

ASIA REPORT 2023-2024

Status of Communities Discriminated on Work and Descent in Asia

Global Forum of Communities Discriminated on
Work and Descent (GFoD)

The Inclusivity Project

The Inclusivity Project (TIP) is a non-profit organization founded to advocate for the rights of communities discriminated on work and descent (CDWD) and raise awareness of their issues. TIP works towards capacity building, collaboration, and research to support CDWD by enhancing their social, economic, and political integration and increasing their visibility at the national, regional and global platforms. TIP works on the sustainable development goals (SDGs), especially on the monitoring and follow-up/review, and providing data and evidence for the nation-state for effective and inclusive programme implementation.

<https://www.theinclusivityproject.org/>

Global Forum of Communities Discriminated on Work and Descent

Global Forum of Communities Discriminated on Work and Descent (GFoD), founded in 2019, is a platform to voice the rights and entitlements of the communities in Africa, Asia, Europe, Latin America and North America discriminated based on work and descent. GFoD aims for full realization of the Universal Declaration of Human Rights of the Communities Discriminated on Work and Descent and to ensure access to sustainable development goals (SDGs).

<https://www.globalforumcdwd.org>

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← Opposite page: Dalit miners, India.

Photo by Sudharak Olwe

Glossary

Communities Discriminated on Work and Descent (CDWD) are the people directly affected by Discrimination based on Work and Descent. Through the menial kind of occupation (manual scavenging, disposal of dead animals, sewage cleaning, leather-related works, domestic chores, etc.) and forced enslavement, they have been subjected to discrimination in the hierarchical society and due to the generational transmission of such labour and enslavement through descent, these communities have been historically stigmatized to be excluded, discriminated against and of 'low caste'. They continue to face extreme forms of isolation and discrimination, even harassment and violence, which act as insurmountable obstacles to their attainment of civil, political, economic, and social rights. This form of stigma has led to their social and physical segregation, enforced endogamy, and discrimination in their socioeconomic, political, religious, and cultural rights and entitlements.

Caste: Caste is a system of social stratification. Caste is a social hierarchy system traditionally based on work and descent that is prevalent in many cultures, particularly in India. It divides individuals into distinct social groups based on their birth and assigned roles, with limited mobility. Caste groups are unequal, ranked on a scale of hierarchy based on their ritual status, from pure to impure. Their 'status' or position in the system determines with whom they can interact and with whom they cannot. The idea and practice of untouchability is an integral part of the caste system.

Dalits: The largest group within the CDWD that are categorized by caste-based discrimination and found mainly in South Asia. The word Dalit means 'Broken People' and epitomizes their social status; however, they are also people who have a high rate of resilience to discrimination and violence. Approximately 225 million people in these communities have faced intergenerational discrimination and violence. In India, Dalits are recognized as a community that needs affirmative action and has legally implemented various policies for their development.

Schedule Caste : Abbreviated as SC, Scheduled Castes are groups of historically disadvantaged and marginalized communities in India who are listed in the official schedules of the Indian Constitution to receive special protections and benefits.

Buraku: Buraku is a Japanese word referring to a village or hamlet. Burakumin are the victims of severe discrimination and ostracism in Japanese society, and they live as outcasts in separate villages or ghettos. Based on their birth and their former or current residence in Buraku, they are the most targeted communities because of their status as impure and untouchable within the communities.

Rights Experts: Rights experts include academics, human rights defenders, activists, and CSO functionaries who work to promote and protect human rights of CDWD in their respective countries. They support GFoD initiatives including evidence and data gathering, and engagement processes including interventions at the national, regional and global levels.

Abbreviations

DWD	Discrimination based on Work and Descent
CDWD	Communities Discriminated on Work and Descent
CEDAW	Committee on the Elimination of Discrimination Against Women
CERD	Committee on the Elimination of Racial Discrimination
GFOD	Global Forum of Communities Discriminated on Work and Descent
HRC	Human Rights Council
ILO	International Labour Organisation
IOM	International Organisation for Migration
NGO	Non-Governmental Organization
SC	Scheduled Castes

Acknowledgement

We express our sincere gratitude to all those who have contributed to the completion of this report on the status of Communities Discriminated on Work and Descent (also known as CDWD) in Asia. The research and compilation of this document would not have been possible without the collective efforts, insights, and support of numerous individuals and organizations.

First and foremost, we extend our heartfelt appreciation to the members of the affected CDWD who shared their personal experiences, stories, and perspectives. Their courage and resilience in the face of discrimination have been an inspiration and a driving force behind this endeavor.

We are indebted to the scholars, activists, and experts who generously shared their knowledge and expertise in the field especially Dr. Deepak S Nikarthil for authoring the report. Their valuable contributions have enriched the depth and breadth of our understanding of the complex issues surrounding discrimination based on work and descent.

Our sincere thanks go to Mr. Paul Divakar Namala, Convenor, Global Forum of Communities Discriminated on Work and Descent (GFoD) who has guided this extensive research. Also acknowledging the efforts of Mr. Aloysius Irudayam S J, Research Advisor and Mr. Naveen Gautam, Senior Legal Researcher at GFoD for conceptualizing the study and continuously contributing to the research process. We would like to thank Ms. Beena Pallical, General Secretary, National Campaign on Dalit Human Rights, who has extensively supported us in this research process.

Apart from this, we would like to thank the Rights Experts namely Bhagwani Devi, Prachi Salve, Sophiya Lamichhane, Risa Kumamoto, Pirbhu Satyani and Sallaudin Shiab. Along with this, we would also like to thank Mr. Arigila Nand Kumar for supporting the research process. Their commitment to promoting social justice and equality has empowered us to delve into this critical area and shed light on the challenges faced by marginalized communities.

We also acknowledge the support and guidance received from Asian Dalit Rights Forum, National Campaign on Dalit Human Rights, Nagorik Uddyog and Feminist Dalit Organisation. The collaboration with these entities has strengthened the research process and fostered a multidimensional approach to addressing the issues at hand.

Lastly, we express our appreciation for the unwavering support of our colleagues and team members including Mr. Johannes Butscher, Mr. Vinayaraj V.K and Ms. Sweta Ghimirey who contributed their time and effort to the various stages of this project. Their dedication and commitment have played a pivotal role in bringing this report to fruition.

While the list may not be exhaustive, each contribution has played a crucial role in shaping the narrative of this report. We collectively hope that this document serves as a catalyst for positive change and contributes to the ongoing efforts to eliminate discrimination based on work and descent in Asia.

Thank you.
GFoD Team

Preface



Paul Divakar Namala
*Convener, Global
Forum of Communities
Discriminated on Work
and Descent*

Asia is distinguished by its diversity, which includes a wide range of cultures, languages, and traditions. However, discrimination on the basis of work and descent, especially the caste-based prejudice, which transcends national boundaries, runs through all of this diversity. In order to present a thorough picture of the situation of Asian populations dealing with discrimination based on work and descent, this report makes an effort to consolidate all the detailed information, analysis, and viewpoints currently available on the rights and entitlements of Communities Discriminated on Work and Descent (CDWD).

The complex panorama of socio-economic, civil, political and cultural rights pertaining to CDWD in Asia, particularly the southern part of the continents, is explored in this status report. Be it Dalits, also known as "Scheduled Castes," "Untouchables," or "Harijans," in South Asia or Burakumin in Japan, CDWD are a historically oppressed and disenfranchised group that has long endured systemic prejudice, social marginalisation, and economic exploitation. This report highlights the ongoing issues, achievements, and gaps in defending the rights and dignity of CDWD throughout the area.

In recent years, significant efforts have been made at the national, and international levels to address CDWD rights violations. Affirmative action laws, awareness initiatives, and legal frameworks have all been crucial in promoting change. However, implementation flaws, societal biases, and enduring structural disparities still prevent true progress from being made.

Throughout this report, we acknowledge the resilience and agency demonstrated by these marginalised communities as they challenge systemic discrimination and strive for their rights. Grassroots movements, civil society organisations, and international solidarity play a pivotal role in amplifying their voices and advocating for justice.

The report recognizes the fortitude and initiative displayed by communities discriminated against on work, and descent as they work to overcome challenges and uphold their rights. The voices of CDWD are amplified and their cause is advanced by grassroots movements, civil society groups, and advocacy programs. Furthermore, the discussion around Dalit rights continues to be greatly influenced by the world community's focus on social justice, equality, and human rights.

This report serves as a foundation for informed dialogue, evidence-based decision-making, and collaborative efforts aimed at fostering positive transformation. May it spark conversations, inspire action, and contribute to the journey of realising the full spectrum of rights for Dalits in South Asia and Burakumin in Japan.

Foreword



Mr. Anselmo Lee
*Regional Coordinator,
Asia Civil Society
Partnership for
Sustainable Development*

Within the complex fabric of diverse societies in Asia, the subtle interweaving of work and descent intricately connects the rich cultural heritage with the harsh realities faced by Communities Discriminated on Work and Descent (CDWD). The report on the Status of Communities Discriminated on Work and Descent in Asia aims to illuminate the intricate dynamics surrounding the status of communities facing discrimination based on work and descent across the extensive and diverse landscapes of Asia.

Asia, with its myriad ethnicities, languages, and traditions, is a region where diversity should ideally be considered a source of strength. However, beneath this diversity lies the persistent and pervasive issue of discrimination based on work and descent, affecting the lives of countless individuals and communities, including Dalits in South Asia and Burakumin in Japan. The consequences of such discrimination extend far beyond the immediate concerns of employment or social status, impacting the very fabric of these communities' existence.

This comprehensive report endeavours to explore the multifaceted dimensions of discrimination faced by communities based on their work and descent. By delving into the historical contexts, cultural intricacies, and socio-economic landscapes of diverse regions within Asia, we aim to provide a nuanced understanding of the challenges these communities confront on a day-to-day basis.

The narratives shared in this report not only reveal the struggles but also the resilience and strength displayed by individuals belonging to these communities. The documentation of discriminatory practices serves as a call to action. It is imperative that governments, institutions, and societies collectively strive to dismantle the barriers that perpetuate discrimination. By acknowledging and addressing these issues, we can pave the way for a more just, egalitarian, and inclusive future for all communities in Asia.

As we navigate the intricate contours of this report, let us not only recognize the challenges but also seize the opportunity to foster positive change. It is our collective responsibility to create a society where every individual, regardless of their work or descent, is treated with respect, dignity, and the opportunities that they rightfully deserve.

May this report serve as a catalyst for dialogue, advocacy, and action, inspiring a transformative journey towards a more inclusive and equitable Asia.

Foreword



Nimalkha Fernando
*Chairperson,
International Movement
against all forms of
Discrimination and
Racism (IMDAR)*

In the intricate tapestry of Asia's socio-economic landscape, the status of communities discriminated against based on work and descent (CDWD) continues to be a poignant and pressing concern. This status report delves into the discrimination faced by specific groups, notably the Dalit communities in South Asia and the Burakumin in Japan, shedding light on their experiences in the realms of work and decent.

CDWD including Dalits and Burakumin have historically grappled with deep-rooted prejudices, exclusion, and systemic inequalities. Despite concerted efforts for social progress, these discriminations persist, impeding the realisation of a truly inclusive and equitable society.

This report serves as a crucial tool for understanding the multifaceted challenges faced by these communities in the context of employment opportunities and the pursuit of a decent living across South Asia and Japan. By examining the intricacies of discrimination in workplaces, access to education, and overall societal integration, we gain insights that are pivotal for crafting targeted interventions and policy changes.

As we navigate the complex terrain of discrimination, it is imperative to recognize that fostering a just and inclusive society requires not only acknowledging historical injustices but also actively dismantling the structural barriers that perpetuate inequality. This report aims to contribute to this dialogue by presenting a comprehensive analysis of the current state of affairs and offering a foundation for informed discussions and evidence-based engagements.

