

United Nations Secretary General Annual Report on Minorities

Submission by the International Dalit Solidarity Network – IDSN

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Among the several minorities recognized by the United Nations, Dalits, Adivasis and other persons discriminated on the basis of caste, work and descent total around 260 million people worldwide, the vast majority living in South Asia.¹ Caste-based discrimination involves massive violations of civil, political, economic, social and cultural rights. Caste systems divide people into unequal and hierarchical social groups. Those at the bottom are considered ‘lesser human beings’, ‘impure’ and ‘polluting’ to other caste groups.

Formerly known as ‘untouchables’ and subjected to so-called ‘untouchability practices’ in both public and private spheres, Dalits – are often forcibly assigned the most dirty, menial and hazardous jobs, and many are subjected to forced and bonded labour. Due to exclusion practised by both state and non-state actors, they have limited access to resources, services and development, keeping most Dalits in severe poverty.

They are often de facto excluded from decision making and meaningful participation in public and civil life. The lack of special legislation banning caste discrimination or lack of implementation of legislation, due to dysfunctional systems of justice and caste-bias, have largely left Dalits without protection. Despite policy development and new legislation in some countries, fundamental challenges still remain in all caste-affected countries.

The progress that has been made is, to a large extent, a consequence of the tireless work of Dalit civil society groups in South Asia. They have also – through IDSN and by other means – managed to place caste discrimination firmly on the international human rights agenda. UN bodies and EU institutions are paying increasing attention to this issue.

The division of a society into castes is a global phenomenon not exclusively practised within any particular religion or belief system. In South Asia, caste discrimination is traditionally rooted in the Hindu caste system, according to which Dalits are considered ‘outcasts’. However, caste systems and

¹ Report of the UN Special Rapporteur on Minority Issues, UN Doc. A/HRC/31/56, para. 21.

the ensuing discrimination have spread into Christian, Buddhist, Muslim and Sikh communities. They are also found in Africa, other parts of Asia, the Middle East, the Pacific and in Diaspora communities.

Caste-based discrimination does not strictly follow a traditional separation of (national or ethnic, religious and linguistic) factors. In a dedicated report of 2016, the Special Rapporteur on Minority Issues has recognized that, despite some complexities of addressing caste-based discrimination within minority rights, individuals suffering this type of discrimination often share minority-like characteristics, as follows:

The Special Rapporteur recognizes the complexity of addressing this topic within the minority rights framework, as there exists the view that caste systems are a way to organize society without the domination of majority groups, and that therefore, “lower caste” groups may not strictly fall under the category of minority groups. However, she believes that, ***while many caste-affected groups may belong to the same larger ethnic, religious or linguistic community, they often share minority-like characteristics, particularly their non-dominant and often marginalized position, stigma, and the historic use of the minority rights framework to claim their rights*** (emphasis added). She further acknowledges that caste and caste-like systems are present in other groups, including some indigenous communities. Moreover, she highlights that minority groups who are characterized by their non-dominant position and whose members possess ethnic, religious or linguistic characteristics differing from those of the rest of the population are also, in many cases, caste-affected groups, and therefore face multiple and intersecting forms of discrimination on the grounds of both their minority status and descent. Consequently, she believes that a minority rights approach can provide a valuable platform for the protection of the rights of caste-affected communities and that minority rights standards, including equality, non-discrimination, consultation, participation and special measures, should be applied to combat discrimination based on caste and analogous systems.²

Hence, it is plausible to submit that caste-based discrimination can be addressed within the UN minority mandate. A considerable number of UN human rights monitoring bodies have made specific reference to caste-based discrimination.³ A remarkable standard established by the CERD is General Recommendation No. 29, on descent-based discrimination, in which this Committee states:

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

Strongly reaffirming that discrimination based on "descent" includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights.⁴

² Report of the UN Special Rapporteur on Minority Issues, UN Doc. A/HRC/31/56, para. 21.

