

Caste Discrimination in South Asia: 260 million reasons why Europe should act

**Report from a hearing in the European Parliament
3 June 2008, 16:00-18:15
Room PHS-4B01**

The hearing was sponsored by MEPs Margrete AUKEN (Greens, DK), Jean LAMBERT (Greens, UK), Maria MARTENS (PPE, NL) and Claude MORAES (PSE, UK) and organised by the International Dalit Solidarity Network (IDSN).

Ms. Jean LAMBERT, MEP, member of the Delegations for relations with the countries of South Asia and the Delegation for relations with India, welcomed all to the hearing and introduced the preview of the documentary “OUTCAST HEROES” on human rights defenders fighting caste discrimination in India produced by FATUSCH Productions, Netherlands.

Session i: Caste discrimination in South Asia: Briefing on Country Situations by Experts

Ms. Manjula PRADEEP, Executive Director of Navsarjan in Gujarat, India, whose speech was entitled “*India: How impunity obstructs justice for Dalits*” started out by saying that India is not ruled by laws, but by caste. Caste discrimination in India is a deep-rooted problem that has profound effects on the every day lives of Dalits. She questioned why there is separate housing and schools for Dalits. She also questioned the impunity she sees expressions of every day in her work in Gujarat for crimes committed against Dalits. In particular Dalit women often fall victim of gang rape and naked parading. Such crimes work as a way to humiliate and destroy not only the women themselves but entire Dalit communities. Ms. Pradeep also said that caste discrimination needs international attention in order to improve the lives of the next generations. She ended by asking what the European Union’s answer to caste discrimination will be.

Prof. Farzana ISLAM, Professor, Department of Anthropology at Jahangirnagar University, Dhaka and advisor to the National Platform of Bangladesh Dalit and Excluded Communities’ Rights Movement spoke under the title “*Bangladesh: Inherited discrimination and a life of degradation*”. She regretted to have to bring stories of discrimination against Dalits in Bangladesh as the majority of the population is Muslim and in a Muslim society there is not supposed to be discrimination. None the less, a new research report made by Prof. Chowdury under the auspices of the Indian Institute for Dalit Studies shows that there are not only Dalits among the Hindu minority in Bangladesh, but also Muslim Dalits. While the constitution that came in to effect after Bangladesh’s independence in 1972 did explicitly grant everyone the same basic rights, the state of Bangladesh today is creating separate colonies for sweepers and others. Sweepers and their families are forced to live in unhygienic environments with limited access to state education and health facilities. The children have to take on the same jobs as their parents, and very few have the luxury of job security and pension schemes. Those who manage to educate themselves often change their names and sever relations to families and communities in order to avoid discrimination.

Mr. Zulfiqar SHAH, Senior Research Associate, Pakistan Institute of Labour Education and Research (PILER) spoke of “*Pakistan: Modern day slavery - Dalits in bonded and forced labour*”. Mr. Shah started out by saying that when Pakistan is on the agenda it is normally topics such as radical fundamentalism and terrorism that are being discussed – topics entirely different from the issue of “Scheduled castes” in Pakistan on which Mr. Shah conducted a research study. Official statistics say that there are approximately 300 000 people of scheduled caste in Pakistan but among scheduled caste representatives and researchers there is agreement that the number is rather close to 2 million. These two million are the victims of discrimination on

the basis of caste, descent and occupation. They are in a dual disadvantageous position as first they are Hindu (minorities in a Muslim majority country), and second, of the lower castes within the Hindu population. The exploitation and injustice starts from discriminatory laws, lower wages, forced labour, sexual abuse to beating till death. They remain deprived of education, health and other social development provisions. Mr Shah then went on to say that Pakistan is amongst a few countries in the world where slavery exists in the form of bonded labour, the large majority of which belong to scheduled castes. Pakistan is under obligation by national and international law to abolish labour bondage, but implementation is almost non-existent and no landlord or employer has faced prosecution even after court recovery of labourers and their families. The government sees no urgency in implementing its own laws and action plans. As for recommendations to the EU, Mr. Shah said that he would like to see the issue of bonded labour addressed more specifically. This could be done for example in follow up to the Council's latest conclusions on Pakistan (29 April 2008, Luxembourg) where it is mentioned that human promotion of human rights is one of the priority areas for bilateral relations. In all the EU's development assistance and trade relations with Pakistan there should be a strong focus on immediately uplifting the scheduled castes. Mr. Shah ended by saying that most relations between EU and Pakistan seem to be concerned with security issues. But human security needs the same kind of international attention and he strongly urged the EU to stress the importance of respecting human rights in all its variety of relations with Pakistan.

