

Replies from the International Dalit Solidarity Network (IDSN)
to the Questionnaire UNGP+10
November 2020

1. Where has progress taken place in UNGPs implementation over the course of the last decade? What are the promising developments and practices (by governments, businesses, international organizations, civil society organizations, etc.) that can be built on?

In our view, the UNGPs have given visibility on the human rights obligations regarding business enterprises, by compiling the existing international human rights norms. A decade was passed with fruitful discussions, including on the impact on marginalized groups.

From IDSN's perspective, business and caste has become a priority issue. The commonest exploitation of workers from caste-affected communities, include (a) the use of children and bonded labourers (debt slaves), working under hazardous conditions for a minimal pay; (b) discrimination in employment practices – applicants from caste-affected communities never considered for skilled jobs; (c) Discrimination in the services and utilities offered by an employer, such as housing, health care, and education and training; and (d) disappropriation of land belonging or allocated to caste-affected communities.

IDSN has developed or participated in the elaboration of important tools to help eliminate caste discrimination by business activities:

- The Ambedkar Principles are aimed at assisting foreign investors in South Asia. They include a set of employment principles as well as a set of additional principles addressing economic and social exclusion of Dalits in South Asia. The Principles intend to acknowledge the degree of historic injustice against Dalits in South Asia and aim to compensate for this through affirmative action, in line with international human rights standards, although not to the detriment of other excluded groups.
http://idsn.org/fileadmin/user_folder/pdf/New_files/IDSN/Ambedkar_Principles_brochure.pdf
- The Dalit Discrimination Check is a web-tool developed specifically to help companies identify and prevent discrimination and exploitation of Dalits in their Indian operations and suppliers. It is designed as a comprehensive check-list with self-guided questions and indicators of possible violations of national Indian law and international law. It has been developed by the Danish Ministry of Foreign Affairs, IDSN and the Danish Institute for Human Rights as a separate check under the Human Rights Compliance Assessment.
<https://hrca2.humanrightsbusiness.org/Page-TheDalitDiscriminationCheck-22.aspx>
- The Global Call for Action and Recommendations on Good Practice and Strategies to Eliminate Caste-Based Discrimination is the outcome International Consultation on Good Practices and Strategies to Eliminate Caste Based Discrimination (29 Nov – 1 Dec

2011). It contains specific recommendations to Governments, International Organisations and Intergovernmental institution, civil society and the private sector. Recommendations specific to the private sector can be found at the following link: <http://idsn.org/idsn-consultation/ic-recommendations/private-sector/>

- The ISO26000 standard on social responsibility refers to discrimination based on caste and the obligation of private sector actors to contribute to eliminating such practices.
- The draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent are a comprehensive legal framework developed to eliminate caste discrimination globally. Based on existing international human rights principles and obligations, the framework proposes general and special measures to be taken by multiple stakeholders, including private sector actors. <http://idsn.org/international-advocacy/un/un-principles-guidelines/>

In 2019, IDSN, together with Ethical Trading Initiative, launched the [Ethical Trading Initiative Base Code Guidance on Caste in Global Supply Chains](https://www.ethicaltrade.org/resources/base-code-guidance-caste-global-supply-chains), seeking to support businesses in understanding the risks posed by caste discrimination when their operations and supply chains stretch into caste-affected countries. The guidance explains how caste, if unaddressed, can fundamentally undermine the implementation of the ETI Base Code and ensuring compliance on labour rights. It also sets out good governance and management practices to enable businesses to proactively counter caste-based discrimination, respect fundamental human rights, and advance access to decent work for all. <https://www.ethicaltrade.org/resources/base-code-guidance-caste-global-supply-chains>

2. Where do gaps and challenges remain? What has not worked to date?

While the first decade of the UNGPs was dedicated to the establishment of the very rules and debates on its implementation, awareness raising, and consolidation at the Human Rights Council. The WG on Business and Human Rights has worked on a number of areas.

