

European Union

IDSN continued engaging with the European Parliament (EP), the European External Action Service (EEAS) and to a lesser extent Council structures, through lobby interventions. IDSN teams of Dalit human rights defenders met with a number of members of the European Parliament (MEPs), and officials of the EEAS in Brussels. At the level of affected countries, IDSN and national Dalit platforms had a constructive engagement with some EU delegations and member state agencies, in particular in Nepal and Bangladesh.

Some EU delegations stepped up country level engagement to address caste discrimination, for example in Bangladesh. According to the EEAS the issue has also been on the agenda in EU seminars and workshops on e.g. social inclusion. EU delegation and EC Humanitarian Aid & Civil Protection (ECHO) officials contributed to the IDSN International Consultation on Good Practices and Strategies to Eliminate Caste-Based Discrimination and ECHO officials also engaged in a national consultation in India on the topic of addressing caste discrimination in Disaster Risk Reduction and Disaster Relief.

The European Parliament (EP)

On February 28, a joint hearing on caste-based discrimination in South Asia was organized by the Subcommittee on Human Rights, the Committee on Development, the Delegation for relations with India and the Delegation for relations with South Asia. Speakers included representatives of EEAS, IDSN and OHCHR, who all specifically noted the lack of enforcement of laws to protect Dalits in South Asia.

IDSN stressed at the hearing that without a policy and special measures, caste discrimination will continue to 'fall off the agenda', whether in human rights dialogues, or in country strategies and development programming.

Maria Lensu, from the European External Action Service, explained how the EEAS are incorporating caste into various programmes and funding the work of Dalit human rights defenders. MEPs speaking at the session urged the EU to do more, following up with press releases and opinion pieces expressing their position⁹. MEP Peter van Dalen stated, "The Parliament needs to take a much more robust stand. Enough words – it's time for action. We must take action through our External Action Service – they need to make caste discrimination a priority."

Concluding the hearing co-chair Ms Kolarska Bobinska pointed out that this was the first in a series of meetings on caste discrimination and that the next one should focus on what action the Parliament can take. With the EP hearing, a

MEPs urge the EU to do more to end caste discrimination

Several MEPs issued statements urging the EU to do more to combat caste discrimination. MEP Leonidas Donskis from the Alliance of Liberals and Democrats for Europe is one example, stating on his website:

"Unfortunately, almost non-existent action of the EU with respect to caste discrimination, a serious human rights issue in India, is one of those cases in EU external policies when good relations with economic powers get a priority over human rights," wrote Leonidas Donskis, noting that currently the EU and India are negotiating a free trade agreement and India refuses to take into consideration any criticism on caste discrimination. **"Human rights defenders compare caste discrimination to Apartheid, however, the international community reacted to the regime in South Africa much stronger than to caste discrimination, which often lacks long-term and efficient international attention and action. Although the European Union advocates for human rights and democratic values around the world, it has not been active with respect to Dalits' situation. In 2007, the European Parliament adopted a resolution on the situation of Dalit human rights, however, it did not contribute to the solution of the problem as the EU has not developed effective measures necessary to address caste discrimination."**

long term lobby objective of IDSN was achieved and IDSN was involved in the organisation of the event.

Briefing notes and recommendations to EP committee members had been submitted in advance of the hearing. In a background note on proposed European Parliament action on caste-based discrimination, a series of concrete steps were outlined related to the relevant committees and delegations of the Parliament. EP resolutions before the Human Rights Council session, should follow up on European Parliament Resolution B6-0021/2007 on the human rights situation of the Dalits in India, and delegation visits to affected countries. Delegation members are called upon to include the topic of caste discrimination and measures to eliminate this form of discrimination in exchange of views with parliamentary counterparts and government officials from caste-affected countries and to meet with representatives from Dalit communities during every parliamentary visit to caste-affected countries.

A comprehensive briefing package¹⁰ was provided to the Delegation for Relations with India before a delegation visit to India in April, with country and issue-based information,

relevant EP resolutions and UN recommendations, recommendations for an EU policy to address caste based discrimination as well as tools for foreign investors to address caste based discrimination as part of their social responsibility and human rights obligations. This delegation was, however, not given the opportunity to meet with affected communities, whereas this was the case during the visit to Nepal by the EP Delegation for South Asia in November.

