



# DISCRIMINATION BASED ON WORK AND DESCENT AND UNTOUCHABILITY:

GLOBAL PROFILE AND A COMMON FRAMEWORK TO  
ELIMINATE THE PRACTICE

### About Asia Dalit Rights Forum

Asia Dalit Rights Forum (ADRF) is a platform of, and those working with Dalits in Bangladesh, India, Nepal, Pakistan, Sri Lanka and Malaysia, committed to the empowerment and emancipation of communities subjected to descent and work-based discrimination including Untouchability. 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.

### Amnesty International

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all. Amnesty's vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standard. Amnesty is independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

### The Inclusivity Project

The Inclusivity Project(TIP) is a non-profit organisation that is primarily focused on capacity building, collaboration, and research in support of those communities that face exclusion and what the UN calls “discrimination based on work and descent” under caste or caste-like social structures across the globe. The organisation aims to enhance the social, economic and political integration of these communities and increase their global visibility by creating a platform for international cooperation, providing opportunities for capacity building, and promoting and circulating policy-relevant research.

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## ABBREVIATIONS

- ADRF:** Asia Dalit Rights Forum  
**APFDC:** Asia Parliamentarians Forum on Dalit Concerns  
**CAT:** Committee Against Torture  
**CEDAW:** Committee on the Elimination of Discrimination against Women  
**CERD:** Committee on the Elimination of Racial Discrimination  
**CRC:** Committee on the Rights of the Child  
**DWD:** Discrimination Based on Work and Descent  
**ECOSOC:** United Nations Economic and Social Council  
**EU:** European Union  
**FIDH:** International Federation of Human Rights  
**HRW:** Human Rights Watch  
**ICERD:** International Convention on the Elimination of Racial Discrimination  
**IMADR:** International Movement Against All Forms of Discrimination and Racism  
**MENA:** Middle East and North Africa  
**MRG:** Minority Rights Group International  
**NCDHR:** National Campaign on Dalit Human Rights  
**SC:** Scheduled Caste  
**UDHR:** Universal Declaration of Human Rights  
**UN:** United Nations  
**WCAR:** World Conference Against Racism

# CONTENTS

1. Introduction
2. Concept of Discrimination
3. The concept of Discrimination based on Work and Districts
4. The situation of the DWD community
  - Africa
    - Benin
    - Burkina Faso
    - Ethiopia
    - Ghana
    - Mali
    - Mauritania
    - Niger
    - Nigeria
    - Senegal
    - Somalia
    - Togo
  - Asia
    - India
    - Bangladesh
    - Pakistan
    - Nepal
    - Sri Lanka
  - South East Asia
    - Malaysia
  - Far East Asia
    - Japan
  - Middle East
    - Yemen
  - Latin America
    - Brazil
  - Europe
    - United Kingdom
    - Czech Republic, Finland, France, Germany, Hungary, Italy, Poland, Romania, Slovakia, Spain, Sweden
5. Conclusion and Recommendations

# INTRODUCTION

The social, hierarchical and intergenerational discrimination that is passed on to generations is prevalent across the globe. In the era of globalisation and global migration, these forms of discrimination are carried and practised across international borders. In Africa, such forms of discrimination exist and are practised against certain communities and passed on to generations. Such discriminatory practices against these communities often manifest whereby considerable population are forced ofSex Trade, Forced Labour, Child Slave Trade, witchcraft or witch children or women, cultural, traditional and ritual slavery. In South America, discriminatory practices exist in the form of Slavery, exclusion in access to land, education, employment, physical violence and exclusion from mainstream society. In European countries, discriminatory practices exist in the form of ‘antiziganism’, or ‘anti-gypsyism’. In South Asia, it is identified as caste-based discrimination. The affected population referred to as Dalits. They are often harassed, beaten to death and face exclusion in socioeconomic development.

The subsequent sections talk about the situation of DWD communities across Africa, Asia, Europe, Latin America and the UK and evaluate if there exists sufficient constitutional safeguards, legislative remedies, program and policies safeguarding for the protection of human rights of these affected population.

This report speaks to a wide range of audiences such as human rights defenders, activists, community leaders and people alike who have been fighting for the rights of the discriminated communities to understand and explore the similarities in the forms of discrimination existing in Africa, Asia, Europe, UK and Latin America. The primary objective of the report for the targeted audiences is to see if there are any similarities, look for the possibilities if these affected communities referred to under the broader umbrella term identified by United Nations as the communities discriminated based on work on the descent. Further, this report is envisioned to shed light on each of the countries' progress so far in addressing the issues of social and hierarchical discrimination at the national and international level through constitutional amendments, legislation, programs and policies.

The report is a result of extensive desk research based on UN OHCHR, Special Rapporteur and CSO reports. The researchers have timely consulted and received feedback from DWD community leaders from respective countries and have sufficiently tried to deal with any discrepancies in the data and information. However, due to time constraints; lack of grassroots level survey data, there may be a possibility of scanty data especially relating to African countries. The research report is first of its kind and is written to act as a guiding document for further research on global DWD Human Rights Issues. Feedback and collaboration are welcomed from local or international civil society organizations, leaders from DWD communities and Human Rights Defenders working on the issues of DWD or from government agencies.

# CONCEPT OF DISCRIMINATION

**Discrimination** refers to intentional or unintentional behaviour for which there is no reasonable justification. Such behaviour adversely affects specific individuals or groups by characteristics defined by the 1992 B.C. Human Rights Act<sup>1</sup>. It is the selection for unfavourable treatment of an individual or individuals by some characteristics. These characteristics include age, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, and unrelated criminal convictions or any conditions or requirements that do not accord with the principles of fairness and natural justice. It can take a variety of forms and may include the following:<sup>2</sup>

- **Direct discrimination**, an individual is treated less favourably
- **Indirect discrimination**, a rule or policy is made to exclude a particular category of people
- **Discrimination by association**, a person is discriminated because someone's associations with is a person who is from discriminated communities.
- **Discrimination by perception**, receiving unfair treatment because someone thinks that an individual belongs to a particular group or community
- **harassment**, it comprises of unwanted behaviour that makes another person feel offended, humiliated or intimidated.

- **Victimisation**, when a person is poorly treated or subjected to a detriment because they complained about discrimination or supported another victim of discrimination, this may be considered victimisation.

Additionally, discrimination may distinguish from prejudice which is made up of hostile or discriminatory attitudes (not actions) towards persons of different categories. Racial, sexual and other types of discrimination can exist at the level of personal relations and individual behaviour as well as institutionalise as a legal or administrative policy. The term discrimination refers to modern industrial societies characterised by a generalised ideology of equality of opportunities and rights, but which exclude from them specific categories of persons, sometimes small minorities but often large and important ones or even majorities such as women.



# THE CONCEPT OF DISCRIMINATION BASED ON WORK AND DESCENT (CASTE)

Discrimination based on work and descent (DWD) is the UN terminology for systemic discrimination like caste-based hierarchical system. The term has been used by several UN human rights bodies, including by Treaty Bodies and Special Rapporteurs, reaffirming that this form of discrimination is prohibited under international human rights law.

DWD has various characteristics like caste, descent, parental occupation, family, community or social origin, name, birthplace, place of residence, dialect and accent. However, the nature of the exclusion and discrimination of community or people by systemic prejudice created has been on the principle of purity-pollution or the concept of clean and unclean (dirty). The concept of purity-pollution has become perpetuated into the shaping of the idea of untouchability (Dalits, Al Akhdamand Burakumin), unclean (Romani), unequal status (Quilombolas), and similar forms of discrimination.

Discrimination based on DWD and analogous systems of inherited status refers to a form of discrimination based on descent. Because one's social positioning in the socio-cultural hierarchies including caste can be determinative of one's occupation, also referred to as "discrimination based on work and descent.