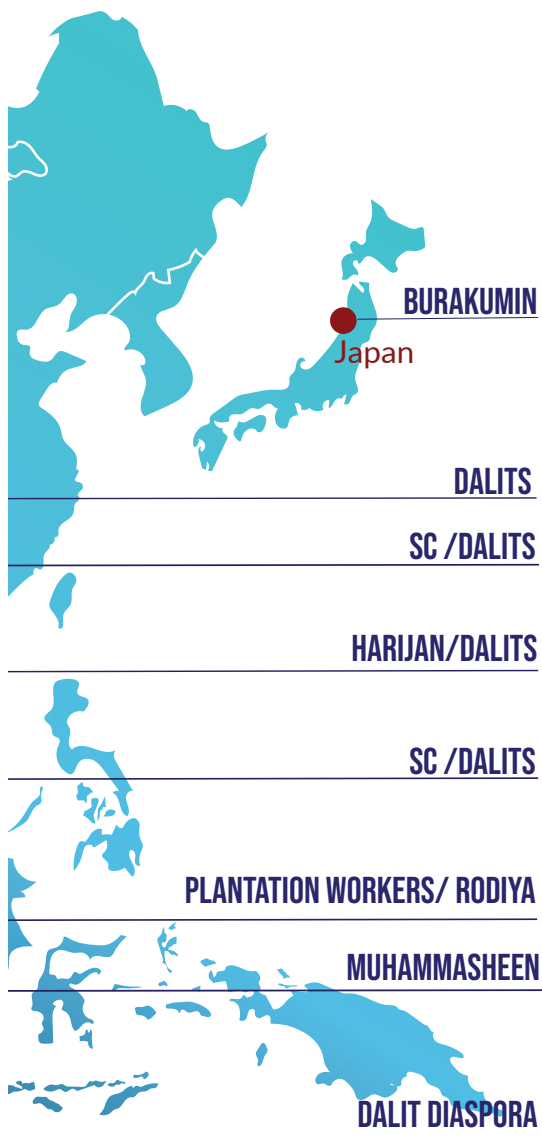
In our pursuit of a fair and just society, it is incumbent upon us to amplify the voices of the marginalized, to challenge prevailing norms, and to work collaboratively towards dismantling discriminatory practices. This report, therefore, stands tall as a call to action—a call to forge alliances, enact policy reforms, and foster a collective commitment to building societies where every individual, regardless of their background, can thrive without fear of discrimination.

May this report serve as a catalyst for positive change, inspiring renewed efforts to create workplaces and communities where diversity is celebrated and the fundamental principles of equality and justice prevail.

Executive Summary



Bangladesh	Harijan/Dalits	5.5 million
India	SC/Dalits	201 million
Japan	Burakumin	2.5 million
Pakistan	SC/Dalits	0.85 million
Malaysia	Dalit Diaspora	1.2 million
Nepal	Dalits	3.5 million
Sri Lanka	Plantation workers/ Rodiya	1.5 million
Yemen	Muhammasheen	1-3 million



Asia is the largest continent, with the majority of the Communities Discriminated on Work and Descent (CDWD) population in the world. The concept of equality does define its concepts of non-discrimination and safeguards through legal procedures and standards. Marginalized communities could achieve equality by abolishing discrimination in all forms.

However, when discrimination becomes core to the identity of the system itself, there needs to be a combined effort by all sections to eliminate such systems in society. Caste is one such concept in South Asia, which has a cultural anchor that established the status quo, even after states have implemented legal provisions and targeted policies for half a decade. Similar concepts exist, such as caste around the world called communities discriminated on work and descent (CDWD).

The term 'Communities Discriminated on Work and Descent (CDWD)' evolved from the decades-long struggles against caste discrimination in South Asia and Buraku bias in Japan. In this sense, the communities in the Asian continent played an initiation of the Internationalization of CDWD as we know it today.

In saying so, Asia has the largest number of DWD communities globally. Three significant areas within Asia that could be termed hubs of DWD communities are South Asia and Malaysia (Dalits); Japan (Buraku); and Yemen (Muhamasheen).

This report focuses on five major countries- Bangladesh, India, Japan, Nepal, and Pakistan. The limitation of the report is that it needed more credible data from Malaysia, Sri Lanka, and Yemen.

	Sweepers and cleaners of private and public toilets, drainage, and other dirty places.
	Sweepers, cleaners, manual scavengers, and all other menial or indecent jobs
	Butchers, Leatherwork
	Sweepers, cleaners, barbers, washing communities, etc
	Plantation workers, manual laborers
	Sweepers, cleaners, manual scavengers, and all other menial or indecent jobs
	Plantation Workers, removing dead animals, and other menial jobs
	Cleaning jobs, begging, collecting waste and plastic

Objectives of the Report

- 1.** To understand the status of Communities Discriminated on Work and Descent in Asia, including their socio-economic status within their countries and the discrimination faced from the lens of purity and pollution.
- 2.** Exploring the national mechanisms available for the protection, promotion, and safeguarding the rights of communities from exclusion and discrimination within each country
- 3.** To make the issues of CDWD more apparent to everyone and showcase the various interventions needed to address such a simple but complex issue.

Chapter 2 discusses the different forms of discrimination faced by the communities in the states and their manifestations in their socioeconomic and political development. The Asian continent accounts for more than three-quarters of the total number of Communities Discriminated on Work and Descent (CDWD) in the world. CDWD are known as Dalits in the region, primarily due to the high representation of Dalits in the region. Out of 300 million CDWD worldwide, 220 million¹ are Dalits from South Asia.

In **Chapter 3**, the report examines modern slavery from the CDWD lens. This chapter describes the interlinkages between modern slavery and its prevalence among the CDWD in Asia. There is a structural form of discrimination faced by the CDWD in Asia. In addressing the forms of discrimination, this chapter will talk about the critical structures of discrimination through the experiences of the right experts in these countries.

Chapter 4 explores the vulnerabilities within the concept of CDWD and caste that make them victims of Modern Slavery manifestations. The 2021 Global e estimates indicate there are 50 million people in situations of modern slavery on any given day, forced to work against their will or in a forced marriage. Asia and the Pacific host over thirty percent of the global total (15.1 million) living in modern slavery.

Chapter 5 looks at the national response and protection mechanisms available in each country and their effectiveness in addressing the discrimination faced by the CDWD.


Chapter 6 distinguishes critical international responses from multi-national institutions and significant civil society bodies.

Chapter 7 aims to provide key recommendations to major stakeholders for ensuring the rights and livelihood of CDWD are protected and safeguarded.

¹Impact of Covid19 on Dalits in South Asia, ADRF, 2020 http://asiadalitrightsforum.org/assets/publications/doc/12345_South-Asia_Report.pdf

Key Recommendations

1. Adopt the “Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent.”
2. Formally recognize and acknowledge the existence of discrimination based on work and descent (DWD) at the national, Asian , and global levels, considering the continuing relevance of ancestry and occupation to practices of modern slavery and caste. This should lead to meaningful policymaking that reaches affected communities.
3. Include DWD as a critical exclusion factor and take constructive steps for their human rights safeguards, development, peace, and justice across Asia and other regions globally.
4. States shall take all necessary constitutional, legislative, administrative, judicial, educational, and social measures to eliminate discrimination based on work and descent. This includes respecting, protecting, promoting, restituting, implementing, and monitoring the human rights of those facing these forms of discrimination, with robust disaggregated data collection in line with data protection and privacy principles.
5. Collaborate with National Human Rights Institutions, civil society organisations, and human rights defenders from DWD communities to combat prejudicial beliefs and practices. This includes addressing notions of untouchability, pollution, caste superiority, or inferiority, and preventing human rights violations based on these beliefs.
6. Form a working group on DWD at the regional level, including members of DWD communities, to conduct an extensive regional study on issues and challenges faced by CDWD. This study aims to develop strategies for further addressing these challenges.
7. Ensure adequate budgetary allocations across all levels of the federal government and at the state level for the implementation of protection and welfare measures for CDWD. Allocate specific funds for awareness-raising campaigns aimed at combating discrimination and prejudice.



“ Slavery does not merely mean a legalized form of subjection. It means a state of society in which some men are forced to accept from others the purposes which control their conduct. ”

- Dr. B. R. Ambedkar

Introduction

01

The concept of equality does define its concepts of non-discrimination and safeguards through legal procedures and standards. Marginalized communities could achieve equality by abolishing discrimination in all its forms. However, when discrimination becomes core to the identity of the system itself, there needs to be a combined effort by all sections to eliminate such systems in society. Caste is one such concept in South Asia, which has a cultural anchor that established the status quo, even after states have implemented legal provisions and targeted policies for half a decade. Similar concepts exist, such as caste, around the world called Communities Discriminated on Work and Descent (CDWD).

The term CDWD evolved from the decades-long struggles against caste discrimination in South Asia and Buraku bias in Japan. In this sense, the communities in the Asian continent played an initiation role in the Internationalization of CDWD as we know it today. In saying so, Asia has the largest number of DWD communities globally. Three significant areas within Asia that could be termed hubs of DWD communities are South Asia and Malaysia (Dalits); Japan (Buraku); and Yemen (Muhamasheen).

South Asia is where most CDWD populations reside, not only in Asia but the whole world. Dalits of South Asia are the CDWD who are determined by their caste identity. Caste is social stratification based on one's descent and the work associated with that descent. An estimated 230 million Dalits (within the CDWD) reside in Bangladesh, India, Pakistan, Nepal, and Sri Lanka. Malaysia is another country where Dalits reside in Asia².

Burakumin communities are another major CDWD in Asia. These communities, be it comparatively fewer in number (2.2-2.5 million), were the first CDWD to successfully raise their issues nationally and internationally. They also motivated Dalit leaders like Dr. B. R. Ambedkar to forge an alliance of CDWD in the early 20th century.

Muhammasheen is another CDWD community that faces discrimination based on caste in Yemen. Formerly known by the degraded term- Al Akhdham or Servants/Slaves, they were slaves to the caste masters in the country.

Opposite page: A Dalit women in a tea garden of Moulvibazar district, Bangladesh

Photo by Sultan Md. Salauddin Siddique

²[http://asiadalitrightsforum.org/assets/publications/doc/302381476Claiming%20Right%20to%20Justice%20and%20Development%20-%20Sept%202019%20-%20Final%20Content%20\(2\).pdf](http://asiadalitrightsforum.org/assets/publications/doc/302381476Claiming%20Right%20to%20Justice%20and%20Development%20-%20Sept%202019%20-%20Final%20Content%20(2).pdf)

³<https://minorityrights.org/minorities/muhamasheen/>

The CDWD issues have been discussed in various forms and captured through reports and other publications; there needs to be more encapsulation of the overall understanding of the communities within the CDWD in Asia.

This report is a comprehensive document on the CDWD from the region of Asia. It is part of a more extensive prospect of reporting from each area on CDWD issues. The objectives of the report are:

- 1.** To record the communities and their economic status within their countries and understand their discrimination from the lens of purity and pollution.
- 2.** Exploring the national mechanisms available for the protection, promotion, and safeguarding of communities from exclusion and discrimination within each country
- 3.** To make the issues of CDWD more apparent to everyone and showcase the various interventions needed to address such a simple but complex issue.

The limitation of the report is that the report will focus on Bangladesh, India, Japan, Nepal, and Pakistan. At the same time, Malaysia, Sri Lanka, and Yemen are not given due focus due to a lack of information available from these countries. Another limitation is that the report is based on the data collected by the Dalit human rights experts from each country and the information available on public platforms.



