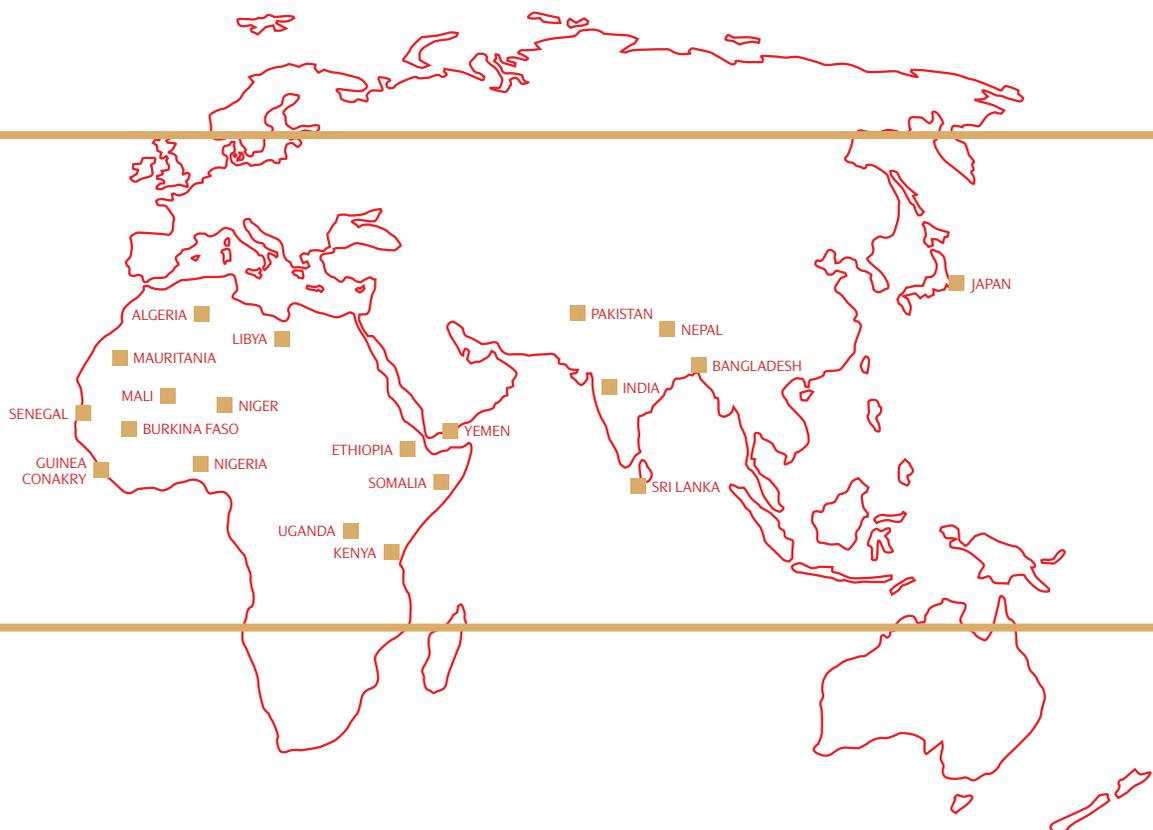


INTERNATIONAL CONSULTATION on Caste-Based Discrimination

Establishing Dalit Rights in the Contemporary World;
the Role of Governments, the United Nations and the Private Sector

29. November - 1. December 2004 ■ Katmandu, Nepal



Executive Summary

Introduction

Kathmandu, Nepal was the venue for an historic event in the relatively young global movement to eliminate caste-based discrimination. Held from November 30 to December 1, 2004, the International Consultation on Caste-based Discrimination (“the Consultation”) carried the theme **ESTABLISHING DALIT RIGHTS IN THE CONTEMPORARY WORLD; THE ROLE OF GOVERNMENTS, THE UNITED NATIONS AND THE PRIVATE SECTOR**. The organisers – the International Dalit Solidarity Network¹ (IDSN) and the Dalit NGO Federation of Nepal² (DNF) – welcomed over 100 participants from Nepal, India, Sri Lanka, Bangladesh, Japan, Senegal, USA, Switzerland, UK, Denmark and several other European nations. Experts came not only from low-caste communities around the world, but also from the UN system, governments, development agencies, human rights bodies, the labour movement, academia, the World Bank and Dalit solidarity movements.