Discrimination based on work and descent is any distinction, exclusion, restriction, or preference based on inherited status such as caste. Caste includes 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 and is deeply rooted practices of discrimination in societies and cultures.<sup>1</sup> Untouchability means a person or people belonging to the lower caste groups are banned from touching people from upper caste groups. Even a shadow of lower caste people falling on to upper caste group is considered impure which also means the upper caste people upon such touch gets polluted. But it is not merely the inability to touch a human being of a certain caste or sub-caste but it is an attitude on the part of a whole group that relates to a deeper psychological process of thought and belief of purity and pollution, invisible to the naked eye, translated into various physical acts and behaviours, norms and practices; Untouchability is prompted by the spirit of social aggression and the belief in purity and pollution that characterises casteism.<sup>2</sup> It often results into violence against Dalits and such other DWD communities.

Extra ordinary measures are taken for the sole purpose of securing adequate advancement of affected groups and individuals requiring such protection as may be necessary to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed. Discrimination based on work and descent, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different groups and that they shall not be continued after the objectives for which they were taken have been achieved

The term “caste” refers to a stratified, hierarchical social system based on the notions of purity and pollution, and in which individuals placed at the bottom of the system face exclusion and discrimination in a wide range of areas. The concept of “caste system” is primarily associated with South Asian region and its existence is linked to the religiously sanctioned social structure of Hinduism, which identified four original endogamous groups, or castes, called varnas. At present, the term “caste” has broadened in meaning, transcending religious affiliation and territorial boundaries. Caste and caste-like systems are based on either a religious, social or maybe cultural background and can find within diverse religious or ethnic groups in all geographical regions such as Asia, Africa, Europe and South America including the diaspora.<sup>3</sup>

DWD a system present distinguishing characteristic:

- Hereditary nature: inherent status by birth and follows the individual until death;
- Labour stratification and occupational segregation: status determines and confines to specific occupations, which are compulsory and endogenous. Individuals from lower-caste strata are traditionally assigned to tasks deemed “polluting” or menial by higher caste groups, including sweeping, manual scavenging (cleaning of excreta from dry latrines), leather works and disposal of dead animals;
- Untouchability practices: a set of collective behaviours and norms stemming from the belief that contact with individuals from lower strata is “polluting”;
- Enforced endogamy: inter-caste/community interactions are limited and, in some cases, de facto prohibited. Manifestations of enforced endogamy include limitations on, or prohibitions of, inter-caste/community marriages, commensality (the practice of eating together) and sharing common goods or services. Attempts to challenge these prohibitions are often severely punished through violence against DWD-affected individuals and retaliation against their communities; Segregated housing or dwellings: Different caste/communities occupy distinctly different quarters in the village.

Existing pervasive and entrenched stigma of individuals and groups ascribed to “lower caste” strata permeate caste systems. Special Rapporteur on the human right to safe drinking water and sanitation highlighted that stigma could be understood as “a process of dehumanising, degrading, discrediting and devaluing people in certain population groups, often based on a feeling of disgust”.<sup>4</sup> The process of “dehumanisation” of individuals and groups owing to their low caste status begins with the association between such status and the notions of “pollution”, “filthiness” and “untouchability”, resulting in them being considered “impure” and “unworthy”. This process evolves into widespread social segregation of affected individuals and communities who are confined to separate physical spaces and, as mentioned above, to certain degrading jobs from which they cannot break free. This imposed marginalisation becomes an externalised and internalised social norm that eventually legitimizes mistreatment and abuses against affected communities, perpetuating discrimination and patterns of human rights violations against them. The same Special Rapporteur also noted that the repeated presentation of broad negative stereotypes of minority groups as, among other things, “dirty”, nurtures inaccurate and false assumptions and opinions that may

## GLOBAL OVERVIEW OF DWD-AFFECTED GROUPS

Discrimination based on work and descent (DWD) is terminology used to address various forms of discrimination including caste, action and birth-based discrimination. Estimates indicate that over 260 million people suffer from caste-based discrimination worldwide. Though the highest numbers of affected communities concentrate in South Asia, discrimination on the grounds of caste or analogous status is a global phenomenon and can be found in other geographical contexts, including in Africa, the Middle East and the Pacific region, as well as in diaspora communities. Although the following examples are not exhaustive, they aim to be illustrative of caste-affected communities in different regions.

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

\*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.

\*\*Law on Special Measures for Dowa Projects was enacted in 1969 and was in force until 2002

\*\*\*Buraku community in Japan had reservations in the private sector.

\*\*\*\*1 percent admission quota for Dalit students in certain universities.

In each row, countries are arranged in alphabetical order



# AFRICA

According to Dr.Rita Izsak-Ndiaye the former Special Rapporteur on Minority Issues (2016) there are three types of descent-based discrimination in Africa, including caste systems based on “occupational specialization of endogenous 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.”

Discrimination based on Work and Descent (DWD) in Africa has been eclipsed by the issue of slavery and child labour. Slavery and DWD have had a parallel existence for different communities; thus, the former overshadows over the latter. The critical feature is that slavery is forced upon a specific community who are

socially and economically marginalised. A striking feature is that slavery is linked with inheritance and passed on to generations of the community, thus invoking certain cultural and heritage factors that go beyond pure economically-motivated norms and behaviours. Children are soft targets for inducing modern forms of slavery, either through sex trade or through child labour. In Mauritania, Nigeria, Niger, Togo, and Ghana, children and young boys and girls in trafficking are very common, and often these are from the slavery bound communities. However, given the lack of clear referencing terms, they are often depicted as victims of ‘modern slavery’ rather than a more expansive notion of DWD.

## THE REPUBLIC OF BENIN

**Total population:** 11 million

**Major Religions:** *Indigenous beliefs, Islam, Christianity*

**Traditional occupations:** Vidomegon and Talibes (Exploitative Child Labour)

People with indigenous beliefs, Christianity and Islam, are the major religions in Benin. Vidomegon and Talibes are the traditional systems that exist in Benin. Voodooism is practised by 17% of the population, with many outsiders of the religion professing a cultural link to some of its rituals. These systems may have its religious importance in terms of beliefs and values, but in today’s time, it has resulted in a harmful practice that is very relevant to DWD issues. <sup>1</sup>Vidomegon is a practice where children including girls and boys are placed in families to serve them, and the families are responsible for their care and education. The children from these communities’ face exclusion through categorisation as voodoo. These children are often subjected to abuse, sold and trafficked for domestic servitude and commercial sexual exploitation in cases of girls, and for forced labour in mines, quarries, markets and farms in cases of boys, especially in diamond-mining districts. Same is the situation. Placing of children in traditional voodoo convents deprives children of their educational rights.

Daara is a traditional Quranic school where students are known as Talibes. Talibes nowadays according to the UN can be referred to as a form of contemporary slavery where Talibes are no more beg for food but has turned into a profitable business. Where Talibes often put into situations the same as that of the vidomegon. Ms Maud De Boer-Buquiccho, Special Rapporteur on Sale and Sexual Exploitation of Children in 2014 recommended an extensive study on child-centred data, Talibes and other such children begging on the street and to intact programmes to meet the needs of the children and for their protection.

According to Article 36 of the constitution, it is the duty of each Beninese not to discriminate other kin, maintain peaceful relations for safeguarding and promoting respect, peace and national cohesion. Benin Human Rights Commission is created by law in 1989 as an independent body and has its funding and administration.<sup>2</sup> In 2014, the Government of Benin had adopted the Plan of Action against Racism, Racial discrimination, Xenophobia and Related Intolerance. National Plan of Action to Eliminate the Worst Forms of Child Labour is a good initiative, but Benin is yet to ratify optional protocol concerning child labour and adopt a comprehensive policy, programs and strategies for the protection and rights of children. Budget allocation to health, education and social development sectors remains low. Public housing for disadvantaged and marginalised individuals and families remains inadequate, as most such shelter is reserved for public sector employees.<sup>3</sup>

## BURKINA FASO

**Total population:** 18.5 million

**Major Religions:** *Indigenous beliefs, Islam, Christianity*

**Traditional occupations:** Talibes and Garibouts (Exploitative Child Labour)

Although it is not clear, Talibes and Garibouts are the ones facing descent-based discrimination. A study may need to be conducted for identifying victims of caste practices and the oppressor ethnic or religious identities. Garibouts are children in Burkina Faso who attend Quranic schools and are asked to beg on streets for money by schoolmasters. Alike Vidomegonand Talibes, Garibouts too are the victims of discriminatory practices and are subjected to abuse, trafficking, forced labour and other such contemporary forms slavery.

