



Communities Discriminated on Work and Descent: An Overview

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Abstract: The discrimination experienced by certain groups of people based on their work and descent is a unique social structure that is prevalent in numerous societies around the world. This type of discrimination results in human rights violations and creates barriers that impede the socio-economic development of these groups. Despite affecting over 260 million people worldwide, this form of discrimination has yet to receive full recognition from the global community. While it is commonly recognized as caste-based discrimination in South Asia, discrimination based on work and descent (DWD) exists among various social groups worldwide, and its hierarchical systems based on purity-pollution principles are still present in various regions. This article aims to provide an overview of communities facing discrimination based on work and descent, the human rights violations they experience, and the efforts and progress made toward addressing the issue of DWD over time.

Keywords: Caste Discrimination, Work and Descent, Pollution, Untouchables, Slavery, Outcasts

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Introduction: CDWD and Social Dynamics

The concept of caste and discrimination based on occupation and familial descent has existed for centuries in many countries across the world. Discrimination based on 'caste' and similar forms of social hierarchies and inherited social exclusion affect an estimated 260 million people worldwide (ADRF 2017 cited in Mosse 2018: 423). The majority of the affected communities are in South Asia (Dalits), but similarly affected groups can be found in Far-East Asia, particularly in Japan

(Burakumin), Africa (Osu, Mbororo, Haratins), Europe (the Roma-Sinti-Gypsy), Latin America (Quilombolas in Brazil, Palanque in Colombia), and among the diaspora communities across the world. Individuals belonging to communities discriminated on work and descent (CDWD) experience systemic discrimination and often face severe violations of their civil, political, economic, social and cultural rights. Those at the intersections of different identities face further discrimination, violence and atrocities; for instance, CDWD women situated at the crossroads of gender, class, and caste.

Caste is a system of social stratification (Bayly, 1999, p.13). Caste denotes stratified societies based on hereditary groups in South Asia and throughout the world. It is the oldest form of racial discrimination globally (Keane, 2013, p.4). Discrimination refers to intentional or unintentional behaviour for which there is no reasonable justification (Marchak, 1996, p.4). It is the selection for unfavourable treatment of an individual or individuals by particular traits. Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines 'racial discrimination as 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' (ICERD General Assembly resolution 2106 (XX) of 21 December 1965).¹The UN Committee on the Elimination of Racial Discrimination (CERD) clarified that caste-based discrimination is covered under 'descent' in Article 1.1 of its mandate (Lennox, 2020, p.92). The inclusion of descent here explicitly covers discrimination based on caste and other forms of inherited status (Keane, 2005, p.96).²

Discrimination based on work and descent is intergenerational, deeply entrenched in the culture and tradition of different social contexts, and widespread across the globe. These cultures and traditions have a long-standing history, but then these cannot be justified today. This social hierarchy, traditionally justified by religious doctrines and practices, is distinguished by degrees of purity, social status, exclusion and segregation. Despite the long-standing history of the caste system and the discrimination associated with it, it has had little visibility and very little legal recognition in most countries. The specific issues of discrimination faced by these communities have been invisibilized and excluded from many States' economic and political conversations. Moreover, this invisibility is evident even in the existing policies and constitutional provisions meant for the development of the community. In fact, there are few laws and mechanisms available to protect the human rights

of communities discriminated on work and descent. In some cases, these laws were adopted due to civil society interventions and in others due to the efforts of the state or international institutions. Many countries where discrimination based on work and descent exists have resisted the attempts of international human rights institutions under the pretext of interference in their customary and cultural rights or their sphere of sovereignty. This article attempts to give an overview of the CDWD, the specific human rights issue these communities face, and an ambitious timeline of the journey towards eliminating discrimination based on work and descent.

CDWD and their Prevalence

Caste prejudice and discrimination based on race and descent are a challenge for all human beings. People worldwide are oppressed under caste and analogous systems of inherited status. Discrimination, subordination, oppression and exploitation on grounds of caste affect people worldwide, depriving men, women and children of their economic, social, cultural, civil and political rights and subjecting many to appalling situations of suffering and violence. People are discriminated against from birth onwards through the hierarchical structure ordered in ascending order of privileges and descending order of disabilities. Ambedkar pointed this out when he said ‘the status of the individual in society is ascribed and rather than achieved and therefore, it does not take up job other than the job prescribed in the varnashrama dharma (Ambedkar 1968). Social, hierarchical and intergenerational discrimination is thus passed on to generations and practiced across international borders even during contemporary times.

