

Recommendations for the 50th Regular Session of the Human Rights Council (13 June – 8 July 2022)

In connection with their participation in the 50th 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 50th Council session, IDSN recommends states to pay particular attention to caste-based discrimination to ensure it is included on par with other forms of discrimination in thematic HRC resolutions.

Interactive Dialogue with the Special Rapporteur on Freedom of Opinion and Expression (24 June, 10:00 – 13:00)

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Ms. Irene Khan, will present her study about “Reinforcing media freedom and the safety of journalists in the digital age”. The Rapporteur recommended in her report that:

121. News organizations should ensure gender-sensitive and holistic digital safety support. They should also address gender discrimination and promote diversity by including women and marginalized groups and their perspectives in the journalistic work.

The Internet has exposed Dalits, especially women, and other oppressed caste members to a vast number of abusers. IDSN’s [report on caste hate speech](#) brings many examples of abuses against Dalit women who defend equality on social media. Caste and gender abuses, in the form of hate speech have the negative effective of discouraging Dalit women bloggers, activists and communicators from speaking freely on social media and offline about the matters that affect them. “We are suddenly faced with an army of caste-speech abusers from nowhere. We realised physical distance is no longer a barrier to these abusers; this has put all our Dalit activists in a very vulnerable place” said Beena, a Dalit woman human rights defender. “Alongside opportunities, digital spaces have also created an atmosphere of fear and intolerance, as there is more often than not outburst of obnoxious caste-hate speech”.

IDSN recommends that States:

- **Participate in the interactive dialogue, supporting the report and emphasizing the need to protect minorities facing hate speech, particularly online, so as to create an enabling environment for women belonging to minorities to freely exchange their views online.**
- **Encourage countries affected by caste and gender hate speech to put up efforts to combat gender and caste speech online and offline.**

Interactive Dialogue with the Special Rapporteur on the rights to freedom of peaceful assembly and of association (17 June, 10:00 – 13:00)

The Special Rapporteur will present a report on “Access to Resources” ([A/HRC/50/23](#)), including a specific concern about India’s Foreign Contribution (Regulation) Act:

In India, the Foreign Contribution (Regulation) Act disqualifies from eligibility to receive foreign funding all those whose actions may be construed as “likely to affect prejudicially ... the economic interest of the State” or “the public interest”.

For instance, according to information received by the Special Rapporteur, in India almost 6,000 civil society organizations lost their ability to receive foreign funds because of onerous requirements and amendments made to the Foreign Contribution (Regulation) Act. This included prominent aid organizations and institutions working to improve education and health. Reports also indicate that the Foreign Contribution (Regulation) Act obstructed the humanitarian response, preventing non-profit organizations, including hospitals, civil society groups and charitable trusts, from being able to accept oxygen, medical equipment, donations and other critical supplies. The Special Rapporteur is deeply concerned by further reports of this legislation being used by law enforcement authorities to harass and silence civil society actors.

in India, civil society organizations seeking to receive foreign funding must register under the Foreign Contribution (Regulation) Act, of 2010. If registration under the Act is approved, the organization can receive foreign contributions for up to five years, subject to strict conditions and burdensome reporting requirements. The Act imposes a total ban on access to foreign funding for associations found to be of a political nature, which is broadly defined. The Act has been the subject of several communications and statements by special procedure mandate holders³⁸ for failing to meet the “the stringent test for allowable restrictions” on the right to freedom of association and for obstructing civil society organizations’ access to foreign funding. The special procedure mandate holders raised their concerns that the prior authorization regime under the Foreign Contribution (Regulation) Act was incompatible with the international human rights obligations of India and was being used “to silence organizations involved in advocating civil, political, economic, social, environmental or cultural priorities, which may differ from those backed by the Government”.