Asia has the largest number of DWD communities globally

CDWD in Asia

02

The Asian continent accounts for more than three-quarters of the total number of Communities Discriminated on Work and Descent (CDWD) in the world. CDWD are known as Dalits in the region, primarily due to the high representation of Dalits in the region. Out of 300 million CDWD worldwide, 240⁴ million are Dalits from South Asia.

A key question emerges: who are the CDWD? To answer this, we need to understand society's social hierarchies. A common feature among Dalits of South Asia, Buraku of Japan, and Muhammasheen of Yemen is that they are considered the lowest caste/class within their social order. These communities exist within the social order to serve the other dominant communities. They have no social/economic mobility; they are discriminated against socially, economically, and culturally; forced into slavery/modern slavery and forced marriage; and victims of caste-based violence. In many countries, like India and Nepal there are social protection policies and prevention mechanisms against caste based violence, but the implementation is fragile.

According to OHCHR's Guidance Tool on Descent based Discrimination on Key Challenges and Strategies to Combat Caste-based and Analogous Forms of Discrimination (2017), *descent-based discrimination undermines, fundamentally, the dignity of the persons concerned, affecting a full spectrum of civil, political, economic, social, and cultural rights. Descent-based discrimination fuels violations of the right to education and employment, undermine access to justice, and, all too often, catalyzes sexual violence and other crimes targeted at women and girls. It is a large-scale human rights problem that requires decisive attention and action.*⁵

Discrimination based on Work and Descent (DWD) was defined by Draft Principles and Guidelines for the Elimination of Discrimination based on Work and Descent (2009) as *any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birthplace, 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 purity, pollution and practices of*

← Opposite page: Woman working at her business, Nepal.

Photo by GFOD Team

*untouchability, deeply rooted in the societies and cultures where this discrimination is practiced.*⁶

This definition provides a significant terminology for understanding CDWD, i.e., through the notion of purity and pollution. The concept of purity and pollution is core to this type of discrimination, where people are placed on the scales that define purity and impurity. CDWD people are considered the most impure of all and that is stimulated through practices such as untouchability, segregation of housing, restrictions on education, decent jobs, decent dressing, cultural stigmas, discrimination in socio-cultural activities, economic growth and development, alienation, and afflicting violence and atrocities for subjugating these communities.

The social and cultural stigma of impurity and pollution makes them vulnerable. This stigma involves widespread social segregation for those affected by it, by segregating living spaces and confining them to degrading jobs from which they cannot free themselves. A report by the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation (2009) states that understanding the stigma "as a process of dehumanizing, degrading, discrediting and devaluing people in certain population groups, often based on a feeling of disgust."⁷

The social alienation of these communities has transcended into economic, political, and legal discrimination. As it exists within the same race and ethnicity, DWD issues are unique. To understand this in detail, we would like to look at each country and how these concepts work within each.

⁴Impact of Covid19 on Dalits in South Asia, ADRF, 2020 http://asiadali-trightsforum.org/assets/publications/doc/12345_SouthAsia_Report.pdf

⁵<https://www.ohchr.org/Documents/Issues/Minorities/GuidanceToolDiscrimination.pdf>

⁶<https://www.ohchr.org/sites/default/files/Documents/HRBodies/HR-Council/RegularSession/Session11/A-HRC-11-CRP3.pdf>

⁷A/HRC/21/42 July 2012 -Report of the Special Rapporteur on the human right to safe drinking water and sanitation Catarina de Albuquerque

Opposite page: Dalit student in an informal school, India.

Photo by Sajana Jayaraj

ASIA

COMMUNITIES DISCRIMINATED ON WORK AND DESCENT



NEPAL

Almost half of Nepali Dalits live below the poverty line, are mostly landless and have a low life expectancy and literacy levels compared to the dominant caste population. They are routinely subjected to untouchability and discrimination in many forms, with Dalit women facing a high degree of social and economic exclusion.

BANGLADESH

In Bangladesh, caste discrimination affects both the Hindu and the Muslim population, perpetuating poverty among these communities. While Hindu Dalits are often categorised as Harijans, Muslim Dalits are classified as Arzals. Dalits exist far below the poverty line, with minimal access to health services, education and employment.

INDIA

Dalits represent the victims of the gravest forms of discrimination. Often assigned the most degrading jobs and subjected to forced and bonded labour, they have limited or unequal access to resources (including economic resources, land and water) and services, and are disproportionately affected by poverty. Untouchability as a practice has imposed severe disabilities on people just by their position in the caste ladder, and it continues to be a reality for certain sections of society.

PAKISTAN

Dalits in Pakistan mostly belong to the Hindu minority. They face double discrimination due to their religious status and their caste belonging. Officially known as Scheduled Castes, they suffer numerous forms of abuse, from bonded labour to rape, with crimes against them often committed with impunity.

MALAYSIA

Caste-based discrimination is visible among minority Indian communities in Malaysia. Caste also plays a significant role in politics, with very little representation from the community.

YEMEN

In Yemen, the Al-Muhamasheen, formerly derogatorily called 'Al-Akhdam', which translates into 'the servants', is a minority community and is regarded as an untouchable outcast group.

SRI LANKA

Sri Lanka has three parallel caste systems for each of the country's main population groups: the Sinhalese majority; the Sri Lankan Tamils to the north and the east; and the Indian Tamils, who are mainly found in tea plantations and at the bottom of the urban social hierarchy.

JAPAN

Feudal society stratification in Japan placed two groups at the bottom of the system, referring to them as the senmin (humble people): the eta (extreme filth) and binin (non-human). The Burakumin, as their descendants are now known, continues to be considered as an outcast group, subjected to prejudice and discrimination, including in employment, education and marriage, and physically segregated in Buraku districts.



BANGLADESH



The DWD communities in Bangladesh mainly comprise Dalits. There is no official data about the number of Dalits in Bangladesh. According to the International Dalit Solidarity Network (IDSN), there are 6.5 million⁸ Dalits in Bangladesh. However, the disaggregated data about the number of men, women, children, and persons with disabilities are unavailable.

Most of the Dalits in Bangladesh are followers of the Hindu religion. According to the Hindu caste system, they belong to the lowest caste stratum and are thus called 'outcastes'. They can also be Muslim, Christian, or Buddhist. According to a study report⁹ 78.8% of Dalits are Hindus, 19% are Muslims, 1% are Christian, and the rest 1% are Buddhist.

In Bangladesh, the Dalit's experiences are similar to slavery-like experiences. Especially the groups among the Dalits who are engaged in sanitation work, tea plantations, leather processing & shoe mending, pig rearing, and brick kiln work are the worst sufferers as the working environment and payment of these jobs are sub-standard, and the individuals engaged in these jobs often experience discriminatory behaviors from the society.

⁸IDSN (n.d.), STATISTICS: Dalits in Bangladesh, Retrieved from: <https://idsn.org/wp-content/uploads/2021/10/Bangladesh-Dalit-statistics.pdf>

⁹Christian Aid, Nagorik Uddyog & Research Development Center (2017), Dalits in Bangladesh: An action research for an evidence-base for the Dalit population in Bangladesh, <https://drive.google.com/drive/u/1/folders/1dBRvigodDOOWFKMEkUw-cKBw8m1U434c1>

INDIA



Dalits are the majority of CDWD, which accounts for 16.6 or 201 million people in India.¹⁰ Of this, 52 percent are men, and 48 percent are women (according to Census 2011).

Dalits face caste-based discrimination. The caste system is an ancient system that is based on the varna system (social stratification based on one's occupation) and the families they are born into. Thus, the caste system is a predetermined system that works on principles of purity and pollution. Dalits are the 'outcastes,' deemed so impure that they are alienated from the entire varna system. This concept of absolute pollution resulted in untouchability that was practiced against Dalits. The Indian Government abolished this practice in 1950 through its Constitution. However, untouchability practices are found in many pockets of rural and urban India.

This fundamental principle works as the key to understanding the social, economic, cultural, political, and legal discrimination Dalits face. There are, 1109 officially recognized Dalit Sub-communities in India. In India, scheduled caste is used only for Hindu, Buddhist, and Sikh Dalits. At the same time, the converted Dalits within Islam and Christianity are not accounted for in the sub-categorization and census. According to Walk Free Foundations' Global Estimates on Modern Slavery 2018, the Dalit community is one of the most affected by modern slavery with 8 million Dalits living in modern slavery.¹¹

¹⁰<https://secc.gov.in/homepage.htm>

¹¹https://www.wilo.org/global/topics/forced-labour/publications/WCMS_854733/lang--en/index.htm

JAPAN



Burakumin, or Buraku, is one of the most marginalized and largest minority communities in Japan. They are widely recognized as descendants of 'outcaste' populations in the feudal period. Outcastes were assigned such social functions such as slaughtering animals and executing criminals, and the general public perceived these functions as 'polluting acts'.¹²

Disaggregated data on their population is not available, as the last known government data dates back to 1993. In these national statistics, there were 2.2 million Buraku people, less than 2% of the Japanese population. Further, there was no disaggregation among men and women in these statistics. Thus, with no concrete evidence of their sex ratio, a comparison of development and well-being between the two sexes is impossible to measure.

Buraku prejudice is based on a person's residence in a Buraku neighborhood or on their ancestors' origins. The former UN Sub-Commission on the Protection and Promotion of Human Rights defined Buraku stigmatization as "discrimination based on work and descent" and based on one's family background and profession. Additionally, the Buraku people are discriminated against based on "descent," according to the CERD, which the Government of Japan disagrees with. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines "descent" as part of racial discrimination.¹³

¹²Racial Discrimination in Japan: Buraku People and Minority Women*

¹³IMADR-NGO written submission to UPR 3, 2017
CERD/C/JPN/CO/7-9 (2014), paragraph 22

MALAYSIA



Discrimination based on work and descent continues to affect diaspora communities in several countries, including Malaysia. Caste-based discrimination is visible among minority Indian communities in Malaysia.

Historically, social segregation is most apparent in the community's attitude towards marriage based on hierarchy. "Many families looking to arrange marriages post matrimonial ads with caste requirements, and marriage brokers may be expected to consider caste when finding suitable matches." They used to be plantation workers, but now they primarily work as manual laborers.

The South Asian diaspora exhibits social avoidance of commensality, albeit to a far lesser extent than India. Caste-based segregation is visible in both employment and education. Malaysia has over 2 million Indians, of whom around 60-65 percent are Dalits. Caste also plays a vital political role, with relatively little community representation in the national political system.¹⁴ The CDWD representation in decision-making is low, as their social exclusion restricts their authority over the dominant communities. Thus, there is an external discouragement within the community to participate in the decision-making.

¹⁴[http://asiadalitrightsforum.org/assets/publications/doc/302381476Claiming%20Right%20to%20Justice%20and%20Development%20-%20Sept%202019%20-%20Final%20Content%20\(2\).pdf](http://asiadalitrightsforum.org/assets/publications/doc/302381476Claiming%20Right%20to%20Justice%20and%20Development%20-%20Sept%202019%20-%20Final%20Content%20(2).pdf)

PAKISTAN



Scheduled caste or Hindu Dalits are the major CDWD community in Pakistan, while there are Muslim and Christian Dalits who also come under the CDWD categories. The official census of 2017 stated that there are 849,614 scheduled caste communities residing in Pakistan, including 446,123 males and 403,408 females.¹⁵ However, Dalit Rights groups argue that there are around 2 million Dalit communities in Pakistan.

Most DWD communities are poor, voiceless, and landless and stand at the bottom of the caste hierarchy. Poverty is considered one of the main reasons for exploitation. However, their caste intersecting with class, religion, and geographic location constructs a helpless position that limits them to the least-paying jobs and traps them in the vicious cycle of poverty and discrimination.

Although education has brought about a progressive change in some groups, their socioeconomic and political status, illiteracy, and demographic location increase their vulnerability to discrimination and violence.

