



General Assembly

Distr.
GENERAL

A/HRC/7/NGO/58
25 February 2008

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Seventh session
Agenda item 3

PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

Joint written statement* submitted by the Asian Legal Resource Centre (ALRC) and Commission of the Churches on International Affairs (CCIA), non-governmental organizations in general consultative status, Lutheran World Federation (LWF), Catholic Organization for Relief and Development (CORDAID), Minority Rights Group (MRG), and Anti-Slavery International and the Social Service Agency of the Protestant Church in Germany, non-governmental organizations in special consultative status, and 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.

[20 February 2008]

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

**Caste-based discrimination and analogous forms of inherited social exclusion:
Discrimination based on work and descent¹**

The former Commission on Human Rights, in its resolution 2005/109, gave a mandate to the former Sub-Commission on the Promotion and Protection of Human Rights to undertake a study on discrimination based on work and descent, and to develop draft principles and guidelines for the elimination of this form of discrimination. This was the first occasion on which the UN's leading human rights body sought to address comprehensively the entrenched form of discrimination that affects, among others, the Dalits of South Asia, estimated to number more than 200 million people.

Three years later, the Sub-Commission experts entrusted with this mandate, Professor Yozo Yokota and Professor Chin-Sung Chung, have completed their task and sought to deliver a final report which includes the draft principles and guidelines widely anticipated by organizations representing affected communities around the world. However, with the abolition of the Sub-Commission, their painstaking work lacks a forum for its consideration and finalization, and has become caught in a transitional limbo. This situation points to a lacuna in the institution-building process in the Human Rights Council – the lack of clear transitional arrangements for the pending work of the Sub-Commission.

One of the key criteria for judging the success of the reform of the UN's human rights architecture must surely be that the achievements of the Commission on Human Rights in promoting and protecting the human rights of the victims of violations around the world should at least not be undermined or neglected. But here is a clear case in which an entrenched system of discrimination which has led and continues to lead to some of the most egregious violations of the rights and freedoms of a significant proportion of humanity - and which the international human rights system has for far too long failed to propose a systemic response - risks being overlooked again.

Accordingly, the co-sponsors of this statement urge the creation of an appropriate procedure for the consideration and adoption of the final report submitted by Professors Yokota and Chung regarding discrimination based on work and descent, and for appropriate action on the draft principles and guidelines included in that report.

Making caste-based discrimination a priority on the agenda of the Human Rights Council as a serious contemporary human rights issue in Asia and the other parts of the world in which affected communities are found is an essential step for the realization of human rights for millions upon millions of the Earth's most vulnerable and marginalized people. We are somewhat encouraged that the focus areas for the Asia-Pacific region outlined in the OHCHR's Strategic Management Plan 2008-2009 are impunity, weak institutions and discrimination, all of which are key factors in contributing to the systematic discrimination against Dalits. More specifically, caste-based discrimination is mentioned as a specific human rights concern to be included in the OHCHR's field of work in the next biennium.

¹ International Dalit Solidarity Network (IDSN); National Campaign for Dalit Human Rights (NCDHR), India; Navsarjan, India; People's Watch Tamil Nadu, India; CasteWatchUK; Center for Human Rights and Global Justice, NYU School of Law; Dalit Network Netherlands (DNN); Dalit Solidarity Network, United Kingdom (DSNUK); and Justice and Peace Netherlands also share the views expressed in this statement.

The continuing salience of caste-based discrimination is well-attested to by a growing chorus of concluding observations and recommendations issued by multiple treaty bodies concerning affected countries, as well as by material submitted for the forthcoming examinations of several affected countries under the UPR mechanism.

The Human Rights Council has, appropriately, a special focus on implementation, and on improving the situation of the victims of human rights violations on the ground. The draft principles and guidelines developed by Professors Yokota and Chung can be a very important tool for fulfilling this responsibility to the more than 200 million people who still continue to struggle under crushing yoke of caste-based discrimination and analogous forms of inherited social exclusion. We call upon the Human Rights Council to take up this tool, and use it.

- - - - -