as quoted in Vivek Kumar (Assistant Professor of Sociology, Jawaharlal Nehru University) “Dalit Diaspora” *Voices From Vancouver: Souvenir of the International Dalit Conference*, Vancouver, Canada, 16-18 May 2003.
- ⁹ Naresh Puri, *The Caste Divide*.
- ¹⁰ Davinder Prasad, Press Release on Behalf of the UK Valmiki Community, 28 February 2003.
- ¹¹ Complaint filed in the Washtenaw Circuit Court, Michigan (*Mazumder v. University of Michigan*). See http://www.faupel.com/art_080303.htm.
- ¹² Thomas Hylland Eriksen, “Indians in New Worlds: Mauritius and Trinidad”, *Social and Economic Studies*, No. 1 (1992).
- ¹³ Interview with Naresh Puri, *The Caste Divide*.
- ¹⁴ Muthiah, “Pride and Prejudice”; Ramasamy, *Caste Consciousness among Indian Tamils in Malaysia*, pp. 74-75.
- ¹⁵ Case No.: CRW-99-12982-FC (22nd Circuit Court, Washtenaw Country, Michigan). See also Liz Cobbs “Suit claims discrimination based on caste” *Ann Arbor News - Sunday*, 22 June 2003, <http://www.emalayalee.com/818n.htm>.
- ¹⁶ Herbert S. Lewis, “Wealth, Influence, and Prestige among the Shoa Galla”, in A. Tuden and L. Plotnicov (eds.) *Social Stratification in Africa*, 1970.
- ¹⁷ Bruk Ayele, “The Unreached ‘Fuga’ among the Evangelized Kambaata”, research paper submitted to the Mekane Yesus Theological Seminary, Addis Ababa, May 2002.