

Recommendations for the 51st Regular Session of the Human Rights Council (12 September – 7 October 2022)

In connection with their participation in the 51st 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 Asia, Africa, the Americas and Europe. The issue has been 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 51st 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 Contemporary Forms of Slavery

The Special Rapporteur will focus his next [thematic report](#) to be submitted to the 51st Session of the Human Rights Council on the [forms of slavery as affecting minorities](#). IDSN submitted a [contribution](#) to this study, from which some highlights are presented below:

In South Asia, populations affected by caste-based discrimination are particularly vulnerable to contemporary forms of slavery. Despite being prohibited in many countries; slavery remains widespread in South Asia. Forced and bonded labour, resulting in a loss of control over labour conditions and terms of work, is often interlinked with the caste system. Victims of forced and bonded labour in South Asia are predominantly Dalits, formerly known as 'untouchables'.

When Dalits try to exercise their rights or resist abuse and exploitation, they are faced with extremely hostile and sometimes brutal resistance by the dominant caste villagers that uphold the hierarchy. Consequently, when Dalits resist their oppression, they risk being boycotted, cutting them off from land use, access to markets and employment. Other retaliations against Dalit assertion include killings, gang rapes, looting and arson.

Among its worst forms, manual scavenging, the removing of human excreta from dry latrines, railroad tracks and sewers by hand, is a caste-based and hereditary occupation that is a form of slavery reserved exclusively for Dalits. It is estimated that around 1.3 million Dalits in India, mostly women, make their living through manual scavenging. Manual scavengers earn as little as one rupee a day. They are rarely able to take up another occupation due to discrimination related to their caste and occupational status and are thus forced to remain scavengers. Manual scavengers are paid less than minimum wage and are often forced to borrow money from dominant-caste neighbours in order to survive. This traps them in the relationship of bondage. Though this vile and inhumane practice was abolished by law in India in 1993 the practice is deeply entrenched in South Asian societies.

Thousands of Dalit girls are forced into prostitution every year. The link between caste and forced prostitution is apparent in the *Devadasi* and *Jogini* systems practiced in [India](#). In India, these systems are a form of religiously sanctioned sexual abuse. The *Devadasi* dedication of girls to temples is a systematic abuse of young Dalit girls serving as prostitutes for dominant caste community members.

Keeping [Dalit women](#) as prostitutes and tying prostitution to bondage is a means of subjugation by dominant castes seeking to enforce their social status and economic superiority.

Business communities have started trying to counter caste-based discrimination in labour relations. For instance, the Ethical Trade Initiative, in partnership with IDSN and its member, Dalit Solidarity Network UK, has launched the “Base Code Guidance: Caste in Global Supply Chains”¹, explaining why caste is relevant for international business; mapping the main sectors affected by caste; and providing recommendations to eliminate caste discrimination in businesses and supply chains.

IDSN recommends that States:

- Participate in the interactive dialogue with the Special Rapporteur on Contemporary forms of Slavery, proposing concrete measures to eradicate such slavery-like practices against Dalits, especially Dalit Women, by:

(a) illustrating via oral statements instances of modern slavery sustained by Dalits during the interactive dialogue, in order to reinforce the need to take additional and effective measures to eradicate manual scavenging and the sexual exploitation of Dalit women and girls;

(b) expressing concern about the situation of Dalit women, who are disproportionately affected by modern slavery;

(c) calling for the international community and countries affected by caste-based discrimination to put in force legislation or to effectively enforce existing legislation on the prohibition of modern slavery, with disaggregated data on cases and benchmarks, in consultation with the affected communities.

Interactive Dialogue with the Special Rapporteur on Toxic Wastes

Many Dalits are subject to manual scavenging (as above) and unhealthy sanitation work, leading to several human rights violations. According to the ILO, most of this occupational stigma is a result of the caste system, which is highly graded and unequal. Hereditary and fixed by birth, the social sector at the bottom of the caste hierarchy is regarded as impure and polluting, previously known as “untouchable”. Water and sanitation issues are thus intimately linked to the mistaken notion of purity.²

Similar to India, in Pakistan, an increasing number of sanitation workers continue to lose their lives to poor sanitation planning and management in order to maintain clean roads, streets and drains, unclog manholes and remove faecal sludge without any safety equipment or tools.³ Despite recognizable progress in improving access to water and sanitation, descendants of Hindu Dalits, who have mostly converted to Christianity, comprise most of the workforce in this sector, suffering under low wages and low status. 80% of sanitation work in Pakistan is carried out by Hindu and Christian Dalits and minority communities. Next to no Muslims are employed in this sector.⁴ The magnitude of the caste discrimination in the sanitation sector may be even greater, but this is hard to estimate since Pakistan does not report on the caste or ethnic profile of these workers.⁵

¹ https://www.ethicaltrade.org/sites/default/files/shared_resources/ETI%20Base%20Code%20guidance%2C%20caste%20in%20global%20supply%20chains.pdf

² [Challenges and Policies to Address the Persisting Problems of Sanitation Workers in South Asia Background](#) - note to the workshop on decent work for sanitation workers in South Asia, 11-13 October 2021, p. 1

³ Pirbhu Satyani: Pakistan. The Knowledge Forum Blog, 9 August 2021.

⁴ Kumar Shubham & Priyanka Preet. “[Manual Scavenging: Women Face Double Discrimination as Caste and Gender Inequalities Converge](#)”. *Economic and Political Weekly* 55 (2020).

⁵ Id., p. 11.