Awareness of caste-based discrimination and discrimination against other communities, particularly those affected by work and descent, has existed for as long as the United Nations itself (Namala, 2021, p.236). The term communities discriminated on work and descent (CDWD) was formally recognized by the UN during the discussions around the Durban Review Conference in 2009.³ This recognition built upon earlier acknowledgements of caste- and descent-based discrimination in various UN forums, including the World Conference Against Racism in Durban in 2001.⁴ However, the term CDWD started gaining traction after civil society groups, particularly from South Asia and Africa, started widely using it to describe communities facing caste-like discrimination across the globe. CDWD are amongst the most vulnerable, stigmatized, and ostracized in the respective countries’ social, economic, and political development processes across the globe. Despite substantial national and international legal protection measures,

CDWD still suffer from multiple forms of discrimination and biased social standing. They are traditionally excluded communities based on social hierarchy and their inherent nature of work dictated through the principles of purity and pollution⁵ or the concept of clean and unclean (dirty). This concept has become perpetuated into the shaping of the idea of ‘untouchability’ (Dalits, Al Akhdamand Burakumin), ‘uncleanliness’ (Romani), ‘unequal status’ (Quilombolas), and similar forms of discrimination.

The distinguishing characteristics to identify descent based communities based on caste and analogous systems of discrimination include (Thornberry, 2016, p. 120):

- **Inability or restricted ability to alter inherent status:** The hereditary nature or inherent status by birth that follows the individual until death;
- **Labour stratification and occupational segregation:** The limitation of freedom to renounce inherited occupations of degrading or hazardous work or the status that determines and confines specific occupations, which are compulsory and endogenous. Individuals from lower-caste strata are assigned traditionally to tasks deemed ‘polluting’ or menial by higher caste groups, including sweeping, manual scavenging (cleaning of excreta from dry latrines), leather works and disposal of dead animals;
- **Untouchability practices:** A set of collective behaviours and norms stemming from the belief that contact with individuals from lower strata is ‘polluting’;
- **Socially enforced restriction on marriage outside the community:** The status of enforced endogamy or the restrictions on inter-caste/community interactions and, in some cases, *de facto* prohibited relationships. Manifestations of enforced endogamy include limitations on inter-caste/community marriages, commensality and sharing common goods or services. Attempts to challenge these prohibitions are often severely punished through violence against individuals and retaliation against their communities;
- **Public and private segregation:** Segregation, including housing or dwellings and education, denial of access to public spaces of worship and public sources of food and water. Different castes/communities occupy distinctly different quarters in the village (Vincent, Dandge and Nikarthis, 2019, p.9).

CDWD around the world

Africa

Discrimination based on work and descent exists in Africa and is practiced against specific communities and passed on to generations. According to Dr. Rita Izsák-Ndiaye, the former Special Rapporteur on Minority Issues and a member of CERD, there are different types of descent-based discrimination in Africa, including caste systems based on “occupational specialization of endogamous groups in which membership is based on ascription and between which social distance is regulated by the concept of pollution” and those in which discrimination is based “on real or perceived descent from slaves, leaving many in ‘virtual’ slavery, unable to leave their owner’s employ for fear of reprisals or starvation” (Izsák-Ndiaye, 2016, p.9).

Many ethnic groups in African countries are divided based on caste-based labour, including the Fulani, Wolof, Mandinka/Mande/Mali, Wolof, Mbororo, Ada, and Trokosi communities, among others. Certain people and communities, Mande and Wolof for instance, are assigned to castes based on hereditary occupations deemed “impure,” such as griots, smiths, and leatherworkers, collectively referred to as “occupational and artisan castes.” They belong to the third category in the social hierarchy, other than the mass of citizen farmers or nobles’ and captives or slaves. These third groups are typically regarded as having a ‘low status’ and are known as *nyamakala*, in French *les gens de caste*, “the people of caste” (Miller, 1985, p.78). Various UN human rights treaties and monitoring bodies have referred to caste-based distinctions in Burkina Faso, Mali, Gambia, Cameroon, and Mauritania. Outside of West Africa, caste exists in Burundi and Mauritius. The discriminatory practices against these communities often manifest in forced labour, child slave trade, witchcraft or witch children or women, cultural, traditional, and ritual slavery. Countries in West Africa that practice hierarchical caste structures within their boundaries include Mali, Mauritania, Senegal, Gambia, Guinea, Guinea Bissau, Ivory Coast, Niger, Burkina Faso, Cameroon, Ghana, Liberia, Sierra Leone, Algeria, Nigeria and Chad.

