

European Parliament hearing on Caste Discrimination in South Asia on 28th February organised by the Sub-Committee on Human Rights the Committee on Development Committee, the Delegation for relations with South Asia and the Delegation for relations with India

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Distinguished members of the European Parliament,

I wish to thank the organisers for this opportunity to engage with Committee and delegation members present in this room on how EU institutions, in particular the Parliament, can promote concerted actions at UN and EU level to help eliminate one of the cruelest, and most serious human rights issues in the world today.

I would like to start by quoting the UN High Commissioner for Human Rights, Ms. Navi Pillay. In 2009, she told the international community that: "The time has come to eradicate the shameful concept of caste. Other seemingly insurmountable walls, such as slavery and apartheid, have been dismantled in the past. We must tear down the barriers of caste too."

The body of documentation and observations on caste related human rights violations provided by the UN Special Procedures Mandate Holders and UN treaty bodies over the last decade is overwhelming and leaves no doubt, that caste discrimination is one of the biggest international human rights issues today. While such concerns have also recently been echoed by other parts of the international community, including at the level of Ministers, firm policy action at both UN and EU level is lacking, pending perhaps political courage and insights into the hidden dynamics of caste systems.

Whereas an estimated 260 million people globally are affected by caste discrimination, known as discrimination based on work and descent in UN terminology, the majority of victims are Dalits living in South Asia, where they face a kind of humiliating and degrading treatment by both state and non-state actors, that most people in Europe would not believe could exist in this millennium.

The main affected countries are India, Nepal, Pakistan, Bangladesh and Sri Lanka, but similar forms of discrimination are found among communities in Japan, Yemen, some African countries and the South Asian Diaspora, such as in the United Kingdom.

As documented over and over again, Dalits are exposed to systematic discrimination which violates a broad range of their basic human rights. Due to their inherited status, as 'untouchables' and impure, they face violence and atrocities, with limited access to justice and redress. Impunity for the non-Dalits perpetrators of such crimes, which include burning of Dalit villages and rape of Dalit women, permeates the justice and law enforcement systems in all caste-affected countries. Lack of protection by law, or non-enforcement of law, are among the most serious impediments to end the vicious cycle of caste discrimination. Caste discrimination is also a root cause of conflict in many affected countries, and if not eliminated, it poses a threat to security and democracy.

It goes without saying that caste systems, based on segregation and exclusion, contradict the universal principles of non-discrimination, dignity and equality.

Common discriminatory practices across the region include segregation in housing, prohibition or restrictions on access to water, temples, public offices and to services, employment, land and markets. Discrimination in education systems leads to low educational levels and low literacy rates for Dalits. Dalits also constitute the single largest group subjected to forced and bonded labour in South Asia and Dalit women face multiple forms of discrimination and repression.

Caste discrimination is also a major cause of poverty in South Asia. In order to achieve development goals, caste discrimination must be addressed explicitly. Evidence shows that if not addressed it undermines the impact of both development and humanitarian assistance. So-called 'caste blindness' in any such operation in affected countries has led to a replication of the existing patterns of exclusion.

Whereas India has constitutional and legal provisions to protect Dalits (albeit rarely enforced), Dalit movements in Nepal, Bangladesh and Pakistan are now demanding constitutional provisions to guarantee their rights and call for special legislation to ban untouchability practices.

In Nepal, until 2007, Dalits had been almost totally excluded from political processes and positions in state institutions such as the judiciary, military and police. Political change, the constitution making process and a restructuring of the state have provided new opportunities for development of legislative, policy and institutional measures to deal with caste discrimination.

The Government of Nepal has also taken to heart the draft United Nations Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent¹ as a valuable tool and fully support the adoption of such an international framework. These guidelines, published by the Office of the High Commissioner for Human Rights in 2009, are yet to be endorsed by the Human Rights Council. The High Commissioner for Human Rights, Ms Navi Pillay, has appealed to the international community to endorse the draft UN norms, which would constitute a critically important tool for state and non-state actors; and would ensure UN monitoring and support to the elimination of caste discrimination. As IDSN we call upon the EU to stand united in support of these principles and guidelines, and ask the European Parliament to support such a call.

The EU is committed to mainstreaming human rights and democratisation into its policies and to combating all forms of discrimination. For years, Dalits and human rights entities in Europe have insisted that caste discrimination be addressed in a comprehensive and coherent manner by the European Union. Various EU institutions, to their credit, do address the problem in bits and pieces – but this is not sufficient. IDSN recommends a comprehensive policy focusing on actions to address caste discrimination through 1) EU's engagement with affected countries; 2) its action in multilateral fora such as the United Nations; 3) its development policies and instruments; and 4) trade relations. Last year and at the invitation of the then

¹ [\(A/HRC/11/CRP.3\)](#) Final report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent

Spanish Presidency, IDSN presented its recommendations for a proposed policy to the Council Working Group on Human Rights (COHOM).²

Today, it is with a deep sense of urgency, that we call upon you as Members of the European Parliament to support such policy action. It is experienced far too often that without a policy and special measures, caste discrimination 'falls off the agenda', whether in human rights dialogues, in country strategy and development programming, or - subjected to vested country interests, the topic remains sidelined at the UN.

As a case in point, a study requested last year by DEVE on "Discrimination and Development Assistance" examines to what extent EC development policies contribute to combating discrimination of marginalised groups through a review of country strategy papers, thematic strategy papers, and guidelines. The study did not carry a single reference to caste-based discrimination. People affected by this form of discrimination were invisible. It also appears that there has been no follow up to the EP resolution B6-0021/2007 on the human rights situation of the Dalits in India.

We hope that members of the Parliament, in particular Committees, can take immediate and effective action to ensure, inter alia, that:

- Human rights and policy dialogues on the topic be systematically pursued with governments of caste-affected countries by the EU and member states;
- EU institutions and member states firmly support the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on work and Descent and promote their implementation;
- the EEAS design and operationalise programming to address Dalit human rights, poverty and development issues in caste-affected countries; and
- relevant policies and instruments of the EEAS in future specifically reflect issues and concerns related to caste-based discrimination.

Thank you.

² IDSN draft of EU Policy Framework for the Elimination of Caste Discrimination: <http://goo.gl/xAKMX>