



'TEAR DOWN THE BARRIERS OF CASTE'

Conference on Decade of Dalit Rights UN

**2011-20: Decisive Decade against Discrimination
based on Work and Descent**

DECLARATION

Conference organised by:

Buraku Liberation League (Japan), Bangladesh Dalit and Excluded Rights Movement (Bangladesh), Dalit Solidarity Platform (Pakistan), Human Development Organization (Sri Lanka), Feminist Dalit Organization (FEDO-Nepal), National Campaign on Dalit Human Rights (NCDHR-India), National Confederation of Dalit Organisations (NACDOR-India), National Federation of Dalit Women (NFDW-India), National Nepal Dalit Social Welfare Organization (NNDSWO-Nepal), Samatha Foundation (Nepal), Dalit Network Netherlands (DNN-Netherlands)

Dalit Solidaritat in Deutschland (Germany), Dalit Solidarity Forum Finland (DSN Finland), Dalit Solidarity Network Denmark (DNN-Denmark), Dalit Solidarity Network (DSN-UK), International Dalit Solidarity Network (IDSN), International Movement against all forms of Discrimination and Racism (IMADR), Lutheran World Federation (LWF- Geneva), Pax Romana (Geneva), Swedish Platform for Dalit Solidarity (Sweden), World Council of Churches (Geneva), Working Group on Human Rights in India and UN (WGHR)

Declaration

We, fifty representatives from the caste affected countries of Bangladesh, India, Japan, Nepal and Sri Lanka, solidarity networks from Denmark, Germany, Netherlands and UK, International Human Rights Organizations, Faith Bodies, INGOs, and researchers participated in the Conference on “Decade of Dalit Rights UN” convened in Geneva, 24-25 June 2011.

Having reviewed the activities of the past decade, we recognize the initiatives taken by the United Nations (UN), through Treaty Bodies and other mechanisms, to combat discrimination based on work and descent, including discrimination based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair the equal enjoyment of human rights. Nonetheless, discrimination based on work and descent (DWD) still continues.

Caste as an institution is the source of immense human suffering and the cause for gross human rights violations, dehumanizing and degrading treatment against over 260 million people. As such, caste-based discrimination is a violation of international human rights law. Hence, we strongly condemn it and we call upon the UN to address this issue. We are committed to moving beyond the stereotypical, semantic debate of caste and race to a broader interpretation of DWD from the perspective of fundamental human rights principles of non-discrimination, progressive realization, non - retrogradation and substantive equality.

Those affected by caste based discrimination will keep knocking at the door of the United Nations to be able to enjoy their inalienable, universal human rights. The responsibility to fight against this form of discrimination requires not only the commitment of the affected countries and communities, but also the engagement of the global community.

Hence, having reflected on the opportunities and feasibilities for the next decade (2011-20) to tear down the barriers of caste and having chalked out effective future strategies, we strongly endorse the following this declaration.

A. PREAMBLE

Recognizing that DWD affects millions of people worldwide and violates a whole range of civil, political, economic, social, cultural and religious rights;

Being aware that this discrimination is systemic, distinctively marked against a particular social group, gender biased, collectively targeted, entrenched with violence, and generationally imposed resulting in life-long disastrous effects;

Reiterating that DWD is prohibited by international human rights law (UDHR and, inter alia, by the ICERD, etc.);

Noting that affected communities, movements, solidarity bodies, international human rights organisations, INGOs and Faith Bodies have been engaging with the UN Human Rights Mechanisms in the past decade to prevent and eliminate DWD;

Encouraged by the outcomes that have resulted from various efforts of civil society groups and institutions through engagement with the UN bodies, international organizations and governments¹;

Recognizing that, although 2001-10 has been a decade of significant achievements, it has been a period of anguish as the elimination of DWD has not been fully realized;

Committed to overcome the challenges in our struggle for the elimination of caste based discrimination;

Determined that the next decade of 2011-20 is a period of hope heralding a new era in our efforts to build alliances with all other discriminated groups and strengthen our DWD people's movements and networks at all levels;

Responding to the call of Ms. Navanethem Pillay, UN High Commissioner for Human Rights that "Caste is the very negation of the human rights principles of equality and non-discrimination. It condemns individuals from birth and their communities to a life of exploitation, violence, social exclusion and segregation...The international community should come together to support these efforts as it did when it helped to put an end to apartheid...The time has come to eradicate the shameful concept of caste."

