

Pre-Session of the UN Forum on Minority Issues, 26 November 2012

NGO STATEMENT ON BEHALF OF THE INTERNATIONAL DALIT SOLIDARITY NETWORK:

“Caste-based discrimination in the context of the UN Network on Racial Discrimination and Protection of Minorities”

“Caste is the very negation of the human rights principles of equality and non-discrimination. It condemns individuals from birth and their communities to a life of exploitation, violence, social exclusion and segregation. Caste-discrimination is not only a human rights violation, but also exposes those affected to other abuses of their civil, political, economic, social and cultural rights.”

UN High Commissioner for Human Rights, Madam Navi Pillay, October 2009

In 2009, the UN High Commissioner for Human Rights sent a clear message to the international community, when she declared caste to be “the very negation of the human rights principles of equality and non-discrimination”. She furthermore called on the international community to “come together to support these efforts as it did when it helped put an end to apartheid”.ⁱ

In the context of the UN Network on Racial Discrimination and Protection of Minorities, the International Dalit Solidarity Network – a network of Dalit platforms, solidarity networks and international associates – urges the UN to explicitly recognise and address caste-based discrimination, in particular with regard to the UN General-Secretary’s Guidance Note to be developed on this issue.

Caste-based discrimination – also termed discrimination based on work and descent – is associated with the notion of purity and pollution and practices of “untouchability”, and is deeply rooted in societies and cultures where this discrimination is practiced. It is estimated that 260 million persons are affected by caste-based discrimination, and thus continue to be denied equal rights and access to basic services in all spheres of life. Affected communities include the Dalits in South Asia (e.g. India, Nepal, Bangladesh, Pakistan, and Sri Lanka), the Buraku community in Japan, the Al-Akhdam community in Yemen, low caste groups in Africa, and the Diaspora community, e.g. in the UK.ⁱⁱ

Several UN human rights bodies have expressed serious concerns about the persistence about this form of discrimination, recognising that it is still practiced in many different forms in modern-day society.ⁱⁱⁱ Caste-based discrimination is also a thematic priority in OHCHR’s Management Plan 2012-13.

The Independent Expert on minority issues has been instrumental in promoting the rights of Dalits and other marginalised communities as part of her mandate. For example, the UNDP Resource Guide and Toolkit on “Marginalised Minorities in Development Programming”, developed in collaboration with UNDP, includes observations on measures to be taken to promote and protect Dalit rights in caste-affected countries. It also makes a reference to the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent.^{iv}

IDSN welcomes this recognition, as well as the progress made in some caste-affected countries to introduce legislation or policies to address the issue. However, there is a strong need for more political will and action to ensure that these measures are adequately implemented to eliminate the problem.

The UN Network on Racial Discrimination and Protection of Minorities has a central role to play in promoting that the issue is recognised and duly addressed by the UN system as a whole. Experience shows that unless caste-sensitive analyses and measures are actively pursued in development and humanitarian programmes, efforts to eradicate discrimination, to alleviate poverty, and to reduce disaster risks can even exacerbate exclusion of affected communities.^v

The UN can assist governments develop and implement laws, policies, and national action plans to eliminate caste-based discrimination through technical assistance and cooperation. It can also promote multi-stakeholder cooperation between UN Country Teams, governments, national institutions, and civil society in this regard. This can be done by integrating strategies to eliminate caste-based discrimination in Common Country Assessments and UN Development Assistance Frameworks, with meaningful participation of affected persons. In this regard, the UN can take guidance from the recommendations of the UN human rights system, as well as from good practices, such as the work undertaken by UN agencies such as the OHCHR and UNDP, some governments and their agencies, and civil society.^{vi}

IDSN's recommendations to the UN Network and Guidance Note:

- **The UN Network should explicitly recognise caste-based discrimination as a key human rights challenge, which needs to be dealt with in the fight against racial discrimination and the protection of minority rights. In this regard, relevant observations and recommendations by human rights bodies, and the UN Development Group's guidance on the human rights based approach to development, should be kept in mind.**
- **The UN Guidance Note should include Dalits in the list of particularly vulnerable and marginalised groups that need specific attention.**
- **The UN Guidance Note should take note of measures and frameworks to address caste-based discrimination, including the draft UN Principles and Guidelines for the effective elimination of discrimination based on work and descent.**
- **The UN Guidance Note should take special care to address the situation of the most vulnerable groups, including caste-affected groups, in relief work and disaster management, including in the policy, planning, implementation and evaluation of plans and programmes.**
- **The UN Guidance Note should promote inclusive and meaningful participation of affected communities. Human rights defenders, incl. those representing women, children, minorities, indigenous peoples, persons affected by caste-based discrimination, and disabled persons, should be given a voice in these processes.**

Draft UN Principles and Guidelines on discrimination based on work and descent

IDSN wishes to reiterate the relevance of the draft UN Principles and Guidelines for the effective elimination of discrimination based on work and descent in the context of the UN Guidance Note, and appeals to UN Agencies to promote and make use of the framework as a guiding framework on how to effectively eliminate caste-based discrimination. Although still a draft, these set of guidelines constitutes the first comprehensive UN framework to encourage specific anti-discrimination legislation and relevant policy measures to eliminate caste-based discrimination. Published by the Human Rights Council in May 2009 (A/HRC/11/CRP.3), they were the result of a comprehensive study on discrimination based on work and descent by the former UN Sub-Commission on the Promotion and Protection of Human Rights. They are based on existing international human rights principles and obligations and propose general and specific measures for governments and their institutions, UN and other international agencies, educational institutions, non-governmental organizations and the private sector governments, institutions to take.

Download UN Principles and Guidelines: www.idsn.org/UNPG

Good practices to eliminate caste-based discrimination

Several UN Member States, UN experts, institutions, and NGOs have called for the sharing of good practices to eliminate caste-based discrimination. In 2011, an International Conference was organized to discuss this topic. The aim of the consultation was to identify, share and learn from practices by a wide range of actors. As an outcome, a Joint Declaration & Global Call for Action to Eliminate Caste-based Discrimination were prepared, containing recommendations on specific themes, such as multiple forms of discrimination, access to service, humanitarian standards, forced and bonded labour, and effective institutions. A Report also summarises the findings and cases presented at the event.

Download Joint Declaration & Global Call: www.idsn.org/globalcall

Download IDSN Report on Good Practices to Eliminate Caste Discrimination: www.idsn.org/ICreport

ⁱ [Opinion piece by the UN High Commissioner for Human Rights \(19 October 2009\)](#)

ⁱⁱ Draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, paragraph 1 (A/HRC/11/CRP.3)

ⁱⁱⁱ See a compilation of UN recommendations on caste discrimination on www.idsn.org/UNcompilation

^{iv} Link: <http://www.ohchr.org/Documents/Issues/Minorities/UNDPMarginalisedMinorities.pdf>

^v [Draft Guidelines for International Humanitarian Stakeholders for Addressing Caste-Based Discrimination in Disaster Response](#) Formed as a comprehensive case study on India, these draft guidelines were developed for the International Consultation 2011. They provide operational guidance on how to prevent caste-based discrimination in disaster management.

^{vi} See for example OHCHR report ["Opening the door to equality: Access to Justice for Dalits in Nepal"](#) (2011) and [UNDP Resource Guide and Toolkit on "Marginalised Minorities in Development Programming"](#)