

# Policy Paper

## WOMEN BELONGING TO COMMUNITIES DISCRIMINATED AGAINST BASED ON WORK AND DESCENT: ADVANCING INTERSECTIONAL RIGHTS AND JUSTICE



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# Policy Paper

## WOMEN BELONGING TO COMMUNITIES DISCRIMINATED AGAINST BASED ON WORK AND DESCENT: ADVANCING INTERSECTIONAL RIGHTS AND JUSTICE

RACIAL JUSTICE AND ENDING VIOLENCE AGAINST WOMEN

**UN Women**

New York, July 2025

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# INTRODUCTION

An estimated 270 million people globally belong to communities who face discrimination based on work and descent. Communities Discriminated on Work and Descent (CDWD) are socially stratified groups that endure systemic, inherited, and intergenerational forms of exclusion and marginalization rooted in ancestral occupational roles and caste-like hierarchies.<sup>1</sup> These forms of discrimination are often legitimized and perpetuated through cultural, religious, and institutional norms, resulting in restricted access to fundamental rights and services, including education, healthcare, political participation, and legal protection.<sup>2</sup> CDWD are present across various global contexts, Dalits and Burakumin in South Asia, Roma in Europe, Haratinas and others in Africa, Quilombola and Palenque in Latin America (See Annex 2A). Women and girls in these communities experience multiple and intersecting forms of discrimination, and their situation requires dedicated attention and targeted legislative and policy interventions.

According to the Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities, “UN action and policies should reflect the fact that persons targeted for discrimination based on descent, in particular caste-based discrimination and related practices, are in a number of contexts in a particularly marginalized position and in need of focused attention”.<sup>3</sup>

This policy paper aims to provide a wider context of the applicable international normative framework, to highlight specific challenges and human rights violations that include patriarchal social norms derived from systemic structures like descent and caste that persist in communities and institutions, as well as good practices, and to offer recommendations.

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1 Bapuji, H., Chrispal, S., Attri, P. S., Ertug, G., & Soundararajan, V. (2024). An integrative review of management research on caste: Broadening our horizons. *Academy of Management Annals*, 18(2), 506-549.

2 Elias, A., & Paradies, Y. (2021). The costs of institutional racism and its ethical implications for healthcare. *Journal of bioethical inquiry*, 18(1), 45-58.

3 Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities, 2013

# 1. THE CONCEPT AND LEGAL FRAMEWORK OF DISCRIMINATION BASED ON WORK AND DESCENT

According to the draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent, discrimination based on work and descent is “any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life. This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability, and is deeply rooted in societies and cultures where this discrimination is practiced”.<sup>4</sup>

A working paper by the UN Sub-Commission on the Promotion and Protection on Human Rights mentions the following causal factors: descent (group membership by birth); work (occupational specialization, or other connection with type of work or functional role); endogamous isolation; pollution/purity; hierarchical ranking; religious sanction and myths; and perceived racial/ethnic differences.<sup>5</sup>

This definition follows the spirit of Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which is the main legally binding international treaty, protecting communities discriminated on work

and descent (CDWD). It states that “the term racial discrimination shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.

The CERD Committee, overseeing the implementation of the Convention, issued a General Recommendation 29 to further elaborate on the concept of ‘descent’. It reaffirmed that discrimination based on descent includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights. It further recommends that states should take into account the situation of women members of the communities as victims of multiple discrimination, sexual exploitation and forced prostitution, to eliminate the multiple discrimination against women, particularly in the areas of personal security, employment and education; and to provide disaggregated data for their situation (For more details on DWD and racial discrimination see Annex 1).<sup>6</sup>

Despite this primary treaty, as highlighted in the report of the Special Rapporteur on minority issues (A/HRC/31/56), Dalit, Haratine and Buraku women continue to be deeply affected by this form of discrimination, and has repeatedly reaffirmed the position of CERD that discrimination on the grounds of caste falls within CERD’s scope.

4 Draft United Nations Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent - A Comprehensive Legal Framework to Eliminate Caste Discrimination Globally, para 2. <https://idsn.org/wp-4/CN.4/Sub.2/2003/24>

5 E/CN.4/Sub.2/2003/24, Discrimination based on work and descent, expanded working paper submitted by Mr. Asbjørn Eide and Mr. Yozo Yokota pursuant to Sub-Commission decision 2002/108

6 CERD General Recommendation XXIX on Article 1, Paragraph 1, of the Convention (Descent)

The International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) recognizes that discrimination of women based on sex and gender is inextricably linked with other factors that affect women, including caste and closely analogous systems, and that States Parties must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned.<sup>7</sup> General Recommendation 25 of the CEDAW Committee stresses that certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, caste or other factors, and states may need to take specific temporary special measures to eliminate such multiple forms of discrimination.<sup>8</sup> It calls upon states to transform the underlying causes of inequality in “opportunities, institutions and systems”, and to transform dominant “paradigms of power”.<sup>9</sup> Building on this foundation, more recent General Recommendations, such as GR 39 on discrimination against women in the context of the COVID-19 pandemic, GR 31 on harmful practices, and GR 28 on the core obligations of States Parties, further emphasize the binding legal obligations of States to address intersecting and compounded forms of discrimination.

In addition to the above, several complementary instruments provide critical, sector-specific protections. The International Labour Organization (ILO) Convention No. 111 prohibits discrimination in employment and occupation, ensuring equal access to work opportunities and fair treatment in the workplace.<sup>10</sup> Similarly, the UNESCO Convention

against Discrimination in Education establishes the right to inclusive and equitable education, free from bias based on race, ethnicity, or descent.<sup>11</sup> Additionally, the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities reaffirms the rights of marginalized communities to participate fully in cultural, social, economic, and public life without discrimination.<sup>12</sup>

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**The United Nations Network on Racial Discrimination and Protection of Minorities published a Guidance Tool on Descent-Based Discrimination, discussing key challenges and strategic approaches to combat caste-based and analogous forms of discrimination.**

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In recent years, there has been an increased attention to the situation of communities discriminated on work and descent. The United Nations Network on Racial Discrimination and Protection of Minorities published a Guidance Tool on Descent-Based Discrimination, discussing key challenges and strategic approaches to combat caste-based and analogous forms of discrimination.<sup>13</sup> In November 2024, the African Commission on Human and Peoples' Rights adopted a Resolution on the protection and promotion of the rights of Communities Discriminated by Work and Descent in Africa.<sup>14</sup> Despite existing international legal standards and certain progress in advocacy work, the situation of women in communities discriminated on work and descent is often sidelined

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7 United Nations Network on Racial Discrimination and Protection of Minorities published a Guidance Tool on Descent-Based Discrimination, 2017

8 General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures

9 Ibid. General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures

10 International Labour Organization (ILO). (1958). Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Retrieved from [https://normlex.ilo.org/dyn/nrmlx\\_en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312256](https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312256)

11 UNESCO. (1960). Convention against Discrimination in Education. Retrieved from <https://www.unesco.org/en/legal-affairs/convention-against-discrimination-education>

12 United Nations. (1992). Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-rights-persons-belonging-national-or-ethnic>

13 United Nations Network on Racial Discrimination and Protection of Minorities: Guidance Tool on Descent-Based Discrimination, Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination, 2017

14 <https://achpr.au.int/en/news/press-releases/2024-11-07-final-communique-81st-ordinary-session>

where larger collective group rights are formulated. Women's rights and feminist organizations may focus on more general women's rights concerns, such as equal pay, reproductive rights or gender stereotyping, while marginalized communities tend to prioritize advocacy for their most common needs, such as overcoming poverty, accessing the labour market, or securing quality education. As a result, CDWD women's specific issues and experiences are often appropriated and pushed back.

Another global challenge is the lack of systematic disaggregated data regarding the situation of DWD communities, and women within, which would permit more factual, accurate and evidence-based legislation - and policy making.

