

INTERNATIONAL CONSULTATION on Caste-Based Discrimination

Good practices and strategies to eliminate caste discrimination
by governments, civil society, national & international institutions and agencies

29. November – 1. December 2011 ■ Kathmandu, Nepal

Workshop Themes

Eight themes will be discussed in three-hour workshops on the second day of the conference, and four themes will run concurrently.

This note explains about the theme of each workshop and provides a number of guiding questions, which can be taken into consideration in discussions during the workshops.

1. Effective frameworks, policies, and institutions

The aim of this workshop is to continue and expand on the discussion of good institutional responses and frameworks to address caste-based discrimination from the first day's presentations. The workshop will also discuss perspectives for overall development frameworks for mainstreaming of caste-based discrimination. Participants are invited to share and discuss good practices on constitution-making processes, legislation, special measures, and effective enforcement of legislation as critical means to tackle impunity and ensure access to justice for Dalits. The discussion may take a point of departure in the following questions:

- a) How can legislative and policy frameworks best be supported by effective institutions, adequate data and cooperation among multiple actors (including linking action between the local, national, regional, and international level)?
- b) To what extent can international frameworks and national action plans support this process?
- c) What are the good case examples of mobilization and effective advocacy strategies by affected communities and organizations?

The draft UN Principles and Guidelines to effectively eliminate discrimination based on work and descent include provisions to address these issues in paragraphs 10-19 (General measures for national and local governments) and 28-33 (Access to justice and equal political participation).

2. Addressing multiple discrimination against Dalit women

Dalit women suffer multiple discrimination – on the basis of caste, class and gender. The endemic gender- and caste-based discrimination that Dalit women face is the outcome of

severely imbalanced social, economic and political power equations, which have serious implications on the social, economic, educational, health and political conditions of Dalit women. Sanctioned impunity on behalf of the offenders is a key problem. Dalit women are extremely vulnerable to sexual exploitation and are often victims of trafficking and forced labour. Dalit women leaders have a dual experience of a) mainstreaming Dalit women's issue within women's movements, civil society and the Dalit movement itself; and b) fighting for a particular space to address the conditions, needs and measures to eliminate multiple forms of discrimination against Dalit women.

The discussion may take a point of departure in the following questions:

- a) What are the existing good practices to build upon in advancing Dalit women's rights, empowerment, and leadership (local, national, regional, and international)?
- b) Have good practices emerged in terms of special legal provisions, policy change, effective enforcement, civil society strategies, and campaigns? How can Dalit women needs, rights and measures best be incorporated in frameworks and guidelines to address caste-based discrimination?
- c) What are the most critical areas in development planning and institutional development taking into consideration the intersectionality of discrimination?

The draft UN Principles and Guidelines to effectively eliminate discrimination based on work and descent include provisions to address these issues in paragraphs 53-54 (Multiple discrimination against women, 23-27 (Physical security and protection against violence), and 61 (International cooperation).

3. Humanitarian standards and a framework to eliminate caste-based discrimination in humanitarian responses

Since the 2004 Tsunami, several fact finding reports and studies, mainly from India, have documented the degree to which Dalits have been systematically excluded from relief and rehabilitation efforts and grossly discriminated against at all levels of humanitarian responses, by virtue of their inherent socio-economic vulnerability. Situations in India, Nepal, Pakistan and Bangladesh point to the fact that discrimination in disaster relief is both widespread and highly predictable, and call for a set of special measures to be accepted by providers of humanitarian assistance in caste-affected countries to ensure they do not discriminate on the basis of caste in disaster reduction and disaster risk reduction.

Based on experiences from India, a case study on good practices in elimination of caste-based discrimination in disaster reduction and disaster risk reduction in India will be presented, along with a draft general framework for providers of humanitarian assistance with minimum standards and guidelines. Workshop participants will be asked to give feedback on the framework. This discussion will serve as an important element in developing recommendations for humanitarian agencies:

- a) What is the validity and added value of such a framework?
- b) How can the framework be further developed?
- c) What can be the role of multilateral, governmental or non-governmental stakeholders in developing the tool further and implementing it?

The draft UN Principles and Guidelines to effectively eliminate discrimination based on work and descent include provisions to address this issue in paragraphs 56-58 (Humanitarian and development assistance) and 60-61 (International cooperation).

4. Forced and bonded labour and discrimination issues in employment

In South Asia, where slavery is widespread despite being prohibited, Dalits are particularly vulnerable to forced and bonded labour. According to Anti-Slavery International, the vast majority (80%-98%) of bonded labourers are either from communities designated as “untouchable” or from indigenous communities. Examples of caste-based slavery or bondage, which is carried on for generations by members of the same occupational caste, include the practice of manual scavenging and the systems of forced prostitution. Business operations in caste-affected countries have the responsibility to ensure that caste discrimination and exploitation does not occur in their operations. A set of principles, [the Ambedkar Principles](#), and a “[Dalit Discrimination Check](#)” tool have therefore been developed to help companies identify and prevent discrimination in their Indian operations and supplier chains.

