

United Nations

In 2012 the Dalit issue figured strongly in a number of thematic reports and country reviews by UN human rights bodies, especially the UN Special Procedures and Universal Periodic Review (UPR) mechanism. Intensive lobby efforts and alliance building in connection with the UPRs of India, the UK and Pakistan resulted in concrete recommendations by other states on the issue of caste discrimination in all three reviews.

Special Procedure mandate holders gave attention to the situation of Dalits under thematic human rights concerns, such as violations against Dalit human rights defenders, the stigma and exclusion of Dalits related to access to water and sanitation, and the links between forced marriage and caste discrimination. Furthermore, UN treaty bodies made recommendations on the persistence of discrimination based on work and descent in countries outside of Asia – in Yemen and Senegal.

With a view to raising Dalit voices and promoting their concerns at the international level, IDSN carried on its systematic efforts to facilitate inputs to the UN, monitor outcomes, and share regular information with decision-makers and affected groups. Aiming to promote stronger links between international and national advocacy efforts, IDSN focused on strengthening the capacity of Dalit activists to engage effectively with the UN system and make use of the mechanisms at national level.

Human Rights Council

In the course of the year, IDSN facilitated representation of 15 Dalit activists at human rights sessions and supported the submission of a large number of inputs on relevant thematic concerns and country situations to the UN. With the objective to increase international awareness and recognition of caste discrimination as a global human rights problem, IDSN facilitated two written and three oral statements to the Human Rights Council (HRC) and co-organised four parallel events at regular HRC sessions and UPR sessions together with international associates and national members.⁴

As an outcome of these systematic lobby activities and inputs, the number of UN observations and recommendations on caste discrimination steadily increased in 2012. By the end of the year, the compilation of caste-specific references in UN documents exceeded 145 pages. Despite the constantly growing number of recommendations, states continued to hesitate to take a specific initiative on caste discrimination in the HRC – and even to voice their concerns when relevant reports were presented. While a large number of state delegations expressed continued concern about the problem, the lack of leadership by caste-affected states stood in the way of further action.

In particular, India's strong refusal to acknowledge caste discrimination as an international human rights issue, which should be dealt with in the UN, is keeping other states from addressing it as a whole. IDSN regrets India's defensive position on the issue. In the UPR process of India, a constructive dialogue was initiated between national civil society organisations, the government and the National Human Rights Commission. Hopefully, this will lead to real progress at the national level, and a less defensive government approach to a discussion of India's human rights problems in the international arena.

we as a country took a moral stand on Nelson mandela... for freedom from apartheid. this is why I now back the Dalit struggle for international support, though it irks me that our countrymen have to go to the west to seek justice. If we would get justice on our land, why would we wash our dirty linen in public? Mari Marcel Thekaekara, columnist, Hindustan Times

For the Dalit agenda to be successfully pushed ahead in the UN, IDSN intensified its call for joint action between concerned countries and caste-affected governments to show global leadership to address the problem. Insisting that caste discrimination needs to be considered as a distinct human rights concern in the HRC, IDSN issued an Appeal to UN Member States, Special Procedures and UN Agencies in 2012, calling for a joint initiative to address caste discrimination in the HRC.⁵ The appeal specifically urges states to propose a HRC resolution on discrimination based on work and descent in the HRC, recommending the endorsement and use of the draft UN Principles and Guidelines for the effective elimination of discrimination based on work and descent (hereafter the “draft UN Principles and Guidelines”). The appeal is systematically used in meetings with missions, capitals and UN experts in lobby meetings, and in IDSN’s communication work on UN activities.

The draft UN Principles and Guidelines, published by the HRC in 2009 (A/HRC/11/CRP.3), represents the most comprehensive framework to date on the responsibility of states and non-state actors in eliminating caste discrimination. IDSN therefore continued to promote this framework as an integral part of its lobby activities with the long-term goal of establishing a follow-up mechanism on the topic in the HRC. In its dialogue with states, UN Special Procedures, In its dialogue with UN Agencies, IDSN specifically recommended that the UN take note of the measures proposed therein when preparing the Guidance Note on how to tackle racial discrimination and minority issues.

