**Moving Forward: Reforming the Protection and Implementation of the Minority Rights Framework**

**for communities discriminated based on work and descent**

The Dalits who are called officially Scheduled castes in India, Dalits in Nepal and with other social identities in caste affected countries are spread out in South Asia and South East Asia. They are in numerical minority in Pakistan, Bangladesh and Sri Lanka and hold non-dominant position in India and Nepal. There are Dalits located in Malaysia and few other countries in Asia as well. There is a community Buraku, who are discriminated similar to Dalits in Japan.

There are 5.5 millions of Dalits in Bangladesh, 0.25 percent of the total population in Pakistan, 4-5 million in Sri Lanka, 20% of the total population of Nepal and 16.6% of the country's population in India. There are an estimated 6 million Buraku people living in Japan. It’s difficult to get exact figures of the population in those countries, where caste is not recognised in their constitution.

In 2001, Dalit activists and non-governmental organisations from India and countries in South Asia, pushed for the inclusion of caste-based discrimination in the United Nations conference on racism and other forms of descent-based discriminations and we have been able to achieve some success, where discrimination based on descent is recognised within the UN framework.

Article 1 of the International Convention on the Elimination of All Forms of  Racial Discrimination has recognised descent as a form of discrimination. In the year 2002, General Recommendation No. 29 on descent based discrimination, in which the Committee concluded that discrimination based on descent covers caste and analogous systems of inherited status and is thereby covered by the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD).

In March 2013, the United Nations Secretary-General endorsed the Guidance Note on Racial Discrimination and Protection of Minorities setting out a framework for United Nations action with a view to ensuring a comprehensive and coherent United Nations approach on racial discrimination and protection of minorities, from headquarters to regional and country presences. The Guidance Note contains 19 recommendations for the United Nations system on how to address racial discrimination and protection of minorities in line with the Universal Declaration of Human Rights, the United Nations Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities and other key standards. The Guidance Note also recommends that “United Nations action and policies should reflect the fact that persons targeted for discrimination based on descent, in particular caste-based discrimination and related practices, are in a number of contexts in a particularly marginalized position and in need of focused attention. The tool is the first of its kind to directly address caste and forms part of an Action Plan to support the implementation of the recommendations contained in the [Guidance note of the UN Secretary-General: On racial discrimination and protection of minorities](https://idsn.org/un-2/un-guidance-note-on-caste/).

In 2004, the special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène had included the caste system in the list of “political platforms which promote or incite racial discrimination”.

At a 2006 international conference on Dalit rights in The Hague, Chin-Sung Chung, special rapporteur on discrimination on the basis of work and descent noted: “In 2002, CERD General Recommendations XXIX stated: ‘The Committee strongly condemns descent-based discrimination such as discrimination on the basis of caste and analogous systems of inherited status, which is a violation of the Convention’.”

In her report for India, the former UN Special Rapporteur on Minority Rights Ms. Rita Izsák-Ndiaye stated that there is a “complexity” in talking about casteism in a “minority rights framework”, but pointed out that “caste-affected groups” shared “minority-like characteristics, particularly their non-dominant and often marginalised position, stigma.”

She further stated that “I respect India’s opinion and as I highlighted, ‘lower caste’ groups often self-identify as minorities (and in many situations they are indeed clearly religious or ethnic minorities in classic terms) and have historically used the minority rights framework and therefore sought the support of my mandate since its establishment to claim their rights,”

With the identity of communities discriminated based on work and descent, globally there are now 260 million people, which includes Dalits, Roma, Buraku, Quilambo and Osu people and those similarly discriminated based on the Work and Descent across the world. These communities especially women, face the problem of caste based exclusion, segregation and violence. Caste is also an important determinant of intergenerational poverty due to exclusion from access to development and rule of law. Discrimination based on work and descent and other forms of discrimination are not only human rights violations but also major obstacles to achieving development. Inequalities inevitably diminish development gains and are among root causes of armed conflicts. Ineffective allocation of human resources due to discrimination based on work and descent distorts the labour market and affects the efficiency of an economy. It is a sad reality that again people affected by it are left behind unaddressed in the UN Sustainable Development Goals.

**We therefore recommend that:**

1. The communities discriminated based on work and descent to be seen with the lens of minority in the context of India and Nepal as they don’t have a clout vis a vis the percentage of their population, and they continue to face discrimination, segregation, exclusion and violence due to their social identities based on work and descent.
2. The status of communities discriminated based on work and descent need a global recognition, therefore visits and submission of country visit reports by the United Nations Special Rapporteur on minority issues will substantiate that the people discriminated based on work and descent are minorities.
3. The need to have a special desk under UN Minorities Fellowship program will give space and recognition to the work of human rights defenders and activists addressing discrimination based on work and descent.