

## **Recommendations for the 44<sup>th</sup> Regular Session of the Human Rights Council (30 June – 17 July 2020)**

In connection with their participation in the 44<sup>th</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 44<sup>th</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**

#### **Women's human rights in the changing world of work – Report of the Working Group on discrimination against women and girls**

The Working Group on Discrimination against Women and Girls will review the status of women in several work contexts, focusing on several instances that cause gender discrimination and inequality ([A/HRC/44/51](#)). Among these instances, the Working Group highlights:

According to information received by the Working Group, Dalit women disproportionately experience discrimination at work, even in urban settings and in skilled work. Dalit women earn half the average daily wage earned by non-Dalit castes (para. 17).

Dalit women sustain intersectional and multiple forms of discrimination, particularly in the workplace. For instance, Dalit women often work in modern slavery and are key targets for trafficking. They are often used as debt slaves in brick kilns, garment industries and agriculture. 98% of those forced into the dehumanising work of manual scavenging - removing human waste by hand - are also Dalit women. Dalit women may also be born into temple prostitution as 'Devadasis' (sex slaves) in India or be branded prostitutes in Nepal due to their caste status.

According to the ETI [Base Code guidance: caste in global supply chains](#), in the garment industry, low-caste Dalit girls and women are 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 pay slips, no social security benefits 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.

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**IDSN recommends states to:**

- **Participate in the interactive dialogue with the Working Group, by engaging in practical and concrete measures to (a) raise international awareness on the role of Dalit women in the changing world of work, including the worst forms of labour; (b) encourage countries in which caste-based discrimination is practised, to address such instances of discrimination against women under targeted schemes; in the efforts of achieving the Sustainable Development Goals; (b) support ETI [Base Code guidance: caste in global supply chains](#), including in the context of discrimination against Dalit Women.**

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

### **Obstacles in Obtaining the 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 consultative status before the Economic and Social Committee. During the 38<sup>th</sup> session, the High Commissioner highlighted several obstacles in his [report](#), including several unjustified deferrals facing NGOs in obtaining 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)."

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**IDSN recommends states to:**

- **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. FOLLOW-UP OF THE DURBAN DECLARATION ON RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND CONTEMPORARY FORMS OF INTOLERANCE**

**Interactive Dialogue with the Special Rapporteur on Contemporary Forms of Racial Discrimination - Racial equality in the context of information technology**

The Special Rapporteur on contemporary forms of racial discrimination will present her report about the challenges and opportunities arising from information technology in the context of racial discrimination (A/HRC/44/57).

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.

A key challenge for Dalits in this regard is caste-hate speech through social media. Social media amplifies their voices. However, the increase in speed of hate speech attacks against Dalits, in particular Dalit women, are a real problem, leading to many other instances of discrimination and violence. According to a Equality Labs [report](#), casteist speech amounted to 13% of all hate speech from a social platform in India. Within that speech, 40% were against affirmative action for Dalits.

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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 hate speech, particularly with casteist contents, including by (a) raising awareness of the individual and social harms caused by caste hate speech; and (b) the need to effectively implement the Durban Declaration and Programme of Action, and to promote and enabling environment online that allows respectful and diverse voices.**

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Please note that some HRC44 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.