Article 1 of the constitution prohibits all sorts of discrimination notably those founded on race, ethnicity, region, colour, sex, language, caste political opinion, wealth, birth or social origin. Article 19 in the matter of marriage and Article 23 in the issue of work also prohibits all sorts of discrimination. Ratification of Convention on the Rights of the Child including optional protocol and National Action Plan against Trafficking in Human Beings is a good move, but there exist shallow levels of sanctions against persons committing paedophilia. The government also adopts act on the Prevention, Elimination and Reparation of

Violence against Women and Girls and Support for Victims. A details study on the impact of caste practices will legitimate the effects of such constitutional, legislative, policy and program measures.

CERD recognises caste and descent-based discrimination in Burkina Faso. Various caste practices exist among ethnic and other groups. No law directly deals with and identifies discrimination based on work and descent. There is the scarcity of data on the harmful effects of the caste system in Burkina Faso. The state has ratified CEDAW but has not ratified CERD hence UN has recommended the country to incorporate and address issues of caste and descent-based discrimination through legislation that exists for the prevention of racial discrimination. CERD also recommends to included traditional and religious leaders in the process of combating caste practices in Burkina Faso.<sup>4</sup>

## DEMOCRATIC REPUBLIC OF ETHIOPIA

**Total population:** 102.5 Million

**Major Religions:** *Indigenous beliefs, Islam, Christianity*

**Traditional occupations:** pastoralists and farmers

Numerous consultations established that certain ethnic groups are more commonly subjected to discrimination and exclusion, both on the interpersonal and institutional levels, based on skin colour and other physical features. Reportedly, derogatory terms such as “slave”, are commonly used about certain ethnic groups, alluding to their historical dominance by other groups, and patterns of exploitation during the slave trade. Such overt discrimination may be the case, even in regions where those targeted for abuse are numerically in the majority and have the constitutional right to political power in regional government, such as is the case in Gambela.

Article 25 ensures right to equality for all and Article 91 which calls for the government to fulfil its duty by supporting by equality, the growth and enrichment of cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and ideals. Criminal justice Policy issued and enhanced in 2010 aims to ensure justice for the vulnerable population and National Human Rights Action Plan addresses civil and political, economic, social and cultural rights as well as the rights of the vulnerable groups. However, Ethiopia currently lacks separate, comprehensive anti-discrimination legislation.



Proclamation (No. 377/2003) relating to labour prevents employers from discriminating employees by nationality, sex, religion and Federal Civil Servant Proclamation (No. 262/2002) to give preferential treatment to underrepresented ethnic groups and women is poorly implemented. In theory, international human rights instruments can be invoked directly before national courts, however, they have not been published in the official Gazette, leaving lawyers and judges with the impression that they have no independent judicial force.

CERD calls the State party to adopt specific legislation on racial discrimination implementing the provisions of the Convention, including a legal definition of racial discrimination in line with article 1 of the Convention. In this regard, the CERD urges the State party to take into account general recommendation No. 7 (1985) on legislation to eradicate racial discrimination as well as general recommendation No. 15 (1993) on article 4 of the Convention. Dr. Rita Izsak-Nadiaye Special Rapporteur Independent Expert on issues of Minority recommends state to depoliticise tensions and conflicts among ethnic groups and shared participation cooperation, inclusion and urges for non-ethnic policies and programmes for greater diverse participation especially women. Special Rapporteur also recommends for granting land title to ethnic minorities in recognition to historical usage of land to secure land tenure for all communities is proposed as an initiative for economic growth for all the marginalised. CERD calls the State party to undertake a study of the spread and causes of the problem of castes and implement a strategy to eliminate it. The Committee urges the State party to take into account general recommendation No. 29 (2002) on descent-based discrimination.<sup>5</sup>

## GHANA

**Total population: 21 Million**

**Communities:** kayayee, trokosi, Mamprusi and minority groups

**Traditional occupations:** head porter, head load carriers

All persons are equal before the law, and a person shall not be discriminated against on the grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status. Ethnic discrimination persists as an undercurrent in Ghanaian society. Inter-Ethnic marriages are not allowed. Law's on human rights, child and juvenile justice, Habeas Corpus-right to liberty, labour act for protection economic rights and rights of women are in place. Commission on Human Rights and Administrative Justice were planning to form Human Rights Action Plan to meet UNSDGs 2013 agenda, and it needs further information on its progress so far. Ghana has ratified significant international legal obligations or conventions

concerning all forms of racial discrimination and discrimination against women, torture in person, exploitation and prostitution, civil, cultural, economic and political rights, degrading treatment, worst forms of child labour. Ghana is yet to ratify ILO convention on decent work for domestic workers.

The Government of Ghana has taken significant steps to enact legislation and develop action plans, together with domestic and international stakeholders, to combat the worst forms of child labour and child slavery in Ghana. It has also adopted some measures to try to address issues such as domestic violence, human trafficking, harmful traditional practices and poverty. However, implementation of those measures has been inconsistent and ineffective, due in part to inadequate allocation of resources. As such, poverty and exploitation of children and adults remain persistent and urgent problems, law enforcement efforts are weak, and government victim assistance and support services virtually non-existent. Children and youth in Ghana are primarily impacted by high levels of poverty, unemployment, abuse and parental neglect, leaving them vulnerable to exploitation in its various manifestations. Unequal regional development and the lack of adequate access to adequate education, health and other services, as well as livelihoods in parts of the country, are noted as crucial reasons for sending children to work, or for migration to urban areas — often under precarious conditions exposing them to human traffickers, exploitation and life in urban slums that are growing rapidly. Situations of exploitation and slavery also impact adults. Very little attention is given to their protection. Equally, domestic human trafficking and slavery, which are prevalent in Ghana, have been given insufficient attention and resources.

While noting the anti-discriminatory provisions contained in the laws; CRC called the state party to adopt a comprehensive strategy to eliminate de facto discrimination against all groups of children in vulnerable and marginalised situations and ensure full implementation of all legal provisions in full compliance with article 2 of the Convention. CRC also called the state party to take all necessary measures without delay, including human and financial resources, to prevent and eliminate the practice of Trokosi and women are accused of witchcraft. CERD recommends that high priority is given to the eradication of discriminatory practices and racial prejudices in Ghana, through the strengthening of education in general and of human rights education programmes in particular, the criminalisation of acts of racial discrimination and sufficient punishment. CERD calls state party shall continue its efforts on gender-related dimensions of racial discrimination and conduct study to see if descent-based discrimination exists in Ghana and draws the attention of the State party to its general recommendation XXIX on the matter.<sup>6</sup>

Ritual servitude such as Trokosi is widely practised in Ghana. Government officials were under the impression that the practice of ritual servitude such as Trokosi exercised by certain ethnic groups had vanished since the inception of law in 1998 as there have been no prosecutions under the law. Information obtained from non-governmental sources revealed that the practice continues to thrive. Trokosi is a practice in Ghana where traditional religious shrines take human beings, usually young virgin girls in payment for services, or spiritual atonement for alleged misdeeds of a family member. The girls have referred Trokosis and are considered slaves, and their job is to serve priests, elders and owners of a traditional religious shrine without remuneration and their consent, although the permission of the family or clan may be involved. These girls need to keep the sexual relationship with priests usually head priest and is considered married to god, the priest being the intermediary. Children born out of the relationship with a priest also follow almost the same rules. With some big ceremony sponsored by family the girl can free herself and revoke her identity as Trokosi, but it does not guarantee her a respected social status, find it hard to find a husband, face discrimination, violence and sexual abuse.