For the next decade, there are of course challenges to effectively implement the UNGPs. This is the particular case of marginalized groups that suffer disproportionately the impacts of business human rights violations or abuses. From our experience, these principles must be taken into account throughout the value chain, in many industry and service sectors, either private or public.

For instance, low-caste Dalit girls and women recruited under the “Sumangali Scheme” suffering multiple rights violations in the spinning mills in India, which supply the global garment industry. Employees were found to work a 68-hour week, with no contracts or payslips, no education and no bonus. They were locked inside factory and dormitory compounds during working and non-working hours. At the mills investigated, there were violations of freedom of movement and freedom of association, amounting to conditions of forced labour. The workers felt that the supervisors were threatening and hostile, and there were reports of sexual harassment.

Tragically, a number of girls committed suicide while on the company compound. Studies have also found extensive violations in home-based work in India, supplying the garment industry.

Moreover, agriculture employs more bonded labourers than all other industries and services combined. In India it accounts for 85% of bonded workers. Work days are extremely long, payment is nominal and may only consist of receiving two meals a day, and the work is gruelling. Supply chain related products affected include cottonseed, cotton, sugar, rice and tea. Reports have documented that almost half a million children in India work as child labourers in the cottonseed production industry. Most of them are low caste – Dalits or Adviasis – and are subject to hazardous work and harmful chemicals. A 2017 ILO study found Dalits to be particularly vulnerable to exploitation in the sugar cane industry, where bonded and child labour were common, and the work undertaken highly dangerous. Dalits working in tea plantations in Bangladesh and India suffer below minimum wages, hazardous work and long hours.

A second decade should focus on the non-discrimination component, enshrined as a principle of the UNGPs. Thus, social sectors marginalized, such as Dalits, should be given priority in the debates of effective implementation of these principles, through a bottom-up approach, consultation with members of these sectors, focused training and awareness raising. Overall, attention should be given to the specific means by which those groups are impacted by business violations and abuses.

3. What are key obstacles (both visible and hidden), drivers, and priorities that need to be addressed to achieve fuller realization of the UNGPs?

As stated in the previous question, the spirit of the UNGPs should, as a matter of priority, reach out to the most marginalized groups in society, in order to increase its effectiveness.

While the UNGPs are relatively established in the mainstream of society and the human rights actors, an in-depth study by the WG on Business and Human Rights on vulnerability factors would be of an added value. For instance, a compilation of the WG's "case law" and works on discrimination issues could further illustrate how the UNGPs can be used to tackle disproportionate impact on certain social sectors.

4. What systemic or structural challenges need to be tackled to realize sustainable development based on respect for human rights?

From our experience, structural challenges relate to structural discrimination ingrained in many societies, reflecting business practices that perpetuate discrimination. Conversely, reinforcing the non-discrimination clause of the UNGPs can be a powerful tool of social mobilization and change. A more focused approach on how the UNGPs can be a tool contributing to the achievement of the SDGs can be of great added value, with a particular focus on gender.

For that objective to be reached, States that have implemented their National Action Plans should measure progress of these plans in synchronicity with the national SDGs targets and indications. Equally, the relevant SDG reports presented at the HLPF, every year, should be articulated with the objectives of their National Action Plans. In both cases, information should be provided about the impact of business activities in the most marginalized groups within at State, for instance, in a separate part of the report.

5. In concrete terms, what will be needed in order to achieve meaningful progress with regard to those obstacles and priority areas? What are actionable and measurable targets for key actors in terms of meeting the UNGPs' expectations over the coming years?

Caste should be recognized and explicitly stated as a ground of discrimination in company non-discrimination policies, human rights due diligence legislation and other similar efforts

Discrimination based on caste and analogous forms of inherited status should be explicitly identified as a key factor contributing to the ongoing exploitation of children and workers in the form of trafficking, child labour and slavery