¹⁵<https://www.pbs.gov.pk/sites/default/files/population/2017/tables/pakistan/Table09n.pdf>

NEPAL

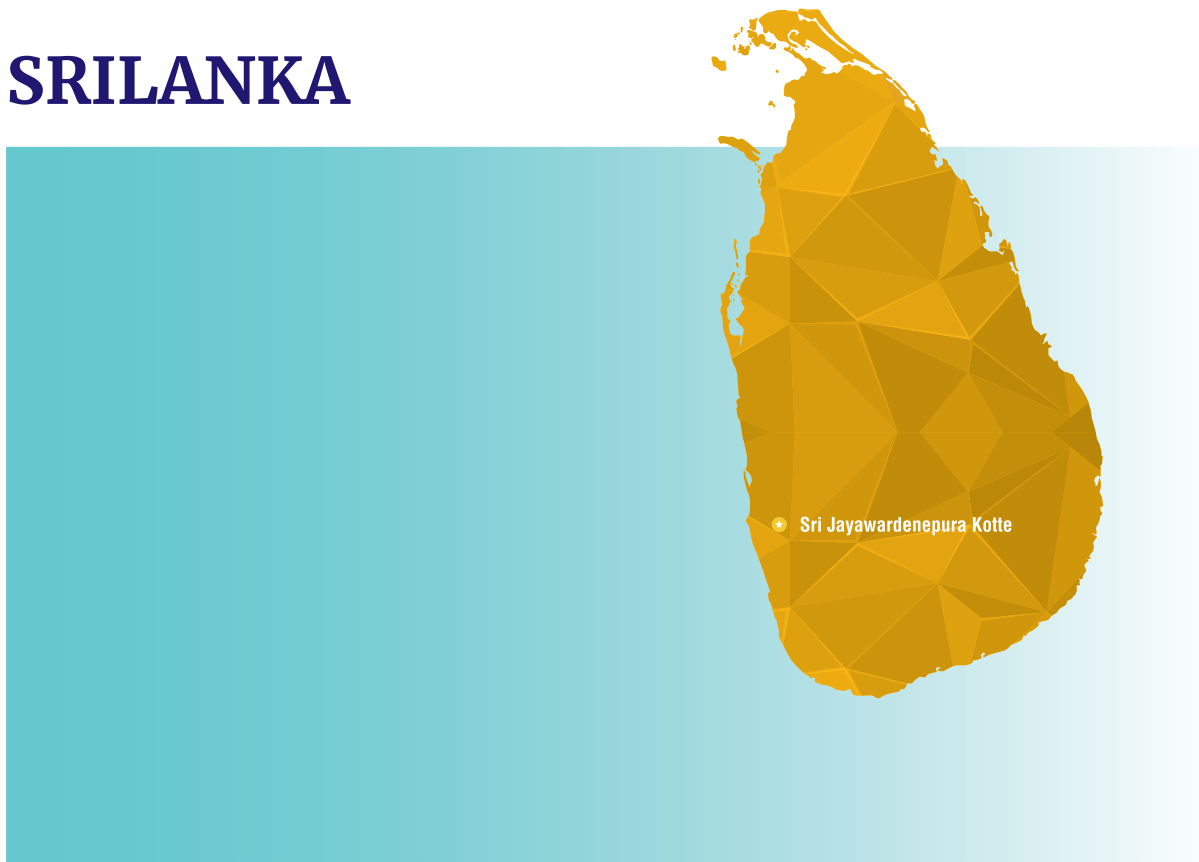
The Dalits are one of the significant minority groups in Nepal, with almost 14 percent of the population. Like other states in South Asia, Dalits in Nepal often face intergenerational discrimination, segregation, alienation, and violence.

Dalits are socially, economically, culturally, legally, and politically marginalized, with the social stigma of untouchability being a heinous human rights violation in the country.

There are various forms of discrimination based on their social status, including discrimination in accessing essential services like education, employment, water and sanitation, housing, and healthcare, among others. Women from Dalit communities are targeted because of their weak social status based on multiple forms of discrimination based on their caste, class, and gender. They are also the primary victims of caste-based atrocities and violence.



SRILANKA



Sri Lanka has three parallel caste systems for each of the country's main population groups: the Sinhalese majority; the Sri Lankan Tamils to the north and the east; and the Indian Tamils, who are mainly found in tea plantations and at the bottom of the urban social hierarchy.

Within the Sinhala community, lower-caste groups, including the Rodi, occupy the lowest position in the caste system. Within Sri Lankan Tamils, the lowest status is collectively occupied by groups identified as Panchamar, considered untouchables.

Indian Tamils trace their origins to the colonial era, when Britishers brought them to the plantations as indentured laborers. Although the Sinhalese have overcome their low caste status in the caste hierarchy through the Sri Lankan Welfare State, Tamil Dalits continue to face caste-based discrimination.¹⁶

¹⁶[http://asiadalitrightsforum.org/assets/publications/doc/302381476Claiming%20Right%20to%20Justice%20and%20Development%20-%20Sept%202019%20-%20Final%20Content%20\(2\).pdf](http://asiadalitrightsforum.org/assets/publications/doc/302381476Claiming%20Right%20to%20Justice%20and%20Development%20-%20Sept%202019%20-%20Final%20Content%20(2).pdf)

YEMEN



In Yemen, the Muhamasheen, or the marginalized ones, formerly derogatorily called the 'Al-Akhdam', which translates into 'the servants', is a minority community and is regarded as an untouchable outcaste group. 'The government data (2004) put their numbers at 153,133, but unofficial sources claim 500,000-3.5 million persons belong to this minority group'.

Their occupation primarily includes garbage collection, street sweeping, and cleaning toilets and drains. They suffer social stigma and discrimination, exacerbating their socioeconomic exclusion and poverty. Others isolate the community in society due to the work they are associated with. A significant problem affecting the Muhamasheen is the need for access to essential amenities like housing, employment, education, and necessary social services.¹⁷

¹⁷<http://asiadalitrightsforum.org/assets/publications/doc/648455134Global%20report-single%20page%20format.pdf>

03

Forms of Discrimination Faced by CDWD in Asia

The discrimination faced by the CDWD originates from socio-cultural discrimination transcending to economic, political, religious, legal, and other forms of discrimination. There is a structural form of discrimination faced by the CDWD in Asia. In addressing the forms of discrimination, this chapter will talk about the critical structures of discrimination through the experiences of the right experts in these countries.

Untouchability

The manifestations of purity and pollution are evident in the socio-cultural features. Untouchability is the most heinous manifestation of this concept. Untouchability is the defining form of exclusion in South Asian, Japanese, and Yemeni social orders. The term itself refers to the concept of sense of touch, rather than 'not touching,' it has far-reaching consequences than just not being considered touchable. The social significance of untouchability is the foundation of the various forms of discrimination, alienation, segregation, and violence perpetuated toward the CDWD.

Social Discrimination

Social discrimination is the basis of all other discrimination that evolved from the social alienation of these communities from prominent social roles and social belonging. The concept of purity and pollution states that a CDWD is impure and, thus, should not be mixed with pure castes. Therefore, they are segregated from social customs, participation, communication, and decision-making.

Due to this concept, the CDWD are restricted from using the same taps, wells, and other water resources that non-DWD community members use or sitting next to the non-DWD community members and eating together during events like marriage ceremonies. They are not allowed to enter the non-DWD's houses and inter-dine with the non-DWD community. There is a prohibition on Dalits from living in the same neighborhood as the dominant-caste households.

In India, a Dalit boy was beaten to death by the school teacher for drinking water from the pot designated for the teachers (from the dominant caste).¹⁸ A similar situation in Bangladesh has seen atrocities against the Dalit community based on their identity and the work they are forced into. In Japan, the Buraku community faces rampant online abuse, and hate speech exists because of their descent and lineage. In Nepal, a Dalit was fined \$12 for entering the house of a non-Dalit in 2020.¹⁹

Social discrimination has spilled over into other forms that have impacted the growth and development of CDWD in Asia.

Economic Discrimination

In connection with the economic progress of the CDWD, there is a strict line of acceptance within Asian societies. While some cultures, like Japan, have helped the communities to overcome the deep dependency of these communities on others, the majority of South Asian society has been reluctant to accept the economic progress of the DWD communities.

The challenge towards economic development for the members of CDWD is deeply rooted in the social discrimination of these communities.

The economic stagnation is due to inter-generational discrimination and alienation of the CDWD members in the economic aspects of society. They are considered dependent on the dominant community. In doing so, CDWD members are treated like slaves in many countries in Asia. When discussing debt bondage, most victims are from the Dalit communities in South Asia. Similar unpaid or lower-paid jobs are culturally and socially enforced on these people. Thus, the economic contribution of these communities is limited to unorganized and menial jobs. There is rampant discrimination within the job market towards the CDWD.

Some countries, like India and Nepal, have taken affirmative actions to ensure these communities get equal opportunities in education and employment. In Bangladesh, the quota reserved for CDWD members is for the lowest-level employment, like sweepers and cleaners. However, it is often limited to jobs in the public sector. With countries moving from private to public more and more, there needs to be more equal opportunities for CDWD members in the labor market.²⁰

The wages provided to the CDWD members are much lower than the other community members. For example, in Bangladesh, the starting salary of the lowest grade (20th grade of the national pay scale) is \$75, along with other benefits. However, the Dalits in sanitation jobs in different government institutions are paid far lower. In India, women from CDWD are hired by textile factories and paid lower than the minimum wages set by the Government.

Political Discrimination

The CDWD members have very little political representation in the political sphere. The lack of political representation is due to the prejudice that CDWD people are not decision-makers or political thinkers. Thus, this lack of political representation and assertion has affected the development of the community when there is no one to raise the issue of the community at the national level. Thus, Asia, as a whole, needs to integrate the political representation of the CDWD.

Some countries have taken affirmative action on this, like India and Nepal. In these countries, proportionate representation for the CDWD community was introduced through their constitutions, respectively. An argument arises among CDWD rights experts that CDWD representation becomes merely nominal, as the decision-making power often stays with the dominant communities.

Political affirmative action has become a tool for the dominant caste to inflict their ideologies on the CDWD representatives, as different caste groups have affiliations and philosophies behind various political parties. The ideology of political perspectives subdues the idea of caste liberation.²¹

Religious and Cultural discrimination

The basis of CDWD identity is structured within the religion or culture of society. Thus, these groups face various forms of religious and cultural discrimination. The initiation of the caste system in South Asia could be traced back to the Hindu texts of Manusmriti and Vedas. In saying so, there are cultural and social stratifications that had far-reaching impacts to concretize the evolution of caste structures and cultural order that has transcended religious boundaries.

The barriers of religion and culture have alienated CDWD. The concept of untouchability, purity and pollution still exists in the countries where CDWD exists. The manifestations of such practices exist in the form of denying entry to temples or public places of worship.

CDWD members are not allowed to sit or eat with other populations in various societies in Asia. Moreover, inter-caste marriages are prohibited, and in the occurrence of such, it is dealt with harsh punishments or atrocities like honor killings. A high-profile murder case of Navraj and his friends in Nepal amid the pandemic has shaken the world.²² The murder directly resulted from a Dalit boy eloping with a non-Dalit girl. Not only did the boy have to face the consequences of such an act, but his friends who supported him were also thrashed to death by the people of the dominant caste. Similarly, honor killing is well documented in India. A study by DHRD-Net, in association with the National Council of Women Leaders (NCWL), states that honor killing in India is on the rise.²³

Gender Discrimination

Women from the CDWD face multiple forms of discrimination- based on their gender, class, caste, and in some circumstances, religion. Women are seen as soft targets for dominant communities to ensure the caste system status quo. Women are targeted with violence and atrocities to ensure that fear and psychological traumas are instilled in the entire family, especially the children.

