



THE LUTHERAN WORLD FEDERATION

LUTHERISCHER WELTBUND - FEDERACIÓN LUTERANA MUNDIAL - FÉDÉRATION LUTHÉRIENNE MONDIALE

United Nations Commission on Human Rights

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Item 6: Racism, racial discrimination, xenophobia and all forms of discrimination

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Oral statement by The Lutheran World Federation

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CASTE-BASED DISCRIMINATION AND SIMILAR FORMS OF DISCRIMINATION

The Lutheran World Federation supported calls for the issue of caste-based discrimination and similar forms of discrimination to be addressed at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. We deeply regret that it was not. We consider the argument that caste-based discrimination cannot be equated with racism to be mere semantic obfuscation.

The Committee on the Elimination of Racial Discrimination has developed a now substantial jurisprudence in its review of relevant state party reports in which it has repeatedly affirmed the applicability of the 'descent' limb of the definition of 'racial discrimination' contained in article 1(1) of the Convention to caste-based discrimination in a range of countries in the South Asian region and to the situation of the Buraku people of Japan. The Committee has also touched upon the issue of discrimination based upon caste or caste-like social structures in a number of African countries.

'Caste' is clearly not a term that could be applied to all of these social structures. However, they share, to a greater or lesser extent, the following key features that are inherently productive of discrimination and human rights violations:

- The concept of 'purity-pollution', with certain social groups being regarded as 'dirty', and contact with them as being ritually or actually polluting.
- An inherited occupational role, typically the most menial and hazardous roles within the society.
- Socially enforced endogamy, though with varying degrees of strictness.

These basic features naturally result in a whole range of discriminatory consequences, such as segregation in settlement and housing patterns, discrimination in employment and education,

discrimination in access to health and other social services, discrimination in access to public places, and sometimes violent reprisals against those who challenge the social hierarchy. Leave aside the semantics; no-one can credibly deny these well-documented realities.

Despite the advance of democracy, and despite in some cases seemingly comprehensive constitutional and legislative proscriptions against discrimination of this type, such discrimination continues to be a daily and permanent feature of life for a significant proportion of the world's population.

An estimated 250 million Dalits in South Asia, approximately 6 million Burakumin in Japan, and an unknown number of 'caste' people in parts of Africa were gravely let down by Durban.

The Committee on the Elimination of Racial Discrimination, however, in its recent decision to hold a thematic discussion on the 'descent' limb of the definition of 'racial discrimination' at its next session in August 2002, holds out to them the prospect of a serious examination of this topic, without the semantic obfuscation. And the ongoing work of the Sub-Commission on the Promotion and Protection of Human Rights in examining the question of 'discrimination based on work and descent' has already done much to break the silence on the enormous human rights implications of this form of discrimination.

We hope that the new Anti-Discrimination Unit will not find it impossible to enter into this great gap in the Durban Declaration and Programme of Action, and we expect that the various relevant mechanisms of the Commission, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia, will be given the invitations and other facilities necessary to enable them to bring this issue into the clear light of day.