

United Nations

In 2013, IDSN continued its strong engagement with UN human rights bodies. It facilitated representation of Dalit activists at sessions of the Human Rights Council (HRC); communicated closely with Special Procedures mandate holders, treaty bodies and the Office of the High Commissioner for Human Rights (OHCHR); and urged states to address the issue of caste discrimination in the Universal Periodic Review process and at HRC sessions.

Overall, the results were encouraging, as the level of attention to the issue increased further. The UN High Commissioner for Human Rights, Navi Pillay, continued to make bold and principled statements on caste discrimination, her office paid even more attention to the issue in its work, and no less than ten Special Procedures mandate holders made references to caste discrimination in the course of the year.

In June, five states co-sponsored an HRC side event on “Dalit women: Working together towards the elimination of multiple and intersecting forms of discrimination and violence based on gender and caste.” However, the fact that states were unable or unwilling to take the issue forward in the Human Rights Council itself, and specifically to work towards the endorsement of the draft UN Principles and

- Dalit women side event held at the UN Human Rights Council, sponsored by Germany, Canada, Norway, Finland and Denmark
- Seven UN experts make a joint statement on caste discrimination, ten mention caste in their reports
- UN High Commissioner for Human Rights issues several strong statements on caste discrimination
- CEDAW adopts general recommendation no. 30 stating that Dalit women are at particular risk of sexual violence
- OHCHR hosts a regional consultation on caste discrimination in South Asia
- Caste discrimination recognised as a source of inequality at the UN led public consultation on the post 2015 global development agenda
- Recommendations on caste discrimination are made at the UPR of Bangladesh
- Dalit human rights defender speaks at the UN Minority Forum

Guidelines for the effective elimination of discrimination based on work and descent (hereafter the draft UN Principles and Guidelines), remained a cause for serious concern.

Human Rights Council (HRC)

On 4 June, the situation of Dalit women in South Asia came under scrutiny at an HRC side event, co-organised by IDSN. It was the first time that a UN event focused on the intersectionality between caste- and gender-based discrimination. A group of nine Dalit women activists from South Asia were present, and three of them addressed the event. So did High Commissioner Pillay and the Special Rapporteur on violence against women, Rashida Manjoo – both in written statements.

Mariem Salem, a parliamentarian from Mauritania and a member of the country’s oppressed Haratine minority, who are descendants of former slaves, testified that Haratine women are subjected to forms of discrimination that are similar to those endured by the Dalits of South Asia.

The German Ambassador, Hanns Heinrich Schumacher warned against using so-called ‘traditional values’ to limit human rights as some UN member states do. “Human Rights, the right to life, the equality of gender, the right to be accepted as an equal human being in any given society, are universal and indivisible,” he said. The speech by Mr Schumacher and the presence of four other co-sponsoring states, Canada, Norway, Finland and Denmark, was an encouraging signal that a number of UN member states with strong democratic records consider caste discrimination an important human rights issue.

When I was asked to address this meeting, the urgency, the dimension of the problem, the meaning of being “Dalit” and in particular a “Dalit woman”, was not known to me. When I gathered more information, I was shocked. Hanns Heinrich Schumacher, German Ambassador

Following the side event, the four organisers – The International Movement Against All Forms of Discrimination and Racism (IMADR), Human Rights Watch, Minority Rights Group International and IDSN – issued a press statement, calling on UN member states to ensure protection of Dalit women and women from similarly affected communities and support efforts to eliminate gender- and caste-based discrimination.

The event constituted the highlight of IDSN advocacy work at the UN in 2013. The group of Dalit women activists from India, Nepal, Pakistan and Bangladesh had numerous meetings with UN officials and diplomats during their stay in Geneva. One of the participants, Bagwhani Rathore from Pakistan, made the following comment on the importance of international advocacy work: “At least if an issue like caste discrimination is recognized at this level, there may be international pressure on national governments. But there is a long way to go.”

This is certainly also the case in the HRC where specific initiatives on caste discrimination are still lacking. Since the publication of the draft UN Principles and Guidelines in 2009, IDSN has consistently urged states to endorse this comprehensive framework on the responsibility of states and non-state actors to eliminate caste discrimination, and work towards a follow-up mechanism on the issue in the HRC. The intransigence of India continues to be a serious obstacle. In April 2013, the High Commissioner for Human Rights commented on this in a statement given in South Africa saying, “India peculiarly thinks this word caste belongs to them and I know they have a political position that it should not be raised in international fora.” This position unfortunately also affects the possibilities for caste-affected states to take the lead in international efforts to end caste discrimination.

Prior to the three HRC sessions in 2013, IDSN provided UN member states with specific recommendations on caste-related issues and called on them to raise the issue in the HRC.