Prior to the last EU-India Summit, held in December 2010, the Chair of the Delegation for South Asia and four other MEPs from different political groups appealed to EU leaders to address human rights abuses against Dalits at the summit¹¹, a call that appeared to have little effect on the agenda. No EU-India Summit was held in 2011.

As part of the work with the EP, IDS-N followed up with a number of MEPs on recommendations for an EU Policy Framework for the Effective Elimination of Discrimination based on Work and Descent¹².

Finally, IDS-N lobbied for text references on caste discrimination for the European Parliament's Annual Human Rights Report 2010 and the European Union's policy on the matter, the result of which is not known at the time of writing.

The European External Action Service (EEAS)

In the course of the year, IDS-N disseminated briefing materials, as well as electronic versions of key documents, including the IDS-N compilation of UN references to the issue of caste discrimination to EEAS officials working with caste-affected countries and human rights.

IDS-N focused on the need to adequately reflect the situation of caste-affected groups in the EU human rights country strategies, most of which were developed and discussed in the course of 2011. Information was provided to the relevant delegations and EEAS officials in Brussels about key human rights issues affecting Dalits along with recommendations on inclusion of Dalit rights in the human rights country strategies.

Due to the non-public nature of this EU process, it has been difficult to assess to what extent caste-based discrimination has been addressed in the strategies. As the process of developing strategies is meant to involve in-country consultations with civil society, IDS-N and national platforms strongly recommended that representatives of Dalit civil society organisations be part of these as well as other regular consultations.

Finally, IDS-N promoted the use of relevant UN reports and recommendations through contact with EU delegations in caste affected countries and EEAS officials and continued

to lobby for inclusion of issues on caste discrimination in dialogues between the EU and caste-affected countries.

IDS-N also continued to call for EU support for the endorsement and use of the UN P&G through contact with EU and member state missions to the UN in Geneva.

Council Working Party on Human Rights (COHOM)

Whereas IDS-N had expectations for progress of discussion in the Council Working Party on Human Rights (COHOM) on EU action to eliminate caste discrimination, with a point of departure in the COHOM hearing on caste discrimination in 2010, and subsequent discussion of the issue in this forum, it appears that some EU member states hesitate to advance the EU position on this particular human rights issue. It has not been possible to monitor to what extent caste discrimination is included as a topic in human rights and policy dialogues with caste-affected countries, as was decided by COHOM in 2010.

EC project "Ending 'untouchability': European action to eliminate caste discrimination"

A three year project commenced in January under the European Commission grant provision for "Non-State Actors and Local Authorities in Development: Coordination, cooperation and networking activities among European organisations".

The project, which is co-financed by DanChurchAid, provided the financial basis for the International Consultation on Good Practices and Strategies to Eliminate Caste-Based Discrimination held in November in 2011, the organisation of which was a major activity of IDS-N in the second part of the year.

The project also covered production of a new introductory documentary video on caste discrimination, a survey on public knowledge and opinion on caste discrimination carried out in eight European countries as well as support to developing or upgrading websites of Dalit Solidarity Networks.

Work to develop a general framework for elimination of caste discrimination in disaster relief and rehabilitation programmes was also initiated under the project, based on a best practice case study from India¹³

International Consultation on Good Practices and Strategies

The historic International Consultation on Good Practices and Strategies to Eliminate Caste-Based Discrimination by governments, civil society, national and international institutions and agencies, organised by IDS and co-organized by the Feminist Dalit Organization (FEDO), the Dalit NGO Federation (DNF) and the Nepal National Dalit Social Welfare Organisation (NNDSWO) was held in Kathmandu on 29 November – 1 December, with more than 110 participants.

Representatives from affected communities and Dalit human rights defenders from Bangladesh, India, Japan, Nepal, Pakistan, Sri Lanka, Senegal and Yemen discussed good practices and strategies as well as critical gaps with members of international organisations, national human rights institutions, NGOs, Solidarity Networks and researchers. Representatives of Government ministries, diplomatic missions and EU institutions contributed to discussions and the benchmarking of how far initiatives

“As parliamentarians we are trying to develop more of an EU strategy on work and descent based discrimination. We are looking at how the EEAs are raising the issues and will check that action is being taken, including in the human rights dialogues with India. We are also looking at how this human rights issue can be integrated in cross cutting themes, for example women’s issues and labour issues ... This is a common struggle and a specific struggle for Dalit rights. The European Union has a charter of fundamental rights and the first right is the right to live in dignity; this is what we now need to focus on.” Jean Lambert, Chair of the European Parliament Delegations for relations with South Asia, speaking at the IDS International Consultation.

have come measured against international human rights standards and good practices derived from local, national and international institutions, as well as specific country situations.

