

Claiming Right to
**JUSTICE &
DEVELOPMENT**



Eliminating Discrimination
based on Work and Descent,
Casteism, Antigypsyism and
Contemporary Forms of Slavery

ABOUT ASIA DALIT RIGHTS FORUM

Asia Dalit Rights Forum (ADRF) is a platform of Dalits, and those working with Dalits in Bangladesh, India, Nepal, Pakistan and Sri Lanka committed to the empowerment and emancipation of communities subjected to descent and work-based (caste-based) discrimination and violence (DWD&V). ADRF aims at addressing violations of the rights and entitlements of these communities, in particular their women and children, in the respective countries as well as worldwide. It focusses on supporting all the communities subjected to DWD&V and systemic discrimination in any part of the world in their noble aspirations and courageous struggles to establish an inclusive society that is marked by equity and equality, dignity and self-governance, justice and freedom. ADRF is committed to collaborating with all national, regional and international agencies- civil society organisations and human right agencies, UN bodies and state institutions espousing the cause of eliminating DWD&V and building an inclusive, peaceful and egalitarian society in Asia and elsewhere in the world.

ABOUT ERGO NETWORK

ERGO Network is a young and dynamic organisation established in 2008 by a small group of NGOs who shared the observation that everyday realities of Roma communities were hardly taken into account in policy development and implementation. Today we have almost 30 member organisations all over Europe. Founded on the philosophy of active citizenship, shared responsibility and grassroots empowerment, ERGO Network members aim to convince policymakers that positive change for Roma is possible when antigypsyism is recognised and tackled as the root cause for inequality and when Roma can take part in civic life as equal stakeholders.

ABOUT TRUSTAFRICA

TrustAfrica seeks to strengthen African initiatives that address the most difficult challenges confronting the continent. We currently focus on three critical areas- Securing the conditions for democracy; Fostering African enterprise and achieving broadly shared prosperity, and Cultivating African resources for democracy and development. TrustAfrica works principally through collaboration and partnership with like-minded institutions and donors. As a catalyst and convener, we are committed to generating and testing new ideas. We also strive to practice good governance and promote it among our grantees.

ABOUT THE INCLUSIVITY PROJECT (TIP)

TIP is a research and analysis institute which researches on the underdeveloped, under reached and invisible communities in the world through providing ground-level research data, evidence and information to the world. It also aims to map these communities and build capacities of these communities and individuals from the communities through training, study courses, conferences, discussion groups and exposure visits for understanding the conditions and magnitude of the concerns. The institution will also be working on the sustainable development goals (SDGs) especially on the monitoring and follow up/review as well as providing data and evidence for the nation-state for effective and inclusive program implementation.

CLAIMING RIGHT TO JUSTICE AND DEVELOPMENT

**ELIMINATING DISCRIMINATION BASED ON WORK
AND DESCENT, CASTEISM, ANTIGYPSYISM AND
CONTEMPORARY FORMS OF SLAVERY**

2019

This report was made as a background document for and released at The International Congress on Discrimination based on Work and Descent, Casteism, Anti Gypsyism and Contemporary forms of Slavery (ICDWD), 21-23 September 2019

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Lead Research and Author: **Deepak Nikarthal**

Editors: **Aloysius Irudayam, Joel Guyton Lee, Rajesh Sampath**

Research Contributors: **Abdrahamane Wone, Bhakta Biswakarma, Carmela Zigoni, Gabriela Hrabanova, Olivia Tcampa, and Zakir Hossain**

Coordinators: **Rahul Dandge and Beena Pallical**

Concept & Research Adviser: **N. Paul Divakar and Aloysius Irudayam**

Cover Design: **E V Anil**

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8/1, 2nd Floor, South Patel Nagar
New Delhi, 110008 India
Tel: +91 11 4566 4341
www.asiadalitrightsforum.org
deepak.nikarthal@asiadalitrightsforum.org
[@AsiaDalitRights](https://twitter.com/AsiaDalitRights)

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ABBREVIATIONS

ARED	Association for the Rehabilitation of Children and Defence of Human Rights (French)
BLL	Buraku Liberation League
CERD	Convention on Elimination of Racial Discrimination
CSO	Civil Society Organisation
DPO	District Police Office
DWD	Discrimination based on Work and Descent
ERGO	European Roma Grassroot Organisation
ERRC	European Roma Rights Centre
EU	European Union
EU-MIDIS	European Union Minorities and Discrimination Survey
EUAFR	European Union Agency for Fundamental Rights
FIDH	International Federation of Human Rights
HRW	Human Rights Watch
IDSN	International Dalit Solidarity Network
IMADR	International Movement Against all forms of Discrimination and Racism
MRG	Minority Rights Group International
NDC	National Dalit Commission
NCDHR	National Campaign on Dalit Human Rights
NEET	Neither in Employment nor in Education and Training
NGO	Non-Governmental Organisation
OHCHR	Office of the Head Commissioner for Human Rights
PoA Act	Prevention of Atrocities Act
RDPM	Racial Discrimination and Protection of Minorities
SC	Scheduled Caste
SCP	Scheduled Caste Component Plan
SCSP	Scheduled Caste Sub Plan
ST	Scheduled Tribe
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nation
UNCERD	United Nations Committee on the Elimination of Racial Discrimination
UNDP	United Nation Development Programme
UNDRIP	United Nation Declaration on the Rights of Indigenous People
WCAR	UN World Conference against Racism

1. Introduction



1.1 Discrimination based on Work and Descent and its Implications

Namala Balaswamy challenged the restrictions put on the community into which he was born: he demanded a living wage for his labour when his people were expected to accept much less, he entered a building that his people were traditionally forbidden to enter, he wore clean new clothes when his people were expected to wear soiled second-hand fabrics, and he refused to drink tea from the separate glasses kept apart by tea stall owners for his people, considered 'impure.' Resenting these challenges to their traditional privileges, the dominant group in the part of south India where Balaswamy lived publicly beat him and burned him alive. Organisations of Dalits—the group to which Balaswamy belonged—spoke of Balaswamy's lynching and raised the issue of the form of discrimination that millions like him continue to face at the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance in 2001. There were many sympathetic listeners, but Balaswamy and his people did not fit into the familiar narratives and recognised categories

through which systemic discrimination is globally represented. He was neither indigenous, nor a racial or religious minority, nor a migrant or refugee. Ultimately, nothing about Balaswamy's people appeared in the Declaration and Programme of Action produced by the conference.

When Mohamed Nur Iftin raised the issue of discrimination against his people, the Shambara, among his colleagues in the Parliament of Somalia, he received a similar response. Mr Iftin spoke in Parliament about a brave couple—a woman of the dominant community and a man of the Shambara community who stood up to the traditional restriction against their groups intermarrying—and the groom's uncle, who encouraged and protected the couple at they took their bold step. Shortly after the wedding, the dominant group took their revenge. The uncle, who was a mechanic, was surrounded at his workplace by members of the dominant community who thrashed him and burned him alive. When he raised this issue in parliament, Iftin found that many of his lawmaker colleagues denied the existence of this form discrimination—it contradicted national narratives—while international observers had

never heard of it. In a conversation with N. Paul Divakar of The Inclusivity Project, Iftin said, “We are not being heard.”

The Roma of Europe, like Dalits in South Asia and the Shambara and other formerly enslaved peoples in Africa, face a distinctive structure of discrimination and stigmatisation that, while global, goes largely unrecognised by the prevailing categories of global human rights discourse and practice. The denial of discrimination described by Iftin in Somalia is well known to Roma activists, who struggle to have antigypsism acknowledged in their home countries, and to Dalit activists, who struggle to have the violence of untouchability acknowledged by Pakistan, India, Nepal, Bangladesh and Sri Lanka, and indeed everywhere the South Asian diaspora has settled. For each of these groups, the challenge is simultaneously local, regional, and international. Collaboration holds great promise. As Gabriela Hrabanova of the Roma group ERGO Network conveyed in dialogue with N. Paul Divakar, by working together to identify convergences of experience and strategies for collaboration, “we might have a greater voice at the international level.”

What do these communities have in common? What is distinctive about the structure of discrimination and stigmatization that they face? Let us suggest, tentatively, that what is shared is a common struggle against a social structure that ascribes to them a permanent status of devalued personhood and requires of them the performance of stigmatized and exploitative forms of labour. What these groups contend with has been called ‘discrimination based on work and descent.’ Work here refers to coerced occupational specialisation in locally stigmatised forms of labour: for example, sanitation, death work, leatherwork, devalued musical and performance traditions, ‘slave occupations.’ The descent here refers to the inescapable, birth-based criteria of our social structure, the control of our population through enforced endogamy—the restriction of marriage prospects to within the group, policed by violence from the dominant community. Together, these features radically restrict the possibility of social mobility and ensure, instead, the intergenerational reproduction of a

stigmatised labouring class.

As articulated in CERD’s General Recommendation No. 29 on Descent-Based Discrimination, the existence of communities who suffer from discrimination based on caste and analogous systems of inherited status may be recognized based on various factors including some or all of the following:

- i. inability or restricted ability to alter inherited status;
- ii. socially enforced restrictions on marriage outside the community;
- iii. private and public segregation, including in housing and education, access to public spaces, places of worship, and public sources of food and water;
- iv. subjection to dehumanizing discourses referring to pollution or untouchability;
- v. limitation of freedom to renounce inherited occupations or degrading or hazardous work;
- vi. subjection to debt bondage;
- vii. generalized lack of respect for their human dignity and equality

In most cases, gender discrimination intersects with discrimination based on work and descent, putting women from these excluded communities in a triply disadvantageous and vulnerable position. This has negative implications for these women’s access to health, education, employment, wages, assets, social mobility and political participation. It also means that women from these communities are more subject to violence than their counterparts from non-stigmatized groups.

1.2 Definition of Discrimination based on Work and Descent

Discrimination based on work and descent (hereby known as DWD) is the recently developed UN terminology for structural and hierarchical systemic discrimination. The term has been used by several UN human rights bodies, including by Treaty Bodies and Special Rapporteurs, affirming that this form of discrimination is prohibited under international human rights law.

According to Draft Principles and Guidelines for the Effective Elimination of the Discrimination based on Work and Descent¹ (2009), 'Discrimination based on work and descent is any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birthplace, place of residence, dialect and accent that 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. This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability, deeply rooted in societies and cultures where this discrimination is practised.'

OHCHR's Guidance tool on Descent based Discrimination on Key Challenges and Strategies to Combat Caste-based and Analogous forms of Discrimination² (2017) states 'Descent-based discrimination undermines, fundamentally, the dignity of the persons concerned, affecting a full spectrum of civil, political, economic, social, and cultural rights. Descent-based discrimination fuels violations of the right to education and employment undermine access to justice and, all too often, catalyses sexual violence and other crimes targeted at women and girls. It is a large-scale human rights problem that requires decisive attention and action.'

Discussion of discrimination based on work and descent has been often limited to the context of caste, thus limiting the issue to those regions of Asia and Africa where the term 'caste' is used. However, the forms outlined in the UN literature on DWD describe a global phenomenon, even if social-structural hierarchies existing in other regions have yet to be substantially addressed by the experts. It is also evident in the Annual report of Special Rapporteur on Minority Issues (2016)³, which states that 'Discrimination based on caste and analogous systems of inherited

status refers to a form of discrimination based on descent. Because one's caste can be determinative of one's occupation, it is also referred to as "discrimination based on work and descent" and defined as "any distinction, exclusion, restriction or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birthplace, place of residence, dialect and accent that 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".'

While the report limits its understanding of discrimination based on work and descent to caste and other analogues forms of discrimination, it does give concrete evidence of various communities within Asia and Africa who are often promoted and bracketed as other forms of discrimination. For example, the communities from Africa which are specified within the various reports are often seen as communities affected by slavery. The larger mandate of anti-slavery work (and the smaller entry points, thus far, for DWD activism) has resulted in these communities being represented under the mandated structures other than DWD. Therefore, communities which are forced into intergenerational slavery because of their social standing in the society, which should be recognised as work and descent-based discrimination, has generally been represented within a larger mandate of slavery. Similarly, communities from other regions like Europe and South America that fit the definition of DWD have also not necessarily been identified under the DWD framework.

Antigypsyism is the specific discrimination towards Roma, Sinti, Travellers and others who are stigmatised as 'gypsies' in the public imagination. Although the term is finding increasing institutional recognition, there is as yet no common understanding of its nature and implications. Antigypsyism is often used in a narrow sense to indicate anti-Roma attitudes or the expression of negative stereotypes in the public sphere or hate speech. However, antigypsyism gives rise to a much wider spectrum of discriminatory expressions and

1 [http://www.asiadalitrightsforum.org/images/imageevent/254902440Principles%20&%20Guidelines%20\(2\).pdf](http://www.asiadalitrightsforum.org/images/imageevent/254902440Principles%20&%20Guidelines%20(2).pdf)

2 <https://www.ohchr.org/Documents/Issues/Minorities/GuidanceToolDiscrimination.pdf>

3 https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/56



practices, including many implicit or hidden manifestations. Antigypsyism is not only about what is being said, but also about what is being done and what is not being done. To recognise its full impact, a more precise understanding is crucial.⁴

Quilombos and traditional communities find themselves amongst the most socially and economically excluded peoples, even with other Afro-Brazilian communities. These communities not only suffer the severe problems of racism, structural discrimination, and violence but also face additional discrimination as poor, peripheral and often rural communities. This vulnerability has severely impeded their ability to make effective rights claims regarding their lands and resources.⁵

1.3 Regions, numbers and communities affected by DWD

Discrimination based on Work and Descent is estimated to affect over 260 million people worldwide⁶, in Africa, Asia, Europe, South America and North America⁷. The limitation of this number is also specified due to the lack of numerical data available with many such communities. Annual Report of Special Rapporteur on Minority Rights (2016) by Rita

⁴ <http://ergonetwork.org/our-work/campaigning/antigypsyism/>

⁵ <https://www.refworld.org/pdfid/56f173324.pdf>

⁶ <http://www.asiadalitrightsforum.org/images/imageevent/648455134Global%20report-single%20page%20format.pdf>

⁷ <http://www.asiadalitrightsforum.org/images/imageevent/56170121FINAL%20FOR%20PRINT.pdf>

Izsak-Ndiaye identifies major communities which face DWD are mostly from Asia and Africa, with majority of the 260 million residing in India and Nepal. However, she also refers to the communities from other countries namely, Bangladesh, Japan, Pakistan, Sri Lanka and Yemen (from Asia and Middle East) as well as in Burkina Faso, Burundi, Cameroon, Côte d'Ivoire, the Gambia, Guinea, Guinea-Bissau, Liberia, Mauritania, Madagascar, Mali, Nigeria, Senegal, Sierra Leone and Somalia (from Africa).

