



**UNHRC**

## **Background Guide**

**Agenda:**

**Deliberating Upon Human Rights  
Violations Caused Due to Caste Based  
Discrimination**

**PWS MUN**

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Dear Delegates,

It is an honor for us to be chairing the United Nations Human Rights Council at the PWS MUN 2020. The issue for discussion is of grave importance and hence comes under the mandate of discussion of the UNHRC.

As part of the United Nations Human Rights Council, it is important for committee members to weigh ethical, political, and economic implications before putting forth recommendations.

The committee should discuss policy reforms to combat discrimination, and to ensure uniformity between macroeconomic and social policies. The measures must promote accountability and access to justice for caste-based communities.

We hope that this committee will be able to do justice to the topic. We wish all delegates the very best and look forward to meeting you at the Pathways MUN 2020.

Regards,  
Executive Board,  
UNHRC, PWSMUN 2020

## **Brief Overview**

At least 250 million people universally still face dreadful and dehumanizing discrimination based on caste and similar systems of inherited status. This is a global dilemma affecting communities in Asia, Africa, Middle East, the Pacific region and in a range of diaspora communities. Caste-based discrimination and brutality goes against the basic principles of universal human dignity and equality, as it differentiates between 'inferior' and 'superior' categories of individuals which is intolerable.

The term 'caste' refers to a stringent hierarchical social system often based on ideas of purity and contamination. The people from 'lower castes' are often limited to specific occupations which are often deemed 'polluting' or menial by others, including manual scavenging, sweeping and disposal of dead animals.

Discrimination leads to acute exclusion and dehumanization of caste-affected communities, who are often among the most underprivileged populations, experience the worst socioeconomic conditions and are dispossessed of the enjoyment of their civil, political, economic, social and cultural rights. Any attempt made to challenge these prohibitions or the unlawful consequences derived from caste systems often result in violence against caste-affected individuals and retaliation against their communities.

Caste-affected women and girls are often the sufferers of sexual violence, trafficking and are especially vulnerable to early and forced marriage, bonded labor and destructive cultural practices. Violence and the threat of violence inflicted on women frequently go unreported, allowing a culture of invisibility, silence and impunity.

As the member of the United Nations Human Rights Council, we must devise measures and recommend reforms to combat discrimination, and to ensure uniformity between macroeconomic and social policies.

Although numerous concerned countries already have constitutional provisions in place that prohibit discrimination, several lack specific laws forbidding caste-based discrimination. Even when laws are in place, stigma and discrimination present major obstacles to their execution, and laws that are in place are constantly under-enforced when victims are from such stigmatized groups.

## **Communal segregation leads to dehumanizing practices including untouchability**

"The rights of every man are diminished when the rights of one man are threatened."

Segregation in the public and private domains has unfathomable implications for the ability of affected communities to take pleasure in a range of human rights, and often broaden to the sphere of housing, education, places of worship, food delivery, and the provision of public services.

Violations of the right to freedom of religion or belief may include segregation practices prohibiting people from entering places of worship, from leading prayers, sitting at the first row at places of worship, performing religious rites, being buried in the same cemeteries, and participating in religious festivals.

At schools, segregation practices can be translated into the defiance of access to school water supplies and meals, segregation in classrooms and institutional exclusion such as poor investment in schools attended by children from affected communities. Children may also face biased attitudes from fellow students and the community as a whole, in particular from "higher caste" members, who perceive education as a danger to village hierarchies and power relations.

The worst consequence of segregation practices may also include prohibition on touching "lower" caste individuals and their possessions based on the belief that they are "polluted".

Nepal

In Nepal, during Dashain and Tihar festivals, non-Dalits traditionally sacrifice animals at the temples. When the festivals are over, Dalits have to clean the carcasses and are also made to eat rotten meat of the sacrificed animals which are considered "holy". Refusal by Dalits to surrender to such roles is seen as a denial of traditional beliefs and could lead to stigma as well as aggressive repercussions from non-Dalits.

## **Caste based Discrimination in Various Sectors**

Employees belonging to groups that have been targets of ancient patterns of discrimination, such as Dalits in South Asia, especially women within these groups, are more vulnerable to coercive employment practices. Their "low" rank often reinforces their poverty, marginalization, exclusion and discrimination in admittance to education and other fields, making them more vulnerable also to slavery and slavery-like practices in areas ranging from manual scavenging to forced prostitution.

Employment and Education:

A report on discrimination at the work place brought out by the International Labor Organization (ILO), claimed that Dalits in India are denied jobs due to "caste discrimination", which evoked mixed reactions from trade union leaders and activists.

The report titled 'Equality at work: tackling the challenges', said: "Dalits are excluded from work opportunities in the area of production, processing or sale of food items and services in the private and public sectors in India." It also said that although law prohibits practice of 'untouchability', caste remains a dominant factor in defining the economic and social status of dalit men and women in India and Nepal.

"Limited access to education, training and resources, such as land or credit, further impair their (dalits) equal opportunities for access to non-caste-based occupations and decent work," the report said. While acknowledging that affirmative actions by the Indian government has enabled marginal number of dalits in obtaining formal jobs, the report says that such initiatives have failed to lead to an even progress in providing equal opportunities to all.

## **Country Centric Efforts to Combat Caste-Based Discrimination**

Recently, there have been numerous positive developments towards combating caste-based discrimination at the national, regional and international level. Several laws and policies have been introduced in some of the concerned countries. The past decade has

also witnessed the increasingly active commitment of civil society on the issue of caste-based discrimination, both in-country and at the United Nations.