For Dalit and Adivasi activists and organisations, the negative effects of the harshening by the Indian government have been disproportionate. For instance, the leading Dalit NGO [Navsarijan Trust](#), with a presence in 3,000 villages of Gujarat, lost its FCRA in 2016 and was forced to lay off all 80 employees and close three primary schools. Their challenge remains pending before the Delhi High Court.¹ IDSN Board Member and Executive Director of the human rights organisation People’s Watch, Henri Tiphagne, has been a vocal critic of the FCRA. The organisation’s bank accounts were repeatedly frozen by India’s former government throughout 2012-14 in an apparent attempt to restrict the organisations work on human rights, including those of India’s Dalit population.

In January 2022, nine human rights groups² urged the government to immediately stop harassing the Centre for Promotion of Social Concerns and its programme unit People’s Watch.³ On January 8, 2022, India’s national investigative agency, the Central Bureau of Investigation (CBI), searched the offices of the nongovernmental organisation Centre for Promotion of Social Concerns (CPSC)⁴ in Madurai, Tamil Nadu. Officers from the CBI entered the group’s premises and seized several documents. The CBI officers informed the Centre for Promotion of Social Concerns that they were [investigating allegations of fraud and financial irregularities under the Foreign Contribution Regulation Act](#). When the Centre for Promotion of Social Concerns challenged the government’s decision in the Delhi High Court, the Ministry of Home Affairs (MHA) told the court that the group [used foreign funding to share information with United Nations Special Rapporteurs](#) and foreign embassies, “portraying India’s human rights record in negative light...to the detriment of India’s image”. The government characterised this as “undesirable activities detrimental to national interest”.

Both Tiphagne and CPSC/People's Watch were referred to as a case of reprisal in the UNSG’s relevant report, in September 2021.⁵

IDSN recommends that States:

- **Participate in the interactive dialogue, supporting the report and calling on India to immediately repeal this Act, allowing India civil society to receive funds from both domestic and foreign origin.**

¹ <https://indianexpress.com/article/cities/ahmedabad/fcra-licence-cancelled-ngo-navsarijan-lays-off-all-staffers-4440969/>

² Amnesty International, Asian Forum for Human Rights and Development (FORUM-ASIA), Christian Solidarity Worldwide (CSW), Front Line Defenders, Human Rights Watch, International Commission of Jurists (ICJ), International Dalit Solidarity Network, International Service for Human Rights (ISHR) and International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) in the framework of the Observatory for the Protection of Human Rights Defenders.

³ <https://idsn.org/statement-india-should-stop-using-abusive-foreign-funding-law-end-harassment-against-peoples-watch-other-rights-groups/>

⁴ The Centre for Promotion of Social Concerns, a prominent human rights organisation, better known by its program unit People’s Watch, monitors human rights abuses, works with socially and economically marginalized victims of abuses, including by police, and conducts human rights education and training.

⁵ UN Doc. [A/HRC48/28](#), para. 65.

Interactive Dialogue with the Special Rapporteur on Extreme Poverty and Human Rights (24 June, 15:00 – 18:00) – Visit to Nepal

The Special Rapporteur on the Right to Adequate Housing, Olivier de Schutter, will report on his visit to Nepal. Overall, his visit report underscores that:

Discrimination is the single most important factor in explaining why Dalit people are disproportionately affected by poverty: around 42 per cent of Dalit live below the poverty line (43.6 per cent of Hill Dalit and 38.2 per cent of Terai Dalit), far above the national poverty rate of 25.2 per cent. While the immediate causes of this gap are limited employment opportunities owing to occupation specialization preventing Dalit from accessing well-paid jobs, as well as lack of access to (quality) education and land that perpetuates poverty from one generation of Dalit to the next, the persistence of social discrimination is the overarching factor explaining this situation (para. 24).

He also warns about the limited effect of reservation policy, with slower progress for Dalits, who represent only 2% of the public service staff, far below the aims set by the relevant policy (para. 25); about the directive of the Supreme Court on reservations (para. 26) and its impact on Dalit women (para 27 (c)); the fact that 75% of Hill Dalit and 80% of the Terai Dalit are functionally landless (para. 31); Dalit women are disadvantaged to men in many spheres of life (para. 48), including through gender insensitivity in school and classroom practices (para. 59), the underrepresentation of Dalits and Mahadeshi in vocational training (para. 60).

