

## References to Caste-Based Discrimination in reports and statements presented at the 33<sup>rd</sup> session of the Human Rights Council, September 2016

<p><b>Clustered interactive dialogue on safe drinking water and sanitation and on arbitrary detention</b></p> <p>13/09/2016</p> <p>See full statement <a href="#">here</a></p>	<p>In his presentation Mr. Heller focused on gender dimensions in realizing the human right to water and sanitation. Gender equality was a fundamental human rights principle, yet gender inequalities were profound in the water and sanitation sector. Gender inequalities were pervasive and occurred at every stage of a woman’s life. There was a pressing need to ensure that women and girls, throughout their whole life cycle, had the same opportunities to lead a healthy and self-determining life. Particular attention had to be paid to inequalities as a result of social factors, such as caste, age, sexual orientation and gender identity.</p>
<p><b>Opening statement by Zeid Ra’ad Al Hussein United Nations High Commissioner for Human Rights</b></p> <p>13/09/2016</p> <p>See full statement <a href="#">here</a></p>	<p>Nepal remains amongst the poorest of the world's nations and corruption is high. Despite a huge influx of aid following the earthquake last year, many victims have yet to receive adequate support. There are also severe and long-standing issues of discrimination based on gender, caste, religion and ethnicity, which as the past has demonstrated, could swiftly lead to violence.</p>
<p><b>Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences</b></p> <p><a href="#">A/HRC/33/46</a></p> <p>See full report <a href="#">here</a></p> <p>04/07/2016</p>	<p><b>Trends in the prevalence of debt bondage</b></p> <p><b>A. Global</b></p> <p>9. Debt bondage occurs worldwide and is not confined to any one country or region and it occurs across various sectors of the economy. A global trend can be seen whereby vulnerable people, including those belonging to minority groups, indigenous people, women, children, people determined as being of low caste, and migrant workers, are disproportionately impacted by debt bondage. As will be discussed below, many victims of debt bondage face multiple and intersecting sources of discrimination which make them vulnerable to exploitation and abuse.</p> <p><b>B. Regional</b></p> <p><b>Asia</b></p> <p>15. The practice of debt bondage in South Asia is reported to be widespread, particularly in India, Pakistan, Bangladesh and Nepal.<sup>9</sup> The existence of debt bondage has also been reported in Afghanistan and Sri Lanka. However the majority of those in debt bondage are reported to be in India, Pakistan, Bangladesh and Nepal, despite the specific prohibition on such practices within the legal frameworks of these countries. Those who are trapped in debt bondage in South</p>

	<p>Asia are reportedly predominantly Dalits, persons of “low” caste, indigenous peoples or members of other minority groups.</p> <p>18. In India, debt bondage is geographically widespread and has been reported to be prevalent in sectors such as the brick kiln industry, stone quarries, mining, manufacturing of beedi (Indian cigarettes), carpet weaving, construction, agriculture, power looms and cotton handlooms, as well as fish processing. Such practices are reported to be present in both the formal and the informal sectors. A survey conducted in 10 States in 1978 and 1979 by the Gandhi Peace Foundation and the National Labour Institute, which remains the most detailed survey on debt bondage, estimated the total number of bonded labourers in the agricultural sector at 2.62 million. The majority of people who are in debt bondage are Dalits, of “low” caste, or indigenous peoples — also referred to as members of the scheduled castes and scheduled tribes.</p> <p>19. In the western and central parts of Tamil Nadu, a high number of adolescent girls reportedly work as bonded labourers under the sumangali scheme in textile mills and garment factories, which is a major hub in the global knitwear sector that supplies international brands.<sup>19</sup> The majority of these workers are reported to belong to Dalit communities and are aged between 14 and 18 years. Debt bondage is also reported in power loom workshops located in the Tiruppur region of Tamil Nadu, which produce woven cloth both for domestic manufacturers and for global suppliers. Those affected by debt bondage in this region are reported to include members of Dalit communities and other poor communities and to include both men and women. Furthermore, some non-agricultural industries in which debt bondage among children is reported to exist include carpet weaving, beedi making, silk production, silk sari production, the brick kilns and stone quarries.</p> <p>20. In Pakistan, debt bondage has been reported in industries such as the brick kilns, agriculture, fisheries, mining, carpet weaving and glass bangle production, among others.</p> <p>Debt bondage is primarily concentrated in the provinces of Sindh and Punjab in agriculture, and in the brickmaking industry where often entire families are held in bondage. Landless sharecroppers (haris) in Sindh and brickmakers (patheras) in Punjab are the most affected by debt bondage. It has been reported that bonded labourers are often held in captivity by armed guards or their family members are held as hostages, severely limiting the freedom of movement both of the bonded labourers and of their families. The estimates reported by the Human Rights Commission of Pakistan pertaining to the period from 2011 to 2014 on the number of releases of bonded labourers ordered by courts in Sindh indicate that the largest number of releases occurred in the districts of Mirpur Khas, Sanghar and Umerkot. Furthermore, natural disasters such as the monsoon floods in 2010 have had a negative impact on the levels of debt bondage in agriculture and have increased migration based bonded labour in numerous sectors such as construction and brickmaking. Debt bondage in Pakistan is mainly found among minorities, such as non-Muslims (Hindus or Christians) or Muslims who have converted from Hinduism.</p>
--	---

