

Recommendations for the 46th Regular Session of the Human Rights Council (22 February - 23 March 2021)

In connection with their participation in the 46th 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 over 260 million people globally.

Caste discrimination is found in various regions of the world, including the Americas, Africa, Asia and Europe and is frequently 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 46th Council session, IDSN urges states to pay particular attention to caste-based discrimination to ensure it is included on a par with other forms of discrimination in thematic HRC resolutions.

2. ITEM 2. ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH COMMISSIONER AND THE SECRETARY-GENERAL

Report of the Office of the United Nations High Commissioner for Human Rights on Rights of persons belonging to national or ethnic, religious and linguistic minorities (Thursday, 25 February, 15:00-18:00)

The High Commissioner presents her report on the rights of minorities, in which she mentions activities within the OHCHR related to caste-based discrimination.

25. In July, OHCHR participated in a webinar organized by the National Campaign on Dalit Human Rights, entitled "Impact of COVID-19 on Dalits in India: voices from the ground". The OHCHR reiterated the usefulness of the guidance tool on descent-based discrimination, entitled [Key Challenges and Strategic Approaches to Combat Caste-based and Analogous Forms of Discrimination](#), in combating this form of discrimination. In September, OHCHR participated in a webinar on the human rights situation of Dalits in Nepal during the COVID-19 pandemic in order to reflect on the challenges connected with ensuring a functioning judiciary in countries heavily affected by the pandemic.

This [Guidance Tool](#) helps lay the foundation for more concerted and system-wide action by the United Nations on the issue of discrimination based on descent, including caste-based and analogous forms of discrimination. It also complements the *Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities*, as well as various other United Nations guidelines and tools referenced throughout the document. The main target groups for the guidance tool are United Nations Country Teams (UNCTs) and Resident Coordinators (RCs) but the tool is also useful for other stakeholders that are working to address and combat descent-based discrimination.

26. On 12 October, OHCHR held, together with the International Dalit Solidarity Network, a webinar on examples of language and expressions that reinforce stigma and discrimination and on the need to protect those who are often at the front line of abuse, particularly in the context of COVID-19.

The pandemic has had drastic effects on Dalit communities, not only in terms of access to basic health and social protection, but also on stigma and prejudices. The very term “social distance” reinforces the social stratification Dalits have sustained for centuries. For instance, the terms “physical distance” or “safe distance” would carry less prejudice than the former.

IDSN recommends states to:

- Participate in the interactive dialogue with the High Commissioner by engaging in practical and concrete measures to protect Dalits and minorities suffering caste-based discrimination, including Dalit women and girls, through a series of measures, such as (a) the need to further advance within the UN System, international standard settings on caste-based discrimination; (b) the need to effectively implement legislation already adopted prohibiting discrimination based on caste; (c) the need for the judiciary in countries affected by caste-based discrimination to pay special attention to the relevant instances of prejudice, stigma and discrimination.

Human rights implications of the COVID-19 pandemic (Thursday, 25 February, 15:00-18:00)

The UN High Commissioner for Human Rights will present her report “Impact of the coronavirus disease (COVID-19) pandemic on the enjoyment of human rights around the world, including good practices and areas of concern” ([A/HRC/46/19](#)).

Among vulnerable groups, Dalits and other groups subject to caste-based discrimination have suffered disproportionately from the pandemic. The High Commissioner pays a significant attention to minorities in her report (para. 27).

The UN Rapporteur on Contemporary Forms of Slavery, in his latest report emphasized ([A/HRC/45/8](#)):

39. [...] In India, COVID-19 measures forced more than 100 million internal migrant workers, many of whom belong to minorities and certain castes, to travel long distances home. In addition to being exposed to economic deprivation and indebtedness, many were reportedly subjected to police brutality and stigmatized as virus “carriers”.

Regarding the harmful practice of manual scavenging (dry latrine cleaning), a job left for Dalits, out of which 92% are women, the pandemic further worsened their situation. Since this practice is forbidden, but by no means eradicated. During the COVID-19 they have been forced to work exposed to the virus in order to earn their subsistence.

Manual scavengers have been named ‘frontline’ warriors in the war against COVID, but in reality, they are taking on the most dangerous tasks of cleaning medical and virus-affected waste - without being provided with sufficient safety equipment.

IDSN recommends states to:

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Dalit women and girls, through a series of measures, such as (a) the recognition of the severe instances of intersectional discrimination that affect Dalits; (b) the need to effectively implement legislation already adopted prohibiting discrimination based on caste; (c) the need to further debate concrete measures to protect Dalits from the exposure to the COVID-19 pandemic, and the ensuing discriminations, such as prejudice, misconceptions, but also equal access to sanitation facilities, water and healthcare; and (d) the need for ensuring that Dalits and manual scavengers are ensured basic rights, by e.g. effectively enforcing the prohibition of manual scavenging and take targeted measures to protect Dalits and manual scavengers from the COVID-19 pandemic.