Kayayee is the name given to girls or young women in Ghana who work in city marketplaces as a head porter, i.e. carrying loads of market vendors and shoppers in buckets or baskets balanced on their head for a fee. Mainly undertaken in the past by young men pushing carts as a temporary livelihood strategy (during high unemployment following Ghana's independence), the practice was overtaken in the 1970s by young women willing to accept lower fees. Their situation has worsened over time, as the growing number of kayayee has forced wages to plummet further; average daily earnings estimates at 10 to 30 cedis (US\$ 3–9). Kayayee is vulnerable to forced evictions, disease, work injuries, physical harm including sexual violence, unplanned pregnancies, illegal abortions and human trafficking. They often have to accept the “protection” of older street boys or self-appointed protectors, which they pay for through sex or a monetary sum. In some cases, girls can also be lured or coerced into child prostitution and sent abroad for the same purpose. They belong chiefly to the Mamprusi group and Muslim communities, though a minority come from other ethnic backgrounds, regions and religions.

## MALI

**Total population:** 21 million

**Communities:** Bellah, Turag, Daoussak and Ibretian

**Traditional occupations:** Slaves, unpaid manual labourers, street children and child beggars

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 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 Bellah are willing to accept this situation.’<sup>7</sup>

As per Article 2 of the constitution, every Malian shall be born and remain free and equal in rights and obligations. All discrimination founded on social origin, colour, language, race, sex, religion and political opinion shall be prohibited. Mali has adopted the National Human Rights Action Plan, and the National Employment Policy and Action have been adopted. Additionally, Forced Labor convention has been ratified by the government. Mali has pledged to establish the National Human Rights Commission and Ministry for Human Rights and State Reform, transitional justice policy and protection of human rights defenders.

CESCR called on the state party to adopt a comprehensive anti-discrimination law and for non-discrimination in economic, social and cultural rights and which prohibits direct and indirect discrimination on any grounds in all the areas covered by the Covenant and also provide care and protection for the affected population. CRC too calls the state party for non-discrimination and protection of children on all grounds.

## MAURITANIA

**Total population:** 3.9 million

**Community population:** 0.3 million

**Communities:** Haratine or Black Moors

**Traditional occupations:** Slaves, unpaid menial jobs, blacksmiths

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 Haratine 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 Haratine. 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 *Haratine* 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 Haratine 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 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* 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”.

Article 1 and 13 of the constitution does not discriminate its people, and no person shall be reduced to slavery or any form of servitude. This new legislative initiative by the government includes promotion and protection of human rights, formal recognition of linguistic and cultural diversity of the country. New legislative measures also include an anti-slavery court created in May 2015 by the Supreme Council of Justice.

National Human Rights Commission and TADAMOUN are the two government bodies that deal with combating slavery practices and servitude. The anti-slavery bill passed in August 2015 criminalises slavery and punishes slavery-like

practices. However, the practice reportedly remains extensive, affecting mainly the Haratine. 'According to some estimates, 50 per cent of the Haratine community is subjected to de facto slavery through domestic servitude and bonded or forced labour; 90 per cent of those affected are women.'<sup>8</sup>

CERD committee calls on the state party to effectively implement legislation concerning slavery and racial discrimination. Improve representation of Haratines all spheres of political, public and social life and in the private sector, including in elective office and decision-making positions in executive bodies, public administration, the army, the police and the media. CRC calls on the state party to take comprehensive measures concerning children involved in slavery and other practices of slavery and servitude. Prof. Philip Alston Special Rapporteur on Human Rights and Poverty is concerned about the exclusion of Haratine and Afro-Mauritanians and recommends taking all measures for their inclusion in all spheres, social, economic, and political. Special Rapporteur mentions that TADAMOUN calls itself a development agency; in practice, it acts more like a charitable organisation seeking to leave its mark through construction activities and not addressing real issues. Special Rapporteur on slavery emphasises on expediting Slavery Act of 2007, protection and provide decent livelihood to former slaves. Special Rapporteur on Racism and Racial Discrimination stress birth registration and the inclusion of all Haratine and Afro-Mauritanian population in the census to ensure that they receive their rightful benefits from the government.<sup>9</sup>

## THE REPUBLIC OF NIGER

**Total population:**

**Community population:** Population details are difficult to obtain

**Communities:** Talibe, Wahayu, Tuareg, Toubou and Fulani (Peul)

**Traditional occupations:** forced begging, pastoralists, slaves

Almost all of the interlocutors with whom the Special Rapporteur on contemporary forms of Slavery - Ms Urmila Bhula said that slavery continued to exist in some ethnic communities in the Niger, where people were born into slavery, resulting in generations being owned by, and at the entire disposal of their masters. It was, however, repeated on several occasions that the prevalence of slavery was difficult to estimate since it was hidden and was practised in close family circles. An estimate from 2004 mentions 8,885 slaves, belonging primarily to *Tuareg*, *Toubou* and *Fulani (Peul)* groupings; 87 percent 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. Those 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.

The Special Rapporteur heard of cases where they were confined to a specific part of a village, and mention was even made of separate cemeteries. The *Wahaya* practice involves the purchase of one or more girls, usually of slave descent, under the guise of a fifth wife. Most *Wahaya* come from the *Taboua* region, are of slave descent and are sold when they are very young by Tuaregs, mainly to wealthy Hausa individuals, including some from Nigeria.

Article 4, 8, 22, 33 and 158 of the constitution ensure rights and protection against any kinds of discrimination. Legislative measures exist such as the National Human rights Commission, Labour Code of The Republic of Niger, minimum wages by occupational category. National policies are in the process of adoption such as National Policy on Justice and Human Rights, combat trafficking and related offences including slavery. CRC, CEDAW recommends the country party to take targeted measure to protect children in slavery, including *Talibe* children and *Wahaya* (fifth wives). CERD recommends the state party to Criminalise all slavery-like practices, including by incorporating into the Criminal Code the entirety of institutions and practices similar to slavery described in the Supplementary Convention; Amend article 102 of the Criminal Code by adding an explicit reference to the prohibition of descent-based discrimination in line with general recommendation No. 29 of the Committee on the Elimination of Racial Discrimination.<sup>10</sup>



## NIGERIA

**Total population:** 173.6 million

**Community population:** 2-4 million

**Communities:** Osu, Oru

**Traditional occupations:** Assistants to high priests to serve deities of the shrine, blacksmiths, potters, leatherwork, weaving, arranging funerals, midwifery, castration and drumming

Within the Igbo communities, the *Osu* system occupies a unique space in descent-based discrimination. Unlike the hierarchical system based on occupational specialisation, within this system, *Osu* individuals were 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*, *Obu*, *Oru*, *ObuUme*, *Omoni* (*Okpu-Aja*); they all have the same connotation in Igboland.

Being considered to be ‘owned’ by the deities, they were dedicated and sacrificed to these Gods, and are supposed to be sub-human being and 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*.<sup>11</sup> 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. Although *Osu* shares the same legal status as other Nigerians, *Osu* community are still shunned as *Pariabs* and denied social equality.<sup>12</sup>

As per the constitution, no citizen of Nigeria shall be subjected to any deprivation merely because of the circumstances of his birth, and there is equal pay for



equal work without discrimination on account of sex or any other ground whatsoever. Laws are put in place to combat violence, trafficking and harmful cultural practices. National Human Rights Commission is active, and the government respects its autonomy. A National Action Plan 2017-22 is set up for the Protection of Human Rights and refers to Racial discrimination, Xenophobia.