In most country situations, knowledge is generated through community consultations, surveys, and qualitative research, often by civil society organizations, which are useful in identifying patterns and major challenges but limit the thorough assessment of all affected communities under the countries' jurisdiction. In addition, the absence of an intersectional perspective in analyzing women's rights and implementing policies and legislation has posed a significant barrier to effectively addressing the discrimination faced by women from DWD communities. This policy paper aims to equip decision-makers, legislators and policy creators with basic knowledge and a better understanding of how to consider and protect the rights of CDWD women.

## 2. GEOGRAPHICAL COVERAGE

A 2024 publication called "Global Report On Status of Communities Discriminated On Work And Descent"<sup>15</sup> identifies a wide range of communities affected by this systemic form of exclusion around the globe. These communities include the Osu, Haratine, Komo, Jongo, and others in Africa; the Roma<sup>16</sup> in Europe and across the globe; the Quilombola and Palenque in Latin America (See Annex 2B); and the Dalit and Burakumin in Asia. Similarly, the CERD Committee has also raised concerns regarding the situation of communities facing discrimination based on descent in several countries around the world.<sup>17</sup>

15 <https://globalforumcdwd.org/global-report-on-status-of-communities-discriminated-on-work-and-descent-2024/>

16 The umbrella-term 'Roma' encompasses diverse groups, including Roma, Sinti, Kale, Romanichels, Boyash/Rudari, Ashkali, Egyptians, Yenish, Dom, Lom, Rom and Abdal, as well as Traveller populations (gens du voyage, Camminanti, etc.)

17 Bahrain, Bangladesh, Burkina Faso, Chad, Ethiopia, India, Japan, Mali, Madagascar, Mauritania, Nepal, Nigeria, Senegal, Suriname, the UK and Yemen.

This policy paper recognizes that no exhaustive list of communities DWD can be provided, given the evolving and intersectional nature of such marginalization (See Annex 2A). As the landscape of discrimination is not static, emerging communities are increasingly identifying with CDWD characteristics and moving into this vulnerable space, allowing for ongoing engagement with newly recognized or self-identifying communities, ensuring that they are not excluded due to the limitations of present categorization. There are civil society organizations exclusively focusing on the protection of the rights of CDWD; the Global Forum of Communities Discriminated on Work and Descent (GFoD) is a platform to voice the rights of the communities discriminated on work and descent.<sup>18</sup>

18 <https://globalforumcdwd.org/who-we-are/>

### 3. DISCRIMINATION BASED ON WORK AND DESCENT IS NOT GENDER-NEUTRAL

As the Guidance Tool on Descent-Based Discrimination highlighted: "Women and girls from descent-based communities experience discrimination and human rights abuse on multiple grounds based on their gender and descent. The intergenerational nature of descent-based discrimination often condemns women to a lifetime of exclusion, marginalization and disadvantage in every sphere of life. Descent-based discrimination is also used as a social mechanism to maintain their subordinate position imposed in society.

When gender and descent intersect, they compound the discrimination faced by this group. These forms of violations include, *inter alia*, sexual violence, sexual exploitation, trafficking, forced prostitution and other forms of gender-based violence, bonded and forced labour, discrimination in political, economic, cultural, and social life, and a lack of or limited access to food, water and sanitation, healthcare, education, and adequate housing. Women and girls from descent-based communities are also particularly vulnerable to reprisal attacks when they seek justice for crimes committed. In addition, those who are refugees, asylum-seekers, stateless or internally displaced, and who live

in urban, camp, or remote rural settings, may experience further barriers in being guaranteed their rights."<sup>19</sup>

Furthermore, CDWD women suffer double discrimination: as members of discriminated groups and are further marginalized and excluded from women's rights progress that occurred in broader society. Henceforth, the barriers within their own communities, which have remained largely isolated from the transformative processes that advanced women's rights elsewhere due to systemic exclusion. Unlike broader society where women's movements achieved significant advances, CDWD women must simultaneously challenge both descent-based discrimination and unchanged patriarchal structures within their communities.

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<sup>19</sup> United Nations Network on Racial Discrimination and Protection of Minorities: Guidance Tool on Descent-Based Discrimination, Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination, 2017

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## 4. MAIN CONCERN AREAS

In line with the Beijing Platform for Action's commitment to the full realization of the human rights of all women and girls, this section highlights a number of main areas of concerns affecting CDWD women. This list cannot be exhaustive and it only showcases the most alarming human rights violations against CDWD women that were addressed by various UN human rights mechanisms. In some cases, the number of UN concerns and recommendations are so high that only a narrow selection can be provided (for example, there are nearly 500 recommendations and observations from 160 documents among 13 mechanisms about Roma women only).<sup>20</sup>

### STIGMA, NOTIONS OF PURITY AND POLLUTION:

DWD communities and especially women are often stigmatized due to their identity, the nature of their work, and the prejudice of them being inferior compared to the majority population. This stigma leads to social exclusion and human rights violations, which are then justified by the very stereotypes that fuel them. Stigma can broadly be understood as a process of dehumanizing, degrading, discrediting and devaluing people in certain population groups, often based on a feeling of disgust.<sup>21</sup> The persistence of notions of purity and/or pollution can also lead to socially enforced restrictions on family life and prevent marriages between DWD and non-DWD communities.<sup>22</sup> Harmful cultural notions of "purity" and honor disproportionately target these women, imposing stricter social controls on their sexual and reproductive health and rights (SRHR), as well as on their bodies and choices. Dalit women who work

as manual scavengers or sweepers suffer extreme forms of social exclusion, and sexual exploitation even within their own caste.<sup>23</sup> Despite legislation banning manual scavenging, this degrading practice continues with grave implications for the dignity and health of Dalit women who are engaged in this activity.<sup>24</sup>

### FORCED LABOUR AND LABOUR RESTRICTIONS:

Discrimination on the basis of social origin and work persists where rigid social stratification prevails, and it denies the victim the possibility to move from one class or social category to another.<sup>25</sup>

Women workers from DWD communities can be forced to work in segregated and socially stigmatized service sectors traditionally assigned to them and may face severe difficulties in accessing

20 See: <https://uhri.ohchr.org/en/search-human-rights-recommendations?searchText=roma+women&mechanismsOpen=84f66960-afa8-46cf-8ed1-b302b395e8fb>

21 A/HRC/21/42 (Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, on stigma and the realization of the human rights to water and sanitation)

22 CERD/C/IND/CO/19 (Concluding observations of the Committee on the Elimination of Racial Discrimination on India, 2007), CERD/C/NGA/CO/18 (Concluding Observations of the Committee on the Elimination of Racial Discrimination on Nigeria, in 2005)

23 A/HRC/21/42 (Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, on stigma and the realization of the human rights to water and sanitation)

24 CEDAW/C/IND/CO/3 (Concluding comments of the Committee on the Elimination of Discrimination against Women on India in 2007)

25 Equality at work: The continuing challenge, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (International Labour Conference 100th Session 2011): <https://www.ilo.org/publications/equality-work-continuing-challenge-global-report-under-follow-il>

employment outside of those sectors.<sup>26</sup> There are DWD communities who are subjected to forced labour.<sup>27</sup> Women from CDWD are often integrated into global supply chains as a source of low-cost labor. Women in slavery are at risk of being regularly beaten, intimidated, forcibly separated from their families and subjected to a range of other human rights violations, including sexual servitude and sexual assault.<sup>28</sup> DWD community members who were victims of slavery, descendants of slaves and those who have recently escaped slavery may face discrimination and social exclusion.<sup>29</sup>

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**In certain countries, women at the lowest rank of caste systems can even be considered “slaves” and the absence of legal prohibition of caste-based discrimination can maintain complex caste systems.**

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Dalits are regularly forced into the most menial, socially degrading, dirty and hazardous jobs.<sup>30</sup> In some countries, caste-based systems have institutionalized exploitative practices, such as devadasi, badi, or jogini systems in South Asia, where Dalit women and girls are ritually dedicated and then sexually exploited, often under the guise of tradition.<sup>31</sup> In certain countries, women at the lowest rank of caste systems can even be considered “slaves” and the absence of legal prohibition of caste-based discrimination can maintain complex

caste systems.<sup>32</sup> Often, DWD women are forced to take up a disproportionate share of unpaid domestic, care and support responsibilities, preventing them from participating equally in the workforce and public life, as well as from having sufficient rest to maintain their well-being.<sup>33</sup>

## PATRIARCHAL NORMS AND GENDER ROLES

CDWD women often face entrenched patriarchal norms that further compound their exclusion. These norms define rigid gender roles and reinforce male authority within the household and community, frequently silencing women's voices in both public and private spheres.<sup>34</sup> As a result, CDWD women may be systematically excluded from access to education, community leadership, decision-making processes, and resistance movements that advocate for the rights of their communities. The intersection of caste or descent-based discrimination and patriarchy intensifies their marginalization, making it difficult to assert their rights, access justice, or participate in advocacy efforts.<sup>35</sup> These sedimented social hierarchies maintain discrimination against these groups.

