

Recommendations for the 41th Regular Session of the Human Rights Council (24 June – 12 July, 2019)

In connection with their participation in the 41th 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 41th 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 Working Group on the issue of discrimination against women in law and in practice (Wednesday, 24 June, 12:00-15:00)

The Working Group on the issue of discrimination against women in law and in practice will present its thematic report dedicated to “women deprived of liberty, in a broad sense ([A/HRC/41/33](#)). According to the report's para 12:

Women's deprivation of liberty is a significant concern around the world and severely infringes their human rights. Against the backdrop of unequal power dynamics and systemic discrimination, women are deprived of their liberty, mostly arbitrarily and in a discriminatory fashion, as a practice in violation of the law and human rights standards, and this is often characterized by impunity. Depriving women of liberty also imposes great costs on society: not just the monetary costs of maintaining structures or institutions of confinement, but more importantly the human costs of missed opportunities and contributions and often intergenerational harm and negative impacts on families and communities.

As regards freedom of women in economic and work terms, the report, in its para. 55 underscores:

Discrimination, stereotyping, unpaid care work and lack of education limit the jobs that women can do, pushing them towards low-skilled positions and the informal job sector with exploitative workplace conditions. The overwhelming majority of women's jobs are in the informal sector and therefore lack basic entitlements and protections. Thus, women's employment may in some cases constitute a form of deprivation of liberty.

Dalit women are among the most sectors of discriminated women worldwide. Intersectionally, they undergo an oppressive segregation system, for the fact of being Dalit, coupled with violence and discrimination, for the fact of being women. Dalit women are often trapped in highly patriarchal societies. This severe intersectionality makes them a [key target of violence](#) and systematically denies

them choices and freedoms in all spheres of life. This endemic intersection of gender-and-caste discrimination is the outcome of severely imbalanced social, economic and political power equations. Caste and gender discrimination in the delivery of education health care, water, sanitation and other basic services are also major obstacles for Dalit women severely impacting on their welfare and opportunities. This discrimination has been documented repeatedly by UN agencies and major international human rights and development NGOS.

IDSN recommends states to:

- **Participate in the interactive dialogue with the Working Group by engaging in practical and concrete measures to overcome instances of deprivation of liberty by Dalit Women, including (a) the recognition of the severe consequences of such intersectional discrimination; (b) the need to put in place temporary special measures, within appropriate parameters, in order to ensure Dalit Women's equal participation in all instances of public and private life; (c) the need to address stereotypes and prejudice towards Dalit women, by also recognizing their genuine contribution to a country's welfare and to the social fabric as a whole.**

Interactive Dialogue with the Special Rapporteur on Violence against Women (Thursday, 27 June, as from 12:00)

The Special Rapporteur on Violence against Women, its Causes and Consequences, Dubravka Šimonović, will present her report to the HRC giving an overview of the 25 years of the relevant mandate (A/HRC/41/42). The combination of caste and gender makes millions of Dalit women extremely vulnerable to discrimination and violence, including rape, forced prostitution, and modern forms of slavery, according to [Human Rights Watch](#). Dalit women suffer from severe limitations in access to justice and there is widespread impunity in cases where the perpetrator is a member of a dominant caste, above the Dalits in the caste system. Dalit women are therefore considered easy targets for sexual violence and other crimes, because the perpetrators almost always get away with it. For example, in India, studies show that the conviction rate for rapes against Dalit women is under 2% compared to a conviction rate of 25% in rape cases against all women in India. The CEDAW Committee, in 2018

During these two and half decades, several reports under this mandate underscored the plight of Dalit women, in terms of violence. For instance, Ms. Rashida Manjoo affirmed that “the reality of Dalit women and girls is one of exclusion and marginalisation [...] they are often victims of civil, political, economic, social and cultural rights violations, including sexual abuse and violence. They are often displaced; pushed into forced and/or bonded labour, prostitution and trafficking.” In 2009, Ms. Yakin Ertürk listed 30 cases of violence against Dalit women in India, including incidences of physical and verbal abuse, gang rape, sexual exploitation, witch hunting, and naked parading (paras. 185-246).

