

IDSN recommendations to the European Union

May 2008

To the EUROPEAN PARLIAMENT:

Promote the elimination of caste-based discrimination through parliamentary work

- a) Follow up on the progress made by the European Commission and the European Council on the issues specified in resolution B6-0021/2007¹ of the European Parliament on the human rights situation of Dalits in India, taking due note of recent treaty body reports and recommendations.²
- b) Ensure that all relevant activities and communications by the European Parliament address the issue of caste-based discrimination, including in the Foreign Affairs Committee (AFET), the Development Committee (DEVE), the Sub-Committee on Human Rights (DROI), the Delegation for relations with the countries of South Asia and the Delegation for relations with India as well as all other activities and communications related to the promotion of democracy, human rights and development in caste-affected countries.
- c) Initiate a discussion in the European Parliament of which measures should be taken to eliminate caste discrimination in exchange of views with parliamentary counterparts and government officials from caste affected countries, including in the Foreign Affairs Committee (AFET), the Development Committee (DEVE), the Sub-Committee on Human Rights (DROI), the Delegation for relations with the countries of South Asia and the Delegation for relations with India.
- d) Meet with representatives from caste-affected communities during every parliamentary visit to caste-affected countries.

To the EUROPEAN COUNCIL:

Promote the elimination of caste-based discrimination through bilateral relations with caste affected countries

¹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B6-2007-0021+0+DOC+XML+V0//EN&language=EN>

² Among others [the report of the Working Group on Universal Periodic Review of India](#) (April 2008), the [Concluding Observations related to the periodic review of the Government of India on Economic, Social and Cultural Rights](#) (May 2008) as well as [the Committee on the Elimination Racial Discrimination \(CERD\) Concluding Observations from review of India](#) (March 2007).

a) The European Council should take the initiative for a thematic discussion or other appropriate initiative on caste discrimination (for example at a COHOM or COASI session) with a view to develop a common position as well as agree on an action plan with measures to counter caste discrimination. (A discussion could involve Dalit representatives for information on the contemporary situation in selected countries of South Asia).

b) The European Council must systematically raise caste discrimination and pertaining human rights violations in political and human rights dialogues with affected countries; at summits, in ministerial and expert meetings, and civil society consultations as well as in Council statements, resolutions and declarations.

Promote the elimination of caste-based discrimination in relevant United Nations forums

a) The European Council should support and promote the adoption of the draft UN Principles and Guidelines on the Elimination of Discrimination based on Work and Descent³ by:

- 1) Ensuring that the final report, including the draft principles and guidelines, is handed over to and adopted by the Human Rights Council;
- 2) Establishing, on a long-term basis, a permanent mandate addressing discrimination based on work and descent including a monitoring mechanism (either a Working Group or a Special Rapporteur)

b) The European Council should use the historic opportunity of the Universal Periodic Review (UPR) to work for an effective human rights monitoring mechanism for the improvement of human rights situation of Dalits in caste-affected countries by:

- 1) Promoting the use of the draft UN principles and guidelines as a guiding framework prescribing general and specific measures for the effective elimination of discrimination based on work and descent by governments, multilateral organisations and other relevant institutions.
- 2) Promoting awareness on the human rights obligations of caste affected states.

Ensure effectiveness of and equality in aid and humanitarian assistance to caste affected countries

a) The European Council should mandate the Commission to develop a framework and guidelines for addressing caste-based discrimination through development cooperation and other forms of cooperation.

Promote elimination of caste-based discrimination in the corporate sector

a) The European Council should encourage reservations and affirmative action policies of EU-based companies in their interaction with caste-affected countries and promote the use of the Ambedkar Principles⁴ and the Dalit Discrimination Check⁵ – a new tool developed to assist companies in ensuring compliance with human rights obligations and non discrimination in their operations and cooperation with caste affected countries.

³[Draft final report by Profs. Chung and Yokota discrimination based on work and descent, including Principles and Guidelines on the elimination of discrimination based on work and descent](#)

⁴<http://www.idsn.org/Documents/pdf/AmbedkarPrincip.pdf>

⁵<https://www.humanrightsbusiness.org>

To the EUROPEAN COMMISSION

Ensure effectiveness of and equality in aid and humanitarian assistance to caste affected countries

a) The European Commission must address caste discrimination in its development programming and anti-discrimination measures must be introduced at all levels of programming incl. in analyses, policy and strategy development, budgeting, programme planning, implementation, monitoring and evaluation. Data and analysis must reflect appropriately this form of human rights violations.

b) The Commission must uphold its commitment to address caste discrimination in development programming through undertaking a study, and developing and applying a framework and operational guidelines for addressing caste-based discrimination.

Promote elimination of caste-based discrimination in the corporate sector

a) European Commission delegations in caste-affected countries should encourage reservations and affirmative action policies of EU-based companies in their interaction with caste-affected countries and promote the use of the Ambedkar Principles and the Dalit Discrimination Check tool.

