

United Nations

In 2011, several strong recommendations were made by the UN human rights mechanisms and the UN High Commissioner for Human Rights, on the need to enact and implement laws against caste discrimination in affected countries. Caste discrimination was specifically addressed by UN treaty bodies in reviews of Bangladesh (CEDAW), Yemen (CERD and CESCR), Nepal (CEDAW), UK (CERD), as well as in Universal Periodic Reviews of Nepal and Madagascar.

IDSN continued to expand its systematic dialogue with UN Special Procedure mandate holders. IDSN members and associates engaged with mandate holders in the context of country visits or reviews, consultations and strategy meetings. Mandate holders on racism, human rights defenders, torture, slavery, water and sanitation, adequate housing, and right to food, all reflected their concerns on caste related issues in reports and communications in 2011. States and UN experts called for the sharing of good practices on the elimination of this form of discrimination, including the use of the draft UN Principles and Guidelines to effectively eliminate discrimination based on work and descent.

The Office of the High Commissioner for Human Rights (OHCHR) played an important role in addressing caste discrimination as a priority on the non-discrimination agenda, both at the country and international level. The launch of the 100 Day Campaign against Caste Discrimination and Untouchability by OHCHR Nepal and the National Dalit Commission in Nepal illustrated the commitment and one of the innovative approaches pursued by the Office, to address and bring attention to the issue at national and international level.

This year IDSN published a unique, comprehensive compilation of UN observations and recommendations on the issue of caste discrimination and similar forms of discrimination based on work and descent.² The publication serves as a key reference and effective lobby tool for national and international advocacy in the future. It was systematically used as part of the regular dialogue, which IDSN maintained with a number of concerned states, UN experts, and UN agencies throughout the year.

Human Rights Council

Concerns about caste discrimination were expressed in the Human Rights Council (HRC) by states, experts, and NGOs, as a result of IDSN lobby activities and inputs. As part of its UN programme activities, IDSN engaged with delegations and UN experts to promote the use and follow up to the publication of the draft UN Principles and Guidelines in the HRC.

This resulted in the gathering of an informal group of states, that expressed particular concern about caste discrimination as an international human rights problem in the first half of 2011. These concerns were expressed, among other things, in a written NGO submission prepared in advance of the 17th HRC session.³ IDSN also ensured a consistent flow of information and recommendations to delegations and experts on how caste discrimination influences other human rights concerns addressed by the HRC, including on the issue of Dalit women and bonded labour, in advance of HRC sessions.

At the 16th session of the Human Rights Council in March, a side-event was organized by the International Movement against Discrimination and Racism (IMADR) in association with IDSN. The purpose of the event was to explore how existing obligations and standards could be better used to promote protection of victims of caste discrimination, including the draft UN Principles and Guidelines.

At the event, Dalit leaders and the Independent Expert on minority issues called on governments, UN agencies, and civil society to advance the global struggle against caste discrimination. They also shared experiences of how to address caste discrimination in a national setting in accordance with international human rights law. In connection

with this event, a group of Dalit activists met with the Deputy High Commissioner for Human Rights, Ms. Kyung-wha Kang. The meeting was held before her visit to Nepal in April, where she urged the Government of Nepal to act to adopt new legislation on caste discrimination.

Some UN Member States and experts voiced their concern about caste discrimination during the regular sessions of the HRC, although not in a comprehensive and systematic way. Efforts to put the issue on the HRC's agenda therefore continued to be part of IDSN's priorities in 2011.

One of the continued goals is the endorsement and adoption of the draft UN principles and guidelines, with the aim to establish a separate monitoring mechanism, by the HRC and ultimately the UN General Assembly. IDSN lobbied for this by preparing inputs to relevant debates in association with members; meeting regularly with state delegations and experts; and facilitating representation of Dalit human rights defenders at the HRC sessions.

Special Procedures

IDSN continued to expand its systematic dialogue with UN Special Procedure mandate holders in 2011. The increased attention to caste discrimination by the Special Procedures was addressed by mandate holders on racism, human rights defenders, torture, slavery, water and sanitation, adequate housing, and right to food, in their thematic reports, country visits, communications, and presentations in the UN Human Rights Council and General Assembly.