## IDENTITY DOCUMENTS:

Women in DWD communities, such as Roma, Dom and Badi women, face difficulties in civil registration procedures and in obtaining documents which increases their risk of statelessness and may deprive them of access to basic services, including

26 E/C.12/BGD/CO/1 (Concluding observations on the initial report of Bangladesh of Committee on Economic, Social and Cultural Rights, 2018)

27 A/HRC/8/50 (Report of the Working Group on the Universal Periodic Review on Mali, in 2008)

28 Minority Rights Group International: Still Far from Freedom: The Struggle of Mauritania's Haratine Women, 2015

29 E/C.12/MRT/CO/2, (Concluding observations by the Committee on Economic, Social and Cultural Rights on Mauritania, in 2024)

30 A/HRC/21/42 (Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, on stigma and the realization of the human rights to water and sanitation)

31 CERD/C/IND/CO/19 (Concluding observations of the Committee on the Elimination of Racial Discrimination: India); CRC/C/OPSC/NPL/CO/1(Consideration of reports submitted by States parties; Concluding Observations: Nepal)

32 CEDAW/C/GMB/CO/6 (Concluding observations of the Committee on the Elimination of Discrimination against Women on the Gambia, 2022)

33 CEDAW/C/BRA/CO/8-9 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Brazil, in 2024)

34 Kóczé, A., Zentai, V., Jovanović, J., & Vincze, E. (Eds.). (2019). The Romani Women's Movement: Struggles and Debates in Central and Eastern Europe (Routledge Research in Gender and Society). Routledge. <https://doi.org/10.4324/9781351050395>

35 Arya, S.(Ed.).(2020).Dalit feminist theory:A reader. Routledge India.

to healthcare and medical services.<sup>36</sup> Additionally, legislation can retain provisions that discriminate against certain CDWD women in relation to the transfer of their nationality to their children and foreign spouses.<sup>37</sup>

## MULTIDIMENSIONAL POVERTY:

The Commission on the Status of Women acknowledged that historical and structural inequalities, including racism, racial discrimination, discrimination based on stigmatization, gender stereotypes, and all forms of violence, including sexual and gender-based violence are among the root causes of the feminization of poverty.<sup>38</sup> A Human Rights Council report emphasizes that discrimination based on work and descent exacerbates poverty.<sup>39</sup> Where disaggregated data is available, it shows severe disparities between the different population groups. For women, caste is a multiplier that can compound their experience of poverty and discrimination.<sup>40</sup> The 2021 Global Multidimensional Poverty Index includes caste as an important indicator of poverty.<sup>41</sup> Poverty and extreme poverty continue to disproportionately affect the victims of slavery, descendants of slaves and

members of the Haratine communities.<sup>42</sup> In several country contexts, poverty of DWD communities is closely interlinked with issues around land rights and land tenure systems.<sup>43</sup> The UN Working Group on Discrimination Against Women and Girls has highlighted how systemic poverty and intersecting discrimination disproportionately affect women and how it perpetuates existing hierarchies.<sup>44</sup>

## EDUCATION:

The persistent and structural barriers to equitable access to education cause further restrictions and inequities for CDWD women and girls. These barriers manifest in disproportionately high dropout rates,<sup>45</sup> lower levels of literacy and educational attainment.<sup>46</sup> Furthermore, they are direct contributors that hinder the success of the women and girls compared to the majority communities that go on to achieve higher levels of education<sup>47</sup>; which leads to systemic exclusion from quality educational environments. Additionally, there are cases of segregation and

36 E/C.12/MRT/CO/2, (Concluding observations by the Committee on Economic, Social and Cultural Rights on Mauritania, in 2024), CEDAW/C/MRT/CO/4 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Mauritania, in 2023), CERD/C/AZE/CO/10-12 (Concluding observations on Azerbaijan, Committee on the Elimination of Racial Discrimination, in 2022), CERD/C/UZB/CO/10-12 (Concluding observations on Uzbekistan by the Committee on the Elimination of Racial Discrimination, in 2020)

37 CEDAW/C/MRT/CO/4 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Mauritania, in 2023)

38 CSW68 Agreed Conclusions: Accelerating the achievement of gender equality and the empowerment of all women and girls by addressing poverty and strengthening institutions and financing with a gender perspective, March 2024

39 A/HRC/11/CRP.3, Human Rights Bodies and Mechanisms: Final report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent, May 2009

40 United Nations Network on Racial Discrimination and Protection of Minorities: Guidance Tool on Descent-Based Discrimination, Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination, 2017

41 UNDP & OPHI: 2021 Global Multidimensional Poverty Index (MPI), Unmasking disparities by ethnicity, caste and gender, October 2021

42 E/C.12/MRT/CO/2, (Concluding observations by the Committee on Economic, Social and Cultural Rights on Mauritania, in 2024)

43 A/HRC/35/26/ADD.1 (Report of the UN Special Rapporteur on extreme poverty and human rights on his mission to Mauritania, in 2017)

44 UN Working Group on Discrimination Against Women and Girls. (2023). Report on poverty and systemic discrimination. A/HRC/53/39. United Nations Human Rights Council.

45 European Union Agency for Fundamental Rights (FRA). (2019). Roma women in nine EU Member States. Retrieved from <https://fra.europa.eu/en/publication/2019/roma-women-nine-eu-member-states>

46 Fundação Carlos Chagas. (2013). A situação educacional dos povos indígenas no Brasil. Educação e Pesquisa, 39(2), 459–478. Retrieved from [http://educa.fcc.org.br/pdf/eq/v62n72/en\\_1981-1802-eq-62-72-e-36473.pdf](http://educa.fcc.org.br/pdf/eq/v62n72/en_1981-1802-eq-62-72-e-36473.pdf)

47 CEDAW/C/ITA/CO/8 (Concluding observations on Italy by the Committee on the Elimination of Discrimination against Women, in 2024), CEDAW/C/ESP/CO/9 (Concluding observations on Spain by the Committee on the Elimination of Discrimination against Women, in 2023), CERD/C/AZE/CO/10-12 (Concluding observations on Azerbaijan, Committee on the Elimination of Racial Discrimination, in 2022), CEDAW/C/MRT/CO/4 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Mauritania, in 2023), CERD/C/MRT/CO/8-14 (Concluding observations of the Committee on the Elimination of Racial Discrimination on Mauritania, 2018), CEDAW/C/BRA/CO/8-9 (Concluding observations of the Committee on the Elimination of Discrimination against Women in Brazil, in 2024)

lack of inclusive and quality education.<sup>48</sup> Instances of segregation and the lack of inclusive curricula or pedagogical approaches further marginalize these communities. Critically, the absence of targeted interventions, such as affirmative action policies or need-based scholarship schemes, has significantly limited CDWD women's access to secondary and tertiary education, thereby reinforcing cycles of intergenerational disadvantage. These systemic inequalities are increasingly compounded by the deployment of data-driven technologies in educational settings. Predictive analytics tools and grading algorithms, now used in several countries, have been shown to reproduce and exacerbate existing social hierarchies due to biases embedded in historical data and algorithmic design.<sup>49</sup> Such tools often assess marginalized students, particularly those from racially or descent-based excluded groups, as less likely to succeed academically or professionally. Consequently, educators may unwittingly limit these students' access to advanced learning opportunities or career pathways.<sup>50</sup>

