

# IDSN application for general consultative status with ECOSOC

## Overview and status quo

*Note by IDSN Secretariat – updated June 2014*

### Summary

IDSN submitted its application for general consultative status with ECOSOC to the Committee on NGOs in May 2007. The application was first considered at the Regular Session of the Committee on NGOs in January 2008. Since then, the application has been deferred at the following regular and resumed sessions of the Committee, i.e. for seven years. During this period IDSN has received 64 written questions, to which IDSN has always responded in due time.

All written questions have been raised by one member of the Committee, India. Many of the questions have contained similar content, or have already been responded to in the application or previous replies. Often the new sets of questions have been submitted to the organization so late during sessions that the Committee has not had time to review the answers at the same session. The application has then been deferred to the next session along with a large number of other deferred applications; postponing a final decision on the application.

### Time line

#### **May 2007**

Submission of IDSN application for general consultative status with ECOSOC to the Committee on NGOs (deadline 1 June).

#### **January 2008**

IDSN's application was considered for the first time at the Regular Session of the Committee on NGOs from 21-30 January. The application was given ref. no. E/C.2/2008/R.2/Add.15 #5.

In a letter of 10 January, India asked four questions for clarification on behalf of the Committee. IDSN replied on 14 January (see Reply I in the list of replies below).

A second round of questions from India in the Committee was sent to IDSN on 28 January. IDSN replied on 29 January (Reply II). It was then too late for the Committee to review the answers before the session ended, and the application was deferred to the next Resumed Session.

#### **May-June 2008**

The application was reviewed by the Committee for the second time at its Resumed Session from 29 May – 6 June 2008.

The first round of questions for this session was asked by India on 5 June, one day before the session closed. IDSN replied the same day, although it was registered as 6 June in the database (see Reply III). India on behalf of the Committee sent another set of questions on 6 June (in the database it is registered as 7 June). IDSN replied on 10 June but at that time the resumed session had ended (see Reply IV).

#### **January 2009**

At the Regular Session in January 2009 the Committee reviewed IDSN's latest round of replies for the third time. The Committee did however not send IDSN any further questions for clarification during the session

#### **March-April 2009**

On 4 March IDSN was informed that the Committee had decided at its Regular Session to defer the consideration of its application to the Resumed Session in May 2009.

A new set of questions from India were then presented by the Committee to IDSN on 24 March. IDSN replied on 3 April (Reply V).

### **May 2009**

When the Committee met for the Resumed Session from 18-27 May 2009, IDSN's application was not considered as otherwise expected.

IDSN was informed in a letter of 1 June 2009 that the Committee decided to defer the consideration of IDSN's application to its next session. IDSN was informed that India had more questions to its application, without receiving such questions.

### **November 2009**

IDSN received a notification on 19 November that its application would be considered at the Regular Session in January 2010.

### **January-February 2010**

At the Regular Session from 25 January – 3 February it became clear that a new set of questions, which had been submitted by the India on the last day of the previous session of the NGO Committee Session in May 2009, were somehow lost in the system and never sent to IDSN at the time. IDSN first received the new set of questions on 27 January and responded on 28 January 2010 (Reply VI).

On 29 January IDSN was called on the floor to respond to questions from the Committee members. IDSN Coordinator Rikke Nöhrind was present at the session and responded to questions raised by the UK, USA and India.

After the review of the application, IDSN received a new set of questions from India on 29 January. IDSN responded on 30 January 2010, but it was registered in the system on 31 January (Reply VII).

Many of the questions from the oral examination were given again in writing by the Indian delegation on 2 February, which included a list of 15 questions in total. IDSN responded on the same day, 2 February (Reply VIII).

### **June 2010**

A set of four questions were asked in connection with the June 2010 resumed session of the NGO Committee. IDSN's response dated 9 November was uploaded on 10 November (Reply IX)

### **February 2011**

Three questions were received on 16 February in connection with the January 2011 session of the NGO Committee. IDSN's response was uploaded 22 February (Reply X).

### **May – July 2011**

One question was received on 24 May in connection with the May 2011 resumed session of the NGO Committee. IDSN's response was submitted 7 July (Reply XI).

### **December 2011**

IDSN received a notification on 15 December that its application would be considered at the 2012 Regular Session.

### **February 2012**

IDSN received on 24 February two new questions, and replied to them on 28 March 2012. The application was deferred to the Resumed Session 2012.

### **May 2012**

IDSN's responses to the questions were reviewed at the Resumed Session 2012, where the application was once again deferred.

### **June 2012**

IDSN received a new question on 7 June, and replied to it on 28 September 2012. IDSN's deferred application will be considered again at the 2013 Regular Session of the Committee on NGOs in New York.

### **March 2013**

IDSN received new questions on 6 February and replied to them on 28 March 2013. IDSN's deferred application is expected to be considered again at the Resumed Session 2013 of the Committee on NGOs in New York.

### **June 2013**

IDSN received questions on 10 June 2013 and replied to them on 3 July 2013. IDSN's deferred application is expected to be considered again at the Regular Session in January 2014 of the Committee on NGOs in New York.

### **February 2014**

IDSN received a question on 11 February 2014 and replied to them on 2 April 2014. IDSN's deferred application is expected to be considered again at the 2014 Resumed Session in May 2014 of the Committee on NGOs in New York.

### **June 2014**

IDSN received a question on 25 June 2014 by the NGO Branch, with reference to an email sent from the NGO Branch with the question on 10 June 2014 and replied on . IDSN's deferred application is expected to be considered again at the 2015 Regular Session in January 2015 of the Committee on NGOs in New York.

## **List of questions and replies on IDSN's application for ECOSOC status**

### **Reply I: IDSN replies of 14 January to questions of 10 January at the Regular Session of the Committee on NGOs from 21-30 January 2008 (questions no. 1-5 in total sum)**

1. *Please explain your role in the International Consultation on Caste-Based Discrimination held in Kathmandu (Nepal) in 2004.*

Together with the Dalit NGO Federation, Nepal, IDSN organised the International Consultation on Caste-Based Discrimination in Kathmandu in 2004. The programme of the consultation was jointly agreed between the two organisers, and IDSN was responsible for the invitation of and assistance to international participants, whereas the Dalit NGO Federation handled invitations and logistics in Nepal. Report writing and distribution was the responsibility of IDSN.

2. *What specific efforts do you make towards elimination of discrimination?*

IDSN works to promote human rights for persons discriminated on the basis of work and descent, a form of discrimination which is prohibited by international human rights law. IDSN works through established monitoring mechanisms at UN level, such as promoting a general prohibition of caste-based discrimination through charter and treaty-based UN bodies. Specific activities involve research and documentation of discrimination and human rights violations against affected communities, and communicating this information to national and international level institutions. IDSN furthermore facilitates input to UN Special Procedures, as well as submission of alternative reports to UN Human Rights Treaty Bodies.

An important element of IDSN's work is furthermore to facilitate representation of affected communities facing discrimination based on work and descent at international level institutions, such as UN bodies and agencies and European Union institutions with the purpose of providing alternative information on the situation in affected countries and effect sensitivity to discrimination issues in their work.

3. *What are your specific efforts in the activities of the Human Rights Commission?*

Member organisations of the IDSN with existing ECOSOC consultative status have sought to draw the attention of the former Commission on Human Rights/Human Rights Council to the persistent problem of caste-based discrimination, untouchability and analogous forms of inherited social exclusion by issuing written statements, delivering oral interventions, holding parallel events, providing relevant information to special procedures, mandate-holders, and members of the Commission/Council.

4. *The Committee has noted that your organisation is registered in Copenhagen in the category of "other political and ideological organisations", kindly explain why you are registered under this category rather than as a human rights organisation.*

The term "other political and ideological organisations" is the official category used by Danish authorities for the NACE\* code under which IDSN was registered in 2003. The category includes a broad range of organisations, but the word political does not refer to party political. No specific category exists for human rights organisations.

As from 1 January 2008, as part of a procedural change affecting all organisations registered under this category in Denmark, the registration code has been changed to NACE code 94.99.00 "other membership organisations" in accordance with EU standards. The category is defined as:

"- activities of organisations (not directly affiliated to a political party) furthering a public cause or issue by means of public education, political influence, fund-raising etc.:

- citizens initiative or protest movements
- environmental and ecological movements
- organisations supporting community and educational facilities n.e.c.
- organisations for the protection and betterment of special groups, e.g. ethnic and minority groups
- associations for patriotic purposes, including war veterans' associations
- consumer associations
- automobile associations
- associations for the purpose of social acquaintanceship such as rotary clubs, lodges etc.
- associations of youth, young persons' associations, student associations, clubs and fraternities etc.
- associations for the pursuit of a cultural or recreational activity or hobby (other than sports or games), e.g. poetry, literature and book clubs, historical clubs, gardening clubs, film and photo clubs, music and art clubs, craft and collectors' clubs, social clubs, carnival clubs etc."

Enclosed is a letter from Statistics Denmark informing IDSN of the changed NACE code in relation to its official registration.

\*) **Nomenclature des Activités économiques dans la Communauté Européenne** (General Name for Economic Activities in the European Union) or NACE is a European industry standard classification system consisting of a 6 digit code. The codes are used for official registration of private companies and organisations.

5. *With regard to the organisations finances, you present an 111.555 USD surplus. Kindly explain how you intend to capitalise it.*

Contributions from some donors (Danida and CCFD, Comité Catholique contre la Faim et pour le Développement) were given late in the year 2006, with the understanding that part of the amount could be used in the financial year 2007 and there was thus a surplus in the financial year 2006. The surplus funds were used for the core programme activities of IDSN in 2007 with the accept from donors.

**Reply II: IDSN replies of 29 January to questions of 28 January from the Regular Session of the Committee on NGOs from 21-30 January 2008 (questions no. 6-8 in total sum)**

1. *In your reply to Question 1, your organisation has stated that it carries out research and documentation on the basis of work and descent. Statements or papers published by the organisation based on such research, and also statements made by the representatives of the organisation in United Nations fora may be forwarded to the Committee.*

IDSN's members and associates carry out research and documentation on caste-based discrimination, in UN terminology 'discrimination based on work and descent' (first pronounced in Sub-Commission resolution 2000/4 of 11 August 2000), and such information is distributed through the IDSN network to a variety of UN agencies and bodies, and other interested parties (examples are provided in attachments 1, 2 and 3).

Collation, presentation and discussion of information on caste based discrimination have been facilitated by IDSN as was the case at the International Consultation on Caste-Based Discrimination held in Kathmandu in 2004. A report on the deliberations and findings is attached (attachment 4).

International Associates of IDSN have, often in cooperation with members, produced and submitted NGO reports on caste based discrimination to relevant UN treaty body committees and joint statements have been delivered on several occasions by associates with consultative status with ECOSOC (examples are provided in attachments 7 and 8).

2. *Please provide the list of participants to the International Consultation on Caste-based Discrimination held in Kathmandu in 2004. Statements made by the representative of IDSN at this meeting, along with the outcome of the meeting, if any, may also be forwarded.*

The report from the International Consultation in Kathmandu in 2004 is attached (attachment 4) which contains summaries of presentations and statements made, including by IDSN representatives, UN experts, representatives of government and national human rights institutions and UN agencies. A primary outcome of this consultation is the Kathmandu Dalit Declaration (attachment 5). The list of participants is provided (attachment 6).

3. *Your organisation refers in its application to consultations held every two years usually on a theme identified by the Council. It may please forward to the Committee the themes of consultation on the last two occasions, also the outcome of these consultation processes.*

Consultations organised or facilitated by IDSN include the above mentioned consultation as well international consultations in Geneva, such as an international consultation held on 13-14 March 2006 with the participation of representatives of affected communities, UN experts, UN Special Rapporteurs and specialised agencies. The outcome of such consultations have been increased knowledge on the issue of caste based discrimination for relevant UN bodies in their work, including for the Special Rapporteurs on discrimination based on work and descent, experts of the former Sub-Commission on the Promotion and Protection of Human Rights, mandated by the former Commission on Human Rights to conduct a comprehensive study on discrimination based on work and descent pursuant to resolution 2005/109.

