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# Global Forum of Communities Discriminated on Work and Descent (GFoD) Submission to Special Rapporteur on Right to Development

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## Introduction

1. 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.
2. 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>1</sup>.
3. Spanning continents and cultures, these communities are among the most marginalised and excluded in terms of political, social, and economic development. The umbrella term to describe these communities is Communities Discriminated on Work and Descent (CDWD). They include: Dalits in South Asia; Buraku in Japan; Roma in Europe, Haratin, Osu and other communities in West Africa; Quilombola and Palenque communities in Latin America.
4. Global Forum of Communities Discriminated on Work and Descent (GFoD) is a collective striving to amplify the voices of Communities Discriminated on Work and Descent. GFoD calls for the recognition, promotion of justice, and protection from discrimination and violence targeting CDWD.
5. GFoD welcomes the call for inputs by the Special Rapporteur on two critical issues **a) Climate Justice and b) Children and future generations** that seriously impact the Right to Development of CDWD.
6. Climate change threatens peoples' right to development by destroying livelihoods, curtailing access to food and energy sources and diverting key resources from the global fight against poverty. Discrimination, disadvantage stigmatization and the violations of human rights faced by CDWD means they are more vulnerable, susceptible and powerless in the face of climate change and global challenges.
7. This submission notes that for climate justice reforms to be effective and impactful it must meaningfully embrace the principle of 'leaving no one behind' in achieving the Sustainable Development Goals. This means the promotion and protection of the human rights of CDWD across the world through policy and legislative reform, and advancement of new human rights norms and measures at the global and regional level.

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<sup>1</sup><https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session11/A-HRC-11-CRP3.pdf>

8. The Right to Development of children and future generations of CDWD is all the more critical given that the decisions made today can have long-lasting effects on the rights and well-being of future generations.
9. Discrimination against communities based on work and descent perpetuates inter-generational cycles of poverty, marginalization, and inequality, depriving children and future generations of their rights to a decent standard of living, education, and health.
10. This submission makes recommendations for global and regional forums such as the United Nations to enable and empower the participation of CDWD children and youth in policy making so their agency and input drives the decisions that impact them.
11. Capacity building and advocacy platforms to support children from CDWD as decision makers will ensure meaningful outcomes for future generations.

**a) Climate Justice: Loss and Damage Fund**

12. Communities Discriminated on Work and Descent (CDWD) face the impacts of climate change more acutely and disproportionately within national states that already are vulnerable to climate issues. This impacts their Right to Development from States failing to meet and protect their civil and political rights, as well as economic, social and cultural rights.
13. Reforms to address CDWD communities in national and global frameworks are mixed across the globe from constitutional recognition (e.g Nepal) affirmative action policies (India) to limited recognition or acknowledgement in some countries in Africa. Where States have taken efforts to address the discrimination faced by CDWD, the lack of proper implementation, poor accountability and the lack of disaggregated data on implementation progress has resulted in their continued marginalization and discrimination.
14. States ability to properly implement relevant national frameworks is further impacted for a variety of reasons - including the impact of global climate change - that puts pressure economically for governments to properly implement measures amidst all the other constraints that CDWD continue to face societally.
15. In times of natural disasters, emergency and crises, CDWD suffer far more greatly than the rest of the population due to their marginalized status. They are negatively discriminated against in government relief efforts and suffer the effects of living in impoverished and unsafe locations. For example, in Pakistan, unprecedented monsoons and flooding in the Sindh Province badly affected almost 33 million with Dalits being one of the most affected groups<sup>2</sup>.

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<sup>2</sup> [Pakistan floods hit 33 million people in worst disaster in a decade, minister says | CNN](#)