IDSN recommends that States:

- Participate in the interactive dialogue with the Special Rapporteur by engaging in practical and concrete measures to eradicate this hazardous practice, such as:

(a) Illustrate through oral statements the severe instances of human rights violations sustained by Dalits subjected to manual scavenging and call on countries affected by caste-based discrimination to eradicate these violations;

(b) Demonstrate concern about the disproportionate effect of manual scavenging on Dalit women and girls;

(c) Encourage countries affected by caste-based discrimination to put in place legislation or effectively implement the existing legislation, in order to improve the situation of Dalits under these conditions, including rehabilitation, vocational training, and sensitization campaigns against stigma towards this community;

(d) Support Dalit rights defenders engaged in their important work on the eradication of manual scavenging and hazardous sanitation work, which is frequently subject to reprisals, intimidation and harassment.

ITEM 5. HUMAN RIGHTS BODIES AND MECHANISMS

Interactive Dialogue with the Assistant of the Secretary General for Human Rights

Obstacles in Obtaining the Consultative Status with the ECOSOC

The Assistant Secretary-General for Human Rights, Ilze Brands Kehris, will present her report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

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 in January 2008. Since then, the application has been deferred at the following regular and resumed sessions of the Committee - for fourteen years. **During this period IDSN has received 104 written questions**, to which IDSN has always responded in due time and in a transparent manner. None of the questions had raised any substantive issue. See [here](#) a detailed note on IDSN's accreditation process.

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 their consultative status before the Economic and Social Committee. During the 38th session of the Human Rights Council, the High Commissioner highlighted in his [report](#) the barriers, 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 HC's report [here](#).

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)." Read the full statement of the Assistant Secretary-General [here](#).

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."⁶

In its 2021, the Assistant Secretary-General, followed-up on IDSN's case and reported to the HRC:

⁶ <https://www.un.org/press/en/2020/ngo905.doc.htm>

The situation of the International Dalit Solidarity Network (IDSN) was included in the 2020 report of the Secretary-General⁷ related to its application for consultative status with the ECOSOC, which had been repeatedly deferred by the Committee on Non-Governmental Organizations, the body mandated to consider applications.⁸ IDSN reportedly has the longest pending application in the history of the Committee, with 25 deferrals,⁹ after having reportedly received 97 written questions in total from the Government of India,¹⁰ which the organization has reportedly answered. In July 2020, the Government stated that the references to IDSN, an NGO being considered by the 19-member NGO Committee in an inter-governmental process where several other long-standing NGO applications are pending, ignores the facts, that IDSN is not based in India, and that the Government is not aware of any incident of reprisal or intimidation against this organization by India.¹¹ The application of IDSN was deferred during the Committee's 2021 regular session, pending the receipt of responses to questions posed to them by the Committee ([E/C.2/2021/CRP.39/Rev.1](#), para. 5).¹²

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.**
- **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 – Call for a Strengthened Recognition of Caste Discrimination as a Form of Racial Discrimination.

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. Known in South Asia as Dalits – these communities 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. Despite policy development and new legislation in some countries, fundamental challenges remain in all caste-affected countries.

Even when the motto "leaving no one behind" is praised by the international community, persons affected by caste discrimination are *de facto* excluded from global calls, such as the SDGs. The SR on contemporary forms of discrimination, in a study on the SDGs and racism (A/HRC/50/60) regretted that the 2030 Agenda ignores caste and descent-based discrimination, despite the recognition of such

⁷ A/HRC/45/36, para. 75 and Annex I, paras. 58-59.

⁸ <https://www.un.org/press/en/2020/ngo905.doc.htm>. [footnote from the original text]

⁹ ECOSOC/6958-NGO/882; <https://www.un.org/press/en/2019/ecosoc6958.doc.htm>; E/2020/32 [footnote from the original text].

¹⁰ See [A/69/365](#), para. 74 and [A/HRC/33/19](#), para. 13. [footnote from the original text]

¹¹ <http://csonet.org/content/documents/Information%20Note%202021%20Regular%20Session%20of%20the%20Committee%20on%20NGOs%2014.05.21.pdf>. [footnote from the original text]

¹² UN Doc. A/HRC/48/28, para. 68.

form of racism in CERD's General Recommendation No. 29 (2002) and its express prohibition under the ICERD. Such ignorance represents a major barrier to the eradication of poverty and has significant gender equality implications (para. 60). In this regard, the Rapporteur recommended:

All actors should recognize caste and descent-based discrimination as a form of racial discrimination and implement the principle of "leave no one behind" in order to challenge caste-based discrimination and all forms of caste- or descent-based racism through the Sustainable Development Goals (para. 91(f)).

In its [contribution to the Rapporteur's study](#), IDSN has underscored that although many of the 17 SDGs are highly relevant to the hundred millions of people who suffer caste and descent based discrimination around the world, such explicit gap has implications of caste-based discrimination, which constitutes a massive barrier hindering the eradication of poverty and stifles the pledge to "leave no-one behind".¹³

In this context, IDSN has monitored for the last few decades the growing recognition of caste as a form of racial discrimination within the UN system, through the Special Rapporteurs' studies, the UPR, treaty-bodies and other relevant mechanisms, reinforcing the existence of a solid practice in international law. The relevant documents are organised in a comprehensive [compilation](#), available online.

IDSN recommends states to:

- **Participate in the General Debate under Item 9 and amplify the call of the Special Rapporteur on Contemporary forms of Racism for strengthened recognition of caste discrimination as a form of racial discrimination within the UN family.**
- **Promote a greater integration of persons affected by caste in the 2030 Agenda, vivifying and dynamizing the "leaving no one behind" principle, thus allowing persons affected by caste concrete opportunities of scaping poverty, marginalization, gender discrimination and other human rights violations intersecting with caste.**
- **Demand that the relevant mechanisms 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 forms of intolerance.**

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.

¹³ IDSN contribution, p. 1.