CEDAW calls on the state party to expedite, repeal or amend all discriminatory laws identified by Nigerian Law Reform Commission and emphasise on *faith for rights* with a strategy to include religious leaders in the process of addressing issues of religion and human rights. Despite positive outcomes, CRC calls on the state party to combat widespread practice of witchcraft stigmatisation of children. CRC called the state party to provide more information concerning child and human rights issues and take urgent action on prohibiting crime against children accused of witchcraft, ban early marriages and prosecute the offenders. 1958 Osu Abolition Law legally abolished work- and descent-based discrimination, the Committee remains concerned about persistent allegations that members of the Osu and other similar communities are still subjected to social exclusion, segregation and mistreatment, as well as discrimination in employment and marriage (arts. 2, 3 and 5). Considering the social exclusion, segregation, and abuse faced by *Osu* and other similar communities CERD strongly recommended that the State party develop, in cooperation with non-governmental organisations and religious leaders, effective programmes to prevent, prohibit and eliminate private and public practices that constitute segregation of any kind, including wide-ranging information and public-awareness campaign to put an end to these practices.<sup>13</sup>

## SENEGAL

**Total population:** 14.1 million

**Community population:** 1.5 million

**Communities:** Wolof-Neeno

**Traditional occupations:** 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. The *Wolof* community forms the country's largest ethnic group and is based on strict hierarchical relationships. The *Neeno*, who are at the

bottom of the hierarchy, are divided into various castes groups such as blacksmiths and leather workers, all of whom are traditionally considered to be of low rank in *Wolof* society and their position is not alterable.

These caste groups are hereditary and endogamous, with their occupation governed by the concept of purity and pollution. Members of the *Neeno* groups are seen as polluting because of their work and their descent. ‘For instance, contact with *griots*, mainly through their sweat, is viewed as polluting, partly due to the extra tasks of circumcision, undertaking and midwifery they have traditionally performed. Although many no longer do, the concept of pollution remains ingrained. Other forms of segregation include exclusion from key initiation societies, burial in separate cemeteries and refusal of the right to bear arms. Traditionally, the *Wolof* also refuse burial to the *griots*, instead placing their bodies in the hollows of baobab trees’.<sup>14</sup>

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* are further divided into sub-castes: the *Jeff-lekke* comprise artisans, while griots and jesters constitute the *Sab-lekke*. The third category, *Noole*, who are relatively few, make 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.<sup>15</sup> Prejudices and discrimination against the *Neeno* community have led to them having 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 to exist, especially in the socio-political sphere.

Senegalese constitution asserts the rights of all Senegalese to equal protection of the law and freedom from discrimination, regardless of caste and descent, discrimination against *Neenois* widely practised. Even though the Government of Senegal has ratified almost all international and regional (Africa) human-rights instruments, including the Universal Declaration of Human Rights, discrimination based on caste is still prevalent in Senegalese society. CERD calls on the state party to combat and eliminate all traces of the caste system by, among other things, adopting special legislation to ban discrimination based on

descent and raise awareness and educate the public about the harmful effects of the caste system and the situation of victims. CRC calls on the state party to combat forced begging, exploitation and trafficking of child baggers identified as *Talibes*.<sup>16</sup>

## SOMALIA

**Total population:** 10.5 million

**Community population:** 1 million

**Communities:** Sab (low caste), Midgan (Mahdibhan), Tumal, Yibir

**Traditional occupations:** Blacksmiths (Tumal), hunters and leatherworkers (Yibir, Midgan)

In Somalia, clan structure determines the composition of society and 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 *MusseDeriyo*), *Tumal* 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*, *Tumal* 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'.<sup>17</sup>

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'.<sup>18</sup> Traditional occupational roles are ascribed, wherein the *Tumal* 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*, *MaxamedGargaarte*, *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.

In terms of political representation, in Somaliland, they are still under-represented with only one seat in Parliament. Apart from this, discrimination against them includes being targeted for hate speech and the prohibition of intermarriage. The unrecognised state of Somaliland has stated that programmes aimed at eradicating long-lasting bad practices shall be a national obligation but has not introduced any specific anti-discrimination laws. People from these excluded communities continue to face extreme forms of isolation and discrimination, which acts as an obstacle in their attainment of civil, political, economic and social rights.

## TOGO

**Total population:**

**Communities:** *Kabyè-Tem-Losso, Peulh*

**Traditional occupations:**

The Togolese Republic assures the equality before the law of all citizens without distinction of origin, of race, of sex, social condition or religion. It respects all political opinions, philosophical [opinions] as well as all religious beliefs. Its principle is the government of the people. By the people and for the people. A public policy paper on human rights and the consolidation of democracy was drawn up in 2014. Budget allocation to the National Human Rights Commission was increased by 25 per cent in 2013 and 12 per cent between 2014 and 2016. Not much data is available that directly concerns issues of DWD communities from various committees of the UN in matters of discrimination.<sup>19</sup>

There persist significant disparities based on gender and geographic, ethnic and social origin in Togo, including in the educational system and access to health services. While taking into account the efforts made by the State party to restore ethnically balanced representation in the recruitment of public administration personnel and within the law enforcement and security forces, the Committee notes with concern that there remains an ethnic imbalance in the civil service and that the *Kabyè-Tem-Losso* group is predominant in the army. However, some ethnic groups such as the *Peulh* are underrepresented in the Government, Assembly, magistracy and public institutions. The Committee encourages the State party to continue its efforts and ensure that they reflect the cultural and ethnic diversity of Togolese society and that no ethnic group suffers discrimination.



# ASIA

## INDIA

**Total population:** 1.2 Billion

**Community population:** Scheduled Castes 201 million (16.6%)

**Communities:** Dalit or Scheduled Castes, formerly known as Untouchables. Numerous sub-castes exist such as the Chamars, Arunthathiyurs, Pallars, Bhangis, Malas, Madigas,

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. In India, according to official data, Dalits (referred to as “scheduled castes”) constitute more than 201 million people. This figure does not include Dalits who have converted or are born and raised within non-Hindu religious communities, such as the Dalit Muslim and Christian communities; personal statistics estimate that the actual number of Dalits in India is much higher.

In India, caste is used as a mechanism to organise people into caste groups socially, wherein their rights are determined by birth and are fixed. Untouchability as a practice has imposed severe disabilities on people just by their position in the caste ladder, and it continues to be a reality 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.<sup>20</sup> 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 position in the caste system. They are targeted as a way of humiliating 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.<sup>21</sup> Dalits are the worst sufferers in the unequal social order. Practices like the Devadasi system, 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 benefit targeted to Dalit communities. The programs like reservations in higher education and post-matric scholarships securing proper facilities for reaching the community. However, the implementation of these plans and the budget provided often does not match the aspirations of the laws provides. A low number of children in tertiary education, because of high school dropouts. India currently provides reservations for the SC at all levels in government jobs, but many of the Dalits are often limited 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.

In India, the anti-caste movement began in the 19th century under the inspiration of Jyotiba Phule and was carried on under the leadership of Dr BR Ambedkar, who launched a national struggle against untouchability and for the liberation of Dalits. Despite constitutional safeguards and targeted legislation for the protection of ‘Scheduled Castes’ and Scheduled Tribes, violations of their fundamental human rights continue on a massive scale. Atrocities committed against Dalits with impunity exist because the implementation of relevant national legislation [e.g. the SC’s and ST’s Prevention of Atrocities (POA) Act 1989] in India remains weak, and conviction rates are shockingly low. National Crime Record Bureau (NCRB) provides disaggregated data of the crimes and atrocities committed against Dalits and other intersectionalities. The recent government in power is gradually ending reservation in education and employment for the deprived communities such as Scheduled Castes and Scheduled Tribes. India responds to international attention to caste discrimination by referring to it as an ‘internal issue’ and a ‘family matter’, which the UN and its member-states are not entitled to deal with, especially since constitutional and legal protection mechanisms are already in place. Unfortunately, the issue here is that relevant legislation is not implemented and are even flouted with gross impunity.