Workshop participants are expected to share their experiences on good practices and strategies to eliminate caste discrimination in employment. The discussion may take a point of departure in the following questions:

- a) What are the existing good practices and strategies (such as policies, legislation, campaigns, and grass-root mobilization) to prevent and address forced and bonded labour against Dalits and other groups affected by caste discrimination?
- b) What should be the role of transnational corporations in preventing and addressing caste discrimination and exploitation in employment and production?
- c) How can stakeholders best make effective use of relevant international instruments including the UN Special Procedures, ILO mechanisms, and the "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework"?

The draft UN Principles and Guidelines to effectively eliminate discrimination based on work and descent include provisions to address these issues in paragraphs 34-37 (Equal employment opportunity and free choice of occupation), 38 (Forced, bonded and child labour), and 59 (Market enterprises and financial allocations).

5. Access to services, resources and development

Dalits and other groups affected by caste discrimination have routinely been marginalized, excluded or denied access to services and resources; they remain trapped in structural poverty and continuing unequal social and economic relations.

Workshop participants are expected to share their experiences on good practices and effective strategies for Dalits and other groups affected by caste discrimination to assert their rights to development resources and services. These may include experiences on rights-based and inclusive approaches as a means to ensure development based on equity and social justice.

This workshop will explore good practices and strategies to attaining social and economic rights for Dalits; e.g. equal access and opportunities for education, health care, adequate food, housing, water and sanitation, and access to land, markets and other development resources.

The discussion may take a point of departure in the following questions:

- a) What are the existing good practices to overcome structural discrimination, and the social and institutional barriers involved, in access to services, resources and markets?
- b) What types of mainstreaming strategies, special measures and/or targeted actions have a demonstrated effect on equal access to development, services and resources?
- c) What strategies have been successfully applied by civil society in assertion of Dalits' rights to development resources and services?

The draft UN Principles and Guidelines to effectively eliminate discrimination based on work and descent include provisions to address these issues in paragraphs 39-41 (Health), 42-45 (Adequate food, water and housing), 46-48 (Education), 57-58 (Humanitarian and development assistance), and 60-61 (International cooperation).

6. Public awareness and campaigns against caste discrimination

This workshop aims to draw in good practices on effective awareness campaign to end caste discrimination and will explore and discuss different types of campaigns addressed at the public and other stakeholders (e.g. government officials, media, communities and decision makers). This workshop will take into consideration solidarity activities to raise public awareness on caste discrimination.

- a) What types of campaigns have been effective in raising awareness and effectuate policy changes?
- b) Is it possible to identify campaigns that have had a proven effect on of behavior and “mindset” in affected countries; and what were the strategies applied?
- c) What are good practices to be derived from local, national and international levels?

The draft UN Principles and Guidelines to effectively eliminate discrimination based on work and descent include provisions to address these issues in paragraphs 20 (Survey and research), and 49-52 (Public awareness raising and elimination of discriminatory customs).

7. “Untouchability” practices and inter-community experiences

One of the unique characteristic of the caste system is the untouchability practised in which the untouchables - the Dalits are not treated as human persons but “even worse than animals”. The practice of untouchability has existed since the evolution of caste based society about 3000 years ago. The practice still continues in both rural and urban areas; hundreds of different forms prevail. With the globalization and new technology, new forms of untouchability have emerged. In spite of legal safe guards to eliminate the practice of untouchability, the rule of “the caste based society” has prevailed over the rule of law. The Dalit movements have been empowering the Dalit communities to fight against such inhuman practice but it still remains a major challenge of 21st century. Equally challenging has been the practices of untouchability between various Dalit sub-castes or communities. This has evolved in last 50-80 years and is also adversely affecting the Dalit movement and Dalit politics. At the same time there are large number of examples of Dalit organizations and the leaders who have addressed such internal untouchability successfully.

The following questions may be considered in this workshop:

- a) What has been the experience in caste affected countries using legal safe guards to address untouchability?
- b) What are good practices of empowering the Dalits in addressing untouchability and live with dignity? Has overcoming untouchability practices become a tool in local development?
- c) How similar or different are the practices of untouchability between Dalits and non Dalits, and within Dalits themselves? What are good practices of addressing internal untouchability among Dalits?

The draft UN Principles and Guidelines to effectively eliminate discrimination based on work and descent include provisions to address these issues in paragraphs 13 (General measures), 21-22 (Combating segregation), and 55 (Participation of affected communities).

8. Civil society strategies – linking local, national, and international strategies

This workshop aims to provide an open space for discussion on innovative ideas and constructive practices for effective civil society strategies to eliminate caste discrimination. The discussion, which will take a point of departure in two-three case presentations and points of view on strategies, requires active engagement and sharing of experiences by workshop

participants. Discussion may include experiences from other human rights struggles. Participants are expected to contribute with cases that live up to the general criteria for defining a 'good practice', i.e. that they aim to promote the general principles of non-discrimination, equality and inclusion, and that they have had:

- a) An effect on the ground or on the policy environment
- b) A demonstrated innovative and/or replicable approach
- c) Created a successful link between the different levels (local, national, regional and international).

The draft UN Principles and Guidelines to effectively eliminate discrimination based on work and descent include provisions to address this issue in paragraphs 49-52 (Public awareness raising and elimination of discriminatory customs) and 55 (Participation of affected communities).