Prof. Tudor SILVA, Professor of Sociology at University of Peradeniya, Sri Lanka addressed the little known issue of "*Sri Lanka: Social exclusion and caste blind policies*". Mr. Silva started out by saying that there is a lot of variation in the caste systems in South Asia – it is truly a multi-faceted monster – and some of the greatest variations exist between India and Sri Lanka. The main question is whether castes exist in Sri Lankan society, and if yes, in what form? In many popular accounts of Sri Lankan society it is described as a casteless society. There are no Brahmins, so how can there be caste discrimination? In a research study done under the auspices of the International Institute for Dalit Studies in India, in which Mr. Silva was involved, three parallel caste systems were identified; in the Indian Tamil population group, in the Sinhalese Buddhist population group and in the Sri Lankan Tamil population group. The three caste systems have different characteristics, but in all systems there is untouchability practices and caste-based discrimination. It is highly tabooed, and there is no mention of caste in local newspapers except in the marriage ads. The Indian Tamil Dalits are mostly tea plantation workers brought over from India in the British period. For decades they have experienced low dignity, limited access to land, water and temples. The Sinhalese are Buddhists which condemns caste, but still the caste system has survived. Tied to traditional occupations, they find it hard to escape their traditional roles, and they face discrimination in education, political activities and in relation to inter-caste marriages. For the Sri Lankan Tamil Dalits living mostly in the North, the rule of the Liberation Tigers of Tamil Elam (LTTE) has brought some freedom from caste discrimination as the organisation has banned caste discrimination. But a total eradication has not happened and many lower caste Tamils are today internally displaced and living in camps as a result of the civil war and the 2004 tsunami. Sri Lanka has developed a fairly comprehensible welfare system and the government has for many years led caste-blind policies. Theoretically the welfare system in place should address the inequalities of caste discrimination, however that has not happened. Caste and class seem to continue to work together toward a downgraded position in society. The social exclusion that continues in social policies has definitely been influenced by caste. So in conclusion, Mr. Silva noted that even though there has been a relatively effective welfare state in Sri Lanka it has not been able to eliminate caste discrimination. Although it has helped some, those who have benefited tend to change their names and cut ties with families and friends as they move upwards in society. Mr. Silva ended by saying that we therefore have to move to recognize that caste discrimination is an issue in Sri Lanka.

Mr. Pushkar KHATI, Program Director of Anubhav Media and Board member of the Dalit NGO Federation addressed the situation of Dalits in Nepal under the title "*Nepal: Will a new constitution secure Dalit rights?*" Mr. Khati began by saying that he speaks from the perspective of hope. In Nepal, where Dalits make up an approximate 20 percent of the population, great changes are taking place with the peaceful transition from a monarchy to a federal democratic republic and the election of a constitutional assembly.

The Peoples' Movement has made a great and historic achievement and the signal is that Nepal now wants to take the democratic norms and values and use them. The main question for Dalits is how representation is obtained according to their population and how Dalits can establish public platforms. As it is now, the communist parties have the majority of seats in the constitutional assembly, and according to communist thinking caste does not exist. So what will happen in the coming years in terms of eradicating caste discrimination? It is the right time to address the issue of caste discrimination and explain to the elected representatives what it means to be a Dalit. The onset of democracy and the creation of the republic do not necessarily mean the end of Hindu dominance. The political parties have committed to change a whole range of things, but they face great challenges. The Hindu feudal system is one of those great challenges as it almost seems like an unbreakable system – that also prevents Dalits from uniting. The caste system, found in all religious communities in Nepal, also creates classes and therefore both should be looked at. Mr. Khati then went on to point out where action is needed. From the side of the European Union's efforts in conflict mitigation, caste discrimination should be seen as a root cause of the conflict. A land reform is highly necessary and natural resources should be managed in a progressive way. Health, education and fundamental rights are equal priorities. A complete and proportionate reservation system for Dalits should be implemented at all levels in the federal structure and the current National Dalit Commission must be established as a constitutional commission that effectively monitors the implementation of the rights of Dalits. Finally, Mr. Khati recommended that a reservation system is also implemented in the private sector in Nepalese and international companies.

