

We are not untouchable

260 million reasons why Europe should act

Imagine you were not born free.

Imagine you were assigned to clean dry latrines and sewers, sweep the streets or handle the dead just because of your family lineage. Imagine you were beaten, raped and humiliated because you were regarded as 'dirty' and a lesser human being. And imagine you were perceived to be polluting the classroom and forced out of school.

Today around 260 million people primarily in South Asia, but also in other parts of Asia, the Middle East and Africa are born into a life where they are subjected to dehumanising practices linked to the notion of 'untouchability' and caste discrimination.

The notion of 'untouchability' signifies a practice of strict separation, subordination and exploitation of Dalits – also known as 'untouchables' or 'Scheduled Castes'. It involves strict segregation, modern-day slavery, and other extreme forms of discrimination and violence.

Dalit means 'broken people'. It is the name the 'untouchables' or 'Scheduled Castes' have chosen for themselves to signify a growing movement of empowerment.

Still part of the Hindu, Christian, Buddhist and Muslim communities, the caste system ensures the powerful stay powerful and leaves Dalits without protection.

Caste-based discrimination involves massive violations of basic human rights. Many constitutions of caste-affected countries have outlawed 'untouchability' and other forms of discrimination based on caste, and one country, India, has enacted special laws for the protection of Dalits. However legislation goes unenforced and caste-based discrimination remains one of today's largest human rights problems.

Bharat, Bihar, India

Don't cross the line! The Dalit village of Bharat and Bharat up in Bihar of India are facing discrimination and caste-based violence. They have to go through the fields and back when going to school and have been experiencing it for the last 100 years.

IDSN
International Dalit Solidarity Network

IDSN folder produced for the European Parliament exhibition

terms of actual results and substance from the process. Nevertheless, several missions now know what IDSN stands for and were ready to extend their support to IDSN against the objections made by the Government of India, which is a positive development compared to the first Durban conference.

4 European Union

The development of proactive measures and concrete actions within the European Union's spheres of influence to address caste discrimination was continuously lobbied for, influencing the EU to take caste discrimination into the policy and human rights dialogues with affected countries in a systematic and transparent manner and for effectively reflecting the issue at the policy and strategic level, including in development cooperation and trade relations. IDSN pursued dialogues on these issues with Members of the European Parliament, the Commission, the Council and EU member states.

4.1 IDSN interventions with the EU in June

In the first week of June 2008, IDSN organised a series of interventions with EU institutions in Brussels under the theme "Caste Discrimination in South Asia". With point of departure in the photo exhibition on caste discrimination sponsored by Margrete Auken (Greens, DK), Jean Lambert (Greens-UK), Claude Moraes (PSE-UK) and Maria Martens (PPE, NL) a well attended hearing in the Parliament was held on 3 June, preceded by a press conference. The following day a three-hour round table session had been organised with eight officials from the European Commission, chaired by EuropeAid Director for Asia, Erich Wilhelm Muller. More than 20 meetings were organised with individual MEPs. Teams also met

individually with mission officials from Slovenia, France, Sweden and the Netherlands, and with the Human Rights Representative, Riina Kionka (European Council), and Mr. Vincent Guerénd, Deputy Head of Commission Benita Ferrero-Waldner's Cabinet.

The IDSN team included researchers and Dalit leaders from India, Nepal, Bangladesh, Pakistan and Sri Lanka and representatives of six Dalit Solidarity Networks in Europe.

In addition, the photographer, Jakob Carlsen, and Dennis Weitering from Fatusch Productions, currently producers of the Dutch documentary on Dalit human rights defenders (Outcast Heroes), took part in the events on 3 June.

In all meetings country situations, the new research on caste discrimination in Nepal, Sri Lanka, Bangladesh and Pakistan, and key issues were covered. The various institutions and individuals were challenged to take effective action within their institutional mandate and scope of work as set out in IDSN's recommendations. A full set of IDSN recommendations to EU institutions is available at www.idsn.org⁶.

The events lifted and enhanced visibility on caste discrimination, creating a deeper understanding by those targeted of the conditions of Dalits. Discussions were held on the manifestations and consequences of caste discrimination from both a human rights and a development perspective and linked to the current responsibilities of the EU.