Black Africans are subject to *de facto* discriminatory practices in Mauritania and a pattern of human rights violations continues to exist (Human Rights Watch/Africa, 1994, p.5-6). The Haratine constitute the largest ethnic group and comprise of around 40-60 percent of the total population in Africa. Regarded as the ‘slave castes’, they face extreme forms of discrimination, exclusion and marginalisation due to their membership in the ethnic group (Report of the Special Rapporteur on

contemporary forms of slavery; Allain, 2013, p.182). Other affected groups include Tukolor, Senufo, Minianka, Dogon, Songhay, Fulani, Moorish, Tuareg, Bobo, Bwa, Dan Serer and most of the Mande-speaking populations, including the Bambara, Malinke, and Khassonke. The occupationally specialized endogamous groups who suffer from restrictions on commensality based on the concepts of pollution and position ascribed from birth are denied equal rights along with the rest of the population.

Latin America

In South America, discriminatory practices exist in slavery, exclusion in access to land, education, employment, physical violence and exclusion from mainstream society. In Brazil, the descendants of 'slave' communities, Quilombolas, also known as Palmares, have distanced themselves from the 'slave trade' identity and have settled down in various parts of the country (Anderson, 1996, p.546). The remnants of Quilombolas are defined as ethnic-racial groups that also have their historical trajectory, endowed with specific territorial relations, with presumed black ancestry related to resistance to historical oppression suffered, and their characterization should be given according to criteria of self-attribution attested by the communities themselves. Even after decades of settling down, they are discriminated against verbally as 'slaves'. They are not allowed to engage with the other communities and a form of purity-pollution is still in practice. They are often discriminated against and attacked because of their skin colour and descent, in public services, including access to jobs. Palenques in Colombia are maroon communities formed by runaway enslaved people, similar to the Quilombolas in Brazil. They are communities of enslaved Africans who escaped from Spanish colonizers during the colonial era. Known also as Cimarrones (Spanish), they established independent settlements where they could live freely, often in remote or difficult-to-access areas (Reiter, 2015, p.335). The most famous of these communities is San Basilio de Palenque, located near the Caribbean coast, which became one of the first free towns in the Americas.

Europe

Hostility, prejudice and racially discriminatory practices exist in the form of 'antiziganism', or 'antigypsyism' in European communities. It seeks to dehumanise, alienate and drive away Romani or Roma precisely because they are Roma, who

constitute one of the largest minority groups. The Roma migrated to Europe via Persia, Armenia and Asia Minor between the 11th and 14th centuries. Being from the North-West part of the Indian subcontinent, the Europeans call them 'gypsies' because of their mobile lifestyle (Achim, 2004, p.6). Roma people are categorised as unclean and untidy, thus are often excluded due to their status as gypsies. Antiziganist prejudices also usually concern stereotypical assumptions about Roma being thieves, particularly unreliable or rude.

Romani has historically been one of the most vulnerable people who have faced centuries of discrimination in Europe. The people from this community experience a high level of poverty, illiteracy and unemployment, mainly because of discrimination in access to education, employment, housing, and health facilities. There are also widespread incidences of violence against this community. In several European states, the Roma people are victims of 'ghettoization', a system wherein the people from this community are forced to live in specific parts of the towns, away from the rest of the population (van Baar, Ivasiuc and Kriede, 2019, p.97).

