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# IDSN Roadmap

## to the UNOHCHR Guidance Tool on Descent-based Discrimination

Key challenges and strategic approaches to combat caste-based discrimination and analogous forms of discrimination

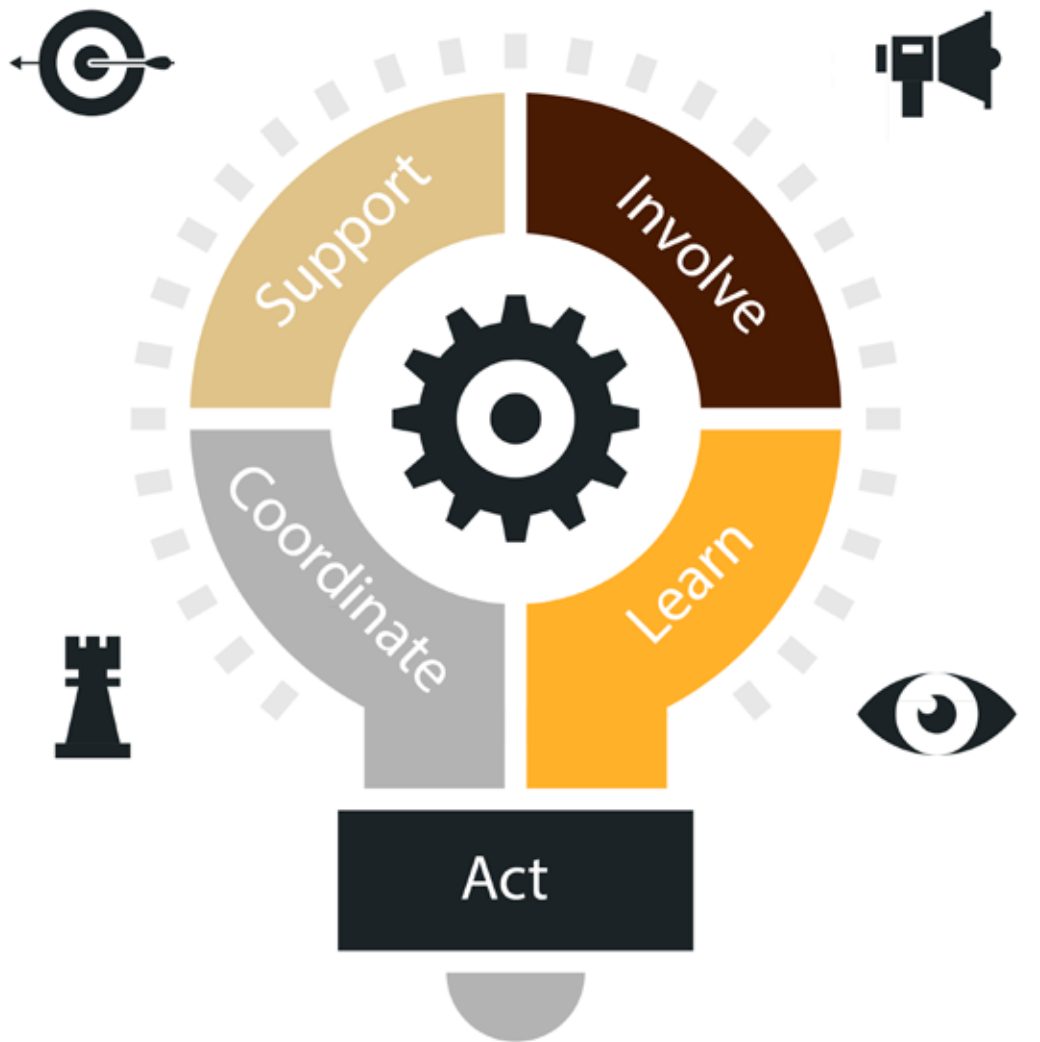


International Dalit Solidarity Network

WORKING GLOBALLY AGAINST CASTE-BASED DISCRIMINATION

## The UN Guidance Tool

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## Introduction

This IDSN roadmap to using the UN Guidance Tool on Descent-based Discrimination (Guidance Tool), is intended to offer a hands-on summary on the use of this very comprehensive UNOHCHR tool. Its purpose is to empower members of UN country teams, agencies and other stakeholders to address descent-based discrimination in a more comprehensive and effective manner. It also serves to inform civil society of ways in which they can hold the UN accountable to the tool and offer their participation and insight to the processes outlined. This roadmap offers references in the form of info links and case links that bring the reader to the relevant sections of the Guidance Tool.