The Consultation aimed to enhance implementation of General Recommendation XXIX of the United Nations Committee on the Elimination of Racial Discrimination (CERD), to explore best practices and to consider new measures to fight caste discrimination. The programme sought to enhance capacity to influence and advocate for policies and measures to counter caste discrimination through international and governmental agencies, the United Nations (UN), the European Union, the private sector and other decision-makers.

The Consultation addressed important issues such as ‘best practice’ both in terms of legal, judicial, administrative and educational measures and in terms of mainstreaming Dalit human rights in development cooperation and in the private sector. Valuable and insightful research was presented in terms of the mechanisms of continuing caste-based discrimination and the place of Dalits in government, corporate, UN and development policy. However, one outcome of the Consultation overshadows the others: **the adoption of the Kathmandu Dalit Declaration**. The Declaration (see Annex) provides a raft of concrete measures that can be taken by all stakeholders to work towards the goal of eliminating caste-based discrimination throughout the world. These measures provide a challenge and opportunity for action by governments of caste-affected countries, national human rights institutions, the UN human rights bodies and specialised agencies including the International Labour Organisation (ILO), bilateral aid agencies, the European Union, donor countries, financial institutions, the private sector including transnational corporations, and non-governmental organisations (NGOs).

Such action is indeed urgent, for descent-based discrimination affects in the most obscene and inhumane ways the daily lives of an estimated 260 million people around the world. The full scale of the problem is still probably not known, but the depth of the problem was made painfully clear by the five ‘witnesses’ who presented their testimonies during the Consultation. Very real and current manifestations of caste-based discrimination were described with the authority of those who have suffered, struggled and survived in the face of this deeply entrenched system. They portrayed their experiences and those of the Nepalese Dalit communities they belong to: intergenerational bonded labour; degrading untouchability practices; forced occupations such as removal of animal carcasses and prostitution; rape and sexual abuse of girl-children; abandonment of Dalit mothers and children by ‘higher caste’ fathers; perversion of justice; destruction of property and livelihood; beatings by police; denial of citizenship; extreme impoverishment; and exploitation by both sides of Nepal’s armed conflict. The participants in the Consultation were moved to tears by the statements and also moved to action. Petitions were collected on behalf of the victims of two of the cases and a delegation went with the witnesses to seek justice from the Nepalese authorities. The participants will eagerly follow these and similar cases to urge effective action in favour of the victims of caste abuse.

The armed conflict in Nepal was at the forefront of consideration throughout the Consultation. It was clear to all that caste discrimination is both a cause and a consequence of the civil war, with Dalits being the primary victims. Ms. Jasmine Rajbhandary of the Department for International Development perhaps summarised the feelings of the participants by saying, “Resolving the conflict is a precondition for poverty reduction in Nepal, and addressing exclusion is a key conflict reduction priority.”

Yet Nepal is far from alone in relegating a significant section of its population to sub-human status: Dalits and low-caste people in a wide range of countries are subject to remarkably similar forms of ‘untouchability’ or slave-like treatment, and similar violent or degrading punishments for standing up for their most fundamental human rights.

1. The International Dalit Solidarity Network (IDSN) was established in 2000 with the purpose of raising consciousness of Dalit issues nationally and internationally and advocating for Dalits human rights at all levels. IDSN is a network of international organisations, national solidarity networks and national advocacy groups in caste-affected countries. Dalit Solidarity networks exist in Germany, the United Kingdom, the United States of America, the Netherlands, France, Denmark and Sweden. Associates of IDSN include Human Rights Watch, International Movement against All Forms of Discrimination and Racism, the Lutheran World Federation, Anti-Slavery International, Minority Rights Group and the Asian Human Rights Commission.

2. The National Dalit NGO Federation (DNF) is a national umbrella body for Dalit organisations in Nepal with a membership of about 200 individual organisations. DNF is a coordinating member of the Human Rights Treaty Monitoring Coordinating Committee, and has been a Council Member of IDSN since 2002.

Opening Session

The Consultation began with Mr. Paul Divakar of the National Campaign For Dalit Human Rights - India (NCDHR), explaining the need for internationalisation of the fight against caste-based discrimination. "This struggle has emanated from the villages and cities in our countries, where Dalits have discovered that the issue must have visibility, that caste discrimination must have a place in the international human rights arena, and that the policies in our countries (which in fact display a dual policy – that the problem exists, but that the issue should be denied) must be changed. In short, we must break the mask of invisibility."

