



# Global Partnership and Joint Action in Addressing, Discrimination based on Work and Descent, Untouchability, Contemporary Forms of Slavery and Analogous Forms of Discrimination

## DAKAR DRAFT DECLARATION

We parliamentarians, academics and representatives of human rights organizations from Africa, Asia, the Americas and Europe have come together in Dakar, Senegal on 9 to 11 April 2019, at the Consultation titled “Global Partnership and Joint Action in Addressing Discrimination based on Work and Descent<sup>1</sup>, Untouchability<sup>2</sup>, Contemporary Forms of Slavery and Analogous Forms of Discrimination” we are calling on States and the United Nations to adopt, measures toward ending discrimination based on Work and Descent, Untouchability, socio-cultural beliefs, and Analogous Forms of Discrimination including Contemporary Forms of Slavery.

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<sup>1</sup> A/HRC/11/CRP.3 18 May 2009 HUMAN RIGHTS COUNCIL Eleventh session 2 – 19 June 2009 Agenda item 5 HUMAN RIGHTS BODIES AND MECHANISMS, Final report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent page 8

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, birth place, 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, and is deeply rooted in societies and cultures where this discrimination is practiced

<sup>2</sup> CHAPTER VI JUDICIAL APPROACH TOWARDS UNTOUCHABILITY OFFENCES retrieved from: [www.shodhganga.inflibnet.ac.in/bitstream/10603/49841/12/11\\_chapter%206.pdf](http://www.shodhganga.inflibnet.ac.in/bitstream/10603/49841/12/11_chapter%206.pdf), page. 196 & 201

Untouchability includes the act of preventing certain classes of Hindus who were once known as "Depressed classes" from entering a public temple, preventing access to public drinking water sources, . It is not to be understood in its literal and grammatical sense but to be understood as the practice as it has developed historically in this country.

- **Recalling** the fundamental principles of the Universal Declaration of Human Rights (UDHR) that “(a) all human beings are born free and equal in dignity and rights” and are entitled to the rights and freedoms contained in the UDHR without distinction of any kind as to race, colour, sex, language, religion, social origin, birth or other status. Whereas discrimination based on Work and Descent, Untouchability and other such Analogous Forms of Discrimination stand in violation of those fundamental principles;
- **Reiterating** that discrimination based on Work and Descent, Untouchability and Analogous Forms of Discrimination including Contemporary Forms of Slavery are prohibited under international human rights law;
- **Recognising** the differential negative impact of discrimination based on Work and Descent, Untouchability and Analogous Forms of Discrimination affect women disproportionately;
- **Acknowledging** efforts undertaken by some Governments through the adoption of legislations and policies to address discrimination based on Work and Descent, Untouchability, Contemporary Forms of Slavery and Analogous Forms of Discrimination;
- **Recognising** the Draft Principles and Guidelines for Effective Elimination of Discrimination based on Work and Descent and the comprehensive recommendations by UN human rights Treaty Bodies and Special Procedures Mechanisms, to address and eliminate these forms of discrimination;
- **Reaffirming** the demands and appeals made by several civil society organizations to the Human Rights Council on the persistence of widespread violations in countries affected by Work and Descent, Untouchability Contemporary Forms of Slavery and Analogous Forms of Discrimination;
- **Emphasizing** the usefulness of the “Guidance Tool on Descent Based Discrimination: Key Challenges and Strategic Approaches to Combat Caste Based and Analogous Forms of Discrimination” issued by the United Nations Network on Racial Discrimination and Protection of Minorities;

We are committed to work toward the total elimination of discrimination based on work, descent, untouchability and analogous forms of discrimination including slavery, while engaging with the United Nations Sustainable Development Goals also known as the 2030 Agenda.

**A. We call on the United Nations and 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 devoted to combating discrimination based on Work and Descent, Untouchability, Contemporary Forms of Slavery and Analogous Forms of Discrimination;
3. To establish a Special United Nations Fund to support effective participation of victims in programmes geared toward eliminating discrimination based on Work and Descent, Untouchability, Contemporary Forms of Slavery and Analogous Forms of Discrimination

**B. We call States where the practice of discrimination based on work, descent, untouchability and analogous forms of discrimination exist:**

1. To officially recognise communities affected by these forms of discrimination and establish legal and policy frameworks to address them; through adoption of temporary special measures (affirmative action) legislative, executive, administrative and other regulatory instruments, policies and practices to 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 based on Work and Descent, Untouchability, Contemporary Forms of Slavery and Analogous Forms of Discrimination
3. We resolve to work in solidarity with all stakeholders in the struggle toward elimination of discrimination based on Work and Descent, Untouchability, and Analogous Forms of Discrimination including Contemporary Forms of Slavery and the restoration of equality, dignity and rights for all.