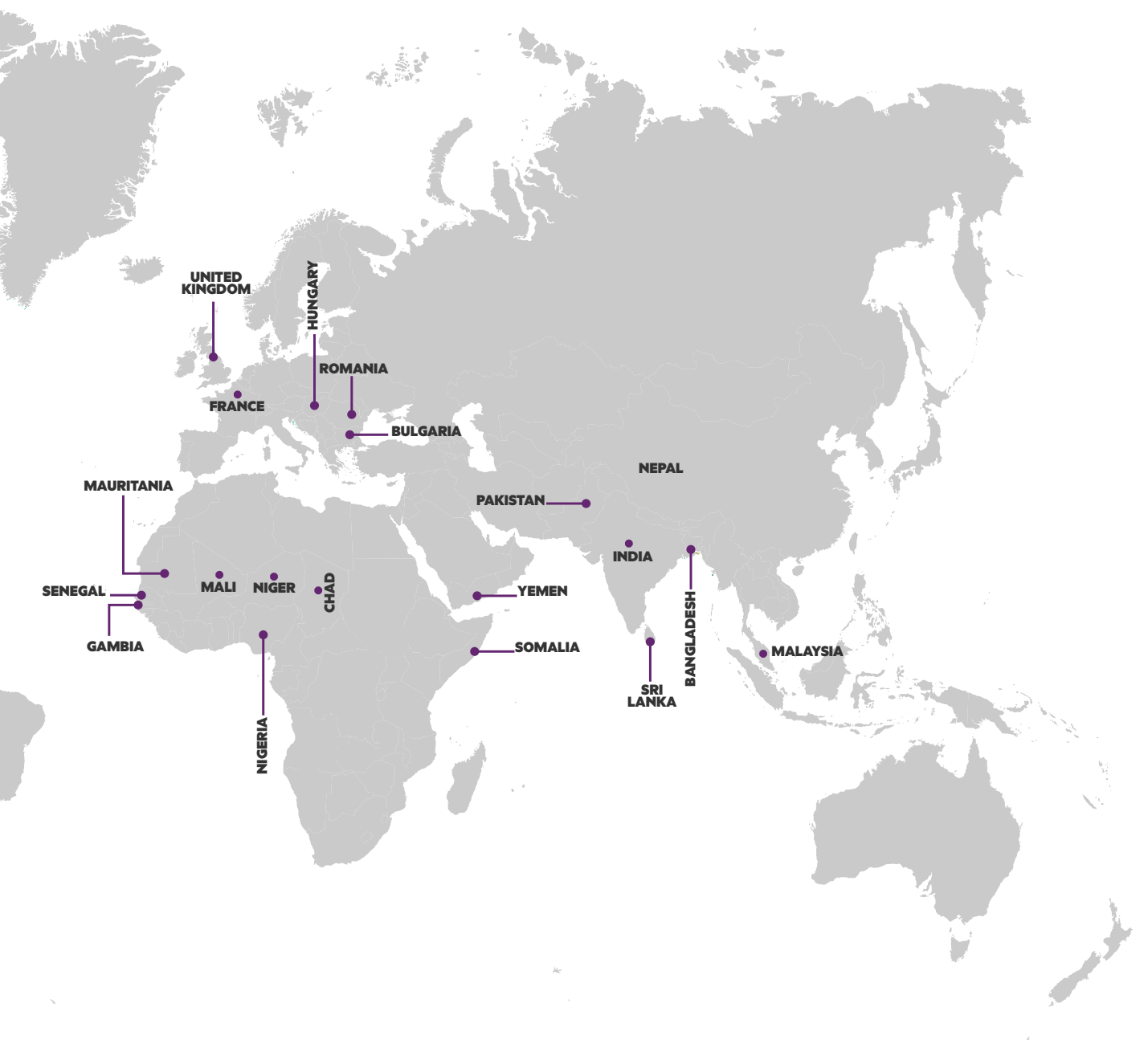
The Special Rapporteur further explores the DWD systems transcendence with migration as the system propelling in the diaspora



communities including Africa (Mauritius, South Africa), Europe (United Kingdom of Great Britain and Northern Ireland), the Americas (United States of America, Canada and Suriname), the Middle East (Bahrain, Kuwait and United Arab Emirates), Malaysia, Australia and the Pacific (Fiji).

In Asia, DWD communities coincide with those called Dalit in narratives of the caste system and untouchability. Caste systems are hierarchical systems which place individuals on a social position under the notions of purity and pollution. Those who fall at the bottom of the hierarchical structure are the ones who

are the most excluded communities not only in socio-cultural processes but also in political and economic domains. They continue to be subjected to different forms of 'untouchability' or social disabilities based on their birth into 'lower caste'. These communities are socio-culturally organised systemically through systems of ranking order which characterises them in the social pecking order. It accelerated by untouchability and stigmas of exclusion has cemented the position of DWD groups in the lowest in the receiving end in the pecking order. This system doesn't allow social mobilisation thus making them permanent recipient and not



the producer. Therefore, limiting their influence in production and availability of services, and their welfare, as well as rights, are based on the benevolence of the higher categories. Commonly known as Dalits, these communities have its traces in Bangladesh, India, Nepal, Pakistan as well as the plantation populations in Sri Lanka and Malaysia.

The other communities in Asia are Al Muhamasheen (Yemen) and Burakumin (Japan). Muhamasheen or “marginalised ones”, (formerly also known as Al Akhdam), constitute a minority group subjected to descent-based discrimination. There are no official data, but unofficial sources estimate their number at between 500,000 and 3.5 million. Their occupational roles include garbage collection, street sweeping and cleaning toilets and drains. They suffer from social stigma and discrimination, which exacerbate their socioeconomic exclusion and poverty.⁸

The Burakumin (from the words Buraku, meaning community or hamlet and min, meaning people) are not an ethnic minority, but rather a caste- or descent-based group. They, therefore, share with other Japanese the same language, religion, customs and physical appearances. Descendants of outcast communities from the feudal era which tended to be associated with impure or tainted occupations stigmatised by death, such as butchers and leather workers, the Burakumin were not limited to any particular region in Japan but tended to live in specific hamlets or villages. However, these Buraku do appear to be more concentrated in the western part of the country. Generally, they are located in poorly drained areas or locations not well suited for human habitation. The Buraku Liberation League (BLL) has estimated – extrapolating from other figures in a 1993 government survey – that there are around three million Burakumin. There are still no updated official statistics of Burakumin/Buraku, but estimates range between one and three million to over six million people.⁹

In Africa, Discrimination based on Work and Descent has been eclipsed by the issue of contemporary forms of slavery and child labour. Slavery and DWD have had a parallel existence for different communities. Thus the former is often categorised over the latter. According to the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, there are three types of descent-based discrimination in Africa, including caste systems based on “occupational specialization of endogamous groups in which membership is based on ascription and between which social distance is regulated by the concept of pollution” and those in which discrimination is based “on real or perceived descent from slaves, leaving many in ‘virtual’ slavery, unable to leave their owner’s employ for fear of reprisals or starvation”.¹⁰

Furthermore, in Africa, similar systems of discrimination could be seen in Burkina Faso, Burundi, Cameroon, Côte d’Ivoire, the Gambia, Guinea, Guinea-Bissau, Liberia, Madagascar, Mali, Mauritania, Mauritius, Nigeria, Senegal, Sierra Leone and Somalia.

Further studies explored the impact of DWD and hierarchical structures in the world suggests that such communities exist in many countries of South America and Europe. In South America, systemic hierarchies were established through the Spanish and Portuguese imperialist, which is known as ‘castas’ system. This system creates hierarchical structures between the people and as per the imperialist age, it categorically placed the African slaves in the lowest strata of the society. While many African origin people were able to transcend into the higher social ladder because of intermarriage, certain communities were considered impure and isolated from the social structure. One of such communities is the Quilombolas of Brazil, who was neither considered under indigenous nor came under extreme racial segregation. Their occupation and land locations made then one of the most marginalised community within the country; however, their discrimination based on their race is often limiting their understanding of intergenerational forced occupation and forced segregation.

8 A/HRC/31/56

9 <https://minorityrights.org/minorities/burakumin-buraku-people/>

10 https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/56

In Europe, similarly, the DWD communities like Romani and Roma are specified under the minority groups. While being an ethnic minority, the Roma community are categorised under the guidelines provided by CERD's general recommendation 29 on discrimination based on work and descent. The Roma, often known as Gypsy community faces discrimination and segregation based on their inherent identity throughout their life. Roma community is one of the most widespread community with a sizeable amount of population in Turkey, Romania, Russia, Bulgaria, Croatia, Czech Republic, Belgium, Italy, Spain, Hungary, Serbia, Slovakia, Montenegro, Macedonia, United Kingdom, France and Greece.¹¹ Various sources differ in account of the population of the Romani community, with some sources stating its population to around 10 million¹² ; while the

European Union Agency for Fundamental Rights claiming 10-12 million¹³.

In North America, communities facing DWD include the Roma diaspora as well as Dalits and members of other Asian and African DWD communities that have settled in Canada, Mexico and the United States. The American Roma population is estimated at one million; because most DWD distinctions are not recognised in North American censuses and related governmental exercises, it is difficult to estimate populations of other DWD groups in North America. Notably, in Canada and especially the United States, various forms of DWD tend to be overshadowed by the dominant forces of white racism and xenophobia, which tend to discriminate against all non-white groups.

Country Name	Country-specific policies, legislation and constitutional provisions
Brazil, Countries in European Union (never use acronyms), India, Japan**, Nepal, Nigeria, Senegal, UK	Official recognition of DWD
Bangladesh****, India, Japan***, Nepal	Statutory reservations in employment and education
Bangladesh, Brazil, Countries in European Union (never use acronyms), India, Japan*, Malaysia*, Mali, Anti-discrimination laws Mauritania, Nepal, Nigeria, Pakistan, Senegal, Somalia*, Sri Lanka, UK	Anti-discrimination laws
India, Nepal	Caste- and gender-based atrocities
Brazil, Countries in European Union (never use acronyms), India, Nepal	Education and economic empowerment of DWD women
India, Nepal	Political participation
Brazil, India, Japan**, Nepal	Economic rights/targeted public finance and budgets
EU, Japan**, India, Mali, Mauritania, Nepal, Nigeria	Access to justice
Bangladesh, Brazil, Countries in European Union (never use acronyms), India, Nepal	Rights of DWD children and youth
Bangladesh, India	Inclusion in disaster-risk reduction
<p>*Here 'caste' is not used as one of the prohibited grounds of discrimination. However, the constitution of Somalia and Japan uses the term 'clan' (art. 11) and 'race, social status or family origin' (art. 14) as prohibited grounds of discrimination. The Constitution of Malaysia prohibits discrimination on the basis race, descent or place of birth.</p> <p>**Law on Special Measures for Dowa Projects was enacted in 1969 and was in force until 2002</p> <p>***Buraku community in Japan had reservations in the private sector.</p> <p>****1 per cent admission quota for Dalit students in certain universities.</p> <p>In each row, countries are arranged in alphabetical order</p>	

11 <https://www.britannica.com/topic/Rom>

12 <https://www.euronews.com/2017/08/01/who-are-the-roma-people>

13 <https://fra.europa.eu/en/theme/roma>

1.4 Divergence of Discrimination based on Work and Descent from other forms of discriminations

Discrimination based on Work and Descent is a distinctive type of social structure, distributed among multiple societies across the globe, which enacts a particular set of human rights violations and barriers curtailing socio-economic development upon a specific set of people. Although this mode of oppression diminishes the life chances of well over two hundred sixty million people around the world, their condition has yet to be fully recognised by the global community and its institutions.

Discrimination based on Race, Minorities and Indigenous communities is three major stakeholders within human rights mechanisms. These have been widely recognized through Human Rights Conventions; namely the Convention on Elimination of Racial Discrimination (CERD), Forum on Minority Issues and the UN Declaration on the Rights of Indigenous People (UNDRIP) respectively. While CERD has formally recognised the DWD, the differences in characteristics have made it different from the conventions on race. Forum on Minority Issues has also raised issues of caste and descent in the international platform,

but caste has failed to be a core interest area for the forum.

The key structures of these mechanisms have been the point of entry for the DWD communities as there is no specific structure for addressing the DWD issues internationally and in some instances nationally. This has played a crucial role in diverting the importance of the issue of incorporating into the methodologies under these three specific thematic areas. However, there is a significant methodological difference between this thematic structure with DWD communities.

Unlike racism, the structural violence of this social form does not rest on the white/non-white binary inflicted on most of the world through European colonisation and the slave trade, or on ascriptions of inferiority based on visible or ostensibly 'biological' difference.

Unlike discrimination against indigenous peoples, this mode of oppression is not a consequence of the territorial dispossession and destruction of life that accompanied settler colonialism in the Americas, Australia, and elsewhere.

And unlike majoritarianism, this social form brutalizes groups not primarily due to the threat they pose to the political hegemony of the majority, or out of a desire to purge the nation

Race	CERD refers to 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.
Indigenous	<p>Indigenous peoples, also known as first peoples, aboriginal peoples or native peoples, are the ethnic group who are the original inhabitants of a given region, in contrast to groups that have settled, occupied or colonised the area more recently.</p> <p>Indigenous people are often identified on the basis of Self- identification as indigenous peoples at the individual level and accepted by the community as their member; Historical continuity with pre-colonial and/or pre-settler societies; Strong link to territories and surrounding natural resources; Distinct social, economic or political systems; Distinct language, culture and beliefs; Form non-dominant groups of society; and Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.</p>
Minority	The forum on minority issues was established to provide a platform for promoting dialogue and cooperation on issues about national or ethnic, religious and linguistic minorities, as well as thematic contributions and expertise to the work of the Special Rapporteur on minority issues. ¹⁴ The Forum shall identify and analyse best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

¹⁴ Forum on Minority Issues was formed on the recommendations on Human Rights Council resolution 6/15 of 28 September 2007 renewed by resolution 19/23 of 23 March 2012.

of ethnic, linguistic, or religious difference (though the groups targeted are, usually, smaller in number than the dominant group in a given nation).