The interventions have increased the possibility for new initiatives and contributed to paving the way for some of the actions proposed by IDSN to the council and the commission, including the development of a Council policy statement.

⁶ <http://www.idsn.org/international-advocacy/eu/recommendations-eu/>

4.1.1 Hearing in the European Parliament

Prior to the official opening of the photo exhibition, a hearing "Caste discrimination in South Asia" was held. The hearing programme included presentations of country situations for Sri Lanka, Nepal, India, Pakistan and Bangladesh (report on the hearing available at www.idsn.org). Around 100 people participated, among them members of the European Parliament, Council and Commission officials, as well as NGOs. Representatives of embassies of India, Pakistan and Bangladesh were also present. The critical questions raised by the audience concerned what exactly the European Union can do vis a vis caste affected countries. Speaking on behalf of the Commission, Mr. Eric Müller, Director of EuropaAid Asia stated clearly that the EU needs "partnership" and the "development of common norms and values" in order to promote the eradication of caste discrimination. In contrast to this, some members of the European Parliament demanded that trade and aid be more conditional. A MEP, Mr. Cashman, concluded the hearing by saying: "Discrimination on the basis of caste must be seen as what it is: A serious human rights violation. I urge the representatives of Governments of caste affected countries, who are present to take back the message that the barbaric practice of caste discrimination has to end".

The hearing was well covered in media reports. Articles and a report on the hearing can be found at www.idsn.org.

4.1.2 European Commission Round Table

On 4th June, a round table was held with eight officials from the European Commission, presided by EuropaAid Director for Asia, Erich Muller.

Country situations and main issues were presented by the representatives from South Asia. The team put forward demands for proper consideration of caste dynamics in all EU policies, and especially the recommended process of producing a tool for addressing caste-based discrimination. There was some reluctance towards the idea of creating a set of guidelines in addition to existing ones on other issues. Rather the Commission was of the opinion that the Dalit issue could be dealt with under the "minorities" and "other vulnerable groups" category, an idea that the IDSN continuously challenges. It was pointed out that the Commission's current country strategy papers and other programming documents had very few if any references to caste discrimination and therefore no specific programming measures to address the caste-based human rights violations or to reach Dalits in development efforts. The 2009 CPS review could

open new possibilities, though officials stressed that the country level interaction is central.

Erich Muller suggested an annual dialogue meeting between the Commission and the IDSN to take discussions further on the impact of EU programmes in relation to caste-affected groups, also at country level. The Commission officials further pointed to possibilities of funding of projects on caste discrimination under the European Instrument for Democracy and Human Rights (EIDHR) framework, and also welcomed the exhibition in a central Commission building.

The IDSN coordinator later in the year met with officials of the Commission to follow up on issues discussed and ways forward.

4.1.3 European Parliament

In June, meetings had also been requested with members of relevant parliamentary delegations and Committees, including the Foreign Affairs Committee, the Committee of Development, the Sub-Committee of Human Rights and the delegations on India and South Asia. The MEPs generally accepted the relevance and potential effect of having formal discussions on caste discrimination in the committees and most committed themselves to taking the idea forward. Points on dialogues with member MPs from affected countries, and highlighting the issue during visits and missions to caste affected countries were well taken.

The election in 2009 provides an opportunity to seek members' support for fighting caste discrimination in the run up to the election, an initiative that could be taken forward by a group of MEPs.

IDSN worked with MEPs to ensure relevant references in the Draft Opinion of the Committee on Development for the Committee on International Trade on an EU-India Free Trade Agreement. Several questions were raised by different members of Parliament in the course of the year to the Commission and the Council on the topic including how the institutions had followed up on recommendations of the European Parliament's resolution on the human rights situation of Dalits in India, adopted in 2007.

