

**Recommendations for the 39th Regular Session of the
Human Rights Council (2018)**

In connection with their participation in the 39th Human Rights Council session, states are encouraged to consider the ongoing and systemic practice of discrimination based on work and descent, also known as caste-based discrimination, affecting more than 260 million people globally.

Caste discrimination is found in various regions of the world including the Americas, Africa, Asia and Europe and continues to be addressed by the UN High Commissioner for Human Rights and the Special Procedures' mandate holders. Nonetheless, more needs to be done to ensure that caste-based discrimination is recognised by the Council and mainstreamed into UN resolutions.

In the context of the reports presented at the 39th Council session, IDSN urges states to pay particular attention to caste-based discrimination being included on a par with other forms of discrimination in thematic HRC resolutions.

ITEM 3. PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS

Interactive Dialogue with the Special Rapporteur on the human rights to Safe Drinking Water and Sanitation on his mission to India (Monday, 10 September June, between 12:00-15:00)

The Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation, Léo Heller, will present his report on the mission to India ([A/HRC/39/55/Add.1](#)). His report highlights the particular discrimination faced by Dalits in accessing safe drinking water, with a disproportionate effect on women and girls (para. 60):

“Dalits represent the victims of the gravest forms of caste-based discrimination, have often limited or unequal access to resources and services, including water and sanitation, and are disproportionately affected by poverty. In India, more than 20 per cent of Dalits still do not have access to safe drinking water and about 50 per cent of Dalit villages are denied access to water sources. During the visit, the Special Rapporteur heard numerous testimonies from Dalits regarding incidents where they have been unable to collect water from shared wells or public taps, or have been fined for touching or drinking from a common water tap. Some Dalits have been beaten and killed. Dalit women and girls have been subjected to physical assault and violence; in one incident a pregnant Dalit woman was assaulted and abused while she was defecating in the open. In several incidents Dalit women and girls were kidnapped and raped while returning from defecating in the open. Furthermore, Dalit students were not allowed to drink water directly from the water pot and were forced to request students from other castes to pour the water into their hands from a distance.”

See also IDSN's [joint submission](#) on the occasion of the visit of this Special Rapporteur.

IDSN recommends states to:

- Support the Special Rapporteur on Safe Drinking Water and Sanitation, participate in the interactive dialogue with the Special Rapporteur by engaging in practical and concrete measures to tackle caste-based discrimination related to the right to safe drinking water, including by (a) reinforcing public policies and programs to reach this mostly marginalized sector of Indian society; (b) tackling stereotypes and prejudice against Dalits in the access to water and sanitation; (c) consulting the affected communities in order to discuss the Rapporteur's recommendations with a view of implementing them.

Interactive Dialogue with the Special Rapporteur on Contemporary Forms of Slavery (Monday, 10 September, between 09:00-12:00)

The Special Rapporteur on Contemporary forms of Slavery will present her thematic report on domestic workers in the context of migration ([A/HRC/39/52](#)). The Rapporteur highlights that discrimination based on caste, gender and other grounds are key factors that risk persons into contemporary forms of slavery (para. 29).

In July 2018, UNWomen published the [story](#) of Moni Rani Das, from the "cleaners' colony" in Dhaka, Bangladesh, where most of women are domestic workers, under very precarious situation. On that occasion, Das declared that: "As a Dalit Woman, opportunities always eluded me and I had very low self-confidence."

IDSN recommends states to:

- Support the Special Rapporteur on Contemporary Forms of Slavery mandate, participate in his Interactive Dialogue, by endorsing his supporting the Rapporteur's findings on the multiple and intersectional forms of discrimination in the context of domestic servitude and migration, which affects Dalit women disproportionately.

Briefing by the ECOSOC President (Friday, 14 September, between 15:00-18:00)

The President of the Economic and Social Council (ECOSOC) will present a briefing of his activities to the Human Rights Council. A main issue of concern is the transparency on the accreditation procedures of NGOs in order to obtain a consultative status. During the 38th session, the High Commissioner highlighted in his [report](#) the several obstacles, including several unjustified deferrals facing NGOs in obtaining a consultative status, including IDSN's case, which has been deferred since 2008 (para. 20). See also IDSN's press release on the HC's report [here](#).

IDSN recommends states to:

- Participate in the General Debate and urge the ECOSOC members to continue to address the unjustified obstacles for NGOs to obtain their ECOSOC accreditation, in particular those who have had their applications consistently deferred.
 - Support the efforts by the Secretary General and the High Commissioner to enhance transparency and accountability in the ECOSOC accreditation procedure, including by mentioning in oral statements during the General Debate.
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ITEM 8. UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review – Bangladesh (Thursday, 20 September)

Bangladesh was reviewed during the Thirteenth session of the Universal Periodic Review, on 14 May 2018. Among the recommendations received, as seen in the [report](#), Bangladesh has rejected specific recommendations to step up efforts Dalits to fully enjoy their human rights (Peru, 149.59). At the same time, it has accepted important recommendations to expedite the adoption of the anti-discrimination legislation (Georgia, 147.25 and Thailand, 147.26), protecting the rights of the marginalized communities in consistency with the 2030 Agenda (South Africa, 147.27); to eliminate by law discrimination against marginalized children (Madagascar, 147.30); to guarantee the right to food to the most marginalized groups (Cuba, 147.97); to protect the rights of minorities (France, 147.157); and to take measures to eradicate child labour (Chile 147.150).

IDSN recommends states to:

- **Participate in the Item 8 and recommend Bangladesh to re-consider the specific recommendation to step up efforts in favor of Dalits.**
- **Encourage Bangladesh to implement the recommendations related to the protection of minorities, in particular to expedite efforts to adopt its anti-discrimination legislation.**

Please note that some HRC39 reports have yet to be published but could prove relevant. An overview of all reports for this session can be found [here](#).

For more recommendations on caste discrimination within the UN framework see the [draft United Nations Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent](#) (2009)

For a full compilation of references to caste-based discrimination in UN human rights bodies see: [IDSN compilation of UN reference to caste discrimination](#).

Launched in March 2017, by the OHCHR, [Guidance tool on descent-based discrimination: key challenges and strategic approaches to combat caste-based and analogous forms of discrimination](#) offers concrete suggestions for actions to address caste-based discrimination in caste affected countries.

Published in November 2017, [IDSN Roadmap](#) to the OHCHR Guidance tool on Descent-based discrimination offers a simplified overview of the above Guidance tool.