16. In rural parts of Sindh, the houses of thousands of peasants and laborers belonging to Dalit communities' collapsed, their crops destroyed and livestock dead including vector borne diseases such as Malaria and Dengue; and snake bites from the stagnant flood water.
17. The discrimination faced by Dalits in Pakistan and their access to services due to their isolation has been noted by the Committee on the Elimination of Racial Discrimination. The Committee noted with concern of the violence against minorities, particularly Ahmadis, Hazaras and Dalits, and their de facto segregation in isolated areas without fair access to employment, health care, education and other basic services, which is exacerbated by growing violence against them<sup>3</sup>.
18. In India, the loss of labour opportunities for poor Dalit farmers due to climate change and its impact on agriculture has resulted in communities having to migrate to cities to seek employment. These communities have had to resort to living in congested slums with lack of basic amenities, safe drinking water, etc.
19. Due to lack of education and opportunities they are pushed to do menial jobs In the State of Maharashtra, India where most of the cases of sewer deaths were of workers who migrated to urban centres and had to resort to these jobs for their survival.
20. Dalit migrant labourers often have no rights or worker protections and are exposed to labour exploitation and bonded labour.
21. Climate change and the impact on livelihoods means increased migration by poor Dalit communities from rural to urban areas. Dalit migrant communities have been forced to settle in uninhabitable areas such as near factories. The pollution from these factories as well as the runoff and discharge in water catchment areas has led to health and respiratory diseases.
22. In its report on India, the Committee on the Elimination of Racial Discrimination noted that a very large numbers of Dalits are forced to work as manual scavengers and child workers and are subject to extremely unhealthy working conditions and exploitative labour arrangements, including debt bondage<sup>4</sup>.
23. In the April 2015 earthquake in Nepal, recovery efforts for Dalits have been severely hampered by discrimination and disadvantage. Discrimination, often engrained in communities despite legal provisions, has had an impact. Tensions between displaced Dalits and upper castes emerged focused on access to drinking water from the public water tap. Upper caste respondents

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<sup>3</sup> [CERD/C/PAK/CO/21-23 \(CERD 2016\)](#)

<sup>4</sup> CERD/C/IND/CO/19 (CERD 2007)

said they were unhappy about the presence of Dalits in their areas because they considered them to be “dirty.” To avoid conflict, Dalits started collecting water in the early morning but others were not happy, Dalit children continued to face abuse, and there was pressure for them to return to their unsafe land.

24. Many Dalits said that they perceive that aid providers are also discriminating against them. Research found that 21 percent of Dalits did not agree that everyone could access aid equally compared to 8 percent of high caste hill people. Second, material disadvantages that pre-date the earthquakes make recovery much more difficult. Low caste groups have a lower asset base and levels of education. The research found that a lack of education also sometimes made it harder for Dalits to access some aid programs<sup>5</sup>.
25. Across mostly Europe, the Roma community lack basic housing utilities and infrastructure, and pollution affects their health and endangers their life. Linked with the daily experiences of discrimination, this prevents Roma from enjoying the most basic human rights, namely the right to live in a clean environment and the right to live in a house with the necessary utilities, protecting them from the effects of climate change.<sup>6</sup>
26. Roma face evictions because of a lack of property documents, which is linked with a lack of identity documents and also with the illegality of the construction. If evicted Roma are not provided adequate alternative housing and many continue to live in makeshift barracks for years after they have been evicted, highly exposed to environmental hazards.<sup>7</sup> A higher level of hazardous environmental conditions among Roma communities increases the potential for miscarriage and stillbirths, neonatal deaths and high rates of maternal death during pregnancy and after childbirth.<sup>8</sup>
27. A significant number of Roma are garbage collectors. Despite playing an important social role in protecting the environment, informal waste collectors have been rejected by society and in many cases their activity is often considered a crime. Revenue from waste sorting constantly varies and they work undeclared without pension and health insurance and are subject to blackmail by some waste buyers.<sup>9</sup>
28. West Africa in general and the Sahelian region in particular are characterized by some of the most variable climates on the planet. Future climate change will likely make many current development challenges more complex and urgent.
29. There are links between climate change and security in the region. There is anecdotal evidence that climate change has already been associated with conflict in West Africa. However, there is little research that has managed to

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<sup>5</sup> <https://asiafoundation.org/2017/04/19/dalits-left-behind-nepal-slowly-recovers/>

<sup>6</sup> <https://antigyptism.eu/antigyptism-in-romania-lessons-not-learned/>

<sup>7</sup> [UnnaturalDisaster-report2023.pdf \(crd.org\)](#)

<sup>8</sup> [The Experience of Pregnancy in the British Gypsy, Roma and Traveller Communities | AIMS](#)

<sup>9</sup> [Informal Waste Collectors in North Macedonia: Perspectives, Constraints and Opportunities - Study - Portal REDINGO \(redi-ngo.eu\)](#)

construct an empirical link between climate change and conflict in the region (or, for that matter, anywhere else).