Questions and answers. In the first questions and answers section the speakers were asked to specify what exactly the EU should do vis a vis India in order to promote the eradication of caste discrimination. Could a more conditioned approach to trade and aid be an answer? Ms. Pradeep addressed the issue by saying that there are always two sides to a coin. In the case of India there is “incredible India” or “shining India” and there is “untouchable India”. When the EU is negotiating an agreement, it should keep equality in mind. There are many things that could be raised in its dialogue with India. One issue that could be raised is impunity – many times the Indian police system does not even know the “Atrocities Act”. Caste discrimination is a problem and it must be recognized by all involved actors. Ms. Pradeep asked why it is that India cannot seem to accept solidarity with the Dalits? Mr. Shah commented that globalisation is not only a phenomenon that occurs within trade – globalisation also occurs when it comes to human rights protection. It has become a legitimate matter for all states to be concerned with. Other questions that were raised and addressed concerned the widespread impunity in India for atrocities against Dalits and the lack of implementation of India's legislation as well as the lack of mobility for Dalits across the region that is closely linked to lack of education services.

Session ii: National and International Responses to Addressing Caste Discrimination

Ms. Rikke NÖHRLIND, Co-ordinator of the International Dalit Solidarity Network gave “*An international perspective on eliminating discrimination based on work and descent*”. Ms. Nöhrind said that discrimination based on work and descent - the UN terminology encompassing caste-based discrimination - is one of the biggest human rights problems in the world today and also a major obstacle to achieving development goals, including the MDGs. Inequalities inevitably retard development. Ineffective allocation of human resources due to caste-based discrimination also distorts the labour market and affects the efficiency of an economy. Ms. Nöhrind then went on to give an account of one of the ways in which the United Nations in recent years has worked to promote elimination of caste discrimination. Since 2000, discrimination based on work and descent has been the subject of several working papers of the UN Sub-Commission on the Promotion and Protection of Human Rights, and in 2005 two experts of the Sub-Commission were mandated to undertake a full-fledged study on this subject. Their final report submitted in October 2007 contains a set of draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent. In the draft UN Principles and Guidelines it is underlined that discrimination based on work and descent is a form of discrimination prohibited by international human rights law and that “all states have a duty to acknowledge discrimination based on work and descent, to take

all necessary constitutional, legislative, administrative, budgetary, judicial and educational measures to eliminate and prevent discrimination based on work and descent ...and to respect, protect, promote, monitor and implement the human rights of those facing discrimination based on work and descent". Ms. Nöhrind stressed that without such guidelines and enhanced efforts by states, the international community and other actors, caste discrimination stands little chance of disappearing. However due to the reform process of the United Nations the guidelines has not yet been adopted as a procedural gap has emerged between the now abolished Sub-Commission on the Promotion and Protection of Human Rights and its successor body, the Human Rights Advisory Committee. Means to address this gap must be found immediately and concerned states, including the European Union, are aware of this. Ms. Nöhrind then turned to look at the European Union, where she said we are yet to see caste discrimination as a subject effectively dealt with in the political and human rights dialogues between EU and affected countries. She urged that consideration must be given to this extreme form of discrimination and that the issue be placed on the agenda of summits (EU-India), ministerial meetings and other relevant dialogue forums between the EU and affected countries, and between EU member states and affected countries in bilateral relations. She also urged the Council and the Commission to give due recognition and visibility to this enormous human rights problem in analyses and human rights reports. The Commission is yet to address caste discrimination in a concerted manner in its regional and country level strategies and programmes. Ms. Nöhrind said that IDSN strongly recommends that the Commission starts addressing caste discrimination systematically and consistently in its development programming. It is a predictable type of discrimination occurring within and undermining the impact of both development and humanitarian assistance programmes if not addressed explicitly and systematically. Ms. Nöhrind ended by saying that globalisation and market developments have diverse implications for caste-affected communities, which constitute the largest single group in South Asia subjected to forced and bonded labour and other forms of gross exploitation in the labour market. These forms of human rights violations do not appear to be diminishing in spite of the contemporary focus on corporate social responsibility, increasing international investment, and the growing number of agreements on economic and trade relations also between the EU and caste-affected countries. Ms. Nöhrind urged the EU institutions to address such issues and also encourage reservations and affirmative action policies of EU-based companies in their inter-action with caste-affected countries.