West Asia

There are several pariah castes in West Asia, including Huteimi, Sulaib, Jabarti, Hijris, Jabart or Gabart, Akhdam and others; their social status is granted by birth. They have been excluded from mainstream society, and they continue to be subjected to severe forms of descent based discrimination. They have been shunned and ostracized by their local communities. Muhamasheen or 'marginalised ones', formerly also known as *Akhdam* (servants), constitute a minority group subjected to descent-based discrimination. There are no official data, but unofficial sources estimate their number at between 500,000 and 3.5 million. The UN has also reported that there are up to 3.5 million Muhamasheen in Yemen (Al-Warraq, 2019, p.1). Their occupational roles include garbage collection, street sweeping and cleaning toilets and drains. They suffer from social stigma and discrimination because they are dark-skinned, which exacerbates their socio-economic exclusion and poverty (A/HRC/30/31, para.77). There are other castes who are considered ritually unclean. Some of them are amongst the untouchable castes of South Arabia. Mainstream Arab society can be conceived of as being divided into three classes, namely, Bedouin⁶ (a nomadic group that once settled in the desert), farmers, fellahin (villagers) and Hadar (townspeople) (Esomba, 2012, p.151). Bedouin communities are present mainly in Egypt, Syria, Israel, Jordan, Saudi Arabia, Yemen and Iraq in the Middle East (Losleben, 2003, p.4).

South Asia

The roots of oppression and discrimination go back to the origins of the caste system in the Hindu religion in South Asia. The essence of the caste is the arrangement of hereditary groups in a hierarchy governed by precise rules (Davis, 1951, p.65). The South Asian subcontinent's social structure explains the phenomenon of 'untouchability' according to the Hindu social structure encapsulated in the Vedas. The social ordering of people and the discrimination based on caste has its origins in the past. Caste-based discrimination is a human rights violation (Thorat and Umakant, 2004, p.xiii). It encompasses the systemic denial of civil, political, social, and cultural rights based on their status in society determined by birth as 'lower castes', 'untouchables', and 'out-castes'. Caste discriminates and excludes people belonging to the lower strata of society socially and economically. Historically, Dalits have been excluded from socio, economic, cultural, civil, and political rights (Irudayam, Mangubhai and Lee, 2011, p.2).

Untouchable outcaste communities (or Dalits) in the caste structure of hierarchy fall outside the Hindu fold, i.e., even below the non-Brahman Shudras. The lower castes and tribes in the Hindu social order are treated as casteless, outcastes, or untouchables and subjected to deprivation and discrimination for centuries (Madholia, 1988, p.16). The principles of purity and pollution govern social interaction with these groups significantly and they are assigned to perform menial jobs. The social and cultural stigma put them in a vulnerable position. This stigma involves widespread social segregation for those affected by it in the form of separate living spaces and confining them to degrading jobs. Dalits are at the bottom of the archaic caste system that still lives on in South Asia. They face multiple generations of discrimination and segregation based on their descent. Around 210 million or 80 percent of Dalits live in South Asia:⁷ India (16.6 percent of the total population, or 201 million Scheduled Castes (SC), according to the 2011 Census of India),⁸ Nepal (3.5 million according to 2011 Nepal Census, comprising 13.2 percent of Nepal's population),⁹ Bangladesh (5.5 to 6.5 million Dalit persons, comprising about 4 percent of the country's population),¹⁰ Pakistan (Dalit population is estimated to 0.85 million, comprising 0.41 percent of the total population, as per the census 2017)¹¹ and Sri Lanka (Sri Lanka does not recognise caste and the caste system officially, however, there is an estimated 4.2 million DWD communities in Sri Lanka, comprising 3 million Sinhalese DWD communities, 0.4 million Sri Lankan Tamils, and 0.8 million Indian Tamils)¹². Dalits are often harassed and face exclusion in socio-economic development. They are subject to deprivation, discrimination, or disadvantaged social status in some form or the other. They continue to be amongst

the poorest of the poor and are marginalised due to social exclusionary practices, lack of access to land ownership, meaningful political participation and free employment (Mangubhai, Irudayam and Sydenham, 2009, p.1).

East Asia

Burakumin¹³ are the victims of severe discrimination and ostracism in Japanese society and they live as outcasts in separate villages or ghettos (Minahan, 2014, p.117; Buraku Liberation League). Based on their birth and the former or current residence in a Buraku, they are the most targeted communities because of their status as impure and untouchable within the communities (Cangia, 2016, p.17). Though there are specific legislations passed to improve the living conditions of the Buraku communities by increasing their access to education, employment and providing redress in cases of discrimination, Burakumins continue to be segregated in terms of their residence, because they are categorised as ‘dirty’ and ‘inappropriate’. They suffer from lower levels of education as compared to the other communities. The Buraku women have lower literacy levels and even employment, placing them therefore in a vulnerable position. Made victims of sexual violence, they continue to be discriminated against, marginalised and socially ostracised.