30. Further research needs to be commissioned to understand the links between climate change and conflict including the impact of these challenges for marginalised communities such as CDWD in West Africa.
31. Experts advise that adaptation needs to focus on the full range of development problems affecting countries. Adaptation to climate change clearly needs to be integrated within wider plans for development assistance, and the additional costs for that adaptation need to be funded with “new money” so as not to undercut development priorities elsewhere.
32. In this context, the Loss and Damage Fund, including its design and implementation must be developed through a participatory approach with genuine engagement with marginalised communities such as CDWD.<sup>10</sup>

### **The legal and/or moral basis for States and other actors including businesses to contribute to the Fund**

33. Discrimination based on work and descent violates fundamental human rights principles, including the right to equality, non-discrimination, and an adequate standard of living.
34. States have legal obligations under international human rights law to protect and promote the rights of all individuals, including those belonging to CDWD.
35. Contributing to a fund for climate change-related loss and damage for these communities can be seen as fulfilling these obligations and addressing historical injustices.
36. The states shall also ensure that basic Climate Justice Principles like Polluter Pays principle (as adopted in Rio Declaration 1992) and Corporate Social Responsibility are followed by corporate entities in order to ensure that the CDWD have equal access to climate justice as they are the ones who are severely impacted .
37. Overall, the legal and moral basis for states and other actors to contribute to a fund for climate change-related loss and damage in relation to CDWD stems from principles of human rights, climate justice, corporate responsibility, and global solidarity. Contributing to such funds is not only a legal obligation but also a moral imperative.

### **Non-financial components that may be relevant from a climate justice perspective**

38. Meaningful participation, representation and inclusion in decision making processes at regional and global platforms to influence climate change policies; access to information and education through accurate, relevant and understandable information for CDWD communities are some of the non-financial components that are relevant from a climate justice perspective.

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<sup>10</sup> Brown, O. and Crawford, A., 2008. Assessing the security implication of climate change for West Africa. *IISD, Winnipeg, Manitoba.*

39. Gender inclusion, capacity building programs, climate resilience and adaptation skills, disaster preparedness, renewable energy technologies, and other relevant skills that empower communities to mitigate and adapt to climate change impacts must be addressed through climate justice education and reforms such as the Loss and Damages Fund.

## **b) The right to development of children and future generations**

40. The Right to Development encompasses the principle that all individuals, including children and future generations, regardless of their social or economic status, have the right to participate in, contribute to, and benefit from the development processes within their society.

41. For CDWD children and youth, who often face systemic discrimination and marginalization in many societies, the Right to Development holds particular significance which includes equal opportunities for education, healthcare, employment, and social participation. It aims to dismantle barriers that hinder their access to these opportunities based on descent based discrimination.

42. This includes targeted interventions to improve education, healthcare, infrastructure, and economic opportunities in CDWD inhabited areas.

43. Access to justice is another critical issue that impacts on children's Right to Development. CDWD children and young people do not have access to legal protections such as legal aid and are overrepresented in juvenile detention.

## **Children from the Roma community and their Right to Development**

44. Although European countries have anti-discrimination legislation in place in line with the European Union (EU) Racial Equality Directive, implementation of these legal protections remains poor.

45. In 2020, the European Commission set a new EU Roma Strategic Framework for Equality, Participation and Inclusion<sup>11</sup> and proposed that all national Roma strategic frameworks have among others a focus on the four policy areas education, employment, healthcare and housing, in particular antigypsyism as a key objective and cross-cutting priority in each policy area.<sup>12</sup> In addition, the 2021 Council Recommendation on Roma, asks the European Union member states to introduce antigypsyism as a horizontal objective and to set quantitative targets by 2030 to combat and prevent it.

46. The unofficial, estimated share of Roma people in the various European Union Member States ranges from 30% in Romania, 12.2% in Bulgaria, 12.2% in Hungary, 12.2% in Spain, 7.9% in Slovakia, 6.5% in France, 3.2% in the Czech Republic, 2.8% in Greece, 2.4% in Italy, 1.7% in Germany, to less than 1% in most of the other EU Member States.