## HOUSING AND LIVING CONDITIONS:

DWD women, particularly those living in rural areas, face significant legal and social barriers to land ownership and adequate housing. The CEDAW highlighted the urgent need to address these inequalities, noting that many Haratine reside in impoverished areas with limited access

48 CERD/C/UZB/CO/10-12 (Concluding observations on Uzbekistan by the Committee on the Elimination of Racial Discrimination, in 2020)

49 "Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Ashwini K.P." United Nations Human Rights Council Fifty-sixth session 18 June–14 July 2024 Agenda item 9 Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action. Accessed June 23, 2025. <https://docs.un.org/en/A/HRC/56/68>.

50 Pečák, M., & Torotcoi, S. (2019). Combating antigypsyism by building Roma students' aspirations and resilience. In M. Brüggemann & D. Scherr (Eds.), Dimensions of antigypsyism in Europe (pp. 301–321). Brussels: European Network Against Racism (ENAR).

to land and resources.<sup>51</sup> Despite these concerns, progress remains limited; in 2019, the Human Rights Committee (CCPR) urged the state to intensify special measures aimed at the full integration of Haratine communities, emphasizing equitable access to land and natural resources as a key priority.<sup>52</sup> Roma communities across Europe face systemic barriers to secure housing and land tenure. In many cases, Roma women and girls live in informal settlements without legal status, basic services, or protection from eviction.<sup>53</sup>

## HARMFUL TRADITIONAL PRACTICES:

Due to their vulnerable position, poverty, lack of access to education, child labour, social pressure and harmful practices, many women and girls from DWD communities are forced into marriage, often as children.<sup>54</sup> These include harmful practices such as forced and early marriages, badi (widespread practice of prostitution among the Badi caste).<sup>55</sup> This can be particularly prevalent within Dalit communities where the number of suicides of young girls coerced into marriage has increased considerably in recent years.<sup>56</sup> Young women and girls from DWD communities are often forced to

51 CEDAW/C/MRT/CO/2-3 (2014): <https://uhri.ohchr.org/en/document/9b421778-16f3-455d-84a8-2444a9c88c7f>

52 CCPR/C/MRT/CO/2 (2019): <https://uhri.ohchr.org/en/document/f4c96c63-35f8-4fdd-864a-9b82c9be52a1>

53 Global Forum for Communities Discriminated on Work and Descent. (2023). Landmark report highlights environmental racism and state disinvestment in substandard Romani settlements. Retrieved from <https://globalforumcdwd.org/landmark-report-highlights-environmental-racism-state-disinvestment-in-substandard-romani-settlements/>

54 CAT/C/MKD/CO/4 (Committee against Torture, Concluding observations on North Macedonia, in 2024), A/HRC/41/42/ADD.2 (Visit to Nepal - Report of the Special Rapporteur on violence against women, its causes and consequences in 2019)

55 CRC/C/OPSC/NPL/CO/1 (Concluding Observations of the Committee on the Rights of the Child on Nepal in 2012), E/C.12/NPL/CO/3 (Concluding observations on the third periodic report of Nepal by the Committee on Economic, Social and Cultural Rights in December 2014), CERD/C/IND/CO/19 (Concluding observations of the Committee on the Elimination of Racial Discrimination on India, 2007)

56 A/HRC/41/42/ADD.2 (Visit to Nepal - Report of the Special Rapporteur on violence against women, its causes and consequences in 2019)

perform certain roles, functions and tasks, often linked with religious practices. The Trokosi system, predominantly in Ghana, Togo, and Benin, involves the enslavement of women and girls as a form of atonement to the gods for perceived wrongdoings either by them or their families. They are subjected to forced labor and sexual exploitation within shrines.<sup>57</sup> The devadasi system, predominantly in India, also known as the 'caste based temple prostitution' has resulted in sexual exploitation of Dalit girls and women due to inadequate implementation of legislations.<sup>58</sup>

## LAND RIGHTS AND CLIMATE ISSUES:

In certain DWD groups, such as the Quilambola, women may lack titles to their lands and face forced removals from lands traditionally occupied or used by them and the exploitation of those lands by private non-State actors, such as extractive industries and infrastructure developers, without consultation, their free, prior and informed consent or adequate benefit-sharing.<sup>59</sup> Moreover, climate change has a deleterious impact on CDWD women, who face natural disasters, such as landslides and flooding, and often lack the conditions required to increase their climate resilience, since climate change results in the loss of their ecosystems, community habitats, livelihoods and ancestral knowledge and in the disruption of food and water supplies.<sup>60</sup>

## VIOLENCE AND TRAFFICKING:

Gender based violence is often a tool used by both state and non-state actors to maintain the "low" status of descent-based communities, and may be deployed in response to their assertion of rights.<sup>61</sup> Sexual violence targeted at women and girls from DWD communities, is often a result of a broader continuum of persecution, social dominance, and systemic oppression by dominant groups and State officials to dehumanise and subordinate women from CDWD resulting in serious bodily and mental harm to members of the group. There are reported cases of abductions, sexual harassment, rape and intimidation of women from CDWD communities, as well as their lack of access to public services and resources.<sup>62</sup> The downplaying by key State officials of the grave criminal nature of sexual violence against women and girls remains a concern.<sup>63</sup> Women and girls living in multidimensionally poor households are at higher risk of violence because they often face uncertain living conditions and have less financial independence and bargaining power within the household.<sup>64</sup>

Available data indicates that women from some of these communities are vulnerable to a disproportionately higher rate of sexual and gender-based violence. They are also often excluded from public and political processes when responses to human rights violations are being designed and implemented.<sup>65</sup> DWD women and girls are vulnerable to trafficking in human beings due to such factors as social exclusion and poverty, and there is often

57 A/HRC/7/6/Add.3, Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, Mission to Ghana

58 CEDAW/C/IND/CO/4-5 (Concluding observations of the Committee on the Elimination of Discrimination against Women on India, 2014)

59 CEDAW/C/BRA/CO/8-9 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Brazil, in 2024)

60 Ibid. CEDAW/C/BRA/CO/8-9 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Brazil, in 2024)

61 United Nations Network on Racial Discrimination and Protection of Minorities: Guidance Tool on Descent-Based Discrimination, Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination, 2017

62 CEDAW/C/BGD/CO/8 Concluding observations on the 8th periodic report of Bangladesh of the Committee on the Elimination of Discrimination against Women

63 CERD/C/IND/CO/19 (Concluding observations of the Committee on the Elimination of Racial Discrimination on India, 2007)

64 UNDP & OPHI: 2021 Global Multidimensional Poverty Index (MPI), Unmasking disparities by ethnicity, caste and gender, October 2021

65 United Nations Network on Racial Discrimination and Protection of Minorities: Guidance Tool on Descent-Based Discrimination, Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination, 2017

a failure to address the root causes of trafficking.<sup>66</sup> Moreover, children can be trafficked abroad, including for forced begging.<sup>67</sup> DWD women who are human rights defenders can also face targeted threats, attacks, harassment, intimidation, including online, and even murder, including in the context of land demarcation and titling.<sup>68</sup> In one case, a Foreign Employment Act restricted women from opportunities in foreign employment, in addition to the ban on foreign domestic work, which pushed women, in particular displaced, rural, indigenous and Dalit women and girls, into irregular patterns of migration, which exposes them to a higher risk of becoming victims of trafficking in persons.<sup>69</sup>