In this way, women face multiple forms of discrimination, especially violence from the dominant communities. In India, according to the National Crime Record Bureau (NCRB), 10 Dalit women are raped, and nine assaults are committed against them daily. Similarly, in Nepal, there are high crimes against Dalit women. In Pakistan and Bangladesh, Muslim men abduct Dalit women and force them into conversion and marriage. Many women are tortured physically and sexually by these men.

Case Study

Story of a Dalit girl who was forcefully converted and married with legal assistance.

Leela (name changed), a 26-year-old Dalit girl from District Mirpur Mathilo, was forcibly converted and married to Ali Dhar (name changed). She was house arrested and exploited physically and sexually by Ali. Ali, as an influential Muslim, could dictate the law enforcement action against him. Thus, the Police initially refused to file a complaint against the perpetrator. However, the constant pressure built by Leela's family and the Dalit community forced the Police to register the complaint against Ali Dhar.

The battle for custody of the girl soon followed, with Leela's father and relatives trying to save her from the grasp of Ali Dhar. When the efforts failed, they filed a petition in the District Court of Gotki. The girl was presented as summoned by the court in front of the Magistrate.

As the culprits presented the conversion certificate in front of the court, she was not allowed to go with her parents. This decision by the District Magistrate was challenged by the parents in the High Court of Hyderabad. However, the case is pending, and Leela is still under the custody of Ali Dhar.

¹⁸<https://indianexpress.com/article/cities/jaipur/dalit-boys-death-teacher-tried-to-buy-familys-silence-8090542/>

¹⁹<https://nepalmonitor.org/reports/view/28980>

²⁰<https://www.epw.in/journal/2021/21/special-articles/caste-and-labour-market.html>

²¹<https://www.juscorpus.com/wp-content/uploads/2022/05/163.-Dibyangana-Nag.pdf>

²²<https://thediplomat.com/2020/06/murder-case-sparks-a-reckoning-with-nepals-caste-discrimination/>

²³<https://thewire.in/caste/caste-honour-killings-cases-laws>



Leela Gujrati, sweeper at Government school, Pakistan

Photo by GFOD Team

Modern Slavery and CDWD in Asia

Modern slavery is the very antithesis of social justice and sustainable development. The 2021 Global Estimates indicate there are 50 million people in situations of modern slavery on any given day, forced to work against their will or in a forced marriage. Asia and the Pacific host over thirty percent of the global total (15.1 million) living in modern slavery.²⁴

CDWD are among the main victims of modern slavery. A report published by the Global Forum of Communities Discriminated on Work and Descent (GFoD), Asia Dalit Rights Forum (ADRF), and others on the status of modern slavery among CDWD in Asia explains the various forms of modern slavery existing on the continent.²⁵ Concerning the comprehensive data set of the report, the right experts from five countries have collected extensive data on modern slavery. Manifestations of modern slavery could be seen through forced labor and forced marriage. The following table provides the critical features faced by the CDWD in this region.

²⁴https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf

²⁵<https://gfod.net/wp-content/uploads/2023/05/A-study-of-South-Asian-countries-of-Bangladesh-India-Nepal-Pakistan-and-Sri-Lanka.pdf>

BONDED LABOUR

Bangladesh

In Bangladesh, the majority of the women from CDWD are engaged in cleaning work. As cleaning work is seen as indecent work, they engage in other works. Many Dalit girls and women join the ready-made garment industry to challenge the caste stigma associated with traditional occupation. The Ready-Made Garment (RMG) industry in Bangladesh is rife with extreme labor exploitation, unsafe factories, prone to building collapse, and subject to anti-union discrimination and violence.

The deprivation of labor rights and highly exploitative working conditions in Bangladesh's garment supply chains are akin to forced labor. The evidence indicates recruitment through debt bondage, trafficking, and child labor. The withholding of wages, long working hours with production targets, threats, intimidation, and abuse are commonly reported.

²⁶<https://gfod.net/wp-content/uploads/2023/05/A-study-of-South-Asian-countries-of-Bangladesh-India-Nepal-Pakistan-and-Sri-Lanka.pdf>

²⁷Arya, Sunaiana; Theorizing Gender in South Asia: Dalit Feminist Perspective; Caste – A Global Journal on Social Exclusion, Oct. 2020 <https://journals.library.brandeis.edu/index.php/caste/article/download/235/48/>

²⁸<https://thediplomat.com/2020/06/murder-case-sparks-a-reckoning-with-nepals-caste-discrimination/>

²⁹<https://nskfdc.nic.in/writereaddata/files/MSSurvey.pdf>

³⁰<https://www.hrw.org/reports/2007/nepal0207/4.htm#:~:text=The%20Maoists%20have%20used%20a,attract%20children%20as%20%E2%80%9Cvolunteers.%E2%80%9D>

India

The old agricultural bonded labor systems still exist, frequently with the addition of farm/domestic servitude. For instance, in the Jeetam system of bonded farm employees in Karnataka and Andhra Pradesh, an adult and his spouse or a child must pledge their labor in exchange for a debt from the landowner or employer.

In north-western Karnataka, Bitti-Chakri, a traditional type of unpaid farm and domestic labor system, continues to tie Madiga (85%) and Holeya (15%) families, sub-castes among Dalits to dominant Lingayat families. This practice, which only employs Dalits, was recently discontinued by notification by the Karnataka government in 2020. The Dalit (75%) and non-Dalit (25%) 'agricultural bonded laborers of Punjab, locally known as 'Siri,' 'sandhi,' or 'sepi,' are in a perpetual debt trap with high-interest rates.

Children, or 'Pali' are found to assist their families in farm labor, while the women perform unpaid domestic or farm labor work. Here, the entire family is known to provide bonded domestic and farm-related labor instead of debt taken²⁶

Pakistan

The primary forms of modern slavery in Pakistan are forced labor, including bonded labour and child labour, mainly in agriculture, brick kilns, domestic servitude, embroidery, and the handicraft industry (carpet weaving, bangle making, and other small-scale industries). Different research studies have validated that most victims of forced and bonded labor are from DWD communities. These communities are poor, illiterate, and landless families, including women and children, specifically from Sindh and south Punjab and generally from all over Pakistan. They are exploited by withholding wages, confinement, and unfair physical and psychological control.

Nepal

Poverty is one of the leading causes of forced labor. The hardware-charge system is a forced-labor system based on debt bondage, prevalent in the agricultural sector. There exist traditional systems of slavery referred to as hardware and charts. Haruwa means plowman or tiller, and charuwa means cattle herder. Men work as tillers within hardware and charge families, and women, children, and the elderly work as cattle herders or domestic servants. Two-thirds of haruwa and charuwa households are Dalits, traditionally considered untouchables. Forced labor is most common in agriculture and forestry (44%). Mostly, forced labor is practiced in the Terai region of Nepal.

Landless, Dalit, and untouchable communities are forced by their circumstances to borrow money from wealthy landowners to meet their subsistence needs. Generations of a family get trapped in this cycle of loan repayment – working as laborers without pay for the landlords. In Nepal's far western Terai region, bonded labor exists in Brick Industries, foreign employment, adult entertainment industries, and child enslavement in embroidery industries.

Worker at a brick kiln, India.
Photo by Sudharak Olwe

Japan

No Bonded Labour Data is found in Japan.



SEX WORK

Bangladesh

In Bangladesh, the sex trade is legal and regulated. Dalit women are dominating the sex trade industry in Bangladesh.²⁷As per a 2018 media report, about 102,260 female sex workers are operating through brothels, hotels, residences, and street-based sex work. Among them, about 4000 work in ten registered brothels, 41,350 work as floating ones, about 17,976 work in hotels, and about 29,078 work at homes, residences, or what they call 'mini brothels.'

India

Sex Work exists in other regions of India, and it is estimated that there are around 2-3 million sex workers in the country. While there is no disaggregated data available on sex workers, it has been recorded that there is a significant number of Dalits involved in this trade.²⁸ Devdasi system that existed in India was legalizing Dalit women into prostitution. The Devdasi system forced Dalit girls to be donated to gods, who were made sexual slaves by the dominant caste.

Nepal

Women from the Badi community (Dalit community), a minority in Nepal, have historically worked in the sex trade. The women from the Badi community are forced into prostitution due to their economic backwardness, illiteracy, and lack of employment opportunities. Most sex workers are from Nuwakot, Dhading, Kavre, Dolakha, Lamjung, and Sindhupalchowk.

Japan

No data available

Pakistan

In Pakistan, the sex trade is illegal but exists as an open secret. Sex workers in Pakistan include males, females, and transgender people (also referred to as hijras), and an estimated 229,441 people are in commercial sex work. CDWD are primary targets of prostitution, as their social agencies are weak at protesting against the dominant community members.

Homosexuality (the penal code term of sodomy) is an offense in Pakistan. Sex trade by foreigners is known to operate through massage services. Exploitation among both boys and girls. While girls on the verge of puberty are found to be pushed into the sex trade by family or third parties and are housed in brothels or as dancing girls, commercial sex work of boys, as malish boys (massage), is generally in public places.

Boys from impoverished families, who may be dressed up as girls and taken as mistresses, are prominent factors in the commercial sexual exploitation of children, along with other intersectional factors. illiterate, and landless families, including women and children, specifically from Sindh and south Punjab and generally from all over Pakistan. They are exploited by withholding wages, confinement, and unfair physical and psychological control.

SANITATION AND INDECENT JOBS

Bangladesh

As a result of their limited access to employment, Dalits are almost exclusively working in 'the service sector,' performing unclean jobs in urban areas such as street sweeping, manual scavenging, and burying the dead. With the introduction of machines and mechanical trucks for pit cleaning in a few municipalities and corporations, the Dalit men also fear job loss. Despite being forced into the work owing to their caste identity and socioeconomic conditions, the workers find this job easy to get since they are known as 'sweepers.'

India

According to Manual Scavenging Survey 2018²⁹ there were over 53236 manual scavengers in India. Manual Scavenging is an inhumane and evil practice that is forced on Dalit communities, which makes them clean dry toilets in the village. This practice of cleaning human excreta by using their hands was practiced in many states in the country. In 2013, the country enacted the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, which made manual scavenging illegal in India. However, the survey result states that the practice continues due to various socioeconomic and cultural factors.

Nepal

No data available

Japan

No data available

Pakistan

In Pakistan, a 2019 study found evidence of caste-based occupation assigned by the State, where Christians are considered to be 'born' for the janitorial service, owing to their descent from Hindu 'Chuhras' or 'Bhangis,' who were historically assigned manual scavenging and sweeping work. It is found that urban sanitation and waste management departments,

Water and Sanitation Agency of Lahore (WASA) and Lahore Waste Management Company (LWMC)130 to engage 71.8 percent of the 2,240 sanitation workers in WASA and 100 percent of 9,000 sanitation workers in LWMC. This proportion of employment of Dalit Christians is significantly high since Christians comprise only 4 percent of Lahore's population (and 1.27 percent of the total population, according to Census 2017). Till September 2016, before it was struck down, Punjab Health Department's policy clearly stated that they only recruit non-Muslims for sanitation work.

The sanitation workers work in dire conditions, with inadequate protective equipment (83% of workers experienced) and many inhaling poisonous gases (40% of workers experienced). They enter into open manholes and sewage pits (38% of workers experienced) despite knowing toxic gases in them (25% experienced). At least 250 sanitation workers have been reported dead while at work. About 57 percent of workers in the study were second-generation sanitation workers.

CHILD LABOUR

Bangladesh

About 20,000 child sex workers are estimated to be based in brothels, while fewer are exploited in hotels, streets, bus/train stations, and rented accommodation. Street children are used widely by traffickers for sex. Most of the street children are from Dalit communities. Among the child sex workers in brothels, most are children of sex workers and are forced into sex work by brothel owners. Others include those trafficked because of their vulnerable positions, such as fleeing abusive child marriages.

