



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/2003/NGO/20
14 July 2003

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-fifth session
Item 5 of the provisional agenda

PREVENTION OF DISCRIMINATION

Written statement* submitted by the International Movement Against All Forms of Discrimination
and Racism (IMADR), a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[4 July 2003]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Discrimination based on work and descent

The International Movement Against All Forms of Discrimination and Racism (IMADR) welcomes the expanded working paper on discrimination based on work and descent to be submitted by Mr Asbjørn Eide and Mr Yozo Yokota, in pursuance of Sub-Commission decision 2002/108. IMADR is confident that the paper will provide the proof that discrimination based on work and descent is a global issue, with manifestation in various parts of the world, and not limited to any particular country or region.

Indeed, the issue of discrimination based on work and descent has drawn an increasing attention of the international community, including various United Nations bodies and specialised agencies, and consequently, gained the recognition as a global human rights issue. The following are some examples:

Committee on the Elimination of Racial Discrimination (CERD)

During its sixty-first session in August 2002 the Committee held a historic thematic discussion on discrimination based on descent. The Committee heard testimonies and received relevant information and proposals from twenty-three individuals representing the situations of *Dalits* of South Asia, *Burakumin* of Japan, *Osu* of Nigeria, and similarly affected communities in Senegal, Niger, Somalia and Kenya. States parties concerned were also invited to present information on the measures taken and problems the communities concerned are faced with, or present their view on the Thematic Discussion. Four members of the Sub-Commission also contributed to the thematic discussion by providing expert opinions. The Committee subsequently adopted General Recommendation XXIX on 'descent-based discrimination' on 22 August 2002. In this General Recommendation, the Committee made it clear that 'descent-based discrimination' includes discrimination 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]', and condemned such discrimination as a violation of human rights law. The General Recommendation recognises and commends the efforts of those States which have taken measures to eliminate descent-based discrimination and remedy its consequences, and encourages affected states who have yet to recognise and address this phenomenon to take steps to do so'. It concludes that, 'fresh efforts, as well as the intensification of existing efforts, need to be made at the level of domestic law and practice to eliminate the scourge of descent-based discrimination and empower communities affected by it'.

Working Group on Contemporary Forms of Slavery

This Working Group of the Sub-Commission addressed at its latest twenty-eighth session held in June 2003, the question of descent-based discrimination, within the framework of its main theme of this year's session, i.e. the question of contemporary forms of slavery related to and generated by discrimination. In its recommendations, the Working Group 'recognised that victims of slavery and slavery-like practices frequently belong to minority

groups, in particular racial groups or categories of people who are especially vulnerable to a wide range of discriminatory acts, including people of descent-based groups', and 'urged Governments to fully implement the Committee on the Elimination of Racial Discrimination's General Recommendation on Descent-Based Discrimination, including: reviewing, enacting or amending legislation to outlaw all forms of discrimination based on descent; resolutely implementing legislation and other measures in force; and formulating and implementing a comprehensive national strategy, with participation of members of affected groups, in order to eliminate discrimination against members of descent-based groups'.

International Labour Organization (ILO)

In June 2003, the ILO submitted its first global report on discrimination under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, to the ninety-first session of the International Labour Conference. The report, which is entitled: 'Time for Equality at Work', addresses the situation of discrimination based on descent and work, in particular caste (discrimination against *Dalits*), for example, under the heading of 'social regulation' (paragraph 72).¹

United Nations Educational, Scientific and Cultural Organization (UNESCO)

Consultations on UNESCO's new integrated strategy to combat racism, racial discrimination, xenophobia, and related intolerance were concluded with the international experts meeting organised by UNESCO in Osaka in June 2003. At the regional consultation for Africa held in Dakar from 13 to 15 February 2003, the participants underlined, as one of the three matters of particular concern in the region, the fight against prejudice, the acts and effects of racism and discrimination inherited from the past, including the 'phenomenon of castes'. It was also noted that 'discrimination based on caste ... exists in certain societies in Africa and Asia'.

These recent developments in addressing various manifestations of discrimination base on work and descent within the United Nations, underline the important role that the Sub-Commission should and can continue to play in further examining this type of discrimination and elaborating recommendations for measures to be taken towards its total elimination. In doing so, the Sub-Commission should avail itself of existing expertise, and seek for cooperation and collaboration from, *inter alia*, CERD, ILO and UNESCO, in the elaboration of such recommendations.

¹ Also the situation of discrimination against Dalits in Nepal is raised in the paragraph 85 and information about the 'affirmative action' taken by India for Dalits etc. is provided in Box 2.1.

Discrimination based on work and descent, among other forms of discrimination, is often described as social discrimination. It must be reminded, however, that states bear primary responsibility for the elimination of such discrimination in their own country, whether it occurs in private sector or in social life at large. The international community, on its part, should offer assistance to those governments, which are committed to the elimination of discrimination on the ground of work and descent.

2 *Commentary for the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights*, subsection d. at p. 18, last edited April 11, 2003.

3 *Id.* at subsection d.

4 *Id.* at subsections a.-i. on pp. 20-21.

5 Mary Robinson, *The Ways a 'Business Leaders Initiative on Human Rights' Might Add Value*, May 7, 2003 (Brussels, Belgium).

6 Principles 1 and 2 of UN Global Compact available at http://www.unglobalcompact.org/content/AbouttheGC/TheNinePrinciples/prin1_&_prin2.htm.

7 See OECD Watch, Review of National Contact Points: June 2002-June 2003 available at <http://208.55.15.210/OECD-Watch-June-2003.htm>, Oliver Williams, *Major US Companies doubt Global Compact credentials*, Business Day, April 22, 2003 available at <http://www.bdfm.co.za/cgi-bin/pp-print.pl>, and CALIFORNIA GLOBAL CORPORATE ACCOUNTABILITY PROJECT, BEYOND GOOD DEEDS: CASE STUDIES AND A NEW POLICY AGENDA FOR CORPORATE ACCOUNTABILITY 5-7 (2002).

8 BEYOND GOOD DEEDS: CASE STUDIES AND A NEW POLICY AGENDA FOR CORPORATE ACCOUNTABILITY at pp. 23-44.

9 Juan Forero, *Rights Groups Overseas Fight U.S. Concerns in U.S. Court*, N.Y. TIMES, June 26, 2003, at A3.

10 *Id.*

11 *Id.*

12 *Id.*