## BANGLADESH

**Total population:** 156.6 Million

**Community population:** 5 million (3.5%)

**Communities:** Harijans/Arzals

**Traditional occupations:** Sweepers, cleaners of private and public toilets, drains and other dirty places.

In Bangladesh, caste discrimination affects both the Hindu and the Muslim population and perpetuates the poverty trap among these communities. While Hindu Dalits are often categorised as *Harijans*, Muslim Dalits are classified as *Arzals*. Dalits exist far below the poverty line, with minimal access to health services, education and employment. They live in colonies 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. Dalits 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 is Dalits. Members of minorities, most of whom are Dalits, hold almost no official positions. ‘Untouchability’ is rampant. Estimates of the number of Dalits in Bangladesh vary from 3.5 to 5.5 million. Similar to the Hindu notions of purity and pollution, Muslims also follow a hierarchical social order.

In Bangladesh, less than one per cent of Dalits/DWD has access to higher education, even with quota provided in a few universities. Even its most recent seventh five-year plan, Vision 2021 does not explicitly focus on Dalits, and it is a step back. While Bangladesh government has targeted policies for ensuring government employment for the DWD in the 5<sup>th</sup> level jobs, much of the population still are doing menial and indecent employment; many are still under the debt bondage and caste-based occupations.

Bangladesh lacks constitutional and legislative recognition for ensuring the protection and promotion of the laws and policies for the empowerment of the community. Constitutions or regulation does not recognise DWD communities in Bangladesh; thus, there is no targeted attention of non-discriminatory laws towards them. Dalit women face discrimination at different levels. While other groups of women and some Dalit men are moving forward in education, economic empowerment, access to justice and government services, Dalit women are left behind.<sup>22</sup> 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. Having started to engage with the government and international donors, Dalit organisations working for Dalit rights and entitlements have now managed to place the issue of caste discrimination on the state agenda.

## PAKISTAN

**Total population:** 182.1 Million

**Community population:** 1.5 million

**Communities:** Dalits

**Traditional occupations:** Sweepers, Washer men, barbers, cobblers, brick makers

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.<sup>23</sup> However, this data does not include 'lower castes' within the Muslim community, who live under similarly depressed conditions and face similar forms of discrimination.

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. It also plays a vital role in structuring kinship and political economy of the country.<sup>6</sup> Among Muslims, based on their traditional occupation, people are categorised into a social hierarchy, wherein *Mochi* (cobblers), *Pather* (brickmaker) and *Bhangi* (sweeper) are considered to be at the bottom of the hierarchy. Other titles such as *Musalman Sheikhs*, *Mussalis* (both used for Muslim Dalits) and *Masahi* (Christians) are communities identified as untouchables based on their specific occupation and are segregated from other communities.

Dalit women in Pakistan are extremely 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. Moreover, this denial is reflected in developmental schemes and programmes of the country—

Gender is a significant theme that is addressed in Pakistan, but other inequities and forms of discrimination like Dalits and DWD are seldom discussed in policies and budgets or through disaggregated data. No province/ area monitors data on exclusionary practices to capture a range of vulnerabilities. No systems exist to monitor education frameworks through a gender and human rights lens. Pakistan

reported huge population involved in child labour and debt bondage among Dalit/DWD. In Pakistan, there is a lack of constitutional and legislative recognition for ensuring the protection and promotion of the laws and policies for the empowerment of the DWD community. In Pakistan, many atrocities are reported including cases of abductions; however, the absence of constitutional and legislative recognition and safeguarding institutions, DWD is continued to be the high-risk groups.

## NEPAL

**Total population:** 27.8 million

**Community population:** 3.5 million (13.2%)

**Communities:** Harijan/Dalit

**Traditional occupations:** Removers of dead animal carcasses, manual scavengers, artisans and singers

In Nepal, official data indicate that the Dalit population comprises approximately 3.6 million people, although civil society organisations estimate that number at 5 million. In Bangladesh and Pakistan, where most Dalits belong to the Hindu minority, the figures are also contested. In Bangladesh, unofficial data estimate the Dalit population to 5 million people. In Pakistan, the most recent official data, from 1998, estimate the Dalit population to be 330,000,<sup>17</sup> but researchers calculate that the actual number could be at least two million. In Sri Lanka, three parallel caste systems (Sinhala, Sri Lanka Tamil and Indian Tamil groups) coexist; caste discrimination is found in each one. Within the Sinhala system, lower-caste groups, including the Rodi, have low levels of education, suffer extreme poverty and lack of assets and are under continued pressure to pursue hereditary caste occupations, such as removing dead animals and dirt. In the Sri Lanka Tamil caste system, the bottom stratum is comprised of a myriad of groups collectively labelled as *Panchamar* and regarded as “untouchables”. Population displacement due to war and the 2004 tsunami has resulted in a large internally displaced population in the Jaffna peninsula, with a disproportionate presence of *Panchamar* groups now in camps for internally displaced persons. The caste system among Indian Tamils traces its origins to their arrival to the plantations as indentured labourers during the colonial era and presents unique characteristics, which differ from the traditional Indian caste system. Some features are standard, however, including the avoidance of inter-caste marriage and the link between lower castes and higher levels of poverty. In India, the caste issue is highly politicised and sensitive. According to the 2011 census, Scheduled Castes (the official term for Hindu, Sikh and Buddhist Dalits) constitute 201 million. This figure does not

include Dalits who have converted to or are born and raised within, a non-Hindu religious community such as Muslims and Christians. The total Dalit, therefore, exceeds the official data. Based on Hindu religious philosophy, Indian society is divided mainly into four castes, or varnas, namely Brahmins, Kshatriyas, Vaishyas and the Shudras, who are at the bottom of the hierarchy. Some who fall outside the caste system are known as untouchables. However, a caste system can also be seen among other religions like Buddhism, Sikhism, Christianity and Islam who mainly converted from Hinduism.

With a Hindu majority in the population, like India, Nepal also has a four-fold caste system namely:

1. Tagaddhari (sacred-thread wearing or twice-born), including the Bahun-Chhetris
2. Matawali (liquor drinking, i.e. indigenous people)
3. Paninachalne Choi chhitohalnuparne (Castes from whom water is not acceptable and contact with whom does not require purification by the sprinkling of water)
4. Paninachalne Choi Chitohalnuparne (Castes from whom water is not acceptable and contact with whom requires purification by the sprinkling of water).<sup>24</sup>

Based on this categorisation, communities are placed in a social hierarchy that has led to caste-based untouchability and discrimination against Dalits. 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 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."<sup>25</sup>

Dalit movements in the country have secured some constitutional provisions regarding non-discrimination, equality and protection in Nepal's interim constitution. In 2011, Nepal enacted the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, which metes out penalties for a range of discriminatory offences. In the international arena, the government has expressed support for the Draft UN Principles and Guidelines to Eliminate (Caste) Discrimination based on Work and Descent, thus showing the willingness to involve the international community in addressing issues of caste-based discrimination and setting an example for other countries with caste systems. 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.

Nepal has introduced various new policies with the adoption of the new constitution in 2016, including the rights of Dalits. The major problem is 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 education, 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. In Nepal, Dalits need to be protected with further policy amendments and legislatures towards the development of the communities. In Nepal, a high number of Atrocities and violence is faced by Dalits especially women and children however Dalits/DWD now have been constitutionally recognised, and National Dalit commission deals with the Dalit Human Rights issues and violations.

## SRI LANKA

**Total population:** 20.5 million

**Community population:** 1.5 million (7.5%)

**Communities:** Sinhalese caste system: Rodi or Rodiya; Tamil caste system: Pallars, Nalavas and Paraiyars

**Traditional occupations:** The Tamil caste system is occupation-based as well as hereditary. Pallars and Nalavas (descendants of former slaves) work on lands of dominant castes, while Paraiyars are engaged in so-called unclean occupations. Most of the Tamil Dalits have been brought in as the Plantation hard labour and would tend to address themselves and also organise themselves as plantation workers.

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. They have low levels of education, suffer extreme poverty and lack assets. They are under constant pressure to pursue hereditary caste occupations such as removing dead animals and dirt. The *Rodi* continue to be segregated, particularly with regards to their residence, with little or no proximity to the upper caste community.

