

European Union

IDSN continued to lobby the institutions of the European Union to address caste discrimination in a systematic, strategic and coherent manner. IDSN maintains that it is possible to help eliminate caste-based human rights violations, marginalisation, exclusion and poverty in the context of European Commission (EC) cooperation with affected countries. Caste discrimination needs to be addressed within development cooperation, humanitarian assistance, political dialogue, trade agreements and other relations. Ensuring that caste discrimination is comprehensively addressed in EC programmes and other areas of cooperation requires a policy commitment, a minimum framework and a programming guide.

In 2009, IDSN was given the opportunity to present concrete recommendations to both the European Commission and to Council Working groups. Underlying both sets of recommendations is the premise that EU action must be firmly politically anchored and effectuated across EU institutions.

IDSN interaction with the european commission

The EU programme moved into a new and exciting phase with a strengthened dialogue with Commission offices and country delegations. In March, IDSN was commissioned by the European Commission to prepare a study on Caste Discrimination in South Asia with operational guidance to the Commission. The study which is available online was shared by EuropeAid with a cross section of Commission departments and units⁸.

Meetings and communication with EuropeAid (the EU development agency), DG RELEX (the Directorate-General for External Relations) and ECHO (the EU humanitarian aid department) in 2009 moved forward ideas on mainstreaming measures – i.e. the designing of aid programmes in a way that addresses inequalities resulting from caste discrimination – in sector programming. Suggestions as to how the Commission can extend support at country level related to caste discrimination were also discussed.

In June, the Commission conducted a three day regional workshop in Dhaka on Indigenous People, Minorities and Dalits. IDSN presented the above-mentioned study at the workshop, which included country specific contributions made by Dalit representatives from Nepal, Bangladesh and India. The 22 participants from EC delegations across the region and bilateral agencies in Bangladesh responded well to the one day seminar on caste discrimination. Workshop participants also visited Dalit communities in Dhaka accompanied by the Head of the European Delegation in Bangladesh, who pledged his delegation's support for Dalits, including a proper census process in 2011 to ensure adequate, comprehensive data on Dalits. The workshop was a welcome opportunity to present IDSN operational recommendations to the EU and to strengthen dialogue with officials also at country level.

IDSN also initiated a dialogue with ECHO officials on 'caste-related' challenges in relief and rehabilitation work. In the IDSN study, a section is devoted to this topic and suggestions made for ten minimum requirements to prevent discriminatory practices based on caste, which is usually highly prevalent in disaster situations. These requirements are meant to be included in contracts with government agencies and multilateral agencies for emergency aid delivery. ECHO officials encouraged IDSN and local partners to approach the ECHO field offices and welcomed IDSN and local experts to provide relevant input at an ECHO regional seminar for field offices.

“caste-based discrimination and other forms of discrimination based on work and descent is an important priority for the european Union.” EU statement delivered by the Swedish Presidency at UN Human Rights Council parallel event, 16 September

The continued dialogue with the Commission on addressing caste discrimination in Sri Lanka has resulted in a tentative commitment by the delegation in Colombo supported by the Asia desk in Brussels to look into mainstreaming. The Commission has expressed an interest in supporting a study on re-emerging caste discrimination in the post-conflict situation addressing the situation in the Internally Displaced Persons (IDP) camps. Dialogue is now to be continued at delegation level with civil society partners.

In November, EuropeAid requested input from IDSN and Dalit organisations in Nepal for a planned EC civil society mapping exercise in the country. It is hoped this exercise may lead to increased engagement by the delegation in terms of mainstreaming Dalit concerns in education, health or other programmes.

With regard to India, EuropeAid asked IDSN and NCDHR to collate and forward existing benchmark studies on two sectors, namely health and education, with a view to look into a Dalit sensitive approach and improved programme outreach and benefit for Dalits. EuropeAid also supported the idea of a civil society consultation in India with the EU delegation on Dalit rights issues in advance of the annual EU-India human rights dialogue in 2010.