India

India has many child laborers aged 5-14, accounting for 3.9 percent of the country's total child population. These workers work in various sectors, including agriculture, household industry, and others. Poverty and caste-based discrimination contribute to child labor, particularly among Dalit families. Rural Dalit households, particularly those from SC communities, are likely to engage in child labor. A 2016 study found that over 60% of women and girls in Tamil Nadu's spinning mills were Dalits, and 88% of women workers were under 18.

Nepal

Many Dalit youth and children were involved in the Maoist movement, a brutal civil war 1996-2006 in Nepal. The Maoists' policy of recruiting children for fighting or supporting combat is one of the most disturbing aspects of Nepal's decade-long civil war. The Maoists have used various techniques for recruiting children: the kidnapping of individual children; the abduction of large groups of children, often from schools or at mass rallies that they are forced to attend; and the use of propaganda campaigns to attract children as "volunteers."³⁰

Pakistan

In Pakistan, 3.7 million children are engaged in child labor at ages 10-17 years. Of these, 2 million (55%) come from the 10-14 age group, and the remaining 1.6 million (45%) are from the 15-17 age group. Among the children aged 15-17, 89 percent (1.47 million) are boys engaged in hazardous work.³¹

Japan

No data available



HUMAN TRAFFICKING

Bangladesh

Dalits are the main victims of cross border trafficking in Bangladesh.³² The industries that employ Bangladeshis through forced labor include construction, shrimp and fish processing industries, aluminum, tea, and garment factories, brick kilns, and dry fish production. The forced labor of Bangladeshis in these countries includes elements of debt-based coercion, nonpayment of wages, contract switching, fraudulent recruitment, an undocumented labor force, and retention of passports.

India

India is a significant source, transit, and destination country for human trafficking, particularly forced labor and sex trafficking. Dalit Girls and young women are trafficked to various countries from India for commercial sexual exploitation, with poorer states having a more vulnerable population. India also serves as a source and destination for child sex tourism, with child trafficking involving forced labor in various sectors.

Nepal

The primary forms of human trafficking in Nepal are sex trafficking, including children, forced labor, and removal. A 2019 report by the National Human Rights Commission of Nepal estimated that around 35,000 people have been trafficked, and 1.5 million are at risk of being trafficked. Exact figures about the situation of human trafficking in Nepal are not available as yet. One thousand seven hundred children work in Nepal's adult entertainment industry and have been subjected to trafficking and sexual exploitation.³³

Pakistan

Pakistan is a source, transit, and destination country for human trafficking, particularly for forced/bonded labor and sex trafficking. Evidence of Sex trafficking in Pakistan is seen through the reportage of bride trafficking of Christian (Dalit) girls and women from Pakistan to China. The girls trafficked through marriage are pushed into the sexual slavery of their so-called husbands and other clients. Though known to exist, there is less documented evidence of external and domestic sex trafficking.³⁴

Japan

No data available

Child working at a garbage dump

Stock photo

FORCED MARRIAGE

Bangladesh

No data available

India

Forced marriage is a practice that is prevalent in many parts of India, particularly in rural areas and among specific communities. Forced marriage is also prevalent among some Muslim communities in India, particularly in rural areas. Girls are often married off at a young age and are expected to follow strict gender roles.

Girls are often married off before the age of 18 and are expected to conform to traditional gender roles. Within Dalit communities, forced marriages are a common feature of Indian society. Women's choices and agencies are significantly compromised, and they are forced into marriage at an early age due to preferences given to men.

Nepal

No data available.

Japan

No data available.

³¹<https://gfod.net/wp-content/uploads/2023/05/A-study-of-South-Asian-countries-of-Bangladesh-India-Nepal-Pakistan-and-Sri-Lanka.pdf>

³²<https://gfod.net/wp-content/uploads/2023/05/A-study-of-South-Asian-countries-of-Bangladesh-India-Nepal-Pakistan-and-Sri-Lanka.pdf>

³³<https://gfod.net/wp-content/uploads/2023/05/A-study-of-South-Asian-countries-of-Bangladesh-India-Nepal-Pakistan-and-Sri-Lanka.pdf>

³⁴<https://gfod.net/wp-content/uploads/2023/05/A-study-of-South-Asian-countries-of-Bangladesh-India-Nepal-Pakistan-and-Sri-Lanka.pdf>

³⁵<https://www.globallslaveryindex.org/2018/data/country-data/pakistan/>

³⁶https://idsn.org/wp-content/uploads/user_folder/pdf/Old_files/asia/pdf/RR_Pakistan.pdf

Pakistan

The practice of forced marriage exists in Pakistan but is defined in a narrow context. Social, cultural, and religious norms reinforce patriarchal structures that normalize forced marriage. Although both Sharia and state laws give the right to consent in marriage, in most cases, this right is denied and generally not considered forced marriage. Girls and women suffer from physical, sexual, and mental violence. Even some harmful practices, such as marrying a girl to settle a dispute or repay debt, selling and buying girls, and deciding about marriage before birth and child marriage, are considered customary marriages. Women from DWD communities are at high risk of forced marriage.³⁵

Gender intersecting with class, caste, religion, and geographical location makes them vulnerable to exploitation. Incidents of forced conversion by getting DWD women married to Muslim men are common. They are lured to have a better life after conversion, kidnapped, forcibly converted to Islam, married, and sometimes abandoned. These incidents are underreported, and if reported, hardly any girl or woman recovered to her home because it was a religious issue. Other than forced conversion, women in DWD communities are easy targets of sexual violence due to their weak position.³⁶

Opposite page: Kastrooro living in Kachi Abbadi, at Hyderabad, Sindh, Pakistan

Photo by GFOD Team



05

National Response and Protection Mechanisms

Equality and non-discrimination are ingrained within each country through its Constitution. However, identification, recognition, and affirmative actions are taken by very few countries on the Asian continent. Thus, the national response to the CDWD issues within each country is different from each other.

Constitutional Provisions

- **Bangladesh:**

It is clearly stated in Article 34(1) of the Constitution of Bangladesh that "All forms of forced labor are prohibited, and any contravention of this provision shall be an offense punishable in accordance with law."³⁷ Again, Article 32 of the Constitution explicitly states that no person shall be deprived of life or personal liberty³⁸. Moreover, Articles 27³⁹, 28⁴⁰, 29⁴¹, and 41⁴² of the Constitution of Bangladesh guarantees equal protection of the law, prohibits discrimination based on religion, race, caste, sex, or place of birth, provides equal opportunities in public employment, and guarantees religious freedom, respectively. Furthermore, Article 14⁴³, 28⁴⁴, and 29⁴⁵ provide for the advancement of "backward sections" concerning the mandates of those provisions but do not define what such measures entail. However, the Constitution of Bangladesh failed to recognize Dalits specifically as a class needing special protection.

- **India:**

One of the most progressive constitutions in the world, the Indian constitution provides significant rights and entitlements to socially excluded communities. The constitutional provisions provide equality before law (article 14); Prohibition of Discrimination on the grounds of Religion, Race, Caste, Sex or Place of Birth (article 15); Equality of Opportunity in Matters of Public Employment (Article 16); Abolition of Untouchability (Article 17); Prohibition of Traffic in Human Beings and Forced Labour (Article 23); and Promotion of Educational and Economic Interests of Scheduled Castes, Scheduled Tribes and Other Weaker Sections under article 43. Thus making it an exceptional document for inclusion.

● **Japan:**

Article 14 of the Japanese Constitution states that all citizens of Japan are equal under the law and shall not be discriminated against in political, economic, or social relations based on sex. However, there has been a tradition of cultural discrimination against the Buraku communities for generations.

● **Nepal:**

The Preamble of the Constitution of Nepal has expressed a strong commitment to ending all forms of discrimination and untouchability. It has guaranteed rights to equality (Article 18) and non-discrimination by providing affirmative action for minorities, women, Dalits, and backward classes, including persons with disabilities. Article 24 guarantees rights against untouchability and caste-based discrimination; Article 29 protects against exploitation based on religion, customs, rituals, and other harmful practices. Article 40 offers a specific guarantee for rights of Dalits, which include proportionate inclusive representation and participation in all state structures (article 42); access to free education with the scholarship up to higher education for Dalit students and special provision for technical and vocational higher education; social security; suitable land for landless and housing for homeless Dalit families.

● **Pakistan:**

The 18th amendment to the Constitution unanimously passed by the Parliament in 2010, brought some changes as it redefined the structural contours of the State by giving more power to the provinces. After the 18th Amendment, the Minority Affairs Department was separated from Religious Affairs. The role of the Minority Affairs Department is to facilitate and formulate an overall policy for the rights and protection of religious minorities. This department provides scholarships and funds for community development/renovation of sacred places, and most beneficiaries belong to the Dalit community in Sindh. All MPAs in Pakistan have been given a quota of funds. Only in Punjab each MPA was given Rs 10 million⁴⁶ as a minority development fund in the 2013-2014 Budget. Later, this fund increased up to 18 million for each MPA throughout Pakistan.⁴⁷

³⁷Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972), Retrieved from: <http://bdlaws.minlaw.gov.bd/act-367/section-24582.html>. ³⁸Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972), Retrieved from: <http://bdlaws.minlaw.gov.bd/act-367/section-24580.html>. ³⁹Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972), Retrieved from: <http://bdlaws.minlaw.gov.bd/act-367/section-24575.html>. ⁴⁰Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972), Retrieved from: <http://bdlaws.minlaw.gov.bd/act-367.html>. ⁴¹Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972), Retrieved from: <http://bdlaws.minlaw.gov.bd/act-367/section-24577.html>. ⁴²Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972), Retrieved from: <http://bdlaws.minlaw.gov.bd/act-367/section-24589.html>. ⁴³Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972), Retrieved from: <http://bdlaws.minlaw.gov.bd/act-367/section-24562.html>. ⁴⁴Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972), Retrieved from: <http://bdlaws.minlaw.gov.bd/act-367.html>. ⁴⁵Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972), Retrieved from: <http://bdlaws.minlaw.gov.bd/act-367/section-24577.html>. ⁴⁶The Nation December 22, 2013 <https://nation.com.pk/22-Dec-2013/shahbaz-approves-minority-development-fund>. ⁴⁷The Express Tribune March 9, 2017 <https://tribune.com.pk/story/1349988/show-money-minister-asks-minorities-missing-funds/>

Special Legislations for Upholding, Protecting, and Promoting the Rights of CDWD

● **Bangladesh:**

Bangladesh has ratified several major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) in 2000, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1998, and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1979⁴⁸. Bangladesh has also ratified the Forced Labour Convention, 1930 (C029), and the Abolition of Forced Labour Convention, 1957 (C105) in 1972⁴⁹.

To prevent discrimination and ensure respect for the human entity, equal rights, and dignity, the Anti-Discrimination Bill is being passed by the Government of Bangladesh for enactment. The draft of the long-awaited Anti-Discrimination Bill was placed in Parliament on April 5, 2022, after years of advocacy with the Government.

● **India:**

India: The country has enacted various special legislations for the protection, promotion and development of the Dalit communities. In order to protect the Dalit community from the structures of bonded labor, India introduced the Bonded Labour System (Abolition) Act, of 1976. To protect the civil rights and liberty of the communities, the Protection of Civil Rights Act was enacted in 1955.

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act of 2013 aimed to put an end to indecent work associated with manual scavenging. In 1950, the Caste Disabilities Removal Act was introduced to end any form of discrimination associated with the caste system. The Madras Devadasis (Prevention of Dedication) Act (1947) brought an end to the evil practice of the Devdasi system.

Most importantly, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was introduced to address caste-based atrocities faced by Dalit communities and protect the community from violence inflicted by others.