In the Sri Lanka Tamil caste system, 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. While the caste system has diminished over the years, some of its forms continue to exist. “Unlike the Hindu caste system founded by religious notions of purity and pollution, caste systems in Sri Lanka have relied more on a kind of secular ranking upheld by the state, land ownership and tenure, religious organisations and rituals, and firmly-rooted notions of inherent superiority and inferiority (*Shab*). Women can be seen uniquely as a vulnerable group because of the widespread ethnic, caste, class and gender discriminations faced by them.

Although caste is recognised and caste discrimination is firmly entrenched in Sri Lankan society, the issue is rarely discussed in public. More than 150 years of social exclusion and the restriction of movement for Indian Tamil plantation workers is a clear indication of the ‘caste-blind’ policies of both state and non-state actors, including international agencies, which do not address caste discrimination in Sri Lanka. The estimated number of Dalits experiencing caste discrimination in Sri Lanka is 4 to 5 million, or 20 to 30 per cent of the total population. In Sri Lanka, there is no collective identity as *Dalits* among *lower castes*, and it has been difficult for them to organise themselves, in contrast to the situation of Dalits of India and Nepal.

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. In Sri Lanka, Plantation population needs to be protected by ensuring the rights granted by the constitutional benefits. In Sri Lanka, the plantation population have seldom been able to access services and justice, with issues of atrocities and violence been handled within the plantation management.

## SOUTH EAST ASIA

### Malaysia

Total population: 29.7 million

Community population: 1.2 million

**Communities:** Dalit diaspora from South Asian Countries

**Traditional occupations:** Plantation workers and other manual labours

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 descent 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".<sup>26</sup> 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.

## FAR EAST ASIA

**Japan**

**Total population:** 127.3 million

**Community population:** 3 million

**Communities:** Burakumin

**Traditional occupations:** Disposal of dead cattle, hide-tanners, leather production, security guards sweeping

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 Buraku population to be 1.2 million; however, unofficial statistics place the number at almost 3 million. The Buraku are 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.

‘The Buraku system was officially abolished by the Emancipation Edict of 1871, though discrimination against Buraku persists to this day’.<sup>27</sup> 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.’ In Japan, a survey by the Buraku Liberation League 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’.<sup>28</sup> In Japan, specific legislation has been passed with the aim of improving the living conditions of the Buraku community by increasing their access to education, employment, and providing redress in cases of discrimination.

## MIDDLE EAST

### Yemen

**Total population:** 24.4 million

**Community population:** 3.5 million

**Communities:** Al-Muhamasheen

**Traditional occupations:** Cleaning jobs, begging, collecting waste and plastic

In Yemen, the Al-Muhamasheen, 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 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’.<sup>29</sup> 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 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 conditions.

‘The *Mubamasheen* are deprived of access to electricity, water and proper sanitation, and 95% have no official ownership of the land where they have built their compounds’.<sup>30</sup> They reside in isolated areas, away from other communities, where almost no basic facilities are available. *Mubamasheen* women are easy targets of violence and abuse. They are usually subject to hate-based attacks and sexual assaults, without any legal or social recourse. With the rigid arrangement of purity and pollution in terms of access to employment and conditions of work, this group is denied access to employment within the businesses of food production/distribution and hospitality. With practices of physical marginalisation and social exclusion from mainstream society, they are considered ‘dirty’ and are mostly found in cleaning jobs, begging, and collection of waste and plastic. These are especially common among women. Due to lack of access to education, they are not found much in the private sector. Child labour is common in this community, which adds to the vicious cycle of unemployment and lack of access to education. Governments in Yemen have failed to recognise the discrimination and oppression faced by the *Al-Mubamasheen* community and the massive human rights violations against them. No legislation criminalises the practices of persecution, exclusion and discrimination against the *Al-Mubamasheen*, as a result of which these practices go unnoticed, unreported and unpunished. Despite the 1991 Constitution that provides equality to all citizens, there are no indications of this law being extended to members of the *Al-Mubamasheen* community. Here, the Yemeni government also fails to abide by the basic principle of the Universal Declaration of Human Rights and International Human Rights Conventions that it has ratified.





# LATIN AMERICA

## BRAZIL

**Total population:** 200.4 million

**Community population:** 4000 communities (population not clearly estimated)

**Communities:** Quilombola **Traditional occupations:** Plantation workers

Quilombo is runaway African slaves who settled down with 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 that was established is known as Palmares in Northeastern 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 cultural land, putting them in a vulnerable position. Unemployment remains a serious concern among the Quilombos, with a majority living below the poverty line. Quilombo still needs to be integrated with mainstream society.



# EUROPE

## UNITED KINGDOM

**Total population:** 64.1 million

**Community population:** 0.25 million

**Communities:** Dalit diaspora from South Asian Countries

**Traditional occupations:** They have left behind traditional occupations and have taken on modern occupations

Caste and its subsequent discrimination tend to move with South Asians who have relocated to the United Kingdom. Caste discrimination is visible among the South Asian communities in the UK. The 1950s, 60s and 70s saw a wave of migrants from Asia to the UK. It has been estimated that people of South Asian origin in the UK constitute around 4 per cent of the total population, i.e. approximately 2.3 million. Some religious groups are mainly from the lowest caste communities, namely Ravidassia, Valmiki, Ramdasis and Ambedkarite Buddhists. A majority of Christians who have migrated from the Indian sub-continent also belong to the Dalit community. Unofficial estimates put the number of Sikhs in Britain at around 500,000, with one-third traditionally belonging to the Dalit community. It has been estimated that 250,000 Dalits live in the UK.<sup>31</sup> However, the exact figure is unknown due to issues regarding identification as 'Dalit' and also because of the lack of caste data in the census.

Here, untouchability is practised both in the form of direct and indirect discrimination. Discrimination is included in the areas of employment, education and religious institutions, access to 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. This deeply entrenched form of discrimination is also very much a part of the Diaspora communities in the UK. In the UK, communities, to maintain caste lines, strictly follow the system of arranged marriage. Within caste, marriages have led to the continuation of the caste system within the South Asian diaspora in the UK.

The caste system is prevalent in a variety of forms in the UK, but it has not received much recognition from the government. There is almost no legislation, or safeguards, apart from the Equality Act 2010, which identifies caste-based discrimination to counter it. The government acknowledged the existence of caste discrimination, but initially preferred a community education program to legislation.<sup>32</sup>

**Czech Republic, Finland, France, Germany, Hungary, Italy, Poland, Romania, Slovakia, Spain, Sweden and the United Kingdom**

**Total population:** 411.8 million

**Community population:** 14 million

**Communities:** Roma/Cinti/Gypsies/Travellers

**Traditional occupations:** Blacksmiths, horse dealing, music as a trade

The Romani or Roma-Sinti people's origin can be traced back to undivided India, which included parts of Pakistan and North India. They constitute one of the largest minority groups, of around 14 million people. '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'.<sup>33</sup> It is suggested that while some Roma managed to flee, others were brought to Europe as slaves. The Roma migrated to Europe via Persia, Armenia and Asia Minor between the 11th and 14th century.<sup>34</sup> Being from the North-west part of the Indian subcontinent, Europeans call them gypsies because of their mobile lifestyle. Specific anti-Roma racism is termed 'antiziganism', or 'anti-gypsyism'. They have historically been one of the most vulnerable and most impoverished people who has faced centuries of discrimination in Europe. 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.