Across the globe, millions of people suffer from segregation, exploitation, physical and psychological abuse because of their caste or other inherited status into which they are born. Most of the affected communities live in South Asia – where they are referred to as ‘Dalits’. Similarly affected groups are also found elsewhere in Asia as well as in Africa, in the Middle East, and in diaspora communities from South Asia and Africa. As the findings of UN human rights mechanisms such as Special Procedures, Treaty Bodies and Universal Periodic Reviews, make clear, descent-based discrimination is not restricted to one region or one belief system.

The Guidance Tool on descent-based discrimination helps lay the foundation for more concerted and system-wide action by the UN on the issue of discrimination based on descent, including caste-based and analogous forms of discrimination. It also complements the Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities as well as various other UN guidelines and tools referenced in the document.

The main target group for the Guidance Tool is UN Country Teams and Resident Coordinators but the tool is also useful for other stakeholders that are working to address and combat descent-based discrimination.

## The Guidance Tool is meant to enable the UN system to:

- Understand the conceptual issues and fundamental principles related to addressing discrimination based on descent as well as its intersection with gender-based discrimination.
- Apply a human rights-based approach and a gender perspective when formulating programmes and strategies to combat descent-based discrimination.
- Obtain guidance on key challenges, priorities and strategic approaches to combat discrimination based on descent.
- Increase opportunities for meaningful participation and representation of descent-based communities in development processes.
- Share lessons learned in relation to the development, reform and implementation of legislation, policies and programmes to address this form of discrimination.
- Integrate a non-discrimination approach in UN Development Assistance Frameworks and Common Country Assessment processes.

**This roadmap is based on text excerpts from the UNOHCHR Guidance Tool. Download the full version of the Guidance Tool on [www.ohchr.org/minorities](http://www.ohchr.org/minorities)**

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# Learn

## Understanding is crucial

Knowledge of what descent-based discrimination entails and how it curtails the enjoyment of key human rights is imperative to acting to end this practice. UN country teams and agencies can learn from existing UN documentation on this and need to gather new research and disaggregated data. They also need to maintain a continuous dialogue with affected communities to learn how discrimination impacts them and what the best avenues for action may be.

The Guidance Tool offers a comprehensive description of key characteristics of descent-based discrimination and the human rights violations involved. Descent-based discrimination undermines, fundamentally, the dignity of the persons concerned, impeding access to a full spectrum of civil, political, economic, social, and cultural rights. Descent-based discrimination fuels violations of the right to education and employment, undermines access to justice and, all too often, catalyses sexual violence and other crimes targeted at women and girls. It is a large-scale human rights problem that requires decisive attention and action. Below is a list of key messages on descent-based discrimination extracted from the Guidance Tool for ease of reference.

## Key messages on descent-based discrimination

- People affected by descent-based discrimination face significant challenges with respect to their enjoyment of human rights. These challenges arise from a variety of legal, social, and structural barriers and constructs—both historic and contemporary in nature.
- Descent-based communities are distinct among marginalised groups in that they face particular barriers stemming from the stigma attached to their “low” and “polluted” status. This distinction requires different strategic responses to address their marginalisation.
- Caste and analogous systems of inherited status should be acknowledged and addressed on a par with other forms of discrimination (such as race, gender or ethnicity) in all aspects of the UN’s work.
- Descent-based discrimination is a global phenomenon. Apart from South Asia, descent-based discrimination is present in certain countries and communities in Africa, the Middle East, and the Pacific region, as well as in diaspora communities. Specifically the UK and increasingly evident in the US
- Descent-based discrimination is not gender neutral and affects people in different ways. Women and girls from affected communities are often more marginalised than men and face multiple forms of discrimination that emanate from the intersection of gender and descent-based discrimination.
- Children from descent-based communities face discrimination in education and are particularly vulnerable to child labour.
- Efforts to end all forms of violence against women from descent-based communities must challenge specific inequalities, marginalisation and systematic discrimination that women face. Efforts should also address prevention, as well as impunity of violence against women.
- Eliminating descent-based discrimination requires developing an understanding of the ways in which affected communities experience discrimination, so as to tailor strategies accordingly to eliminate such discrimination.
- UN efforts to address descent-based discrimination must tackle the broader social norms, perceptions, attitudes and beliefs that perpetuate and reinforce prejudices and stereotypes of hierarchy, and accompanying forms of domination and exclusion that are endemic to caste and analogous systems of inherited status.

