

UN Special Rapporteur on contemporary forms of racism, and the 2030 Agenda for Sustainable Development with regard to racial justice and equality

Submission from the International Dalit Solidarity Network (IDSN)

Introduction

Many of the 17 SDGs are highly relevant to the hundred millions of people who suffer caste and descent based discrimination around the world. However, the final agenda fails to explicitly consider the implications of caste-based discrimination, which constitutes a massive barrier hindering the eradication of poverty and stifles the pledge to “leave no-one behind”.

Several UN Experts have underlined the importance of the 2030 Development Agenda to consider caste-affected groups and promote tailored action to lift them out of poverty and close the inequality gap between them and the rest of society.

Within the specific scope of racial discrimination, a number of UN human rights bodies have worked intensively with discrimination based on descent. Specifically, the CERD General Recommendation XXIX on Article 1, Paragraph 1, of the Convention (Descent) (2002).

In 2015, the Special Rapporteur on minority issues presented the first ever comprehensive Special Procedures report examining caste-based discrimination as a global phenomenon. The report concludes that discrimination on the basis of caste and analogous systems is a major cause of poverty, inequality and social exclusion of affected communities and recommends that states should consider including caste specific indicators in the implementation of the 2030 Agenda for sustainable development to ensure that the Sustainable Development Goals and their targets address the situation of affected groups. The Special Rapporteur on contemporary forms of discrimination has frequently dealt with this type of discrimination as pertaining to the scope of Article 1.1. ICERD.

Recommendations relating to Caste-Based Discrimination

IDSN has made the following relevant recommendations¹:

IDSN recommends that states affected by caste discrimination develop specific indicators on caste and use disaggregated data for the implementation and monitoring of the 2030 Sustainable Development Goals.

Goal 1. End poverty in all its forms everywhere

¹ <https://idsn.org/un-2/post-2015-agenda/>

This goal should take into account the links between inequality and various forms of discrimination and social exclusion, including caste-based exclusion. Caste-discrimination is a major cause of inequality and poverty and perpetuates poverty in affected communities, both of which are in need of targeted attention in the implementation of the SDGs.

Goal 2. End hunger, achieve food security and improve nutrition and promote sustainable development
Marginalized groups face particular problems in gaining access to food. People from caste-affected communities, especially children, are disproportionately affected by malnourishment. Untouchability practices leading to segregation and prohibitions against food sharing are central components in the type of discrimination that Dalits and other caste-affected groups are facing every day. Furthermore, caste-based discrimination has implications for access to land, services, resources, and humanitarian aid (see the [IDS N publication on Equality in Aid](#)).

Goal 3. Ensure healthy lives and promote well-being for all at all ages
Discrimination and social exclusion severely affect the health of children and women from marginalized groups, who are often prevented from accessing health services. People affected by caste discrimination are often forced to take on dangerous jobs with high health risks e.g. manual scavenging, carpet weaving and textile mill work. These jobs can lead to illness, infections and injuries. In many cases health professionals will not attend to people deemed to be of the 'lowest' castes. Hazardous work and ascribed occupations can worsen the cycle of exclusion, poverty and marginalization.

Goal 4. Ensure inclusive and equitable education and promote lifelong learning opportunities for all
Marginalization of caste-affected groups translates into considerable disparities in educational opportunities, educational attainment and treatment by schoolteachers. This type of discrimination, paired with inadequate support in government schools and pressure to earn money, make Dalits and other caste-affected groups more likely to drop out despite legislation ensuring the right to education at least until the age of 14 years, thus creating a self-sustaining system of discrimination against caste-affected groups. Many are forced into bonded labor and trafficking.

Goal 5. Achieve gender equality and empowerment of all women
This goal should take into account the multiple and intersecting forms of discrimination against Dalit women, making them even more vulnerable to violence, abuse, neglect and deprivation. There should be a specific focus on the intersections between gender, caste, poverty, and patriarchy. Women from caste-affected groups present the worst health outcomes in terms of life expectancy and access to maternal care, nutrition and incidence of infections.

Goal 6. Ensure availability and sustainable management of water and sanitation for all
Discrimination and social stigma prevent large groups of people, including groups affected by caste-based discrimination, from adequate access to water and sanitation. Societal rules about untouchability prevents people affected by caste discrimination from using water fountains and existing toilets. As

mentioned above the ongoing practice of ‘manual scavenging’ or the cleaning of dry latrines and sewers with the most meagre of implements remains a key sanitation and health issue for those who are often forced into this labour.

Goal 10. Reduce inequality within and among countries

The relationship between inequality, caste discrimination and poverty cannot be understated. Caste discrimination is a serious human rights violation infringing on the basic principles of universal human dignity and equality, as it differentiates between “inferior” and “superior” categories of individuals. In order to achieve income growth and ensure effective implementation of social protection policies, special measures to curb caste discrimination should be applied in the implementation of the 2030 development framework.

Goal 16. Promote peaceful inclusive societies for sustainable development, provide access to justice and build effective accountable and inclusive institutions for all

Caste violations and other forms of discrimination stratify societies and induce conflict and violence. Caste-based biases in society and the criminal system hinder access to justice and prevents caste affected group from seeking redress due to fear of reprisals. Where such cases do occur, they are rarely reported and the police and judicial systems are stacked in favour of the perpetrators, not the victims.

A Rights-Based Approach to Sustainable Development

Since development should be rights-based, a number of obstacles for enjoyment of rights on an equal footing have been observed. Racial discrimination and racism are concrete obstacles to implementing the SDGs. The ICERD (Article 1.1) defines racial discrimination as:

“any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

In line with Article 1.1 ICERD, the CERD has defined in General Recommendation 29:

“*Confirming* the consistent view of the Committee that the term “descent” in article 1, paragraph 1, the Convention does not solely refer to “race” and has a meaning and application which complement the other prohibited grounds of discrimination,

Strongly reaffirming that discrimination based on “descent” includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights.”