**Reply III: IDSN replies of 5 June to questions at the Resumed Session from 29 May – 6 June 2008 (questions no. 9-15 in total sum)**

1. *The Committee desires to know the organization's understanding of "similar forms of discrimination based on work and descent" with regard to various countries in its earlier replies, as well as in its original application.*

Discrimination based on work and descent (a term used by the former U.N. Sub-Commission on the Promotion and Protection of Human Rights) has historically been a feature of societies in different regions of the world and today still affects a significant population both within and outside South Asia. While the nomenclature of “caste discrimination” is commonly used within South Asia to describe discrimination on the basis of work and descent, similar forms of discrimination based on work and descent also exist in certain African countries and other Asian countries. Although affected communities from Asia and Africa are highly diverse in geographic and historic origin they are subjected to similar systems of rigid social stratification by which individuals are ranked in groups defined by descent and occupation and by notions of purity and pollution.

2. *In Para. 13, question 8 of its application the organization states that the Executive Group comprises four members whereas the current members listed by the organization exceeds four. What is the current composition of the Executive Group with portfolios handled by each of the members? Also please explain the decision-making process within the organization, particularly the relative roles of the Council and the Executive Group in this connection.*

Our original application, which was submitted on 23 May 2007, lists the following Executive Group Members:

- Vincent Manoharan, Indian national
- Tej Sunar, Nepalese national
- Smita Narula, American national
- Gerard Oonk, Dutch national
- Peter Prove, Australian national
- Rikke Nöhrind, Danish national

Of these six, Tej Sunar served as an advisory member (the decision to allow advisory members to serve on the Executive Group was made at an IDSN Council meeting), while Rikke Nöhrind, IDSN Coordinator, served as an ex officio member as per paragraph 8 of the IDSN Statute which states that “the IDSN Coordinator is an ex-officio member of the Executive Group.”

Following our most recent Council meeting in March 2008 during which new members of the Executive Group were elected (specifically to replace members whose terms had expired), the following individuals now comprise the Executive Group. The specific portfolio handled by each member is included in parentheses next to their name and nationality:

- Vincent Manoharan, Indian national (Co-convenor, policy portfolio)
- Gerard Oonk, Dutch national (Co-convenor, staff portfolio)
- Meena Varma, British national (administration portfolio)
- Tirtha Bishwakarma, Nepalese national (fundraising portfolio)
- Two individuals are assisting the work of the Executive Group as advisory members. They are:
- Manjula Pradeep, Indian national
- Bijo Francis, Indian National

In addition, Rikke Nöhrind remains an ex-officio member.

According to IDSN's statutes the decision-making process of IDSN is as follows: the IDSN Council meets at least once a year to receive reports from staff, share information and make decisions on the development of future IDSN programmes. The Council is the highest governing and decision-making body of IDSN. The role of decision-making between Council meetings is entrusted to the Executive Group whose decisions are always in keeping with the mandate determined by the Council and in line with the overall policy direction of the Network. The Executive Group meets no less than twice a year and also communicates frequently in between these meetings.

3. *The Committee will appreciate a specific reply to Q.3 posed by the organization in its letter dated 28 January 2008.*

In March 2006, IDSN organized an international consultation in Geneva on Discrimination based on Work and Descent to which it invited representatives of caste-affected communities, U.N. experts, U.N. Special Rapporteurs, and representatives of U.N. agencies. As a result of this consultation, relevant U.N. bodies and experts were able to enhance their knowledge and understanding of the issue of caste-based discrimination. The consultation was of particular benefit to the Special Rapporteurs on discrimination based on work and descent—experts of the former Sub-Commission on the Promotion and Protection of Human Rights who were mandated by the former Commission on Human Rights to conduct a comprehensive study on discrimination based on work and descent pursuant to resolution 2005/109 of the U.N. Human Rights Commission.

In April 2007, IDSN convened an expert consultation in Kathmandu, Nepal on behalf of the two Special Rapporteurs on discrimination based on work and descent. As a result of the consultation, the Special Rapporteurs were able to inform their mandate and work with advice and input from affected community members, U.N. experts, U.N. agencies, the Office of the High Commissioner for Human Rights, the International Labour Organisation, and representatives of international NGOs.

4. *How does the organization maintain independence in its functioning and decision-making as it receives a large percentage of its revenue as grants from various Government agencies. In this context the organization may reflect on Para. 13 of the ECOSOC resolution 1996/31.*

IDSN maintains the highest independence in its functioning and decision-making. Neither governmental nor non-governmental donors have any influence on the policies, programmes, and projects that they fund; nor do they influence any other aspect of organizational management and development. Programmes, policies and projects have never been adjusted in any way at the behest of funders. In keeping with Para. 13 of ECOSOC resolution 1996/31, all financial contributions from government sources are fully recorded in our organization's financial records and are devoted exclusively to purposes in accordance with the aims of the United Nations.

5. *Please elaborate on organization's relationship with Danchurch Aid, ICCO, Cordaid and CCFD.*

These groups fund various IDSN programmes; the relationship is therefore one of funder and funds recipient. As with all donors, upon receipt of funds IDSN agrees to deliver on the objectives and outcomes of the proposals it designs and submits to donors. Financial and narrative reporting is submitted to donors on a regular basis. As noted in response to question 4, we maintain the highest independence in our functioning and decision-making, which extends in particular to our relationship with donors.

6. *The Committee would like to know as to how the organization utilized surplus funds during the fiscal year 2008? A report from an independent external auditor on utilization of funds may also be submitted.*

As noted in our January 14, 2008 correspondence with the Committee, contributions from particular donors were received late in the year 2006 with the understanding that part of the amount could be used in the financial year 2007. We therefore had a surplus of funds in financial year 2006. The surplus of funds was used to fund core programme activities in 2007. The breakdown of expenditure in 2007 is available in our annual audited financial statements, which are included in our annual report as Annex 1 from pages 34 to 37. Our annual report is available online at <http://idsn.org/Documents/pdf/IDSNAnnualReport2007.pdf>. A

portion of the surplus funds that were earmarked to support our Private Sector Programme were not fully utilized in 2007. With the agreement of the donor, these funds will be carried over until the end of 2008. If the full amount is not utilized by the end of financial year 2008 then the remaining funds will be returned to the donor. An external auditor report has not yet been prepared for the year 2008 as the fiscal year runs from 1 January to 31 December 2008. Audited financial statements are only prepared once a year, and always after 31 December.

7. *Please elaborate on the projects undertaken under the “Private Sector Programme” as well as the EU Programme.*

As part of its Private Sector Programme and in partnership with the Human Rights and Business Project (HRBP) of the Danish Institute for Human Rights (DIMR), IDSN began developing a tool called the Dalit Discrimination Check in 2006. The purpose of this tool is to help companies (that operate in or source from caste-affected countries) avoid discrimination on the basis of caste. The Dalit Discrimination Check is based on the existing Human Rights Compliance Assessment (HRCA), a comprehensive online tool for companies to identify possible human rights violations arising from their operations and with respect to international and national conventions and legislation. Also as part of the Private Sector Programme, member Dalit Solidarity Networks—mainly in the United Kingdom, Germany, and the Netherlands—continue to engage companies in dialogue to raise awareness about caste discrimination and to assist in its prevention.

As part of its EU Programme, IDSN meets with Members of the European Parliament, Commission officials, Council officials, and representatives of a number of member states’ missions in Brussels. During these meetings, officials are briefed on new developments and reports by IDSN members. Specific policy recommendations are also conveyed to the aforementioned officials and to member state missions in Brussels and Geneva. The reports of relevant U.N. human rights bodies pertaining to caste discrimination are also shared with these officials.

**Reply IV: IDSN replies of 10 June to the second round of questions of 6 June 2008 from the Resumed Session from 29 May – 6 June 2008 (question no. 16 in total sum)**

1. *The Committee would like to refer to its question 6 in its letter dated 5 June 2008. Inadvertently, the year mentioned in the second line has been referred to as 2008. Please read it as ‘2006’.*

Below I have inserted question 6 as well as our reply to this question, which in fact does cover the question for the years 2006 – 2007, i.e. funds received in 2006 and expended in 2007.

- 6) The Committee would like to know as to how the organization utilized surplus funds during the fiscal year 2008? A report from an independent external auditor on utilization of funds may also be submitted.

As noted in our January 14, 2008 correspondence with the Committee, contributions from particular donors were received late in the year 2006 with the understanding that part of the amount could be used in the financial year 2007. We therefore had a surplus of funds in financial year 2006. The surplus of funds was used to fund core programme activities in 2007. The breakdown of expenditure in 2007 is available in our annual audited financial statements, which are included in our annual report as Annex 1 from pages 34 to 37. Our annual report is available online at <http://idsn.org/Documents/pdf/IDSNAnnualReport2007.pdf>. A portion of the surplus funds that were earmarked to support our Private Sector Programme were not fully utilized in 2007. With the agreement of the donor, these funds will be carried over until the end of 2008. If the full amount is not utilized by the end of financial year 2008 then the remaining funds will be returned to the donor. An external auditor report has not yet been prepared for the year 2008 as the fiscal year runs from 1 January to 31 December 2008. Audited financial statements are only prepared once a year, and always after 31 December”.

**Reply V: IDSN replies of 3 April to questions of 24 March 2009 in advance of the Resumed Session in May 2009 (questions no. 17-20 in total sum)**

- 1) *In its application (paragraph 4), the NGO stated that it aims to make an effective contribution to the "liberation of those affected by caste discrimination". The NGO may please elaborate on this phrase, and indicate how it intends to achieve the same.*

IDSN is an international lobby and advocacy organisation that is working rights-based. With its activities, IDSN aims at working for the global recognition of Dalit human rights and contribute to the fight against caste discrimination, and other forms of discrimination based on work and descent around the world, by raising awareness and building solidarity among affected groups and solidarity bodies. Based on the universal principles of equality and non-discrimination, the increased awareness and recognition of Dalit rights contribute to the affected communities' possibilities of achieving such principles in the local, national and as well as global setting.

- 2) *In the same paragraph, the term "grassroots priorities" has been used. The NGO may please elaborate this further, in particular as to who determines these priorities.*

As an international advocacy organisation, IDSN works to promote the issues felt at grass root level by linking it with international level advocacy. The activities of IDSN are decided by the Council which meets on an annual basis to determine programme of action and priorities for the next year. According to IDSN's Statutes, national level members and associates must endorse the IDSN aims and objectives and are expected to contribute to IDSN's activities in line with the organisation's overall objectives.

- 3) *In paragraph 7 of its application, the NGO has described itself as an "advocacy and lobby organization". However, as per paragraph 5 of its reply of June, 5 2008, it has been indicated that it has undertaken work on payment for other NGOs. These NGOs are not its members or associates. Further, such income constitutes a major part of its total income. It may be indicated whether the work for these NGOs was a commercial activity. The NGO may also clarify the exact nature of its activities.*

The IDSN Council, which is the governing body of IDSN consisting of members and associates, decides on the programme of action and activities of the network. Following such decisions, programme proposals are submitted to donors to seek funding for these activities. Therefore IDSN does not undertake work on payment for other NGOs but receives funding to its core programmes and carries them out on the basis of the programme proposal as decided by the Council. Nor does any of IDSN's activities relate to commercial activity. IDSN is a non-partisan and non-profit membership organisation, and no part of its net income shall accrue to the benefit of any organisation or individual.

The activities carried out by IDSN are based on four main programmes: the United Nations, the European Union, the Private Sector and Information Sharing and Networking. In these programmes IDSN facilitates Dalit rights interventions before relevant UN and EU fora, organises consultations, conferences and hearings on caste-based discrimination and provides information and recommendations on caste discrimination based on research and studies to various stakeholders and the public.

- 4) *In response to answer 7 of June 6, 2008, the NGO mentioned that they have briefed member state missions in Brussels and Geneva. The NGO may please be asked to inform the list of member state mission contacted and what documents/policy recommendations conveyed to them?*

This reply was given in response to answer 7 of June 5, 2008.

As part of its role as an international lobby and advocacy organisation, IDSN contacts relevant EU member state missions in Brussels and Geneva on an ad hoc basis. There is no systematic pattern as such. IDSN

primarily targets the members of the Troika and Western European states where there are Dalit Solidarity Networks. Once in a while IDSN contacts all EU member states more broadly.

Documents and policy recommendations that are shared with such state missions include UN shadow reports (UN treaty bodies and UPR), Concluding Observations, IDSN's annual report, and factsheet papers from the regional research project on caste-based discrimination covering four countries (Nepal, Bangladesh, Pakistan and Sri Lanka).