A Joint Declaration and Global Call for Action to Eliminate Caste-Based Discrimination were issued along with Recommendations on Good Practices and Strategies¹⁴ reflecting the main themes which were discussed in both plenary and in workshops.

The consultation was able to take stock of progress made in strengthening standards and progressive reforms (in some countries) to eliminate caste discrimination, including through constitutional, legislative and institutional measures.

One of the major themes, effective constitutional and legislative frameworks and policies, focused on access to justice for Dalits in the context of largely dysfunctional systems of justice in most affected countries and the need for institutional reforms at all levels, including the police. Key recommendations also included adoption of National Action Plans with targeted interventions to eliminate caste discrimination and UN Development Assistance Framework strategies for eliminating caste discrimination.

Cross-cutting fundamental principles were identified as underpinning all thematic recommendations; i.e. non-discrimination; inter-sectionality; effective participation of affected communities in decision making; state accountability and access to remedies for violations of rights; substantive equality and special measures in social, economic and development fields, including through budget planning and equality impact assessments; disaggregated data collection and monitoring; and non-retrogression in realisation of rights.

No Justice for Dalit Women

Case study from India by Centre for Dalit Rights, Rajasthan, presented at the International Consultation:

Dalit women are vulnerable to punitive violence when they assert their rights and dignity over resources, public spaces or cultural space. Rights assertions by Dalit women are seen as an affront to the dominant caste, class and gender status and honour. In other words, the process of Dalit women’s empowerment is perceived as a challenge to caste and patriarchal structures and allegedly provides “legitimate” grounds for punitive violence committed by dominant castes.

Dalit women are very vulnerable to rape, gang rape, sexual harassment and kidnapping. Numerous rape cases against Dalit women occur every month in Rajasthan. But the conviction rate for Dalit atrocity cases is minimal - less than 3% in the State. They are beaten and abused sexually because of their caste. When Dalit victims go to the police station to complain they are humiliated, refused to lodge the FIR (First Information Report), threatened, misguided and sometimes Dalit women are mentally and sexually harassed by the police personnel.

A study of 500 Dalit women’s cases of violence conducted by the Centre for Dalit Rights revealed that the overwhelming majority of cases are not spoken out in public by the women themselves, or not reported by the media, or not registered by the law enforcement authorities, or hidden by the women’s family, relatives and communities, or forced to be suppressed by the perpetrators or his community.

Urgent Global Call for Action to Eliminate Caste Discrimination



Participants,
International Consultation on
Caste-Based Discrimination
29 November – 1 December 2011
Kathmandu, Nepal.
Photos: IDS.N.

- We make this urgent Global Call for Action to citizens of the world to bring an end to millennia of immense human suffering, resulting from a brutal system of caste segregation, affecting over 260 million people worldwide.
- We support the words of the UN High Commissioner for Human Rights: “Other seemingly insurmountable walls, such as slavery and apartheid, have been dismantled in the past. We can and must tear down the barriers of caste too.”
- We call for leadership, cooperation and constructive engagement at the local, national, regional and international levels to achieve a caste-free world.
- We call for the empowerment of individuals and communities facing caste-based discrimination in decision-making at all levels of governance and in the implementation of policies that affect them.
- We declare that structures of caste or analogous systems of inherited status constitute an offence to human dignity, a barrier to equality and a form of apartheid that has been perpetuated in the public and private sphere, largely with limited, or no access to justice for its victims.
- We appeal for effective police reforms for investigations, independent and neutral prosecution mechanisms and an unbiased judiciary that is committed to uphold justice.
- We deplore notions of ‘untouchability’, pollution and caste hierarchy that cause segregation in villages, schools and places of worship, restrict individuals to the most menial and dangerous jobs, and prevent access to justice for crimes committed against affected communities.



