



International Dalit Solidarity Network

WORKING GLOBALLY AGAINST DISCRIMINATION BASED ON WORK AND DESCENT

The Working Group on the issue of human rights and transnational corporations and other business enterprises

Office of the UN High Commissioner for Human Rights

Palais des Nations

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Submission for the public consultation on the UN Forum on Business and Human Rights

With reference to the general principle of implementation of the Guiding Principles in a non-discriminatory manner, with particular attention to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at heightened risk of becoming vulnerable or marginalised, IDS N is pleased to submit recommendations regarding the protection of rights of Dalits and other people affected by caste discrimination and inclusion of the affected groups in the work of the Forum. IDS N proposes to make the issue of caste-based discrimination a thematic focus of the Forum.

Caste-based discrimination affects an estimated 260 million people globally and causes numerous human rights violations against the affected groups. Several UN human rights bodies have expressed concern on the violations and lack of state protection. A compilation of these references can be found at the following link:

www.idsn.org/uncompilation

Business operations in caste-affected countries are at a high risk of being based on the economic exploitation or seclusion of communities marginalized due to their perceived "low" position in the caste hierarchy. Violations of both national legislation as well as international law, in particular the international labour standards, often occur.

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Common examples of caste discrimination in business operations are:

- Discrimination in employment practices - applicants from caste-affected communities are likely not to be considered for skilled jobs, regardless of qualifications
- Discrimination in the services and utilities offered by an employer, such as housing, health care, and education and training
- Misappropriation of land belonging or allocated to caste-affected communities
- Exploitation of workers from caste-affected communities, including the use of children and bonded labourers, working under hazardous conditions for a minimal pay.

A range of ILO studies on bonded labour relations reveal the link between the social hierarchies of caste and relationships of bondage. The UN Special Rapporteur on contemporary forms of slavery referred to these links in a 2009 report to the Human Rights Council stating that “ILO research shows a clear link in Asian countries between forced labour and long-standing patterns of discrimination. In India, the overwhelming majority of bonded labour victims in agriculture, brick making, mining and other sectors are from Scheduled Castes and Scheduled Tribes” ([A/HRC/12/21](#)).

A key issue paper on bonded labour and caste discrimination is attached, and can furthermore be found at the following link: <http://idsn.org/caste-discrimination/key-issues/bonded-labour/>

While the issue of caste discrimination remains widely overlooked in relation to the human rights and labour obligations of private companies, attention has increased in recent years. At least 50 companies have included aspects related to caste-based discrimination in their communications on progress to the Global Compact and steps to address the issue have been taken up by employer associations in India and different chapters of the multi-stakeholder initiative the Ethical Trading Initiative.

IDSN Recommendations

(1) Addressing challenges in relation to groups affected by caste-based discrimination

The special circumstances of groups affected by caste discrimination must be considered by the Working Group and the Forum and special measures to address established discriminatory practices must be included in efforts to promote the Guiding Principles in caste-affected countries.

A number of tools exist to help private companies assess complicity in discrimination and other human rights violations against groups marginalized due to their caste background and to remedy harm done in their own operations and with subsidiaries as well as suppliers. It is recommended that the following reference documents are used to inform the work of the Working Group and the Forum:

- The Ambedkar Principles are developed to assist foreign investors in South Asia. They include a set of employment principles as well as a set of additional principles addressing economic and social exclusion of Dalits in South Asia. The Principles intend to acknowledge the degree of historic injustice against Dalits in South Asia and aim to compensate for this through affirmative action, in line with international human rights standards, although not to the detriment of other excluded groups.
[http://idsn.org/fileadmin/user_folder/pdf/New_files/IDSN/Ambedkar Principles_brochure.pdf](http://idsn.org/fileadmin/user_folder/pdf/New_files/IDSN/Ambedkar_Principles_brochure.pdf)
- The Dalit Discrimination Check is a web-tool developed specifically to help companies identify and prevent discrimination and exploitation of Dalits in their Indian operations and suppliers. It is designed as a comprehensive checklist with self-guided questions and indicators of possible violations of national Indian law and international law. It has been developed by the Danish Ministry of Foreign Affairs, IDSN and the Danish Institute for Human Rights as a separate check under the Human Rights Compliance Assessment.
<https://hrca2.humanrightsbusiness.org/Page-TheDalitDiscriminationCheck-22.aspx>
- The Global Call for Action and Recommendations on Good Practice and Strategies to Eliminate Caste-Based Discrimination is the outcome International Consultation on Good Practices and Strategies to Eliminate Caste Based Discrimination (29 Nov – 1 Dec 2011). It contains specific recommendations to Governments, International Organisations and Intergovernmental institution, civil society and the private sector. Recommendations specific to the private sector can be found at the following link: <http://idsn.org/idsn-consultation/ic-recommendations/private-sector/>
- The ISO26000 standard on social responsibility refers to discrimination based on caste and the obligation of private sector actors to contribute to eliminating such practices.
- The draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent are a comprehensive legal framework developed to eliminate caste discrimination globally. Based on existing international human rights principles and obligations, the framework proposes general and special measures to be taken by multiple stakeholders, including private sector actors. <http://idsn.org/international-advocacy/un/un-principles-guidelines/>

(2) Inclusion of communities affected by caste-based discrimination

Special attention must be given to ensuring the genuine and informed participation of communities subjected to caste discrimination in the Forum as well as in dialogues and implementation in caste-affected countries. Due to the pre-existing conditions, it cannot be assumed that mainstream civil society or labour organisations, nor village councils will automatically promote the interest of the groups affected by caste discrimination, and steps to ensure cooperation with civil society organisations or groups especially representing the discriminated groups must be taken.