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[https://commission.europa.eu/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package\\_en#:~:text=To%20this%20end%2C%20the%20new,social%2C%20economic%20and%20cultural%20life.](https://commission.europa.eu/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en#:~:text=To%20this%20end%2C%20the%20new,social%2C%20economic%20and%20cultural%20life.)

<sup>12</sup> [eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0620&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0620&from=EN)

47. Roma sociologists and activists are questioning these numbers as Roma often choose not to declare their identity, due to fear of discrimination or potential threats or risks to their life. Another problem is difficulties related to the issuance of identity documents, citizenship, and the lack of birth certificates and birth registration of some children. Many Roma children and young adults remained unregistered at birth. The risk was heightened for children born to parents who themselves were undocumented.
48. According to the Fundamental Rights Agency 2021 data<sup>13</sup> four out of five Roma live at risk of poverty. On average, 80% of Roma in the surveyed countries were at risk of poverty in 2021. 83% of Roma children younger than 18 lived in households at risk of poverty in 2021. Every second Roma child (0–17) lives in a household in severe material deprivation, representing 54% of the surveyed population. In general, 55% of Roma children up to 15 years face higher rates of housing deprivation, with about 94% of those Roma children are more likely to live in overcrowded households and 24% of them in households without access to tap water.
49. Data from the Fundamental Rights Agency shows that over 70% of young Roma are still leaving school early. Only two out of five Roma children attend early childhood education and care. The largest differences between Roma and the general population are found in Croatia and Serbia where the shares of children in early childhood education are generally low, and in Italy and Portugal.<sup>14</sup> Data show that the share of Roma students (18-24) who leave education and training early is very high. On average 68% of Roma students are considered early leavers from education and training.<sup>15</sup>
50. In compulsory school, more than half of Roma children aged 6–15, that is 52% of the ones surveyed, are in segregated schools where all or most schoolmates are Roma. One in five Roma children experienced hate-motivated bullying/harassment due to being Roma while in school.
51. In 2021 segregation in education was particularly pronounced in Slovakia, Bulgaria, Croatia, and Romania. In Bulgaria and Slovakia almost two-thirds of these children attend a school where all or most of the other children are Roma. Moreover, since 2016, the share of children in segregated education has increased by 8 percentage points on average. Roma children are placed in special, separated schools and classes because the teachers and school managers perceive them as mentally retarded or unclean despite the many decisions of the European Court of Human Rights on the issue.
52. Humanium<sup>16</sup> claims that the ECtHR invisibilized the Roma children in its narrative and that it is more concerned with the rights of parents and the social positioning of Roma communities than recognizing the intersectionality of Roma children's marginalization and recognizing that their rights are being violated due to these dual affiliations. The enrolment in primary school is high, although overall slightly lower than that for non-Roma students. The share of

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<sup>13</sup> [Roma in 10 European countries. Main results - ROMA SURVEY 2021 \(europa.eu\)](#)

<sup>14</sup> [Roma in 10 European countries. Main results - ROMA SURVEY 2021 \(europa.eu\)](#)

<sup>15</sup> [pdf \(oecd.org\)](#)

<sup>16</sup> [Roma children's discrimination in education - Humanium](#)



Roma students in compulsory education did not significantly change between 2011 and 2016.

53. All the above significantly influence the access rate to university education. As such, one in every hundred Romani youth enters higher education in Europe.

## **Recommendations**

In line with the Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent<sup>17</sup> This submission makes the following recommendation to the Special Rapporteur on the Right to Development.

54. National and local governments should take all necessary constitutional, legislative, administrative, budgetary and judicial measures, including appropriate forms of affirmative actions and public education programmes, to prevent, prohibit and provide redress for discrimination based on work and descent in both public and private spheres; and ensure that such measures are respected and implemented by all State authorities.

## **PHYSICAL SECURITY AND PROTECTION AGAINST VIOLENCE**

55. National and local governments should prohibit harmful practices of child marriages and dowry, and those forbidding the remarriage of widows, the dedication of girls to temple deities and forced, ritualized prostitution and create local law enforcement task forces for the effective implementation of the prohibition.