Discrimination and Violation of Rights against CDWD

Caste discrimination is categorised as a heinous crime along with racial discrimination because of the severity and gross violation of human rights. It has become important on the human rights agenda under the conceptual categorisation of ‘discrimination based on work and descent’, and by extension, ‘racial discrimination’. Though international human rights laws are seeking to eradicate discrimination based on descent and work, the impact of rules has not matched the intent of eliminating caste-based discrimination. Caste discrimination is one of the most severe human rights issues in the world today, adversely affecting CDWD across the globe. Discrimination based on caste and descent involves social and economic exclusion, segregation in housing, denial and restrictions of access to public and private services and employment, and enforcement of specific menial jobs, resulting in a system of modern-day slavery or bonded labour. The barriers in addressing caste discrimination are either the lack of stringent laws or the *de facto* denial of equality before the law, resulting in the lack of protection of caste-affected people against violent attacks and other crimes, and gross impunity for such crimes.

CDWD continues to remain the most underprivileged class of people because of the stigma they carry and the unacceptability they experience in society. Discrimination influences all spheres of their lives and constitutes a violation of a cross-section of human rights, including civil, political, social, economic and cultural rights. The manifold prohibitions, restrictions and violations against them, committed and imposed by state agencies and non-state actors, are often the result of impunity manifested in their neglect to implement existing laws and to have recourse to available justice systems. Furthermore, the lack of disaggregated data on these communities continues to perpetuate the historical marginalization that CDWD faces.

Caste and descent-based discrimination and untouchability continue to exist in countries worldwide despite the constitutional safeguards and special legislations that governments ensure to protect their citizens' human rights. The hierarchically dominant communities in these countries use threat, force, and violence against CDWD to reinforce class structures and suppress their rights and voices. Usually, the governments' responses concerning the CDWD facing such crimes have been reactionary rather than preventive, indifferent rather than proactive. Though some states have taken multiple legal or policy measures, they largely fail to implement them, thereby neglecting to protect the human rights of the most vulnerable communities. This calls for concerted action to bridge the widening gap between the letter and action of the laws formed to address inequality and discrimination against the CDWD. Regarding those states which have not recognised the DWD communities legally in their countries and thereby have failed to acknowledge the pre-existing socio-economic vulnerabilities and discrimination faced by these communities, it is incumbent upon them to enact and implement appropriate laws and policies to ensure their legal protection against any form of negligence by an act of omission or commission.

Elimination of Discrimination based on Work and Descent: UN Principles and Guidelines

Discrimination based on work and descent is the UN terminology for caste discrimination. The term has been used by several UN human rights institutions, including Treaty Bodies and Special Rapporteurs, reaffirming that this form of discrimination is prohibited under international human rights law. Discrimination based on work and descent is defined in paragraph 1 of the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, which states:

“[A]ny distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that 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. This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability, and is deeply rooted in societies and cultures where this discrimination is practiced.”

In August 2000, the UN Sub-Commission on the Promotion and Protection of Human Rights passed resolution 2000/4 on ‘Discrimination Based on Work and Descent’.¹⁴ The resolution, aimed at addressing the issue of caste, affirmed that discrimination based on work and descent is prohibited under international human rights law. The Sub-Commission also decided to identify further affected communities, examine existing constitutional, legislative, and administrative measures for the abolition of such discrimination, and make concrete recommendations for the effective elimination of such practices. In August 2001, Sub-Commission Expert R.K.W. Goonesekere presented his working paper on work and descent-based discrimination to the Sub-Commission’s fifty-third session.¹⁵ This was the first time that caste discrimination was discussed as a major source of human rights violations worldwide by a UN human rights body. The Sub-Commission determined by consensus to extend the study to other regions of the world where work and descent-based discrimination were present. Goonesekere identified communities suffering from DWD in South Asia based on the nature of discrimination, namely, ‘prohibitions on intermarriage between socially or occupationally de-fined groups; physical segregation of communities; restrictions upon access to resources including land, water and other means of production; social prohibitions regarding physical contact such as sharing food or utensils; restrictions on access to education or segregation in educational facilities; restrictions on access to religious buildings and restrictions on participation in religious ceremonies’.¹⁶