1.5 A brief history of the evolution of DWD

Internationally, CERD played a crucial role in highlighting and familiarity with the issue of DWD, especially on caste-based discrimination since the inception of the convention in 1965. Since 1996, CERD has consistently sought to distinguish caste from the descent, with the result that descent-based discrimination is viewed as a far wider problem than caste-based discrimination. CERD has raised the issue of descent-based discrimination in several State Reports, from a variety of regions, including Senegal, Mali, Ghana, Bangladesh and Japan, as well as India and Nepal, the South Asian countries traditionally associated with caste.

In August 2002, CERD issued General Recommendation XXIX on descent-based discrimination, the result of a thematic discussion on the issue conducted by the Committee in the same month. The thematic discussion took place on 9 August 2002 and highlights the extraordinary contribution of National Campaign on Dalit Human Rights (NCDHR) and International Dalit Solidarity Network (IDSN) in bringing caste-based discrimination within the international human rights framework. In the Recommendation that emerged, caste is cited as a specific example of descent-based discrimination that is strongly condemned.

The first major step towards unification globally the communities discriminated by work and descent, including caste, had begun in the year 2000 as part of the preparatory process of the UN World Conference against Racism (WCAR). Though the Conference took place on September 2001 in Durban, the preparations for the conference like the evolution of the agenda, drafting of the Declaration and the Programme of Action have started with the preparatory committees, meetings as well as Satellite conferences to have global participation of the communities. As part of the preparatory process of the UN World Conference Against

Racism, the Bellagio Consultation was convened by Gay J. McDougall, a member of the United Nations Committee on the Elimination of Racial Discrimination.

The purpose of the Consultation was to bring together a diverse group of experts from around the world to formulate recommendations on the core themes and possible outcomes of the World Conference.¹⁵



At another level in the UN, the need for a UN framework to address the issue of Caste-based discrimination was presented at the Sub-Commission through NGO interventions by National Campaign on Dalit Human Rights, International Movement Against all forms of Discrimination and Racism, International Dalit Solidarity Network, Human Rights Watch (HRW), Minority Rights Group International (MRG), Anti-Slavery International, International Federation of Human Rights (FIDH) along with other human rights organisations from around the world in 2000 August. As result in the same session in August 2000 a resolution¹⁶ was passed by the Sub-Commission to address the issue of caste and Discrimination Based on Work and Descent and to identify affected communities, examine existing constitutional, legislative, and administrative measures for the abolition of such discrimination, and make concrete recommendations for the effective elimination of such practices.

Sub-Commission appointed a Sub-Commission expert Dr R.K.W. Goonesekere to prepare and submit a working paper on it. The resolution aimed and reaffirmed that discrimination based on work and descent is prohibited under International Human Rights Law. In August 2001, Sub-commission expert R.K.W. Goonesekere presented his working paper on work and descent-based discrimination to the

¹⁵ The Consultation recommended to include Caste systems as one of the sources of discrimination and also 'Groups subject to discrimination on the basis of descent (such as the Dalits and the Burakumin)'. However, in the final agenda both these recommendations were objected to and later removed from the agenda of the UN World Conference.

¹⁶ U.N. Subcommission on the Promotion and Protection of Human Rights, "Discrimination Based on Work and Descent," E/CN.4/SUB.2/RES/2000/4, August 11, 2000.

Sub-Commission's fifty-third session. The working paper, due to constraints of time, has a limited paper's focus to the Asian countries of India, Nepal, Pakistan, Sri Lanka, and Japan. This report emphasised on the manifestations of caste and descent-based discrimination and abuse across different countries. This report was just an introduction to the prevalence and global dimensions of DWD. The presentation of the paper and the following debate in the Sub-Commission was the first time that Discrimination on Work and Descent discussed as a significant source of human rights violations worldwide by a U.N. human rights body¹⁷. The Sub-Commission also determined by consensus to extend the study to other regions of the world where work and descent-based discrimination continues to be experienced.

In September 2001 several Dalit networks from India led by NCDHR participated in the NGO conference and along with other international Human Rights organisations like Minority Rights Group, IMADR, Anti-Slavery International, Human Rights Watch brought out the nature of discrimination faced by communities affected by hierarchical systems and structures like caste across the world. Roma Community leaders, CSO leaders from Nigeria, International Movement against all Forms of Discrimination and Racism (IMADR) raised these issues at the CSO conference of the world conference against racism.

The breakthrough of global recognition of DWD including Caste was initiated when Prof. Patrick Thornberry, member of the ICERD (International Convention on the Elimination of Racial Discrimination) moved for a thematic discussion on descent-based discrimination. In 2002, CERD adopted UN General Recommendation 29 on descent-based discrimination, which recommends that all states to take "steps to identify those descent-based communities under their jurisdiction who suffer from discrimination, especially on the basis of caste and analogous systems of inherited status"(General Recommendation XXIX on article 1, paragraph 1, of the Convention (Descent) of CERD). This General Recommendation constitutes an effective framework to improve analysis and to report on governments' implementation of their obligations on this issue and has used as a reference in many country reviews and thematic debates by treaty- and charter-based bodies.

In 2009 Special Rapporteurs Mr Yozo Yakota and Ms Chin-Sung Chung, appointed by the Subcommission presented the Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent, the first document providing an insight to the DWD issues in UN level.

Draft Principles and Guidelines have firmly established that Discrimination based on Work and Descent is a form prohibited by



17 CASTE DISCRIMINATION: A GLOBAL CONCERN: A Report by Human Rights Watch for the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Durban, South Africa, September 2001. <https://www.hrw.org/reports/2001/globalcaste/caste0801.pdf> - Smita Narula has brought this report for HRW.

international human rights law. Many domestic laws also prohibit it. However, it needs to a comprehensive UN framework based on which all states, assignees to the Universal Declaration of Human Rights would not only acknowledge the existence of DWD but also 'take all necessary constitutional, legislative, administrative, budgetary, judicial and educational measures to eliminate and prevent discrimination based on work and descent in their territories and to respect protect, promote, implement and monitor the human rights of those facing discrimination based on work and descent'.¹⁸

The Draft Principles and Guidelines have received support and encouragement from Special Rapporteur on Racism and the Independent Expert on Minorities and were endorsed by the Government of Nepal. The draft Principles and Guidelines are currently being referred to in the UNDP Resource Guide on Marginalised Minorities, and several States Parties have made presentations on discrimination based on work and descent in the Human Rights Council by making references to the document.

In 2017, OHCHR launched guidance tool for the Effective Elimination of Descent based Discrimination¹⁹ in Kathmandu Nepal. This guidance tool indeed was a crucial step for addressing the caste-based DWD globally. The guidance tool firmly cemented the issue as one of the core variables of exclusion and need to address it at the global level. This Guidance Tool helps lay the foundation for more concerted and system-wide action by the United Nations on the issue of discrimination based on descent, including caste-based and analogous forms of discrimination. It also complements the Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities as well as various other United Nations guidelines and tools referenced throughout this document.

In the era of increasing focus on the inclusion of the most marginalised communities, their human rights and development, voices of the DWD are not heard due to the lack of existing

cohesive platform to raise their aspirations. Lack of unified structure has left these communities behind. Therefore, creating a platform for addressing linkages for these communities could create an array of opportunities for ensuring needs are addressing structurally. This report tries to connect the linkages of DWD communities from different regions of the globe for enabling the creation of a structural platform to address the discrimination based on work, descent, untouchability, antigypsyism and contemporary forms of slavery.

18 A/HRC/11/CRP.3 18 May 2009 Human Rights Council – Report of the Special Rapporteurs Yozo Yakota and Chin-Sung Chung

19 <https://www.ohchr.org/Documents/Issues/Minorities/Guidance-ToolDiscrimination.pdf>

2. Global Amplitude of DWD

AFRICA

“Old habits are ingrained, and work will be required to remove the roots of the caste system. There is a need for democratic societies, and new citizenry demands its wellbeing. Critical critique of societies is needed as struggles avoided now will fester to full-blown conflicts as in the example of Rwanda. Organisation and coherence are needed, for example in Mali, where the same clan of Soundiata descendants is in power; and when societies don't progress, liberty which is important is jeopardized when a particular social structure does not change. In Senegal, the social conditions of people of caste have changed, but the system remains because its structure remains, and the mechanisms of hierarchical reproduction linger. Real democracy and individual self-realisation are hindered. Examples of caste system exist in Senegal through the statutory hierarchy. Dismantling the caste system will require work through education and awareness.”

(Prof Penda Mbow, Advisor of President of Senegal, in her speech in Dakar Consultation on GLOBAL PARTNERSHIP AND JOINT ACTIONS IN ADDRESSING DISCRIMINATION BASED ON WORK AND DESCENT, April 2019)



The social stratification of caste and related discrimination is widely spread across the various ethnic groups, especially in the Sahel region, West Africa, East Africa, Central and North Africa as well as in Mauritius. The DWD system is often categorised under the slavery induced communities as most of the slaves are often from the lowest caste communities; for example, the Haratines stated to be the slave caste in Mauritania.²⁰ Furthermore, Tal Tamari (1991) has stated that the emergence of the caste in Africa could be traced back to medieval times - as far back as 1300s AD.²¹ To be noted here is that the impact of the intermixture of DWD and caste and slavery has invisibilized the aspect of caste within the international framework, thus mainly focusing on the aspect of slavery (which is the direct result of the social-hierarchical identities of caste in Africa).

This section of the study looks at the impact of Discrimination based on Work and Descent in the countries in the continent of Africa.

THE REPUBLIC OF CHAD

Communities	Azza, Tegada or Teda, Hadaheed, Kanuri
Population	Approximately 200,000
Traditional Occupation	Artisans like doing metalwork, leatherwork, pottery and tailoring; nomadic herdsman, Farmers and Blacksmith

The communities affected by DWD in the Republic of Chad can also be found in the other Central African countries. Even though there are more communities associated with slavery than these specified communities, the majority of the slave induced DWD communities in Chad are Toubou, Tegada or Teda, who are Islamic ethnic group in northern Chad and southern Libya. Azza (or Aza) among Toubou are considered to be placed in the lower strata of the social/caste hierarchy as they are metal workers or leather workers, pottery makers or tailors. They are forbidden from having intermarriage with other communities in society. 'Kamadja' are the slaves from the Toubou community. Mandara communities in south-eastern Chad also have

²⁰ <https://www.newyorker.com/magazine/2014/09/08/freedom-fighter>

²¹ Tal Tamari (1991); The Development of Caste Systems in West Africa; The Journal of African History Vol. 32, No. 2 (1991), pp. 221-250; <https://www.jstor.org/stable/182616>

social stratifications within themselves. In eastern Chad, Zaghawa communities also follow caste hierarchy system with the Hadaheed or Hadahid communities who are artisans and are seen as inferior and dirty by the Zaghawa system.

According to Mr Alkoa Madjiyera Ngar (Coordinator, Enfant ARED, Chad), discrimination in Chad is an enduring daily occurrence, with manifestations in all forms: kidnappings, early and forced marriages, poor access to education, water, and exclusion from nominations. Slavery endues DWD through exclusion, is practised through the prohibitive costs of healthcare and education, which therefore result in diseases and illiteracy. Poor access to education and training has led to children being sold as camel drivers and child brides.²²

He added that children were being exploited in Chad and even in Libya, where artisanal mining of gold had triggered human trafficking with youths exchanged for gold. Refusal of access to land had deprived people any access to a sustainable means of livelihood.

GAMBIA

Communities	Mandinka, Mande, Serer, Wolof
Population	Approximately 3 million
Traditional Occupation	Blacksmiths, Griots, Slaves, Peasants, weavers, jewellers, leatherworkers, carpenters

The Gambia has various ethnic communities structured on the hierarchical systems of caste. Among the Mande communities, the Jonov or slave caste is the lowest stratified caste, and they are currently either enslaved or considered as blacksmiths or griots. Among the Mandinka communities, the hierarchical structure is based on freeborn (foro), slave (jongo) and artisans (nyamolo) and this structure are known as Jakhanke. Mandinka population is close to 1 million in Gambia. Serer is ethnoreligious communities which are found in Gambia, Mauritania and numerically mostly in Senegal. Jambur, the lowest in four caste stratification, is the artisan caste, but a fifth classification also exists - the slave caste peoples who inherit their slave status. Among Wolof communities, caste categories are neeno, while the slave caste is known as Jaam or Kaals. The social norm for all the slave and caste communities is to follow

²² Alkoa Ngar spoke in Dakar Consultation on DWD and Slavery, April 2019, in Dakar, Senegal

endogamy, separate housing and burial rituals, forced slavery and trafficking as well as in some cases prejudiced accusations for crimes in society.

Prof Halifa Salah (Member of Parliament, Gambia) described Gambia as a society with different levels of development and Gambians as a people with different views on health, illness and death, who believe that witches could eat and cause death; believe in witchcraft as a reality and illness to be cured through unorthodox means. He said that that perception was widely exploited by the State in 2009 when a newspaper reported a bizarre procession of people in quirky outfits, who made their compatriots wash with and drink some concoctions, with some getting injured and others dying after 3 to 5 days of isolation in a forest. He said it was a very dehumanising experience with its attendant stigma that would forever isolate and mark the 500 families that had been affected by that tragedy.



among the Bellah community, especially in remote areas. They were traditionally brought as slaves and worked as unpaid manual labourers, producing goods for their 'owners'. The position of the Bellah as 'slaves' has put them in a disadvantaged position in terms of access to basic rights. Slavery is a status ascribed at birth for the Bellah community, with the minimal scope of any change. Women face double discrimination as a member of slave caste and also because of their gender. Some people have described the Bellah as a 'traditional indentured servant caste', as they have not been 'forced' into slavery. However, the existence of local NGOs that are working against this practice suggests that not all Bellahs are willing to accept this situation.²³

Mdm. Wallet Altanata Rhaichatou (VP, Temedt Association, Mali) said that Mali is a very conservative society, where communities practise slavery through marriage, religion, education, commerce and politics etc., and this affects all aspects of life. She said the system of caste concerns blacksmiths, praise singers (griots), who have no equal opportunity to employment. For example, in Kayes, she said that Soninkes who were victims of slavery revolted, but they were beaten and dragged to courts and following that violence, about 1,500 families fled the region to avoid further discrimination.