Interactive Dialogue with the Special Rapporteur on Minority Issues (Monday, 15 March, 15:00 – 18:00)

The Special Rapporteur on Minority Issues, Fernand de Varennes, will present his report on Racial Hate Speech Online (A/HRC/46/57). His report is closely linked to the 2020 edition of [the UN Forum on Minority Issues](#), which focused on “Hate Speech, Social Media and Minorities”. During that Forum, a number of Dalit activists gave their statements on how caste hate speech affect Dalits, especially Dalit women. For instance, Beena Pallical, from the National Campaign on Dalit Human Rights. In her [statement](#), declared:

“There are seldom any mechanisms of accountability to address hate speech and other hostilities from a discrimination based on work and descent or Dalit perspective. Social media and the online world is mirroring the offline world, where prejudice and hatred towards marginalised communities continue to exist.”

A [statement from IDSN](#) outlining the positive and negative aspects of social media for Dalits was delivered by Ritwajit Das, a Dalit rights defender and IDSN Membership Coordinator. Mr Das also proposed a series of recommendations to overcome the negative effects of online hate speech.

IDSN also participated in the [regional level consultations](#) in Asia and Europe on this issue, that contributed to the recommendations of the Forum.

IDSN recommends states to:

- Participate in the interactive dialogue with the Special Rapporteur on Minority Issues by engaging in practical and concrete measures to protect Dalits and minorities suffering caste hate speech affecting Dalits, such as (a) the recognition of the severe effects of caste hate speech, not only in leading to atrocities and severe violence, but also to the perpetuation of segregation, ostracism and denial of equal rights; (b) the need for dialogue with countries affected by caste-based discrimination with a view to implement legislation already adopted and reinforce protection against caste hate speech; (c) take into account IDSN’s [recommendations](#) proposed during the 2020 edition of the Forum on Minority Issues: (i) acknowledge and recognize that caste is a protected characteristic in all international covenants related to hate-speech and human rights; (ii) recognize caste-hate speech is a distinctive form of hate that merits attention from and by international fora such as the UN and EU as well as INGOs and other actors; (iii) advocate that digital tech corporations should be sensitive to growing online caste-hate speech and support measures to address this are incorporated into corporate human rights due diligence processes and requirements; (iv) ensure Dalits are involved in the analysis of hate speech evaluation, moderation of online content and shaping of policies to address caste hate speech; (v) assessment and evaluation of hate speech moderation/online content that should be made transparent; (vi) educate fact-checkers and content moderators about caste hate speech to mitigate casteism online; (vii) undertake studies on caste-hate speech in digital spaces to propose new mechanisms to mitigate caste abuse.

ITEM 5. HUMAN RIGHTS BODIES AND MECHANISMS

General Debate, Item 5 Dialogue with the Assistant Secretary General for Human Rights (Friday, 12 March, 15:00 – 16:00)

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 organizations, in particular those working in the field of human rights, to obtain consultative status before the Economic and Social Committee. During the 38th session, the High Commissioner highlighted in his [report](#) the difficulties, 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 High Commissioner'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 all 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. Former 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 a resumed session of ECOSOC's Committee on NGOs (June 2019), Mexico and the United States, both current members of this Committee, questioned the relevant President on the reasons for such a protracted application and on the repetitive questions IDSN received.

During the 45th Session of the Human Rights Council, the Assistant Secretary-General, presented a "reprisals report", and indicated that: "In January 2020, the **International Dalit Solidarity Network** reportedly received additional questions from the Government in the Committee on Non-Governmental Organizations and its application was again deferred."

This blockage is persistent, requiring further efforts from delegations to ensure that IDSN obtains its consultative status.

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 this 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

Panel Debate – “The state of play in the fight against racism and discrimination 20 years after the adoption of the Durban Declaration and Plan of Action and the exacerbating effects the coronavirus disease (COVID-19) pandemic has had on these efforts” - (Monday, 22 February, 15:00 – 18:00)

Members and associates of IDSN have, since the World Conference Against Racism (WCAR) in Durban in 2001, worked to promote international support and recognition of this problem. Despite heavy civil society pressure at the WCAR there was however no reference to caste discrimination in the final outcome document - the Durban Declaration and Programme of Action (DDPA). Nevertheless, the DDPA confirms that states have an obligation to promote and protect the human rights of victims suffering from discrimination on the grounds of descent (para. 2, 79, 123, 171) and multiple forms of discrimination (para. 2, 69).

IDSN was accredited for the Durban Review Conference (DRC) at the second PrepCom session in October 2008, despite governmental objections, claiming that IDSN working for the elimination of caste discrimination should not be allowed to participate in the DRC. The European Union and other UN member states argued against this objection, ensuring the participation of IDSN in the DRC and sending a clear signal about the support for broad NGO participation at the Review Conference.

Please refer to IDSN's [background page](#) on the Durban Review Process.

IDSN recommends states to:

- **Participate in the panel and lend its support for a strong follow-up mechanism of the Durban Declaration and Programme of Action and the Review Outcome Document;**
- **Reinforce the solid *acquis* by the UN human rights standard setting mechanisms, by voicing once more that caste-based discrimination is considered a form of racial discrimination, as stated in the CERD General Recommendation No. 29 and many other official documents, reports and instruments. Please refer to IDSN's [Compilation of UN References to caste discrimination](#).**

General Debate - (Wednesday, 18 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 of these hierarchies are considered 'lesser human beings', 'impure' and 'polluting' to other caste groups.

Dalits, formerly known as 'untouchables', are subjected to so-called 'untouchability practices' in both public and private spheres. They 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. 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 HRC46 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.