

Recommendations for the 42nd Regular Session of the Human Rights Council (9–27 September, 2019)

In connection with their participation in the 42nd 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 42nd 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 Contemporary Forms of Slavery (Monday, 9 September, 09:00-12:00)

The Special Rapporteur on contemporary forms of slavery will present her thematic report on “current and emerging forms of slavery” ([A/HRC/42/44](#)).

As you are looking at the features of slavery today, we would like to highlight the role played by descent-based discrimination, in the perpetuation of contemporary forms of slavery like bonded labour. In particular, caste hierarchies put lower castes in a position of vulnerability to enslavement.

Due to widespread exclusion, Dalits have limited access to resources, education, services and development, keeping many in extreme poverty and making them particularly vulnerable to different forms of contemporary slavery. 80% of those working in bonded labour in India, Pakistan and Nepal are Dalits or indigenous, in particular in agriculture as caste structures are deeply entrenched in rural areas. The majority of workers in India's brick-kiln industry, where bonded labour and child labour is endemic, is composed of Dalits, working 9 to 12 hours a day, with little recourse to justice. Victims remain in such debt bondage for generations as it passes from through the family.

In the garment industry, Dalit girls and women are recruited under schemes which promise them large payouts after 3 years. They end up working a 68-hour week, locked inside factory and dormitory compounds, in violation of their freedom of association and movement, with reports of sexual harassment and suicide being widespread.

IDSN recommends states to:

- Participate in the interactive dialogue with the Rapporteur by engaging in practical and concrete measures to overcome instances of modern forms of slavery sustained by Dalits, including Dalit women and girls, including by (a) the recognition of the severe instances of intersectional

discrimination within modern forms of slavery that affect Dalits; (b) the need to effectively implement legislation already adopted prohibiting several forms of slavery; (c) the need to debate further how caste discrimination may be present in global supply chains.

Interactive Dialogue with the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation (Monday, 9 September June, 12:00 – 15:00)

The Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation, Leo Heller will present his report to the HRC on the rights to safe drinking water and sanitation in the public sphere ([A/HRC/42/47](#)). The denial of access to safe drinking water and sanitation in public spaces is a particularly severe manifestation of discrimination. Dalits in South Asia often face violence from the outset when trying to access the public well or hand pumps. In India, more than 20% of Dalits do not have access to safe drinking water. Only 10% of Dalit households have access to public sanitation, as compared to 27% for non-Dalit households. Dalits are frequently disempowered and not allowed to use public taps and wells located in non-Dalit areas. A quarter of the Dalit households have water sources within premises as compared to almost half for the general population. 23.7% of Dalit households have access to latrine facility as compared to 42.3 % for general households. Only 17% of the tribal households have access to latrines which is well below the figure for general households, 43.2%. Tribal areas are frequently served with poor quality sanitation and lack awareness about hygiene measures. In short, the concepts of purity and pollution, frequent among the public at large, still dominate the thinking of people in affected countries even after untouchability is abolished legally. Dalit women are frequently assigned within the family to fetch water and are placed at the frontline of discrimination and violence by their communities, such as verbal, sexual and physical abuse, and blockages from dominant castes.

IDSN recommends states to:

- **Participate in the Special Rapporteur’s Interactive Dialogue and show concern on the inadequate measures taken in order to address equal access to water and sanitation in the public sphere, leading not only to insufficient enjoyment of the right to safe drinking water and sanitation, but also to violation of other rights, including the right to health, personal integrity, the right to seek information on water and health issues, among others.**
- **Encourage the equal enjoyment of the right to safe drinking water and sanitation, particularly in view of the social obstacles vis-à-vis Dalits and other minorities in realizing these rights, despite the existence of laws and regulations prohibiting discrimination regarding this right.**

ITEM 5. HUMAN RIGHTS BODIES AND MECHANISMS

Interactive Dialogue with the Assistant of the Secretary General for Human Rights (Wednesday, 18 September, 15:00 – 16:00)

Obstacles in Obtaining the Consultative Status with the ECOSOC

The Assistant Secretary-General for Human Rights, Andrew Gilmour, addressing the issue at the Human Rights Council, will present his report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/42/30). The UN Family, as a whole, including the Human Rights Council, have discussed the many obstacles for civil society organization, in particular those working in the field of human rights, to obtain their consultative status before the Economic and Social Committee. 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 (para. 20). See also IDSN's press release on the HC's report [here](#).

IDSN submitted its application for general consultative status with ECOSOC to the Committee on NGOs in May 2007. The application was first considered at the Regular Session of the Committee on NGOs in January 2008. Since then, the application has been deferred at the following regular and resumed sessions of the Committee, i.e. for twelve years. During this period IDSN has received 94 written questions, to which IDSN has always responded in due time and in a transparent manner. See [here](#) a detailed note on IDSN's accreditation process. The Assistant Secretary-General for Human Rights, Andrew Gilmour, addressing the issue at the Human Rights Council, held that "the repeated deferrals and apparent lack of transparency in decisions on consultative status by the NGO Committee has in some cases amounted to *de facto* rejections for human rights organizations, such as in the case of the International Dalit Solidarity Network (IDSN)."

During the last resumed session of ECOSOC's Committee on NGOs (June 2019), Mexico and the United States, both current members of this Committee, have questioned the relevant President on the reasons of such a protracted application and on the repetitive questions IDSN received once more

IDSN recommends states to:

- **Participate in the Interactive Dialogue 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 9. RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE, FOLLOW-UP AND IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION

General Debate - (Tuesday, 24 September, 09:00 – 12:00)

Caste discrimination involves massive violations of civil, political, economic, social and cultural rights. Caste systems divide people into unequal and hierarchical social groups. Those at the bottom are considered 'lesser human beings', 'impure' and 'polluting' to other caste groups.

They are known to be 'untouchable' and subjected to so-called 'untouchability practices' in both public and private spheres. 'Untouchables' – known in South Asia as Dalits – are often forcibly assigned the most dirty, menial and hazardous jobs, and many are subjected to forced and bonded labour. Due to exclusion practiced by both state and non-state actors, they have limited access to resources, services and development, keeping most Dalits in severe poverty.

They are often *de facto* excluded from decision making and meaningful participation in public and civil life. Lack of special legislation banning caste discrimination or lack of implementation of legislation, due to dysfunctional systems of justice and caste-bias, have largely left Dalits without protection. Despite policy development and new legislation in some countries, fundamental challenges still remain in all caste-affected countries.

The progress that has been made is, to a large extent, a consequence of the tireless work of Dalit civil society groups in South Asia. They have also – through IDSN and by other means – managed to place

caste discrimination firmly on the international human rights agenda. UN bodies and EU institutions are paying increasing attention to this issue.

The division of a society into castes is a global phenomenon not exclusively practised within any particular religion or belief system. In South Asia, caste discrimination is traditionally rooted in the Hindu caste system, according to which Dalits are considered 'outcasts'. However, caste systems and the ensuing discrimination have spread into Christian, Buddhist, Muslim and Sikh communities. They are also found in Africa, other parts of Asia, the Middle East, the Pacific and in Diaspora communities.

IDSN recommends states to:

- **Participate in the General Debate under Item 9 and speak about the ongoing caste discrimination worldwide, including civil and political and economic, social and cultural rights, in detriment of the very dignity of persons attributed to lower castes.**
- **Plead that the relevant mechanism of follow-up and implementation of the Durban Declaration and Programme of Action place attention to caste-based discrimination as one manifestation of racism, racial discrimination, xenophobia and related form of intolerance.**

Please note that some HRC42 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.