

## 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 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<sup>8</sup>". 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 Nöhrind 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 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-

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 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 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.