● **Japan:**

In Japan, focusing on the Buraku communities, the Act on the Promotion of the Elimination of Buraku Discrimination was introduced and enacted in 2016. The Act encourages local and national governments to conduct fact-finding surveys, educate and raise public awareness, and improve consultation procedures for the development, welfare, and protection of Burakumin communities. In response to the changing situation regarding Buraku discrimination, this law was enacted in response to Internet postings of discriminatory remarks or information indicating the location of Buraku communities.

⁴⁸UN Treaty Body Database, View the ratification status by country or by treaty, Ratification Status for Bangladesh, OHCHR, Retrieved from: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=14&Lang=EN ⁴⁹International Labor Organization, Ratifications for Bangladesh, Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p-1000:11200:0:NO:1100:P11200_COUNTRY_ID:103500.⁵⁰Voice Pak HRC Report <https://voicepk.net/2023/04/2022-year-of-political-unrest-instability-hrcp-annual-report/>

- **Nepal:**

In Nepal, the Caste-based Discrimination and Untouchability (Offense and Punishment) Act, was introduced in 2011. This law aims to eradicate caste discrimination in the country. It was also amended three times in 2016, 2018, and 2019 to increase the punishment to at least three months of imprisonment and to increase the penalty in line with the advocacy of CSOs working on Dalit issues. This Act criminalizes caste-based discrimination and untouchability in both the private and public spheres. Furthermore, the Act focused on protecting the right of every person to equality, freedom and to live with human dignity by creating a situation where there is no untouchability or discrimination.

- **Pakistan:**

In Pakistan, with the 18th amendment in the Constitution in 2010, provinces introduced their laws on bonded labor, but unfortunately, the implementation of the statutes is not satisfactory. Under the regulations, each district must form District Vigilance Committees (DVCs), which can be effective in the implementation of the law and rehabilitation of bonded labor. However, unfortunately, the DVCs are not active.⁵⁰

Hundreds of people have to depend on a single water source in the Dalit neighborhoods of Dhaka city, Bangladesh

Photo by Bindia Rani Das



Specific Development Policies for the Advancement of CDWD

- **Bangladesh:**

In 2015, the Government of Bangladesh approved the National Social Security Strategy (NSSS)⁵¹. Under this policy, several social security schemes have been brought under one umbrella and distributed among various ministries. Dalits receive benefits under some of these schemes, such as different allowances, stipends, housing, and other development initiatives, along with other backward communities, including Bede (river gypsies) and transgender communities. Since there is no separate allocation for Dalits under the policy, more than the benefits received by Dalits under these schemes are required.

- **India:**

In India, there are specific affirmative actions taken to promote development among the Dalit communities. Reservations in education, especially in higher education, have been an important step to promote Dalit children's access to good and quality education. Providing financial assistance as well as free hostel facilities has further steps to support Dalit students' education needs. Reservations in public employment have been another step in the right direction for development. This ensured that a percentage of positions were reserved for Dalits.

Another major policy for ensuring development is targeted budgeting. The Scheduled Caste Sub Plan (SCSP) was introduced to provide a proportionate (based on population) share of the union and state budget to Dalits. SCSP has been instrumental in special programs for the Dalit communities.

- **Nepal:**

In Nepal, the Dalit Rights Bill was passed in 2 provinces to eliminate caste-based discrimination, and in another province, the same is under discussion in the House of Representatives. This bill provides Dalits with rights and protection similar to fundamental rights.

- **Pakistan:**

In Pakistan, a six percent job quota was introduced with reservation for scheduled castes in the federal services of the government system in 1948. The law provided three years of age relaxation for jobs and admissions. The law was, however, scrapped in 1998 during the regime of Mian Nawaz Sharif, a civilian Prime Minister. On the other hand, scheduled caste people could not benefit from the quota as the Government never implemented the six percent job quota in true spirit. There is a five percent job quota for all religious minorities, including scheduled castes. In Pakistan, the Dalit / Scheduled caste community demands the restoration of a 6 percent job quota for the scheduled caste. Besides, there is also a need for appropriate measures and monitoring mechanisms to implement affirmative policies.⁵²

Specifically Mandated Commissions or Committees for CDWD

● **Bangladesh:**

The National Human Rights Commission (NHRC) Bangladesh was established in 2009 to protect and promote human rights for the citizens of Bangladesh. There is a thematic committee for working on the rights issues of religious minorities and disadvantaged communities. This Committee works to protect Dalit rights, and also there are some Dalit representations in this Committee. As this Committee works for multiple communities in Bangladesh, their work is not intensive on Dalit rights issues.

● **India:**

The National Commission for Scheduled Caste (NCSC) was formed in 2004, which was based on Article 338 of the Indian constitution. In 1978, The National Commission for SC/ST (predecessor to NCSC) was formed. The NCSC main function is to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution, or under any other law for the time being in force, or under any order of the Government and to evaluate the working of such safeguards. It also participates in and advises on the planning process for the socio-economic development of the Scheduled Castes and evaluates the progress of their development under the Union and any State.

● **Nepal:**

In Nepal, The National Dalit Commission is a constitutional body. It is established under Constitution Article 255. The main aim of establishing this commission is to provide safeguards against exploiting Dalits to promote and protect their social, educational, economic, and cultural interests; special provisions were made in the Constitution.

● **Pakistan:**

In Pakistan, the Federal Government has established the National Commission for Human Rights (NCHR) under the National Commission for Human Rights Act of 2012. NCHR has the power to take Suo moto action in cases of human rights violation. The NCHR receives and hears complaints of human rights violations. Similarly, The National Commission on Status of Women (NCSW), the National Commission on the Rights of Child (NCRC), and the Sindh Human Rights Commission are the new state structures actively working. NCHR and NCSW have provincial offices. Suddle Commission acted on several issues of Dalit communities and atrocities, such as the increasing suicides among scheduled caste communities in Sindh and the torture of Dalit Doctors by local feudals belonging to the Pakistan People's Party.⁵²

⁵¹Planning Commission of the Ministry of Planning (2015), National Social Security Strategy (NSS) of Bangladesh, Retrieved from: https://socialprotection.org/discover/legal_policy_frameworks/national-social-security-strategy-nsss-bangladesh. ⁵²HAPKA Pakistan breaking news - SC commission seeks report on Hindu doctor's humiliation <https://hapka.info/archive/20220702/286143/sc-commission-seeks-report-on-hindu-doctors-humiliation/>

Budget Allocation

Apart from India and Nepal, there needs to be targeted budgeting for CDWD in other countries.

- **Bangladesh:**

In Bangladesh, it is difficult to determine the exact budgetary amount for Dalits in the national budget because there is no separate budgetary allocation for Dalits in government budget documents. The terms such as backward, marginal, underprivileged, and disadvantaged are used in the budget document. Moreover, it was not easy to find any document explaining how much/many Dalits are being financed by the local Government using their budgetary resources. Therefore, it is challenging to analyze the trend of budgetary allocation for Dalits in Bangladesh.

- **India:**

In India, the Government introduced the Special Component Plan (SCP) for Scheduled Caste (SC) in the 1970s. The idea was to promote livelihood, education, employment, health, and other key development indicators in the SC communities. The allocation is based on the population proportionate. Thus, 16% of the total development and welfare budget will be allocated under SCP. However, there needs to be more contention about how much is issued for actual development purposes for the community. As a result, in the last 50 years of its implementation, there have been no relative changes in the situation of Dalit communities compared to the general population.

- **Nepal:**

To the limit of India, Nepal also provides targeted budgeting for the Dalit communities in the country through their Central Government, provincial government, and Local Government budgets. The allocations focus on enhancement training and programs for Dalits like; the Dalit Scholarship Program, Skills training for Dalit women, employment and livelihood, awareness of Dalit Television and Radio programs, and similar programs.

In Bangladesh, there is no separate budgetary allocation for Dalits in the national budget. Nepal provides targeted budgeting for the Dalit communities in the country through their Central Government, provincial government, and Local Government budgets

International Response Mechanisms

06

The UN Draft Principles and Guidelines for Eliminating Discrimination based on Work and Descent (2009)⁵³ firmly established that Discrimination based on Work and Descent is prohibited by international human rights law. Many domestic laws also prohibit it. However, it needs to have a comprehensive UN framework based on which all states, as signees to the Universal Declaration of Human Rights, would not only acknowledge the existence of DWD but also take all necessary constitutional, legislative, administrative, budgetary, judicial, and educational measures to eliminate and prevent discrimination based on work and descent in their territories and to respect, protect, promote, implement and monitor the human rights of those facing discrimination based on work and descent.

CDWD issues were further highlighted through the Special Rapporteur on Minority Issues report in 2016⁵⁴, which specifically looked at the different forms of discrimination in various countries. However, it acts as a key document preceding the next major step.

The next major step in addressing CDWD was the introduction of the OHCHR Guidance Tool on Descent-based Discrimination in 2017⁵⁵. The guidance tool was the first official UN-accepted document that addressed caste and descent-based discrimination as exclusionary mechanisms for human rights and development that must be addressed within the UN systems and their business activities. In 2021, the CDWD were part of the Major Group and other Stakeholders (MGoS) within the UN Sustainable Development Goals (SDGs).

Dalit children are engaged in the teaching-learning activity at an NGO-run non-formal school in the Kurigram district, Bangladesh

*Photo
by Bokul
Hossain*



UN Treaty Bodies & Interventions

● **Committee on the Elimination of Racial Discrimination (CERD):**

Bangladesh: Disaggregated information on the economic and social status of all ethnic, racial discrimination, religious and tribal minorities, interpretation of 'descent' including caste.

India: In 2017, the CERD expressed concern about the persistent discrimination faced by DWD communities in India, particularly in access to education, healthcare, and employment opportunities. The Committee recommended that the Indian Government address these issues and ensure DWD communities enjoy equal rights.

Japan: CERD has intervened on many occasions on forms of descent-based discrimination faced by Buraku communities in their concluding observations of the Committee on the Elimination of Racial Discrimination

Pakistan: The Committee on the Elimination of Racial Discrimination has insisted that the GOP end forced conversion and marriage for religious minorities, with particular attention to Hindu Dalit women⁵⁶. The Committee also requested that the GoP include information on the situation of Dalits in the country, including relevant statistical data, in its following periodic report.

● **Committee on Economic, Social, and Cultural Rights (CESCR):**

Bangladesh: Elimination of discrimination against Dalits in employment and facilitating their engagement outside their traditional job categories; Limited access to affordable healthcare services by disadvantaged and marginalized groups, including Dalits and ethnic minorities

India: In 2019, the CESCR expressed concern about the high poverty levels and social exclusion faced by DWD communities in India. The Committee recommended that the Indian Government take measures to address these issues, including through affirmative action policies and targeted development programs.

Japan: *International Covenant on Economic, Social and Cultural Rights (ICESCR)* has mentioned the Burakumin situation in their concluding observations of the Committee on Economic, Social and Cultural Rights.

● Human Rights Committee (HRC)

Bangladesh: The persistence of a caste-based system results in limited employment and housing opportunities for people from so-called lower castes who experience extreme poverty, social stigma, and marginalization.

India: In 2018, the HRC expressed concern about the prevalence of caste-based discrimination and violence in India, including against DWD communities. The Committee recommended that the Indian Government take measures to address these issues, including effective law enforcement and promoting social inclusion and dialogue.

● Committee on the Rights of the Child (CRC):

Bangladesh: In 2015 concluding remarks, the CRC states discrimination and violence faced by children from minority groups, in particular Dalit children and indigenous children, and the lack of accessibility to quality education, in particular education in their mother tongue.

India: In 2014, the CRC expressed concern about the high levels of poverty, illiteracy, and malnutrition among DWD children in India. The Committee recommended that the Indian Government address these issues and ensure that SC children enjoy equal rights and opportunities.

