



Caste discrimination is mentioned several times in the plan's section on the Asia/Pacific region. A thematic priority is to "counter discrimination, with a particular focus on women and caste." IDSN has recommended that activities be reviewed and expanded to fully address the Dalit human rights issues in all relevant thematic areas. IDSN is also currently discussing training on UN human rights mechanisms for Dalit constituencies with the office.

The High Commissioner herself addressed the issue of descent-based discrimination during a visit to Japan in May. While praising the Japanese government for its efforts to combat forms of work and descent-based discrimination, such as those faced by the Burakumin¹, Ms Pillay also urged

it to adopt a comprehensive law on discrimination. Such a law should provide better protection for minority groups, including the Buraku community.

On the UN Human Rights day on 10 December, the National Dalit Commission of Nepal (NDC) and the Office of the UN High Commissioner for Human Rights in Nepal (OHCHR-Nepal) issued a joint publication "Speak up Stop Discrimination – observations on the untouchability bill". While welcoming the draft bill, the two bodies call for improvements and point out a number of shortcomings that have to be addressed to strengthen the current bill. IDSN commends the OHCHR in Nepal for its work and shares information from this office to its members and broader constituency.

OHCHR analyses Nepal's Untouchability Bill

In their observations on the Untouchability Bill, NDC and OHCHR note that "many areas of the bill require improvements for the law to have the desired impact. Among the shortcomings are: a failure to define caste discrimination and 'untouchability'; an inadequate emphasis on the government's obligations under

international human rights law; a lack of classification of offences; a failure to provide guidance to police officers; inadequate provisions for punishments; and a failure to set out positive duties for the government. The analysis of the draft 'Caste-based Discrimination and Untouchability Crime and

Elimination Punishment Act' also notes that this draft has some significant strengths, such as penalising caste discrimination in many areas; criminalising incitement to caste discrimination; and providing increased punishment for public officials found responsible for discrimination.

In the village of Tikha in Nepal the majority of the villagers are Dalits. The village well, where all water supplies come from, is divided into two separate wells about 50 meters apart, one for Dalits and one for non-Dalits, who fear that they will become 'unclean' if they use the same tap as the Dalits. The Dalit tap is always overcrowded while the other tap is seldom used. In 2010, OHCHR-Nepal released two reports urging the Nepal Government to take action to end caste discrimination.

"The life of Burakumin has gotten worse, and people in general have increasingly become unaware of the Buraku problem... Meanwhile, discrimination against Burakumin has continually been manifested in different forms." Kenzo Tomonaga, Director of the Buraku Liberation and Human Rights Research Institute, Japan

On UN Human Rights Day, and under the banner "Speak up Stop Caste Discrimination", IDSN issued a special statement with an account of activities by Dalit activists in the run-up to this day. Dalit activists have been mobilising through marches and awareness raising activities from activism in Nepal, a march in India, and human chains in Bangladesh to an exhibition in the UK to highlight the plight of Dalits.

UN treaty bodies and UPR

In 2010, few reviews were scheduled for countries affected by caste discrimination.

In February the Government of Japan was reviewed by the UN Committee on the Elimination of Racial Discrimination (CERD). In its concluding observations, the Committee urged Japan to consider specific legislation against direct and indirect racial discrimination. Such steps would be particularly relevant to the Buraku community, which suffers similar forms of descent-based discrimination as the Dalits of South Asia. The Committee also recommended Japan to set up a government agency to deal with Burakumin discrimination cases and to do more to improve the living conditions of the Buraku communities. Although the government maintains the position that discrimination against the Burakumin does not constitute racial discrimination, the Japanese delegation did elaborate on steps taken to eliminate discrimination against them. Prior to the review, a report with inputs from a large number of NGOs had urged the government to consider the views and recommendations expressed by CERD as well as the UN Special Rapporteur on Racism.

In 2010, the IDSN secretariat updated its comprehensive overview of UN treaty body recommendations on caste discrimination (1996-2010)², and circulated this compilation to a wide range of governmental, UN, EU, and NGO stakeholders.

Towards the end of the year, the preparations for the Universal Periodic Review of Nepal in early 2011 started in cooperation with civil society coalitions and Dalit organisations in Nepal.

European Union

In 2010, IDSN continued lobbying key institutions of the European Union: the European Council, the European Commission (EC) and the European Parliament (EP). IDSN successfully intensified work with the Council through its Working Party on Human Rights (COHOM). A long term lobby goal for IDSN was achieved, when COHOM decided to host a hearing on caste-based discrimination in the early spring.