**Reply VI: IDSN replies of 28 January to questions of 27 January 2010 at the Regular Session in January-February 2010 (questions no. 21-25 in total sum)**

- 1) *What are the organization's views with regard to xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers; and ways to deal with violations of human rights against members of such groups which occur widely in the context of discriminatory, xenophobic and racist practices?*

Non-discrimination and equality are fundamental principles of international human rights law. As an organization dedicated to these principles, IDSN strongly condemns all forms of discriminatory, xenophobic and racist practices. As a first and essential step in dealing with such violations of human rights against migrants, refugees, and asylum-seekers, States must recognize that the right to non-discrimination is not limited to nationals and extends to all persons. States must ensure that none of their laws or policies discriminate against members of these groups. In addition, States should develop and implement policies to foster greater harmony and tolerance between non-nationals and host societies, with the aim of eliminating manifestations of xenophobia and racist practices, including acts of violence. When such violations occur, States should ensure the victims' right to an effective remedy. Special attention should also be paid to needs of migrant, refugee, and asylum-seeking women who often face multiples barriers and burdens.

- 2) *Can you please elaborate on the variety of national and state-level institutions available in the Indian system to seek redressal of grievances and violations of human rights of members of Scheduled Castes and Scheduled Tribes?*

The Constitution of India emphasizes the safe-guards for Scheduled Castes under the 'Special Provisions Relating to Certain Classes' in Part XVI of the Indian Constitution. It also provides for protection and promotion of their social, economic, educational, cultural and political interests to bridge the disparities and to bring them on par with other sections of the society. In addition, many articles in Part III (fundamental rights), IV (directive principles of state policy), IX, IX A and in the fifth schedule of the Constitution provide such measures (see Annex I).

In keeping with the Constitutional provisions the Government of India has been very progressive in promulgating specific legislation to prohibit "untouchability" and to protect Dalit communities from all disabilities arising out of this practice. In addition some of the legislation adopted of a general nature also applies to Dalit communities. Furthermore, a great number of constitutional bodies, special legislative measures, and executive orders have been established in India to enable Scheduled Castes and Scheduled Tribes to seek redress for human rights violations committed against them. Examples hereof are included in Annex 1. Several institutions such the National Commission on Scheduled Castes and the National Commission on Scheduled Tribes have been established and in some states also state commissions for Scheduled Castes. In addition there are several national human rights institutions such as the National Human Rights Commission and the National Commission on Women.

- 3) *Are you familiar with the extent of the national remedies available within the Indian system for seeking redressal against caste based discrimination? If yes, how many times your organization has approached any of these national mechanisms for seeking remedies and what were the outcomes?*

IDSN is as stated above aware of the constitutional and legal provisions to protect and promote the rights of “Scheduled Castes” in India, including special legislation such as the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act 1989 and Rules 1995 and the network is familiar with the range of remedial mechanisms available in India (see reply to question 2 and Annex I).

IDSN is an international NGO, not an Indian registered organisation, and therefore not able to make use of remedial mechanisms against caste based discrimination in India. IDSN is familiar with a number of Indian based human rights and Dalit organisations, which have used different national mechanisms for redress at district, state and national level.

4) *Equally, how many times has your organization approached international mechanisms to deal with alleged victims of caste-based discrimination and what were the outcomes?*

IDSN, its members, associates and secretariat, has worked extensively to provide inputs to international mechanisms including UN charter and treaty-based bodies, such as special procedures and special review mechanisms, the Human Rights Council and the former Commission on Human Rights, the former Sub-Commission on the Promotion and Protection of Human Rights, the Committee on the Elimination of Racial Discrimination, the Committee on Economic Social and Cultural Rights, and the Durban Review Conference (the latter for which IDSN was granted accreditation).

IDSN has through its members and associates facilitated input to country reviews by UN treaty bodies and Universal Periodic Reviews in the case of Yemen, Nigeria, India, Nepal, Japan, Bangladesh, Sri Lanka and Pakistan (see the list of reports submitted by IDSN to UPR and UN treaty body reviews in Annex II). Subsequent practice by the UN human rights bodies have consistently affirmed that caste discrimination and analogous forms of discrimination remains an international human rights concern in a number of countries, both in Asia, Africa, the Middle East and the Diaspora community, often based on such civil society inputs (see a comprehensive list of UN treaty body observations on caste discrimination in Annex III). A number of states have also expressed concern about caste discrimination and the situation of Dalits in reviews of some countries under the UPR mechanism.

Furthermore, IDSN has submitted documentation and information on individual cases to UN Special Rapporteurs and Independent Experts of the Human Rights Council on the subject of caste discrimination with relevance to the specific mandates (see a list of these mandate holders in Annex IV). Over the last years the UN Special Procedures have increasingly reported on cases of violence and discrimination against Dalits and have made general observations and recommendations on the issue of caste discrimination, both as individual mandate holders and in joint contributions. Caste discrimination and violent attacks against Dalits were in fact mentioned in reports and communications prepared by ten individual mandate holders in 2009. The special procedures mandate-holders also expressed their concern as a whole by devoting an entire section to “Discrimination on the grounds of caste and other systems of inherited status” in the joint contribution submitted to the preparatory process of the Durban Review Conference in 2009 (A/CONF.211/PC/WG.1/5).

IDSN, i.e. its members, international associates and the secretariat, have facilitated civil society inputs in particular in relation to the UN Sub-Commission study on discrimination based on work and descent undertaken by the two former expert members Prof. Yozo Yokota and Prof. Chin-Sung Chung. Oral interventions and side events at the Human Rights Council sessions on this subject have been facilitated by IDSN’s international associates with ECOSOC status (including Human Rights Watch, Anti-Slavery International, Minority Rights Group International, The International Movement against All Forms of Discrimination and Racism, the Lutheran World Federation, ICMICA/Pax Romana, Asian Legal Resource Centre and the World Council of Churches). Together with its members and associates, IDSN has also helped organise a number of international

consultations on this subject. In 2007 the comprehensive study on discrimination based on work and descent, including the formulation of a set of draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, was finalized as an outcome of this study process. The final report containing these draft guidelines was published by the Human Rights Council as UN document A/HRC/11/CRP.3 on 18 May 2009.

- 5) *Has the NGO encountered any instance of institutionalized discrimination within the Indian system and if so, give illustrations thereof?*

IDSN is an international NGO, registered in Denmark, set up with the aim to advocate internationally for the rights of Dalits and other communities affected by discrimination based on work and descent. IDSN works primarily but not exclusively with UN human rights bodies and procedures (please see response to question 3 above). IDSN is not registered in India nor does it have any operations in India. The organisation links up with human rights and Dalit organisations as well as national, regional and international research institutions on the subject of caste based discrimination and relate human rights violations.

A number of these organisations and institutions have documented various forms of institutionalised discrimination in India and elsewhere – in the case of India often discrimination practised by default, amounting to de facto discrimination. Reports document discrimination in the administration of justice, public sector services such as educational and health, and provision of emergency, relief and rehabilitation assistance, among others.

## **ANNEX 1 (re. question 2)**

### **Measures to safeguard the rights of Scheduled Castes in the Constitution of India:**

#### **General measures**

1. Equality before law (Article 14)
2. Prohibition of discrimination (Art. 15)
3. Protection of life and personal liberty (Art. 21)

#### **Social safeguards to address untouchability and CBD**

1. Abolition of untouchability (Art.17)
2. Prohibition of traffic in human beings and forced labour (Art. 23)
3. Prohibition of employment of children in factories etc.(Art.24)
4. Freedom to practice religion (Art.25)

#### **Economic, educational and cultural safeguards**

1. Promotion of educational and economic interests of SCs & STs under (Article 46 in Part III Directive Principles of State Policy)
2. Provision for reservation (Art. 15 (4))
3. Admission into educational institution will not be denied (Art.29 (2))
4. Equality of opportunities under (Art.16)
5. Claim to services and posts (Art.335)
6. Political representation-Reservation of seats in parliaments and legislatures under Art. 330,332, 334

### **Constitutional bodies, special legislative measures, and executive orders established by the Government of India to enable Scheduled Castes to seek redress for human rights violations:**

#### **I. Constitutional Bodies:**

1. Setting up a National Commission under (Art.338) – a) National Commission for Scheduled Castes, b) National Commission for Scheduled Tribes
2. National Human Rights Commission
3. National Commission for Women

## II. Legislation

In keeping with the Constitutional provisions the Government of India has been very progressive in promulgating specific legislation to prohibit “untouchability” and to protect Dalit communities from all disabilities arising out of this practice. In addition some of the legislation adopted of a general nature also applies to Dalit communities. Below are some examples hereof:

1. The Untouchability Offences Act, later reformulated as the Protection of Civil Rights Act(1955) and Rules 1977
2. The Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act 1989 and Rules 1995
3. Bonded Labour (system) Abolition Act, 1976
4. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act,1993
5. Devadasi system Abolition Acts in the states of Andhra Pradesh, Maharashtra and Karnataka.
6. Child Labour (Prohibition and Regulation) Act, 1986
7. Minimum Wages Act, 1948
8. Equal Remuneration Act, 1976
9. Land Reforms Acts – A series of acts have been promulgated by almost all Indian states to ensure equitable access to land for the tillers as well as landless, especially SCs & STs.

## III. Executive Orders/State Policies

1. Reservation (quotas) is ensured in educational institutions, employment in state and central governments bodies/institutions and in all electoral institutions and local bodies (Panchayats and Zilla Parishads, etc), state legislative assemblies and Parliament through an Executive Order extended every 10 years.
2. SCP (Special Component Plan for SCs) and TSP (Tribal Sub-Plan for STs) are budgetary provisions that have been enacted to ensure provisions for development of SCs & STs in plan budgets of State and Union Governments

## ANNEX 2 (re. Question 4)

### List of NGO reports submitted to UPR and UN treaty body reviews

The following reports have been facilitated by IDSN and submitted either in association with or by its members and associates.

#### Universal Periodic Review

India (1st UPR session):

- [Joint NGO report on caste discrimination in India](#)

Pakistan (2nd UPR session):

- [Joint NGO report on caste-based discrimination in Pakistan](#)

Sri Lanka (2nd UPR session):

- [Joint NGO report on caste-based discrimination in Sri Lanka](#)

Bangladesh (4th UPR session):

- [Joint NGO report on caste-based discrimination in Bangladesh](#)

#### UN treaty body reports

CERD Pakistan (2009):

- [Joint NGO report for the UN Committee](#) prepared by TRDP, NCJP, PILER and Justice and Peace Netherlands, submitted in January 2009

CESCR India (2008):

- [Alternate Report on Economic, Social and Cultural Rights in India](#) submitted by the National Campaign on Dalit Human Rights

CERD India (2007):

- [India's Hidden Apartheid](#) by the Centre for Human Rights & Global Justice, NYU School of Law and Human Rights Watch
- [CERD alternative report](#) by the National Campaign on Dalit Human Rights
- [Making Things Worse](#) - tsunami report commissioned by Dalit Network Netherlands

CEDAW India (2007):

- [NGO alternative report by Tamil Nadu Women's Forum](#)

CESCR Nepal (2007):

- [NGO alternative report by Human Rights Treaty Monitoring Committee \(HRTMCC\)](#)

CERD Yemen (2007):

- [Shadow report on the situation of the Al-Akhdam people prepared by AlternativeWorld/Partnership for Equal Development in association with IDSN](#)

CERD Nigeria (2005):

- [Report by Civil Liberties Organisation](#)
- [Report by RADDHO](#)

CAT Nepal (2005):

- [Missing Piece of the Puzzle](#) by the Center for Human Rights and Global Justice, NYU School of Law

CERD Nepal (2004):

- [Report by HRTMCC, The Human Rights Treaty Monitoring Co-ordinating Committee](#)
- [Report by Asian Human Rights Commission and Asian Legal Resource Centre](#)

#### **ANNEX 3 (re. Question 4)**

#### **UN treaty body observations on caste discrimination**

- Committee on the Elimination of Racial Discrimination (CERD)  
CERD General Recommendation No. 29 on descent-based discrimination (2002) reaffirms that "discrimination based on "descent" includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status".
  - Chad, CERD-75 (2009)
  - Pakistan, CERD-74 (2009)
  - India, CERD-70 (2007)
  - Yemen, CERD-69 (2006)
  - Nigeria, CERD-67 (2005)
  - Mauritania, CERD- 65 (2004)
  - Madagascar, CERD- 65 (2004)
  - Nepal, CERD-64 (2004)
  - United Kingdom, CERD-63 (2003)
  - Mali, CERD-61 (2002)
  - Senegal, CERD-60 (2002)
  - Bangladesh, CERD-58 (2001)
  - Nepal, CERD-57 (2000)
  - India, CERD (1996)
- UN Committee on Economic, Social and Cultural Rights (CESCR)  
CESCR General Comment No. 20 on non-discrimination (2009) reaffirms that "the prohibited ground of birth [in article 2 of the Covenant] also includes descent, especially on the basis of caste and analogous systems of inherited status".
  - India, CESCR-40 (2008)

- Nepal, CESCR-38 (2007)
- Nepal, CESCR-26 (2001)
- UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW)
  - Japan, CEDAW-44 (2009)
  - India, CEDAW-37 (2007)
  - India, CEDAW-23 (2000)
- UN Committee Against Torture (CAT)
  - Nepal, CAT-35 (2005)
- UN Committee on the Rights of the Child (CRC)
  - Bangladesh, CRC-51 (2009)
  - Mauritania, CRC-51 (2009)
  - Nepal, CRC-39 (2005)
  - India, CRC-35 (2004)
  - India, CRC-23 (2000)
- UN Human Rights Committee (CCPR)
  - Japan, CCPR-94 (2008)

#### **ANNEX 4 (re. Question 4)**

##### **List of Special Procedures approached by IDSN**

The Special Rapporteur on violence against women, its causes and consequences, Special Rapporteur on Racism, Racial discrimination, Xenophobia and Related Intolerance, Special Rapporteur on contemporary forms of slavery, Independent Expert on Minority Issues, Special Rapporteur on Adequate Housing, Special Rapporteur on the Right to Food, Special Rapporteur on the Right to Education, Special Rapporteur on the situation of Human Rights Defenders, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Independent Expert on water and sanitation, Independent Expert on extreme poverty.