## Checklist: Key things we need to do to learn more

- ☐ Read the full UNOHCHR Guidance Tool
  - Info link: Download the full UN Guidance Tool on Descent-based Discrimination from the OHCHR Minorities website - [idsn.org/gt1](https://idsn.org/gt1)
  - Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities - [idsn.org/gt2](https://idsn.org/gt2)
- ☐ Conduct a thorough analysis of the situation of the given affected communities and identify key areas for intervention.
  - Info link: Key questions for conducting a situational analysis of affected communities - [idsn.org/gt3](https://idsn.org/gt3)
  - Info link: Key questions to identify areas of intervention to support affected communities - [idsn.org/gt4](https://idsn.org/gt4)
  - Info link: Key questions for translating findings into programmes and action - [idsn.org/gt5](https://idsn.org/gt5)
- ☐ Commission new research at the national level and ensure that data disaggregated along caste/descent lines is gathered.
  - Info link: Collecting disaggregated data to target descent-based discrimination and how the UN can support this - [idsn.org/gt6](https://idsn.org/gt6)
  - Case link: UNICEF: Mapping of Muhamasheen Communities in Yemen - [idsn.org/gt7](https://idsn.org/gt7)
- ☐ Engage in a continuous dialogue with communities affected by descent-based discrimination and relevant civil society organisations and partners.



# Involve



## Participation is essential

Consultation with and the effective participation of affected communities is an essential component in the design and implementation of policies and programmes aimed at combating descent-based discrimination, as well as other decision making processes that affect the respective groups, as per the Human Rights Based Approach.

Engagement in combatting descent-based discrimination requires dialogue and participation of members of descent-based communities, as well as organizations working on the issue. This is particularly relevant where such processes and issues may impact these communities directly. Such consultations are an important source of information for assessing the scope of the situation on the ground; crisis prevention, and for the development of evidence-based policies and strategies to stop the practice.

Ensuring the participation of descent-based communities is also a way to build on local expertise and support the empowerment of affected communities. In this connection, it is of particular importance to reach out to those living in remote areas and involve the most disadvantaged members of different communities.

This engagement should address decision-making at all levels and can be strengthened by specific capacity building for CSOs and human rights defenders representing descent-based communities so that they may be in a stronger position to contribute to policy-making, monitoring and advocacy. Such efforts may also include the establishment of structures devoted to dialogue and outreach, including the designation of focal points and country-specific consultative structures for descent-based communities.

The rights to freedom of information, expression, association and assembly are fundamental pre-requisites to empowering people as agents of change.

UN agencies, programmes and funds and in this regard the OHCHR in particular should establish strong partnerships with the affected communities and with relevant civil society organisations to create space for free, informed and empowering participation of members of the affected communities, without fear of reprisals.

## Checklist: Key actions to ensure participation of affected communities in programming and action

- ☐ Ensure that the consultation and effective participation of affected communities are essential components in the design and implementation of policies and programmes aimed at combatting descent-based discrimination, as well as other decision-making processes that affect these communities.

→ Info link: UNDP guide on 'Marginalised Minorities in Development Programming' - [idsn.org/gt8](https://idsn.org/gt8)

- ☐ Provide platforms and help build capacity of descent-based communities, including women and youth representatives, to participate efficiently in consultations and decision-making processes, including in the formulation of laws, national development strategies and sectorial policies and programmes.

- ☐ Creating specific channels for participation of the poorest and most marginalised groups, with sensitivity to social and cultural context.

- ☐ Develop strategies to diversify the workforce of the UN and improve representation and participation of members of affected communities.

→ Case link: Nepal: Improving workforce diversity within the UN - [idsn.org/gt9](https://idsn.org/gt9)

- ☐ Disseminate information on descent-based discrimination through local media outlets.

- ☐ Promote the participation and engagement of representative organizations of descent-based communities in wider civil society consultations and in key human rights processes. For example, national CSOs platforms/networks could be encouraged to include organisations representing descent-based communities.

- ☐ Strengthen focus on the protection of human rights defenders.



# Support

Photo by Jakob Carlsen

## Support state and non-state actors to promote accountability and access to justice

Although several concerned countries already have constitutional provisions in place which prohibit discrimination, many lack specific laws forbidding descent-based discrimination.

Even when anti-discrimination legislation is in place, stigma and discrimination present major obstacles to their effective implementation, and laws that are in place are consistently under-enforced when victims are from such stigmatised groups.

Barriers in accessing justice and the lack of or inadequate implementation of court decisions, may also result in impunity for crimes committed against affected individuals and communities.

This is often driven by stigma, social perceptions, unequal power relations, and lack of knowledge or training of police forces and other law enforcement officials.