Roma children are educated in 'special' schools meant for disabled students. There are also widespread incidences of violence against this community. In several European states, Roma people are victims of "ghettoisation", a system wherein the people from this community are made to live in specific parts of towns, away from the rest of the population. They follow a strict system of residential segregation. Governments are antagonistic towards this system of ghettoisation towards the Roma community and deny their responsibility. For instance, Bulgarian authorities consider "the gravest problem to which Bulgarian Roma are confronted" (according to the Council of Europe) is a "heritage of the past" and not "a deliberate governmental policy. In certain European states, Roma people are targets of state-sponsored violence. For instance, Roman women, as well as men, are sterilised in several countries from the beginning of the 20th century. Such cases continue to exist even today. In Bulgaria, an informal initiative in January 2012 called for a law that would put in place forced sterilisation of Roma people at birth. State actions of violent evictions, destruction of goods, denial of liberty, and racist attitudes, forced sterilisation and segregation in public spaces are against the Charter of Fundamental Rights and the Treaty on the European Union. The government does not have any explicit focus on the situation of the Roma.

## CONCLUSION AND RECOMMENDATIONS

Caste discrimination can and should be eliminated, but it requires action on many levels. It is not an internal matter, upon which only the state is obliged to act, the international community has a responsibility to act because caste discrimination is a global human rights problem – one of the most significant and most overlooked of our times – which works against the universal principles of non-discrimination, human dignity and equality.

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 that SDG should favour a primal emphasis on the descent (caste) based discrimination if the visions are for any systematic and sizable change (development).

The progress so far is to a large extent is a consequence of the tireless work of Dalit 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 network 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 strong 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 human rights violation in UN SDGs.

## KEY RECOMMENDATIONS:

This reports expresses the key suggestions towards the elimination of the Practices of Discrimination on Work and Descent including untouchability and caste.

### 1. Recommendation for the UN and Member States:

- (1) To work towards and adopt a UN Convention on Elimination of Discrimination based on Work and Descent and Caste;
- (2) To ensure that UN SDGs identify Caste and DWD as a system which excludes communities and, therefore, make proactive measures to address DWD and caste based discrimination across targets with necessary indicators;
- (3) To urgently adopt the *Draft Principles and Guidelines for the Elimination of Descent and Work based Discrimination* which was prepared and recommended by two eminent Special Rapporteurs appointed for this purpose and which still awaits the UN Human Rights Council's formal recognition and approval.
- (4) To call for a UN Decade for combating discrimination on work and descent and caste discrimination and establish a Special UN Fund to support representatives of communities from across the globe affected by Discrimination based on Work and Descent and Caste based Discrimination to participate in all UN processes on behalf of the community.

### 2. Recommendations for nation states with population affected by DWD:

- (1) To create substantive equality in the respective countries by enacting and implementing national legislations and international instruments effectively, and by applying all possible means with special attention along with time bound action plans and budgeting;

- (2) To give official recognition to those DWD affected communities in countries where they have not been identified as such, so as to enable them enjoy the benefits that are due to them;
- (3) To give due recognition to the rights of the growing population of DWD affected children and youth and work out for them specially designed development projects that are relevant to their needs today, and accordingly allot special budgets for them, and ensure their effective participation in the implementation and review process;
- (4) To statutorily mandate 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 administration;
- (5) To bring a common human rights framework with strategies to end untouchability and caste discrimination in all countries where it exists and to ensure that the Dalits, Dalit women in particular, live with equality and human dignity;
- (6) To establish legal mechanisms with follow up measures in all the countries where it exists, with a view to monitor the caste and gender based atrocities committed against Dalit women and girls;
- (7) To bring in legislative measures that effectively ensures the total abolition of manual scavenging and related forms of labour and that effectively addresses human trafficking and that propose such rehabilitation measures that ensure the people affected to live with dignity and to get integrated into the larger society with full rights and self-respect;
- (8) To evolve a common legal policy framework with strategies for Dalit 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;
- (9) To give due recognition to the rights and entitlements of Dalit women, men and children in all areas of life by designing development schemes as well as allocating adequate financial resources in the annual budget in proportion to their population;
- (10) To establish effective and inclusive monitoring mechanisms for reviewing the implementation of the laws and policies, budgets and schemes, where these are in place, with strict penalties for non-compliance, negligence and dereliction of duty.
- (11) To pay special attention to the exclusion of DWD communities during humanitarian crisis and accordingly put in special mechanisms in place to address this problem.



## END NOTES

- <sup>1</sup>A/HRC/WG.6/28/BEN/2 August 2017 Human Rights Council  
– Report of the Office of the United Nations High Commissioner for Human Rights
- <sup>2</sup><http://hrlibrary.umn.edu/africa/benin.htm>
- <sup>3</sup>A/HRC/WG.6/28/BEN/2 August 2017 Human Rights Council  
– Report of the Office of the United Nations High Commissioner for Human Rights
- <sup>4</sup>A/HRC/WG.6/30/BFA/2 Human Rights Council  
– Report of the Office of the United Nations High Commissioner for Human Rights
- <sup>5</sup>A/HRC/WG.6/19/ETH/2 Human Rights Council  
– Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21
- <sup>6</sup>A/HRC/WG.6/28/GHA/2 August 2017 Human Rights Council  
– Report of the Office of the United Nations High Commissioner for Human Rights
- <sup>7</sup>Discrimination based on descent in Africa  
– Summary paper 2002
- <sup>8</sup>A/HRC/31/56 January 2016 Human Rights Council  
– Human Rights Council  
– Report of the Special Rapporteur on minority issues Rita Izsak
- <sup>9</sup>A/HRC/WG.6/23/MRT/2 Human Rights Council  
– Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21
- <sup>10</sup>A/HRC/WG.6/24/NER/2 Human Rights Council  
– Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21
- <sup>11</sup>Discrimination based on descent in Africa  
– Summary paper 2002
- <sup>12</sup>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)
- <sup>13</sup>A/HRC/WG.6/31/NGA/2 Human Rights Council  
– Report of the Office of the United Nations High Commissioner for Human Rights
- <sup>14</sup>Discrimination based on descent in Africa  
– Summary paper 2002
- <sup>15</sup>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)
- <sup>16</sup>A/HRC/WG.6/31/SEN/2 Human Rights Council  
– Report of the Office of the United Nations High Commissioner for Human Rights
- <sup>17</sup>A/HRC/31/56 January 2016 Human Rights Council  
– Human Rights Council  
– Report of the Special Rapporteur on minority issues Rita Izsak
- <sup>18</sup>Discrimination based on descent in Africa

– Summary paper 2002

<sup>19</sup>A/HRC/WG.6/26/TGO/2 Human Rights Council

– August 2016 Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

<sup>20</sup>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)

<sup>21</sup>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 58th CEDAW session in July 2014- June 2014

<sup>22</sup>Alternative Report to the 65th session of the UN Commission on the Elimination of Discrimination Against Women

– Discrimination against Dalit women in Bangladesh

<sup>23</sup>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

<sup>24</sup>Caste Based Discrimination in Nepal

– Working Paper Series, Volume III Number 08

<sup>25</sup>Civil Society

's Alternate Report on CEDAW Convention

– Nepal 2016

<sup>26</sup>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)

<sup>27</sup>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)

<sup>28</sup>A/HRC/31/56 January 2016 Human Rights Council

– Human Rights Council

– Report of the Special Rapporteur on minority issues Rita Izsak

<sup>29</sup>Alternative report submitted to the UN Committee on Economic, Social and Cultural Rights when reviewing the second periodic report of Yemen: HUMAN RIGHTS SITUATION OF THE ALAKHDAMIN YEMEN, May 2011

<sup>30</sup>Alternative report submitted to the UN Committee on Economic, Social and Cultural Rights when reviewing the second periodic report of Yemen: HUMAN RIGHTS SITUATION OF THE ALAKHDAMIN YEMEN, May 2011

<sup>31</sup>Alternative Report to the UN Committee on the Elimination of Racial Discrimination in review of the 21-23 periodic reports of the United Kingdom - Caste-Based Discrimination in the UK

<sup>32</sup>IDSN briefing paper (2014): Caste discrimination in the UK

<sup>33</sup>Roma people in Europe in the 21st century: violence, exclusion, insecurity

, A European Association for the Defense of Human Rights report.

<sup>34</sup>The Roma People in Europe- Peace Research, Richardson Institute, (2014)