Another example highlighting the close linkages of descent, gender, and work is of caste-based sex work in India, involving communities like Bedia, in the central and north region of the country where girls and women are intergenerationally involved in prostitution and commercial sex work.<sup>70</sup> In these communities, women and girls are often the sole earners of the family; not as a mark of empowerment, but as a reflection of intergenerational caste-based exploitation disguised as livelihood. However, despite clear acknowledgment by statutory bodies such as the National Human Rights Commission of India (NHRC) of widespread caste-based trafficking

and sexual exploitation in the region,<sup>71</sup> there remains no legislation to date specifically targeting such caste-embedded practices, unlike the legal prohibitions enacted against the devadasi system

## HEALTH CARE AND WELL-BEING:

CDWD women and girls may face physical, cultural and financial barriers in gaining access to gynaecological and maternal health services and their limited knowledge of birth registration procedures and the existence of bureaucratic obstacles and financial barriers may prevent them from registering births and obtaining birth certificates for their children.<sup>72</sup> There are also cases of segregation of Roma women in hospital maternity wards, as well as verbal and physical abuse by medical staff.<sup>73</sup>

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**There have been documented instances where unlawful demolitions of Romani settlements have left pregnant women and infants homeless, highlighting the urgent need for EU intervention to uphold housing rights and prevent further discrimination.<sup>74</sup>**

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While there has been progress regarding the forced sterilization of Roma women in certain countries, in the form of apology and certain compensations schemes for victims, concerns are expressed that

66 A/HRC/41/42/ADD.2 (Visit to Nepal - Report of the Special Rapporteur on violence against women, its causes and consequences in 2019), CAT/C/BGR/CO/6 (Committee against Torture, Concluding observations on Bulgaria, in 2017), CAT/C/BGR/CO/4-5 (Committee against Torture, Concluding observations on Bulgaria, in 2011), CEDAW/C/MRT/CO/4 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Mauritania, in 2023)

67 CAT/C/SVK/CO/2 (Concluding observations of the Committee against Torture on Slovakia, in 2009)

68 CEDAW/C/BRA/CO/8-9 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Brazil, in 2024)

69 CEDAW/C/NPL/CO/6 (Concluding Observations of the Committee on the Elimination of Discrimination against Women on the sixth periodic report of Nepal in 2018)

70 Dalla, R. L., Roselius, K., Johnson, V. J., Peter, J., & Panchal, T. J. (2022). A life-course perspective of sex trafficking among the Bedia caste of India. Faculty Publications, Department of Child, Youth, and Family Studies. University of Nebraska-Lincoln. <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1374&context=famconfacpub>; NHRC, UNIFEM, and Institute of Social Sciences, A Research Study on Trafficking in Women and Children in India, Volume I, eds. P.M. Nair and Sankar Sen (New Delhi: National Human Rights Commission, 2004)

71 NHRC (India), NHRC Issues Notice to Madhya Pradesh Govt. on Trafficking of Girls, Press Release, 7 March 2013. <https://nhrc.nic.in/press-release/nhrc-issues-notice-madhya-pradesh-govt-trafficking-girls>

72 CEDAW/C/IND/CO/4-5 (Concluding observations of the Committee on the Elimination of Discrimination against Women on India in 2014)

73 CEDAW/C/SVK/CO/7 (Concluding observations on Slovakia by the Committee on the Elimination of Discrimination against Women, in 2023)

74 European Roma Rights Centre. (2017). EU Executive fails to act as pregnant Romani women and infants are rendered homeless in Italy. Retrieved from <https://www.errc.org/press-releases/eu-executive-fails-to-act-as-pregnant-romani-women-and-infants-are-rendered-homeless-in-italy>

not all victims could obtain adequate redress.<sup>75</sup> In some countries, there is no information about the investigations and reparations with regard to forced sterilization of Roma women.<sup>76</sup> There are also concerns about threats to the mental health and physical integrity of certain CDWD women in relation to the increase in alcohol consumption and its harmful use in their communities.<sup>77</sup>

## SALE OF CHILDREN, CHILD PROSTITUTION:

While measures exist to prevent the sale of children, child prostitution and child pornography affecting especially girls from DWD communities and to promote child participation in policies and programmes, there is a general concern that existing laws, administrative measures, social policies and programmes are insufficient to address the root causes and contributing factors to these violations.<sup>78</sup>

## LACK OF PARTICIPATION IN DECISION-MAKING PROCESSES:

CDWD women and girls are further marginalized in public spaces<sup>79</sup> and face barriers in accessing political and economic decision-making bodies and processes, and they may have an extremely low representation level at high-level decision-

making positions.<sup>80</sup> There is also an absence of temporary special measures that would facilitate the achievement of substantive equality of CDWD women.<sup>81</sup>

## ACCESS TO JUSTICE:

It is of concern that there is a low rate of reporting of cases of discrimination by victims, including in cases of psychological and sexual violence and rape, owing to general mistrust in the protection system and State institutions with regard to the prosecution and adequate punishment of those crimes.<sup>82</sup> Ongoing hate speech and discriminatory propaganda targeting Burakumin women, requires the urgent need of governments to enact legislation that prohibits and punishes such speech.<sup>83</sup> There is often a culture of impunity for perpetrators committing atrocities against CDWD women.<sup>84</sup> Women from CDWD communities often face multiple barriers in gaining access to justice, owing to legal illiteracy, lack of awareness of their rights, limited accessibility of legal aid and other structural reasons.<sup>85</sup>

75 CAT/C/SVK/CO/4 (Concluding observations of the Committee against Torture on Slovakia in 2023), CAT/C/CZE/CO/6 (Committee against Torture, Concluding observations on Czechia, in 2018)

76 CERD/C/AZE/CO/10-12 (Concluding observations on Azerbaijan, Committee on the Elimination of Racial Discrimination, in 2022)

77 CEDAW/C/BRA/CO/8-9 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Brazil, in 2024)

78 CEDAW/C/NPL/CO/6 (Concluding Observations of the Committee on the Elimination of Discrimination against Women on the sixth periodic report of Nepal in 2018)

79 UN Working Group on Discrimination Against Women and Girls. (2022). Girls' and young women's activism. A/HRC/50/25. United Nations Human Rights Council. Retrieved from <https://digitallibrary.un.org/record/3976982>

80 CCPR/C/NPL/CO/2 (UN Human Rights Committee, Concluding observations on Nepal, in 2014), CEDAW/C/GRC/CO/8-9 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Greece, in 2024), CCPR/C/MRT/CO/2 (Concluding observations by the Human Rights Committee on Mauritania, in 2019)

81 CEDAW/C/MRT/CO/4 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Mauritania, in 2023), CEDAW/C/BRA/CO/8-9 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Brazil, in 2024)

82 CAT/C/MKD/CO/4 (Committee against Torture, Concluding observations on North Macedonia, in 2024)

83 UN Committee on the Elimination of Discrimination against Women (CEDAW). (2016). Concluding observations on the ninth periodic report of Japan CEDAW/C/JPN/CO/7-8 (CEDAW 2016). United Nations.

84 CEDAW/C/IND/CO/3 (Concluding comments of the Committee on the Elimination of Discrimination against Women on India in 2007)

85 CEDAW/C/IND/CO/4-5 (Concluding observations of the Committee on the Elimination of Discrimination against Women on India in 2014), CEDAW/C/MRT/CO/4 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Mauritania, in 2023), CEDAW/C/BRA/CO/8-9 (Concluding observations of the Committee on the Elimination of Discrimination against Women on Brazil, in 2024)

## 5. GOOD PRACTICES

The good practices presented in this brief were identified through a combination of legal analysis, program evaluations, and consultations with civil society organizations working directly with and for women from these communities. These examples have been segmented thematically into several categories. Although these practices are not widespread, highlighting them serves to provide concrete examples of effective approaches that can inspire policy development and advocacy efforts in other contexts.

