

References to Caste-Based Discrimination in reports and statements presented at the 30th session of the Human Rights Council, September 2015

<p>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola A/HRC/30/35 July 2015</p>	<p>II. Activities of the mandate</p> <p>10. On 18 June 2015, the Special Rapporteur provided an introductory statement via video message at a Council side event on the role of the United Nations in combating the intersection of caste and gender in the area of forced and bonded labour, sponsored by Human Rights Watch, the International Movement Against All Forms of Discrimination and Racism, the Minority Rights Group, Anti-Slavery International and Franciscans International and organized in association with the International Dalit Solidarity Network.</p> <p>III. Enforcing State and business accountability for ending contemporary forms of slavery in supply chains</p> <p>B. Causes and prevalence of contemporary forms of slavery in supply chains and examples of sectors at risk</p> <p>Globalization has created unprecedented opportunities for corporations to extend their operations across national borders, including to developing countries, in order to source the cheapest products and maximize profit. The demand for cheap labour meets a ready supply of workers from vulnerable groups: indigenous people, minorities, those considered to be from the “lowest castes” and migrants, especially those in an irregular situation. Women workers are particularly vulnerable to exploitation in certain sectors given the nexus of gender discrimination and inequality.</p>
<p>Report of the UN Secretary-General on Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty - Yearly supplement of the Secretary-General to his quinquennial report on capital punishment A/HRC/30/18 July 2015</p>	<p>II. Consequences of the imposition and application of the death penalty on the enjoyment of the human rights of those facing the death penalty</p> <p>E. Right to equality and non-discrimination</p> <p>4. Poor or economically less privileged individuals</p> <p>39. Poor or less privileged individuals who do not have access to effective legal representation are frequently disproportionately subjected to the death penalty. In many States, the most important factor in determining whether a defendant will be sentenced to death is the quality of the legal representation of an accused person. Around the world, a large number of defendants in capital cases cannot afford to pay their own lawyers. In many cases, Government-appointed defence lawyers are overworked, underpaid and lack the experience required for death penalty cases. The Special Rapporteur on extrajudicial, summary or arbitrary executions pointed out that failure to provide adequately funded state-wide public defenders had the predictable result of</p>

	<p>inadequate legal representation for defendants in capital cases (see A/HRC/11/2/Add.5). In a recent judgement, the Supreme Court of India referred to poverty as a new mitigating factor to commute a convict’s death penalty to life imprisonment. It stated that socioeconomic compulsions such as poverty were factors that should be considered by Courts while awarding a death sentence.¹ Research into death row prisoners in India has found that the overwhelming majority of the convicted individuals are poor and from lower castes.²</p>
<p>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola</p> <p>Addendum Mission to Niger</p> <p>A/HRC/30/35/Add.1</p>	<p>Summary</p> <p>In the present report, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, presents her main findings from her country visit to the Niger, conducted from 11 to 21 November 2014. After an analysis of the country’s legal, institutional and policy framework, the Special Rapporteur highlights the major issues of concern for her mandate, including descent-based slavery, the practice known as <i>wahaya</i>, child marriage, the worst forms of child labour and domestic servitude. While commending the criminalization of slavery in 2003 and acknowledging the Government’s commitment to eradicating slavery and slavery-like practices, the Special Rapporteur points to a number of challenges the Government faces to address effectively the root causes of slavery, including poverty, inequality and customary norms that cause widespread discrimination against former slaves and their descendants and undermine efforts to create alternative livelihoods. She concludes with some key recommendations to assist the Government in intensifying its efforts, with the support of national and international partners, to improve the coordination and streamlining of anti-slavery efforts, ensure effective law enforcement, increase access to justice and enhance victim protection and empowerment.</p> <p>IV. Descent-based slavery</p> <p>36.</p> <p>Determining the prevalence of slavery in the Niger would require comprehensive research. However, the Special Rapporteur learned from her extensive consultations with various stakeholders that, despite being legally abolished, descent-based slavery continues to exist in Tuareg, Fulani (Peul), Toubou and Arab communities. Those societies are very hierarchical and dominated by powerful traditional chiefs, and the number of slaves still appears to determine the social status and the power of the masters.³ The Tuareg community is considered the most highly socially stratified of the communities, its structure resembling</p>

¹ See <http://judis.nic.in/supremecourt/imgs1.aspx?filename=40836>.

² See www.outlookindia.com/article/most-death-row-convicts-are-poor/292798.

³ Sékou and Abdoulkarimou, “The legacy of slavery”, pp. 78–79.