In 2002, Mr. Asbjørn Eide and Mr. Yozo Yokota were entrusted by the Sub-Commission with the preparation of an expanded working paper on the topic of discrimination based on work and descent in regions outside Asia. The same year, parallelly, the Committee on the Elimination of Racial Discrimination adopted its General Recommendation XXIX on descent-based discrimination.¹⁷ The CERD General Recommendation called upon States to incorporate the prohibition of descent based discrimination in their constitutions and legislations. In 2003, the Sub-Commission received the expanded working paper Eide and Yokota

(Economic and Social Council, 2004, pp.1-24).¹⁸ The paper discussed a number of communities thought to be affected by discrimination of this type outside the Asian region, and offered a tentative analysis of the common features of these situations (Eide and Yokota, 2004, p.1-23). The Sub-Commission consequently adopted a resolution 2003/22 calling for a further working paper to examine legal, judicial, administrative and educational measures taken by the Governments concerned; to identify additional communities affected by discrimination based on work and descent; and to prepare a draft set of principles and guidelines for the effective elimination of discrimination based on work and descent. Following this, in 2005, Professor Yakota and Professor Chin Sung Chung conducted a comprehensive study on descent based discrimination and produced an initial report on the same (Yakota and Chung, 2005; Human Rights Council, 2009, A/HRC/11/CRP.3). Following the submission of this report, they were mandated to prepare a final report under resolution 2006/14 which would include the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent. Based on existing international human rights principles and obligations, the framework proposes general and special measures to be taken by multiple stakeholders. While still a draft, these UN Principles and Guidelines constitute a strong tool originating from a UN mandated study and report to encourage specific anti-discrimination legislation and relevant policy measures for governments and their agencies. However, it must be noted that since the publication of the UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, there has not been any effective progress in the recognition of the rights of communities discriminated on work and descent basis.

Mobilisation on a Global Scale

For the first time in September 2019, the DWD communities across the world came together for their common cause. Around 100 delegates from 21 countries representing the CDWD, including casteism, antigypsyism, traditional and contemporary forms of slavery and other analogous forms of discrimination met at the *International Congress on Discrimination based on Work and Descent (ICDWD)*, New York towards addressing this issue collectively at the global level. The objective of the ICDWD was to build a global network of communities facing 'Discrimination based on Work and Descent' from Africa, Asia, Europe, North and South America in order to highlight the need for inclusion, equity and non-discrimination regarding human rights and development through procedures of the

UN Human Rights Council and the UN Sustainable Development Goals (SDGs) Policy Agenda.

Further, the ICDWD provided the space for the creation of a global network of DWD communities for interaction and mutual sharing of experiences, challenges and hopes. It also made a joint effort to address the issues of DWD within SDGs and human rights mechanisms at a national, regional and international level. It allowed for inclusive participation and decision-making by creating appropriate constituencies to address them respectively effectively. Thus, the Global Forum of Communities Discriminated on Work and Descent (GFoD) was created, which now acts as the global coordination and engagement mechanism for the collective agenda of DWD communities around the world. GFoD also acts as the coordination mechanism for the Stakeholder Group of Communities Discriminated on Work and Descent (SG CDWD), advocating for the rights and inclusion of DWD communities in the UN High Level Political Forum and other similar UN bodies concerning human rights and development. Recognising DWD differently from race, minorities and indigenous communities, GFoD is working towards a UN Declaration protecting and promoting the rights of CDWD.

Conclusion

There have been groups of individuals from the DWD communities all across the globe who have raised their voices and protested against the systemic injustice they continue to face. However, States by and large have failed to respond and address the demands of the communities over several decades if not centuries. Therefore, there is an immediate and concerted need for the States to reinvent and put relevant structures and systems in place to ensure the inclusion of these communities within the body politic. Inclusive and effective measures in the realms of finance, development, justice and human rights must be taken to ensure the upliftment of these communities. While some significant steps have been made in the right direction by a few States and by UN bodies, there is still much to be done and a long journey remains towards the full recognition of the rights of these communities discriminated on the basis of work and descent.