In the course of the year, different IDSN teams had a series of meetings in Brussels, including with members of the European Parliament (MEPs), permanent representations of EU member states, and officials of the Council and the Commission, in particular EuropeAid (the EU development agency) and ECHO (the humanitarian aid department). In May, an IDSN presentation was made for UN agencies in Brussels hosted by the OHCHR Regional Office. In October, an IDSN team took part in the Asia Europe People's Forum in Brussels and members spoke at a workshop on manual scavenging and caste discrimination. The Human Rights and Democracy Network – of which IDSN is a member – considered the topic of caste discrimination in the context of the EU at its October meeting.

At the level of affected countries, IDSN together with Dalit national platforms maintained a constructive dialogue with some Commission delegations, in particular in Bangladesh and Nepal. Commission officials have on several occasions promised to step up country level engagement to address caste discrimination. In India, the EU-India human rights dialogue held in March failed to address caste discrimination. In spite of many efforts made to ensure that the biggest human rights issue in the country formed part of the dialogue, this gives further validity to IDSN's call to the EU for the adoption of a policy on the

AEPF calls for action on Dalit rights

Hundreds of civil society representatives, activists and parliamentarians from Asia and Europe took part in the 8th Asia Europe People's Forum (AEPF) in Brussels from 2-5 October. For the first time, the Forum's Call to Action presented to the ASEM heads of state contains a recommendation on caste discrimination.

"Take immediate measures to prevent discrimination on any grounds, including caste-based discrimination, and take special measures to assure decent work conditions for the Dalits in South Asia."



topic and integration into instruments that can withstand political pressure. If not the issue may face a constant risk of 'disappearing from the agenda', when political pressure becomes too intense.

Council Working Party on Human Rights (COHOM)

Prior to the COHOM hearing on caste discrimination which was held on 10 May, the Spanish Presidency requested IDSN to prepare policy recommendations for EU action on the topic. Such recommendations were subsequently presented in the IDSN paper "Towards an EU Policy Framework for the Elimination of Discrimination based on Work and Descent"⁸. Henri Tiphagne, Director of People's Watch in India, spoke at the hearing about the human rights implications of caste discrimination, whereas IDSN Coordinator Rikke Nöhlind outlined policy options to the COHOM members, calling for EU action at three levels: in its engagement with caste-affected countries, through its action in multilateral fora such as the United Nations and through its development policies and instruments.

With a view to advance work by COHOM on the topic, a group of member states met in Copenhagen in June, and discussions were resumed by COHOM in its meetings

towards the end of the year. In spite of the urgency of the matter, progress is slow suggesting that even today a number of EU member states hesitate to advance EU leadership on one of the most serious human rights issues in the world. However, an important decision was made in COHOM to include caste discrimination as a topic in all future human rights and policy dialogues with caste-affected countries, also those outside South Asia.

As described in the UN section of this report, the current hesitant position by COHOM has some implications for the potential progress in securing consideration and endorsement by the Human Rights Council on the draft UN Principles and Guidelines.

The Commission/ European External Action Service (EEAS)

IDSN pursued the policy matter in an open letter (21 October) to Ms Catherine Ashton, EU High Representative for Foreign Affairs and Security and head of the new European External Action Service (EEAS). IDSN called upon her to ensure that caste-based discrimination is given the attention appropriate for a human rights problem of this magnitude. IDSN maintained that the EU must take a high profile official stand on the unacceptability of caste-

Sweeping the streets is a dirty job and Dhaka's sweepers are mainly Dalits. They are discriminated against and confined to live in slums, 500 people live in 98 shacks under unsanitary conditions. Each shack is extremely small, only a few square meters. The authorities provide no safe drinking water, no electricity and no special health facilities. There are no schools in the vicinity.

based discrimination. Unless this issue is taken up with strong leadership at the highest levels of government, an estimated 260 million people around the world will remain condemned to a lifetime of abuse simply because of the caste into which they are born.

Whilst the EU calls for proposals increasingly accommodate activities to combat caste discrimination and to strengthen Dalit civil society, current country strategy papers and programming documents still fall short. Without an EU policy to address caste discrimination, people affected by this form of discrimination risk remaining politically and programmatically invisible. Likewise, without strengthening EU instruments specifically to address this form of discrimination, the need for special measures may remain unaddressed.

IDSN suggested to the High Representative that the EEAS – within the framework of the Human Rights Policy Review initiated in 2010 – consider the progress made by the Commission, the Council and the Parliament to address discrimination based on 'work and descent' and work towards an effective EU policy. The open letter and IDSN's recommendations for an EU policy on the topic were widely distributed. Recipients included EU Commissioners Piebalgs and Georgieva with the portfolios for development and humanitarian assistance, respectively, MEPs, senior officials in the EU Commission, and member states. Dalit Solidarity Networks in Finland, the Netherlands, the UK, Denmark, Belgium and France shared the letter with their foreign ministry officials and parliamentarians.