The support from a number of significant actors, including the OHCHR and the Special Procedures mandate holders, is of great importance. One of these supporters, the Independent Expert on minority issues, Rita Izsák, gave a video message at a side event on caste discrimination at the HRC session in February and spoke of the ‘implementation gap’ between laws prohibiting caste discrimination and the reality faced by caste-affected communities. The event explored how to promote and ensure access to justice for Dalits, and Dalit human rights campaigners discussed the situation in their own countries with a focus on the impunity issue.

Universal Periodic Review (UPR)

Bangladesh, Senegal and Mauritius were reviewed by the UPR mechanism in 2013. The UPR exercise remains a very useful forum for addressing caste discrimination. It increases the attention of non-affected states to the issue, obliges caste-affected states to comment on their own efforts, and promotes closer NGO cooperation at a national and international level.

During the review of Bangladesh on 29 April, two states made specific recommendations related to caste discrimination. Slovenia recommended that the Government adopt an action plan to address the situation of Dalits, and the Holy See mentioned the need to improve the conditions of vulnerable groups, including Dalits. The Government of Bangladesh only partly accepted these two recommendations, stating that they “enjoy the support of Bangladesh in part where they are in consonance with national policies and laws.”

IDSN finds this wording confusing and has expressed concern over the Government’s subsequent failure to explain why these recommendations have not been fully accepted.

Caste-based discrimination was also mentioned in the review of Senegal and Mauritius in the 17th session of the UPR and it was recommended for Senegal to eliminate the caste system.

In June, the All Youth Network for Society Development and IDSN submitted an alternative NGO report for the UPR of Yemen, scheduled for late January 2014. The report focused on the human rights situation of the Al-Akhdam people, a group that faces severe forms of discrimination, exclusion and violence similar to those suffered by South Asia’s Dalit population.

The two organisations urged the Government of Yemen to enact anti-discrimination laws that specifically criminalise discrimination against the Al-Akhdam; and develop measures that ensure access to justice for Al-Akhdam people; a national action plan for the elimination of discrimination against the Al-Akhdam; recognition of their right to adequate housing; physical protection against violence; and free elementary education for Al-Akhdam children.

UN Special Procedures

In May, a group of seven Special Procedures mandate holders issued a significant media statement on the issue of caste discrimination and 'untouchability'. They noted that "caste-based discrimination remains widespread and deeply rooted, its victims face structural discrimination, marginalization and systematic exclusion, and the level of impunity is very high."

The experts urged World governments to strengthen protection of the hundreds of millions of people who suffer from this type of discrimination, and to endorse the draft UN Principles and Guidelines for the effective elimination of discrimination based on work and descent.

"We will pay specific attention to the particularly vulnerable situation of people affected by caste-based discrimination... No one should be stigmatized; no one should be considered 'untouchable'." Joint statement by seven UN human rights experts

The group included the Special Rapporteur on violence against women, Rashida Manjoo, who in the course of one month visited two caste-affected countries, India and Bangladesh. In India, she said that Dalit women experience some of the worst forms of discrimination and oppression. IDSN had made submissions on the situation of Dalit women in advance of the visits in cooperation with IDSN members, who also engaged with the Special Rapporteur during her stay. Ms Manjoo will present her reports from the two South Asian country visits to the Human Rights Council in 2014. She also issued a statement for the side event on Dalit women at the June session of the HRC.

The Special Rapporteur on contemporary forms of racism, Mutuma Ruteere, continued his mandate's strong tradition of addressing caste discrimination. In a report focusing on education, he wrote that "the forms of structural discrimination and abuse that Dalit children face in schools are often so stigmatizing that they are forced to drop out."¹² In another report, Mr Ruteere focused on the intersectionality between poverty and racism and highlighted the situation of a few specific groups, including Dalits. He stated that "a disproportionate percentage of Dalits live in abject poverty and face discrimination and exclusion at social, economic and political levels." In September, upon the conclusion of a mission to Mauritania, the Special Rapporteur urged that country's government to tackle caste-based discrimination.

The problem of discrimination against members of the 'slave caste' in Madagascar was explored by the Special Rapporteur on contemporary forms of slavery, Gulnara Shahinian, in a report from her mission to that country. She noted that those in the lowest castes are "most vulnerable to poverty and slavery-like practices." The Special Rapporteur also stressed that caste discrimination in Madagascar "should be addressed openly". In a separate thematic report, she noted that caste discrimination "plays a role in increasing vulnerability to contemporary forms of slavery."¹⁴

Another UN human rights expert who showed strong support for the struggle against caste discrimination in 2013 was the Independent Expert on minority issues. Apart from addressing the HRC side event on caste discrimination in February, Rita Izsák played a leading role in putting together the joint media statement by Special Procedures mandate holders in May, met with the visiting group of Dalit women activists in Geneva in June, and attended the South Asian regional consultation on caste discrimination in Kathmandu in December.

UN treaty bodies

The treaty bodies monitor the implementation of international human rights treaties by states on a regular basis. They have been instrumental in bringing attention and recognition to the issue of caste discrimination as a global human rights concern.

