

**SIDE EVENT ON DRAFT UN PRINCIPLES ON THE EFFECTIVE
ELIMINATION OF DISCRIMINATION BASED ON WORK AND DESCENT**

**Address by Ms. Marcia V. J. Kran
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I am very pleased to be with you today on behalf of the Office of the High Commissioner for Human Rights. I would like to sincerely thank the International Movement Against all Forms of Discrimination and Racism (IMADR) and the International Dalit Solidarity Network (IDSN) for organizing this important event.

I would like to congratulate the organisations represented here who are actively working at the grass root levels for their hard work against discrimination based on work and descent. The courage and determination you have shown all over the years are an inspiration to me and my Office. OHCHR is looking forward to strengthening the relationship with your movement further in the time ahead.

Furthermore, I would like to thank the Government of Nepal for designating H. E. State Minister for General Administration, Mr Jeet Bahadur Darjee Gautum, to provide today valuable insights into good practises and national challenges related to the issue of caste-based discrimination in Nepal. I consider this as a significant step by a country grappling with this entrenched problem itself and I would like to encourage other States to follow this commendable example.

Events like this one today play an important role in raising awareness about the gravity of descent-based discrimination and serve to galvanize the political will required to take the necessary measures to achieve urgently needed change. It is important to remember that the problem is not confined to one geographical area, nor exclusively practised within one particular religion or belief system. Untouchability is a social phenomenon affecting 200 - 250 million worldwide.

I am happy to share views on the issue of discrimination based on work and descent.

Non-discrimination and equality fundamental to human rights

The international human rights system is premised on the twin principles of equality and non-discrimination. The negation of these principles would imply the negation of human rights regime. Discrimination based on work and descent condemns individuals and whole communities to a life of exploitation, violence, social exclusion and segregation. It also impairs the enjoyment of human rights – be they of a civil, cultural, economic, political or social nature.

Manifestations of descent-based discrimination

Victims of descent-based discrimination face structural discrimination that locks them in a persistent and vicious cycle of poverty and marginalization. Members of affected communities are frequently confined to hereditary, low-income employment, and deprived of access to agricultural land and credit. They often find themselves battling high levels of indebtedness, or even debt bondage which is to be considered as a contemporary form of slavery. Child labour is rampant in descent-based communities and children of lower castes suffer high levels of illiteracy. For women, caste is a multiplier that compounds their experience of violence and discrimination.

International human rights instruments and mechanisms

The prohibition of discrimination places both negative and positive obligations on States for eradicating discrimination in the public and private spheres. Accordingly, a number of instruments in the international human rights framework protect the human rights of descent-based communities.

The International Convention for the Elimination of Racial Discrimination occupies a central place in this constellation as it explicitly names descent as a ground of racial discrimination. It was at the 2001 World Conference in Durban that the victims of descent-based discrimination brought their plight to an international forum for the first time and let their voices be heard. The Durban Declaration and Programme of Action, in article 2, recognizes descent based discrimination and provides a comprehensive roadmap for States to prevent, combat and eradicate racial discrimination which was recently reaffirmed at the Durban Review Conference held here in Geneva.

In 2002, the Committee for the Elimination of Racial Discrimination adopted General Recommendation N°29 dedicated specifically to descent based discrimination. More recently, the Committee on Economic, Social and Cultural Rights adopted its general comment N°20 further developing the obligation of non-discrimination of Art 2 (2) of the International Covenant on Economic, Social and Cultural Rights.

To overcome inequality, a crucial step is the ratification and implementation of these key human rights treaties. Human rights mechanisms, such as Special Procedures continue to receive information about persistent discrimination and other serious human rights violations based on descent, including in some instances extrajudicial killings and cases relating to death threats to human rights defenders speaking out for discriminated communities. I wish to also underscore the importance the various treaty bodies play through their reporting and individual complaints mechanism. The UPR process will also provide opportunities to bring this issue into focus and provide practical recommendations for tackling it.

Measure to be taken at the national level

Although many States have an array of laws and institutions designed to combat all forms of discrimination, discrimination based on descent remain deeply entrenched. Caste-based discrimination remains deplorably widespread, despite efforts by governments and judiciaries worldwide to eradicate this practice. The adoption, implementation and enforcement of national legislation to outlaw all forms of descent-based discrimination is an important first step. It needs to be complemented by targeted policies and programmes to address descent-based discrimination. The involvement of affected communities in the development, implementation and evaluation of these national strategies is essential.

Often, policies and measures that have been established to ensure relief for these groups, access to justice by them, accountability for perpetrators of abuses against them, have neither sufficiently alleviated their conditions, nor have they satisfactorily curtailed the climate of impunity that enables human rights violations. The judiciary has to strive to enforce human rights, to provide relief to victims, and ensure that government implements constitutionally guaranteed rights, including economic, social and cultural rights, as well as women's rights. Crucially, many court cases have resulted in legislative changes that have benefited working women and promoted greater enforcement of women's rights. National institutions, as well as specialized institutions focussed on caste, can also

play an important role in improving law and policy in this area and ensuring redress to victims.

While it is urgent to address the human rights violations descent-based communities endure directly, it is equally important to examine the root causes of this discrimination and to work with societies as a whole to change the deeply rooted systemic, cultural and social prejudices, customs, beliefs and traditions that give rise to the segregation of descent-based communities and to act against dissemination of ideas of superiority on the basis of descent.

The principle of equality also requires that States adopt special measures to eliminate structural injustices. The adoption of positive measures should promote access for members of discriminated communities to employment and education, guarantee members of descent-based communities the right to vote and stand for election on the basis of equal and universal suffrage, and ensure due representation in Government and legislative bodies.

The road ahead

The Office of the High Commissioner for Human Rights is in a unique position to assist governments and civil society in their efforts to combat all forms of discrimination, including through our field presences and coordinating with UN agencies and programmes and other crucial partners in government, international organizations and civil society. With these steps OHCHR stands ready to cooperate and offer technical support to strengthen national systems to address caste-based discrimination.

Combating all forms of discrimination will remain a priority concern of the work of the Office as outlined in OHCHR's Strategic Management Plan. OHCHR at its headquarters and through its field presences will continue to gather information and support the development of practical strategies to address the phenomenon of discrimination based on descent.

In closing, let me reiterate that eliminating all forms of discrimination is a duty of the highest order for the United Nations, member States, and all stakeholders in society. OHCHR's objective is to help promote discrimination-free societies and a world of equal treatment for all.
