

National campaign on Dalit Human rights – India

The year 2009 was in many ways an important one in the struggle for Dalit rights in India. The UN High Commissioner for Human Rights, Navi Pillay, as well as Prime Minister Manmohan Singh expressed concern about ‘untouchability’ and atrocities against Dalits – known officially as ‘Scheduled Castes’. Voices were raised in Parliament in favour of Dalit rights, and all the major political parties considered the issue to some extent.

Throughout the year the National Campaign on Dalit Human Rights (NCDHR) focused on strengthening the accountability of the state and holding the judiciary and law enforcement agencies accountable through public interest litigation (PIL) and public actions. NCDHR also held policy-makers accountable by mobilising civil society to campaign for their rights.

During her visit to India in March, Navi Pillay urged the government to show global leadership in the fight against caste discrimination. She noted that the policies and measures established so far to protect Dalits have “neither sufficiently alleviated their conditions, nor have they satisfactorily curtailed the climate of impunity that enables human rights violations.” Following a meeting with civil society representatives, including NCDHR, Ms Pillay called on the Government of India to act upon recommendations from various UN bodies and accept visits by the UN special rapporteurs.

In April, the time came to review the implementation of the Durban Declaration and Programme of Action at the Durban Review Conference (DRC). This was a historic event for the Dalit movement in India, because the Durban conference in 2001 was the first time that the issue of caste discrimination was recognised as an international human rights problem. To prepare for the DRC, NCDHR brought together civil society organisations for a strategy consultation in February in New Delhi.

A delegation of Dalit activists from India participated in the DRC and raised their voices on the need for strengthening Dalit rights, although the concern was not specifically addressed in the outcome document. NCDHR took a lead in facilitating the participation of South Asian Dalit representatives at the DRC in Geneva. Along with IDSN it organised parallel events, a public rally, and interventions in the DRC proceedings which brought a high level of visibility through media and events.

In April and May, India voted to elect a new government. NCDHR established a national-level platform called the ‘National Dalit Election Watch’ (NDEW) to monitor the election process. Previous studies show that Dalits’ rights to franchise are systematically violated, as they are either not allowed to vote or forced by the dominant castes to vote for certain parties and candidates. NDEW covered 13 federal states, monitored 3770 polling booths in 264 parliamentary constituencies, and received 490 cases through its complaint mechanism. The complaints were immediately submitted to the Election Commission, and the findings were documented in a report and a video documentary and shared with national media.

Human rights watch and caste

Human rights watch (Hrw), a pioneer of the global struggle against caste discrimination and an international associate of IDSN, continued its good work on the issue in 2009. Speaking to the media after a Hrw board meeting in New Delhi in October, the organisation's executive director, Kenneth Roth, expressed strong support for the draft UN Principles and guidelines that could lead to the establishment of a UN monitoring mechanism. Hrw's Asia director Brad Adams stated that "political will to end the scourge of caste discrimination is needed at all levels of government to alter traditional attitudes and turn well-meaning laws into reality." Hrw and IDSN cooperated closely on several occasions, issuing joint press statements during the DRC in April and following UN High Commissioner Pillay's powerful opinion article in October. Hrw was also a co-sponsor of the parallel event on caste discrimination at the HRC in Geneva.

For nearly a decade, NCDHR has monitored atrocities against Dalits, organised fact finding missions, made legal interventions and other activities. But instead of only fighting for the Dalits, NCDHR made a decision in 2009 to fight with the Dalits. As a result, nearly 1200 Dalit human rights defenders were trained and groups of survivors and witnesses were formed. In addition to legal interventions in individual cases, NCDHR filed three PILs in High Courts for the implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995.

The year 2009 marked the 20th anniversary of this important act, which was the first to criminalise various forms of atrocities against Dalits and provide a practical mechanism to address them. The National Dalit Movement for Justice – one of the four movements of NCDHR – initiated a process whereby more than 70 organisations came together to review the implementation and propose amendments to the Act. The "National Campaign for Strengthening Prevention of Atrocities Act" was launched. It included campaigns, training of activists, and public actions throughout the country

"Why should only Dalits take the entire burden of fighting against the caste system? The burden lies with the entire society." Manjula Pradeep, Dalit activist and Director of the Dalit rights organisation, Navsarjan, 23 December

Dilahi, Bihar, India, October 2007 The devastating floods in Bihar in 2007 left millions displaced. Dalits are particularly vulnerable when natural disasters strike – dominant castes are often responsible for distribution of government aid and discriminate against Dalits in the process. Since 2007, the National Dalit Watch has been monitoring all major disasters in India.

"It is shocking that the conviction rate for cases of atrocities against Sc/Sts is less than 30% against the average of 42%."

Manmohan Singh, Prime Minister of India, 7 September

Since 2007, the National Dalit Watch has been monitoring all major disasters in India, with a view to enable civil society organisations and state agencies to avoid discrimination against Dalits and take corrective measures to counter such exclusion. This year the team visited the 'Aila' cyclone hit areas of West Bengal, the flood affected areas of Assam, Andhra Pradesh and Karnataka. In all these areas the exclusion of Dalit communities from relief and rehabilitation efforts by the local dominant castes and the local administration was sadly visible on a significant scale. NDW exposed this discrimination and exclusion of Dalits through systematic surveys, analysis and reports along with local partners.

To monitor the promotion and protection of Dalits' economic, social and cultural rights, NCDHR established research and advocacy centres in ten federal states and at national level. These centres undertake state budget analysis; organise meetings with policy makers, bureaucrats, and intellectuals to ensure proper correction measures; and advocate for the proper implementation of existing laws and affirmative action programmes. The Special Component Plan (SCP) is a budgetary provision which channels individual or community development schemes for Scheduled Castes in all the ministries and departments. However this policy is not implemented effectively. In the Union Budget for 2009-2010 an amount of Billion \$4.96 has been diverted out of what should have been allocated. This is a challenge that is being highlighted by NCDHR along with other civil society organisations.

Dalit children's equal access to education was an important focus in 2009. A survey was conducted with support

"they have good laws in India, and they have media; they have well developed civil society organizations. So how come there is no implementation of these good laws, these good intentions?" Navi Pillay in an interview with US weekly The Nation, 26 October

from UNICEF on caste-based discrimination in elementary education in four states (Bihar, Uttar Pradesh, Rajasthan and Maharashtra). The main purpose of the survey was to explore the nature and intensity of discrimination in schools and to further develop a mechanism to address these issues.

A bill on Reservation (Quotas) for Scheduled Castes (SCs) and Scheduled Tribes (STs) was passed by the Rajya Sabha (Upper House of Parliament). NCDHR and the Dalit Student Solidarity Movement (DSSM) studied the Bill along with other organisations across the country and found it quite harmful to the interests of the SCs and STs as it went against the basic principle of equity on which the Reservation was framed. After a citizens' debate a draft amendment Bill was prepared and distributed to all political parties. NCDHR had a series of meetings with Members of Parliament and Ministers, and held a peoples' rally. After these interventions the Bill was deferred.

Prior to Human Rights Day on 10 December, NDCHR took part in a press briefing under the auspices of the Working Group on Human Rights in India and the UN (WGHR). A panel of experts urged the Indian government to radically change its international stand on caste discrimination and support the efforts of the international community to address the multiple human rights violations that affect India's estimated 200 million Dalits.