In IDSN's report [Caste and Gender Justice](#) it is highlighted that the CEDAW, in 2018, has voiced specific concern over the need to ensure proportional representation of Dalit women in political bodies in Nepal. This lack of political representation is a driver for poverty among Dalit women.

IDSN recommends that States:

- Participate in the interactive dialogue with the Special Rapporteur on Extreme Poverty and Human Rights on concrete measures to address extreme poverty affecting Dalits, in particular Dalit women, in specific:

(a) supporting the visit report and encouraging Nepal to implement the relevant recommendations;

(b) expressing its concern about the situation of Dalit women, who are disproportionately affected by poverty and have restricted access to vocational training, political participation, land and economic opportunities;

(c) strengthen its efforts to address discrimination against Dalits, a main cause of their poverty, though policies about de facto equality for Dalits and communities affected by caste discrimination, in consultation with these communities.

Interactive Dialogue with the Working Group on Discrimination against Women and girls (16 June, 15:00 – 18:00)

The Working Group will present its report on "Girls and young women's activism" (A/HRC/50/25).

Regarding the realization of the SDGs, some figures are staggering; on SDG 3, a Dalit woman lives 14.5 less years than the average woman in India; on SDG 4, 90% of Dalit girls in Pakistan are not in school; and on SDG 5, 125 million women are affected by intersectional caste and based discrimination worldwide. Caste and gender discrimination in the delivery of education health care, water, sanitation and other basic services are also major obstacles for Dalit women severely impacting their welfare and opportunities. 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 as prostitutes in Nepal due to their caste status.

Despite these challenges, Dalit women are uniting against one of the world’s most gruesome and effective systems of oppression – the intersection of caste and gender discrimination. Dalit women movements across the world are growing stronger, connecting to each other and reaching out to decision-makers and people of the world. Across caste-affected countries in South Asia, Dalit women’s movements are challenging the systems that have been oppressing them for centuries using protest marches, sit-ins, online grassroots activism, awareness raising events and numerous other new and traditional ways of getting their concerns heard.

Many Dalit women activists and movements have embraced new technology and social media in the fight for justice. This has brought with it both challenges and opportunities. Successful initiatives such as the #DalitWomenFight and #DalitHistoryMonth campaigns have exposed the issues faced by Dalit women and served as a tool to unite women in a shared struggle. At the same time, the discrimination and abuse faced offline replicates itself online with Dalit women activists often being abused and threatened by trolls. Much more needs to be done by both the technology platforms and their user base to help protect Dalit women from online abuse and harassment. IDSN’s Report “[Caste and Gender Justice](#)” brings an account of both plight and activism of Dalit women and girls’ worldwide.

IDSN recommends that States:

- Participate in the interactive dialogue with the Working Group by engaging in practical and concrete measures to realise the equal rights of Dalit women, such as:

- (a) recognition of severe instances of discriminatory practices against Dalit women, their exclusion and marginalisation;**
- (b) praising and supporting the activism of Dalit women’s and girls’ organisations and movements;**
- (c) dialoguing on ways and means to support their activism at the United Nations and other multilateral organisations.**

[Interactive Dialogue with the Working Group on the issue of human rights and transnational corporations and other business enterprises \(21 June, 10:00 – 13:00\)](#)

This Working Group will present a study on “The coronavirus disease pandemic: lessons learned and moving forward” ([A/HRC/50/40](#)) addressing, among other issues, the severity by which the pandemic affected minorities:

The pandemic particularly affected several groups, including young people, older persons, refugees, migrant workers, workers with disabilities, minorities and indigenous peoples. It compounded existing vulnerabilities faced by women and girls, including gender-based violence, and further widened gender and socioeconomic inequalities. Some women and girls found that existing caregiving responsibilities became even more time-consuming during the pandemic, resulting in consequences for their employment and education, and that caring for individuals who had COVID-19 put them at higher risk of infection. (para. 7)