Speakers at the closing session of the consultation included Mr. Naryan Kaji Shrestha, Minister of Foreign Affairs of Nepal, Morten Jespersen, Danish Ambassador to Nepal and Rory Mungoven, Head of Asia Section in the OHCHR.



Dalit women leaders from Pakistan, Nepal, India and Bangladesh played a crucial part in discussions at the International Consultation.



Ms. Gay McDougall, Professor at Georgetown University and Former UN Independent Expert on Minorities played an instrumental role as moderator of the consultation, and Ms. Jean Lambert, Chair of the European Delegation for Relations with South Asia spoke of the EU's role in combating caste discrimination.

Main themes addressed at the International Consultation

- **Effective frameworks, policies and institutions for the elimination of caste-based discrimination**
- **Addressing multiple discrimination against Dalit women**
- **Alleviating caste-based discrimination in humanitarian responses**
- **Forced and bonded labour and discrimination in employment**
- **Access to services, resources, and development**
- **Public awareness and campaigning**
- **Civil society strategies**

Considerations on multiple discrimination against Dalit women brought out good practice examples and recommendations, which focused on proportional representation of women of affected communities in decisions making structures, disaggregated data on Dalit women in census surveys and reports on implementation of laws, policies and programmes; and special measures to address intersecting forms of discrimination in education, health, employment and access to land and personal security. Civil society also had its own responsibility for Dalit women empowerment and leadership to look into within own ranks. Empowerment and leadership training has shown some 'good practice' results, and atrocity related litigation cases are proving to be effective.

The thematic discussion on bonded and forced labor and discrimination in employment, led by the UN Special Rapporteur on Contemporary Forms of Slavery, illustrated how severely and disproportionately bonded and forced labor impacts on Dalits. Multiple stakeholder initiatives were pointed out as a critical way to ensure, enforce and implement legislation and action plans against forced labour, whereas reservations, quotas and other specific policies of governments, international organizations and companies are recommended to eliminate discrimination on the basis of caste in employment.

The consultation further strongly recommended joint ventures between governments, civil society organizations and the corporate sector to undertake nationwide public awareness campaigns as a means to bring awareness of caste discrimination as a violation of human rights, on

the national agenda and into the private sector and local communities, with the support of the media.

Implementing the responsibility of governments and international agencies to ensure equal access to services, resources and development for Dalits, addressing also the existing gaps and root causes, remains challenging. Specific policies and budget allocations, targeted and inclusive programming, and social equity monitoring are successful instruments, particularly if supported by an inclusive workforce and organizational policies, and close monitoring. However, overall frameworks to guide work are essential.

The need for standards and tools to eliminate caste-based discrimination in humanitarian responses is recognized across institutions and caste affected countries. A draft framework presented at the Consultation suggests policies and guidelines at state and organizational levels, concrete measures to address pre-existing vulnerabilities and tools to avoid 'discrimination by default'. Good practice examples from civil society organisations on the ground include consultation with Dalit communities prior to launching disaster responses and social equity auditing and involvement of Dalit community representatives in decision making and monitoring processes.

Mr. Narayan Kaji Shrestha, Deputy Prime Minister and Minister of Foreign Affairs of Nepal, speaking at the closing session stated: "The opinions, suggestions and joint declaration adopted at this consultation will be very important inputs for us. We would like to reassure you that we will seriously take them into account. CBD and oppressions based on CBD is mainly an issue in South Asia but we need international support and attention. Unfortunately we have not yet brought this issue into the agenda of the UN and progress has not been fully realised due to lack of adequate attention from concerned parties." Expressing his Government's full commitment to the rights of Dalits, the Minister referred to the provisions guaranteeing the rights of Dalits in the upcoming constitution, and caste discrimination and untouchability as crimes against humanity.

Whereas the consultation itself, as remarked by one participant, is a good example of linking the local, national and international level as part of civil society strategies to eliminate caste discrimination, further action can be taken to enhance parallel action and ensure national and local level follow up on UN and ILO recommendations, including compliance monitoring. Alliance building across sectors and constituencies, as well as building leadership capacity of Dalit women and young Dalits, stood out as essential future civil society strategies.

Further information on the Consultation, including a compilation of good practice cases is available at idsn.org¹⁵.