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European Parliament's Joint hearing on caste-based discrimination in South Asia 28 February 2011

I would like to start by thanking the Sub-Committee on Human Rights, the Committee of Development and the Delegation for relations with South Asia and India for organizing this hearing and for inviting the Office of the High Commissioner for Human Rights to take part.

As many of you know, countering discrimination is a priority for the OHCHR, and we have enjoyed excellent cooperation with the EU institutions in this key human rights field. We have, for example, organised a joint seminar on the fight against all forms of discrimination, which coincided the opening of our office in Brussels in October 2009.

Of various forms of discrimination, today's session is devoted to caste-based discrimination, a deep rooted problem with huge implications, with over 200 million people affected globally. And let me stress the world "globally", because, as the findings of the UN human rights mechanisms show, caste-based discrimination and similar practices are not restricted to one region or one belief system.

The High Commissioner for Human Rights, Ms Navi Pillay, has stressed that we need to combat such discrimination vigorous wherever it occurs and "tear down the barriers of caste". In strongly denouncing caste-based discrimination, the High Commissioner has also stressed that caste-discrimination is not only a human rights violation in itself but it also exposes those affected to other human rights abuses and that, for women, caste is a multiplier that compounds their experience of poverty and discrimination.

What is it then that we in the Office of the High Commissioner can do to help bring down these barriers?

As today's hearing is devoted to South Asia, I will focus my remarks on our work in that region. Let me first of all note that in our strategic management plan for 2010-2011, it is clearly stated that in this region our work against discrimination is pursued with a particular focus on women and caste.

In practice, much of this work is done through our field presences. An excellent example of our work is the on-going dialogue our Office in Nepal pursues with the authorities, NGOs and others concerned to combat caste-based discrimination in Nepal. Despite valuable efforts by the authorities and progress in a number of areas, caste-based discrimination remains common in particular in the rural areas.

Growing awareness of human rights challenges related to caste has borne positive results. The current membership of the Constituent Assembly in Nepal is the most inclusive ever, comprising also unprecedented numbers of Dalits. The submission of

the draft Caste-based Discrimination and Untouchability Crime Elimination and Punishment Act to Parliament in July 2009 is also a positive development. OHCHR has reviewed the draft law and made a number of recommendations that would further strengthen the draft bill in line with international human rights law and best practices. In addition to engaging with the authorities, OHCHR-Nepal has worked closely with a spectrum of organisations representing the Dalits and other marginalized groups, including in relation to their input to the Durban Review Conference.

In various countries, the OHCHR also facilitates direct support to grass-root organizations that combat caste-based discrimination and related human rights problems. One relevant tool is the U.N. Voluntary Trust Fund on Contemporary Forms of Slavery, which supports NGO projects to extend humanitarian, legal, and financial aid to victims and potential victims of contemporary forms of slavery, who in a number of cases come from Dalit and other communities that are exposed to caste-based discrimination. Over the years, the Fund has provided support to more than 400 projects which have directly assisted thousands of victims and potential victims of contemporary forms of slavery in more than 85 countries in all regions of the world.

One key element of OHCHR's work is supporting UN human rights mechanisms, many of which have paid close attention to the issue of caste-based discrimination. The country-specific observations of the human rights treaty body contain a range of comments on human rights problems related to caste. This issues has also been addressed in general comments, including by the CERD, which in its general recommendation No. 29 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."

The Special Procedures, set up by the Human Rights Council, are also an important channel to raise concerns about caste-based discrimination, and reports of the Independent Expert on Minority Issues, the Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other mandate holders have addressed a number of related issues in the course of their work. Examples include the visit of the Special Rapporteur on the situation of human rights defenders to India, where she drew attention to the situation of human rights defenders working for the rights of marginalized people and the Joint report on the visit of the independent expert on the question of human rights and extreme poverty and the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation to Bangladesh noted the problems Dalits face in such areas as access to health.

Moreover, in terms of thematic work that has been carried out pursuant to resolutions of the former Sub-Commission on the Promotion and Protection of Human Rights, I would like to recall the final report by the former Special Rapporteurs on the topic of discrimination based on work and descent, which contains, as an annex, Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent.

I would also like to highlight the role of the Universal Period Review (UPR) carried out by the Human Rights Council. The UPR is a unique process started in 2008, involving a review of the human rights records of all UN Member States once every four years. To demonstrate the relevance of UPR for the topic we are discussing today, I would like to note that for example last month during the interactive dialogue on Nepal a number of States made recommendations concerning caste issues. Significantly, the government of Nepal expressed its support to a number of them, including a recommendation to eliminate all forms of discrimination and pass the bill on caste-based discrimination and untouchability.

Such UN human rights mechanisms and initiatives can make a significant contribution to efforts to eliminate caste based discrimination. But a real impact can only be achieved through commitment and hard work at the national level by the authorities, national human rights institutions, civil society and, importantly, by the affected communities themselves. In order to build capacity to pursue such work at the national level, OHCHR has taken a number of steps, including by involving Dalit representatives in its fellowship programmes aimed to educate leaders in human rights advocacy.

Ladies and gentlemen,

While we must be open in pointing out shortcomings, we also need to highlight the valuable initiatives that have been launched in various countries in South Asia to make sure that their legal guarantees against caste based discrimination are truly felt at the local level. In this work, institutions such as the National Dalit Commission in Nepal and the National Commission for Scheduled Castes in India have an important role to play as do the range of valuable laws and positive measures that have been put in place to improve the situation of Dalits in terms of participation in decision-making and other key fields. We must work together to make sure that such good practices are replicated and built upon in order to make progress towards our shared goal of eliminating discrimination.

Thank you for your attention.