### LEGAL AND POLICY REFORMS:

In Nepal, the Constitution and the Local Level Election Act 2017 introduced gender quotas, mandated political parties to fill 40 percent of seats in local governments with women, and included provisions to ensure the representation of Dalits. For example, in the local deliberative body, two of the four members elected from each ward must be women, one of which must be a Dalit woman. Three seats in urban municipalities or two seats in rural municipalities are reserved for Dalits. One of the four members elected from each ward is for a Dalit woman.<sup>86</sup><sup>87</sup> This led to the entry of many Dalit women in local governance, with a result of over 7000 Dalit women standing for election and a total of 6567 Dalit women being elected in 2017.<sup>88</sup>

In India Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (PoA Act) provides stringent penalties for caste-

based violence and discrimination. Despite serious challenges in implementation and persistently high acquittal rates, the Act has been instrumental in recognizing specific offenses against Dalit women such as sexual assault, humiliation, and social boycott. The Act provides for the establishment of special courts and appointing special public prosecutors. It criminalizes acts like tonsuring of head, garlanding with chappals, denying access to basic facilities, using or permitting manual scavenging, and dedicating scheduled-caste women, including Dalit as devadasi, a life of sex work in the name of religion.

### CULTURAL RECOGNITION AND NARRATIVE INCLUSION:

In 2020, the Ministry of Culture in Colombia launched the "Women narrate their territory" programme to recognize the narrative heterogeneity of Afro, Indigenous, Roma, Palenque, rural, diverse women, women with disability, and others, using oral tradition, writing, music, dance, traditional cuisine and crafts or applied arts. The objective is to build human-based approach strategies and actions that contribute to the implementation of a differentiated gender approach in the training, content generation and circulation of stories and narratives by women.

The "Afro women narrate their territory" chapter sought to raise awareness about the contributions of Black, Afro-Colombian, Raizal and Palenque women in the construction of the narrative diversity of the nation and how their stories become

86 Sources: Constitution of Nepal, 2015 (amended through 2020), articles 222 and 223; Local Government Act, 1999, articles 8, 75 and 80 as cited in <https://localgov.unwomen.org/country/NPL>.

87 "UN Women Nepal's 'Advancing Women's Economic Empowerment Programme' provided training to 180 women ahead of the 2017 local elections, with technical and financial support from UN Women and funding from the Government of Finland. See: UN Women Asia-Pacific, 'Women rise to political leadership in Nepal with help from a UN Women project,' August 2018, <https://asiapacific.unwomen.org/en/news-and-events/stories/2018/08/women-rise-to-political-leadership-in-nepal>"

88 <https://kathmandupost.com/national/2022/04/16/dalit-women-were-elected-in-numbers-but-have-they-been-empowered>

protective environments of cultural rights in their territories. The “Roma women narrate their territory” chapter is an opportunity for Roma women to showcase the history of their land, how they live it and transform it, and how they project it through their narratives, where oral tradition and artistic expressions predominate.

## EMPOWERMENT AND ACCESS TO JUSTICE INITIATIVES

The European Union and the Council of Europe Joint Programme Roma Women’s Access to Justice (JUSTROM)<sup>89</sup> was implemented in several countries (Phase 3 took place in Bulgaria, Greece, Italy and Romania) between 2016-2022 with the objectives of improving access to justice of Roma women, by supporting the empowerment of Roma women, and enhancing professional resources used by the judiciary and law enforcement. Legal assistance and information was provided in around 5000 cases (civil, criminal, administrative etc., during phase 1) and more than 800 events were organized to further empower Roma women.

It is important to emphasize that these practices, while promising, remain largely isolated instances rather than widespread or systematic approaches within their respective countries or regions. Many of these measures have been implemented in pilot

89 <https://pjp-eu.coe.int/en/web/access-to-justice-for-roma-women/justrom>

phases or limited geographical areas, highlighting the need for broader institutionalization and resource allocation to scale up their impact. UN Special Procedures have shown sustained engagement with the human rights challenges faced by communities discriminated on work and descent, including Dalits, Haratin, Quilombola, and Roma communities.

These interventions span a broad range of issues, such as extreme poverty, gender-based violence, summary executions, the protection of human rights defenders, trafficking in persons, especially women and children, and systemic racism.<sup>90</sup> In the specific case of Roma communities alone, from 2017 to the present, UN Special Procedures have made 242 recommendations or observations through 33 official documents, engaging 17 different thematic mechanisms.<sup>91</sup>

This broad thematic engagement demonstrates the relevance of descent-based discrimination across multiple human rights domains and communities and underscores the importance of continued monitoring, documentation, and advocacy to ensure that these communities are not left behind in global human rights discourse and implementation.

90 UN Human Rights Index NB:This is a representative sample—not exhaustive—intended to illustrate the breadth and diversity of references made by UN Special Procedures across a wide range of themes and topics. The references have been sourced from the UNHRI database.

91 UNHRI index

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## 6. RECOMMENDATIONS

As a critical preliminary measure, states should undertake a methodologically rigorous and contextually grounded assessment of discrimination based on work and descent, with a particular emphasis on its intersectional impact on women and girls. It is a vital step to promote standardized terminology in terms of recognizing concepts that pertain to work and descent based discrimination, ensuring clarity and consistency across all sectors and stakeholders.

As part of this effort, states should explicitly use the term caste and support its inclusion in Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), to strengthen legal recognition and accountability. This process should encompass a systematic review of existing empirical research, legislative and policy instruments, and institutional practices. Additionally, the collection and analysis of disaggregated and gender-sensitive data - in full compliance with data protection and privacy standards, are essential to accurately ascertain the prevalence, patterns and structural dimensions of such discrimination. Establishing a robust evidentiary foundation is indispensable for informing equitable policy development, guiding legal and institutional reforms, and fulfilling international human rights obligations related to non-discrimination, substantive equality and social and economic justice.

States, multilateral organizations, and non-governmental organizations should adopt and implement comprehensive constitutional, legislative, administrative, budgetary, judicial, educational, social and special measures to eliminate discrimination based on work and descent. These efforts must be grounded in strong anti-discrimination legal frameworks that align with international human rights standards and promote the full respect, protection and realization of the rights of affected communities.

Member states should guarantee that national women's rights initiatives explicitly address CDWD women's compound marginalization and their historical exclusion from societal progress toward gender equality.

Furthermore, states and relevant stakeholders must have actively engaged with and follow-up on the Guidance Notes developed by the UN Network on Racial Discrimination and the Protection of Minorities, which provide critical frameworks for addressing the systemic discrimination. This includes advancing concrete programmatic actions aligned with the Guidance Notes, and establishing clear timelines and accountability and measurable progress.

Every action, initiative and intervention regarding the status and rights of CDWD women and girls must be carried out through continuous dialogue with women from affected communities, by ensuring their meaningful participation in the planning, implementation and evaluations of all laws, policies and programmes. The UN must maintain an active policy to promote and facilitate the participation of CDWD women and girls in all UN processes, including in the implementation and review of a country's UN Sustainable Development Cooperation Framework. For instance, establishing robust task forces - both independently and within the United Nations structures (e.g. Working groups in UNHCR,

UN Women, OHCHR, CSW, etc.), and strengthening Special Rapporteur (SRs) mandates on CDWD women to directly inform policy development, implementation, and inclusion of their vital voices and experiences.

Member states and relevant stakeholders should also support community-led transformation, eg, facilitating community-owned dialogues and leadership development that enable the communities to evolve away from historical patriarchal models while respecting cultural autonomy.

If not yet available, countries should consider designing a dedicated National Action Plan (NAP) targeting CDWD women. This plan should incorporate special measures to accelerate their equitable participation in leadership and decision-making processes. Also, wherever applicable, country programme documents, facilitating the achievement of the Sustainable Development Goals, especially in the case of SDG 5 should include concrete measures to address CDWD women with clear baselines, targets, and regular progress reporting.

