

# Lesson Series 10: Caste: Discrimination on the Basis of Occupation and Descent

## Introduction

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The World Conference Against Racism, Racial Discrimination, Xenophobia and related Intolerance (WCAR) will take place in South Africa from August 31 to September 7, 2001.

For many Human rights NGOs, and especially for the 240 - 260 million caste-discriminated people in Asia (the majority of whom are 160 million “Dalits” in India and 3 million Burakumin in Japan), the WCAR is an exemplary occasion to voice out their protest at the dehumanising treatment they have suffered for centuries simply because they were born in a certain “caste”.

*See Appendix 1:* Some Testimonies of Victims of Rights Abuses, presented at the Global Conference Against Racism and Caste-based Discrimination: Occupation and descent-based Discrimination Against Dalits, 1-4 March, 2001, New Delhi, India.

But the efforts of Dalit organisations and human rights NGOs to secure caste-based discrimination on the Agenda of the WCAR has met with resistance and sabotage by especially the Indian Government and its NGO extensions at every step of the preparatory traject. Even the Indian Attorney General and many other Indian officials have erroneously argued that caste-based discrimination does not fall under the scope of the WCAR.

This lesson series presents the arguments to support the claim of Dalit, Burakumin and other similar communities that the discrimination and human rights violations they undergo must be addressed as essentially

similar to and even more fundamental than racism, and must be addressed by the WCAR.

## I. Discrimination on the basis of occupation and descent

The following is the text of the Joint Statement by the Lutheran World Federation, Human Rights Watch and Asian Legal Resource Centre to the 57<sup>th</sup> Session of the UN Commission on Human Rights, in Geneva, 23 March 2001. It gives the basic arguments for the inclusion of caste discrimination in the WCAR Agenda.

... .. Already in 1996, whilst commenting on India's report, the Committee on the Elimination of Racial Discrimination made it clear that "the term 'descent' mentioned in article 1 of the Convention [on the Elimination of All Forms of Racial Discrimination] does not solely refer to race." The Committee affirmed that "the situation of the scheduled castes and scheduled tribes [in India] falls within the scope of the Convention."

As recently as last Tuesday (20 March 2001), the Committee on the Elimination of Racial Discrimination made the same observations regarding the situation of Burakumin people in Japan. In commenting on the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee declared that "the term 'descent' has its own meaning and is not to be confused with race or ethnic or national origin", and that it covers the situation of the Burakumin community.

It is also noteworthy that, in the context of the preparations for the World Conference Against Racism, the African Regional Seminar of Experts on the Prevention of Ethnic and Racial Conflicts in Africa (held in Addis Ababa, 4-6 October 2000) called for an in-depth study of the question of castes, in particular in Africa.

... .. These initiatives reflect a growing understanding of the wider global significance of discrimination based on caste or descent, as a sub-category of racial discrimination. This understanding was distilled in the resolution on 'Discrimination on the basis of work and descent' (2000/7) passed by the Sub-Commission on the Promotion and Protection of Human Rights during its session in August last year. In that resolution, the Sub-Commission noted that "discrimination based on work and descent has historically been a feature of societies in different regions of the world and has affected a significant proportion overall of the world's population", and declared that "discrimination based on work and descent is a form of discrimination

prohibited by international human rights law". The working paper requested by the Sub-Commission in that resolution is due to be presented to its next session, in August this year.

Caste-based discrimination, wherever it is found, is a form of discrimination based on occupation and descent, and is covered by the definition of racial discrimination in the International Convention on the Elimination of all Forms of Racial Discrimination. This and similar forms of discrimination are amongst the most ancient forms of social exclusion based on birth. It is a social construct, like any other form of discrimination, and can be changed. It is also a form of discrimination which is experienced in many different countries, and in a number of different sub-regions. As such, it is deserving of the international attention which it has hitherto failed to receive, and for which an increasingly widespread international civil society movement is advocating.

... .. We consider that the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance is an invaluable opportunity for acknowledging and addressing this concern, which affects so many millions of people around the world and which involves the systemic denial of a wide spectrum of their human rights and fundamental freedoms. We call upon all governments to support and promote proper attention to this issue in the context of the World Conference. We hope that the many references to this issue which appeared in different elements of the preparatory processes for the World Conference will be acknowledged and introduced into the draft Declaration and Programme of Action.

We also call upon all governments in whose territory caste-based discrimination and similar forms of discrimination are experienced, to issue an invitation to the Special Rapporteur on contemporary forms of racism to visit their countries - to help to deepen the understanding of this issue and of the obstacles to its resolution.

Finally, we call upon all relevant governments to accept and implement the recommendations issued by the Committee on the Elimination of Racial Discrimination, the Sub-Commission on the Promotion and Protection of Human Rights, and other human rights bodies, in respect of all forms of discrimination on the basis of occupation and descent.

See Appendix 2: Written statement of ALRC submitted to the Commission on Human Rights.

## II. The Facts of Caste-based Discrimination

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### Dalits in India

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The National Campaign on Dalits Human Rights in India, launched on World Human Rights Day, December 10 1998, has continued to struggle for the abolition of untouchability and for freedom from caste discrimination for 260 million Dalits and other similarly discriminated populations in Asia.

It has organised and conducted many programmes and events at national and state levels, to educate, agitate and demand human rights for Dalits. At the official closure of the year-long campaign, it published a “Black Paper”, detailing Dalit human rights, and the failure of the Indian State to adequately fulfill these rights.

The Black paper is a “collective expression of Dalit rights” and include the following sections:

- Dalit Right to Livelihood
- Dalit Women’s Right to Gender Equality
- Dalit Right to land and Labour
- Dalit Right to Education
- Dalit Right to Employment and Reservations
- Dalit Right to Life and Security

The National Campaign on Dalit Human Rights also promulgated the Charter of Dalit Human Rights, which is a comprehensive summing up of the historical and present situation of Dalits in India.