³ IDSN, Compilation of UN references to caste discrimination, available [here](#).

⁴ UN Doc. CERD/C/61/Misc.29/rev.1.

At the same time, for current UN Special Rapporteur on Minority Issues has engaged in caste-based discrimination issues, such as in his latest report to the Human Rights Council (2021) on hate speech, emphasizing that Dalits are particularly impacted by this type of human rights violation.⁵ Moreover, the High Commissioner, also on her report to the Human Rights Council on the situation of minorities (2021) has listed a number of activities in which her office engages in caste-based discrimination ⁶

Moreover, caste-based discrimination has been dealt with by a number of constitutions and domestic legislations. A number of temporary special measures have been put in place in order to advance the equality status of individuals under caste schemes. On other occasions, this type of discrimination is prohibited by pieces of legislation. In India, the concept of untouchability was abolished by art. 15 (i) and (ii), 16 and 17 of the country's constitution). Other constitutions prohibit caste-based discrimination, such as the ones of Bangladesh (art. 28), Pakistan (arts. 22, 26 and 27) and Sri Lanka (art. 12.2 and 12.3). A number of domestic legislations have been adopted, such as in India, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill (2015) and the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act (2013); Nepal enacted the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act in 2011, which criminalizes such discrimination in private and public spheres. In Japan, the Law on Special Measures for Dowa Projects, enacted in 1969 and in force until 2002, was aimed at improving the living conditions in identified Buraku districts (Dowa districts) by improving access to welfare, employment and education, and providing redress in cases of discrimination against Buraku people. In the United Kingdom, the passing of the 2010 Equality Act brought the caste-discrimination issue into the public arena. Since its amendment in 2013, the Act now includes caste as an aspect of race, following advocacy from civil society organizations and the recommendation of the Committee on the Elimination of Racial Discrimination in its 2011 review of the State.

However, the main challenge today is the implementation of such constitutional provisions and legislations. Individuals under this scheme sustain de facto discrimination, which requires further measures, such as awareness raising campaigns, access to justice, combat of stereotypes and stigmatization and similar measures, as seen throughout the periodic reviews of States parties to the UN treaty-bodies.

As social media becomes a growing space for contemporary debates, Dalits and other groups sustaining caste-based discrimination are particularly targeted by racial hate speech. The Special Rapporteur on Minority Issues has underscored that these groups, among others, have been “the target of choice for the poison of hate and violence propagated by social media platforms”.⁷ Indeed, caste-based forms of hate speech can lead to extreme violence, as it has been rapidly spreading as a means of oppression against Dalits. However, this type of hate speech remains unmentioned in main human rights treaties, international instruments and UN debates. In general, international human

⁵ Report of the Special Rapporteur on minority issues (hate speech in social media), UN Doc. A/HRC/46/57, paras 9, 24, 37 and 38.

⁶ Office of the High Commissioner for Human Rights, Rights of persons belonging to national or ethnic, religious and linguistic minorities, UN Doc. A/HRC/46/44, paras 25, 41 and 54.

⁷ Report of the Special Rapporteur on minority issues (hate speech in social media), UN Doc. A/HRC/46/57, para. 37.

rights agencies that prioritise hate speech continue to overlook caste-hate speech as a distinctive form of discrimination and humiliation.⁸ Caste-hate speech has been recognized by some works of the UN treaty bodies and other UN instruments.⁹ Recent representations made by the International Dalit Solidarity Network led to the inclusion and recognition of caste-hate speech in the “Recommendations from the United Nations European and Asia Pacific Regional Forums on “Hate Speech”, Social Media and Minorities”.

⁸ IDSN, [Caste-hate speech, addressing hate speech based on work and descent](#). Report, 2021.

⁹ See, for instance, CERD: General Recommendation XXIX on Descent-Based Discrimination (2002), p. 4; UN Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, p. 9; *UN Guidance Tool on Descent-based Discrimination*, p. 64.