IDSN, Copenhagen, 27 May 2008

Endorsed by Members of the European Parliament; Margrete AUKEN, Jean LAMBERT and Claude MORAES

REFERENCES AND RESOURCES

UNITED NATIONS

UN study on discrimination based on work and descent

Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent

- [Final report by Profs. Chung and Yokota on discrimination based on work and descent, including Principles and Guidelines](#)
The final report was submitted by the two Special Rapporteurs to the OHCHR in October 2007. Although the study has been completed and is ready for adoption by the Human Rights Council, the report is not yet an official UN document. Due to the UN reform process, the HRC has not yet established transitional arrangements to secure that the pending studies from the former Sub-Commission are handed over to the HRC or the successor body of the Sub-Commission, the HRCAC.

UN Commission on Human Rights

- [Resolution 2005/109 Discrimination based on Work and Descent](#)
Mandating Mr. Yozo Yokota and Ms. Chin Sung Chung as Special Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent

UN Sub-Commission on the Promotion and Protection of Human Rights

- [Sub-Commission resolution 2006/14 on discrimination based on work and descent](#)
- [Prevention of Discrimination, Second preliminary report by Prof. Chung and Yokota on discrimination based on work and descent \(2006\)](#)
- [Sub-Commission resolution on the first preliminary report on discrimination based on work and descent by Profs. Chung and Yokota. \(2005\)](#)
- [Prevention of Discrimination, First preliminary report by Profs. Chung and Yokota on discrimination based on work and descent \(2005\)](#)
- [Prevention of Discrimination - 2nd expanded working paper by Mr. Eide and Mr. Yokota on discrimination based on work and descent \(2004\)](#)
- [Expanded working paper on Discrimination based on work and descent](#)
- [Working paper by Mr. Goonesekere on discrimination based on work and descent, UN Sub-Commission on Human Rights, \(2001\)](#)

UN Treaty Bodies

General Recommendations (with reference to discrimination based on descent)

- [CERD General Recommendation no. XXIX on discrimination based on descent](#)
A set of guidelines adopted by the Committee on the Elimination of Racial Discrimination at its 61st session in 2002 on discrimination based on descent under article 1.1 of the Convention

Concluding Observations (with references to caste-based discrimination)

Committee on the Elimination of Racial Discrimination (CERD)

- India, CERD-70 (2007): [Concluding Observations](#)
Due note should be taken of the CERD Concluding Observations from review of India in February 2007 in bilateral and multilateral cooperation; including in political and human rights dialogues, and development and trade related cooperation.
- Nepal, CERD-64 (2004): [Concluding Observations](#)

UN Committee on Economic, Social and Cultural Rights (CESCR)

- India, CESCR-40 (2008): [Concluding Observations](#)
- Nepal, CESCR-38 (2007): [Concluding Observations](#)

UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW):

- India, CEDAW-37 (2007): [Concluding Comments](#)

UN Committee Against Torture (CAT)

- Nepal, CAT-35 (2005): [Concluding Observations](#)

Universal Periodic Review

Several references were raised by a number of states to caste-based discrimination in India, Pakistan and Sri Lanka during the 1st and 2nd UPR sessions. Based on joint NGO reports submitted by IDSN in association with national partners, the stakeholders' reports related to the review of India, Pakistan, Sri Lanka and Japan prepared by the OHCHR also contained [references to caste-based discrimination](#). Access more information [here](#).

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](#)

UN Special Procedures

Overview of references to discrimination based on caste by Special Rapporteurs:
[Overview of Special Procedures 2005-2007](#)

THE EUROPEAN UNION:

European Union Resolution B6-0021/2007 [Read the full text](#)

The institutions of the European Union called upon in resolution B6-0021/2007 of the European Parliament on the human rights situation of Dalits in India should report on progress; and take due note of the CERD Concluding Observations from review of India in February 2007.

OTHER MATERIAL:

Introductory film: I'm Dalit – how are you? [See the movie](#)

[Making Things Worse](#) -Dalit Network Netherlands report on Discrimination in the aftermath of the Tsunami

PAKISTAN:

Fact sheet: [Equality denied](#)

Research report: [Long Behind Schedule. A study on the plight of the Scheduled Caste Hindus in Pakistan](#)

NEPAL:

Fact sheet: [Acting for change](#)

Research report: [Caste-based discrimination in South Asia. A Study on Nepal](#)

SRI LANKA:

Fact sheet: [Caste-blind does not mean casteless](#)

Regional report: [Casteless or Caste Blind? Changing patterns of caste discrimination in Sri Lanka](#)

BANGLADESH:

Fact sheet: [Destined to a life of humiliation](#)

Research report: [Caste-based discrimination in South Asia. A Study on Bangladesh](#)

[‘Another Apartheid?’ – Dalit Solidarity Network UK report on caste discrimination and UK companies](#)

[Recasting Justice: Securing Dalit Rights in Nepal's New Constitution](#)

Report from the Center for Human Rights and Global Justice (CHRGJ) at the New York University School of Law. The report was released on the heels of Nepal's historic Constituent Assembly elections held on April 10, 2008.