

August 10, 2021

In response to the call made by the Special Rapporteur on racism, E. Tendayi Achiume, The International Movement Against All Forms of Discrimination and Racism ([IMADR](#)) and International Dalit Solidarity Network ([IDSN](#)), both have participated in the World Conference Against Racism advocating for the issue of discrimination based on work and descent to be included, would like to share information regarding the following question:

- **Reflections from activists, academics, policymakers and others who were involved in mobilizations leading up to the DDPA, including lessons that could help strengthen contemporary transnational advocacy for racial justice;**

Before the WCAR

1. For many years, caste-based discrimination did not receive serious attention of the international community despite the fact that it constitutes a grave human rights violation affecting approx. 260 million people including Dalit in South Asia, Dalit in diaspora, Burakumin in Japan, and other similarly caste affected communities in some parts of Africa and Middle East. No specific discussions on this form of discrimination were made by the human rights treaty bodies or other UN human rights mechanisms.
2. In March 2000, human rights NGOs working against caste-based discrimination were convened in London and decided to form the International Dalit Solidarity Network, or IDSN, to work collectively in the international arena for the elimination of caste-based discrimination. These NGOs included National Campaign for Dalit Human Rights from India, IMADR, Human Rights Watch, Minority Rights Group International, Lutheran World Federation and others.
3. In August 2000, the UN Sub-Commission for the Protection and Promotion of Human Rights of Minority adopted the resolution on Discrimination Based on Work and Descent (E.CN.4/SUB/2/RES/2000/4), for the first time, calling for international attention to the issue and confirming that discrimination based on work and descent was prohibited under international human rights law. It also appointed Mr. Goonesekere, one of members of Sub-Commission, to submit a working paper on the topic to the next session (2001).
4. As specified in Art. 1 of the ICERD, descent is one of grounds of racial discrimination. It had been confirmed that descent also refers to caste and Buraku in the treaty body's reviews of States parties including India (CERD, 1996), Nepal (2000), Japan (2001) and Bangladesh (2001). The 1991 report of the Special Rapporteur on racism confirmed the same. On the other hand, India and Japan, States parties to the ICERD, have denied that the term "descent" includes caste or Buraku.

5. For the planned WCAR, international and national NGOs rallying to IDSN jointly worked for an inclusion of caste-based discrimination in the discussion and outcome documents of the WCAR. On the process towards the Conference, many preparatory meetings emphasized the need to call for attention to the caste-based discrimination, thanks to hard work of these NGOs. These included Seminar of Experts for Asia-Pacific Region in Bangkok (Sept 2000), European NGO Forum in Strasburg (Oct 2000), Seminar of Experts for African Region in Addis-Ababa (Oct 2000), Asia Preparatory Meeting in Teheran (Feb 2001), Asia-Pacific NGO Networking Meeting in Kathmandu (April 2001), Global Conference Against Racism and Caste-Based Discrimination in New Delhi (March 2001), and several others.

At the WCAR

6. There was a massive Dalit presence comprising 190 Dalits, 60 non-Dalit supporters, 90 Christian Dalits, 155 non-Christian Dalits, 100 full-time professional activists, 4 parliamentarians, 90 academics and journalists and 50 victims of atrocities. From the Buraku community, about 100 people participated in the WCAR. They organized the march in the venue, workshops on the topics (such as discrimination based on work and descent, multiple forms of discrimination and human trafficking) and lobbying, aiming for the inclusion of the following paragraphs in the DDPA;

The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance: ...

Urges States to ensure that all necessary constitutional, legislative and administrative measures, including appropriate forms of affirmative action, are in place to prohibit and redress discrimination on the basis of work and descent, and that such measures are respected and implemented by all State authorities at all levels.

Due to the strong opposition from the Indian government, the final texts of both Declaration and Programme of Action lacked a single reference to the daily reality of entrenched discrimination experienced by Dalits, Burakumin and some communities in Africa and Middle East.

7. Despite the failure, the WCAR and its preparatory processes had provided a common focus which helped to promote unity and coordination among Dalit groups and solidarity networks around the world. As a result of the Durban Conference, the international recognition of the issue of caste-based discrimination was very much enhanced.

After the WCAR

8. After the WCAR, the issue of discrimination based on work and descent - caste-based discrimination – has gained visibility across the affected countries as well as in the UN human rights system. NGO engagement with the WCAR created an important momentum in the domestic arena in India, Nepal, Sri Lanka, Bangladesh, Japan and countries with Dalit diaspora. Significant achievements at the UN level include the followings:

- a) General Recommendation 29 of the CERD (CERD/C/61/Misc.29/rev.1) addressed discrimination based on work and descent and caste-based discrimination;
- b) Treaty bodies including the CERD (CERD/C/JPN/CO/7-9) (CERD/C/NPL/CO/17-23), CEDAW (CEDAW/C/IND/CO/4-5) (CEDAW/C/JPN/CO/7-8) (CEDAW/C/NPL/CO/6), CCPR (CCPR/C/NPL/CO/2) and CESCR (E/C.12/IND/CO/5) also addressed DWD while reviewing relevant state report;
- c) The Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent (A/HRC/11/CRP.3) ⁱ were drafted by the Special Rapporteurs on DWD on the former Sub-Commission, and has been submitted to the Human Rights Council, but is yet to be adopted;
- d) High Commissioner for Human Rights, Ms. Navi Pillay, has made a strong statement on the issue after visiting India – “Tear down the wall of caste discrimination.” ⁱⁱ The High Commissioner also stated, “The Human Rights Council... should promote the 2009 Draft Principles and Guidelines”;
- e) Caste discrimination issues have been addressed in the reports of Special Procedures mandate holders (including the Independent Expert on minority issues/ Special Rapporteur on minority issues and the Special Rapporteur on racism), and mandate holders have conducted country visits to caste affected countries.ⁱⁱⁱ
- f) Comments and recommendations on discrimination based on work and descent have been made under the Universal Periodic Review process, notably on India, Nepal and other countries.^{iv}
- g) OHCHR published a comprehensive guidance tool addressing caste-based discrimination in 2017 entitled “Guidance Tool on Descent-Based Discrimination: Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination”^v. The tool is meant to support UN country teams, agencies and other stakeholders in combatting caste-based discrimination and has been welcomed by UN stakeholders as well as human rights activists across the world.

Conclusions:

Dalit and Buraku movement at the national, international and UN levels has come a long way for the past 20 years after the WCAR. It has been a consistent movement with concerted actions nationally, regionally and internationally by affected communities, NGOs and UN human rights mechanisms. We still face many challenges to achieve our goal, elimination of descent-based discrimination. On the occasion of the 20th anniversary of the DDPA, we join the world to stand up against Racism.

ⁱ OHCHR: <https://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/CRP/A-HRC-11-CRP3.pdf>

ⁱⁱ OHCHR: <https://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9540&LangID=E>.

ⁱⁱⁱ IDSN: <https://idsn.org/wp-content/uploads/2021/01/UNcompilation-Jan-2021.pdf>

^{iv} IDSN: <https://idsn.org/wp-content/uploads/2021/01/UNcompilation-Jan-2021.pdf>

^v OHCHR: <https://www.ohchr.org/Documents/Issues/Minorities/GuidanceToolDiscrimination.pdf>