##### **Reply VII: IDSN replies of 30 January to the second round of questions of 29 January 2010 at the Regular Session in January-February 2010 (questions no. 26-33 in total sum)**

1. *In response to Question 3 posted January 14th, 2010, is the NGO registered a non-for-profit organization? Please provide supplemental documents.*

IDSN has not received any questions on 14 January 2010.

However, in response the question above I confirm that IDSN is a NGO registered a non-for-profit organisation, as per information in our application for ECOCOS consultative status (Annex B) and as elaborated on in our response to question no 3 raised by the Committee in January 2008. (Registration document attached as a PDF file).

2. *Was the NGO accredited to participate in the conference 2009?*

It is not clear from the question above which conference is referred to. However, if the question concerns the Durban Review Conference in April 2009 held in Geneva, the question is affirmative. IDSN was granted accreditation in accordance with decision PC. 3./6. at the 2<sup>nd</sup> session of the Preparatory Committee in October 2008,

3. *Please provide the names of the organizations that the NGO members belong to.*

The members of IDSN are National Platforms, Federations or Networks.

The members are the following:

- The National Campaign on Dalit Human Rights – India
- The Dalit NGO Federation – Nepal
- Bangladesh Dalit and Excluded Rights Movement
- Pakistan Dalit Solidarity Network
- The Dalit Solidarity Network – UK
- The Dalit Solidarity Platform – Germany
- The Dalit Network – Netherlands
- The Dalit Solidarity Network – Denmark
- The Dalit Solidarity Network – Sweden
- The Dalit Solidarity Network – Belgium

4. *The NGO received funds for different additional activities. Where does the money come from for advocacy activities (e.g. how much, who funds activities)*

The IDSN's application submitted to the Committee on NGOs contained a detailed explanation about the organisation's funding situation.

IDSN receives funding for its core programmes. There are no additional activities. IDSN financial statements for 2008 are available on our website as an annex to our Annual Report. (IDSN's audited financial statements for 2008 are attached as a PDF-file).

5. *How does the NGO maintain its independence from governmental sources?*

IDSN maintains complete independence from Governmental sources as per our statutes on governance. A question on independence from government sources has been raised before by the Committee to which IDSN responded on 5 June 2008 (reply to question 4).

6. *The NGO mentions three agencies that are not members (e.g. religious organizations), however they fund some of the NGO activities. Give details on specific activities that the NGO partook and provide information on 3 donors.*

It is unclear which agencies/religious organisations/donors this question refers to.

IDSN has a number International Associates who contribute to the lobby and advocacy activities of the network. None of the organisations contribute to IDSN's activities financially. For easy reference please see IDSN audited financial statements for 2008 (attached)– and the response to question 4 above.

If the question relates to NGO donors, for purposes of clarity it must be pointed out these NGOs are not religious organisations but international development NGOs.

IDSN has been asked about funding NGOs previously and replied to this question (5) in our response on 5 June 2008.

7. *Please provide an extended audited budget report of the NGO.*

This is attached as an annex (PDF-file).

8. *Does this NGO see cast system as an equivalent to racism?*

IDSN is fully in alignment with the definitions and interpretations on caste based discrimination provided by the United Nations' Treaty bodies, the former UN Sub-Commission on the Promotion and Protection of Human Rights and UN Special Procedures. Caste-based discrimination is generally referred to as discrimination based on work and descent in the United Nations human rights bodies.

In annex 1 below, please find a list of references.

## **ANNEXES**

**Re. Question 1:** The IDSN registration is attached as a PDF-file and is also contained in IDSN's application to the Committee on NGOs (Annex B).

**Re. Question 7:** The Financial Statements from 2008 are attached as a PDF-file.

### **ANNEX 1 (re. Question 8)**

#### ***ICERD definitions and CERD practice on descent-based discrimination***

##### **The 'descent' limb of the definition of 'racial discrimination'**

Article 1(1) of the International Convention on the Elimination of Racial Discrimination (ICERD) defines 'racial discrimination' as "any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (emphasis added)"

##### ***CERD General Recommendation No. 29 on descent***

CERD has confirmed its interpretation of 'descent', in the form of its General Recommendation No. 29 on 'descent-based discrimination', adopted on 22 August 2002. This General Recommendation:

- confirms "the consistent view of the Committee that the term 'descent' in Article 1, paragraph 1 of the Convention does not solely refer to 'race' and has a meaning and application which complements the other prohibited grounds of discrimination"; and
- reaffirms that "discrimination based on 'descent' includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights".

From a review of CERD's practice, it is apparent that the Committee has consciously and consistently adopted an interpretation of the 'descent' limb of article 1 of ICERD that encompasses situations of caste-based discrimination and analogous forms of inherited social exclusion. The UN Special Rapporteur on contemporary forms of racism has also affirmed this interpretation made by CERD, and has maintained the view that caste discrimination is implicit in this mandate. Other UN Special Rapporteurs have also expressed concern about caste discrimination in their reports and communications. (Reference is made to IDSN's reply to question 4 raised by the NGO Committee on 28 January 2010, responded to on 29 January 2010 – in particular annex 3).

Other Committees have affirmed that caste discrimination falls under the purview of other non-discrimination provisions than 'descent', including under the terms 'social status', 'other status' and 'birth'. One example is the newly adopted General Comment No. 20 on non-discrimination (May 2009) where the UN Committee on Economic, Social and Cultural Rights reaffirmed that "the prohibited ground of birth [in article 2 of the Covenant] also includes descent, especially on the basis of caste and analogous systems of inherited status."

##### **Discrimination based on work and descent**

The former UN Sub-Commission on the Promotion and Protection of Human Rights has since 2000 prepared several reports and undertaken a comprehensive study on 'discrimination based on work and descent', as the UN terminology for [caste discrimination](#). The term has been used by several UN human rights bodies, reaffirming that this is a form of discrimination prohibited under international human rights law.

Discrimination based on work and descent is defined in paragraph 1 of the draft [UN principles and guidelines](#) on the effective elimination of discrimination based on work and descent, contained in the UN document A/HRC/11/CRP.3 published by the Human Rights Council on 19 May 2009, as: [...] any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life. This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability, and is deeply rooted in societies and cultures where this discrimination is practiced. "

**Reply VIII: IDSN replies on 2 February to the third round of questions of 2 February 2010 at the Regular Session in January-February 2010 (questions no. 34-48 in total sum)**

1. *In your letter of 14 January 2008, you stated that your organization is registered under 'Other organisations' category. Are you organized as a not for profit NGO? Kindly also submit some relevant document to that effect.*

This question was already raised in a letter dated 27.01.10 by the Committee, and responded to in writing by IDSN on 28.01.10.

I confirm again that IDSN is a NGO registered as a non-profit organization, as per information contained in our application for ECOSOC consultative status (Annex B) and as elaborated on in our response to question no 3 raised by the Committee in January 2008. (Registration document was attached as a PDF file with our response of 30.01.10). This status is also demonstrated by IDSN's financial records provided to the Committee.

2. *Can you please confirm whether your organization has been given accreditation to participate in the Durban Review Conference of April 2009.*

IDSN responded to this question in our reply to the Committee on 30.01.10.

I confirm again that IDSN was granted accreditation to the Durban Review Conference in April 2009 held in Geneva. IDSN was granted accreditation pursuant to decision PC. 3./6. at the 2<sup>nd</sup> session of the Preparatory Committee in October 2008.

3. *There is only one NGO from India in the IDSN listed as a member. What is the role and activities undertaken by that NGO on behalf of IDSN in India and elsewhere?*

The members of IDSN do not undertake activities on behalf of IDSN in their respective countries. Like other members, the National Campaign on Dalit Human Rights-India participates in joint activities in connection with international advocacy initiatives.

4. *In your letter of 6 June 2008, names of members of their executive group were provided. Kindly indicate which organization these members represent.*

The Executive Group members referred to in IDSN's letter of 6 June, 2008 belong to the following organisations:

- Vincent Manoharan, National Campaign on Dalit Human Rights-India
- Tej Sunar, Dalit NGO Federation-Nepal
- Smita Narula, Center for Human Rights and Global Justice, New York University, USA
- Gerard Oonk, Dalit Network Netherlands

- Peter Prove, Lutheran World Federation, Switzerland
- Rikke Nöhrind, IDSN Secretariat (ex-officio member)

The current Executive Group members are the following:

- Vijay Parmar, NCDHR-India
- Gerard Oonk, Dalit Network Netherlands
- Meena Varma, Dalit Solidarity Network-UK
- Tirtha Bishwakarma, Dalit NGO Federation-Nepal
- Rikke Nöhrind, IDSN Secretariat (ex-officio member)

Two additional persons are assisting the work of the Executive Group as advisory members, drawn from the membership group and the group of associates, respectively. They are:

- Manjula Pradeep, NCDHR-India
- Bijo Francis, Asian Human Rights Commission, Hong Kong SAR, China

5. *It appears from the income expenditure table in part III of the application, the NGO has received funds from various government agencies for specific activities. However, it is not clear how the NGO is generating resources for advocacy activities, which is the core function of the NGO. Also, it has also mentioned in response to question 19 in the application form that it has received funding from Danish government for its core programming. Kindly elaborate how the NGO maintains independence in its function, and the source of the funding, and its amount, of its advocacy activities. Can they give details of such funding of the last 5 years.*

The audited financial statements of IDSN clearly indicate the funding sources for IDSN's core programme, which its international advocacy activities. Likewise, the financial statements clearly indicate if funds have been received for specific purposes. As explained in IDSN's response to the Committee on 30.01.10 and in our response on 05.06.08, IDSN maintains complete independence from Governmental as well as NGO sources as per our statutes of governance. IDSN programme priorities are defined solely by the IDSN membership and governance bodies. (See also the second paragraph of the answer to question 6 below.)

IDSN audited financial statements for 2004, 2005, 2006, 2007 and 2008 have been made available to the Committee.

6. *None of the other donors mentioned in the Part III of the application form are international associates or members. What is the relation of the NGO to these organizations? What are the specific activities undertaken on their behalf? Kindly expand on the answers provided in the letter of 6 June 2008.*

This question has also been answered previously. Please refer to the earlier responses quoted below.

It is important to stress that IDSN does not act on behalf of donors, neither governmental nor non-governmental. The funding relationship is based on the programme proposal submitted by IDSN to the donor organizations, who may accept to support the activities outlined. As the fund recipient, IDSN provides narrative and financial reports on the utilisation of the funding. The donor organizations are not represented in the IDSN Council and are thus not part of the decision-making structures of IDSN. As stated in previous correspondence with the Committee, donor organizations and agencies do not influence the programme activities of IDSN. The funds provided by the donor organizations contribute to the overall programme activities of IDSN, as clearly documented in the audited financial statements provided.

IDSN reply on 30.01.10:

"It is unclear which agencies/religious organisations/donors this question refers to.

IDSN has a number International Associates who contribute to the lobby and advocacy activities of the network. None of the organisations contribute to IDSN's activities financially. For easy reference please see IDSN audited financial statements for 2008 (attached)– and the response to question 4 above.