Since intersectionality is a key component for the SDGs, Article 1 of the CEDAW should be taken into consideration:

“[...] the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other

With regard to Dalit women, the following has been researched and documented²:

- 40% of Dalit women live in poverty (SDG1)
- On average a Dalit woman lives 14.5 years less compared to other women in India (SDG 3)
- 90% of Dalit girls are not in school in Pakistan (SDG4)
- 125 million Dalit women are affected by intersectional caste and gender discrimination worldwide (SDG5)
- 2% of the rape cases, when a Dalit woman is a victim, result in convictions (SDG 16)

For centuries Dalit women have been targets of violence and rape. If Dalit women, or other members of their community, dare to challenge caste hierarchies and traditional caste roles it is often Dalit women that bear the brunt of the reprisals from the dominant castes, in the form of violence, naked parading, beatings, rape or destruction of property. Minority Rights Group International reported a study finding that 70% of cases of atrocities against Dalit women were committed as Dalit women tried to assert their rights and challenge caste and gender norms.

Political space for women subject to intersectional caste and gender discrimination is very limited. Even when seats have been reserved for Dalits, as is the case in India and Nepal, they are either left unfilled or often do not transform into meaningful participation for the women elected due to stigma, discrimination and the lack of capacity and skills development. Across caste-affected countries in South Asia, Dalit women’s movements are now challenging the systems that have oppressed them for centuries using protest marches, sit-ins, online grassroots activism, awareness raising events and numerous other ways of getting their concerns heard.

Moreover, equality and development are at the core of Article 5 of the UN Declaration on the Right to Development, which reads:

“States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting

² IDSIN, Caste and Gender Justice, available at: <https://idsn.org/wp-content/uploads/2019/06/Caste-and-Gender-Justice-Low-Res2.pdf>

from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.”

More specifically, the study of the Special Rapporteur on Minority Issues underscored that, while manifestations of this violation occur in different ways in different countries, the severity of the experience of such discrimination inherently contradicts the principles of human dignity, equality and non-discrimination. Particularly because individuals are placed in lower positions vis-à-vis others, regarded as inferior and non-human. Such extreme exclusion and dehumanization results in severe restrictions of enjoyment of the most basic civil, political, economic, social and cultural rights. The Rapporteur draws the following recommendation:

Discrimination on the basis of caste and analogous systems is a major cause of poverty, inequality and social exclusion of affected communities. In the implementation of the 2030 Agenda for Sustainable Development, States should consider including caste-specific indicators to ensure that the Sustainable Development Goals and their targets address the situation of affected groups.³

The Role of Business

Business activities can be a tool for empowerment or simply another way of perpetuating caste-based discrimination, thus hampering the SDGs’ fulfilment. In the past decade, the UNGPs have provided an authoritative framework - “Protect, Respect and Remedy” - for governments and business enterprises to prevent, address and remedy the adverse human rights impacts of business activities. There is a growing recognition of the UNGPs as a means to help businesses implement their responsibility to respect human rights. Although the UNGPs have given visibility on the human rights obligations regarding business enterprises by compiling the existing international human rights norms, a decade has passed without giving adequate focus on the most marginalized and vulnerable workers. And significantly [the Roadmap for the next decade](#) does not mention minorities or Dalits in plans moving forward.

The business and human rights agenda needs to take in caste discrimination as a priority issue. The most common exploitation of workers from caste-affected communities, include (a) the use of children and bonded labourers (debt slaves), working under hazardous conditions for a minimal pay; (b) discrimination in employment practices – applicants from caste-affected communities never considered for skilled or managerial jobs; (c) discrimination in the services and utilities offered by an employer, such as housing, health care, and education and training; and (d) misappropriation of land belonging or allocated to caste-affected communities. IDSN has developed or participated in the elaboration of important tools to help

³ UN Doc. A/HRC/31/56, para 126.

eliminate caste discrimination by business activities. These are key resources to be used, such as the [Ethical Trading Initiative Base Code Guidance on Caste in Global Supply Chains](#), 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. 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.

There are, of course, challenges to effectively implement the UNGPs, in the context of the SDGs. In particular, marginalized and vulnerable groups disproportionately suffer the impacts of business human rights violations or abuses. Dalit girls and women and other oppressed caste groups recruited under the “Sumangali Scheme” suffer multiple rights violations in the spinning mills in India, which supply the global garment industry. Employees were found to work a 68-hour week, with no contracts or payslips, no education and no bonus, despite the promises to do so under the scheme. They were locked inside factory and dormitory compounds during working and non-working hours. Agriculture employs more bonded labourers than all other industries and services combined. In India, it accounts for 85% of bonded workers. A 2017 ILO study found Dalits to be particularly vulnerable to exploitation in the sugar cane industry, where bonded and child labour were common, and the work undertaken highly dangerous. Dalits working in tea plantations in Bangladesh and India suffer below minimum wages, hazardous work and long hours.

Focus should be on the non-discrimination component, enshrined as a principle of the UNGPs. Social groups who are marginalized, such as Dalits, should be given priority in the debates regarding effective implementation of these principles, through a bottom-up approach, consultation with members of these sectors, focused training and awareness raising. Overall, attention should be given to the specific means by which those groups are impacted by business violations and abuses.

From our experience, structural challenges relate to structural discrimination ingrained in many societies, reflecting business practices that perpetuate discrimination. Conversely, reinforcing the non-discrimination clause of the UNGPs can be a powerful tool of social mobilization and change. A more focused approach on how the UNGPs can be a tool contributing to the achievement of the SDGs can be of great added value, with a particular focus on gender.