We urge all UN human rights bodies to address the issue of DWD within their mandates;

We call upon all those committed to protect and promote human rights to join in our efforts in building a **Global Movement of the DWD affected Communities to 'tear down barriers of caste' for the enjoyment of all rights and freedoms.**

B. CHALLENGES

1. The enormous task of organizing and consolidating a global movement against work, descent and caste-based discrimination, owing to the communities being scattered across different regions, having different levels of legal recognition and protection within their respective states, and having different contexts and histories.
2. The difficulty of sustaining action that is interlinked at the international, regional, national and local levels so that activities become focused on realizing effective changes at the grassroots.

3. The pervasion of descent and caste-based discrimination in all areas of life, in both the public and private sector as well as the domain of the family: in political institutions, trade relations, employment practices, the world of art, marriage practices, etc.
4. The difficulty of overcoming work, descent and caste-based discrimination as it intersects with other axes of inequality and exclusion on the basis of gender, sexuality, age, ethnicity, and disability.
5. The problem of default discrimination and the casteist mindset, which is reflected in hierarchical and dominant patterns of social behavior and allows states to let systemic but hidden forms of discrimination and violence pass with impunity.
6. The neoliberal economy that has exacerbated inequality and discrimination against work, decent and caste-discriminated communities and the complicity of governments in neglecting to ensure that production and trade do not violate human rights but rather benefit the historically excluded communities.
7. The relative lack of public awareness outside as well as inside caste-affected countries and the disinterest of the media to assume its democratic responsibility of reporting on the complex realities of work, descent and caste-based discrimination.
8. The majoritarian and exclusivist forces that falsely brand those making interventions on behalf of the discriminated communities as anti-national and that therefore seek to domesticate the problem as an internal affair.

C. STRATEGIES

The building up of the **Global Movement of the DWD affected Communities** cutting across different regions, nations and cultures of the world **with a view to ‘tear down barriers of caste’ for the enjoyment of all rights and freedoms** is the direction we want to move forward in a single-minded manner in the coming decade (2011-20). Within the purview of the general goal of the enjoyment of all rights and freedoms fall the specific objectives of the elimination of DWD practices, full realization of economic, social and cultural rights, full and equal access to justice and the full participation of DWD communities in civil and political affairs guaranteed by proportional representation in political structures and decision-making processes.

To attain these objectives, we shall adopt the following strategies at different levels for the next decade 2011-20, being aware at the same time that these are not exhaustive and that in the course of our journey of walking with the DWD communities we will keep dialoguing with them as to what other best methods can be adopted to attain the intended goal and objectives.

I. Local and National level

1. Strengthen the capacity of DWD movements and solidarity platforms (e.g. for mass mobilization, for effective participation in the political sphere, to monitor and evaluate DWD, to influence decision-making, to monitor budget allocations).
2. Strengthen and build alliances horizontally and vertically, including alliances with other caste-affected groups, with other issue-based networks and on inter-sectionality (e.g. women, health, housing, child protection, land rights, education reform).
3. Create stronger links between advocacy at different levels of the DWD movement. Focus on sharing knowledge and information between these different levels. The human rights situation of affected communities needs to inform international advocacy work.
4. Identify and lobby key political stakeholders at the national and local level (e.g. parliamentarians, political parties, ministries, National Dalit Commissions, village councils, donor governments, UN agencies) to address DWD.
5. Promote a dialogue with responsible state actors (e.g. government administrations, National Human Rights Institutions, education sector, labour tribunals, police, judiciary) in order to realise behavioral change for adherence to laws prohibiting caste discrimination.
6. Build the capacity and sensitivity of civil society organisations to cooperate on DWD, including across common issues (e.g. land rights, housing).
7. Identify and bring attention to accountability gaps between policy commitments, budget allocations, and implementation of legislation related to DWD
8. Establish procedures and/or mechanisms (e.g. working groups) to systematically monitor the implementation of UN recommendations at the national level and provide regular inputs to UN human rights bodies. Actions can include: establishing broad-based alliances to oversee the implementation; creating National Action Plans; disseminating information; lobbying governments; developing a human rights index to measure compliance; and bringing public attention to the recommendations.

II. Regional level

1. Reach out to the DWD communities and their leaders in African countries and forge linkages with them in order to integrate them into the Global Movement.
2. Identify and connect with DWD Diaspora groups, individuals and their leaders under the umbrella of a Global DWD Movement.
3. Undertake research on the DWD Diaspora groups, including documenting their population size, situation, organizational capacity, reviewing domestic legislation, etc.
4. Develop professional networks/organisations/partnerships within and across borders between DWD affected groups (e.g. Dalit youth forum, South Asian Dalit lawyers, journalists, parliamentarians, Dalit women).