See Appendix 3: A Charter of Dalit Human Rights

## **Buraku People in Japan**

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The discrimination against Buraku people (Buraku-min) in Japan has existed for several centuries.

Furthermore the modernization of Japan saw the establishment of a new social class system with the Emperor at the top and the Buraku people at the bottom; blood connection became as important as in the feudal era. Buraku people were driven into poverty, resulting in intensified prejudice and discrimination against them in many aspects of social life - employment, marriage, education and military service.

Buraku people started to take action against Discrimination with the foundation of the Levers Association in 1922. In the beginning they focussed on denouncing individuals who practised discrimination. Eventually they expanded their activities to denouncing society and systems such as the military, police, schools and administrations, that reproduced and nurtured discrimination.

In 1946, after the war, the anti-discrimination movement was revived under the name “The National Committee for Buraku Liberation”. This new movement focussed on the responsibility of the government for being at the root of the cause

In 1955 it changed its name to the Buraku Liberation League (BLL). In 1988, the International Movement Against All Forms of Discrimination and Racism (IMADR) was established. IMADR committed itself to the elimination of discrimination based on social class, racial discrimination, supported the rights of indigenous peoples and the resistance against human rights oppressions all over the world.

See Appendix 4: “Buraku people”

## **III. International Standards**

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The human rights formulated in all major international human rights treaties must be applied also to all peoples, without discrimination on any basis.

The following are the relevant international agreements on the rights not to be discriminated against on any grounds whatsoever.

The principle of non-discrimination is expressed in Article 2 of the Universal Declaration on Human Rights (UDHR):

*“Everyone is entitled to all the rights and freedoms set forth ... without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”*

And the right to adhere to and to change one’s religion and beliefs, and thus, to transcend cultural constraints is expressed in Article 18 of the UDHR:

*“Everyone has the rights to freedom of thought, conscience and religion, this rights includes freedom to change his religion or belief...”*

The Convention on the Elimination of All Forms of Racial Discrimination (CERD) defines racial discriminations in Article 1:

*..”any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”*

CERD also, in article 4:

- i) prohibits any propaganda activities that incite racial discrimination, and the formation of any participation in organizations that engage in such activities,
- ii) clearly states that special measures to uplift the lives of disadvantaged groups should be deemed necessary and not discriminatory against other groups
- iii) recognizes the importance of effective measures in the fields of teaching, education, culture and information with a view to combating prejudices
- iv) bans any acts of discrimination in areas of housing, employment and marriage,
- v) obligates public institutions, national or local, to prohibit and bring to an end racial discrimination by any persons, group or organization.

Article 4 of CERD:

*“State Parties condemn all propaganda and all organisations which are based on ideas or theories of*

*superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination.”*

## IV: What can we do?

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We can take our cue from the organisations of Dalits and Burakumin, publicise their situation, support their actions and advocate with our own national governments to take a stand in international fora, most urgently at the WCAR, to end caste discrimination.

See Appendix 5: Final declaration of the Global Conference Against Racism and Caste-based Discrimination: Occupation and descent-based Discrimination Against Dalits, 1-4 March, 2001, New Delhi, India.

Ø Celebrate **INTERNATIONAL DAY OF DALIT SOLIDARITY on 14 April**, the birthday of Dr. B.R. Ambedkar, a renowned Dalit Leader who worked tirelessly for the liberation of Dalits.

Ø Visit also the web-site of the Asian Human Rights Commission [www.ahrchk.net](http://www.ahrchk.net)

for more information and campaign materials on (caste- based) discrimination.

You can download

- a series of posters on Dalits discrimination
- a postcard series on various forms of discrimination
- information about the World Conference on Racism

Ø Contact: the **Dalit and Buraku organisations** for more information and suggestions for action:

National Campaign on Dalit Rights:  
Second Floor, 1-8-142/B,  
3<sup>rd</sup> Cross, Penderghast Road,  
Secuderabad - 500 003, India, Tel. 040-7812719; Fax. 040-7812672  
Email: [info@dalits.org](mailto:info@dalits.org) Website: [www.dalits.org](http://www.dalits.org)

Buraku Liberation League (BLL)  
3-5-11 Roppongi, Minato-ku,  
Tokyo, Japan 106-0032  
Tel. 81-3-3586-7007 Fax. 81-3-3585-8966  
Email: [honbu@bll.gr.jp](mailto:honbu@bll.gr.jp)  
Website: [www.bll.gr.jp/](http://www.bll.gr.jp/)

Buraku Liberation and Human Rights Research Institute (BLHRRI)  
1-6-12, Kuboyoshi, Naniwa-ku,  
Osaka City, Japan 556-0028  
Tel. 81-6-6568-0905 Fax. 81-6-6568-0714  
Email: [webmaster@blhrri.org](mailto:webmaster@blhrri.org)  
Website: [www.blhrri.org](http://www.blhrri.org)

\* BLHRRI publishes a bi-monthly English newsletter “Buraku Liberation News”, available on their English website.

Ø Obtain and show the video : “Lesser Humans” depicting the life of Dalits, mostly women, who are condemned to work at cleaning faeces from dry toilets, carrying the waste in a container on their heads and unblocking sewers in the city, while being fully submerged under the sewerage. (See Appendix 1c. for full description)

Order the video from:

Drishti Media Collective  
387-C Devang Bungalows  
Nr. Goyal Palace  
Bodakdev  
Ahmedabad 380 054  
Tel. 079-6851235 / 6851437  
Email: [drishti@vsnl.com](mailto:drishti@vsnl.com)