Japan: CRC has discussed the issues of Buraku children in their concluding observations in 2014, 2015.

Pakistan: CRC expressed severe concern over the continuous practice of bonded and forced labor affecting vulnerable children, including Dalit children, and urged the GOP to eradicate all forms of bonded and forced labor of children, and in particular children from marginalized and disadvantaged groups such as Dalit children, and bring the responsible employers to justice.

⁵³<https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session11/A-HRC-11-CRP3.pdf>

⁵⁴<https://undocs.org/A/HRC/31/56>

⁵⁵<https://www.ohchr.org/en/documents/tools-and-resources/guidance-tool-descent-based-discrimination>

⁵⁶CERD/C/PAK/CO/21-23, para. 32. See also CEDAW/C/PAK/CO/4, paras. 23 and 38

- **Committee on the Elimination of Discrimination against Women (CEDAW):**

Bangladesh: CEDAW concluding remarks 2015 state that adoption of the Anti-Discrimination Law, which complies with the Convention within a specific time frame; Abductions, sexual harassment, rape, intimidation, and lack of access to public services and resources for Dalit women; Collection of disaggregated data (sex, age, ethnicity, religious background, socioeconomic status, including caste, marital status, and others) by the states.

India: In 2019, the CEDAW expressed concern about the intersectional discrimination faced by women from DWD communities in India. The Committee recommended that the Indian Government address these issues and ensure DWD women enjoy equal rights and opportunities.

Japan: Has mentioned the conditions of the Burakumin women in their report of the Committee on the Elimination of Discrimination against Women in its twenty-ninth session (2003)

The Universal Periodic Review is another mechanism used to address the issues of discrimination on Work and descent (DWD) and comment on the country's efforts to ensure safety and protection mechanisms. UPR has been a robust tool used by stakeholders, especially by civil society organizations.

The international civil society organization has spoken about work and descent-based discrimination. Some major organizations that have raised the CDWD are Human Rights Watch, Amnesty International, and Oxfam International. Apart from these, International Dalit Solidarity Network (IDSN), The Inclusivity Project, Asia Dalit Rights Forum, and International Movement Against Discrimination and Racism (IMADR).

The UN Draft Principles and Guidelines for Eliminating Discrimination based on Work and Descent (2009) firmly established that Discrimination based on Work and Descent is prohibited by international human rights law.

07 Recommendations

Work and descent-based discrimination is a form of inequality that needs to be addressed through an array of developmental policies and social inclusionary practice at all levels. While the nature of discrimination is handled in different forms in different countries, where some have recognized and addressed it as a critical form of discrimination, others have ignored this population as they are considered a significant minority in society.

Some of these recommendations are country-specific and may not apply to all countries. For example, when talking about modern slavery, it might not apply to Japan, where Buraku are not involved in Modern Slavery. Similarly, when discussing targeted budgeting, we have to exclude countries like India and Nepal (to an extent) where such provisions exist.

Therefore, the recommendations are divided into Asia level, country level, and for other stakeholders.

Training of Dalit women as part of an NGO intervention, India

Photo by GFOD Teams



ASIA LEVEL RECOMMENDATIONS

1. Adoption of the CDWD framework

- To adopt the “Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent”
- To formally recognize the DWD communities where they have not received legal recognition.
- Include DWD as a critical exclusion factor and take constructive steps for their human rights safeguards, development, peace, and justice.

2. Elimination of Untouchability

- In every country in Asia where CDWD exists, purity and pollution are key features. Purity and pollution are manifested through the practice of untouchability. All states in Asia should ensure the formulation and implementation of laws to eliminate untouchability to ensure no one faces issues of untouchability and related atrocities.

3. Safeguards against Modern Slavery

- CDWD are the primary victims of modern slavery in Asia. Thus, countries should recognize that CDWD and caste are critical vulnerabilities of modern slavery.
- Ensure that policies are in place to protect these communities from modern slavery—states are to provide disaggregated data on the modern slavery manifestations.
- Ensure that there are monitoring mechanisms in place. Where in the area, ensure effective enforcement of monitoring mechanisms, adequate training of the labor inspectorate, and monitoring of the effectiveness of their inspections, actions taken, and remedies incorporated.

In every country in Asia where CDWD exists, purity and pollution are key features. Purity and pollution are manifested through the practice of untouchability. All states in Asia should ensure the formulation and implementation of laws to eliminate untouchability to ensure no one faces issues of untouchability and related atrocities.



A street protest against injustice and casteism in India

Photo by GFOD Teams

ASIA LEVEL RECOMMENDATIONS

4. Policies to Safeguard CDWD

- To establish and implement various legal and policy frameworks, administrative and judicial instruments to accelerate equality and justice for all.
- To ensure no direct or indirect discrimination against women in all its forms.
- To promote the rights and entitlements of children and youth in DWD communities to develop their potential to grow as full-fledged citizens.
- To ensure equitable and proportional representation in governance among members of DWD communities, especially women.
- To enact and strengthen national laws and policies that promote gender equality and prevent gender-based discrimination and violence.
- To ensure accountability for all crimes against women and end the impunity culture.
- To evolve and implement plans, policies, and programs in the public and private sectors aimed at the sustainable economic empowerment of DWD communities.
- To end all forms of state-sponsored violence and repression against DWD communities to ensure they live a secure life of equality and dignity.

States should focus on providing targeted budget allocation for the essential development, welfare, protection, and well-being of the CDWD to enjoy their human rights and sustainable development.

5. Targetted Budgeting

- States should focus on providing targeted budget allocation for the essential development, welfare, protection, and well-being of the CDWD to enjoy their human rights and sustainable development.

6. Regional mechanisms to address CDWD

- All states support regional mechanisms such as ESCAP, Civil Society Forums on human rights, and developments to monitor and evaluate the status of the CDWD and their progress in tandem with the policies implemented by the respective states.

Dalit Children playing, Pakistan

Photo by GFOD Teams



COUNTRY LEVEL RECOMMENDATIONS

1. Bangladesh

- The State should produce disaggregated data on Dalits to design and implement comprehensive development initiatives backed by necessary funding.
- Allocate a reasonable budget for Dalits by mentioning the word 'Dalits' so they can come directly under the benefits.
- Formulate a policy for the comprehensive development of Dalits in Bangladesh backed by a sufficient amount of budgetary allocation.

2. India

- The Government should enact and implement laws that prohibit discrimination against SC and ST communities and establish a mechanism to investigate and prosecute discrimination cases. The laws should also provide penalties for those found guilty of discrimination, including fines, imprisonment, and revocation of licenses or permits.
- Women and children from the DWD communities face multiple forms of discrimination and abuse, including gender-based violence and lack of access to education. The Government should strengthen and enforce laws to protect the rights of women and children in these communities. These measures could involve providing support and resources to organizations that prevent gender-based violence and promote education for girls in these communities.
- The Government should increase its budget allocation for education for DWD communities, with a special focus on DWD girls. These measures should include provisions for building schools and colleges in rural areas, scholarships, and other incentives for girls from these communities to encourage them to pursue higher education.

3. Japan

- Conduct surveys to understand the situation, identify issues and create policies that meet the problem. These two areas ensure Burakumin's sovereignty and provide opportunities for Burakumin to express their opinions and reflect their views in surveys of actual situations and policy decisions.
- The state should allocate funds for the welfare of the Buraku community, especially for their development and protection against atrocities and violence.

4. Nepal

- The Constitution of Nepal, 2015, has included rights against exploitation in Article 29 under the fundamental rights. The states should effectively implement the constitutional provisions, enact necessary laws, and formulate policies and programs.
- Government should enforce anti-discrimination laws. Anti-discrimination laws can provide a legal framework to hold individuals and organizations accountable for discriminatory behavior. Enforcing these laws can help to promote a culture of respect and equality.
- In the case of Nepal, there is a practice of budget allocation in a lump sum. So, the budget should be allocated to a specific budget head with specific activity so that it will be beneficial to the CDWD. For instance, Gender-Responsive Budgeting involves allocating a specific budget for a program targeting Dalit women and gender minorities and effectively directing the resources to address their needs and aspirations.

5. Pakistan

- The Government should distribute government-owned land to the landless Dalit population. This initiative will provide them with resources to support their livelihoods. Additionally, the Government should allocate a specific development budget for Community-Based Organizations working with Dalits. This budget should prioritize providing essential services to Dalit locations, such as health, water, and sanitation facilities.
- The Government of Pakistan should reinstate a six percent job quota for scheduled castes (Dalits) in various sectors, including civil services, law, and the judiciary. This affirmative action will ensure representation and opportunities for Dalits in these sectors and help combat discrimination.
- Governments, Non-Governmental Organizations (NGOs), and International Donor Agencies should collaborate to design and implement targeted poverty reduction programs for Dalit communities. These programs should include provisions for land distribution, low-caste housing, financial grants, and interest-free loans. Such measures will address the socioeconomic vulnerabilities Dalit communities face, often occupying the caste system's bottom rungs.

UN Systems and State Mechanisms

- 1.** To declare a Decade of DWD communities that will focus on combating discrimination and violence based on work and descent, casteism, antigypsyism, traditional and contemporary forms of slavery, and other analogous forms of discrimination;
- 2.** Formally recognize and acknowledge the existence of discrimination based on work and descent (DWD) at the national, Asian and global levels, taking into account the continuing relevance of ancestry and occupation to practices of modern slavery and caste, with a view to ensuring meaningful policymaking that reaches affected communities.
- 3.** States shall take all necessary constitutional, legislative, administrative, judicial, educational, and social measures to eliminate discrimination based on work and descent and respect, protect, promote, restitute, implement and monitor the human rights of those facing these forms of discrimination including through robust disaggregated data collection in line with data protection and data privacy principles.
- 4.** States, in collaboration with National Human Rights Institutions, civil society organisations and human rights defenders belonging to communities discriminated on work and descent, shall aim to to combat prejudicial beliefs and practices in all their forms, including notions of untouchability, pollution and caste superiority or inferiority, as well as prevent human rights violations taken on the basis of such beliefs.
- 5.** A working group on DWD, including member of DWD communities, shall also be formed at the regional level to undertake an extensive regional study on issues and challenges faced by Communities Discriminated on Work and Descent (CDWD) in order to come up with strategies to address it further.
- 6.** Ensure adequate budgetary allocations across all levels of the federal government and at the state level for the implementation of protection and welfare measures for CDWD, and allocate specific funds to awareness-raising campaigns aimed at combating discrimination and prejudice.
- 7.** The Human Rights Council and the United Nations High Commissioner for Human Rights should contribute to the full realisation of the rights of CDWD through mobilisation, inter alia, of financial cooperation and technical assistance at the global as well as regional levels.

Civil Society

- 1.** To support and strengthen the CDWD movement in the countries, and to support amplifying the voices of CDWD members in their quest for developmental justice.
- 2.** To organize a country-level expert group and a civil society caucus to advocate for the rights of DWD communities;
- 3.** To engage with stakeholders, including academia and think tanks, to collect disaggregated data to produce evidence-based research;
- 4.** To develop a comprehensive strategy for engaging with the UN and international bodies to call for the adoption of a Declaration recognizing DWD as a global issue;
- 5.** To establish a consortium of agencies to finance the DWD advocacy work locally, regionally, and globally.

Discrimination based on Work and Descent (DWD) is the UN terminology used for communities who are traditionally and intergenerationally discriminated based on their identity, social-hierarchical positions, the work associated with their positions, and their lineage and descendants.

This report on status of CDWD delves into the multifaceted struggle and the evolving status of Dalits and Burakumin in Asia, shedding light on the profound challenges they have faced and the courageous strides they have made toward social justice.

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