IDSN recommends states to:

- **Participate in the Special Rapporteur's Interactive Dialogue and show your concern on the inadequate measures taken in order to address violence against Dalit women, leading to persistent stereotyping and prejudices by the police and justice system, inadequate legal framework to deal with instances of such violence, insufficient outreach to Dalit women on the possibilities of appropriate redress, a dangerous environment where Dalit women cannot freely enjoy the right to personal integrity.**
- **Praise the work of Dalit women, who have fought during the last decades against discrimination against women. For instance, Dr. Ruth Manorama, a Dalit champion, in a**

[statement](#) at the Human Rights Council, in March 2019, declared that “today, we are not here only to speak of our plight. We are also agents of change”.

Interactive Dialogue with the Working Group on Business and Human Rights (Wednesday, 26 June, 12:00-15:00)

The Working Group on the Business and Human Rights will present its thematic report “Gender dimensions of the United Nations Guiding Principles on Business and Human Rights”. It is the first report of the WG to deal specifically with equality and non-discrimination.

Business operations in caste-affected countries are at a high risk of being based on the economic exploitation or seclusion of caste-affected communities and others at the “low” end of the caste hierarchy. Violations of both national legislation as well as international law, in particular the international labour standards, often occur. Business conduct may affect Dalits, including Dalit women through different ways. For instance, in India, there is an extremely [minimal presence](#) of Dalit women in corporate spaces. A [study](#) conducted in 2010 showed that while economic reforms in that country resulted in increased employment for educated Dalit women in private companies, it did not necessarily ensure higher wages, security of employment, or better welfare. The [Ambedkar Principles](#) and Guidelines to address Caste Discrimination in the Private Sector specify that companies adopting the relevant principles should develop and implement a plan of affirmative action for Dalits ,paying special attention to Dalit women (Principle 2). Companies should also include women in monitoring and verification mechanisms of implementation of these Principles (Principle 8).

IDSN recommends states to:

- **Support the Working Group’s report on the gender lenses of business by engaging in a genuine dialogue in order to identify practical and concrete measures to address gender discrimination in business activities, in specific on caste and gender discrimination. IDSN keeps a comprehensive [repository](#) of standards and material on combatting caste and gender discrimination in business activities.**

ITEM 5. HUMAN RIGHTS BODIES AND MECHANISMS

General Debate (Wednesday, 3 July, 15:00 – 18:00)

Obstacles in Obtaining the Consultative Status with the ECOSOC

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, Mr. Guilmour, 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 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.**

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 - (Monday, 8 of July, 15:00 – 18:00)

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.**

SIDE EVENT #NoCasteLeftBehind - Dalit Women and Gender Justice - A Conversation with Dalit Women and Gender Rights Experts at the UN Palais des Nations, 25 June 2019, 14.30 – 15.30 - Room IX, Palais des Nations, Geneva

The struggle of Dalit women for freedom from an oppressive system lies at the heart of the struggle to eradicate caste discrimination worldwide. Born into an “untouchable” caste in which their rights are systematically denied, within a context of severe social stratification. They are often subjected to the worst forms of forced and bonded labour, such as manual scavenging, temple prostitution – amounting to contemporary forms of slavery. Because they are women, they find themselves additionally trapped in deeply patriarchal societies where women are considered the property of men and are often blamed when men violate them, in a spiral of intersectional discrimination. Their fundamental choices are systematically denied in every sphere of public and private life. Still, Dalit women fight every day. They take the lead in the international fora in order to speak of both their plight and strength to fight for freedom against all forms of oppression. They are actors of change, particularly in achieving Sustainable Development Goal 5 on gender equality and women's empowerment.

The key objective of this panel is to promote a conversation between Dalit women human rights defenders and UN experts about the practical means by which the UN human rights system can contribute to achieving SDG 5 for over a hundred million of caste-affected women. The panel format used at this event aims to enhance the participation of the audience, as well of the digital audience of the event.

Panelists:

- **Dubravka Šimonovic**, UN Special Rapporteur on violence against women, its causes and consequences
- **Meskerem Geset Techane**, Chair, the WG on Discrimination against Women, tbc
- **Renu Sijapati**, General Secretary, Feminist Dalit Organization Nepal
- **Abirami Jotheeswaran**, National Program Coordinator, National Dalit Movement for Justice - NCDHR
- **Moderator**: Maina Kiai, IDSN Ambassador, Former United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association and Human Rights Watch's Alliances and Partnerships programme.

This Panel is organized by:

IMADR – International Movement against All Forms of Racial Discrimination

Co-sponsored by:

Minority Rights Group International
Human Rights Watch
Anti-Slavery International
Lutheran World Federation
Franciscans International
CIVICUS – World Alliance for Citizen Participation

Please note that some HRC41 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.