



Submission to the CCPR: Australia List of Issues Prior to Reporting (LOIPR)

Descent based discrimination in Australia

Submission by Global Forum of Communities Discriminated on Work and Descent

1. Discrimination based on Descent¹ is on the rise in Australia.
2. In 2002, UN CERD issued General Recommendation 29² to clarify Article 1 paragraph 1 (descent) of the International Covenant on the Elimination of All Forms of Discrimination. The Recommendation noted that 'Descent' in Article 1 paragraph 1 included forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights.
3. In many parts of the world, descent based discrimination is also associated with traditional slavery, forced labour, debt bondage, serfdom, children working in slavery or slavery-like conditions, domestic servitude, sexual slavery, and servile forms of marriage within the concept of human trafficking.
4. Descent based discrimination (which includes caste) affects more than 270 million people worldwide. This includes Dalits in South Asia, Haratin, Osu and other communities in West Africa, Roma in Europe, Quilombola and Palenque in Latin America and within diaspora communities worldwide.

Descent based discrimination in Australia

5. As migration to Australia booms, practices of caste descent based discrimination have also increased predominantly within South Asian communities
6. Unmoored from its traditional base and its practices in South Asia, caste and descent based discrimination take on new forms, adapting to environment and context; and manifesting in new ways. It is dynamic, discreet and hidden making its detection a challenge.
7. The fact that caste and descent discrimination spreads and is practised within diaspora networks has been established with strong evidence from the US and the

¹ Asang Wankhede, Even in Australia, alarming levels of caste discrimination exist. We must fight it with evidence, *The Guardian*, 29 October 2024,

https://www.theguardian.com/australia-news/commentisfree/2024/oct/30/even-in-australia-alarming-levels-of-caste-discrimination-exists-we-must-fight-it-with-evidence#:~:text=There%20are%20covert%20and%20overt,does%20it%20begin%20in%20adulthood_, accessed 16 June 2025

²https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FGECC%2F7501&Lang=en

UK (both of which have large diaspora networks from South Asia).^{3 4} California's legislature has become the first in the US to approve a bill banning caste discrimination to protect people of South Asian descent who allege unfair treatment.

8. In Australia a report commissioned by the Australian Human Rights Commission⁵ aimed at documenting experiences of discrimination faced by ethnic minorities in Australia highlighted:
 - Exclusion faced by Dalits from social and cultural events based on caste
 - Discrimination based on caste identity in schools, universities and workplaces.
 - Instances of physical assault, threats of sexual assault and usage of casteist slurs
 - Exclusion in rental markets
9. Descent based discrimination also poses a serious challenge in the context of business and human rights. Australian businesses, particularly those with a global footprint may not be fully aware of the extent to which descent-based discrimination influences their supply chains, employee relations, recruitment practices and community engagements.
10. This has become even more pertinent in light of Australia's bilateral engagement with India through trade agreements such as the Australian - India Economic Trade Agreement (ECTA) which is seeing an increase in trade exchanges and cultural relationships between Australian and Indian businesses.

Addressing caste and descent based discrimination in Australia

11. In 2018 the Australian Senate passed a motion banning discrimination based on Work and Descent.
12. In 2024, the Australian Human Rights Commission (AHRC) proposed legal protections against caste discrimination in its National Anti-Racism Framework. It recognizes caste discrimination as a significant problem and outlines specific measures to tackle it.
13. The AHRC recommendation to the Australian Government is to investigate options for legal protections against caste discrimination including potential reform of existing legislation.⁶

³ Kumar, S. (2023). Caste Discrimination Among Indian Diaspora in the USA. *Contemporary Voice of Dalit*, 0(0). <https://doi.org/10.1177/2455328X231178141>

⁴ Caste Discrimination comes to the US, New Jersey State Bar Foundation <https://njsbf.org/2024/02/26/caste-discrimination-comes-to-the-u-s/>

⁵ Report on national community consultations, Federation of Ethnic Communities Council of Australia (FECCA) - National anti-racism framework

⁶ The National Anti-racism Framework, Australian Human Rights Commission, November 2024



The key Question to the Australian Government as part of the CCPR State Party review

- 14. "What concrete steps is the Australian Government taking to implement Recommendation 17 of the Australian Human Rights Commission's National Anti-Racism Framework, particularly with regard to investigating legal protections against caste discrimination and potential reforms to existing legislation?"**

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