In connection with the annual Coordinating Committee meeting of the UN Special Procedures in June, a strategic meeting on caste discrimination and the UN was held with a range of mandate holders and other experts. Moreover, several meetings were organized between mandate holders and a large group of Dalit human rights defenders, as well as the UN High Commissioner herself. On this occasion the National Campaign for Dalit Human Rights and IMADR initiated a Conference on Decade of Dalit Rights UN to review past interventions, mainly at the UN, and to chalk out future strategies for 2011-2020. The main conclusions and reflections from the conference were included in a declaration.

In January, the UN Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya, visited India. During her visit she met with and raised particular concern about the situation of Dalit human rights defenders and noted widespread deficiencies in the implementation of laws to protect human rights defenders. She will present her recommendations in a mission report to the Human Rights Council in 2012.

The Independent Expert on minority issues continued to actively support the struggle of the global Dalit movement throughout the year. During the 16th session of the HRC, Ms. Gay McDougall moderated the side event on discrimination based on work and descent organized by IMADR and IDSN. In her annual report she introduced a UNDP resource guide⁵ on marginalized communities, including Dalits, prepared in collaboration with the OHCHR. The resource guide illustrates how the issue of discrimination based on work and descent can be mainstreamed into development programming by UN agencies.

At the UN Forum on Minority Issues in November 2011, Dalit women human rights defenders were invited by the OHCHR to address the human rights situation of Dalit women.

IDSN furthermore supported the representation of two Dalit women from Bangladesh and Nepal at this event in collaboration with Minority Rights Group International. The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai, devoted an entire section to discrimination based on work and descent in his report to the Human Rights Council and the General Assembly. The report lists a number of good practices to eliminate this form of systematic discrimination and recommendations for state and non-state actors to enhance these efforts. In the interactive dialogue with the Special Rapporteur a number of states addressed the issue at the 17th HRC session.

Despite government efforts to eradicate this type of discrimination through constitutional guarantees, legislation and affirmative action programmes, caste -based discrimination remains deplorably widespread and deeply rooted.” UN Special Rapporteur on contemporary forms of racism, Githu Muigai.

Two caste-affected countries responded to the observations. Senegal said that there was no discrimination based on caste in the country, as described in the Rapporteur’s report. India objected to the fact that the mandate considers caste discrimination as part of his mandate; an objection which the Special Rapporteur categorically rejected. Norway however welcomed a stronger international engagement on the issue, and encouraged all governments to enhance efforts and to share best practices to eliminate such forms of discrimination.

In her annual report to the HRC, the Special Rapporteur on contemporary forms of slavery, Ms. Gulnara Shahinian, explored the root causes and factors that lead to child slavery in the mining and quarrying sector – including caste discrimination. In preparation of the report, IDSN submitted background information and recommendations, as was also done in relation to the report by the Special Rapporteur on racism and other mandate holders. This resulted in a stronger focus on the relation between the theme of the study and the situation of Dalits, and promoted attention to the intrinsic link between caste discrimination and specific forms of bonded labour.

Universal Periodic Review (UPR)

The UPR mechanism concluded its first cycle in 2011. The mechanism has offered a possibility for increased, broad-based civil society engagement and advocacy at national and international level on serious human rights issues, including for persons affected by discrimination based on work and descent. The UPR mechanism has given impetus to address the issue of caste discrimination in several countries in the first UPR cycle.

During the first UPR cycle, explicit references to caste discrimination and Dalits were made by several states in six country reviews. Explicit UPR references to caste discrimination were made in relation to India (2008), Pakistan (2008), Sri Lanka (2008), Mauritania (2010), Madagascar (2010), Nepal (2011).

During the reviews of Japan (2008) and Bangladesh (2009) references were also made to Hindu minority religions and minorities, which include communities affected by similar forms of discrimination in these countries. In the second and consecutive UPR cycles, which will focus on the implementation of accepted recommendations and developments, IDSN will build on these efforts and continue to promote the issue of caste discrimination in reviews of a wide range of affected countries.

In 2011, IDSN supported the active involvement of Dalit NGOs in connection with the review of Nepal in January, including preparation of a joint NGO submission, briefing papers, and recommendations. The concerted lobby efforts resulted in more than 20 references to caste and Dalits in the outcome document; many of which were accepted by the Government and followed up at national level.