	<p>21. In Nepal, bonded labour can be found in sectors such as agriculture, cattle rearing, domestic labour, the brick kiln industry, embroidered textiles and the stone-breaking industry. A United Nations assessment carried out in 2011 suggested that 547,000 individuals in Nepal were in forced and bonded labour. A large proportion of bonded labourers were reported to be involved in traditional forms of agricultural bonded labour, such as haruwa-charuwa, haliya or kamaiya. The majority of kamaiya labourers were released following the declaration in 2000 that abolished the system and the enactment of the Bonded Labour (Prohibition) Act, 2058 (2002).</p> <p>However, traces of the kamaiya system still remain, particularly where government action aimed at identification, release and rehabilitation has not reached those affected. In 2008 the Government abolished the haliya system and cancelled the debts of haliya bonded labourers, but in the absence of a comprehensive rehabilitation programme some reportedly remain trapped in debt bondage.</p> <p>A study conducted by ILO between 2008 and 2010 addressing forced labour of adults and children in agriculture, with a particular focus on the haruwa-charuwa system in central and eastern Tarai and the haliya system in the far western hills, found that haruwa-charuwa and haliya households accounted for 72 per cent of adults in forced labour. The ILO study also estimated that 33.5 per cent of the 89,545 working children aged from 5 to 17 were in forced labour, 62 per cent of whom were male and 38 per cent of whom were female. The vast majority of bonded labourers in Nepal are reported to be Dalits, persons of “low” caste, indigenous peoples or members of religious minorities.</p> <p><b>B. Debt bondage legislation, policies and programmes</b></p> <p><b>Discrimination</b></p> <p>33. In South Asia, specific legislation on debt bondage and other relevant legislation to combat debt bondage has been enacted in India, Nepal and Pakistan. In India, the Bonded Labour System (Abolition) Act, 1976 abolishes the bonded labour system and discharges every bonded labourer from any obligation to render labour related to debts. The Act also prohibits the giving of advances to bonded labourers, obliges local governments to rehabilitate freed bonded labourers and imposes a penalty on perpetrators of up to 3 years’ imprisonment and a fine of up to Rs. 2,000. The Act mandates the establishment of vigilance committees at the district and subdivisional level, with a duty to provide for the economic and social rehabilitation” of bonded labourers. In addition, the Child Labour (Prohibition and Regulation) Act, 1986 prohibits the participation of children under 14 years of age in certain kinds of hazardous employment and regulates the conditions of work in other kinds of employment. Section 374 of the Indian Penal Code punishes compelling any person to labour against the will of that person, and section 370 prohibits trafficking in persons for the purpose of exploitation, which includes “physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs” . The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 prohibits forced or bonded labour of a member of a scheduled caste or tribe.</p>
--	--

	<p>41. Bonded labourers commonly belong to minority groups vulnerable to discrimination, such as certain racial groups, women, indigenous people, people of low”caste and migrant workers. The discrimination suffered by these groups frequently prevents them from accessing education, health care, clean water and credit. Furthermore, demands from bonded labourers for fair treatment, or their resistance to exploitation, often cause them to face social sanctions and boycotts that further restrict their possibility of overcoming discrimination or of leaving the situation of bondage. The discrimination faced by bonded labourers comes in some cases not only from society at large but also from other members of the same minority groups.</p> <p>Developing an integrated, human rights -based approach to eradicating and preventing debt bondage</p> <p>49. Comprehensive national and/or regional surveys should be undertaken to identify those in bonded labour, and should include disaggregated information on those affected, by age, gender, nationality, caste or ethnic group, and to identify the industries in which debt bondage is prevalent. The existence of detailed data is a necessary step for the development of effective policies, systems and practices.</p> <p><b>VII. Conclusions and recommendations</b></p> <p>53. The practice of debt bondage is prevalent worldwide in numerous sectors of the economy and particularly affects people belonging to minority groups, including women, children, indigenous people, people of “low”caste and migrant workers. Poverty, the lack of economic alternatives, illiteracy and the discrimination that people from minority groups suffer leave them with no other option than to take a loan or advance from employers or recruiters to meet basic needs, in exchange for their work or the work of their families. People in debt bondage end up working for no wages or wages below the minimum in order to repay the debts contracted or advances received, even though the value of the work they carry out exceeds the amount of their debts. Furthermore, bonded labourers are often subjected to different forms of abuse, including long working hours, physical and psychological abuse, and violence. Debt bondage is prevalent in many countries, due to a failure by many Governments to implement effective legislation on debt bondage, including deficiencies in the areas of identification, release, rehabilitation, and the prosecution of offenders, and due to a lack of data on the prevalence of debt bondage, weak rule of law, social exclusion and discrimination</p> <p><b>Recommendations to Member States</b>  <b>Institutional and legal framework</b></p> <p>Undertake national and/or regional surveys to identify victims of debt bondage; these should include disaggregated information on those affected, by age, gender, nationality, caste and ethnic group, as well as information about the industries in which debt bondage is prevalent. Such surveys should cover</p>
--	---

