

Recommendations for the 49th Regular Session of the Human Rights Council (28 February - 01 April 2022)

In connection with their participation in the 49th 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 affects an estimated 260 million people worldwide, the vast majority living in South Asia. It 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.

Dalits (formerly known to be 'untouchables') are deemed to be at the bottom or even outside the caste structure and 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.

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 49th 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.

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, 7 March, 12:00-18:00)

The High Commissioner will present a report dedicated to the rights of minorities ([A/HRC/49/36](#)). In this report, she highlights that the UN anti-discrimination agenda concerns and belongs to all of us, irrespective of race, colour, descent, ethnic or national origin, affiliation, religion or belief. She also emphasizes the need to take steps to implement the objectives of the Durban Declaration and Programme of Action.

Access by Dalit activists to the UN participatory meetings have been blocked. During the World Conference Against Racism (WCAR) in Durban in 2001, despite heavy civil society pressure, there was no reference to caste-based discrimination in the final outcome document - the Durban Declaration

and Programme of Action (DDPA). However, 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 was working for the elimination of caste discrimination and should not be allowed to participate in the DRC. The European Union and other UN member states argued against these objections, ensuring the participation of IDSN in the DRC and sending a clear signal about their 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 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 international standard settings on caste-based discrimination within the UN System;**
 - (b) the need to effectively implement already adopted legislation 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.**
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Interactive Dialogue with the Special Rapporteur on Minority Issues (Tuesday, 22 March, 15:00 – 18:00)

The Special Rapporteur on Minority Issues, Fernand de Varennes, will present his report focused on conflict prevention (A/HRC/49/46). In this context, hate speech against Dalits has been a major cause of turmoil, hatred, violence and conflict, in which caste-biases and stereotypes are further reinforced. IDSN has made a thorough study and published a [report](#) on caste-hate speech, examining caste-hate speech with a particular emphasis on digital media. It is based on extensive research and offers numerous real-life examples of caste-hate speech and its relation to caste-based hate crime.

The report argues that global policymakers should consider caste a protected characteristic related to hate speech policies. It calls for the recognition and inclusion of caste in all international covenants related to human rights and hate speech. It further sets out action plans to mitigate hate speech in everyday conversations increasingly mediated by and situated on digital platforms.

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 already adopted legislation 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, as transcribed below:**

- (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 for a such as the UN and EU, as well as INGOs and other actors;
 - (iii) advocate for digital tech corporations being sensitised to growing online caste-hate speech, supporting 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.
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ITEM 5. HUMAN RIGHTS BODIES AND MECHANISMS

General Debate, Item 5 (Friday, 22 March, 15:00 – 16:00)

Obstacles in Obtaining the Consultative Status with the ECOSOC

During the HRC48, the Assistant Secretary-General for Human Rights, Ilze Brands Kehris, addressing the issue at the Human Rights Council, presented her report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights ([A/HRC/48/28](#)), which contained a [follow-up](#) of IDSN's delayed process of ECOSOC accreditation. The report mentioned the 25 consecutive deferrals by the NGO Committee, including 103 questions made by a single State and recalls the situation already mentioned in the relevant 2020 Report. In her 2020 Report, Ms Kehris 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" The presentation of this update was followed by the inclusion of IDSN's case in the oral statement of the International Service for Human Rights (ISHR) at the same [interactive dialogue](#).

The UN Family, including the Human Rights Council, have discussed the many obstacles for civil society organizations, including 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](#), including several unjustified deferrals facing NGOs when obtaining consultative status, and mentioned 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, for fifteen years. **During this period IDSN, has received over 100 written questions**, to which IDSN has always responded in due time and in a transparent manner. See [here](#) a

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

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 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 – Debate in commemoration of the International Day for the Elimination of Racial Discrimination - (Monday, 28 March, 10:00 – 12:00)

Descent-based discrimination has been recognized in a number of UN instruments, such as CERD General Recommendation XXIX (2003), and several other references in the UPR and Special Procedures.

IDSN recommends states to:

- **Reinforce the solid *acquis* by the UN human rights standard setting mechanisms, by voicing repeatedly 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](#);**
 - **Recall that caste-based discrimination is a form of racial discrimination recognised by the UN human rights family.**
 - **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.**
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General Debate - (Monday, 28 March, 15:00 – 18:00)

Dalits 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.**
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Please note that some HRC49 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.