According to Ibrahim Ag. Idbaltanat (human rights activist, Mali) "Mali is a very traditional society that rejects any evolution despite so many happenings there. Hierarchization, slavery and the caste system engender discrimination. Slightly free slave communities make progress as compared to caste communities affected by discrimination; -, thus, the same 12th-century pyramid still exists and hence calling someone, openly, a slave seems normal. Many highly-placed persons remain silent and often reject their social origin rather than embracing it, which may help to protect these identities from discrimination."

MALI

Communities	Tuareg, Fula, Bellah, Mande, Mandika, Senofu, Soninke, Toucouleur, Zarma
Population	Approximately 3 million
Traditional Occupation	Blacksmiths, Griots, Slaves, Peasants, Weavers, Jewellers, Leatherworkers, Carpenters

The Tuareg community, traditionally nomadic people of pastoralist and trading occupations, are found in different parts of Africa, including Mali. A rigid caste system operates that divides the community into nobles, freeman and slaves. Known as Bellah, the slaves were traditionally raided from neighbouring countries. Although slavery is abolished by law, it is still practised

²³ Discrimination based on descent in Africa – Summary paper 2002

MAURITANIA

Communities	Haratine, Abid, Mandinka, Serer, Soninke, Namaxla, Komo, Toucouleur, Wolof, Neeno
Population	300,000-400,000
Traditional Occupation	Blacksmiths, Griots, Slaves, Peasants, Weavers, Jewellers, Leatherworkers, Carpenters, Unpaid workers

In Mauritania, the two major cultural and ethnolinguistic groups, the Arab-Berber (commonly referred to as Moors) which includes the Beidane, and the Haratines (also known as black moors) and some of the Afro-Mauritian communities (including Peuhl, Soninke, Wolof and Bambara), present divisions along ethnic and caste lines. The Moors are further divided into tribes and castes by profession, including blacksmiths, religious leaders and warriors. Relations among the different castes are very hierarchical and result in the exclusion and marginalisation of certain castes such as blacksmiths. The Haratines constitute the largest ethnic group (40 to 60 per cent of the population) but remain economically and politically marginalised. Regarded as the slave caste, most of the present-day victims of slavery and slavery-like practices are Haratines. The status of 'slave-caste' is ascribed to a person at birth. It all began in historical times when the white moors raided and enslaved people from the indigenous black population. They are today known as the Haratines or the Black Moors.

Bonded labour based on caste and descent exists in Mauritania, where social hierarchies and exploitation are rooted in the former slave trade. The Haratines comprise slaves and ex-slaves belonging to the Bidan. Throughout their life, they work for their masters for no pay. Mauritania's stratified society means that former slaves or descendants of slaves still live under the stigma of their 'slave class' and are ostracised by society. The Special Rapporteur on Contemporary Forms of Racism has observed that Mauritanian society has been deeply marked by continuing discriminatory practices of an ethnic and racial nature.

Economic, political and social marginalisation of the Haratine community in Mauritania is well-reported. When in slavery, they are denied

education and employment, forced to do unpaid menial jobs, and many are not allowed to marry. The Haratine identity remains strong, and due to the existing social hierarchy in Mauritania, it has been reported that "Haratine have difficulties holding key political positions".

Mr Brahim Ramdane said that slavery has existed in Mauritania in traditional, modern, and other forms. Speaking of himself in personal terms, he said he was enslaved through descent for 20 years until he left the village, understood his situation, fought against it and was imprisoned several times. He said that this experience had been evolving in himself on a personal level, but such has not been the case at the State level. Now that enslaved children have been going to school, education becomes key to freedom and progress. He said that slavery also existed in black communities made up of Sonninkes and Halpulars, and continues to exist because there is no political will from the people in power to stop it.



NIGER

Communities	Talibe, Wahayu, Tuareg, Toubou and Fulani (Peul)
Population	Approximately 100,000
Traditional Occupation	forced begging, pastoralists, slaves

An estimate from 2004 mentions 8,885 slaves, belonging primarily to Tuareg, Toubou and Fulani (Peul) groupings - 87percent were in rural areas, with a vast majority living in the nomadic parts of the Niger. Despite being legally abolished, descent-based slavery continues to exist in Tuareg, Fulani (Peul), Toubou and Arab communities. These societies are very hierarchical and dominated by powerful traditional chiefs, and the number of slaves still appears to determine the social status and the power of the masters.

The Tuareg community is considered the most highly socially stratified of the communities, its structure resembling that of the caste system, with the slaves at the bottom. The Special Rapporteur’s attention was drawn to the prevailing situation in the Niger today: that of former slaves and descendants of former slaves who do not live with their masters but remain tied to them and face social exclusion and violations of their human rights, including widespread descent-based discrimination. That is referred to as “passive slavery” in the Niger and exists especially among sedentary groups, such as Djerma-Songhai. Marriage between a person of slave ancestry and someone outside the community is still almost inexistent, and former slaves and their descendants are denied equal economic opportunities, have limited access to essential social services and are, in some cases, denied the right to education.

Mr Ali Bouzou (Secretary, Timidria - Niger) stated that slavery in Niger occurs in 3 forms- first, the active form whereby the slave is the property of the master; this is prevalent among the Touaregs and Arabs in the North of Niger. Second, the passive form whereby the slave does not know his/her status except during social events, among the Djerma Songhay group; and third, the contemporary form, which is the Wahaya form whereby a young girl is bought for 250 000 Fcfa as a 5th wife by a Muslim through intermediaries from Nigeria, Algeria and/ or Libya. She is usually of Zelbine origin (from the Tahoua region), dresses differently from the real wives, does the chores and sleeps with her master.

He stated that the passive form was descent-based and occurred in Koudou gara, a slave village, where inhabitants had no access to land, no protection from the constitution and no rights in the absence of legal protection. Bigamy is imposed on women. Religious leaders (marabouts) are often accomplices in such cases.

system based on occupational specialisation, within this system, Osu individuals are held to be ‘owned’ by the deities. However, it is often referred to as the caste system. The system is passed down generations by inheritance and descent, and people from these communities cannot generally overcome these distinctions. One acquires the Osu status through inheritance and marriage. The Osu are referred to by various names: Osu, Ume, Ohu, Oru, Ohu Ume, Omoni (Okpu-Aja); they all have the same connotation in Igboland.

Being considered to be ‘owned’ by the deities, they are dedicated and sacrificed to these gods and are supposed to be sub-human beings and to belong to the unclean class. They have a robust system of residential segregation, wherein the Osu people are usually forced to live outside, on the outskirts of the villages to be targets of any bad luck that might befall the village. Osu is considered to be impure, and any contacts with them are found to be polluting. There are strict restrictions in terms of eating together. There is a robust system of endogamy, a taboo when broken, leads to ostracism and exploitation of individuals and their children. There is also a widely held belief that touching an Osu automatically turns a person into an Osu.²⁴ The Osu people mostly do not have any access to land and are discriminated against in traditional society. Besides this, they are also buried in separate cemeteries. There is a huge economic disparity between the Osu and people from other communities. This marginalisation prevents Osu from attaining their rights, particularly in employment and marriage. Osu system was outlawed with the passage of the Osu System Law and the Laws of Eastern Nigeria in 1956 and 1963 respectively. Although Osu shares the same legal status as other Nigerians, Osu community are still shunned as Pariahs and denied social equality.²⁵

NIGERIA

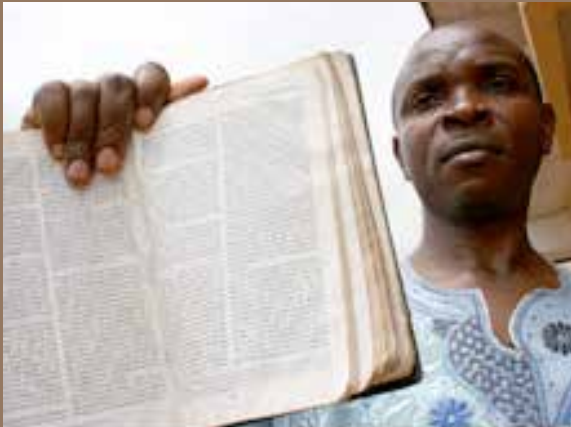
Communities	Osu, Oru
Population	2-4 million
Traditional Occupation	Assistants to high priests to serve deities of the shrine, blacksmiths, potters, leatherwork, weaving, arranging funerals, midwifery, castration and drumming

In Nigeria, within the Igbo communities, the Osu system occupies a unique space in descent-based discrimination. Unlike the hierarchical

²⁴ Discrimination based on descent in Africa – Summary paper 2002

²⁵ A Report by Human Rights Watch for the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa, September 2001. Vol. 13, No. 3(G)

Pastor Cosmos Aneke Chiedozie made an admission that virtually no Nigerian like him would be prepared to make: 'My grandfather was an Osu,' he says. [...] Among the Igbo people of Eastern Nigeria, the Osu are outcasts, the equivalent of being an 'untouchable'. Years ago, he and his family would be shunned by society, banished from communal land, banned from village life and refused the right to marry anyone, not from an Osu family." [BBC News (7 April 2009) The story of Nigeria's 'untouchables' - Andrew Walker]^{26 27}



Courtesy: <http://news.bbc.co.uk/2/hi/africa/7977734.stm>

SENEGAL

Communities	Neeno
Population	2-4 million
Traditional Occupation	Blacksmiths, leatherworkers, midwives, circumcision performers

In Senegal, caste systems exist within several ethnic groups, particularly among the Wolof community, which is divided between the Geer and the Neeno. Some forms of untouchability are allegedly practised against some Neeno groups, including prohibition from residing or remaining in particular places and avoidance of physical contact.²⁸

In the Wolof community, the concept of caste is based on occupational groups. The superior category in the caste ladder is occupied by the Geer, which traditionally comprises farmers, fishers, warriors and animal breeders. "The Neeno is further divided into sub-castes: the Jeff-lekk comprise artisans, while griots and jesters constitute the Sab-lekk. The third category, Noole, who are relatively few, make

²⁶ https://www.justice.gov/sites/default/files/eoir/legacy/2013/06/11/Current_treatment_of_Osu.pdf

²⁷ <http://news.bbc.co.uk/2/hi/africa/7977734.stm>

²⁸ *ibid*

up servants and courtesans. The artisans are further divided into four sub-castes, namely, blacksmiths or jewellers, shoemakers, woodcutters and weavers. Beneath the Neeno is the category of Jaam or slaves—they are deemed to be outside the caste system. Over time, the migration of Wolofs to cities and larger towns has led to greater access to educational and professional opportunities for Neeno castes, though serious problems remain.²⁹ Prejudices and discrimination against the Neeno community have led them to have reduced access to essential amenities like education, health, housing and employment. One of the strong prohibitions relates to residing in places occupied by members of the other community. Discrimination based on caste continues exist, especially in the socio-political sphere.

According to Prof. Penda Mbow (Academician and Personal Advisor to President of Senegal), the impact of the "caste system of politicians" was seen in the Senegalese political arena, where persons of caste refrained from running in presidential elections until 1992. In the 90s, politicians of caste origin were nominated, but not elected, to positions. Elections were community-based, and politicians hid their origins, and often candidates were changed, based on social origins, to please the political base. Religious guides (marabouts) however, did not suffer the same discrimination. Indeed, once they changed geographical spheres, and gained a measure of success and "nobility" in their new locality, they acquired new social recognition in Islam, who knows slavery and its practices, but none on the caste system. Prof. Mbow said that the caste system was used to harass and humiliate civil servants, whose ancestors were mainly blacksmiths. Jewellers, shoemakers, woodcutters, and blacksmiths were usually persons of caste, including praise singers, also called "griots" in Senegal, and known presently as traditional communicators.



²⁹ A Report by Human Rights Watch for the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa, September 2001. Vol. 13, No. 3(G)

SOMALIA

Communities	Sab (low caste), Midgan (Mahdibhan), Tumul, Yibir
Population	1 million
Traditional Occupation	Blacksmiths (Tumul), hunters and leatherworkers (Yibir, Midgan)

In Somalia, clan structure determines the composition of society and is divided into ranked clan groups. Somalia's minorities are diverse and comprise three distinct social groups: Bantu, Benadiri and the occupational groups. The occupational groups also referred to as 'Sab' (a collective term for low caste), include the Midgan (also known as Gaboye, Madguban and Musse Deriyo), Tumul and Yibro. These groups are stigmatised as being of unholy origin and dedicated to polluting occupations. Discrimination against them includes hate speech and the prohibition of intermarriage. 'Caste has been an integral part of Somali society for centuries now. The lowest castes in Somalia are called Sab and are considered polluted. The three main groupings under Sab are Madigan, Tumul and Yibir. Together, they constitute one per cent of the total population of Somalia, but they do not have any territorial, genealogical or ethnic foundation'.³⁰

The concept of purity plays a considerable role among the Sab in Somalia. The outcaste group is considered to be 'dirty' and traditionally forbidden to socialise with other communities. 'They are considered by other Somalis to have become impure ('haram'). Origins of this perceived impurity are unclear but may be related to both the nature of their occupations, seen as polluting and myths concerning their hunting and eating traditions that are seen as against Shari'a precepts'.³¹ Traditional occupational roles are ascribed, wherein the Tumul are the blacksmiths, and the Yibir and Midgan are the hunters and leather workers. The Midgan are considered to be former slaves or servants to a noble clan group. The Midgan constitute the largest Somali outcaste family, and its sub-clans include the Madhiban, Maxamed Gargaarte, Muuse-Darye, Tumaal,

Yibir, Howle, Mahaad. These groups are stigmatised as being of 'unholy origin' and belonging to polluting occupations. Restriction and isolation against this group have taken multiple forms such as restriction on possession of land, cattle or horses, denial of education, employment and health services. This group is socially and physically segregated from other communities and endogamy is strictly practised. There is a restriction in terms of employment; the Sabs are mainly engaged in traditional occupations or menial tasks.

Mohammad Nur Iftin (Member of Parliament, Somalia) states that the lowest caste called the 'Sab' is found in groups known as the Tumul, Midgan, and Yibir, and apart from those 'occupation' groups, there are also the Bantu and the Benadiri, who suffer discrimination based on their work as farmers. Hunters and blacksmiths also suffer from discrimination. The Bantus are farmers, who are despised based on their physical appearance. They are called by names, compared to hyenas, rejected by others as Somalians, and asked to return to Ethiopia. He adds that low caste groups are denied equal political participation and subjected to laws under Article 4.5 on women's rights. He explains that the Somali population is made up of 35 per cent Bantus. The superior and well-educated communities occupy their lands and kill them when they resist. He says that they are forbidden to marry into other groups and have to pay the ultimate price when they transgress, especially the shoemakers.