If the question relates to NGO donors, for purposes of clarity it must be pointed out these NGOs are not religious organisations but international development NGOs.

IDSN has been asked about funding NGOs previously and replied to this question (5) in our response on 5 June 2008".

IDSN reply on 05.06.08:

“These groups fund various IDSN programmes; the relationship is therefore one of funder and funds recipient. As with all donors, upon receipt of funds IDSN agrees to deliver on the objectives and outcomes of the proposals it designs and submits to donors. Financial and narrative reporting is submitted to donors on a regular basis. As noted in response to question 4, we maintain the highest independence in our functioning and decision-making, which extends in particular to our relationship with donors”.

7. *In their response to the question 6 posed by the Committee, in your letter of 6 June 2008 did not provide external auditors report. Can the please provide the same for the last 5 available periods.*

IDSN audited financial statements for 2004, 2005, 2006, 2007 and 2008 have been made available to the Committee (attachments). Financial statements have also previously been submitted to the Committee.

8. *What is your organization’s understanding of the words ‘descent’ and ‘work’ in the term “discrimination based on descent and work”? How is this understanding different from what was deliberated in the drafting committee of the Convention on Elimination of All Forms of Racial Discrimination when the term descent was added in article 1 of the Convention, which deals with the definition of racial discrimination?*

The term ‘descent’, though included in the definition of ‘racial discrimination in article 1(1) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), is not separately defined in ICERD. It may therefore be interpreted according to its ordinary meaning. Of the meanings attributed to ‘descent’ in the Oxford English Dictionary, the following seem most apposite to the context:

The fact of ‘descending’ or being descended from an ancestor or ancestral stock; lineage; and a line of descent, lineage, race, stock.<sup>1</sup>

The *travaux preparatoires* of ICERD reveal a complicated picture in this regard. The term ‘descent’ as one of the elements of the definition of ‘racial discrimination’ was not contained in any of the drafts submitted by the Sub-Commission and by the Commission on Human Rights. It first appears “in an amendment proposed by India in the Third Committee of the General Assembly and taken over into a joint amendment which in due course was unanimously approved.”<sup>2</sup>

The term ‘descent’ did not itself attract a great deal of attention in this discussion, and the proposal was ultimately “approved without much debate”<sup>3</sup>, much more controversy was generated by the term ‘national origin’. Indeed, the Indian proposal in relation to article 1 was “intended to meet the objections raised by many delegations to the words ‘national origin’”.<sup>4</sup> Potential problems were perceived in the possibility of confusion between ‘national origin’ and the concepts of ‘citizenship’ or ‘nationality’.

Some representatives, including the Indian representative, “stressed that no delegation suggested that the rights guaranteed and the duties imposed under national constitutions should be extended to aliens.”<sup>5</sup> It was in this context that the Indian drafting proposal in relation to article 1 was introduced.

“The record”, according to Schwelb (1966), “gives no indication of the situations the word [‘descent’] was intended to cover which would be distinct from the concepts of national or ethnic origin.”<sup>6</sup> Nevertheless, he suggested that “[i]t is reasonable to assume that the term ‘descent’ includes the notion of ‘caste’, which is a prohibited ground of discrimination in Indian Constitutional Law (Art. 15 of the Constitution of 1949)”.<sup>7</sup>

<sup>1</sup> Oxford English Dictionary (2<sup>nd</sup> ed., 1989).

<sup>2</sup> E.Schwelb, ‘The International Convention on the Elimination of All Forms of Racial Discrimination’ (1966) 15 *International and Comparative Law Quarterly* 996, pp.1002-1003. The drafting proposal appears in UN document A/C.3/L.126, dated 11 October 1965. The proposal was introduced in meetings 1299 and 1306 (see summary records A/C.3/SR.1299 and A/C.3/SR.1306).

<sup>3</sup> Patrick Thornberry, ‘CERD and Indigenous Peoples, with remarks on caste-based discrimination’ (2001) 13 *Interights Bulletin* 96-98, at p.97.

<sup>4</sup> A/C.3/SR.1299, para.29.

<sup>5</sup> N.Lerner, *The U.N. Convention on the Elimination of All Forms of Racial Discrimination* (1970), p.43 (referring to A/C.3/SR.1304, p.6).

<sup>6</sup> Schwelb, *op.cit.*, p.1003.

<sup>7</sup> *ibid.*, fn.6.

A clearer indication of a special meaning attributable to the term 'descent' in the Convention results from the Indian interventions in the drafting of what became articles 1(4) and 2(2). These two articles deal with the question of 'special measures'. The representative of India described article 1(4) as having been included in the draft Convention "in order to provide for special and temporary measures to help certain groups of people ... who, though of the same racial stock and ethnic origin as their fellow citizens, had for centuries been relegated by the caste system to a miserable and downtrodden condition".<sup>8</sup> The intention of the Indian delegation was presumably to prevent the extensive 'reservation' system for members of 'scheduled castes' and 'scheduled tribes' established by the Indian Government from being impugned as discriminatory under the terms of the Convention.

So, as Thornberry argues, "whatever the argument on the relation between the specific reference to 'race' in Article 1 and the caste issue, there is a suggestion here that in the context of the Convention as a whole, and in particular in the context of special measures, the redress of caste disabilities finds a place."<sup>9</sup> Indeed, the necessary implication is that, in the view of the Government of India (and endorsed by the other members of the Third Committee, given that the Indian proposal was accepted), such special measures would otherwise potentially have contravened the prohibition against racial discrimination. If the purpose and effect of articles 1(4) and 2(2) was understood and accepted as exempting affirmative action measures in favour of, inter alia, members of 'scheduled castes and tribes' from the general prohibition on racial discrimination, the grounds of discrimination contained in the general prohibition must have been understood as encompassing caste. Taken together with the introduction of the term 'descent' into article 1(1), and the statements made in that context, the drafting history therefore indicates that the member States of the Third Committee, many of whom subsequently became parties to ICERD, intended that a special meaning should be carried by the term 'descent' in the Convention: a meaning inclusive of the notion of caste.

It may be relevant background to the above discussion that during the drafting of the Universal Declaration of Human Rights (UDHR) the Indian representative sought to have the term 'caste' explicitly included in the list of prohibited grounds of distinction in what was to become article 2 of the UDHR.<sup>10</sup> Other representatives demurred to this proposal, and the Indian delegation did not press the point, deferring to the view that this issue was covered by other more general terms included in the list.

As to the meaning of the word 'work', so far as IDSN is aware this term is not specifically defined in relevant UN human rights treaties. The most apposite ordinary meanings of the term include: physical or mental effort or activity directed toward the production or accomplishment of something; a job; employment; a trade, profession, or other means of livelihood; something that one is doing, making, or performing, especially as an occupation or undertaking; a duty or task.

IDSN understands the terms 'descent' and 'work' accordingly.

9. *Are the general comments of any of the UN treaty body Committees binding on state parties? What is the understanding of your organization in this regard?*

The general comments issued by UN treaty body committees are not binding on States parties, nor does IDSN consider them as such. They represent authoritative interpretations of the content of treaty provisions as observed by the UN Committees and are based on the experience and expertise residing in the Committees, including from the examination of many reports of State Parties to the relevant conventions. IDSN considers that the practice of CERD – including in relation to the delivery of general comments – may be taken into account in interpreting the provisions of ICERD, because of important role with which the Committee is entrusted by the Convention, being explicitly empowered to express certain views regarding interpretation of ICERD (Articles 9.2, 13.1, 14.8), and being composed of 'experts of high moral standing and acknowledged impartiality' (Article 8.1).

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<sup>8</sup> A/C.3/SR.1306, para.25. See also A/C.3/SR.1303, para.20. India has a highly developed system of affirmative action - known as 'reservations' - for members of its 'Scheduled Castes and Scheduled Tribes, although its practical impact continue to be a matter of controversy.

<sup>9</sup> Thornberry, 'Race, Descent and Caste under the Convention on the Elimination of All Forms of Racial Discrimination' *op.cit.*

<sup>10</sup> Official Records of the Third Session of the General Assembly, Part 1, Social, Humanitarian and Cultural Questions, Third Committee, Summary Records of Meetings, 21 September-8 December 1948, 101<sup>st</sup> meeting, held at the Palais de Chaillot, Paris, on Wednesday 13 October 1948 at 3 p.m. The subsequent quotations and references in this section are, unless otherwise indicated, from the summary record of the 101<sup>st</sup> meeting of the Third Committee.

10. *It is not clear from the application whether the membership is open to all. If not what is the criteria for becoming a member.*

Criteria for membership of IDSN are stipulated in IDSN statutes which were submitted with our original application:

4.1.1. These consist of the national campaigns/federations in 'caste countries' and the Dalit solidarity networks/platforms in other countries. All these bodies must demonstrate a genuinely representative role within their country, acceptable to the other IDSN members. All members are required a) to endorse the aims and objectives of IDSN b) to provide members for the IDSN Working Groups; c) to sponsor their representatives at Council meetings (in the case of solidarity networks/platforms); d) to assist in carrying out IDSN action plans; e) advise on and support fund raising initiatives; and f) to undertake other responsibilities as the Council may request.

In addition to members, IDSN has a number of associates, as explained in our application.

11. *Further to your letter of 3 April 2009, kindly clarify in more detail your interpretation of the term "liberation".*

For ease of reference, I attach the question and IDSN reply as outlined in the above mentioned letter of 03.04.09:

*In its application (paragraph 4), the NGO stated that it aims to make an effective contribution to the "liberation of those affected by caste discrimination". The NGO may please elaborate on this phrase, and indicate how it intends to achieve the same.*

IDSN is an international lobby and advocacy organisation that is working rights-based. With its activities, IDSN aims at working for the global recognition of Dalit human rights and contribute to the fight against caste discrimination, and other forms of discrimination based on work and descent around the world, by raising awareness and building solidarity among affected groups and solidarity bodies. Based on the universal principles of equality and non-discrimination, the increased awareness and recognition of Dalit rights contribute to the affected communities' possibilities of achieving such principles in the local, national and as well as global setting.

As indicated, IDSN works for the full recognition of the rights of those affected by discrimination based on work and descent, and for the freedom not to be subjected to violations of human rights on the grounds of discrimination based on work and descent. In the IDSN's understanding, 'liberation' refers to the act or process of trying to achieve equal rights and status.

However, IDSN does not generally make use of the term 'liberation', as may be clear from our website, publications and statements and other documents.

12. *In your letter of 3 April 2009, your organization refers to hearings on "caste-based discrimination". Kindly provide more details of such hearings. How many such hearings have they done in the last 5 years? Kindly provide brief details of all such hearings. Who are the stakeholders, and to whom the recommendations are sent?*

In our letter of reply dated 03.04.09, there is no reference to hearings on caste-based discrimination, as no question had been raised on this matter.

However, we have elaborated on consultations in earlier replies to the Committee (in response to question 1 of the first round of questions raised by the Committee in January 2008 and to question 3 of the second round of questions raised by the Committee in January 2008).

With regard to 'hearings', IDSN has been involved in the organization of one hearing on caste-based discrimination in the European Parliament on 3 June 2008 on "Caste Discrimination in South Asia: 260 million reasons why Europe should act". The hearing was sponsored by four members of the European Parliament Margrete Auken (Greens, DK),

Jean Lambert (Greens, UK), Maria Martens (PPE, NL) and Claude Moraes (PSE, UK) and organised in cooperation with IDSN. The stakeholders were Members of the European Parliament and other EU institutions.

IDSN has further been involved in the following consultations:

- International Consultation on Caste Discrimination, Kathmandu Nepal (2004) – *see previous reply to question 1 raised in letter dated 10.0.08*
- Information consultation on the UN Sub-Commission study on ‘discrimination based on work and descent’, Geneva, Switzerland (2006)
- Mini-consultation on the draft UN principles and guidelines on the effective elimination of discrimination based on work and descent, Kathmandu, Nepal (2007)
- HRC12 side event on ‘discrimination based on work and descent’ – September 2009

*13. What is the source of statistics in your website about the situation of dalit in India.*

Wherever possible, IDSN uses official government statistics. In the case of India, the sources of such figures are: Census of India, the Indian Ministry of Social Justice and Empowerment, the Indian Ministry of Health and Family Welfare, the National Crimes Bureau, the National Sample Survey Organisation and the National Human Rights Commission of India.

Another important source is the 2006 study on ‘Untouchability in Rural India’ – a focused and systematic documentation of the incidence and extent of the practice of ‘untouchability’ in contemporary India authored by Ghanshyam Shah, Harsh Mander, Sukhadeo Thorat.