The letter created a fair level of response: in a reply from Ms Ashton and Ms Georgieva, it was stressed that the EU is concerned about all forms of discrimination, including caste discrimination. The issue is seen as part of the recurrent social exclusion theme and "addressed at country level as such, including in the EU-India human rights dialogue". Responding on behalf of Ms Ashton, Mr Remond, Head of the Asia Section, mentions that "combating social exclusion is a subject that is regularly on the agenda of the EU-India Human Rights Dialogue, and in this context an EU-India workshop on the subject is presently being given consideration." In light of these statements it is highly regrettable that although placed on the agenda for the EU-India human rights dialogue in March, the topic was not addressed in the actual meeting.

IDSN had been engaging with the Commission, i.e. the delegation in India on a proposal for an EU-civil society consultation on caste discrimination in advance of the annual EU-India human rights dialogue, and prepared input for a proposed February consultation in Delhi. The consultation was never taken forward, but we hope the EEAS will decide on a workshop or seminar specifically

Discrimination and Development Assistance

A study requested by the European Parliament's Development Committee, was conducted in 2010 to address the anti-discrimination policies of the EC development cooperation⁹. The study entitled "Discrimination and Development Assistance" examines to what extent EC development policies contribute to combating discrimination of marginalised groups through a review of country strategy papers, thematic strategy papers, communications and guidelines.

The study concluded that the EC policies are mostly "confined to combating ethnic, racial, religious and gender discrimination" and pointed to a need to give further attention to LGBT and disabled people's concerns. The study did not carry a single reference to caste-based discrimination. Dalits or other people affected by discrimination based on work and descent were invisible. Among the ten country papers examined were those of India and Bangladesh.

addressing caste-based discrimination in early 2011. Whilst it is encouraging that high level representatives of some EU member states in India in informal discussions reflect their concern about caste discrimination, a higher public profile on the issue could be wished for.

The Head of the Human Rights Unit, Mr Timans, has expressed an expectation for the member states to move beyond a mainly project based approach, and welcomed IDSN's contribution to inform EU's policy approach regarding Dalit issues.

IDSN disseminated printed briefing materials as well as electronic versions of key documents, including UN compilations on the issue of caste discrimination, and have on occasion prepared tailor-made packages for EU or member states' officials in Brussels, capitals and also affected countries.

The European Parliament

In May, IDSN contacted a number of MEPs with the recommendations, "Towards an EU Policy Framework for the Effective Elimination of Discrimination based on Work and Descent," asking for support action. Letters were written to Chairs of the Delegation on India and South Asia, respectively, and a request made to the Chair of the Committee on Development (DEVE) to take a cross party initiative to support a process for an EU policy and follow up to EP resolution B6-0021/2007 on the human rights situation of Dalits in India. Following discussions, including

This young Dalit boy carries a heavy load. He has been working since he was six years old to pay off a loan inherited from his father who passed away. Dalits are often used as child labourers and bonded labourers. IDSN promotes active measures to combat discrimination against Dalits and the resulting exploitation of Dalits in the private sector.

with Graham Watson, chair of the EP Delegation on India, and other members of the committee, who had raised their concern about caste discrimination, progress was made. In December, an agreement was reached between the EP Sub-Committee on Human Rights, DEVE and the Delegation on India to co-host a hearing on caste discrimination early in 2011 in association with the EP Delegation on South Asia.

The EP's Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter adopted on 16 December 2010 carries references to caste, the first being a call for recognition of the fact that minorities, such as indigenous groups and people discriminated against because of their caste are disproportionately vulnerable and subjected to torture. The second reference is in article 159 which deals with human rights dialogues with third countries and calls for follow-up to the dialogues. In the specific reference to the EU-India human rights dialogue the EP regrets that the issue of caste-based discrimination was not discussed "at the last dialogue".

Whilst the EU-India Summit in December had no expressed concern for the biggest human rights problem in India, negotiations around the EU-India Free Trade Agreement did not escape parliamentary scrutiny about the caste dimension. A motion in the Dutch Parliament dealing with the sustainability chapter of the Free Trade Agreement expressed concerns about Dalits and the potential risk of further social exclusion. Questions to Ms Ashton were raised by MEPs about the Commission's intention to raise human rights issues with India, in particular issues related to child labour, forced labour, torture, freedom of religion and the situation of the Dalits.