In January, the Pakistan Dalit Solidarity Network and IDSN submitted a joint shadow report on Dalit women in Pakistan for the examination of that country by the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW). The report called on the Government of Pakistan to focus on education, access to basic services, and laws and special programmes to protect Dalit women.

In February and October respectively, CEDAW held general discussions on 'Access to Justice' and 'Rural women' with the purpose of developing general recommendations on these issues. For the 'Access to Justice' discussion in February, IDSN and Minority Rights Group International provided input that included information about the lack of access to justice for Dalit women. Other NGOs and experts made relevant comments about the linkage between caste and gender.

IDSN contributed a written submission on the situation of Dalit rural women to the October discussion. This was done together with two partner organisations in South Asia, Navsarjan Trust (India) and FEDO (Nepal). The submission contained a number of recommendations on tackling impunity, improving access to justice, training police personnel, and targeting development programmes for Dalit women.

CEDAW adopted the General Recommendation no. 30 on women in conflict situations in October and included a relevant observation on caste. It stated that Dalit women are among the groups “at particular risk of violence, especially sexual violence” in conflict situations and that they are “often attacked as symbolic representatives of their community.”

A number of IDSN’s partner organisations produced caste-relevant submissions to UN treaty bodies in 2013. AIDMAM, the women’s platform of the National Campaign on Dalit Human Rights (NCDHR), made a number of suggestions to CEDAW regarding caste- and gender-based discrimination in India.¹⁹ Some of these have been included in the list of questions posed by CEDAW prior to its examination of India in July 2014.²⁰

Two of IDSN’s international associates, Anti-Slavery International and Minority Rights Group International, made a submission on Mauritania to the UN Human Rights Committee that included several questions on caste-based discrimination.

In its 82nd and 83rd session, the Committee on the Elimination of Racial Discrimination noted concern and recommended for the governments of Mauritius, Chad and Burkina Faso to address caste-based discrimination.

Office of the High Commissioner for Human Rights (OHCHR)

For several years, the UN High Commissioner for Human Rights, Navi Pillay, and her dedicated staff at the OHCHR have been instrumental in placing the caste issue on the global human rights agenda. In 2013, Ms Pillay made a number of statements referring to caste discrimination.

In late January, at the conclusion of the two-month long march to end manual scavenging in India, the Maila Mukti Yatra, the High Commissioner issued a message of support, congratulating the organisers as well as the participants. She noted that most manual scavengers are Dalit women who face multiple forms of discrimination because of their caste and gender. Ms Pillay focused on this theme again when she addressed a UN side event on Dalit women in June. She noted that the degrading practices of caste discrimination and untouchability are “further amplified by the intersection of discrimination based on caste and gender.” In November, the High Commissioner delivered a powerful speech on caste discrimination at a meeting in London, where she urged the British government to implement legislation on the issue.

On several occasions in 2013, Ms Pillay referred to the Guidance Note on Racial Discrimination and Protection of Minorities, which the UN Secretary-General issued in March. On 4 June, she said that the Note encouraged her office’s “continuous engagement” in the issue of caste discrimination.

In December, the OHCHR hosted a South Asian regional consultation on caste discrimination. The event took place in Kathmandu, Nepal, and its purpose was to identify opportunities and constraints for UN Country Teams, National Human Rights Institutions and civil society to work on caste discrimination in the region. The consultation was to contribute to the preparation of guidance for the UN system on key challenges, priorities and strategic approaches to combat caste discrimination. As such, it served as an important milestone in efforts to mainstream the issue of caste discrimination into the work of the UN.

Participants included UN officials from the region and Geneva, and representatives from National Human Rights Institutions and civil society in South Asia. Numerous IDSN members and associates were present and IDSN sponsored some participants from India, Pakistan and Sri Lanka. A full report from the consultation will be published in 2014.

The post-2015 agenda

In 2013, a breakthrough was achieved in attempts to push for inclusion of caste discrimination in the post-2015 global development agenda, as a UN-led public consultation recognised caste discrimination as a source of inequality. A report from the consultation released in February noted that members of disadvantaged groups, including those defined by caste, “are found more often than not amongst the poorest and most marginalised in any given state.”

Later in the year, High Commissioner Pillay said that she was “heartened” that the consultation had “acknowledged caste-based discrimination as a source of inequality.” Other UN human rights experts also made the case for the inclusion of the caste issue in the post-2015 framework. In their joint statement from May, seven Special Procedures mandate holders expressed their hope that the agenda would include specific goals for the advancement of Dalits, stressing that caste-based discrimination is a major structural factor underlying poverty.

IDSN recommends that caste discrimination be included in the measures and targets proposed to address global inequalities. As the discussion intensifies, it remains unclear to what extent the caste issue will be integrated into the post-2015 framework. Civil society groups, including Dalit representatives, have expressed disappointment that inequality has not been a stronger focal point of the post-2015 discussion.