The United Nations agencies, member states and civil society must make participation a mandatory component to monitor and ensure equitable access to policy discussions and decision-making processes, with particular attention to the meaningful inclusion of CDWD grassroots organizations and historically marginalized voices. This includes not only supporting advocacy efforts led by collective platforms and networks, but also empowering individual advocates whose lived experiences and localized knowledge are critical to shaping responsive and inclusive policies. Ensuring transparency and accountability in participation mechanisms is fundamental to promoting genuine representation and dismantling systemic exclusion.

It is imperative to invest in the translation and dissemination of policy and advocacy materials beyond the official UN languages to encompass local community languages. This approach is essential to ensuring that diverse and historically marginalized populations, particularly those at grassroots level, have equitable access to vital information. Expanding linguistic accessibility not only fosters greater inclusivity and participation, but also strengthens the legitimacy, reach, and effectiveness of policy implementation across diverse social cultural contexts.

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**A collaborative, intersectional approach that centers the voices and leadership of CDWD women is essential for dismantling these normative structures, fostering inclusive social transformation, and ensuring the realization of fundamental human rights and dignity for all.**

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In contexts where such frameworks are not yet available, countries should establish dedicated structures, and oversight mechanisms to systematically monitor and address the rights, status and the lived experiences of women and girls from CDWD. The mechanisms must be inclusive by design, ensuring the meaningful participation in leadership, and representation of CDWD women in both the formulation of policies or structural frameworks, and governance of such structures. Embedding the participatory approaches is critical not only for ensuring context-specific responsiveness, but also for advancing substantive equality, institutional accountability, and transformative social and economic justice.

States, in collaboration with National Human Rights Institutions, civil society organisations and human rights defenders, and women from

CDWD, should undertake coordinated and sustained efforts to address and eliminate deeply embedded discriminatory ideologies and practices. These include, but are not limited to, notions of untouchability, purity and caste-based hierarchies. Such beliefs perpetuate systemic exclusion and also serve as the basis for egregious human rights violations. A collaborative, intersectional approach that centers the voices and leadership of CDWD women is essential for dismantling these normative structures, fostering inclusive social transformation, and ensuring the realization of fundamental human rights and dignity for all.

Foremost, states must ratify the human rights treaties and remove any reservations that may hamper the fulfillment of their human rights obligations. They should actively utilize the normative and monitoring frameworks established such as, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) or the Universal Periodic Review (UPR) to articulate and advance specific, actionable recommendations addressing the multifaceted and intersecting human rights violations experienced by women and girls from CDWD. These international mechanisms provide critical avenues for reinforcing state

accountability, fostering normative clarity, and embedding intersectionality within the broader human rights discourse. Centering the lived realities of CDWD women and girls within these processes is imperative for promoting substantive equality, dismantling structural discrimination, and fulfilling international legal obligations under the core human rights treaties.

The United Nations system and member states and civil society should prioritize the selection and implementation of strategic actions that not only de-escalate discrimination but also illuminate its harmful effects within broader institutional, legal and policy frameworks. Hence, including the creation of inclusive, multi-stakeholder platforms or working groups that bridge political commitments, policy development, and grassroots storytelling. These groups should intentionally center community-led narrative approaches and knowledge that capture the nuanced lived experiences of affected populations, thereby fostering more contextually responsive and socially just solutions. Embedding these narrative-driven strategies within formal mechanisms further enhances the visibility of systemic harms, builds empathy and strengthens the accountability and sustainability of anti-discrimination efforts.

## 7. CONCLUSION

As it was stressed in the Guidance Tool on Descent-Based Discrimination: "The intergenerational nature of descent-based discrimination often condemns women to a lifetime of exclusion, marginalization and disadvantage in every sphere of life. [...] The situation of women and girls from descent-based communities requires special attention, intervention and protection in multiple areas including but not limited to the right to make informed choices in life, harmful cultural practices, gender-based violence, property rights, ensuring decent work and ensuring equal access to healthcare, education, and water

and sanitation facilities." <sup>92</sup> Legislation and policy-making will only be effective if they are done through continuous dialogue with women from affected communities, by ensuring their meaningful participation in the planning, implementation and evaluations of all relevant laws, policies and programmes.

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<sup>92</sup> United Nations Network on Racial Discrimination and Protection of Minorities: Guidance Tool on Descent-Based Discrimination, Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination, 2017

# ANNEX 1

## Communities Discriminated on Work and Descent vs. Racial Discrimination

### PRIMARY FACTORS INFORMING DISCRIMINATION

Discrimination based on work and descent (CDWD) and racial discrimination are both deeply embedded forms of structural inequality, yet they emerge from distinct socio-cultural and historical paradigms. While analytically distinct, these forms can intersect in practice, with some communities experiencing both simultaneously. CDWD refers to systems in which individuals are subject to marginalization based on inherited occupational roles and social hierarchies, often reinforced by practices such as endogamy and notions of purity and pollution.<sup>93</sup> This phenomenon is particularly prevalent in caste-affected regions of South Asia, parts of West Africa, and among diasporic communities globally.<sup>94</sup> In contrast, racial discrimination is predicated on socially constructed categories of race, typically informed by perceived physical attributes such as skin color or facial features, and is deeply linked to the legacies of colonialism, slavery, and scientific racism.<sup>95</sup>

### HISTORICAL TRAJECTORIES AND INSTITUTIONALIZED FRAMEWORKS

While both systems function to exclude and subordinate, their historical trajectories differ significantly. CDWD has been perpetuated through long standing socio-religious norms that rigidly define social roles across generations, often without formal codification in legal systems, yet remaining deeply entrenched in social institutions and cultural practices. Racial discrimination, conversely, has been institutionalized through legal regimes such as apartheid in South Africa, Jim Crow laws in the United States, and colonial systems globally.<sup>96</sup> These structures codified racial hierarchies into law, producing systemic inequalities that continue to manifest through contemporary forms of structural racism, including disparities in education, employment, policing, and political representation.<sup>97 98</sup>

### RECOGNITION WITHIN INTERNATIONAL LEGAL FRAMEWORKS

In terms of international legal frameworks, racial discrimination has received more explicit and sustained recognition. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) directly addresses race and ethnicity, obligating state parties to adopt measures to combat such discrimination. Although the United Nations Committee on the Elimination of Racial Discrimination (CERD) issued General

93 Vinayaraj, V. K., and Nayantara Raja. "Communities Discriminated on Work and Descent: An Overview." Dr. Rashmi Pramanik: 389

94 Smith, Peter J. "Facing strong head winds: Dalit transnational activism today." In Routledge Handbook of Indian Transnationalism, pp. 158-170. Routledge, 2019.

95 Thomas, Kevin D., Samantha NN Cross, and Robert L. Harrison III. "Race and ethnicity." Consumer Culture Theory (2018): 206-224.

96 Racial discrimination, conversely, has been institutionalized through legal regimes such as apartheid in South Africa, Jim Crow laws in the United States, and colonial systems globally.

97 Ray, Victor. "A theory of racialized organizations." American sociological review 84, no. 1 (2019): 26-53.

98 Crenshaw, Kimberlé Williams. "Race, reform, and retrenchment: Transformation and legitimization in antidiscrimination law." In Law and social movements, pp. 475-531. Routledge, 2017.

Recommendation 29 to clarify that discrimination based on descent falls within the scope of ICERD,<sup>99</sup> CDWD remains under-acknowledged in both national legislation and international development discourse. This dynamic is complicated by the fact that some communities may experience both forms of discrimination or may strategically choose different framings depending on legal and political contexts. This legal invisibility contributes to the persistence of descent-based discrimination, which often escapes formal scrutiny despite its systemic and enduring nature.