30 A/HRC/31/56 January 2016 Human Rights Council – Human Rights Council – Report of the Special Rapporteur on minority issues Rita Izsak

31 Discrimination based on descent in Africa – Summary paper 2002

ASIA

Description of discrimination based on work and descent often lead the focus of the international community automatically towards the caste system in Asia, especially in South Asia. Principles of purity-pollution have been the salient feature of discrimination based on work and descent (DWD) in the Asian context. Dalits who constitute the 220 million out of 260 million DWD communities worldwide are one of the most recognised communities of DWD and caste-based discrimination, who mainly reside in South Asia.

“Discrimination manifests itself in different forms and is entrenched in many countries and regions, where the indignity characterises it, and injustice groups suffer based on religion and descent, and through forceful occupations of their lands. I am discriminated against based on intergenerational descent as I come from a caste group that my father never talked about. Despite four generations of my family converting to Christianity, discrimination has not ceased. In India, ‘Namaste,’ a manner of greeting with the two hands joined together, is a ploy used to avoid touching the other, and some persons want to know the other’s descent before greeting her/him.”

(According to N. Paul Divakar in his speech in Dakar Conference on DWD, April 2019)



Dalits constitute the largest caste-affected group in South Asia. They comprise a myriad of sub-caste groups and, although subjected to similar forms of discrimination across the region, the situation of Dalits in caste-affected countries differs for historical and political reasons. Dalits represent the victims of the gravest forms of discrimination, are often assigned most degrading jobs and subjected to forced and bonded labour, have limited or unequal access to resources (including economic resources, land and water) and services, and are disproportionately affected by poverty.

However, Dalits being the most dominant community representing DWD, other communities face similar discrimination, like Burakumin in Japan and Al Mohammasheen in Yemen. This section of the study looks at the various manifestations of the caste system within specific countries.

BANGLADESH

Communities	Harijon, Dalits, Arzals
Population	5 million
Traditional Occupation	Sweepers, cleaners of private and public toilets, drainage and other dirty places.

In Bangladesh, caste discrimination affects both the Hindu and the Muslim population and perpetuates the poverty trap among these communities. DWD communities within Hindu religion are known as Harijons and within Islam are classified as Arzals. Harijons and Arzals exist far below the poverty line, with minimal access to health services, education and employment. They live in ghettos with inadequate housing and work opportunities and are almost exclusively employed in menial jobs. Here, the segregation is based on traditional occupations associated with specific groups or communities that are considered low in the status hierarchy and are often low paid. They lack access to education, face extreme poverty, endure health and housing problems, and have unequal access to work, putting them low in all development indicators of the country. A large number of child labourers in Bangladesh belongs to these communities and hold almost no official standing.

Bangladesh lacks constitutional and legislative recognition for ensuring the protection and promotion through laws and policies for the empowerment of the DWD people. Women from these communities are often left behind. They face various kinds of human rights violations, including abductions, sexual harassment, rape, torture, threats and intimidation, and lack of access to public services. They have been much overlooked in the development and rights discourse and have only recently been able to raise their voice. In Bangladesh, less than one per cent of Dalits/DWD has access to higher education, even with quota provided in a few universities.

THE RAPE CASE OF ARPITA DAS IN BANGLADESH



On a hot summer of June 2013, 12-year-old Arpita Das, an academically brilliant sixth-grader and soccer aspirant from the Harijon community in Pirojput Sadar district. She was sent to buy groceries and jhalmuri (spiced puff rice) from the grocery shop in the village around noon. She didn't return till the evening, and as her parents were worried about her whereabouts, with relatives and kins they went for searching for the little girl. After 8 hours of searching, they found her still body, in a barren land, with clothes torn and dirtied. With her genitals bruised and bloodied, people assumed she was raped and murdered by the people from the dominant community. Shilpi Rani Das, mother of the victim, who hails from the washing community, with her husband filed a case in the local police station with the names of the possible culprits. While the suspects were arrested, they were released on bail because of pressure from dominant community (Muslim) people. The police report and autopsy report varied in the mode of crime, thus arousing suspicion from the family and community. These led to weakening of the case, despite various protests and media attention brought in by human rights groups. Shilpi Rani Das and her family are still waiting for justice. Moreover, they are scared of the culprit and their community members for the security of their lives and possessions.

INDIA

Communities	Scheduled Castes, Dalits, formerly known as Untouchables
Population	201 million (16.6%)
Traditional Occupation	Sweepers, cleaners, manual scavengers, and all other menial or indecent jobs

In India, caste is used as a social mechanism to organise people into caste groups, wherein their status in society is determined as immutable by and from birth. Untouchability as a practice has imposed severe disabilities on people just by their position in the caste ladder, and it continues to be even today as a reality to reckon

with for certain sections of society. Based on the concept of purity and pollution, Dalits are engaged in the most unclean and menial occupation. There are over 1.2 million Indians involved in manual scavenging; of these, over 95% are Dalits, who are compelled to undertake this inhuman and degrading task under the garb of traditional occupation.³² Though the practice of untouchability has declined to a certain level in the public sphere, they remain persistent in different forms like murder, individual and gang rape, physical assault, verbal abuse, naked parading, and so on. Women constitute almost half the total scheduled caste population, but they experience many forms of discrimination arising from their low social and gendered position in the caste system. They are often targeted as a way to humiliate entire Dalit communities. These undermine not only their dignity and self-respect but also their rights to equality and development. The nature of violence against Dalit women is accompanied by equally systemic patterns of impunity for the perpetrators.³³ Dalits are the worst sufferers in the unequal social order. Practices like the Devadasi system (a ritual practice wherein girls are offered to the temple deity and service but sexually exploited by dominant castes), exploitation of Dalit labour through beggar (free labour), bonded labour or child labour are still widely practised.

India is the only country in South Asia with a specific plan for ensuring the reach of educational benefits targeted to Dalit communities. To cite an example is the affirmative policy of reservation in higher education and post-matric scholarships ensuring educational advantage to the community. However, the implementation of these plans and the budget provided often does not match the aspirations generated by the policy and the expectations of the people. There is a low number of children in tertiary education due to poverty and discrimination induced high school dropouts. Although policy-wise India currently provides reservation for scheduled castes at

32 Alternate report to The Committee on the Elimination of Racial Discrimination (CERD) - To the joint 15th to 19th Periodic Report of the State Party (Republic of India)

33 Alternative report to the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) for the examination of the 4th and 5th periodic reports of India at the 8th CEDAW session in July 2014- June 2014

all levels in government jobs, many of them are often driven to caste-based jobs and debt bondage. Manual scavenging and other indecent jobs still exist within the community even after having laws to abolish it. Child labour within the community is very high compared to other communities because of the social and economic conditions of the community. The social spaces between the Dalits and the dominant castes are still wide, and the social control of endogamy is still robust.

DALIT MAN BEATEN UP, FORCED TO EAT HUMAN EXCRETA AND URINATED UPON IN INDIA



Mr Kollimalai, aged 45 years, owns a brick kiln in his Thiruvandurai village, Thiruvarur district of Tamil Nadu State, India. On 28.4.2019 at around 2.30 a.m., while returning from the brick kiln on his two-wheeler, three dominant Hindu caste persons waylaid him and hit him with brick and wooden logs. They also forced him to eat human excreta, urinated on him and rolled him away unconscious. Later his relatives got him admitted in Thiruvarur Government Hospital. The public caught hold of the three accused, handed them over to the police and a case was registered against them.

What was the motive for the attack? In a clash between the Dalits and the Hindu dominant castes in the village regarding the celebration of a temple festival three years ago, Kollimalai had filed a complaint against the three dominant caste Hindus. The latter abused the Dalit youths using caste name and damaged their two-wheelers. Ever since the incident, the three dominant caste men have been targeting Kollimalai and his family and were waiting for an opportunity to take revenge.

To avoid the escalation of caste clash, the police called both the parties, calmed them and dispersed them with the instruction not to get into any conflict in future. Later without pursuing any criminal proceedings against the accused, the police called them separately, warned and released them. But the dominant caste resentment never abated. It turned now into atrocity against Kollimalai precisely because he happened to be a Dalit who stood for social justice in favour of his community.

JAPAN

Communities	Burakumin
Population	3 million
Traditional Occupation	Butchers, Leatherwork

In Japan feudal society stratification during the Tokunaga regime (1603-1867) placed two groups at the bottom of the system, referring to them as the Senmin (humble people): the eta (extreme filth) and Binin (non-human). Although the Emancipation Edict was promulgated in 1871 to include the Senmin in mainstream society, the Burakumin, as their descendants are now known, continues to be considered as an outcast group, subjected to prejudice and discrimination, including in employment, education and marriage, and physically segregated in Buraku districts. Official figures estimate the total Burakumin population to be 1.2 million; however, unofficial statistics place the number at almost 3 million. The Burakumin is mainly engaged in unclean occupations, including leather making. Their work involved disposing of dead cattle, or as hide tanners and other leather related crafts, while Hinin became security guards and executioners.

Buraku continues to be segregated in terms of residence; any association with them is categorised as dirty and inappropriate. The Buraku suffer from a lower level of education as compared to other communities; Buraku women especially experience a lower level of literacy, and even employment, placing them in a vulnerable position. They are also victims of sexual violence. A survey by the Buraku Liberation League in Japan revealed that Buraku women experienced discrimination in a wide range of areas, including marriage, employment and healthcare, and approximately 30 per cent had suffered from sexual violence.³⁴ In Japan, specific legislation has been passed to improve the living conditions of the Buraku community by increasing their access to education, employment, and providing redress in cases of discrimination.

³⁴ A/HRC/31/56 January 2016 Human Rights Council – Human Rights Council – Report of the Special Rapporteur on minority issues Rita Izsak

MALAYSIA

Communities	South Asian Diaspora-Plantation population
Population	1.2 million
Traditional Occupation	Plantation workers, manual labourers

Discrimination based on work and descent continues to affect diaspora communities in several countries, including Malaysia. Caste-based discrimination is visible among minority Indian communities in Malaysia. Most Malaysians of South Asian origin are Tamils; whose ancestors came from South India. Malaysia also has people from Sri Lanka, North India and from elsewhere in South Asia. Traditionally, based on the concept of hierarchy, social segregation is particularly visible in the community's attitude towards intermarriage. "Many families seeking to arrange marriages place matrimonial ads that include caste requirements, and marriage brokers may be expected to take caste into account when finding suitable matches".³⁵ Traditionally, they were plantation workers and are now mainly occupied as manual labourers. Social avoidance of commensality is also visible among the South Asian diaspora, though at a much lesser level than in India. Segregation based on caste is evident in access to employment as well as education. Malaysia constitutes almost 2 million Indians, out of which 60-65 per cent are Dalits. Caste also plays a significant role in politics, with very little representation from the community.

³⁵ A Report by Human Rights Watch for the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Durban, South Africa, September 2001. Vol. 13, No. 3(G)

NEPAL

Communities	Pahari Dalits, Madeshi Dalits
Population	3.5 million
Traditional Occupation	Sweepers, cleaners, manual scavengers, and all other menial or indecent jobs

According to the official 2011 census, Dalits constitute 13.6 per cent of the total population (about 3.6 million people), but researchers and Dalit organisations assess this number could be above 20 per cent or as many as 5 million people. Almost half of Nepali Dalits live below the poverty line. They are mostly landless and have a low life expectancy and literacy levels compared to the dominant caste population. Dalits are routinely subjected to untouchability and discrimination in many forms, although some progress is seen in recent years. Dalit women are subjected to discrimination based on specific social customs. They constitute the most vulnerable group among Dalits. The effect of discriminatory practices continues to remain in day-to-day life despite the abolishment of such practices by law. For instance, Dalit women still face a high degree of social and economic exclusion, and the traditional harmful practices of chhaupadi, kamlari and child marriage continue despite legal abolition of these practices.³⁶

Nepal has introduced various new policies with the adoption of the new constitution in 2016, including the rights of Dalits. The major problem is that the lack of focus on tertiary education has left most Dalits without proper and quality education. Less than 7 per cent of Dalit girls have access to secondary school, and less than 2 per cent of Dalit girls have access to tertiary education. Nepal reported huge population involved in child labour and debt bondage among Dalit/DWD. In Nepal, many Dalit girls been trafficked for sex work and forced labour. Dalits need to be protected with further policy amendments and legislatures towards the development of the communities. Dalits, especially women and children, face a high number of atrocities and violence. However, the positive thing is that Dalits/DWD now have been constitutionally recognised, and the National

Dalit Commission deals with the Dalit Human Rights issues and violations.

Laxmi Pariyar, a Dalit women resident of Sano Bangthali-7 of Kavrepalanchok District, Nepal was tied with ropes, beaten and fed with faeces by locals non-Dalit Hira Lama and his mother Kaili Tamang on December 5, 2016, and tortured before being beaten to death for practising witchcraft. Five days after the incident, Laxmi was reportedly found dead under mysterious circumstances. The victim's family members suspected her death to be connected with the previous episode of her being accused of practising witchcraft. They accused Hira and Kaili of murdering her after five days of the incident. The victim's family has demanded stern action against the accused. However, District Police Officer (DPO), Kavre, has termed the complaint and accusation as 'baseless' and dismissed the link between the murder and the previous incident. Before coming to the hospital, Laxmi was made to apologise and was handed up-and-down punishment for 50 times with local people.

The story was given high priority, and after meetings with the police, the family of the victims, the locals and other related stakeholders including one with the Dalit Civil Society, the media and politicians to gather their support, the National Dalit Commission (NDC) was able to help in placing the suspects in custody. But the culprits were released without proving their innocence. There was no proper investigation on the case simply because of Laxmi being a marginalised Dalit woman. While the government has so far given Rs. 1 million to Laxmi's family as compensation by the decision of the Government of Nepal the case is still in court. Despite having constitutional and legislative safeguards, caste-based discrimination and untouchability are rampant, and deaths related to such discrimination is continuing in Nepal.