Other sources used for IDSN website statistics include the following highly respected organisations: UNESCO, ILO, Human Rights Watch, Anti-Slavery International, Asian Centre for Human Rights, People’s Union for Civil Liberties, the Indian Institute for Dalit Studies, and Safai Karmachari Andolan (the Indian Movement against Manual Scavenging).

*14. Please indicate your organization’s position on the question whether your organisation considers discrimination by caste to be considered equal to racism.*

I refer to question 8 (“Does this NGO see cast system as an equivalent to racism?”) in the Committee’s letter of 27.01.10, and IDSN’s reply contained in our letter dated 28.01.20:

“IDSN is fully in alignment with the definitions and interpretations on caste based discrimination provided by the United Nations’ Treaty bodies, the former UN Sub-Commission on the Promotion and Protection of Human Rights and UN Special Procedures. Caste-based discrimination is generally referred to as discrimination based on work and descent in the United Nations human rights bodies.”

IDSN considers caste and associated discrimination to be a unique phenomenon in its functional nature, though widely spread in different geographical regions and cultural contexts. Among other unique aspects of caste systems are the association with (traditional) occupation, beliefs concerning purity and pollution, and untouchability practices. Precisely because of its unique nature, as well as because of the vast numbers of people affected globally and the seriousness of the associated violations, IDSN believes that caste-based discrimination warrants separate and distinctive treatment in the UN human rights system. However, in the absence of such a specific regime, issues related to caste-based discrimination have been addressed under other more general mandates and processes, including those concerning ‘racial discrimination’.

In Article 1(1) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ‘racial discrimination’ is defined as “any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” (emphasis added).

The Committee on the Elimination of Racial Discrimination (CERD) has confirmed its interpretation of the 'descent' limb of this definition, in the form of its General Recommendation No. 29 on 'descent-based discrimination', adopted on 22 August 2002. This General Recommendation:

- confirms "the consistent view of the Committee that the term 'descent' in Article 1, paragraph 1 of the Convention does not solely refer to 'race' and has a meaning and application which complements the other prohibited grounds of discrimination"; and
- reaffirms that "discrimination based on 'descent' includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights".

From the practice of UN mandate holders and related conferences, such as the World Conference against Racism and the Durban Review Conference, it is clear that recommendations are formulated to combat discrimination not exclusively based on race, but encompass recommendations to combat "discrimination against African and persons of African descent, Asians, and persons of Asian descent, indigenous peoples, migrants, refugees, minorities, the Roma and other groups" (as stated for example in the Durban Declaration and Plan of Action).

In 2005, the former Sub-Commission of the Promotion and Protection of Human Rights mandated two Special Rapporteurs with the task of preparing a comprehensive study on Discrimination based on Work and Descent. Their final report was published by the Office of the High Commissioner for Human Rights in June 2009, and contains the following definition of discrimination based on work and descent:

"[...] any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life. This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability, and is deeply rooted in societies and cultures where this discrimination is practiced."

The Special Rapporteur on contemporary forms of racism, Mr. Githu Muitai (and Mr. Doudou Diène until July 2008) have on several occasions expressed their concern about caste-based discrimination. At the 64th session of the UN General Assembly, the Special Rapporteur presented his Interim report (A/64/271) and in his oral presentation on 2 November 2009 made the following statement: "Racial discrimination unfortunately affects individuals in all societies and regions of the world. While the manifestations of racism may vary in degree and nature depending on the historical, geographical and cultural context, all individuals, regardless of their race, colour, descent or national or ethnic origin, should be offered robust and effective protection against racial discrimination. In this regard, I was particularly pleased at the recent positive developments within the United Nations on the question of discrimination based on work and descent. Allow me here to refer to the "Draft UN principles and guidelines to eliminate caste discrimination" which were presented in Geneva in last September, with the support of the Office of the High Commissioner for Human Rights and which were endorsed by the Government of Nepal. I have already expressed my serious concerns about this form of discrimination and have in this respect associated myself with the clear position taken by the Committee on the Elimination of Racial Discrimination. As said two weeks ago by the UN High Commissioner for Human Rights, "the time has come to eradicate the shameful concept of caste". It is therefore my hope that in the coming months, States will engage in substantive discussions on this topic and will eventually rally around these draft principles and guidelines to eliminate caste-based discrimination."

See also full list of references on the subject by mandate holders provided with the IDSN reply to Committee question on 30.01.10.

In any event, IDSN considers the debate about whether caste is analogous to race to be an unproductive diversion and irrelevant to addressing the situation of the people affected.

*15. Can you kindly indicate what activities your organisation intends to undertake once it should receive consultative status with ECOSOC.*

In concordance with the information given in our application of May 2006:

“IDSN is strongly committed to working for the promotion and protection of internationally-recognized human rights, especially for those affected by discrimination based on work and descent. If granted ECOSOC consultative status, IDSN plans to enhance its advocacy efforts in UN human rights bodies.

UN interventions and activities would be scheduled around planned sessions of the various Council, Sub-Commission and Committee meetings according to the appropriateness of the agenda, which may be either topic specific (the specific Discrimination based on Work and Descent mandate), thematic or country specific, involving country reviews or examinations procedures such as by CERD.

Consultative status with ECOSOC will facilitate to a greater extent activities in relation to the UN system, including efforts to secure the adoption of the Principles and Guidelines for the Elimination of Discrimination Based on Work and Descent by the United Nations Human Rights Council”.

Once granted ECOSOC status, IDSN will continue and enhance its work with the UN charter and treaty based bodies, including with UN Special Procedures and other mandate holders. This includes continuation of joint submissions of alternative reports, delivery of statements and facilitation and organization of side-events.

**IX: IDSN replies of 9-11-2010 to additional questions from the Committee dated 2 June 2010 (questions no. 49-52 in total sum)**

1. *Please elaborate your organisation’s contribution to the Durban conference, during the preparatory process as well as during the conference itself.*

In 2001 when the Durban Conference took place IDSN was not a registered body but only existed as a loose network of organisations. Members of the informal network contributed in their own capacity in the activities of the NGO Forum and by representing the view that the conference ought to specifically address the issue of caste and descent based discrimination.

If the question refers to the Durban Review Conference, we are pleased to inform the committee that IDSN submitted a joint position paper with Human Rights Watch, the National Campaign on Dalit Human Rights and other supporting organizations which proposed key recommendations.

IDSN participated in parallel events and helped facilitate some interventions together with international associates.

2. *What is your organisation’s opinion on the outcome document and the process of the adoption of final document of the review conference.*

IDSN finds that the outcome document of the Durban Review conference contains many good elements to continue the international efforts to eliminate discrimination, however, we regret that early references to discrimination based on work and descent were not included in the final document. We note that the issue of discrimination based on descent was included in the joint contribution submitted by special procedures mandate-holders to the preparatory process of the Durban Review Conference.

Mr. Githu Muigai, United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance furthermore expressed strong concern and reiterated the assessment that caste discrimination falls under the ICERD during his presentation at the 8th session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

3. *According to the response dated 2 February, the members of your organization cannot undertake activities in their respective countries. Kindly clarify what are the duties and functions of your members and what kind of joint activities on international advocacy do they undertake.*

In our response dated 2<sup>nd</sup> February 2010, IDSN states that *“the members of IDSN do not undertake activities on behalf of IDSN in their respective countries.”* Thus the member organisations can of course undertake activities as per their organisational mandate in their respective countries, our response refers to the fact that members do not undertake activities on behalf of IDSN.

IDSN further refers to our response to question 10 in our letter to the committee dated 2<sup>nd</sup> February: *Criteria for membership of IDSN are stipulated in IDSN statutes which were submitted with our original application:*

*4.1.1. These consist of the national campaigns/federations in ‘caste countries’ and the Dalit solidarity networks/platforms in other countries. All these bodies must demonstrate a genuinely representative role within their country, acceptable to the other IDSN members. All members are required a) to endorse the aims and objectives of IDSN b) to provide members for the IDSN Working Groups; c) to sponsor their representatives at Council meetings (in the case of solidarity networks/platforms); d) to assist in carrying out IDSN action plans; e) advise on and support fund raising initiatives; and f) to undertake other responsibilities as the Council may request.*

*In addition to members, IDSN has a number of associates, as explained in our application.*

Members contribute to international lobby and advocacy in different ways, such as by presenting facts and reports or engaging with representatives of international bodies.

4. *Please provide more details with regard to question 4 about members of the executive board and examples of joint international advocacy in light of the unclear response provided earlier.*

*(Assuming that this question relates to question 4 of your letter of 1 February 2010)*

In our response dated 2<sup>nd</sup> February 2010 we indicated to which organization all member of IDSN’s executive group belong, as required in question 4 (*“In your letter of 6 June 2008, names of members of their executive group were provided. Kindly indicate which organization these members represent.”* )

Currently, IDSN Executive Group members are:

Ms. Manjula Pradeep, Navsarjan Trust (India)  
Ms. Meena Varma, Dalit Solidarity Network – UK  
Ms. Durga Sob, Feminist Dalit Organisation (Nepal)  
Mr. Vijay Parmar, National Campaign on Dalit Human Rights (India)  
Mr. Gerard Oonk, Dalit Network Netherlands  
Mr. Bijo Francis, Asia Human Rights Commission (Hong Kong)

With regard to examples of international lobby and advocacy activities we refer to our responses in previous communication:

2 February 2010 – question 12  
3 April 2009 – question 4

5 June 2008 - question 7

14 January 2008 – questions 1 and 2

29 January 2008 – questions 1 and 2

Examples of international advocacy undertaken by IDSN in cooperation with its members are facilitation of submissions on caste discrimination to the UPR process and treaty bodies. Furthermore, collation and publishing of information on the IDSN website is an important part of our advocacy work, this includes reports and documentation prepared by our members. IDSN's international advocacy activities are published on our website.

**Reply X: IDSN replies of 22-02-2011 to questions from the Committee dated 16-02-2011 (questions no. 53-55 in total sum)**

1. *We have noted your response to questions posed by the Committee in your letter dated Jan 31, 2010 and Feb 2, 2010 regarding your understanding of linkage between caste system and racial discrimination. In this regard, does your NGO consider, in the South Asian context, that people belong to different caste belong to a different race?*

This question has been elaborately answered before, we refer to response to question 8 in our letter dated 28-01-2010, our response to question 8 in our letter dated 30-01-2010 and our response to question 14 in our letter dated 02-02-2010. IDSN does not consider division by caste lines in South Asia to be based on race, please see IDSN's position paper on the interrelations between, caste, descent and race, attached as annex I.

2. *In your organization's view, what are the contemporary manifestations of racial discrimination, xenophobia and related intolerance?*

IDSN is in alignment with the definition of racial discrimination provided in article one of the ICERD: "In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

As stated previously, IDSN is concerned with discrimination based on work and descent and this form of discrimination falls under the "descent" limb of the Convention, as defined in CERD Special Recommendation 29 "descent-based discrimination, such as discrimination on the basis of caste and analogous systems of inherited status, as a violation of the Convention". Other forms of racial discrimination and xenophobia are not part of our mandate. We refer to annex I attached to this letter.

3. *What is the position taken by your organization with regard to the need for review and revision of immigration policies that are inconsistent with international human rights instruments, with a view to eliminating discriminatory policies and practices against migrants, refugees and asylum-seekers? Can this discrimination be classified as discrimination based on work and descent?*

We refer to our reply of 28 January 2010 to questions dated 27 January 2010.

IDSN is in alignment with the definition provided in the draft UN Principles and Guidelines for Effective Elimination of Discrimination based on Work and Descent "Discrimination based on work and descent is

any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life. This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability, and is deeply rooted in societies and cultures where this discrimination is practiced.”

Only if discrimination of migrants, refugees and asylum-seekers falls within the definition above, does IDSN consider it to be discrimination based on work and descent.

It is not within the mandate of IDSN to deal with immigration policies.

**Reply XI: IDSN reply of 07-07-2011 to questions from the Committee dated 24-05-2011 (question no. 56 in total sum)**

1. *Please explain why, according to the organization, the issue of caste is not already adequately addressed by the Constitution of India in keeping with its international human rights obligations.*

IDSN has never argued that the issue of caste is not adequately addressed by the Constitution of India. It is a fact that the Indian Constitution prohibits discrimination on any grounds, including caste. In article 17 of the Constitution, the practice of “untouchability” is formally abolished. India has adopted many laws to give effect to these provisions, including the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act (1989). Furthermore, the Indian Constitution has been the basis for affirmative action programmes for Scheduled Castes in India, incl. reservation policies and quota systems in the public sector.