	<p>that of the caste system, with the slaves at the bottom.</p> <p>39. The Special Rapporteur’s attention was drawn to the predominant situation in the Niger today: that of former slaves and descendants of former slaves who do not live with their masters but remain tied to them and face social exclusion and violations of their human rights, including widespread descent-based discrimination.⁴ That is referred to as “passive slavery” in the Niger and exists especially among sedentary groups, such as Djerma-Songhai.</p> <p>47. The Special Rapporteur heard of cases where people of slave descent had achieved economic and political success in urban areas. They were, however, still regarded as a part of the slave caste by the communities they originated from, which points to the inability to alter the inherited status. The Special Rapporteur was also informed of a case of a businessperson of slave descent who wanted to buy a piece of land in the region of Tillabéry, but the deal fell through when the land owner discovered the person’s ancestry.</p>
<p>Addendum Mission to Mauritius</p> <p>Report of the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte</p> <p>A/HRC/30/43/Add.3</p>	<p>IV. Independent Expert’s main findings</p> <p>A. Discrimination</p> <p>29. Article 16 of the Constitution of Mauritius provides that no law shall make any provision that is discriminatory either of itself or in its effects. While it does not refer to discrimination on the ground of age or older age, specific enactments, such as the Equal Opportunities Act of 2012, explicitly prohibit discrimination based on age in various spheres of activity, namely employment, education, the provision of goods, services or facilities, accommodation, access to premises and sports, disposal of immovable property, and societies, registered associations and clubs. Among other protected grounds of discrimination under the law include are caste, ethnic origin and impairment, including physical and mental disabilities</p> <p>35. Other concerns that were also raised by the Committee on the Elimination of Racial Discrimination in 2013 are the persistence of hierarchical structures in society, particularly relating to the caste system, which are a source of exclusion. Although law does not recognize the caste system, it is deeply rooted in Mauritian tradition.</p>

⁴ A similar situation affects those belonging to castes linked to certain professions, for example, blacksmiths, butchers and traditional musicians, who are also at the bottom of the highly stratified caste-based society. Discrimination on the grounds of descent, that is, against members of communities based on forms of social stratification such as caste and analogous systems of inherited status violates the International Convention on the Elimination of All Forms of Racial Discrimination. See general recommendation No. 29 (2002) on article 1 (1) of the Convention (Descent).

	<p>V. Conclusions and recommendations B. Recommendations to the Government 3. Discrimination 100. While the caste system is not recognized by law, hierarchical structures along caste and racial lines still persist. The Independent Expert stresses the importance of raising awareness of equality and changing people’s attitudes and beliefs to eliminate negative prejudices regarding certain groups. The Independent Expert encourages the Government to take affirmative action in favour of all marginalized groups including on the basis of age to redress the existing imbalances.</p>
<p>Report of the open-ended intergovernmental working group on the draft United Nations declaration on the rights of peasants and other people working in rural areas A/HRC/30/55</p>	<p>V. First reading of the draft United Nations declaration on the rights of peasants and other people working in rural areas 40. An NGO raised its concern that Dalits, tenants and sharecroppers were not included in the definition of “peasant”. It proposed that those groups be included in the definition of “peasants” within the framework of declaration.</p>
<p>Situation of human rights in Yemen –Report of United Nations High Commissioner for Human Rights A/HRC/30/31</p>	<p>III. Situation of Human Rights A. Conduct of hostilities 2. Allegations of violations committed by coalition and joint government forces 45. At least 20 civilians were killed and 59 others injured when a dairy factory was directly hit in four air strikes in Hudaydah city (Al Hudaydah Governorate), on 31 March 2015. The people killed inside the factory were personnel. On 12 May, at least 43 civilians, including eight women and 12 children, were killed, while an additional 135 were injured as a result of four air strikes that directly hit the Al-Wajeeh building located in a busy commercial hub in Zabeed (Al-Hudaydah Governorate). The majority of the casualties belonged to Al-Muhamasheen community. The information received by OHCHR did not clarify whether the building was deliberately targeted. G. Marginalized groups 77. Yemen does not recognize in its legislation the marginalized status of some minority groups, who continue to suffer from discrimination, in particular the Muhamasheen (also known as Al-Akhdam), a social group whose exact number remains unknown (according to unofficial sources, there are between 500,000 and 3.5 million Muhamasheen in Yemen). The group has no political representation at the national level and suffers from extreme levels of social stigma and discrimination, which exacerbates their socioeconomic exclusion and poverty. For centuries,</p>

	<p>they have been excluded from mainstream society, and they continue to be subjected to severe forms of descent-based discrimination. The Muhamasheen mainly reside in underdeveloped neighbourhoods in the outskirts of Sana'a, Aden, Taizz, Lahij, Al-Abyan, Al-Hudaydah and Al-Mukalla. According to a national statistical and population monitoring survey conducted in 2012, the illiteracy rate among the Muhamasheen community is around 90 per cent. Women and children are forced to beg in rural areas, and to work as entertainers at weddings or community ceremonies. The Government has also failed to adopt legislation criminalizing abuses against them, which serves to reinforce discriminatory practices. The Muhamasheen community successfully advocated for its rights during the National Dialogue Conference, particularly with regard to participation in the public sphere.⁵ The Working Group on Rights and Freedoms of the Conference recommended a 10 per cent participation of persons from the Muhamasheen community in employment in public services, as well as equal access in leadership and decision-making positions. Despite the community's advocacy efforts, supported by OHCHR and other actors, this minimum participation quota was not included in the first draft Constitution.</p>
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⁵ See A/HRC/24/34, paras. 4-5.