

## **Recommendations for the 43<sup>rd</sup> Regular Session of the Human Rights Council (24 February – 20 March 2020)**

In connection with their participation in the 43<sup>rd</sup> 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 43<sup>rd</sup> 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.**

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### **ITEMS 2 and 3. PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS**

#### **Rights of persons belonging to national or ethnic, religious and linguistic minorities - Report of the Office of the United Nations High Commissioner for Human Rights**

The OHCHR publishes at the 43<sup>rd</sup> session its report on ethnic, religious and linguistic minorities ([A/HRC/43/48](#)).

The report, among other issues, underscores that the Sustainable Development Goals are based on the realization of the human rights of minorities. According to the report “[t]he principle of leaving no one behind is critical in ensuring that the Sustainable Development Goals are implemented in a manner consistent with international human rights standards and the existing obligations of States.”. The Dalit movement, in particular the Dalit Woman movement, is actively engaged in contributing to the achievement of the SDGs. In an [oral statement](#) at the HRC, Dalit champion Ruth Manorama has said:

*Today, we are not here only to speak of our plight. We are also agents of change!*

Resonating the UN call for leaving no one behind, IDSN has launched the hashtag: #NoCasteLeftBehind. IDSN's priority agenda on Dalit women reinforces the argument that combating gender and caste discrimination is key to achieving the SDGs. See relevant report [here](#).

Moreover, the OHCHR report highlights the [Guidance Tool on Descent-Based Discrimination](#), which was created in close cooperation with the Dalit communities. This result-oriented document aims to address key challenges and strategic approaches to combat caste-based discrimination and analogous forms of discrimination. This document has helped the OHCHR to shed light on problems such as the electoral violence against Dalits in Bangladesh in 2018, and increasing harassment and targeting of minorities, such as Dalits and Adivasis in India.

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**IDSN recommends states to:**

- Participate in the interactive dialogue with the High Commissioner by engaging in practical and concrete measures to (a) engage minorities, in particular those sustaining caste-based discrimination, in the efforts of achieving the Sustainable Development Goals; (b) support the [Guidance Tool on Descent-Based Discrimination](#) as a practical guidance to address all forms of caste-based discrimination, in domestic laws, policies and practices.

**Interactive Dialogue with the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material (Monday, 2 March, 16:00-18:00)**

The Special Rapporteur on the sale and sexual exploitation of children will present a report on several issues, including “the impact of harmful social norms and practices” ([A/HRC/43/40](#)). The Rapporteur stresses in this study:

Caste-based systems or similarly entrenched inequities enable the offender to justify the sexual exploitation of children from lower castes or groups (para. 68).

Caste-based discrimination can be a crucial determinant for a woman or girl be sexually exploited, being sold for prostitution or becoming a victim of other related forms of abuse. According to estimations, there are around 100,000 women and girls that are subject to this form of violation in India alone, with a considerable percentage of Dalit women and girls. Dalit children are especially at risk of rape and sexual exploitation as they are marginalised and offered little protection and recourse to justice in highly caste-stratified societies. Rashtriya Garima Abhiyan, a survivor centric forum with more than 12,000 survivors of sexual violence and their families, submitted in August 2019, a letter to the Supreme Court of India asking that it treats commercial sexual exploitation and trafficking of children as serial rape under the under the Prevention of Children from Sexual Offences Act, 2012 (‘POSCO’). Caste-based discrimination has been formally banned in many countries, but enforcement of this ban remains a challenge in worldwide.

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**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 sexual exploitation of Dalit women and girls, including by (a) the recognition of the severe instances of intersectional discrimination; and (b) the need to effectively implement legislation already adopted prohibiting several forms of sexual exploitation.

## **ITEM 5. HUMAN RIGHTS BODIES AND MECHANISMS**

**Item 5 – Human Rights Mechanisms and Procedures (Wednesday, 11 March, 10:00 – 18:00)**

**Obstacles in Obtaining Consultative Status with the ECOSOC**

The UN Family as a whole, including the Human Rights Council, has discussed the many obstacles for civil society organizations, in particular those working in the field of human rights, to obtain their consultative status before the Economic and Social Committee (ECOSOC). During the 38<sup>th</sup> session, the High Commissioner highlighted several obstacles in his [report](#), 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, in 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)."

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**IDSN recommends states to:**

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- **Participate in the debate under Item 5 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 - (Monday, 16 March, 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:**

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- **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.**

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Please note that some HRC43 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.