## LEGISLATIVE AND PROGRAMMATIC ACTION

Furthermore, the social visibility and global advocacy responses to these forms of discrimination vary markedly. Racial discrimination has galvanized widespread movements, such as Black Lives Matter, which have catalyzed policy reforms and public discourse in various contexts. In contrast, CDWD remains comparatively marginalized within global human rights frameworks, often normalized or obscured under the guise of cultural tradition.<sup>100</sup> Affected communities frequently lack representation in policy-making spaces and are rarely prioritized in global development agendas. Addressing both racial discrimination and CDWD necessitates differentiated yet intersectional approaches that recognize their distinct origins while acknowledging these overlapping realities, while committing to dismantling all forms of hereditary and identity-based exclusion.

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99 Malaihollo, Medes. "The International Convention on Elimination of All Forms of Racial Discrimination—Reviewing special measures under contemporary international law." *Groningen Journal of International Law* 5, no. 1 (2017).

100 Graham, Luke. *International human rights law and destitution: an economic, social and cultural rights perspective*. Routledge, 2022.

# ANNEX 2

## A. CDWD Communities and Affiliated Countries

This list provides a non-exhaustive list of communities globally that face entrenched social and economic discrimination based on caste, inherited occupation, and descent. These communities are recognized under the framework of Communities Discriminated on Work and Descent (CDWD) and continue to experience forms of exclusion that are deeply embedded in historical, cultural, and legal structures.

Community/Group	Country/Region	Nature of Discrimination
Dalits (Badi, Bedia)	India, Nepal, Bangladesh, Pakistan, Sri Lanka	Caste-based exclusion; untouchability; denial of access to land, education, water, housing, and dignified employment.
Burakumin	Japan	Historical discrimination rooted in notions of ritual impurity; barriers in employment, marriage, and social mobility.
Osu	Nigeria	Social exclusion due to ancestral ritual servitude; restricted political participation and communal integration.
Haratine	Mauritania	De facto slavery based on descent; limited access to civil rights, land, and educational opportunities.
Bellah	Mali, Niger	Descent-based servitude; social stigma and limited inclusion in local governance and property rights.
Quilombola	Brazil	Afro-descendant community facing land insecurity, marginalization from state services, and systemic racial bias. but do not necessarily identify as "black". See Special Notes
Palenqueros (San Basilio)	Colombia	Marginalized Afro-Colombian group; limited access to healthcare, infrastructure, and national political discourse. but do not necessarily identify as "black". See Special Notes
Shwashin	Mauritania, Morocco, Algeria, Tunisia, Libya	Descendants of servitude status; face social discrimination and exclusion from leadership positions.

Community/Group	Country/Region	Nature of Discrimination
Roma	Europe North and Latin America, Australia, Middle East)	Segregation and discrimination in education, housing, healthcare, and employment; targeted by anti-Roma policies.
Jongo, Diam, Jam	Mauritanie, Mali, Senegal, Niger	Subject to caste-like labor divisions; restricted access to economic opportunities and community leadership.
Komo	Mali, Senegal, Mauritania, Gambia	Marginalized through occupational caste systems; social isolation and intermarriage restrictions.
Limamine		

Note: This list is illustrative and does not capture the full diversity or geographic spread of CDWD communities. Discrimination against these groups is often compounded by gender, rural marginality, and lack of legal recognition. Many of these communities remain underrepresented in national data collection and global human rights reporting.

## B. Quilombola & Palenque Identity Clarified

The Quilombola of Brazil and the Palenque community of Colombia do not always identify themselves as “Black” in the way that pan-African or diasporic frameworks might define the term.<sup>101</sup> This distinction is rooted in the unique historical processes that shaped their identities. Both communities originated from escaped enslaved Africans who established autonomous settlements as acts of resistance. Over generations, they developed distinct cultural, linguistic, and territorial identities that fused African traditions with Indigenous and European elements.<sup>102 103</sup> Consequently, their self-perception has been formed more by collective memory, land-based autonomy, and community resilience than by racial categorizations imposed by dominant colonial structures.

Unlike the rigid binary racial systems common in North America, Latin American countries developed more fluid and localized racial classifications. Ideologies such as mestizaje in Mexico or the myth of racial democracy in Brazil obscured the existence of systemic racism and diluted the visibility of African heritage.<sup>104</sup> In these contexts, Afro-descendant identity was often subsumed under national narratives that celebrated racial mixture while erasing Blackness.<sup>105 106</sup>

As a result, communities like the Quilombola and Palenque developed localized identities that emphasized ancestry, language, territory, and resistance. This often sidelines broader racial labels such as “Black,” which

<sup>101</sup>Paschel, Tianna Shonta. “States, movements and the new politics of blackness in Colombia and Brazil.” PhD diss., UC Berkeley, 2011.

<sup>102</sup>Farfán-Santos, Elizabeth. “Fraudulent” identities: The politics of defining Quilombo descendants in Brazil.” *The Journal of Latin American and Caribbean Anthropology* 20, no. 1 (2015): 110-132.

<sup>103</sup>Toro, Diana. “Palenques and Quilombos. Between transculturation and protection.”

<sup>104</sup>Hernández, Tanya Katerí. “Envisioning the United States in the Latin American myth of ‘racial democracy mestizaje’.” *Latin American and Caribbean Ethnic Studies* 11, no. 2 (2016): 189-205.

<sup>105</sup>Johnson II, Ollie A. “Race, Politics, and Afro-Latin Americans.” In *Routledge handbook of Latin American politics*, pp. 302-318. Routledge, 2013.

<sup>106</sup>Bello, Álvaro, and Marta Rangel. “Equity and exclusion in Latin America and the Caribbean: the case of Indigenous and Afro-descendant peoples.” *Cepal Review* 2002, no. 76 (2002): 39-53.

were historically used to marginalize rather than empower. Moreover, legal and political recognition of these communities in their respective countries has centered more on their status as ethnic and cultural groups with historical ties to land rather than on their racial identity.<sup>107</sup> For instance, the Brazilian Constitution's Article 68 grants land rights to Quilombola communities, basing their recognition on collective descent and continuity of settlement, not on racial classification.<sup>108</sup> Similarly, Palenque's identity is grounded in its historical legacy as a maroon settlement and its unique Creole language, San Basilio de Palenque.<sup>109</sup> For both groups, asserting their identity in terms of land and cultural heritage has often been more effective for achieving legal rights than framing their struggles solely through the lens of race.

Finally, the divergence between local and global understandings of Blackness further complicates the issue. While international human rights discourses advocate for the visibility and empowerment of Afro-descendant populations, these frameworks do not always resonate with how communities like the Quilombola and Palenque conceptualize themselves.<sup>110</sup> Their preference for place-based and culturally specific identity does not imply a rejection of African ancestry but rather reflects a complex interplay of history, resistance, and strategic self-representation.<sup>111</sup> Recognizing this nuance is essential to engaging with these communities respectfully and effectively, without imposing external identity constructs that may not align with their lived experiences.

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<sup>107</sup>Bello, Álvaro, and Marta Rangel. "Equity and exclusion in Latin America and the Caribbean: the case of Indigenous and Afro-descendant peoples." *Cepal Review* 2002, no. 76 (2002): 39-53

<sup>108</sup>Leite, Ilka Boaventura. "The Brazilian quilombo: 'race', community and land in space and time." In *Brazilian Agrarian Social Movements*, pp. 169-184. Routledge, 2018.

<sup>109</sup>Moñino, Yves v. "Past, present, and future of Palenquero creole." In *Orality, identity, and resistance in Palenque (Colombia)*, pp. 15-50. John Benjamins Publishing Company, 2017.

<sup>110</sup>Aebersold, Silja. *Implementing Human Rights in Afro-Descendant Communities in Colombia and Nicaragua: An Analysis of Selected Human Rights Claims at the Intersection of Legal Orders*. American University, 2020.

<sup>111</sup>Guillen, Ana Laura Zavala, and Nadia Mosquera Muriel. "Afro-descendant geographies." *Latin American Geographies* (2025).





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