

Durban Review Conference - Item 9

Joint NGO Statement by NCDHR, IDSN, Swadikar, HDO, IMADR, JUP Nepal, NNDWSO, LWF, Pax Romana

23 April 2009

Mr. President,

This statement is delivered on behalf of a large group of Asian and international NGOs accredited for the Durban Review Conference to express our serious concern that the outcome document of the Review Conference fails to address the rights of persons affected by discrimination based on work and descent, including caste-based discrimination and the degrading practice of “untouchability”.

Discrimination based on work and descent is one of the largest and most serious human rights violations affecting 260 million people worldwide, especially in South Asia. It subjects millions of Dalits to a life without *de facto* equal rights and opportunities. While constitutional measures and affirmative action programmes have been enacted in some affected countries, we regret the weak implementation, situation of impunity, and lack of political will to effectively eliminate this form of discrimination.

We strongly reject the argument that caste-based discrimination is an “internal affair” which should not be addressed by relevant UN mechanisms, including this Review Conference. Caste discrimination is a global human rights concern, which cannot be kept outside the scope of the UN. While we agree that caste discrimination cannot be equated with racism, caste-based discrimination results in similar manifestations as reaffirmed by the CERD Committee in its General Recommendation 29. We therefore welcome the references to multiple forms of discrimination in the outcome document and the recognition of the contribution by the CERD Committee in this regard, and we welcome the references to caste-based discrimination made by Pakistan, Nepal, Bangladesh, and Mauritius at this Review Conference.

These positive steps reflect the increasing international recognition of this issue by a growing number of affected countries and other member states in the UN, and by UN treaty bodies, Special Procedures, the UPR, and in the thematic study on discrimination based on work and descent by the former Sub-Commission. Building on this momentum, we urge member states to support the promotion of a comprehensive framework, the draft principles and guidelines for the effective elimination of discrimination based on work and descent, prepared by two Special Rapporteurs of the former Sub-Commission, when the completed reports of the Sub-Commission are to be considered by the Council. We are also encouraged by the commitment made by the High Commissioner to address this issue more effectively in South Asia, and we therefore look forward to the steps to be taken beyond this Review Conference at national, regional and international level.