5. Share experiences and good practices of affected communities settled down in various other regions and countries (e.g. UK) in order to serve as inspiration and model for strengthening the Global Movement.
6. Identify key opportunities for advocacy in SAARC, the Council of Europe, African Commission on Human and Peoples' Rights and ASEAN Human Rights Commission.
7. Work with EU institutions and EU delegations in affected countries to address DWD issues in programming and policies, including in country strategy papers, human rights dialogues, and trade agreements.
8. Promote new research on DWD, including for the sharing of best practices and strategies to combat DWD.
9. Apply and promote innovative approaches and strategies to increase awareness at all levels about the results at the UN level in order to ensure that these results contribute to a positive change in affected communities (e.g. translating UN documents into local languages, making them relevant in local contexts, etc.).

III. International level

1. Seek the support of all states in the global fight against DWD, with particular attention to affected states, including those in the Diaspora. Encourage states to document and share best practices in combating DWD and to undertake leadership in addressing DWD.
2. Promote the DWD agenda as a key issue for inter-sectionality and consideration under other human rights themes, including within UN Treaty Bodies and Special Procedures. Submit reports that document how DWD relates to and results from other human rights violations.
3. Recommend a global study on DWD to be undertaken by OHCHR in cooperation with affected communities and other key stakeholders.
4. Move beyond the caste-race debate and apply a policy of human rights principles of non-discrimination, substantive equality and non-retrogression.
5. Work for the establishment of an appropriate UN mechanism to monitor violations against affected persons, receive communications, undertake country visits, and prepare thematic reports (e.g. a Special Rapporteur/Working Group on discrimination based on work and descent).
6. Make effective use of opportunities to address DWD in relevant human rights bodies including the UPR processes, Treaty Bodies reviews, UN Special Procedures, urgent actions procedures, and UN Forums (e.g. Forum on Minorities and Social Forum).
7. Enhance and build institutional commitments to cooperation (e.g. through policy commitments, national/international consultative bodies, programme plans of UN country teams).

8. Promote the UN Principles and Guidelines as a tool for mainstreaming DWD issues into the design, implementation, monitoring and evaluation of development and humanitarian policies and programmes.
9. Encourage international human rights organisations to co-operate on DWD and build their capacity to do so, including through the promotion of affirmative action within their organizations.
10. Create a UN Voluntary Fund to combat DWD to enable affected communities to engage with the international human rights mechanisms.
11. Identify key opportunities to sensitise private corporations on DWD issues and enhance corporate accountability initiatives (e.g. UN Guiding Principles on Business and Human Rights) by integrating attention to DWD.

D. EXPECTED OUTCOMES

I. Local and National level

1. Affected communities are empowered to exercise their democratic role and human rights and can participate freely and equally at all levels of governance.
2. Solidarity is strong both within and beyond affected communities and solidarity groups are established at the local and national levels.
3. Affected communities are included in, and fully inclusive of, civil society.
4. Affected communities influence the development of market policies that affect them.
5. Governments in affected countries are accountable and committed to working towards the elimination of DWD and are taking serious measures to implement laws to promote human rights and prevent DWD.
6. Governments undertake genuine cooperation and effective dialogue with affected communities.
7. Effective anti-discrimination laws and legislation that prohibits untouchability practices are adopted and implemented.
8. National Action Plans to eliminate DWD are in place:

Bangladesh: Anti-discrimination law and quota system are introduced, affirmative action policies are implemented, budget allocation and employers' guidelines are introduced, Dalit women's movement is in place, full and equal political participation is achieved.

Nepal: Constitutional rights are recognized and implemented, collaboration amongst like-minded organizations is achieved, international donor community incorporates full attention to Dalit concerns (including in funding allocations and hiring practices), Dalits are present in governance at all levels and also in decision-making positions

India: mobilization across castes, region, nationality and faith is achieved, vibrant movements of Dalit organisations have evolved at the local level, Dalit organisations have achieved sustainable institutional support.

II. Regional level

1. Strong regional platforms of affected communities are in place and DWD issues are integrated into existing thematic caucuses at the regional levels.
2. Inter-parliamentary collaboration between states is undertaken.
3. The sharing of political experiences across countries is instrumentalised.
4. Cultural exchanges are practiced within regions to better understand different DWD experiences.
5. SAARC, the Council of Europe, African Commission on Human and Peoples' Rights and ASEAN Human Rights Commission are paying attention to DWD issues.
6. Europe adopts an internal policy on DWD for affected communities domestically and also adopts a comprehensive external policy on promoting the prohibition of DWD.
7. UK legislation on caste serves as a precedent to other states with Diaspora affected communities.