	<p>A/HRC/33/46 GE.16-11363 21 remote areas and informal workplaces. Data collected from such surveys should be used as the basis for the development of effective legislation, policy and programmes.</p>
<p><b>Report of the Special Rapporteur on the human right to safe drinking water and sanitation</b></p> <p><a href="#">A/HRC/33/41</a></p> <p>See full report <a href="#">here</a></p>	<p><b>III. Intersectionality and multiple forms of discrimination</b></p> <p>12. Although women —at every economic level, all over the world — may suffer disproportionate disadvantages and discrimination, they cannot be seen as a homogenous group. Different women are situated differently and face different challenges and barriers in relationship to water, sanitation and hygiene. Gender-based inequalities are exacerbated when they are coupled with other rounds for discrimination and disadvantages. Examples include when women and girls lack adequate access to water and sanitation and at the same time suffer from poverty, live with a disability, suffer from incontinence, live in remote areas, lack security of tenure, are imprisoned or are homeless. In these cases, they will be more likely to lack access to adequate facilities, to face exclusion or to experience vulnerability and additional health risks. The effects of social factors such as caste, age, marital status, profession, sexual orientation and gender identity are compounded when they intersect with other grounds for discrimination. In some States, women sanitation workers are particularly vulnerable, as they are exposed to an extremely dirty environment and contamination, which have a far greater impact during pregnancy and menstruation. Women belonging to certain minorities, including indigenous peoples and ethnic and religious groups, may face exclusion and disadvantages on multiple grounds. Those factors are not exhaustive and may change over time.</p> <p><b>B. Social norms and stereotyping</b></p> <p>19. Compounded gender stereotypes can have a disproportionately negative impact, in particular on the enjoyment of the human rights to water and sanitation, on certain groups of women, such as women with disabilities, women from minority or indigenous groups, women from lower caste groups and women of lower economic status. They may moreover become further compounded when they intersect with other forms of stigma or taboos, like those linked to menstruation and perimenopause, incontinence or childbirth-related complications, such as obstetric fistula. The power of stereotypes, stigmas, taboos and gender-assigned roles is such that persons sometimes do not claim their legal rights for fear or because of the pressure placed on them to conform to societal expectations. These deeply entrenched issues call for approaches that go beyond formal protection in the law</p> <p><b>G. Participation and empowerment</b></p>

	<p>61. Marginalized women and girls (including those with disabilities, those who are elderly, uneducated or impoverished, and sex workers) face additional barriers to participation. It is therefore important to consider who participates, since participation is often extended only to certain women, in other words the wealthiest, more educated and those who are relatively privileged owing to their caste or religion.</p>
<p><b>Situation of human rights in Yemen</b></p> <p><a href="#">A/HRC/33/38</a></p> <p>4. August 2016</p> <p>See full report <a href="#">here</a></p>	<p>Attacks on residential areas</p> <p>OHCHR has documented recurrent attacks striking civilians and civilian objects, including in residential areas, carried out by the Popular Committees and the army units loyal to former President Saleh. The deadliest of those was the attack on the Al-Ghaleel residential neighbourhood in the Dar Sa'ad District, Aden, on 19 July 2015. As a result of that attack, 107 civilians, including 29 children and 32 women, were killed, 198 civilians, including 28 children and 42 women, were injured and 14 civilian homes were destroyed. Witnesses and residents of Al-Ghaleel told OHCHR that the neighbourhood was inhabited primarily by the marginalized <b>Muhamasheen community</b>.</p>