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Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by World Barua Organization (WBO), a non-governmental organization in special consultative status

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

[30 May 2023]

* Issued as received, in the language of submission only.



Caste-Based Exploitation in India and Racial Discrimination

We appreciate the appointment of Madam Ashwini K.P. as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. We look forward to her current report as well as her work as Mandate Holder.

We take this opportunity to communicate with the rapporteur about the situation in India which relates to her mandate.

Racism and Casteism

As the rapporteur herself has mentioned through several platforms theoretically both issues can be considered distinct and separate. However, the experience of exclusion is not entirely unique. The psycho-social and economic devastation faced by an individual and the community is drastic in both racisms as well as casteism.

The Indian Constitution prohibits discrimination on any grounds. It specifically identified race and caste as two distinct grounds along with others on which discrimination is prohibited. This distinction has been used by the government of India for evading any questions by Committee on the Elimination of Racial Discrimination related to the Caste system, untouchability and discrimination. However, we want to attract the attention of the rapporteur to the fact that the Committee has recommended India include casteism as a related form of intolerance and discrimination based on descent.

Both forms of discrimination are the worst forms of discrimination, so there is no question of drawing a comparison. However as Dr Ambedkar, the chief architect of the Indian Constitution has described, the caste system is quite complex compared to racism and so fighting against the same is more difficult. Considering these aspects we are of the opinion that India needs to be held accountable as a party to the Durban Declaration and Program Action for all the caste atrocities against Scheduled Castes and Scheduled Tribes. We hope that the rapporteur will address this issue through her work.

Discrimination against Dalit Women -

Caste-based sexual violence is perpetrated against Dalit women and girls in violent form by men from dominant groups to assert power over the bodies of victims. It is normally believed that the social power accumulated by dominant caste groups is based on control over land, property and other economic assets, which in turn is interwoven with political, legal and administrative power through networks of kinship and influence. But it is not the only source of power possessed by male from the dominant caste community. The more dangerous source of power which gives sanction to other related powers is religious sanctity given to caste discrimination. This religious sanctity makes the caste system extremely resilient and resistant to change. Dalits and women from all marginalised sections are enmeshed in this system in a way that their identities serve as markers for dominant caste men to violate and abuse them at all points of their lives. Caste-based sexual violence is routinely used by these men as a reminder of their socio-political and religious power. The NCRB data of 2020 discloses that there were 3,486 cases of rape against Dalit women and girls registered in 2020. This means that an average of 10 Dalit women and girls are raped every day in India.

Madam Mandate holder has herself highlighted this discrimination and exploitation faced by Dalit women in India and other parts of Asia through various platforms. We expect her to address the issue faced by Dalit women as the rapporteur as well. We are of the opinion that the mandate on contemporary forms of racism and racial discrimination has wider scope and so the discrimination faced by Dalits and in particular by Dalit women can be part of the core work of the mandate. In theory, there might exist some difficulties in including caste discrimination under the purview of racism, racial discrimination, xenophobia and related intolerance however, as previous rapporteurs and also a working group on racism have interpreted it widening its preview, we hope that madam rapporteur will include caste as part of her core work.

Challenges in the Wider Interpretation of Mandate -

With this hope that the scope of the mandate will be interpreted in border terms, we also understand that it might prove challenging and may raise some unwarranted complications in addressing the issue. In that case, as scholars on caste discrimination and activists against discrimination faced by Dalits, we would like to request madam rapporteur come up with a paper on challenges in widening the scope of the Mandate to include caste-based discrimination as core work of the mandate. This reflection by the mandate holder may include recommendations to address caste-based discrimination through the august platform of the Human Rights Council, its bodies and mechanisms. Looking at the overwhelming expectations from all over the world and the limited resources available to Madam Rapporteur, it might not be possible for the rapporteur to address the issue immediately. However, as Madam Rapporteur is a scholar on the subject we are of the view that some deliberation covering these aspects as Mandate Holder will be very valuable support extended to the struggle to uproot caste discrimination.

Conclusion:

In conclusion, we would like to request Madam Rapporteur -

- Include caste under her purview by making a wider interpretation of the mandate
- To communicate with States like India to stop addressing caste as an internal problem of the state and be open for scrutiny on international platforms
- To communicate with India to implement all existing legislations for the prevention and protection of atrocities against Scheduled Castes (Dalits) and Scheduled Tribes.

Campaign Advocating Rights of Victims of Atrocities (CARVA), Voices for Peace., NGO(s) without consultative status, also share the views expressed in this statement.