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Notes

1. International Convention on the Elimination of All Forms of Racial Discrimination. Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 entry into force 4 January 1969, in accordance with Article.19, Part.1, Article.1. Retrieved from https://www.ohchr.org/en/professional_interest/pages/cerd.aspx.
2. The term 'descent' implied one generation inheriting from another specific characteristics that were positively or negatively evaluated by society. The resulting stratification of some societies had led to the emergence of groups of people who are excluded from the rest of society and regarded as untouchables. CERD member Mr. Rodriguez, *Thematic Discussion on Discrimination based on Descent*, 16 August 2002, CERD/C/SR.1531, para.18.
3. The Durban Review Conference took place between 20 and 24 April 2009 in Geneva, Switzerland. It evaluated progress towards the goals set by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, in 2001. <https://www.un.org/en/durbanreview2009/>.
4. The 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) took place at the Durban International Convention Centre in South Africa, from August 31 to September 8, 2001, under the auspices of the United Nations. <https://www.un.org/en/conferences/racism/durban2001#:~:text=A%20comprehensive%20framework,%2C%20in%20Durban%2C%20South%20Africa.>
5. The notion of purity and pollution is interlinked with the caste system and untouchability. The superior castes tried to maintain their ceremonial purity. It plays a very central role in maintaining the required distance between different castes. Orién Freeman.(2019). *Invitation to Sociology: A Humanistic Perspective*. United Kingdom: Ed-Tech Press.
6. Bedouin, *Badawi* in Arabic, means 'desert dweller', are traditionally dwellers. They live mainly in the Arabian and Syrian deserts, the Sinai Peninsula of Egypt, and the Sahara Deserts of North Africa. The Bedouin communities share their lands with other cultural and religious groups.
7. Shikha Silliman Bhattacharjee. (2015). *Practices of Change, Addressing Equity and Inclusion for Dalits in South Asia*. European Union.
8. The Census of India figure does not include Dalits who, because of their religious conversion, have lost their Constitutional status as Scheduled Castes, according to the Constitution (Scheduled Castes) Order, 1950. The Dalit Muslims and Dalit Christians comprise this category, and it is estimated that there are at least 42 million Dalit Muslims and 16 million Dalit Christians in India.
9. The Census of Nepal categorises Dalits as part of Hindu caste groups, (Hinduism is a religion and not caste. However, Nepal Census mentions the category as such), as the Hill Dalits (8.1 percent of the national population) and Madhesi Dalits (4.5 per cent of the national population). The Newar Dalits are not listed in the 2011 Census as Dalits though they are considered as Dalits in treatment and exclusion, as it applies to the other Nepali Dalits.
10. Bangladesh does not capture caste as a social group in its Census. Independent researchers have estimated the Dalit population based on the economic engagement of the people. Three

broad categories of Dalits reside in Bangladesh: (i) Bengali Dalits who live in villages all over Bangladesh; (ii) Muslim Dalits who again can be found across the country; and (iii) Dalits who migrated (or were forced to migrate) from India to then East Bengal.

11. The Dalits of Pakistan are primarily Hindu Dalits, Christian Dalits, and Dalits categorised separately in the government's 1956 scheduled list. Only the latter are recognised as Dalits by the Census.
12. Sri Lanka does not recognise caste and the caste system, and the census of Sri Lanka does not capture caste disaggregation among Sri Lankan society since 1911. However, communities discriminated on work and descent continue to be affected by caste and caste system, despite its denial. CDWD are part of all three ethnic groups in Sri Lanka including, the Sinhalese, Sri Lankan Tamils and Tamil Indians. Cited in the report: *Policy action needed to tackle discrimination on work and descent in contemporary forms of slavery: South Asia*. Retrieved from <http://www.ncdhr.org.in/wp-content/uploads/2023/10/New-1-1.pdf>.
13. Buraku is a Japanese word referring to a village or hamlet. Burakumin, the 'hamlet people' are commonly described as the descendants of Tokugawa-era outcasts of Japan, who were engaged in special occupations (e.g., leather industry, meat packing, street entertainment, drum making). They are compelled to live in separate areas. Despite the heterogeneity of Burakumin populations, the determination of 'Buraku origin' has remained over time and is based on one's birth, former or current residence in a Buraku, and engagement in the Buraku industries.
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