The impact of the COVID-19 on Dalits has been devastating, particularly in view of lack of minimal enforcement of decent work standards to protect them. For example, in 2021, more than half of deaths of staff of three Municipal Corporations of Delhi - MCDs (North, South and East) of COVID-19 were of safai karamcharis, a Dalit subcaste. Around 50,000 sanitation workers, including both permanent and temporary workers, are engaged in the three MCDs doing jobs such as collecting garbage. They have also been involved in sanitisation work since the COVID-19 pandemic broke out. The data shows that 16 of 29 deaths in South MCD, 25 of 49 in North MCD and 8 of 16 deaths in East MCD were of those engaged in sanitation work.⁶ They were called “the sanitation heroes” during the pandemic, as they were also forced to carry the bodies of people who died from the coronavirus, yet they were forced to do so with insufficient protection and compensation for their work.

The UN Special Rapporteur on contemporary forms of slavery, Tomoya Obokata stressed that:

“In India, many of the more than 100 million internal migrant workers who were forced to return home due to the pandemic were reportedly subjected to police brutality and stigmatised as virus carriers [...] people from marginalised racial and ethnic minority groups, including those affected by caste-based discrimination, have been employed in high numbers in transport, health and cleaning sectors that carry an increased risk of contracting Covid-19, particularly when employers fail to provide protective equipment or introduce adequate safety measures.”⁷

IDSN has developed or participated in the elaboration of several important tools to help eliminate caste discrimination by businesses, these are key resources. The [Ethical Trading Initiative Base Code Guidance on Caste in Global Supply Chains](#) seeks to support businesses in understanding the risks posed by caste discrimination when their operations and supply chains stretch into caste-affected countries. The [Ambedkar Principles](#) aimed at assisting foreign investors in South Asia, including a set of employment principles as well as a set of additional principles addressing economic and social exclusion of Dalits in South Asia. The [Dalit Discrimination Check](#) is a web-tool developed specifically to help companies identify and prevent discrimination and exploitation of Dalits in their Indian operations and suppliers. The [ISO 26000 standard on social responsibility](#) refers to discrimination based on caste and the obligation of private sector actors to contribute to eliminating such practices.

⁶ <https://indianexpress.com/article/cities/delhi/delhi-half-of-covid-dead-under-municipal-corporations-are-safai-karamcharis-7333365/?tqid=3eKhYSoiGRQBwsVvmZ.ISAAAAQixaTRw3fMcYDrrUg>

⁷ “Contemporary Slavery & Racial Discrimination: Civil Society Support to Survivors during the Pandemic”, organised by the International Day for the Abolition of Slavery, the UN Voluntary Trust Fund on Contemporary Forms of Slavery, the Geneva Human Rights Platform and the UK Mission in Geneva, on 2 December. <https://youtu.be/f4GuM1tH3vw>

The draft [UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent](#) are a comprehensive legal framework developed to eliminate caste discrimination globally. Based on existing international human rights principles and obligations, the framework proposes general and special measures to be taken by multiple stakeholders, including private sector actors. These tools are of importance so as not to leave Dalits behind in the context of the pandemic and business activities.

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. This practice is forbidden, but by no means eradicated. During COVID-19 they have been forced to work and been 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 that States:

- Participate in the interactive dialogue with the Special Rapporteur, supporting his report through:

(a) speaking during the interactive dialogue to emphasise the need to protect the rights of communities affected by caste discrimination in the efforts to recover from the pandemic, in particular Dalit women;

(b) encouraging States affected by caste discrimination to prioritize minorities, including Dalits in the recovery efforts of the pandemic;

(c) promoting national dialogues among private and public employers in order to address instances of forced or bonded labour in the context of the pandemic.

Please note that some HRC50 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.