³⁶ Civil Society's Alternate Report on CEDAW Convention – Nepal 2016

PAKISTAN

Communities	Dalits
Population	1.5 million
Traditional Occupation	Sweepers, cleaners, barbers, washing communities etc

Dalits in Pakistan mostly belong to the Hindu minority. They face double discrimination due to their religious status—as non-Muslims in a majority Muslim state—as well as their caste belonging. They are officially known as Scheduled Castes, and suffer numerous forms of abuse, from bonded labour to rape. Crimes against them are often committed with impunity. Officially, and in the absence of more recent disaggregated data, the number of Dalits is about 330,000, which amounts to 0.25% of Pakistan’s total population. However, researchers say, the real figure may be as high as 5 million.³⁷

Scheduled Caste Hindus are concentrated mainly in the Sindh region, and live in rural areas. They are mostly landless and continue to work as bondless slaves with big landowners. Although mainstream Islamic ideology completely denies any place to caste in Pakistan, its presence in the form of social intercourse, birth-based occupation, segregation in residence and taboo in the social relationship is very widely recognised. Dalit women in Pakistan are incredibly vulnerable due to their socio-economic status in society. They are usually engaged in hard conditions of work such as bonded labour, cotton picking, and working in brick kilns. A gender-based division of labour leaves women the task of unpaid, reproductive and domestic work, as well as menial, informal employment, for which they receive lower wages than men. Scheduled Castes in Pakistan represent the poorest of the poor in the country. Although the constitution of Pakistan forbids discrimination based on caste, the government has done very little to remove caste-based discrimination. The absence of any legislative or legal measures to prevent caste discrimination has worsened conditions for the Dalit community.

³⁷ Alternative Report submitted to the CEDAW Committee for the examination of the 4th periodic report of Pakistan at the 54th CEDAW session in February 2013 – Scheduled Caste Women in Pakistan

SRI LANKA

Communities	Rodi or Rodiya; Indian origin Plantation workers
Population	1.5 million
Traditional Occupation	Plantation Workers, removing dead animals and other menial jobs

Sri Lanka has three parallel caste systems for each of the country’s main population groups: the Sinhalese majority; the Sri Lankan Tamils to the north and the east; and the Indian Tamils, who are mainly found in tea plantations and at the bottom of the urban social hierarchy. Within the Sinhala community, lower-caste groups, including the Rodi, occupy the lowest position in the caste system. Within Sri Lankan Tamils, the bottom status is collectively occupied by different groups identified as Panchamar and are considered untouchables. Indian Tamils trace their origin back to the colonial era when they were brought to plantations as indentured labourers. Although the Sinhalese have managed to overcome their low caste status in the caste hierarchy through the Sri Lankan Welfare State, Tamil Dalits continue to face caste-based discrimination.

Plantation population have seen much of the challenge in Sri Lanka’s developmental aspirations. Less than 0.5 per cent of the plantation girls access tertiary education, and a high amount of dropout rates shows a minimal number complete their education. In Sri Lanka, too, plantation population are often paralleled with debt bondage and forced labour, with no significant rights provided to them. Plantation population needs to be protected by ensuring the rights granted by the constitutional benefits. The plantation population have seldom been able to access services and justice, with issues of atrocities and violence been handled within the plantation management.



YEMEN

Communities	Al Muhamasheen
Population	500,000-3.5 million
Traditional Occupation	Cleaning jobs, begging, collecting waste and plastic

In Yemen, the Al-Muhamasheen, or the marginalised ones, formerly derogatorily called 'Al-Akhdam' community, which translates into 'the servants', is a minority community and is regarded as an untouchable outcast group. Tracing back to the 5th and 6th century of Yemeni history, they are the descendants of Christian African warriors. With the advent of Islam, Christian African warriors were defeated and subsequently exiled. Some of the African army that was left behind came to be collectively recognised as Al-Muhamasheen to become an "untouchable" caste. However, there are several parallel popular beliefs in terms of this community's origins. 'The government data of 2004 put their numbers at 153,133, but unofficial sources claim 500.000-3.5 million persons belong to this minority group'.

For centuries, this group has been most marginalised in social, economic and political spheres. It has suffered perpetual discrimination and oppression in the hands of both state and non-state actors. Their occupation mostly includes garbage collection, street sweeping and cleaning toilets and drains. They suffer from social stigma and discrimination, which exacerbate their socioeconomic exclusion and poverty. The community has been isolated by the work they are associated with. Some significant problems affecting the Muhamasheen population are the lack of access to essential amenities like housing, employment, education and necessary social services. These harms the overall socio-economic status of the community, including their health condition.

EUROPE

European society is multicultural with various cultures co-existing within the countries. However, there also exists discrimination based on ethnicity, race and other structural realities in the continent.

Numerically, the Roma (or Romani or Sinti) community is one of the largest ethnic community in Europe, with over 12 million people living in the continent. 'It is assumed that the migration of Roma people from India to Europe was most likely triggered by Turkey's conquest of North Indian regions like Punjab, Sindh and Rajas in the 11th century'.

Being from the North-West part of the Indian subcontinent, Europeans call them gypsies because of their nomadic lifestyle. The anti-Roma discrimination is termed 'antiziganism', or 'anti-gypsyism'.

Photo Credit: Athanasios Mitrou (ERGO Network)



People from this community experience high levels of poverty, illiteracy and unemployment, mainly because of the discrimination faced by them in access to education, employment, housing and health facilities. According to the European Union Agency for Fundamental Rights, 80% of Roma still live below the risk of the poverty line in all EU Member States.

Around 63% of the Roma youngsters (15-24 years) are neither following post-compulsory education nor employment or further training (NEET). There is also a substantial gender gap. On average, in the nine countries surveyed, 72% of Roma women, aged 16 to 24 years, are neither in work nor in education, compared with 55% of young Roma men.

The Roma population is spread across many countries in Europe with many living beyond the reach of the European Union. However, for the limited purpose of this study, only a few countries are listed below for understanding the discrimination faced by the Roma community.

BULGARIA

Communities	Roma, Romani, Sinti
Population	Approximately 750,000
Traditional Occupation	Gypsy, blacksmith, Copper collectors from the trash

With the gypsy population being over 10.33 per cent of the total population, Bulgaria is one of the largest Roma populated countries.³⁸ According to the national census of Bulgaria, they constitute 325,000 in number or 4.4 per cent of the total population.³⁹ Known as 'Tsigani' or 'Yerlii', they mostly consist of Bulgarian Roma (gypsy) and Turkish Roma (gypsy). Most of them are either Muslims or Christians by religion and speak exclusively Romani or a mixture of Romani and Turkish or Bulgarian.

The conditions of Roma are often considered 'miserable' as many of them are bracketed to

³⁸ "Roma integration in Bulgaria". European Commission - European Commission. 13 December 2016.

³⁹ censusresults.nsi.bg

do specific kind of jobs. They are mostly seen as uneducated, unemployed, and crime-filled community with almost 70% of the prison inmates. According to Carlos Silverman, within Bulgaria, 60-80 per cent of the population dislike the Roma population.⁴⁰ Christine Sudbrock (Integro Association Bulgaria) states that “Roma in Bulgaria do not have collective rights as a cultural minority, but they are collectively punished when individuals of Roma origin violate the law. Roma neighbourhoods lack security, quietness. Roma homes are not inviolable and do not enjoy prosperity. Institutions are not able to pursue the Union’s objective of combating social exclusion and discrimination when it comes to the Roma population, nor are they guided by the values of building a society in which human dignity is the most important cornerstone of fundamental rights as well as inclusion, tolerance and non-discrimination.”⁴¹

Mr Atanas Zahariev narrates his story of Roma discrimination in Bulgaria (published in the European Roma Rights Centre website). Over the last four days in Bulgaria, I have experienced more blatant racism than I have ever had in my entire life. I am Bulgarian Roma, dark-skinned, and living abroad. I tend to go on vacation to Bulgaria every year to see my family and spend time together. But every year, I notice the situation for Roma in Bulgaria worsening. And every year, I feel less and less welcome in my own country.

This year I went for four days to my favourite place on the South coast – Sozopol. I regret going there. On arriving in Sozopol I noticed that for the first time there were surprisingly no Roma at the seaside, this was not coincidental. On the second day of my trip, a car almost ran over my sister, my mother and myself while we were crossing on the street. The driver did not slow down and appeared to aim for us. He did not stop or apologise, no excuse, nothing.

The next day, I needed to use a bathroom in a café where one usually can pay and enter. I was refused. Supposedly the key was broken. I cannot prove this was not the case, but with no other Roma in the bar and an unwelcome atmosphere, it seemed to be yet another ‘unfortunate coincidence’. The next day my mother and sister went to the beach alone, and nearby Bulgarians commented loudly “they are everywhere, we cannot live in peace even at the seaside”. My family are only too aware of the heightened level of antigypsyism in the country and left the beach, fearing violence against them.⁴²

40 Carol Silverman (24 May 2012). Romani Routes: Cultural Politics and Balkan Music in Diaspora

41 <http://ergonetnetwork.org/2019/04/aggression-towards-roma-in-bulgaria/>

42 <http://www.errc.org/news/welcome-to-bulgaria-well-not-if-you-are-roma>

FRANCE

Communities	Roma, Romani, Senti
Population	Approximately 20,000-400,000
Traditional Occupation	Gypsy, blacksmith, Copper collectors from the trash

Known as gitans, tsiganes or manouchesm, Roma people in France number around 20,000-400,000 people. According to William Bila, there is a complete hatred against Roma in France. In 2010-11, during the term of French President Nicolas Sarkozy, the French government tried to send them to Romania by giving small recuperation amount for never coming back, which backfired as many of them returned to France. In September Interior Minister Manuel Valls said that Roma people have “lifestyles that are very different from ours” and that “their destiny is to return to Romania or Bulgaria”.⁴³ This type of xenophobia has resulted in complete exclusion of the Roma in France, which has seen Roma being denied space to live, essential services from the state as well as access to public spaces.

According to William Bila in 2019, “since March 16th, the most vulnerable members of the Roma community (living in precarious housing) have been going through an episode of terror in the greater Paris metropolitan area. A rumour that first appeared on social networks caused a series of attacks. To date, La Voix des Rroms and its partners have identified 38 assaults: assault and battery in the street, death threats, shots near living quarters, arson, etc. The number of attacks peaked between March 25-26.”⁴⁴

HUNGARY

Communities	Roma, Romani, Senti
Population	315,583 (official census)
Traditional Occupation	Gypsy, blacksmith, Copper collectors from the trash

According to Hungary’s official statistics, Roma is 3.15 per cent of the total population with 315,583 people residing in the country.⁴⁵ Other

43 <https://www.bbc.com/news/magazine-25419423>

44 http://ergonetnetwork.org/wp-content/uploads/2019/04/Pour-en-finir-avec-la-d%C3%A9shumanisation-des-Rroms-en-France_English-1.pdf

45 http://www.nepszamlalas2001.hu/hun/kotetek/04/04_modsz.pdf

statistics states that the population is between 500,000 to 1 million. The integration into the Hungarian society for Roma population has been completely shut down, as most of them are still seen alien even after living there for centuries. The education level of the Roma children could be gauged from the low admission and high dropout. It is said that discrimination in classrooms plays a crucial role in children not wanting to go to schools. According to Pal Nyiri, Romani women are hired often by the Chinese merchants as a way to cut cost as they provide cheap labour in comparison to the others.⁴⁶ The mass violence has been experienced by the Roma people in Hungary, including mob lynching, rape and murder. "Animals ... unfit to live among people," said Zsolt Bayer, one of the founders of the ruling party Fidesz in 2012.⁴⁷

In the Hungarian Parliament, there are four Romani representatives, and this has been an importantly increasing phenomenon. However, there are no laws against atrocities against the Roma community. The only law directly concerning Roma in Hungary is on non-discrimination in education which was amended in direct relation to segregated teaching of Roma.⁴⁸

On August 5, 2012, more than 700 people associated with far-right groups descended on Devceser, a village in western Hungary. After holding a demonstration in the village centre, the marchers moved on to a street where they believed Roma families were living. Gathering outside the houses, they chanted "Gypsy criminals ...We will set your homes on fire. You will burn inside your houses!" They threw rocks and paving stones, forcing the Roma to barricade themselves in their homes. Meanwhile, the police just stood by watching.⁴⁹

ROMANIA

Communities	Roma, Romani, Senti
Population	621,573
Traditional Occupation	Gypsy, blacksmith, Copper collectors from the trash

According to Romania's National Census 2011, Roma population within Romania is 621,573, which is 3.08 per cent of the total population.⁵⁰ Romanian society harbours one of the worst cases of social stigma in Europe. The direct result is the reluctance and, in most cases, refusal of critical public personalities of Romani origin to declare their membership or links to Romania's Romani minority. Important Romani members of the Romanian government, writers,



Photo Credit: Attila Kisbenedek/AFP via Getty Images

46 Chinese in Eastern Europe and Russia: A Middleman Minority in a Transnational Era (2007); Pal Nyiri, Taylor & Francis

47 <https://www.politico.eu/article/the-roma-peoples-hungarian-hell/>

48 Act LXXIX of 1993 on Public Education

49 <https://www.politico.eu/article/the-roma-peoples-hungarian-hell/>

50 http://www.recensamanromania.ro/wp-content/uploads/2013/07/REZULTATE-DEFINITIVE-RPL_2011.pdf

professors, doctors, sports celebrities and singers refuse or avoid discussions targeting their origins, afraid of the likely consequences: exclusion from social life, scapegoating or the decline or end of their careers.⁵¹ One is aghast at the extent of hatred nurtured in Romanian society. According to Valeriu Nicolae and Hannah Slavik (2003), “Young Romanians are taught about one of the first Romanian national heroes, Vlad the Impaler, who attempted to repel the Turks and cleanse Romanian society of undesirable elements: Gypsies, infidels, lazy peasants, beggars and impure women.”⁵² No wonder, therefore, that the children and youth like in another region in Europe face similar discrimination in schools.

UNITED KINGDOM

Communities	Roma, Romani, South Asian Diaspora
Population	475,000
Traditional Occupation	Gypsy, blacksmith, and various jobs

Right after David Blankett (2013), former Home Secretary suggested that Roma immigrants could trigger riots, an email was sent to Roma Support Centre stating “every country in Europe hates [you], and we are no different”⁵³. Such is the hatred towards the Roma community who resided in the UK since the early 1600s.

Social acceptance is still not provided to these Romanichal communities, as they are called in the UK, which still results in mass violence and xenophobia. Even today, they are seen as cheap labour. They have a life span of 15 years less than the other population. They are looked upon as outsiders and are usually considered suspects for any crime that happens in the neighbourhood. Apart from being discriminated in education, they are not hired for employment because of the prejudiced mindset prevalent among the British public that they are not fit for decent work.

