

Briefing note and recommendations - June 2015

IDSN - COHOM Exchange

The International Dalit Solidarity Network (IDSN) is working internationally for the elimination of caste discrimination. This is the organisation's third exchange with COHOM.

The European Union has taken some important steps to address caste discrimination including through legislative and programmatic measures, but action is needed in critical areas, proportionate with the scale and consequences of one of the worst and least addressed human rights problems in the world. IDSN therefore calls on COHOM to adopt a policy to strengthen EU action for the prevention and elimination of caste-based discrimination.

Background

Caste-based discrimination affects an estimated 260 million people worldwide, the vast majority living in South Asia. Caste-based discrimination is also found in communities migrated from South Asia across the globe and in other caste-stratified societies in Africa and Asia.

It involves massive and endemic violations of civil, political, economic, social and cultural rights. Caste systems divide people into unequal and hierarchical social groups. Those at the bottom of the caste system are known to be 'untouchable' and subjected to so-called 'untouchability' practices. Due to discriminatory practices by both state and non-state actors, Dalits in South Asia have limited access to resources, services and development, keeping most in severe poverty.

Caste discrimination and caste related violence continue almost unabated and unpunished in the most severely affected countries. Dalits are regularly subjected to forced and bonded labour. According to an Anti-Slavery International report, the vast majority of bonded labourers in South Asia (around 90%) are predominantly from scheduled castes and minority groups. Dalit women suffer from multiple forms of discrimination based on caste, gender and poverty, make them highly vulnerable to physical assaults, including rape and forced prostitution, and other crimes which often go unpunished.

Despite increasing political recognition, policy development and special legislation in some countries, fundamental challenges still remain in all caste-affected countries. Lack of access to justice and effective implementation of policies remain core issues. For further information on themes and country situations, please see *the European Parliament Study on Caste Discrimination*, issue and country briefing notes, and UN references linked below.

What has the UN done?

The UN human rights system has extensively addressed situations of caste discrimination, including through mandates and processes concerning 'racial discrimination'. UN bodies and experts have repeatedly affirmed that the 'descent' limb of this definition encompasses caste and recommended Human Rights Council endorsement of draft UN principles and Guidelines for Effective Implementation of Discrimination based on Work and Descent. The ever-increasing observations and recommendations by UN treaty bodies, Special Procedures Mandate Holders and UN agencies on the topic are noted. UN treaty body committees, such as the CESCR, CCPR, CEDAW, CAT and the CRC have addressed caste-based discrimination, in altogether 72 treaty body reviews. In total, 19 Special Procedures mandates have addressed caste-based discrimination, and 35 caste-specific UPR recommendations have been issued. In total 21 countries have

been covered by the UN with regard to caste-related human rights violations. Please see the [compilation](#) of caste-specific references in UN documents.

Noteworthy is also the increasing number of [statements by UN top officials](#) on caste-based discrimination. High-level inclusion of caste, as a ground and on par with other forms of discrimination has gained increased political salience and an increased willingness to address caste-based discrimination in reports and statements is observed.

The commitment of the Office of the High Commissioner for Human Rights to fighting caste discrimination was reaffirmed in the OHCHR Strategic Management Plan 2014-17 as a priority in the anti-discrimination section of the action plan, expressed also in regional consultations on the topic. UN Country Teams in some affected countries are focusing on caste through task teams or country frameworks. Moreover, UN special initiatives are being developed.

EU action: Some highlights

An overview of EU action up until February 2013 can be found in the European Parliament study [“A human rights and poverty review: EU action in addressing caste-based discrimination”](#). The study also presented recommendations to the EU on how to combat caste-based discrimination through developing and mainstreaming policies, strategies and programmes of the EU and systematic inclusion in human rights and policy dialogues, trade and other agreements.

The Commission has continued to support organizations and projects to tackle caste discrimination at both international, regional and national level in South Asian countries, and engaged with Dalit human rights defenders in different contexts, including in developing and promoting the report [“Equality in aid: Addressing caste discrimination in humanitarian response”](#). In light of the May 2015 [rapid assessment report](#) of the situation of Dalit communities following the Earthquakes in Nepal, finding that Dalits are discriminated in the distribution of post-earthquake relief materials, receiving less aid than those from castes ranking higher assessment report, IDSN has [appealed](#) to stakeholders providing humanitarian assistance in Nepal to follow the recommendations and guidelines in the IDSN [Equality in aid](#) report.