Universal Periodic review (UPR)

IDSN engaged in systematic lobbying for the inclusion of caste discrimination in three major UPR reviews of India, the UK and Pakistan in 2012. As a result, strong recommendations on the need to strengthen government efforts to eliminate caste-based discrimination were made in all three reviews. In close cooperation with national platforms and international associates, a series of lobby documents were prepared and disseminated to country delegations in affected countries and Geneva. Moreover, parallel events were organized and press releases issued in co-operation with international and national NGOs working on similar issues.

In the case of India, ten caste-specific recommendations were made by a cross-regional group of states, including Thailand, Japan, Ghana, USA, Czech Republic, Germany, and the Holy See.⁶ In a follow-up to the review, the Government of India accepted only two recommendations on the enactment of appropriate monitoring mechanisms to protect the rights of vulnerable groups, including scheduled castes, and the rights of scheduled caste women with regards to choice of marriage. According to the review procedure, the Government is responsible for implementing these recommendations in the next 4.5 year period.

Regarding the UK, one strong recommendation was made by Nicaragua to outlaw caste discrimination affecting an estimated 250.000 Dalits in the Indian diaspora community.⁷ Furthermore, two states – Austria and the Holy See – made recommendations on the protection of scheduled castes in Pakistan during its second review in October. With regard to Pakistan, IDSN cooperated with Minority Rights Group International to give attention to the discrimination experienced by religious minorities, including Dalits.

In the follow-up to the UPRs of India and the UK, most of the caste-specific recommendations were unfortunately not accepted by the respective governments and will thus not be implemented.

Nevertheless, they constitute a basis for monitoring and reporting in the second UPR cycle. This requires follow-up at national level with different stakeholders, including government institutions and delegations in the respective countries; a process which is continuously supported by IDSN. As such, the UPR has proven a useful catalyst for creating stronger links between national and international advocacy and for building new alliances in civil society.

In October 2012, another UPR report was submitted for the review of Bangladesh at the 16th UPR session in April/May 2013. The report 'Discrimination against Dalits in Bangladesh' was prepared by three national NGOs in association with IDSN, providing information on the gaps in implementation of the UPR recommendations from the first review (2009) and introducing new recommendations.

UN Special Procedures

In 2012, a total of nine UN Special Procedure mandates – including the newly established Working Group on discrimination against women in law and practice – gave specific consideration to the issue of caste discrimination in thematic and country mission reports.⁹ One of the most powerful reports was presented by the Special Rapporteur on human rights defenders at the 19th HRC session following her visit to India in early 2011. According to the report, Ms. Sekaggya was "deeply disturbed" by the situation of Dalits' rights activists, in particular the "plight of women Dalits' rights defenders who face gender-based violence, or restrictions, regarding their work on the basis of their caste and gender."¹⁰

In the Indian delegation's response to the report, the government said it was "conscious of the need to ensure accountability of the law enforcement officials", but also that the Rapporteur narrated "unsubstantiated, generalised accounts of a handful of NGOs, that do not represent the many eminent NGOs who have done commendable work in India."¹¹

At an HRC side event on the topic of Dalit human rights defenders, Ms. Sekaggya called for enhanced protection for Dalit human rights defenders in India in the form of protection programmes, and for the establishment of a regional mechanism to protect them. Another UN expert who visited India in 2012, the Special Rapporteur on extrajudicial, arbitrary, and summary executions, also noted the high level of impunity and cases of communal violence, adversely affecting Dalits and Adivasis

In her annual report, the Special Rapporteur on the human right to safe drinking water and sanitation, Ms Catarina de Albuquerque, studied the links between stigma and discrimination in the realisation of the right to water and sanitation. She found that "caste systems are striking examples of systems that lead to the stigmatization of large parts of the population, potentially amounting to violations of human rights", and that "in terms of water and sanitation provision, Dalit habitations are often systematically excluded".

caste discrimination is one of the most pernicious forms of discrimination, as it condemns individuals from birth to a life of marginalisation. the links between caste, social hierarchy and slavery are strong. Gulnara Shahinian, UN Special Rapporteur on contemporary forms of slavery.

On this occasion, IDSN co-organised a side event with the participation of the Special Rapporteur on water and sanitation and the Special Rapporteur on contemporary forms of slavery. The event, which was chaired by a senior representative of the Office of the High Commissioner for Human Rights, highlighted the stigma affecting Dalits in the areas of access to basic services, bonded labour and manual scavenging, and forced conversions of scheduled caste women in Pakistan.