Mr. Vincent MANOHARAN, General Secretary of the National Campaign on Dalit Human Rights (NCDHR) in India gave an account of "*Critical issues and national responses*". Mr. Manoharan started out by listing a number of critical issues that is at the forefront of the struggle against caste discrimination. These are among many others untouchability practices of which there exists at least 144 of in India today, extreme forms of violence committed against Dalits – in India termed "atrocities"- and the widespread impunity that the perpetrators enjoy, compulsory assignment of the most filthy and dangerous types of work, segregation such as in dining halls, schools and living quarters and sanctioning of intercaste marriage. Contrary to other states, the government of India has some structures to address these critical issues. One is the constitution in which several articles prohibit discrimination based on caste. Another structure is the different pieces of legislation that deals with different aspects of caste discrimination, such as the Manual Scavengers Act and the Prevention of Atrocities Act. Thirdly, there are national human rights mechanisms, such as the human rights commission and several others. Several other schemes exist – Education for All, Health for All. Mr. Manoharan regretted that despite all these structures that are in place discrimination on the basis of caste continues to subjugate the lives of millions in India. He admitted that peoples' mindsets cannot be changed immediately, but the government of India can and must enforce and implement all the legislation currently in place. That will offer immediate improvement of the lives and livelihoods of Dalits.

Mr. Erich-Wilhelm MULLER, Director, Asia and Central Asia, EuropeAid Coordination Office gave the European Commission's response to issues raised by previous speakers and started out by confirming that in the whole range of the EU's cooperation with countries, be it government, civil society as well as in trade related matters, all the points made by previous speakers are very relevant. Particularly so when it comes to the human rights dialogue that the EU conducts with the different countries in question. These are part of a continuous agenda, also when it comes to the thematic budget lines which bring to surface the Commission's priorities in the broader sense of development cooperation and more. Mr. Muller then stressed that in his

view, the partnership concept is the key to push these priorities forward but that it requires strong ownership from the side of the partner state. In terms of the MDGs the Commission is particularly aware that education is the trigger point which will have an impact in the long run and trigger value change. A push and pull effect is necessary and Mr. Muller pointed out that by supporting grass root organisations the Commission is supporting the push effect. But he also pointed out that many times there is a self discipline in place among impoverished groups – a self discipline not to change and to stay in place. In such instances there seems to be a lack of thinking on behalf of the coming generations which must be overcome. In all circumstances it is important that a sharing of growth takes place. Growth is not a zero sum game and in India certainly not so. By sharing growth, one sends a strong and important signal of equality. Mr. Muller then went on to say that all the Commission instruments are geared to dealing with the issue of caste discrimination. He ended off by saying that ultimately the impact has to come from the ground and mentioned Pakistan where the official system has to demonstrate that it wants to create opportunities and that the government is there for the sake of its citizens and not only for its own sake.

Ms. Margrete AUKEN, MEP and member of the Committee on Development, in her intervention said it was about time that serious efforts were made to eradicate caste discrimination. When the European Parliament passed a resolution on the situation of Dalits it was the first time that an international institution had done so. However every time the issue of caste discrimination is brought up, it encounters strong resistance, and in that light it was great that several of the embassies were present, especially the Indian one, as it had not been present when the resolution was made. Democracy is a blessing but it brings with it certain demands and expectations, which means that India as the largest democracy in the world has an obligation to act to enforce already existing laws on caste-discrimination.

Debate: How can the EU work to eliminate caste discrimination?

In the debate, focus was mainly on what in fact the EU can do to promote implementation and enforcement of existing constitutional safeguards and legislation in India, except for bringing it to the public's attention. Mr. Muller said that from the side of the Commission it is very much about having a dialogue process with government institutions. The social sector is seen as a vehicle for social change and the Commission would very much like to be a party to a modernization process. But ownership from the side of the government has to be there. Mr. Muller said that a common value system has to be created and that there had to be something in it for both the EU and the country in question.

In his concluding remarks, **Mr. Michael CASHMAN**, MEP, said it had been an appalling afternoon sitting and listening to the tragic stories. He stressed that if countries wanted to trade with Europe they had to understand that Europe has certain rules that must be respected. If there has been a lack of development on the side of the EU on the issue of caste discrimination, it is because there is a lack of political courage. Mr. Cashman recalled what a disgrace it was at the time of the passing of the resolution of the situation of Dalits in India where some members of parliament argued against the resolution by saying that caste discrimination is a part of culture. Discrimination on the basis of caste must be seen as what it is: A serious human rights violation. Mr. Cashman said he was thrilled to see that governments were present and he urged them to take back the message that the barbaric practice of caste discrimination has to end. The issue will continue to be raised also in the European parliament. He urged those present to look at all the strategies, association agreements and human rights articles and to uphold the pressure on the relevant committees and delegation of the parliament. Finally, Mr. Cashman said that our ability to imagine is what separates us from other species. He asked the audience to imagine with him what caste discrimination would mean if it happened to his father, brother or uncle. Would he allow it to happen, would he allow it to continue?

To access the research reports referred to by Mr. Shah, Prof. Islam and Prof. Silva please see <http://www.idsn.org/tekst/asia-doc.htm>