Nepal:

In May 2011, Nepal adopted a law criminalizing untouchability and caste-based discrimination, constituting an imperative step towards the safety and promotion of the rights of caste-affected people. In 2014, a high-level consultation workshop on the implementation status of the UPR recommendations concerning caste-based discrimination in Nepal was held at the Office of the Prime Minister and Council of Ministers, which brought together government officials, representatives of the police and the army, the Attorney General's office, national human rights institutions, and various NGOs. The new Constitution of 2015 recognized Dalit rights under fundamental rights and gave the National Dalit Commission constitutional status.

India:

In September 2013, the Parliament of India adopted the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 52 which envisages penalties for any public authority or private individual who uses or promotes the practice of manual scavenging. In March 2014, the Supreme Court of India ruled that manual scavenging violates international human rights and called for an effective remedy. In December 2015, India's Parliament passed the Scheduled Castes (SCs) 53 and the Scheduled Tribes (STs) (Prevention of Atrocities) Amendment Act (2015), 54 prohibiting and punishing the commission of offences against members of SCs and STs, and providing for the establishment of special courts for the trial of such offences and the rehabilitation of victims.

Sri Lanka:

Although caste is in many respects less significant and less visible in Sri Lanka, compared to India, some 90 per cent of the population in Sri Lanka recognizes it for some purposes at least (Thorat and Shah, 2007). There are three parallel caste systems in Sri Lanka: Sinhala, Sri Lankan Tamil and Indian Tamil. While there is no uniform notion of untouchability in these three caste systems, caste discrimination of some kind is found in each one.

The caste system among Sri Lankan Tamils in Jaffna can be seen as the most rigid and the one with clearly defined patterns of inequality, discrimination and social rejection driven by a religiously articulated notion of untouchability. The power, influence and high status in Jaffna society have been held by the land-owning Vellâlar caste, considered as the dominant caste for all intensions and purposes.

In war and tsunami affected areas of Eastern Sri Lanka too, caste appears to be of considerable importance in identity formation, local politics as well as in processes of social discrimination.

Even though Sri Lanka has a wide spectrum of civil society organizations (CSOs), including many human rights organizations, caste-based discrimination has not received sufficient attention.

United Kingdom of Great Britain and Northern Ireland:

In April 2013, the United Kingdom of Great Britain and Northern Ireland introduced a legislative provision, enclosed in the Enterprise and Regulatory Reform Act, providing that the Government must take account of caste-based discrimination in the scope of its Equality Act. The decision serves as a good practice for protecting caste-affected persons in diaspora communities.

In September 2015, in a landmark decision on caste-based discrimination under the Equality Act, a United Kingdom employment tribunal ruled in favor of a domestic worker from a so-called "low caste" in India kept in domestic servitude by her employer in the United Kingdom.

In October 2013, the European Parliament adopted a resolution on caste based discrimination which called on European Union institutions to recognize and address caste-based discrimination on par with other grounds of discrimination; to include the issue of caste-based discrimination in European Union legislation and human rights policies; and to raise the issue at the highest level with governments of caste-affected countries.

## **The 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs)**

Caste-based and equivalent forms of discrimination is a major structural factor underlying poverty, and a root cause of inequalities and social exclusion of particularly marginalized groups. The achievement of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals should tackle the discrimination and segregation suffered by caste-based communities and their experiences of inter-generational poverty.

The vision of this agenda is to instill universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity.

To achieve this aim, the United Nations must place addressing inequalities and non-discrimination at the heart of its efforts to support the implementation of the SDGs and targets.

The United Nations system, in its support to Member States, should ensure that:

- The implementation of the 2030 Agenda and all efforts to reach the SDGs are fully aligned and steady with international human rights norms and standards as core values of the United Nations;
- Recommendations from international human rights mechanisms should steer the implementation of the SDGs, in order to better align the accountability framework with human rights standards;
- Steps are taken to evidently identify inequalities and disparities and monitor whether gaps are accurately being addressed. Identifying inequalities and non-discrimination must be the preliminary point for analysis, which requires the generation of evidence, data collection and disaggregation that includes all grounds of discrimination prohibited under international law, to ensure that all forms of discrimination and other root causes of inequalities are identified and addressed;
- Most marginalized and hard-to-reach groups, including caste-based communities, can fully participate in all phases of the design, implementation and accountability of the new Agenda, including in the allocation of resources for their implementation.

## Conclusion

Human rights are universal, indivisible, interdependent and interrelated. A human rights assessment should cover the situation with respect to the full range of rights—economic, social and cultural rights, as well as civil and political rights—and embrace analysis of patterns of discrimination in society.

Agencies can undertake a variety of approaches in their country programming to target discrimination based on caste. Reflect on the integration of an explicit prohibition of caste-based discrimination in the national constitution; Review and enact or amend legislation in order to outlaw all forms of discrimination based on caste in accordance with the Convention.

## **Question A Resolution Must Answer (QARMA)**

- How can the UNHRC ensure immediate action is undertaken in order to curb caste-based discrimination around the world?
- What are the causes and consequences of caste-based discrimination in the 21st century?
- What measures must the international community undertake in order establish better legal systems in place, in countries that practice caste-based discrimination?
- What are the suggestive measures that the UNHRC would come up with in order to curb Communal segregation?

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