

Recommendations for the 48th Regular Session of the Human Rights Council (13 September - 8 October 2021)

In connection with their participation in the 48th 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 48th Council session, IDSN **urges states to pay particular attention to caste-based discrimination being included on par with other forms of discrimination in thematic HRC resolutions.**

ITEM 3. PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS

Interactive Dialogue with the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation (Wednesday, 15 September, 15:00 – 18:00)

The Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation will present his Plan and vision for the mandate from 2020 to 2023 ([A/HRC/48/50](#)). In this report, he emphasizes:

“The challenge of achieving the effective fulfilment of those human rights, especially for those living in situations of poverty and vulnerability, is therefore strongly linked to that of restoring the health and sustainability of the aquatic ecosystems on which those populations depend.” (para. 8).

The denial of access to safe drinking water and sanitation in public spaces is a particularly severe manifestation of discrimination. Dalits in South Asia often face violence from the outset when trying to access the public well or hand pumps. In India, more than 20% of Dalits do not have access to safe drinking water. Only 10% of Dalit households have access to public sanitation, as compared to 27% for non-Dalit households. Dalits are frequently disentitled and not allowed to use public taps and wells located in non-Dalit areas. A quarter of Dalit households have water sources within the premises, in comparison to almost half for the general population. 23.7% of Dalit households have access to a latrine facility as compared to 42.3 % for general households. Only 17% of the tribal households have access to latrines, which is well below the figure for general households, 43.2%.

Tribal areas are frequently served with poor quality sanitation, and lack awareness about hygiene measures. In short, the concepts of purity and pollution, frequent among the public at large, still dominate the thinking of people in affected countries even after untouchability was legally abolished.

Dalit women are frequently assigned within the family to fetch water and are placed at the frontline of discrimination and violence by their communities, such as verbal, sexual and physical abuse, and blockages from dominant castes.

In the visit to India, the former Rapporteur praised India for many efforts, such as the Clean India Mission, which aimed to install toilets across the country by 2019. However, this policy, as the Rapporteur points out, should comprise contextual information on particular groups that may be left out of this initiative, including the Dalits, whose discrimination and stigma are intrinsically linked to water and sanitation activities ([A/HRC/45/10/Add.2](#)).

IDSN recommends states to:

- **Participate in the Special Rapporteur’s Interactive Dialogue and show concern on the inadequate measures taken in order to address equal access to water and sanitation in the public sphere, leading not only to insufficient enjoyment of the right to safe drinking water and sanitation, but also to violation of other rights, including the right to health, personal integrity, and the right to seek information on water and health issues, among others.**

Interactive Dialogue with the Special Rapporteur on Contemporary Forms of Slavery (Friday, 17 September, 15:00-18:00)

The Special Rapporteur on contemporary forms of slavery will present his report on the nexus between displacement and contemporary forms of slavery ([A/HRC/48/52](#)). This report considers caste as one vulnerability factor (para. 18), which is associated with poverty, discrimination and gender. During the COVID-19 pandemic in India a vast number of Dalits suffered severe instances of displacement, hunger, unemployment and violence, in what was called the world largest lockdown, which was carried out without warning to the population. In the HRC45 Report, the Rapporteur noted that the displacement of Dalits during the pandemic led to certain COVID-19 cases travelling long distances, and were brutality and stigmatized as virus “carriers” (para 39).

Regarding the harmful practice of manual scavenging (dry latrine cleaning), a job left to Dalits, out of which 92% are women, the pandemic further worsened their situation. Since this practice is forbidden, but by no means eradicated, Dalits are engaged in a slave-like work, without any kind of social security or labour rights. During the COVID-19 pandemic they have been forced to work exposed to the virus in order to earn their subsistence.

Manual scavengers have been named as ‘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 any safety equipment.

Due to widespread exclusion, Dalits have limited access to resources, education, services and development, keeping many in extreme poverty and making them particularly vulnerable to different forms of contemporary slavery. 80% of those working in bonded labour in India, Pakistan and Nepal are Dalits or indigenous, particularly in agriculture as caste structures are deeply entrenched in rural areas. The majority of workers in India’s brick-kiln industry, where bonded labour and child labour is endemic, is composed of Dalits, working 9 to 12 hours a day, with little recourse to justice. Victims remain in such debt bondage for generations as it passes through the family.

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 slavery sustained by Dalits, including Dalit women and girls, including by (a) the recognition of the severe instances of intersectional**

discrimination within modern forms of slavery that affect Dalits; (b) the need to effectively implement legislation already adopted prohibiting several forms of slavery; (c) the need to debate further how the presence of caste discrimination in global supply chains; 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.

ITEM 5. HUMAN RIGHTS BODIES AND MECHANISMS

Interactive Dialogue with the Assistant of the Secretary General for Human Rights (Friday, 29 September, 10:00 – 13:00)

Obstacles in Obtaining the Consultative Status with the ECOSOC

The Assistant Secretary-General for Human Rights, Ilze Drands Kehris, addressing the issue at the Human Rights Council, will present her report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights ([A/HRC/48/28](#)). The UN Family as a whole, including the Human Rights Council, have discussed the many obstacles to 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 several obstacles in his [report](#) the, including the multiple 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](#). In her 2020 Report, she 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."¹

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 thirteen years. **During this period IDSN has received 100 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)."

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

IDSN recommends states to:

- **Participate in the Interactive Dialogue 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.**

¹<https://www.un.org/press/en/2020/ngo905.doc.htm>.

- **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.**

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 - (Tuesday, 5 October, 10:00 – 13:00)

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. 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 HRC48 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.