The European Parliament has adopted legislation with specific caste references, e.g. the EIDHR 2014-2020 Financial Framework. Caste specific concerns and calls have been made in numerous EU resolutions, including on the Millennium Development Goals/post 2015 Development Framework, Annual Reports on Human Rights and Democracy in the World, and violence against women.

In October, 2013, the European Parliament adopted a resolution on caste-based discrimination (2013/2676(RSP)) with recommendations to EU institutions (articles 10-20), inter alia, to mainstream the fight against caste-based discrimination in EU legislation, policies and programming documents; to adopt operational guidelines for its implementation; and to include as a human rights issue in future EU human rights policies, strategies and action plans, and political dialogues.

The European Parliament has recognised caste-based discrimination as a ground of discrimination to be tackled on par with other major grounds of discrimination and continues to raise concern over the lack of EU action at the multilateral level, and need for policy strengthening.

The European Parliament has noted (resolution 2013/2676(RSP)) the need for to promote an enabling environment for civil society and human rights defenders working with people affected by caste discrimination, and stressed that “such an environment should include access to funding, cooperation with

UN human rights bodies and Economic and Social Council (ECOSOC) accreditation”. The case of IDSN application for accreditation – now the longest pending application in the Committee on NGOs – has been brought to the attention of EEAS, EU Special Representative for Human Rights, and member states.

IDSN Recommendations

- Adoption of an EU policy on the prevention and elimination of caste-based discrimination
- EU high level public diplomacy on caste-based discrimination and promotion of supportive initiatives at multilateral level
- Inclusion of the topic in EEAS and Commission statements and policies, and relevant guidelines and action plans, e.g. for the implementation of EU human rights based approach to development cooperation, EU human rights action plan, EU fight against all forms of discrimination, and EU efforts to combat violence against women and girls, and all forms of discrimination against them, and EU Guidelines on Torture.
- Develop a specific set of EU tools to address caste-based discrimination and an action plan for their promotion.
- Report on caste-based discrimination in EU publications, including in a specific section in the EU Annual Report on Human Rights in the World, and in reports on relevant thematic and country level issues and programmes; include the topic in mainstream development and human rights debates, studies and position papers.
- EU joint initiative to support a resolution on the IDSN application for ECOSOC accreditation with the Committee of NGOs/ECOSOC - pending since 2007.

Selected reference documents

European Union

- [European Parliament “A human rights and poverty review: EU action in addressing caste-based discrimination” \(February 2013\)](#)
- [European Parliament Resolution on Caste-based Discrimination October 2013](#) (P7_TA(2013)0420)
- [See all European Parliament Resolutions on caste discrimination](#)
- In the EP resolution on the Annual Report on Human Rights and Democracy in the World 2013, adopted March 12 2015, a separate section on caste-based discrimination was included. [See extract from this Resolution and other caste references in EP Resolutions](#)
- [Equality in aid: Addressing caste discrimination in humanitarian response](#), IDSN report 2013

United Nations

- [Statements by UN top officials on caste discrimination](#)
- [Compilation of UN references to caste-based discrimination by UN treaty bodies, Universal Periodic Review, and UN Special Procedures](#)

- [Draft UN Principles and Guidelines for the Effective Implementation of Discrimination based on Work and Descent](#)
- [Factsheet on IDSN application for ECOSOC accreditation](#)

IDSN resources

- [IDSN Annual Report 2014](#)
- [IDSN Annual Report 2013](#) *(with details on EP resolutions and debate on caste discrimination)*
- [IDSN caste-affected country profiles](#)
- [IDSN Key Issue pages](#)
- [Resolution condemning caste-based discrimination introduced in US congress, IDSN news article March 24 2015](#)
- [IDSN introductory video on caste discrimination](#)
- [IDSN note on caste-based discrimination in Africa, Yemen and diaspora communities June 2015](#)
- [Waiting for Justice in Response: Report of Initial Findings from Immediate Needs Assessment and Monitoring Responses towards Affected Dalit Communities in Nepal Earthquake](#), Dalit Civil Society Massive Earthquake Victim Support and Coordination Committee and the Asia Dalit Rights Forum (ADRF) May 2015