However, as noted by the UN Committee on Economic, Social, and Cultural Rights (CESCR) in 2008, there is lack of progress achieved by India in “combating the persistent de facto caste-based discrimination that continues to prevail in spite of the legal prohibitions in place, most notably the 1989 Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act”.<sup>11</sup> Furthermore, the Committee expresses concern about “the low rate of prosecution of crimes against persons belonging to scheduled castes and scheduled tribes, and that discriminatory attitudes and prejudices in the enforcement of the law, especially by the police, is a serious obstacle in the victims’ access to justice”.

IDSN is equally concerned about the issues raised by the CESCR in 2008. Similar concerns have been expressed by other UN treaty bodies over the years, including the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW), and the Committee on the Rights of the Child (CRC).<sup>12</sup>

**Reply XII: IDSN Reply of 28-03-2012 to questions from the Committee dated 24-02-2012 (questions no. 57-58 in total sum)**

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<sup>11</sup> CESCR Concluding Observations of 8 August 2008 (E/C.12/IND/CO/5)

<sup>12</sup> For a comprehensive overview of recommendations issued by the UN treaty bodies in relation to the issue of caste-based discrimination in India and other countries, see this UN compilation:  
[http://idsn.org/fileadmin/user\\_folder/pdf/New\\_files/UN/UNcompilation\\_2011.pdf](http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/UNcompilation_2011.pdf)

1. *IDSN had, in a previous reply, mentioned that several groups fund various IDSN programmes. The relationship is, therefore, one of funder and fund recipients. IDSN had noted, As with all donors, upon receipt of funds, IDSN agrees to deliver on the objectives and outcomes of the proposals it designs and submits to donors. Financial and narrative reporting is submitted to donors on a regular basis. In this context, IDSN may kindly provide details of specific activities, projects or programmes undertaken on receipt of funds from organizations such as DanChurchAid, ICCO, Cordaid and CCFD, including specific objectives and outcomes of such activities.*

IDSN's activities, programmes, and projects undertaken on receipt of funds from organisations such as DanChurchAid, ICCO, Cordaid and CCFD are described in IDSN's Annual Reports, which can be found on IDSN's website: <http://idsn.org/about-idsn/idsn-annual-reports/>

2. *The NGO may also explain the huge cash surplus that it had at the end of the year 2010 in excess of 280,000. The NGO may also provide fully audited financial statements for the last three years i.e. 2009, 2010 and 2011.*

As explained in an earlier responses to similar questions (see IDSN's replies to questions of 10 January 2008, 5 June 2008, and 6 June 2008), contributions from some donors are received late in the fiscal year with the understanding that part of the amount can be used in the coming financial year. At the end of the year 2010, this created a cash surplus which amounted to EUR 280,088,87. Audited financial statements specify from which donors surplus funds originate.

The audited financial statements for 2009, 2010 and 2011 are attached as annexes.

**Question XIII: IDSN reply of 28-09-12 to the question from the Committee dated 7 June 2012 (question no. 59 in total sum)**

1. *In response to Question 1 sent by this Committee on 24 February 2012, the organization referred the answer to its Annual Reports. We would appreciate if the organization can provide a specific answer to the question asked.*

Question 1 sent by the Committee on NGOs on 24 February 2012 was the following: "Please provide further details on the activities of the organization carried out with other organizations for the last three years including the specific objectives of these activities and any financial transaction in connection with them."

Below is IDSN's elaborated reply to this question:

The activities carried out by IDSN are based on four main programmes: the United Nations, the European Union, the Private Sector and Communication and Networking. In these programmes IDSN facilitates Dalit rights interventions before relevant UN and EU fora, organises consultations, hearings, and events on caste-based discrimination and provides information and recommendations on caste discrimination based on research and studies to various stakeholders and the public.

In the past three years, from 2009-2011, IDSN has carried out such activities with member organisations and international associates at the UN and EU level, as described in IDSN's Annual Reports. A link to IDSN annual reports can be found here: <http://idsn.org/about-idsn/idsn-annual-reports/>

In the UN programme, the regular activities include submissions and facilitation of representation to the Human Rights Council, UN treaty body reviews, and the Universal Periodic Reviews, as well as systematic

monitoring of UN recommendations and issues of particular relevance. The overall objective of the UN programme is to increase international awareness and recognition of caste discrimination as a global human rights issue by facilitating inputs and representation of Dalit voices in UN human rights bodies. Link to the submissions prepared for UN reviews, often in association with other organizations, can be found on IDSN's website: <http://idsn.org/international-advocacy/un/un-documentation/>

In the EU programme, IDSN has facilitated submissions to and interventions with European Parliament, the Commission and the External Action Service, and the Council in cooperation with representatives of affected communities. The overall objective of the EU programme is to increase awareness and recognition of caste-based discrimination as a global human rights issue and development challenge by EU institutions and member states, and to influence EU institutions to take actions as part of EU human rights and foreign policy, development cooperation and humanitarian responses. Information on EU-related activities and reports can be found here: <http://idsn.org/international-advocacy/eu/>

The private sector programme is carried out in cooperation with Dalit Solidarity Networks. A list of reports related to this programme can be found here: <http://idsn.org/business-csr/>

An example of a bigger activity is the International Conference on Good Practices and Strategies to Eliminate Caste-Based Discrimination, which was organized by IDSN in association with the Dalit NGO Federation, Feminist Dalit Organization and Nepal National Dalit Social Welfare Organisation in Kathmandu in November 2011. The programme and outcomes of the International Conference on Good Practices and Strategies to Eliminate Caste-Based Discrimination can be found here: <http://idsn.org/idsn-consultation/>

With regard to IDSN's programme activities, there are no financial transactions to other organizations, except for reimbursements of specific costs related to joint activities such as travel costs (e.g. flight tickets, travel insurance, and visa).

The audited financial statements from 2009-2011, submitted in IDSN's previous reply, contain detailed information about IDSN's sources of income and expenditures.

IDSN does not undertake work on payment for other NGOs. IDSN receives funding to its core programmes and carries them out on the basis of a programme proposal as decided by its Council.

IDSN has previously responded to questions about the activities of the organizations carried out with other organizations (reply no. 3 of the questions of 24 March 2009 in advance of the Resumed Session in May 2009). It has also provided information about its relationships with its funding partners in reply no. 5 in the list of questions received on 5 June 2008.

**Question XIV: IDSN reply of 13 March 2013 to the questions from the Committee dated 06 February 2013 (question no. 60-61 in total sum)**

- 1. In response to question 7 of the application you mention that in collaboration with other NGOs, your organization's stated purpose is to help those discriminated against racially and to liberate them. Please explain what you mean by 'liberate' and the purpose of your organization.**

First of all, IDSN has never stated that the purpose of its work is to help those "discriminated against racially". This is generally not a term used by IDSN.

Secondly, IDSN has already replied twice to questions about its interpretation of the term “liberation”, which was first used in IDSN’s application for consultative status with ECOSOC submitted to the Committee on NGOs in 2007. As it may be clear from our website, publications and statements and other documents, IDSN generally does not make use of the term ‘liberation’.

Previous replies to this question have been given in April 2009 (IDSN replies of 3 April to questions of 24 March 2009 in advance of the Resumed Session in May 2009) and February 2010 (IDSN replies to Question no. 11 of 2 February 2010 at the Regular Session of the Committee on NGOs in January-February 2010).

The replies given still indicate IDSN’s interpretation of the use of the term, and IDSN therefore cannot offer any additional explanation to this question.

**2. In response to question 1 posed to your organization on 24 Feb 2012 you referred the Committee to your annual report. That however, was not the correct answer to the question. Kindly respond fully to the aforementioned question that the Committee had posed to your organization two sessions ago.**

IDSN has already been asked to provide a specific answer to this question at the Resumed Session of the Committee in 2012, and gave its reply on 28-09-12 to the question from the Committee dated 7 June 2012. For easy reference this reply is inserted below.

Based on this specific answer, IDSN has no additional information to offer in response to the question of 24 February 2012.

**See below reply to question XIII for easy reference:**

**Question XIII: IDSN reply of 28-09-12 to the question from the Committee dated 7 June 2012**

*1. In response to Question 1 sent by this Committee on 24 February 2012, the organization referred the answer to its Annual Reports. We would appreciate if the organization can provide a specific answer to the question asked.*

Question 1 sent by the Committee on NGOs on 24 February 2012 was the following: “Please provide further details on the activities of the organization carried out with other organizations for the last three years including the specific objectives of these activities and any financial transaction in connection with them.”

Below is IDSN’s elaborated reply to this question:

The activities carried out by IDSN are based on four main programmes: the United Nations, the European Union, the Private Sector and Communication and Networking. In these programmes IDSN facilitates Dalit rights interventions before relevant UN and EU fora, organises consultations, hearings, and events on caste-based discrimination and provides information and recommendations on caste discrimination based on research and studies to various stakeholders and the public.

In the past three years, from 2009-2011, IDSN has carried out such activities with member organisations and international associates at the UN and EU level, as described in IDSN’s Annual Reports. A link to IDSN annual reports can be found here: <http://idsn.org/about-idsn/idsn-annual-reports/>

In the UN programme, the regular activities include submissions and facilitation of representation to the Human Rights Council, UN treaty body reviews, and the Universal Periodic Reviews, as well as systematic monitoring of UN recommendations and issues of particular relevance. The overall objective of the UN programme is to increase international awareness and recognition of caste discrimination as a global human rights issue by facilitating inputs and representation of Dalit voices in UN human rights bodies. Link to the submissions prepared for UN reviews, often in association with other organizations, can be found on IDSN's website: <http://idsn.org/international-advocacy/un/un-documentation/>

In the EU programme, IDSN has facilitated submissions to and interventions with European Parliament, the Commission and the External Action Service, and the Council in cooperation with representatives of affected communities. The overall objective of the EU programme is to increase awareness and recognition of caste-based discrimination as a global human rights issue and development challenge by EU institutions and member states, and to influence EU institutions to take actions as part of EU human rights and foreign policy, development cooperation and humanitarian responses. Information on EU-related activities and reports can be found here: <http://idsn.org/international-advocacy/eu/>

The private sector programme is carried out in cooperation with Dalit Solidarity Networks. A list of reports related to this programme can be found here: <http://idsn.org/business-csr/>

An example of a bigger activity is the International Conference on Good Practices and Strategies to Eliminate Caste-Based Discrimination, which was organized by IDSN in association with the Dalit NGO Federation, Feminist Dalit Organization and Nepal National Dalit Social Welfare Organisation in Kathmandu in November 2011. The programme and outcomes of the International Conference on Good Practices and Strategies to Eliminate Caste-Based Discrimination can be found here: <http://idsn.org/idsn-consultation/>

With regard to IDSN's programme activities, there are no financial transactions to other organizations, except for reimbursements of specific costs related to joint activities such as travel costs (e.g. flight tickets, travel insurance, and visa).

The audited financial statements from 2009-2011, submitted in IDSN's previous reply, contain detailed information about IDSN's sources of income and expenditures.

IDSN does not undertake work on payment for other NGOs. IDSN receives funding to its core programmes and carries them out on the basis of a programme proposal as decided by its Council.

IDSN has previously responded to questions about the activities of the organizations carried out with other organizations (reply no. 3 of the questions of 24 March 2009 in advance of the Resumed Session in May 2009). It has also provided information about its relationships with its funding partners in reply no. 5 in the list of questions received on 5 June 2008.

**Question XV: IDSN reply of 03-07-2013 to the question from the Committee dated 10-06-2013 (question no. 62 in total sum)**

**Question received by IDSN in June 2013 following the resumed session of the ECOSOC Committee on NGOs:**

*The following question was raised by the Committee in February 2012, but may not have reached your organization. It is repeated here, for your answer, as follows: IDSN had, in a previous reply, mentioned that several groups fund various IDSN programmes. The relationship is, therefore, one of funder and fund recipients. IDSN had noted, ?As with all donors, upon receipt of funds, IDSN agrees to deliver on the*

*objectives and outcomes of the proposals it designs and submits to donors. Financial and narrative reporting is submitted to donors on a regular basis?.*

*In this context, please provide further details of specific activities, projects or programmes undertaken on receipt of funds from organizations such as DanChurchAid, ICCO, Cordaid and CCFD, including specific objectives and outcomes of such activities.*

The following two questions were received from the Committee on NGOs in February 2012:

- 1. Please provide further details on the activities of the organization carried out with other organizations for the last three years including the specific objectives of these activities and any financial transaction in connection with them.*
- 2. Kindly submit to this Committee all audited financial statements for the years 2009, 2010 and 2011.*

IDSN respectfully refers to the answers provided on 28-09-2012 copied and elaborated below in response to the above question. The mentioned donors provide, or has in the past provided, funding towards IDSN's core programme, the objectives of which are decided by the IDSN Council.