III. International level

1. A more diversified global movement has emerged and is more inclusive of sub-castes and other focus groups.
2. Effective cooperation is achieved with the international and regional women's movement and other relevant movements.
3. A high level of global public awareness on Dalits and DWD is realised.
4. Affected communities are engaging with alternative international fora such as the G20.
5. International solidarity bodies are cooperating with alliance partners and international human rights organisations on the issue of DWD.
6. DWD is recognised fully as a global human rights concern and a violation of international human rights law by the UN.
7. Outcomes from the UN level are translated effectively into national and local level compliance and reform.
8. The UN Principles and Guidelines on DWD are widely endorsed and implemented.
9. A UN Special Rapporteur on DWD issues is created.
10. A UN Year on combating DWD is created, followed by a UN Decade against DWD.
11. A UN World Conference on combating DWD is convened.
12. All private corporations integrate provisions on non-discrimination on the basis of caste into their operational guidelines and regulations.

Looking towards the Future...Moving beyond Borders...

With deep concern for our DWD communities, we came to the Conference in Geneva.
 With single-minded purpose, we shared our achievements and limitations.
 With admiration, we listened to each other's struggles and successes.
 With anguish, we became aware of the task to be completed.
 With keen interest, we took stock of the opportunities and challenges that lay before us.
 With creative imagination, we designed the path to be trod by us in future.
 With a big vision before us, we want the fire of enthusiasm to be always aflame in our hearts.
 With determination, we proceed to our places with a sense of purpose to **'tear down the barriers of caste'** for the enjoyment of all rights and freedoms of the communities of our concern and commitment.

***"You must have firm belief in the sacredness of your mission.
 Noble is your aim and sublime and glorious is your mission.
 Blessed are those who are awakened to their duty to those
 among whom they are born."
 - Dr. B. R. Ambedkar***

ⁱ UN Sub- Commission August 2000 resolution - "discrimination based on work and descent is a form of discrimination prohibited by international human rights law"; Mr. R.K.W. Goonesekere's Report on DBD, 2001; General Recommendation 29 of CERD; General Comment No: 20 of the CESCR in 2009; Other Treaty Bodies including the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee Against Torture (CAT), and the Committee on the Rights of the Child (CRC) have addressed caste-based discrimination, and analogous systems of discrimination based on inherited status while examining country reports; The Draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent were drafted by Special Rapporteurs on DWD and published as an annex to the final report by the Human Rights Council in May 2009 (A/HRC/11/CRP.3); The High Commissioner for Human Rights Ms. Navi Pillay, after meeting a group of Dalit activists and visiting Nepal and India in 2009, has made a strong statement on the issue - 'Tear down the wall of caste'. The High Commissioner stated that the "Human Rights Council...should promote the 2009 Draft Principles and Guidelines"; Issues of caste discrimination have been addressed in the reports of Special Procedures Mandate Holders (including the Independent Expert on Minority Issues and the Special Rapporteurs on Racism); Some Mandate Holders have conducted country visits to caste affected countries (although many requests for visits are pending acceptance from governments); Two mandate holders, the Special Rapporteur on racism and the Independent Expert on minorities, have expressed their support to the Draft UN Principles and Guidelines. They have also been endorsed by the Government of Nepal, and referred to in a UNDP Resource Guide on Marginalised Minorities; Comments and Recommendations on discrimination based on work and descent have been made under the Universal Periodic Review process, notably on India, Nepal and other countries; A number of states have presented statements on discrimination based on work and descent in the Human Rights Council, e.g. in connection with the presentation of reports by Special Rapporteurs or, for instance, the Durban Review Conference; Recognizing the existence of caste based discrimination, the UK's House of Lords on 2 March 2010 adopted an amendment to the new UK Equality Bill, paving the way for caste discrimination to be made illegal.¹ Besides being a significant step, this can serve as an impetus for other countries to follow; A number of EU member states have taken an active stand against caste discrimination. This includes informing Dutch and Danish companies on the issue and, specifically, on how they can tackle it by using such tools as the Ambedkar Principles and the Dalit Discrimination Check; EU has passed a resolution on the Human Rights Situation of the Dalits in India, and also has suggested certain mechanisms to combat the issue; In 2007, the US House of Representatives passed a historic resolution pledging to outlaw caste discrimination in India - one of its "closest allies" which is likely to impact organizations in India that do business with or receive funding from the US government.