Similar to Roma, the Dalit diaspora in the UK has been living there since the early 1950s, and they, too, face various forms of discrimination based on caste and untouchability. Discrimination is found in employment, education and religious institutions, accessing goods and services, and particularly concerning access to temples. The more direct forms of discrimination manifest themselves in various types of violence and public harassment. The Indian diaspora communities, to maintain caste lines, strictly follow the system of arranged marriage. Marriages within the caste communities have led to the continuation of the caste system within the South Asian diaspora in the UK.⁵⁴



51 <http://www.errc.org/roma-rights-journal/being-a-gypsy-the-worst-social-stigma-in-romania>

52 *ibid*

53 <https://www.theguardian.com/uk-news/2013/nov/17/roma-page-hall-sheffield>

54 <http://www.asiadalitrighsforum.org/images/imageevent/56170121FINAL%20FOR%20PRINT.pdf>

SOUTH AMERICA



BRAZIL

Communities	Quilombolas, Roma
Population	200,000 (Quilombolas); 800,000 (Roma)
Traditional Occupation	Plantation workers

Quilombos are runaway African slaves who settled down with the Portuguese, Brazilian aboriginals, Arabs and Jews in Brazil. Quilombo descendant communities are federally recognised and constitute an estimated 4,000 people. In the 18th century, with the growth in sugar plantations, there was an increase in the slave trade. When they escaped, they organised themselves in distant farms and developed their communities called Quilombos. They have grown throughout Brazil, but the first Quilombo community that was established is known as Palmares in North-Eastern Brazil. Even after decades of settling down, they are discriminated verbally as slaves. Even the end of slavery did not solve the issue of social exclusion of former slaves. They are still discriminated in terms of income, access to land, education and employment. In public services, including

jobs, they are often discriminated and attacked because of their skin colour and descent.

The Brazilian government has given them rights that are similar to Brazilian aboriginals. However, the marginalisation of blacks is still reflected in Brazilian society. The struggle for equal rights was achieved to some extent in the 1988 Constitution, which extends equal rights and protections to all. Apart from this, the “Brazil Quilombola Program” gave land titles to the Quilombos that allowed them to remain on the land in which they live. Even with access to land, they often do not have access to water, health and even education. There also remain cases wherein the Quilombos have been pushed out of their traditional heritage land, putting them in a vulnerable position. Unemployment remains a serious concern among the Quilombos, with a majority living below the poverty line. Quilombos still need to be integrated with mainstream society.

Brazil also has a notable Roma (Cigano) population. Not a homogenous group, the Roma population of Brazil is made up of distinctly different groups and subgroups which differ in religion, mother tongue, cultural and traditional

practices and lifestyles. Roma has been present in Brazil since the colonisation of the territory, with the first record dating back to 1574 and has continued to migrate to Brazil for diverse reasons; sometimes fleeing persecution in Europe, seeking new horizons.⁵⁵

Three main Roma ethnic groups reside in the country: Kalon, Roma and Sinti, with various subgroups. Although precise numbers are still not available, the Government estimates that there may be upwards of 500,000 Brazilian Roma,¹⁴ and a recent mapping project indicates that Roma may be present in as many as 337 municipalities, in more than 21 states, 196 of which already participating in social programmes.

According to Special Rapporteur Rita Izsak Ndiaye (Minority Rights), despite the lack of data, Roma continues to be a disadvantaged, socially excluded, and mostly invisible minority in Brazil. They face particular challenges with regards to accessing education, employment, health, housing and social security. Illiteracy is high, and access to public health services, education, social security, employment and accommodation can also be challenging, often hindered by stigmatisation, institutional racism and discrimination. Early marriage remains prevalent for girls, and Roma also experiences difficulties regarding the protection and preservation of their traditions and cultural heritage.⁵⁶

⁵⁵ <https://www.refworld.org/pdfid/56f173324.pdf>

⁵⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/021/35/PDF/G1602135.pdf?OpenElement>

NORTH AMERICA



UNITED STATES OF AMERICA

Communities	Diaspora of Dalits and Roma
Population	Roma: 1 million; Dalits: number unknown
Traditional Occupation	Various jobs

Roma descents in the United States is estimated at around 1 million, with the majority of them immigrated in the 1960s after the abolishment of slavery in 1964. The US census doesn't distinguish Roma as a group due to their non-affiliation to a particular country or religion. However, the Roma slaves were brought to the US in the 14th century, and today they are often considered as Ludar or Hungarian-Slovak Romani or known as Gypsy Americans.

Gypsy Americans might maintain a sequence of home bases; they often live in mobile homes, settling indefinitely in a trailer park. They may tear down walls or and enlarge the doorways of their homes to combine rooms or make them larger to create a wide-open space suitable for the large social gatherings that occur in Rom homes. In Urban Gypsies, Carol Silverman noted that Gypsies frequently pass along the houses, apartments, or trailers that they modify to a succession of Gypsy families. While some Gypsy Americans travel to make their living, others pursue settled careers in a variety of occupations according to their education and opportunities.⁵⁷

Gypsy Americans are known as the people with 'black magic', or their ghettos are known as 'dens of thieves' during most of the 20th century. Ideas about health and illness among the Rom are closely related to notions of good and bad luck, purity and impurity, inclusion and exclusion.⁵⁸ The popular culture has played a considerable part in trademarking Gypsy Americans into a particular category, which means to have a little responsibility and 'wild' nature. Even today, Romani communities are often seen as excluded communities.

Dalit diaspora is another significant group who faces discrimination in the United States. Caste discrimination does transcend boundaries, and the Dalit community is the victim of such discrimination in the United States. Mostly they have accounts of facing discrimination from the dominant caste diaspora, but this has also segregated to the other groups in the US society. The report on the survey's results said that two-thirds of members of the lowest caste, called Dalits, said they had faced workplace discrimination due to their caste. Forty-one per cent have experienced discrimination in education because of it. And a quarter of Dalits say they've faced physical assault all in the United States.⁵⁹

57 <https://www.everyculture.com/multi/Du-Ha/Gypsy-Americans.html#ixzz5yB9jHmuZ>

58 <https://www.everyculture.com/multi/Du-Ha/Gypsy-Americans.html#ixzz5yB9jHmuZ>

59 <https://www.npr.org/sections/codeswitch/2018/04/25/605030018/when-caste-discrimination-comes-to-the-united-states>

3. Convergence and Divergence

The communities examined in this study have their unique variables due to the socio-cultural constructs of their location. However, there are certain common phenomena of these communities which bind them within the framework of work and descent-based discrimination. While the most common features under DWD are discrimination, segregation, violence and exclusion in various forms, many other commonalities and differentiations are dictating their positions within society. Globally, given the absence of any conceptual framework within which to locate these commonalities, the DWD communities appear scattered under various disparate thematic constructs.

Consequently, there are experiences of side-lining their legitimate aspirations precisely because they do not fall within the accepted human rights and developmental frameworks. Moreover, focussing on divergences found within the respective thematic areas they represent preclude them from having a collective perspective of their situation, collective vision for their future, collective bonding among themselves and collective action for shaping their destiny. Needless to say, therefore, that the growing aspiration today for the just representation of these communities in the global arena has evoked much interest in evolving a strong common framework for understanding in depth the situation of the DWD affected communities.



This section analyses the salient features emerging from the explorative study on the DWD communities focussing specifically on the convergence and divergence dimensions.

I. Strands of Convergence

1. Inherent Identity based on Descent

One of the key factors emerging from the explorative study is the intergenerational identity for all these communities based on their descent. The inability or restricted ability to alter their inherent status has been a key feature which separates these communities from others in society. These communities are socio-culturally organised through systems of ranking which characterises them in social pecking order. This phenomenon accelerated by untouchability, antigypsyism, slavery and other stigmas of exclusion has fixed the position of DWD groups in the lowest scale firmly at the receiving end in the pecking order. This system, therefore, does not allow upward social mobility, thereby making the communities permanent recipients of the condescending benevolence of those above them and not the producers of their own free choice. Therefore, limiting their power in production and accessing services, and controlling their welfare and rights are determined and decided by those above them as per their whims and fancy. All the DWD communities have in fact faced such kind of discrimination on the basis of their inherent identity, as for example, the Haratine people in Mauritania, considered as slave community, are placed lowest in the stratified hierarchical structure of society and are made to face exclusion, segregation and violence based on their identity, similar to other communities like Roma of Europe and North America and Dalits of South Asia.

2. Non-Recognition of Contributions to Development Process

The DWD communities are one of the major workforces within their respective societies. They are often responsible for the advancement of developmental projects in their respective countries. However, they have often remained and made to remain, invisible and unrecognised in such development and nation-building

processes precisely because they are objectified and considered as mere tools rather than looked upon as subjects and representative members of their communities. For example, many DWD communities in South Asia who are working in the agricultural sector are known as agricultural workers or wage labourers rather than as farmers. The status as farmers is given to the dominant communities in the region. In other words, ownership rather than production, title-deed of possession rather than creative labour, becomes the determining category for public recognition and visibility. Similarly, in Africa, the DWD communities are engaged in various kinds of works, often essential and substantive to human well-being, but they are considered as slaves with low status, thereby imposing a limitation to their recognition as creative producers. In short, this phenomenon exists among all the DWD communities in Asia, Europe and Latin America, wherein their development efforts are marginalised and ignored, not by default but by choice of the dominant communities and the colluding political forces.

3. Enforced Endogamy

The study explicitly reveals another common aspect existing among all the described DWD communities, namely, the socially enforced restrictions on marriage with those outside their communities. The experiences from all the DWD communities in all the regions show that there is a strict cultural law against the marriage of other dominant communities with persons belonging to the DWD communities. Many cases have emerged from the various experiences of different DWD communities regarding violence, atrocities and honour killings⁶⁰ as a result of exogamy. Mr Mohammed Nur Iftin, Parliamentarian from Somalia, explains the result of exogamy in Somalia, that is, it has resulted in the killing of the groom's uncle who supported the marriage. This practise is widely prevalent among the slave communities in Sahel region in Africa.

Similarly, in South Asia, there have been several cases of Dalits marrying out of their caste, resulting in physical violence including murder.

⁶⁰ Honour Killing is the killing of a relative, especially a girl or woman, who is perceived to have brought dishonour on the family. It is mostly seen in inter caste/community marriages when either boy or girl is from the lowest stratified communities.



Extreme forms of endogamy are also practised in the Roma community as they are culturally enforced to marry within their community and marriage with other community members is discouraged. Among Quilombolas, marriages with other communities are very rare as it is believed to be unacceptable to others and even to the community itself.

4. Segregation of Housing

Separate housing is another key feature among the DWD communities. Like the racially discriminated communities in North America, the DWD communities are often made to settle down in segregated ghettos. Due to the social exclusion practised by the dominant communities, one way to evade intermixture with the DWD communities is to make the latter dwell in segregated settlements. These settlements are often found in the suburbs or far away from the main dwelling places or distantly placed from the settlements of dominant communities, thereby differentiating the identity of the DWD communities markedly as one of stigmatised exclusion. It is almost a normative pattern that these settlements have to be situated in unclean, obscure and uninhabitable areas for which the house owners will have no ownership titled deeds nor adequate facilities. The Roma community in Romania and Bulgaria is concentrated in the suburban settlements (slums) where there are no proper basic services like water and sanitation. Similarly, the Quilombolas are segregated to living in the mountains far from the other settlements, with limited access to any basic services from the state. Many of the communities in Africa, including Osu of Nigeria, live in settlements which are reminiscent of concentration camps, and Dalits in South Asia are

often made to settle down in the most vulnerable areas such as hills which are unreachable by any proper road or transport facility or low lying areas susceptible to drainage collection or water clogging in monsoon.

5. Principles of Purity-Pollution

While describing DWD, the Draft Principles and Guidelines for Effective Elimination of Discrimination based on Work and Descent (2009) extensively used the concept of purity-pollution to describe the forms of discrimination faced by the caste communities. While it was believed to be limited to certain communities, evidence of such forms is visible also in narratives of various other communities covered by this study. The principles of purity pollution are inherent in the discriminatory social system and are made evident in the way the dominant community exhibit their relationship with the DWD communities, be it Bellah, Burakumin, Dalits, Haratin, Jonov, Muhamasheen, Neeno, Quilumbolas, Roma, or the Sabs. These people are considered 'dirty', 'unclean', 'impure' or 'untouchable' within their social systems. No doubt, the social and cultural stigma of impurity and pollution puts the DWD communities in a vulnerable position. This stigma implies widespread social exclusion for those affected by it, through segregated living spaces and confining them to degrading jobs which they cannot free themselves off. Report by Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation (2009) states that the stigma can be understood "as a process of dehumanising, degrading, discrediting and devaluing people in certain population groups, often based on a feeling of disgust"⁶¹.

6. Limitation of freedom to renounce inherited occupations

The DWD communities are identified through their generationally inherited occupations. Thus, there are very few avenues for these communities to renounce these mandated traditional occupations. Each socio-culturally stratified society has designated to its low-status communities specific occupations, thus making it

61 A/HRC/21/42 July 2012 -Report of the Special Rapporteur on the human right to safe drinking water and sanitation Catarina de Albuquerque



their bounden duty to carry out these occupations. As a matter of normative and customary practice, the DWD communities are assigned the most menial, indecent and hazardous work, which include slavery. When trying to renounce their traditional occupations, the communities have encountered violent backlash from the dominant communities, thereby subjugating the DWD communities further to their diktats. Such subservient kind of social norms has made the affected DWD communities get alienated socially and psychologically and made them further dependent on the dominant communities for survival and safety purposes. In Europe, while many of the Roma people, seen as gypsy, are educated and have good jobs, still branding them as gypsies and discriminating them on that ground is still being continued by the dominant communities. In Africa, Bantu community members have said that they are not considered as natives of Somalia, even after they have attained good and reputed jobs.

7. Subjection to Modern Slavery

While exploring the key features of communities from Africa and Latin America (Quilumbola), the interlinkages of slavery and descent-based discrimination is the most visible facet. The slave descendants in these regions face multiple kinds of discrimination based on contemporary forms of slavery. Slavery and its after-effects have crippled the communities of their efforts towards social integration and instead have led them to social ostracism within the societies they live in. Their access to the basic services is much limited including housing and food provisions. Child labour, trafficking, debt bondage and other forms

of slavery are prevalent and persistent in these communities. In the case of South Asia, around 90% of the total bonded labourers and around half of the total child labourers are from DWD communities. In Europe, child labour from Roma community is said to be steadily increasing, and child marriage within these communities are also high compared to other dominant communities. These DWD communities are also seen as cheap labour by the dominant communities and often are employed for below standard wages.