56. State actors should take special measures, such as devising and implementing comprehensive plans of action and creating a monitoring mechanism, to protect affected communities from physical violence, including torture, sexual violence and extrajudicial killings.

57. Particular attention should be given to the situation of women and girls, including under domestic violence laws, and to sexual violence, sexual exploitation and trafficking committed against women and girls of affected communities.

## **FORCED, BONDED AND CHILD LABOUR**

58. National and local governments, corporations, labour groups, and international labour, financial, and development organizations should collaborate to ensure concrete mechanisms for the prevention, identification and eradication of exploitative labour arrangements and the implementation of

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<sup>17</sup>

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

rehabilitation schemes for forced, bonded and child labourers with special attention to affected communities.

## HEALTH

59. National and local governments should take all necessary measures to ensure the highest attainable standard of physical and mental health, equal access to healthcare and a safe health environment for members of affected communities. Governments should pay special attention to child malnutrition and high maternal mortality rates in affected communities.
60. National, local and international health officials and practitioners should ensure equal treatment for members of affected communities including access to sanitation facilities and medical insurance and treatment at hospitals.
61. Development and financial assistance to ensure adequate hygiene and sanitation should be provided by national and local governments and international development and humanitarian organizations.

## EDUCATION

62. National and local governments should take all necessary measures to ensure equal access to free quality primary and secondary education for children from affected communities, as well as equal opportunity to receive tertiary education. Effective special measures should be enacted for affected communities in admissions to public and private higher education institutions.
63. National and local governments should take effective measures to reduce dropout rates and increase enrolment rates among children of affected communities at all levels of public and private schooling, by providing scholarships or other financial subsidies, combating classroom segregation, harassment and discrimination against pupils of affected communities
64. National and local governments should review and eliminate language in school textbooks that conveys or encourages stereotypical and prejudicial beliefs, attitudes, and actions against members of affected communities and ensure that the content of education and curricula reflect the contributions of affected communities and emphasize the need to eliminate discrimination based on work and descent.
65. Affected communities are likely to suffer high and disproportionate levels of poverty due to discriminatory practices; such barriers and practices should be addressed including by expanding access to adequate sources of income and employment for the affected communities.
66. In residential areas in which access to food, clothing and housing is typically provided through communal resource arrangements such as village wells and ponds, community grazing grounds, village forests and public roads, national and local governments should monitor and facilitate affected communities'

access to these common resources and ensure that their access is not blocked through prejudicial or punitive measures by other residents.

#### MULTIPLE DISCRIMINATION AGAINST WOMEN

67. National and local governments should collect, analyze and publicly provide disaggregated data on the situation of women affected by discrimination based on work and descent.
68. National and local governments should take into account the situation of women and girls of affected communities in all measures taken to address discrimination based on work and descent, and explicitly create provisions tailored to ensure the rights of women and girls affected by discrimination based on work and descent wherever possible.

#### PARTICIPATION OF AFFECTED COMMUNITIES

69. Any measures taken for the effective elimination of discrimination based on work and descent should be made on the basis of genuine and informed consultations with affected communities. Procedural mechanisms of those measures should be set up to ensure that the affected communities' interests are adequately represented.

#### HUMANITARIAN AND DEVELOPMENT ASSISTANCE

70. All States should recognize and take measures to address the special problem of increased discrimination based on work and descent in situations of humanitarian crises, such as internal conflicts, wars, or natural disasters.
71. Governments and international organizations should develop measures to tackle exclusion and discrimination in all development and disaster recovery programmes, such as social equity audits and caste analysis frameworks. Appropriate 'affected community inclusion tools' should be developed and applied effectively in the planning and monitoring of programmes. Agencies should provide training on discrimination based on work and descent to their staff and should take responsibility to monitor and counter untouchability practices. Members of affected communities should be fully involved in decision-making on and the planning and evaluation of programmes, and agents involved should actively seek to employ members of affected communities in the recovery or development operations.
72. States should investigate all alleged cases in which members of affected communities have been denied assistance or benefits equal to that received by other people, or cases in which they have been discriminated against during the relief, rehabilitation and development processes, and compensate or retroactively grant such benefits to the victims of affected communities.



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