Dalits and 2011 censuses

National Dalit platforms and IDSN have lobbied governments and state agencies for appropriate methods to ensure Dalit related statistics in censuses coming up in four caste affected countries in 2011. The EU Delegation in Bangladesh had followed up on a 2009 promise to look into the census issues and engaged with the United Nations Population Fund (UNFPA) and Government on the topic.

In November the Head of Operation invited Bangladesh Dalit and Excluded Rights Movement (BDERM), One World Action and IDSN to make a submission with suggestions for solutions to methodological problems. In December, this group presented an urgent request¹⁰ to include data on citizens affected by discrimination based on work and descent in the Bangladeshi census proposing a way forward. This submission and specific suggestions drew up on schedules and instructions from the Nepal and India censuses.

Private Sector

As a result of reduced staff during maternity leave, the IDSN Executive Group made a decision to scale down the Private Sector programme in order to align staff resources with workload. The activities of this programme were consequently reduced compared to the level envisaged for 2010, with a focus on feeding into existing processes and responding to ad hoc requests.

The trend of a slowly growing awareness of the need to incorporate considerations of caste in CSR policies among the business community in Europe and India continued in 2010. A number of media articles have drawn attention to the caste aspect of business and employment in India, including an analysis by India-CSR¹¹, which made the case for introducing special measures to eliminate caste discrimination using extensive references to documentation from the DSN-UK and IDSN and recommending the Ambedkar Principles¹² (API) as a tool for companies wishing to avoid discrimination on the basis of caste.

Contacts made with German, British, Dutch and Danish companies indicate a genuine interest in pursuing ways to include anti-caste discrimination measures in their Indian operations.

With organisations such as the Confederation of Indian Industry (CII) promoting a pro-active stance on caste among their members, it will be increasingly easier for European based companies to address the issue without hitting the barrier of cultural sensitivity which has so far been the main obstacle for progress in this area. By signing up to the CII Code of Conduct on Affirmative Action, 700 companies, including 55 of India's largest companies, have decided to disclose the caste composition of their work force in their next annual report.

The Dalit Discrimination Check¹³ (DDC), alongside the Ambedkar Principles (API), represent a cornerstone of IDSN's work to promote active measures in private sector operations. The DDC was developed in cooperation between the Danish Institute of Human Rights, IDSN and the Danish Ministry of Foreign Affairs and launched as an online self-assessment tool for companies in 2008. Responding to feedback from companies, the DDC was re-launched in a new more adaptable version in 2010 with options for selecting specific sections of the tool.

Companies or other actors operating in a caste-affected environment can thus now choose to use the section(s) of primary relevance to their operations, rather than going through the full comprehensive checklist as was required in the first version. It is now possible to focus on one or more of the four sections on Employment Practices, Community Impact, Supply Chain and Utilities and Services and the



company or organisation in question can tailor the tool to match their specific needs.

The Dutch and Danish governments recommend the AP and the DDC to companies operating in India and both countries have in 2010 responded to a call to take up the issue in connection with official trade delegation visits to India. The Dalit Network Netherlands (DNN) was invited to give a presentation to thirty corporate participants of the Dutch trade delegation, and the Danish Minister of Foreign Affairs, Lene Espersen, highlighted caste discrimination as an important issue for Danish companies to include in CSR cooperation with their Indian counterparts during their interactions with the Danish-Indian business community. The Dutch Ministry of Economic Affairs have furthermore published the Ambedkar Principles and Dalit Discrimination Check on their website.

The ISO 26000 standard on social responsibility for all organisations was finalised in 2010. The active engagement in the working group of a DNN staff member has secured recognition of caste discrimination with specific mentioning of people discriminated on the basis of caste in the section on vulnerable groups with recommendations for organisations to contribute to its elimination. The standard has been developed by stakeholder groups comprising

among others industry, government, labour, consumers and NGOs, with working groups in 83 countries.

Reference in a widely recognised standard like the ISO 26000 is an important step for further acceptance of caste discrimination as a human rights issue to be considered in CSR policies of companies and organisations.

Involvement in the Ethical Trading Initiative (ETI) continues in the Netherlands, Denmark and the UK, the latter with representation at Board level and leadership in the cross-national ETI Stone group.

People discriminated against on the basis of descent, including caste: "Hundreds of millions of people are discriminated against because of their hereditary status or descent. This form of discrimination is based on a history of rights abuse justified by the wrongful notion that some people are considered unclean or less worthy because of the group into which they are born. An organization should avoid such practices and, where feasible, seek to contribute to eliminating these prejudices." ISO 26000 on caste discrimination