4.2 Other Interventions

4.2.1 EU-India Summit

The EU-India summit took place in France on 29 September 2008. Prior to the summit IDSN contributed to the European Parliament's (EP) deliberations through submissions of text for draft resolutions (on the EU-India Summit) of three political groups. Some groups

added the proposed text to their draft resolutions. However, in spite of this and the IDS N activities that took place in June, the final EP resolution on the EU-India Summit has only marginal reference to Dalits and no reference to the EP resolution of 1 February 2007 on the human rights situation of Dalits in India. However, the debate, which took place in parliament before the adoption of the resolution reflected some concerns on caste based discrimination, notably those raised by the Dutch SP MEP, Erik Meyer.

4.2.2 Orissa violence in India

The Orissa attacks and violence against Dalit Christians⁷⁹ were addressed both in the EP resolution and subject for discussions at the Summit. IDS N had sent several reports and joint statements from the Asian Human Rights Commission, the National Campaign on Dalit Human Rights, and IDS N, to the French Presidency, on the violence in Orissa, underlining the caste dynamics, and requesting that the Orissa case along with other human rights violations, including caste based discrimination, be part of the summit talks. According to press reports, European Commission President Jose Manuel Barroso, condemned the attacks and supported the Indian Prime Minister, M. Singh's stand against the violence whilst acknowledging that "It is an internal issue." The acceptance of the "internal issue" argument by President Barroso appears to contravene international human rights law.

4.2.3 Lobby and advocacy support for the draft UN Principles and Guidelines

Lobby and advocacy interventions aimed at enhancing EU's support for the Study on the Elimination of Discrimination based on Work and Descent (containing draft UN Principles and Guidelines for the Elimination of Discrimination based on Work and Descent), remained high on IDS N's agenda. This involved a continuous dialogue with EU institutions and Member States' permanent representations in Brussels, as well as Ministries of Foreign Affairs in capitals and Member States' missions in Geneva. In 2008 IDS N secured the necessary political support, as support to the UN P&G process was decided upon as a joint EU initiative in the Coordinating Committee on Human Rights (COHOM) by the Council.

5 Private sector

The Dalit Discrimination Check (DDC) developed by the Danish Institute for Human Rights, Danida and IDS N was launched in Denmark at a meeting at the Ministry of Foreign Affairs on 5 September, attended by several companies and other involved actors. The Dalit Discrimination Check is a tool developed specifically to help companies prevent discrimination and exploitation of Dalits in their Indian operations and with suppliers. The tool is designed as a comprehensive checklist consisting of self-guided questions and indicators that highlight possible violations. The tool provides simple descriptions of what the components of Dalit discrimination look like in a business context and allows managers to check their company's policies, procedures and performance. The tool is relevant for all companies operating in or sourcing from India and can help companies implement corporate social responsibility principles, such as the Global Compact and the Ambedkar Principles, a set of guidelines for companies to address caste discrimination. The DDC takes its point of departure in the Ambedkar Principles. The Dalit Discrimination Check is available for free and exists in a booklet version and in a web-based version, which can be accessed at www.humanrightsbusiness.org⁸⁰.

In a meeting with a group of companies hosted by the Confederation of Danish Industries on 23 September, discrimination in the labour market in India was discussed with Indian resource persons, Henri Tiphagne and Ashwini Deshpande. The Danish Ministry of Foreign Affairs announced the DDC on its website and the Minister for Development recommended the use of the check in an interview with a major daily business executive newspaper.

In the Netherlands, the Ministries of Foreign Affairs and Economic Affairs have also taken a particular interest in the DDC and the Ambedkar Principles.

In November, information about the DCC was sent out to more than 3.000 email addresses worldwide, through the Dalit Network Netherlands. A large number of the recipients were from India and other South Asian countries. The DDC was also published on the homepage of the resource website www.business-humanrights.org and has reached a large number of professionals working with (CSR).

In India, the Dalit Discrimination Check has been introduced to a number of companies, including

⁷⁹ For further reports on violence and destruction in Orissa see www.idsn.org. What was largely described as Hindu-Christian inter-communal violence covered over underlying caste dynamics, where violence was targeted at Dalits. The state Government failed to control the violence and to arrest the persons behind it.

⁸⁰ To access the web-based version of the tool, select 'HRCA Portal' on the webpage and create a user account. The User Guide provides instruction on how to use the tool.