

Caste discrimination and human rights

Caste discrimination, which results from the hierarchical division of a society placing inherent privileges and restrictions by birth, runs contrary to the belief that “all human beings are free and equal in dignity and rights” as stated in Article 1 of the Universal Declaration of Human Rights.

Caste discrimination is a chronic human rights condition, which involves massive violations of civil, political, economic, social and cultural rights. Caste-affected communities are denied a life in dignity and equality. According to the United Nations Sub-Commission study on discrimination based on work and descent, a number of human rights violations occur in relation to caste discrimination including violations of:

- The right to physical security and life and the right to be free from violence
- The right to equal political participation and access to justice
- The right to own land
- The right to equal access to public and social services
- The right to freedom of religion
- The right to marriage on free will
- The right to education and cultural identity
- The right to equal opportunity and free choice of employment and equal, just and favorable conditions of work
- The right to be free from forced or bonded labour
- The right to be free from cruel, inhumane or degrading treatment
- The right to health, adequate food, water, sanitation, clothing and housing

Those who fall outside the caste system are considered “lesser human beings”, “impure” and thus “polluting” to other caste groups. Dalits are known to be “untouchable” and subjected to so-called “untouchability practices” in both public and private spheres. “Untouchables” are often forcibly assigned the most dirty, menial and hazardous jobs, such as cleaning human waste. The work they do adds to the stigmatization they face from the surrounding society. The exclusion of ‘caste-affected communities’ by other groups in society and the inherent structural inequality in these social relationships lead to high levels of poverty among affected population groups and exclusion from development processes, and generally precludes their involvement in decision making and meaningful participation in public and civil life.

The United Nations Committee on the Elimination of Racial Discrimination has in General Recommendation XXIX on descent-based discrimination recommended that all states “take the necessary steps to ensure equal access to the justice system for all members of descent-based communities as well as ensure the prosecution of persons who commit crimes against members of descent-based communities and the provision of adequate compensation for the victims of such crimes.” The issue of caste-based discrimination has also been addressed by UN treaty bodies, Special Rapporteurs and the Universal Periodic Review mechanism.

The number of people directly affected by caste discrimination and thereby exposed to the human rights violations associated with it in India and Nepal are:

India - 167 million or 15-20 percent of total population (Estimates are at 200 million)

Nepal - App. 4,5 million or 15-20 percent of population

Caste discrimination furthermore occurs in Pakistan, Bangladesh, Sri Lanka, Japan, Yemen, Senegal, Burkina Faso, Mali, Cameroon, Mauritania, Sierra Leone, Nigeria, Kenya, Ethiopia, Somalia, Yemen and Micronesia and possibly more. It also occurs in Diaspora communities in Europe, North America, and Asia.

It is estimated that more than 260 million people worldwide are affected by caste discrimination, making this one of the biggest and most overseen human rights issues in the world today. For those who suffer from this type of discrimination on a daily basis, immediate response is needed by state and non-state actors at all levels. A comprehensive framework to address this form of discrimination, such as principles and guidelines on the effective elimination of discrimination based on work and descent, would offer an instrument to prevent and address this form of discrimination globally.

Learn more about caste discrimination on the IDSN website www.idsn.org