Furthermore, weak institutions and lack of political will also hamper the effective implementation of policy, budgetary, and programmatic measures otherwise designed to promote and protect the rights of affected communities.

States as duty-bearers are answerable for the implementation of human rights. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

Ensuring accountability, particularly where national capacities are weak or duty-bearers are unwilling to act, can be particularly difficult. It is therefore necessary to support both affected communities, their organisations, other NGOs and state actors to strengthen accountability. The checklist outlines key measures to strengthen this work.



## Checklist: Key actions to support affected communities and promote accountability and access to justice

- ☐ Support affected communities in knowing their rights.
  - Case link: UN Women: Economic Empowerment of Dalit Women - [idsn.org/gt10](https://idsn.org/gt10)
- ☐ Build the capacity of descent-based communities to monitor, document and analyse human rights violations and, where relevant, submit related complaints.
  - Info link: Key UN Capacity-Building Initiatives and Resources - [idsn.org/gt11](https://idsn.org/gt11)
  - Info link: Key factors that can undermine access to justice for victims of descent-based discrimination - [idsn.org/gt12](https://idsn.org/gt12)
- ☐ Support the work and advocacy efforts of affected communities, including through funding for grass-roots projects and organisations.
- ☐ Organize training for public officials, law-enforcement agencies and members of the judiciary on human rights standards and mechanisms, including trainings about measures to prevent and remedy discrimination, such as the use of special measures.
- ☐ Support efforts to ensure protection from violence, especially for women and children from affected communities, and prompt investigation and prosecution in cases where rights have been violated.
  - Info link: Early warning signs for predicting violence against descent-based communities - [idsn.org/gt13](https://idsn.org/gt13)
- ☐ Systematically monitor implementation and impact of policies and programmes designed to support affected communities.
- ☐ Encourage consideration of descent-based communities in all national development plans and policies, as well as a review of budget allocations to ensure non-discrimination against affected communities.
- ☐ Assist the government to establish competencies on discrimination based on descent in all public institutions (e.g. through designated staff or divisions).
- ☐ Provide technical support to governments to review existing and draft legislation for compliance with international standards on non-discrimination. Laws should include duties spelled out clearly at national, district, and local levels.
  - Case link: OHCHR: Access to Justice for Dalits in Nepal and UNDP: Access to Justice to Marginalised people in India - [idsn.org/gt14](https://idsn.org/gt14)
- ☐ Assist the government to integrate issues concerning affected communities into all Treaty Body reports, the Universal Periodic Review mechanism and country visits of UN Special Rapporteurs. Translation of UN reports and other materials into local languages may be required to facilitate participation of affected communities.
  - Info link: Annex on engaging with UN Mechanisms - [idsn.org/gt15](https://idsn.org/gt15)
- ☐ Support National Human Rights institutions in monitoring violations against communities affected by descent-based discrimination.
  - Case link: Bringing together NHRIs in Nepal to fight caste discrimination - [idsn.org/gt16](https://idsn.org/gt16)
- ☐ Raise awareness of rights and responsibilities, and develop the capacities of duty-bearers at central and local levels to fulfil their obligations.
- ☐ Supporting efforts to increase legal awareness and legal aid - both among civil society members and in law enforcement machinery.



# Coordinate and Act

Photo by Jakob Carlsen

## The UN Guidance Note on Racial Discrimination and Protection of Minorities

In March 2013, the UN Secretary-General endorsed the Guidance Note on Racial Discrimination and Protection of Minorities setting out a framework for UN action with a view to ensuring a comprehensive and coherent UN approach on racial discrimination and protection of minorities, at headquarters, regional and country level.

The Guidance Note contains nineteen recommendations for the UN system on how to address racial discrimination and protection of minorities. It explicitly recommends that “UN action and policies should reflect the fact that persons targeted for discrimination based on descent, in particular caste-based discrimination and related practices, are in a number of contexts in a particularly marginalised position and in need of focused attention.”

## Coordinated action works best

Combatting descent-based discrimination, including caste-based and analogous forms of discrimination, and protecting the rights of affected communities need to be consistently integrated into the work of the UN at global, regional and country level.

In order for the Guidance Tool to be effectively implemented at the country level, it is important that Resident Coordinators obtain support from the highest political levels at Headquarters. Only by ensuring the adequate political traction both at the global and country level, will the dialogue and programmes involving descent-based communities, States and the UN be fruitful in advancing the rights of affected communities.