The activities carried out by IDSN are based on four main programmes: the United Nations, the European Union, the Private Sector and Communication and Networking. In these programmes IDSN facilitates Dalit rights interventions before relevant UN and EU fora, organises consultations, hearings, and events on caste-based discrimination and provides information and recommendations on caste discrimination based on research and studies to various stakeholders and the public.

In the UN programme, the regular activities include submissions and facilitation of representation to the Human Rights Council, UN treaty body reviews, and the Universal Periodic Reviews, as well as systematic monitoring of UN recommendations and issues of particular relevance. The objective of the UN programme is to increase international awareness and recognition of caste discrimination as a global human rights issue by facilitating inputs and representation of Dalit voices in UN human rights bodies. Link to the submissions prepared for UN reviews, often in association with other organizations, can be found on IDSN's website: <http://idsn.org/international-advocacy/un/un-documentation/>

Outcomes of the activities under the UN Programme include side-events organized in cooperation with members and associates, such as:

- 2013 - Side event on "Ensuring access to justice for Dalits: Good practices and key challenges" held on 25 February at the 22nd session of the Human Rights Council. Download [the flyer](#) and read [IDSN's news story](#) about this event.
- 2012 - UPR Debate on recommendations received by Pakistan held on 31 October at the 14th UPR session. Download [the flyer](#) and read more about outcome of the UPR of Pakistan [UPR Pakistanhere >>](#)
- 2012 - Information Meeting on the outcomes of the Universal Periodic Reviews of India and the UK held on 25 May at the 13th UPR session. [Read the programme >>](#)
- 2011 - Side event on "Discrimination based on work and descent: Implementing human right standards for all" held on 16 March 2011 at the 16th session of the Human Rights Council. [Read IDSN press statement >>](#)

Outcomes further includes joint NGO submission for the Universal Periodic Reviews of among others Bangladesh, Pakistan, India and UK, as well as shadow reports to CERD in connection with reviews of Pakistan, Senegal and the UK; to CEDAW for the review of Pakistan and for a general CEDAW discussion on access to justice;

In the EU programme, IDSN has facilitated submissions to and interventions with European Parliament, the Commission and the External Action Service, and the Council in cooperation with representatives of affected communities. The objective of the EU programme is to increase awareness and recognition of caste-based discrimination as a global human rights issue and development challenge by EU institutions and member states, and to influence EU institutions to take actions as part of EU human rights and foreign policy, development cooperation and humanitarian responses. Information on EU-related activities and reports can be found here: <http://idsn.org/international-advocacy/eu/>

Outcomes include a 2011 cross-committee hearing on caste-based discrimination in South Asia and references to caste-based discrimination in different resolutions of the European Parliament, such as resolutions on the reports on human rights in the world in 2010 and 2011 respectively.

The private sector programme is carried out in cooperation with Dalit Solidarity Networks. A list of reports related to this programme can be found here: <http://idsn.org/business-csr/>. The objective of the private sector programme is to promote anti-discrimination policies and affirmative action programmes with regard to work and employment of Dalits among relevant CSR initiatives, governments and international organizations. Activities are mainly carried out by IDSN members, and the role of IDSN is to inform about research and documentation regarding caste discrimination issues in relation to business. A submission has been made to the UN Working Group on Business and Human Rights.

The objective of the communication and networking programme is to ensure high quality of IDSN publications, communications and internet outlets and maintain the function of the Secretariat as a resource hub, including through issuing of the monthly IDSN newsletter. Main publications are the annual report and the compilation of references to caste discrimination by UN human rights bodies.

An example of a bigger activity is the International Conference on Good Practices and Strategies to Eliminate Caste-Based Discrimination, which was organized by IDSN in association with the Dalit NGO Federation, Feminist Dalit Organization and Nepal National Dalit Social Welfare Organisation in Kathmandu in November 2011. The programme and outcomes of the International Conference on Good Practices and Strategies to Eliminate Caste-Based Discrimination can be found here: <http://idsn.org/idsn-consultation/>

With regard to IDSN's programme activities, there are no financial transactions to other organizations, except for reimbursements of specific costs related to joint activities such as travel costs (e.g. flight tickets, travel insurance, and visa).

The audited financial statements from 2009-2011, submitted in IDSN's previous reply, contain detailed information about IDSN's sources of income and expenditures. The 2009, 2010, 2011 and 2012 audited financial statements are attached.

IDSN does not undertake work on payment for other NGOs. IDSN receives funding to its core programmes and carries them out on the basis of a programme proposal as decided by its Council.

IDSN has previously responded to questions about the activities of the organizations carried out with other organizations (reply no. 3 of the questions of 24 March 2009 in advance of the Resumed Session in May 2009). It has also provided information about its relationships with its funding partners in reply no. 5 in the list of questions received on 5 June 2008.

The replies are attached here for easy reference:

### **Questions of 24 March 2009**

- 3) *In paragraph 7 of its application, the NGO has described itself as an “advocacy and lobby organization”. However, as per paragraph 5 of its reply of June, 5 2008, it has been indicated that it has undertaken work on payment for other NGOs. These NGOs are not its members or associates. Further, such income constitutes a major part of its total income. It may be indicated whether the work for these NGOs was a commercial activity. The NGO may also clarify the exact nature of its activities.*

The IDSN Council, which is the governing body of IDSN consisting of members and associates, decides on the programme of action and activities of the network. Following such decisions, programme proposals are submitted to donors to seek funding for these activities. Therefore IDSN does not undertake work on payment for other NGOs but receives funding to its core programmes and carries them out on the basis of the programme proposal as decided by the Council. Nor does any of IDSN’s activities relate to commercial activity. IDSN is a non-partisan and non-profit membership organisation, and no part of its net income shall accrue to the benefit of any organisation or individual.

The activities carried out by IDSN are based on four main programmes: the United Nations, the European Union, the Private Sector and Information Sharing and Networking. In these programmes IDSN facilitates Dalit rights interventions before relevant UN and EU fora, organises consultations, conferences and hearings on caste-based discrimination and provides information and recommendations on caste discrimination based on research and studies to various stakeholders and the public.

### **Questions of 5 June 2008.**

- 5) *Please elaborate on organization’s relationship with Danchurch Aid, ICCO, Cordaid and CCFD.*

These groups fund various IDSN programmes; the relationship is therefore one of funder and funds recipient. As with all donors, upon receipt of funds IDSN agrees to deliver on the objectives and outcomes of the proposals it designs and submits to donors. Financial and narrative reporting is submitted to donors on a regular basis. As noted in response to question 4, we maintain the highest independence in our functioning and decision-making, which extends in particular to our relationship with donors.

### **Question XVI: IDSN reply of 02.04.2014 to the question from the Committee dated 11-02-2014 (question no. 63 in total sum)**

### **Question received by IDSN in June 2013 following the resumed session of the ECOSOC Committee on NGOs:**

*Your response on 17 September 2013 did not address the question that was posed to your organization earlier. The question is therefore posed again for a response and please do not repeat your earlier reply:.*

*IDSN had, in a previous reply, mentioned that several groups fund various IDSN programmes. The relationship is, therefore, one of funder and recipient. IDSN had noted, 'As with all donors, upon receipt of funds, IDSN agrees to deliver on the objectives and outcomes of the proposals it designs and submits to donors. Financial and narrative reporting is submitted to donors on a regular basis'. In this context, please provide further details of specific activities, projects or programmes undertaken on receipt of funds from organizations such as DanChurchAid, ICCO, Cordaid and CCFD, including specific objectives and outcomes of such activities.*

Activities carried out by IDSN in 2011 with funding from a range of donor agencies, including some of those mentioned in the question, were undertaken in order to meet the following objectives:

- Increase international awareness and recognition of caste-based discrimination as a global human rights problem in UN human rights bodies, and among UN member states, UN experts and agencies
- Maximise lobby efforts in relevant UN forums for the promotion of the principles and guidelines for the effective elimination of discrimination based on work and descent in the Human Rights Council, and secure follow-up to these principles and guidelines by UN mechanisms and bodies
- Facilitate submissions to and interventions in UN human rights bodies on the situation of Dalits and caste-based discrimination, ensuring civil society participation of affected communities in such events

### **Human Rights Council**

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.

Concerns about caste discrimination were expressed in the Human Rights Council (HRC) by states, experts, and NGOs, partly as a result of IDSN inputs. These concerns were expressed, among other things, in a written NGO submission prepared in advance of the 17th HRC session. 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, IDSN co-organised a side-event with the purpose 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 .

Efforts to put the issue of caste-based discrimination 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 for the effective elimination of discrimination based on work and descent, with the aim to establish a separate monitoring mechanism. Activities included preparation of inputs to relevant debates in association with members; meeting with state delegations and experts; and facilitating representation of Dalit human rights defenders at the HRC sessions.

### **Special Procedures**

IDSN has maintained dialogue with some special procedures mandate holders in the form of informal meetings, facilitation of contact with Dalit civil society representatives, participation in the Minority Forum and submission of input and documentation. Mandate holders on contemporary forms of slavery, minorities, contemporary forms of racism and related intolerance, human rights defenders and on water and sanitation made references to issues related to caste-based discrimination in reports and statements.

## **Universal Periodic Review**

In 2011, IDSN supported the active involvement of Dalit NGOs in connection with the Universal Periodic 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 furthermore submitted a NGO report jointly with the DSN-UK for the UK UPR in 2012, and contributed to a mid-term assessment of the Bangladesh UPR.

## **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 by treaty bodies 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, 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). CERD issued strong recommendations in the Concluding Observations urging the Government to adopt legislative measures to provide remedies to victims of caste-based discrimination.

## **Compilation**

In 2011, IDSN published a comprehensive compilation of references to how caste discrimination and similar forms of discrimination based on work and descent have been addressed by

UN treaty bodies, Universal Periodic Reviews, and the Special Procedures. The document is updated regularly and available online.

**An international Consultation on Good Practices and Strategies to Eliminate Caste-Based Discrimination** by governments, civil society, national and international institutions and agencies, was organised by IDSN and co-organized by the Feminist Dalit Organization (FEDO), the Dalit NGO Federation (DNF) and the Nepal National Dalit Social Welfare Organisation (NNDSWO) in Kathmandu on 29 November – 1 December 2011, with more than 110 participants, and financially supported by the EU.

Representatives from affected communities and Dalit human rights defenders from Bangladesh, India, Japan, Nepal, Pakistan, Sri Lanka, Senegal and Yemen discussed good practices and strategies as well as critical gaps with members of international organisations, national

human rights institutions, NGOs, Solidarity Networks and researchers. Representatives of Government ministries, diplomatic missions and EU institutions contributed to discussions and the benchmarking of how far initiatives have come measured against international human rights

standards and good practices derived from local, national and international institutions, as well as specific country situations. A Joint Declaration and Global Call for Action to Eliminate Caste-Based Discrimination were issued along with Recommendations on Good Practices and Strategies reflecting the main themes that were discussed in both plenary and in workshops.

The consultation was able to take stock of progress made in strengthening standards and progressive reforms (in some countries) to eliminate caste discrimination, including through constitutional, legislative and institutional measures.

#### **European Parliament hearing on caste-based discrimination**

On February 28, IDSN members took part in a joint hearing on caste-based discrimination in South Asia organized by the Subcommittee on Human Rights, the Committee on Development, the Delegation for relations with India and the Delegation for relations with South Asia. Speakers included representatives of EEAS, IDSN and OHCHR, who all specifically noted the lack of enforcement of laws to protect Dalits in South Asia. Concluding the hearing co-chair Ms Kolarska Bobinska pointed out that this was the first in a series of meetings on caste discrimination and that the next one should focus on what action the Parliament can take.

#### **Monthly newsletter and IDSN website**

IDSN publishes a monthly newsletter with information on important developments at national and international level in relation to combatting discrimination based on caste and maintains a website which is a key international resource on this topic.

The above activities are funded by IDSN donors.

#### **Question LXIV: IDSN reply of to the question from the Committee dated 10-06-2014 (question no. 64 in total sum)**

*In light of the information presented in Part III of the original application form kindly provide details of specific projects and activities undertaken under the following expenditure lines and for the past three years: "UN programme", "EU programme" and "Private Sector programme".*