In a video interview following the HRC session, Ms de Albuquerque stated that Dalits are not prioritised and even excluded in cases of natural disasters and humanitarian emergencies. She furthermore stated that in these situations, the "exclusion of people is seen as natural, as acceptable, even as necessary, as legal, even very often by

authorities and this makes the problem much deeper and much more entrenched in societies and more difficult to combat.”¹⁶

In her report to the UN General Assembly, the Independent Expert on minority issues underlined the need for institutional attention to minorities, including Dalits, in the implementation of the UN Declaration on minorities (end note: UN GA report A/67/293). As an example, Ms Rita Izsák highlighted the National Dalit Commission in Nepal, which promotes implementation of national and international law to eliminate caste-based discrimination, such as the Untouchability Act 2011.

In addition to facilitating inputs to these studies and country visits, IDSN submitted information for thematic studies to the Working Group on discrimination against women in law and practice, the Working Group on human rights and transnational corporations, and the Special Rapporteur on violence against women.

UN treaty bodies

In March 2012, Yemen was reviewed by the Human Rights Committee at a critical time of the country’s political transition. Ahead of the review, IDSN helped prepare an alternative report on civil and political rights of the Al-Akhdam in association with All Youth Network for Social Development.¹⁷ Based on the inputs, the Committee expressed concern about “reports of long-standing discrimination and marginalization of some minority groups such as the Al-Akhdam community”, in particular “the acts of aggression and intimidation, which have allegedly not led to any investigation and prosecution so far” for the Al-Akhdam in the context of the 2011 unrest. The Committee recommended that the State party ensure that minorities are able to “equally access education, health and public services” and to provide “effective remedies, including compensation” to victims of discrimination.

For the review of Senegal by the UN Committee on the Elimination of Racial Discrimination (CERD) in August 2012, IDSN prepared a parallel report on ‘The Situation of Castes in Senegal’ in association with RADDHO.¹⁸ The report demonstrated that caste-based discrimination still exists in Senegalese society, most prominently among the Wolofs and the Peuls tribes, but that it is a taboo in the socio-political sphere which leads to stigma and marginalisation of affected persons. As an outcome, the Committee recommended the State party to “take specific measures to combat and eliminate all survival of this phenomenon, including by adopting specific legislation prohibiting discrimination based on descent” and to “take measures to raise awareness and educate the public about the harmful effects of the caste system and the situation of victims”.

By the end of 2012, a draft parallel report for the examination of Pakistan by the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) was prepared in association with the Pakistan Dalit Solidarity Network and Pakistan’s Institute for Labour Studies. This is the first time that the situation of Dalit women in Pakistan – an extremely marginalised minority population – is the distinct subject of a parallel report to the UN.

UN agencies and international organisations

IDSN maintained a constructive dialogue with the Office of the High Commissioner for Human Rights (OHCHR) and was encouraged by the strengthened UN approach to addressing caste-based discrimination at the regional and country level in South Asia. In this dialogue, IDSN and national platforms reiterated the role of national human rights institutions and specialised agencies in tackling caste discrimination, especially with regard to developing and implementing specific legislation against caste discrimination, investigating cases, and undertaking research to study the phenomenon.

IDSN also lobbied UN agencies to develop and apply caste-sensitive programming and guidelines for the effective elimination of caste-based discrimination, including in

the post-2015 development framework.²² In March 2012, the UN Secretary-General established a UN Network on racial discrimination and protection of minorities, bringing together a large number of UN Agencies. One of the tasks of the network is to develop a UN Guidance Note, which is expected to be finalised in 2013. IDSN lobbied for the inclusion of caste discrimination in the guidance note and presented its recommendations at a pre-session of the UN Forum on Minority Issues and shared them with the OHCHR, the High Commissioner for Human Rights, and the UN Secretary-General.

A key message was to include caste discrimination on par with other prohibited forms of discrimination in all UN policies and studies; something which is increasingly – but not yet systematically – done by the OHCHR and its representatives. Caste discrimination does, however, appear more and more often in UN statements and activities as a general concern when addressing the rights of marginalised and excluded groups. In connection with Human Rights Day 2012, the OHCHR invited IDSN to participate in an online panel discussion on the issue of minority protection alongside the Independent Expert on minority issues.²⁴ Tweets from the event, generated by the UN secretariat, reached at least 1.3 million unique users on Twitter and generated more than 4.6 million impressions on this social media outlet.