8. Access to services including education and employment

As discussed earlier, access to employment opportunities is a big challenge for DWD communities. Similarly, availing of basic developmental services has also become a huge hurdle to them. The stark evidence is seen mainly in the access to education as borne out by this study which points to discrimination in school education, huge gaps in student enrolment and high percentage of dropouts. Furthermore,



the children from the DWD communities also face exclusion in the form of segregation through different teaching methods, separate seating arrangement for them, making them attend differently-abled schools, etc. Such forms of discrimination are found within Roma, Haratin and Dalit communities, and this kind of discrimination has been a key factor for children dropping out of school.

As regards other developmental services for these communities, for example, employment, water, sanitation, relief and rehabilitation during disaster crisis, food security, justice delivery – access to all these has been a major challenge to them. The existing social mindset in society acts against these communities, and this makes them more vulnerable to access these services. In terms of health, due to their vulnerable living conditions and socio-economic positions, the DWD communities are exposed to various diseases, and the medical officers face a challenge to protect them. There is also a mindset among doctors and medical staffs, which determines their negligence in providing proper and adequate care for these communities.

II. Strands of Divergence

Apart from the various strands of convergence observable about the DWD communities, there are also some features of divergence which need to be addressed to have an appropriate understanding of these communities and which, therefore, requires elaborate research. However, given the limited scope of this section, it is sufficient to indicate here certain exploratory characteristics of divergence.

While DWD is a basic thematic structure which binds these communities, the identities of these communities have closer ties to various other sub-thematic frameworks. The Quilumbola of Brazil is ethnically racial communities who are the descendants of slaves brought during the imperialist era. As a result of the cross Atlantic slave trade, these communities were given their identities through the system of socio-cultural division introduced by the colonial masters. Thus, their positioning in the country is also based on racism in addition to work and descent-based discrimination. The geo-cultural location of the community also has classified them as indigenous

due to their close relationship with the forest and natural resources. The major contention for this community is to protect their racial and intergenerational features.

The Roma people are a community who has been traditionally bracketed under the minority groups or stateless people due to their mobile (gypsy) lifestyle. Being discriminated based on their ethnicity, racial abuse against them is common.

While the DWD communities in Africa face discrimination based on their race from Afro-Arab communities, they also encounter similar discrimination from the black-Arabs and other African communities, even though they may be of the same ethnic background as the latter.

As regards the diaspora of each of these communities as well as the Dalits settled down in the northern hemisphere, these also face similar discrimination along the lines of race, ethnicity, colour, culture, language, caste, etc. from the dominant social groups within and outside their social groups.

III. Conclusion

An overview of the various strands of convergence and divergence presents an interesting mosaic of the socio-cultural context of the DWD communities found in different continents. Despite the difficulties involved in comprehending the complexities of the varied contexts, one can discern certain thematic pointers towards future research and action. The particularities of divergence among them are determined by the historical and indigenous socio-cultural contexts in which they are located. These give them certain specificity and particularity as far as their local contextual profiles are concerned.

But the more important question is the nature of their larger social profile in the wider social milieu, and this is defined by the many strands of convergence discussed above in this section. Analysis of these strands indicates certain commonalities which argue for considering the DWD Communities as a Collective of Communities who can stake legitimate claim to human dignity and all fundamental rights and entitlements at local, national, regional and global levels.



4. Bringing DWD under Human Rights Framework

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status. [...]”

Universal Declaration of Human Rights, Articles 1 and 2
UN General Assembly, 10 December 1948

The UN Human Rights framework is based on protection, promotion and enjoyment of social, economic, civil, political and cultural rights with no exceptions of any form or kind. These basic principles ensure human rights as universal, individualistic, participative, indivisible, overlapping, accountable, transparent and based on equity and non-discrimination.

On the basis of the Universal Declaration of Human Rights, the “Draft Principles and Guidelines on Effective Elimination of Discrimination based on Work and Descent”, have noted that all persons of affected communities have the right to enjoy, on an

equal footing with everyone else, human rights and fundamental freedoms in political, social, economic, cultural and other fields of public life. They have also mentioned a broad set of rights that need to be ensured reasonably to the affected communities:

1. The right to physical security and life and the right to be free from violence;
2. The right to equal political participation;
3. The right to fair access to justice and due process;
4. The right to own land;
5. The right to equal access to public and social services;

6. The right to freedom of religion;
7. The right to marriage on free will and inter-marry;
8. The right to education and equal treatment and opportunity in education;
9. The right to cultural identity and self-determination;
10. The right to equal opportunity and free choice of employment;
11. The right to occupational mobility;
12. The right to equitable, just and favourable conditions of work;
13. The right to be free from forced or bonded labour;
14. The right to be free from cruel, inhumane or degrading treatment;
15. The right to health;
16. The right to adequate food, water, sanitation, clothing and housing.

It is substantially evident that DWD communities face various forms of exclusion, in some cases, extreme, which has hindered their growth and development vis-à-vis other communities. At the same time, one observes instances where specific initiatives have been undertaken to ensure that these communities are uplifted to the standard of the national average index. Some of the key actions taken to incorporate these communities to the mainstream are through legislative and programmatic policies of national governments.

The most progressive policies designed in the world to address these concerns are those that have been adopted by the Government of India and to a considerable extent, the Government of Nepal. While acknowledged as the birthplace of the caste system and the related caste discrimination, India has tried through its constitution and various affirmative action measures to ensure the inclusive involvement of DWD communities—in this case the Scheduled Castes (SC) and Scheduled Tribes (ST) in constitutional parlance or Dalits and Adivasis in accessible language — in public life. Moreover, India has promulgated protective legislation like the Scheduled Castes/ Scheduled Tribes Prevention of Atrocities (PoA) Act 1989, which seeks to ensure that violence perpetrated against SCs/STs is severely

punished. Similarly, targeted budgeting for empowering DWD communities is safeguarded by the Scheduled Caste Sub Plan (SCSP) or Scheduled Caste Component Plan (SCP) which guarantees that 16% of all developmental budget is assigned to these communities. Similarly, in Nepal, the constitution (2016) ensures that Dalit Rights are fundamental rights and provides reservations in employment, education and other public services. Nepal also guarantees land redistribution to landless Dalit families and other welfare policies.

The European Union has taken legal and formal steps towards changing the position of the Roma community as well as towards eliminating discrimination against them. In 2011, under “An EU Framework for National Roma Integration Strategies up to 2020”, they called upon each EU member state to produce a concrete plan to improve the situation of the marginalised Roma people explicitly focusing on the areas of housing, education, healthcare and employment.

These legislative and policy measures are crucial. At the same time, though, DWD-affected communities have expressed serious concerns over the implementation of these policies in countries and regions where they are in place. The question of the application refers not only to the degree and quality of execution but also, more importantly, whether the form has taken place at all. Meanwhile, in many countries, DWD is still not even recognised as a significant issue and mechanisms not designed yet to eradicate DWD.

Hence, as a matter of urgency, to address the distinctive pattern of deprivation of human rights that DWD entails, affected states must take the following key measures:

- (1) Ensure official recognition to those DWD affected communities where they have not been identified as such, to end their invisibility and enable them to enjoy the rights that are due to them;
- (2) Ensure substantive equality by making relevant constitutional provisions, and by enacting and implementing national legislation and international instruments effectively, and by applying all possible means to achieve them with particular attention being paid to time-bound action

- plans and budgeting;
- (3) Make constitutional, legislative, programmatic and budgetary measures to acknowledge their dignity and self-respect, promoting their bodily, educational and cultural well-being, ensuring their safety and security of life, defending and protecting them from abuses and violence, and assuring them of their full citizenship on par with their adult counterparts.
 - (4) Ensure recognition to the rights of the growing population of DWD affected youth and work out for them specially designed development and entrepreneurial projects that are relevant to their needs today, and accordingly allot targeted budgets for them, and ensure their active participation in the implementation and review process;
 - (5) Provide statutorily mandated reservations in employment, procurement and services in both private and public sectors, with penalties attached for non-compliance and non-implementation by the concerned officers in the government and private administration;
 - (6) Guarantee a universal human rights framework with strategies to end untouchability, antigypsyism, all forms of slavery and descent-based discrimination in all countries where it exists and enable all DWD people including women and children, in particular, to live with equality and human dignity;
 - (7) Put in place legal mechanisms with follow up measures in all the countries, and strengthen such mechanisms in states where it exists, to monitoring the caste and gender-based rights abuses and violence committed against DWD women and girls;
 - (8) Ensure constitutional and legislative measures that effectively ensure the total abolition of modern slavery, including indecent work, forced labour, manual scavenging and other degrading forms of labour, that urgently address human trafficking and that proactively propose rehabilitation programs in favour of the people affected so as to enable them live with dignity and get integrated into the larger society with full rights and self-respect;
 - (9) Ensure the setting up of a common legal policy framework with strategies for women's educational and economic empowerment by accessing land resources, education, and employable and entrepreneurial skills development for their gainful occupation as well as for building their economic assets as a measure of security and self-reliance;
 - (10) Ensure policy measures for women to occupy their due place in political governance institutions at the local, regional and national levels to enable their access to legitimate space in public life concerning all matters and on par with their male counterparts.
 - (11) Ensure effective and inclusive monitoring mechanisms for reviewing the implementation of the laws and policies, budgets and schemes, with strict penalties for non-compliance, negligence and dereliction of duty.
 - (12) Provide special attention to the exclusion of DWD communities during the humanitarian crisis and accordingly put in place unique mechanisms to address this problem.

In conclusion, we affirm that given the experience of the past millennia wherein the DWD people have exhibited enormous amount of resilience, creativity, and fortitude to endure and survive through myriad, intersecting forms of oppression, discrimination, and injustice, today they stand in full solidarity to claim their full humanity, achieve full recognition of their status equal to all other citizens of nation-states and live as fully respected members of the global community. They demand today through legitimate acknowledgement by the worldwide community, especially such multilateral international institutions as the UN that represent the 'ethical conscience of humanity.'



5. Conclusion




The United Nations Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent (DWD), 2009 clearly states that “discrimination based on work and descent exacerbates poverty and constraints progress.” It is essential for human rights and developmental mechanism to provide primal emphasis on the work and descent-based discrimination if the visions are for any systematic and sizable change in the society for development.

The progress so far is, to a large extent is a consequence of the tireless work of DWD civil society groups in South Asia. They have also managed to place caste discrimination firmly on the international human rights agenda. UN bodies and EU institutions are paying increasing attention to this issue. Despite several attempts, the UNSDGs have not acknowledged this, and hence it demands urgent action by all of us concerned at national, regional and most importantly at the level of UN. None of the UNSDGs targets or indicators has touched upon the concerns of these severely affected communities worldwide. It has a severe impact within the nation-states as DWD communities find themselves severely restricted in addressing their issues at the national level due to lack of support internationally or by the countries alike.

Diversity in discriminatory patterns in Asia, Africa, Europe and American continents is the biggest hurdle that has never been actively addressed for global collaborative, targeted interventions in UN HLPF and UNGA for the inclusion of DWD communities in UNSDGs. There have been a few attempts around the UN SDG events in New York, Human Rights Council in Geneva by several organisations and networks over the past few years. In Asia, the interface with the leaders and activists of communities affected by DWD has emerged and is growing. Roma community leaders in Europe have been in touch on these issues and have participated in joint actions. A dialogue was initiated with comrades and colleagues in Africa, and Latin American region who have insisted on these systems exists but are not sufficiently scaled up. Now, it is a felt and dire need to have an in-depth dialogue on building secure networks and collaboration with leaders from discriminated communities and human rights activist in Africa to take up this issue further in UN HLPF in relation for the inclusion of such discriminatory practices as a human rights violation in UN SDGs.

This report explores salient features of convergences and divergences are expressed in chapter 3; while the aspirations have been



articulated in chapter 4. This section would like to show the demands and suggestions of the community:

A. We call on the United Nations and the Member States:

1. To adopt the “Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent”;
2. To declare a Decade of DWD Communities that will focus on combating discrimination and violence based on Work & Descent, Casteism, Antigypsyism, Contemporary Forms of Slavery and other analogous forms of discrimination;
3. To establish a Special United Nations Fund to support the active participation of DWD victims in programs that are geared toward eliminating discrimination and violence based on Work & Descent, Casteism, Antigypsyism, Contemporary Forms of Slavery and other analogous forms of discrimination;
4. To adopt a Declaration/Convention recognising DWD as a global issue and address it accordingly so that all the DWD communities are not left behind in the full enjoyment of all their rights and entitlements.

B. We call on the States Parties where the practice of discrimination and violence based on Work and Descent, Casteism, Antigypsyism, Contemporary Forms of Slavery and other analogous forms of discrimination exist:

1. To officially recognise communities affected by these forms of discrimination and violence, and establish various legal and policy frameworks, administrative and judicial instruments that will accelerate the achievement of de facto or substantive equality;
2. To ensure that there is no direct or indirect discrimination against women in their laws and that women are protected against discrimination and violence based on Work and Descent, Casteism, Antigypsyism, Contemporary

Forms of Slavery and other analogous forms of discrimination;

3. To address the rights requirements of children of DWD communities so that they are enabled to develop their potentials and grow as full-fledged citizens from their young age onwards.

C. We call on the NGOs, INGOs and other Civil Society Organizations working on human rights issues:

1. To support and be involved in the creation of a global network of organisations to address the global problem of discrimination and violence based on Work and Descent, Casteism, Antigypsyism, Contemporary Forms of Slavery and other analogous forms of discrimination in Africa, Asia, Europe and the Americas;
2. To create at the country level an Expert Group on DWD and the State Caucus on DWD to advocate for DWD community rights;
3. To develop a comprehensive Action Plan for UN and international bodies that would call for the adoption of a Declaration/Convention recognising DWD as a global issue and address it accordingly;
4. To work toward the creation of a Consortium of INGOs as a consistent and continuing funding agency to finance the DWD advocacy work locally, regionally and globally;
5. To build a research-based database that will be required to frame administrative and legal policies, to develop programs and projects, to assess project implementation processes and to empower the DWD community stakeholders.

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