The checklist focuses on how the UN addresses descent-based discrimination through interagency coordination and by including the issue in Common Country Assessments and the UN Development Assistance Framework. It also highlights other entry points to address discrimination such as the Sustainable Development Goals, the Human Rights Up Front initiative and in humanitarian emergency assistance.

## Checklist: Key actions to coordinate efforts to address descent-based discrimination

- ☐ Build, coordinate and ensure the participation of descent-based communities in joint programmes of work and increased interagency action to ensure support in addressing the human rights violations suffered by victims of descent-based discrimination.
  - Case link: Coordinating UN Efforts to Address Caste Discrimination in India - [idsn.org/gt17](https://idsn.org/gt17)
  - Info link: Examples of possible means and activities to help coordinate the work of UN Country Teams on descent-based discrimination - [idsn.org/gt18](https://idsn.org/gt18)
- ☐ Build strong partnerships with affected communities and civil society and create a space for their free, informed and empowered participation.
- ☐ Build strategic alliances with other actors including civil society, trade unions, the private sector, development agencies and regional mechanisms to address descent-based discrimination.
  - Case link: ILO's efforts in addressing the practice of manual scavenging in India - [idsn.org/gt19](https://idsn.org/gt19)
- ☐ Ensure that combatting descent-based discrimination, including caste-based discrimination is consistently integrated into the work of the UN at the global, regional and country level
  - Case link: Addressing discrimination and human rights in the CCA/UNDAF Nepal process - [idsn.org/gt20](https://idsn.org/gt20)
- ☐ Ensure that explicit attention is paid to communities affected by descent-based discrimination in other UN common planning processes including the UN Partnership Assistance Framework (UNPAF) and the UN Strategic Assistance Framework.
- ☐ Ensure that explicit attention is paid to combatting descent-based discrimination in the implementation of the Sustainable Development Goals, as descent-based discrimination is a root cause of inequalities, social exclusion, and a major structural factor underlying poverty.
- ☐ Ensure that humanitarian responses engage communities affected by descent-based discrimination in planning and intervention including in processes such as the Strategic Response Plan (SRP) and the Initial Rapid Assessment (IRA) and that human rights violations against affected communities is duly documented by the UN Protection Cluster.



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### IDSN members

#### India

- The National Campaign on Dalit Human Rights (NCDHR)
- The National Federation of Dalit Women
- Navsarjan Trust
- People's Watch
- Jan Sahas

#### Nepal

- Dalit NGO Federation (DNF)
- The Feminist Dalit Organisation
- Nepal Dalit National Social Welfare Organisation (NNDSWO)
- Jagaran Media Center (JMC)

#### Bangladesh

- Bangladesh Dalit and Excluded Rights Movement (BDERM)
- Network of Non-Mainstreamed Marginalized Communities (NNMC)

#### Pakistan

- Pakistan Dalit Solidarity Network (PDSN)

#### Dalit Solidarity Networks in Europe

- Dalit Solidarity Network – UK
- Dalit Solidarity Network – Norway
- Dalit Solidarity Network – Finland
- Dalit Solidarity Network – Denmark
- Solidarité Dalits Belgique (Belgium)
- Dalit Solidarität Deutschland (Germany)

### International Associates

- Human Rights Watch
- International Movement Against all forms of Discrimination (IMADR)
- Asian Human Rights Commission
- Asian Centre for Human Rights
- Minority Rights Group International
- Anti-Slavery International
- The Rafto Foundation
- Lutheran World Federation
- Robert Kennedy Memorial Foundation, USA
- ICMICA/Pax Romana
- World Council of Churches
- Asian Forum for Human Rights and Development (FORUM-ASIA)
- Commonwealth Human Rights Initiative
- Franciscans International

### Associates

- The National Confederation of Dalit Organisations (NACDOR)

### Research Affiliates

- Research associates New York University School of Law's Center for Human Rights and Global Justice
- International Centre for Ethnic Studies – Sri Lanka

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The IDSN website [www.idsn.org](http://www.idsn.org)

**IDSN** was founded in March 2000 to advocate for Dalit human rights and to raise awareness of Dalit issues nationally and internationally. IDSN is a network of international human rights groups, development agencies, national Dalit solidarity networks from Europe, and organisations in caste-affected countries. IDSN engages with the United Nations, the European Union and other multilateral institutions, working for action-oriented approaches to address 'untouchability' and other human rights abuses against Dalits and similar communities that suffer discrimination based on work and descent. IDSN bases its work on contributions from members, associates and affiliates. The network produces crucial input in the form of documentation, strategic interventions and lobby action and also supports national level lobbying.