IDSN also played a supportive role in planning and preparing for the submission of NGO reports in relation to the first session of the second cycle (India and the UK). This resulted in the submission of a joint report by IDSN and DSN-UK on caste discrimination in the UK. Furthermore, a national coalition report was submitted by NCDHR in India. Finally, IDSN helped prepare a mid-term assessment of the UPR of Bangladesh.

Office of the High commissioner for Human rights (oHCHR)

The Office of the High Commissioner for Human Rights (OHCHR) made caste discrimination one of its priority areas on the non-discrimination agenda of the Strategic Management Plan (2010-2012). IDSN maintained a constructive dialogue with the OHCHR, in particular with the Asia/Pacific section and the OHCHR Nepal Office. Throughout the year the OHCHR enhanced its political and programmatic work in this regard, both at country and international level. Among other things, the OHCHR-Nepal office issued a report with a strong Dalit focus at the 16th session of the Human Rights Council, and supported the process to adopt the Caste-based Discrimination and Untouchability Crime Elimination and Punishment Act in Nepal.

The office also published a report on access to justice for Dalits in Nepal and held a stakeholders' meeting in conjunction with the launch of the report in December. On this occasion the OHCHR confirmed that the work in Nepal is "part and parcel" of the global work to combat discrimination, and that caste discrimination remains a "key priority" of the High Commissioner's strategic management plan for 2012-2013.⁷

In September the OHCHR-Nepal Office and the National Dalit Commission launched a 100 Day Campaign Against Caste Discrimination and Untouchability. In the opening statement, under the slogan "I commit to end caste discrimination and untouchability," the UN High Commissioner for Human Rights congratulated the Government of Nepal for its global leadership in the fight against caste-based discrimination, and urged the Government to ensure the proper implementation of the Untouchability Act.

"The national campaign and launch of the oHCHR report is also important for the region, since it engages many participants from neighbouring countries, where caste-based discrimination is an equally important challenge ...the end of this campaign will be the beginning of a next step, a new phase in which we hope our national partners will be able to consider the gaps and recommendations highlighted in the oHCHR report." Marcia V. J. Kran, Director, Research and Right to Development Division, OHCHR

UN Treaty Bodies

IDSN monitored and supported interventions in five important treaty body reviews of Bangladesh, Yemen, Nepal and the UK in 2011. These reviews led to recognition of the need for special measures to eliminate discrimination and ensure political participation of Dalit women in Bangladesh and Nepal; the socio-economic rights of the Al-Akhdam in Yemen; and need for action to outlaw caste discrimination in the UK, to mention a few recommendations.

In January the UN Committee on the Elimination of All forms of Discrimination against Women (CEDAW) reviewed Bangladesh. In the Concluding observations, the Committee expressed concern at the lack of information and statistics on Dalit women and called on Bangladesh to collect such data and take measures to eliminate discrimination against them.

CEDAW also made some action-oriented recommendations to the Government of Nepal as an outcome of its review in July. In preparation of the review, the Feminist Dalit Organisation (FEDO) submitted a lobby brief on the situation of Dalit women in Nepal in association with IDSN. The brief included specific recommendations on the need for increasing political representation of Dalit women in the constitutional reform process in Nepal; many of which were taken up in the Concluding Observations.

Yemen was reviewed by two treaty body committees in 2011, despite the lack of clarity on the political situation in the country. The UN Committee on the Elimination of Racial Discrimination (CERD) mentioned the Al-Akhdam community in Yemen, who are subject to discrimination based on work and descent, as a serious concern in the Concluding Observations of 10 March 2011.

Similar, though more specific, observations were raised by the UN Committee on Economic, Social and Cultural Rights (CESCR) in its May review. In connection with this, IDSN submitted an alternative report in association with the All Youth Network for Society Development in Yemen. In line with these recommendations, the CESCR Committee recommended the Government of Yemen to adopt a national action plan to combat social discrimination and marginalization faced by the Al-Akhdam people, including through legislation and measures to address poverty.

In connection with the CERD review of the United Kingdom in August, an alternative report on caste-based discrimination in the UK was submitted by IDSN and the Dalit Solidarity Network UK (DSN-UK). Despite long-term lobby efforts by Dalit organisations in the UK and critical questions from Committee members, the Government failed to acknowledge the need for outlawing caste discrimination in the interactive dialogue with the Committee. In response, CERD issued strong recommendations in the Concluding Observations urging the Government to adopt legislative measures to “provide remedies to victims of this form of discrimination.”