The Commission urged IDSN partners and other Dalit groups to respond to the local calls for proposals under the European Instrument for Democracy and Human Rights (EIDHR) which cater broadly and also specifically for Dalit-related activities. In the EIDHR strategy review process in 2009, IDSN recommended that people affected by caste discrimination are explicitly referred to as a target group and that this form of discrimination should be specifically addressed under the instrument.

While the constructive steps taken by the Commission as outlined above are appreciated, there is a need for a more concerted effort by the EU and an overall policy framework to address caste discrimination. This should for example translate into Country Fact Sheets and Country Strategy Papers (CSPs), reflecting a deeper understanding of caste discrimination and its impact on the human rights and development situation in affected countries. Such understanding is still conspicuously absent from most CSPs revised in 2009. Consequently, there is a considerable lack of effective programming to address the main issues faced by Dalits in such areas as education, health, housing and employment and the continued violation of their human rights.

Operational guidance – extract of IDSN recommendations to the commission

- **Prepare a political, social, and economic analysis of the situation of Dalits combined with a critical assessment of their access to justice, resources, jobs and services.**
- **map legal and institutional frameworks for the protection of Dalits and assess the effective functioning of state mechanisms and administration of justice for Dalits.**
- **take into consideration relevant recommendations by UN treaty bodies and Special Procedures**
- **Develop a framework for ec programming and operational guidelines and consider particular requirements for sector programmes**
- **ensure that caste based discrimination is effectively on the agenda in dialogues, on human rights, democracy, good governance or development and humanitarian assistance, ensure systematic involvement of Dalit organisations and other representatives of affected communities in regular consultations.**

For a full set of recommendations please see section on “operational guidance”, in the EU study.

European Parliament (EP)

In March, the EP issued a report on International Trade on an EU-India Free Trade Agreement (FTA) calling on the European Council and Commission to work with the Indian government to end caste discrimination⁹. It urges the EU to ensure that the FTA is not harmful to Dalits and that the potential benefits reach all members of society. According to the EP, this should be part of an 'ambitious sustainable development chapter' in the FTA. The EP offers its specific recommendations for improving the situation of Dalits and refers to the European Parliament resolution adopted on 1 February 2007¹⁰ on the human rights situation of the Dalits in India.

When investigating the matter, IDSN received indications during 2009 that the Parliamentary secretariat had presented the resolution to all relevant stakeholders addressed in the resolution, including the Indian government, EU member states, the World Bank, the United Nations Secretariat, the (former) Sub-Commission for the Promotion and Protection of Human Rights, UNICEF, ILO and IMF. However, no follow-up procedure to assess the effectuation of recommendations to EU institutions could be traced. It appears that such follow-up mechanisms do not exist.

Following the elections to the European Parliament, IDSN took note of the constitution of new groups, committees and delegations. It engaged with MEPs to identify opportunities and agendas to insist on caste discrimination as an EU human rights priority – in its political dialogues, development assistance and economic cooperation, in inter-parliamentary dialogues and in multilateral relations.

Also in 2009, the EP Annual Human Rights Report had references to caste-based discrimination.

The council

IDSN continued its dialogue with a number of EU member states on both UN and EU related agendas, and met on several occasions with officials of the Czech and Swedish Presidencies. Specific interventions have been made by both Presidencies in the UN on the subject. As a concrete outcome of the dialogue with the Swedish Presidency, a briefing on caste-based discrimination was hosted by the Swedish Mission in Brussels in November for members of the Council's Working Party on South Asia (COASI) and Working Party on Human Rights (COHOM). IDSN assisted in the preparation of the briefing, which was well attended. Dalit representatives spoke at the briefing, which concluded with a discussion on the recommendations made by the team to the EU.

Concrete steps to realise a number of these recommendations are currently being considered by the Spanish Presidency (as of January 2010) in cooperation with IDSN. A commitment has been made to organise a formal briefing in COHOM on caste discrimination in May 2010. Other initiatives which could systematically enhance the EU's capability to address this form of human rights violation are also considered.