From the beginning, the Consultation took a political stance on the current conflict in Nepal, with the Chairperson D. B. Sagar Bishwakarma announcing: "From the dais of this consultation, I would also like to urge His Majesty's Government to initiate peace talks to resolve the prevailing conflicts and restore peace in the country through the involvement of the United Nations if necessary." The severe impact of the conflict on Dalits was reiterated time and again during the course of the three-day Consultation.

Undertakings were made by Nepal's Deputy Prime Minister Mr. Bharat Mohan Adhikari, who declared that the government would implement reservations for Dalits in addition to providing 140 million Nepali Rupees worth of scholarships to 500,000 Dalit and other marginalised children, and that the government would institutionalise the National Dalit Commission. Mr. Kedar Prasad Poudyal, Acting Secretary of Nepal's National Human Rights Commission announced that the Commission would inaugurate a new programme to resolve the vulnerability of Dalit people their low level of education, their poor economic condition, and especially the untouchability practices. Ms. Nathalie Prouvez, CERD secretary stated, "This is an important event for the CERD and the Office of the High Commissioner of Human Rights. You will have our full cooperation and support in your efforts to achieve the result we are all aiming for."

Session I: The UN Committee on the Elimination of Racial Discrimination, General Recommendation XXIX and Country Situations

The first session provided a global overview of caste-based discrimination, an explanation of CERD's General Recommendation XXIX, a look at the implementation of CERD's Concluding Observations to Nepal and an overview of the current situation of caste-discrimination in India, Sri Lanka, Bangladesh, Japan and Africa.

I-A. CERD and General Recommendation XXIX

The Consultation was presented with a sobering overview of descent-based discrimination around the world. Twenty different nations were identified where this degrading form of discrimination is still being practiced (Algeria, Bangladesh, Burkina Faso, Ethiopia, Guinea Conakry, India, Japan, Kenya, Libya, Mali, Mauritania, Nepal, Niger, Nigeria, Pakistan, Rwanda, Senegal, Somalia, Sri Lanka and Yemen). Caste discrimination has proven more resilient than legal 'safeguards', free education and economic development. Parallels between Asian and African systems are remarkable, particularly in terms of the concepts of purity/pollution and untouchability, forced occupations and bans on inter-marriage. There are deep connections between caste and slavery, servitude, bonded labour and economic class, and the parallels with racism are all too evident.

In many of these countries, even recognition of the problem and basic data about affected communities are lacking, and legislative measures have not yet even been considered by the relevant governments. However, even in those countries with model legislation such as India, implementation of measures remains pitifully low. The collection of more data (particularly in Africa) was seen as urgent, as was the development of anti-caste social movements and increased UN engagement.

CERD has provided a tool for civil society to call governments to account on caste abuse in the form of General Recommendation XXIX. This Recommendation interprets the International Convention on the Elimination of Racial Discrimination (ICERD) in terms of the specific form of discrimination faced by Dalits and low-caste communities, urging a wide range of measures on the part of governments. CERD's Concluding Observations on Nepal's periodic report provides even more specific recommendations to the Nepalese government. For countries like India which have seriously failed to meet their reporting requirements, CERD can and often does

undertake its own review procedure to analyse the level of implementation of the Convention. The Committee can also take up communication directly with states during the period between submission of reports.

Representatives of the Dalit movement in Nepal outlined in detail the failure of their government to implement CERD's General Recommendation and Concluding Observations. The few positive initiatives proposed by the government (reservations in education, maternal registration of children and the establishment of a National Dalit Commission) have not materialised, and socio-economic upliftment measures have thus far failed to reach the impoverished millions of Dalits in rural Nepal.

Mr. Tek Tamrakar, Dalits, Development and Law - Nepal, called for meaningful political representation for Nepal's Dalits, saying, "It is not reasonable to think that the perpetrators and beneficiaries of caste discrimination will effectively implement plans and policies against caste discrimination." He also called for continued general democratic reform in Nepal and for the introduction of special legislation to protect Dalits. In response the Secretary of the Ministry of Local Development, Mr. Bal Krishna Prasai said the government was "serious" about eliminating caste discrimination, that it would implement free secondary education for all Dalits, and that it was "considering" reservations in education, employment and in Village Development Committees.

I-B. Country Situations

Over the past eight years, the Government of **India** has taken the cynical position that caste should not be raised at UN fora. India has however been unable to prevent the issue from being raised by the CERD and the UN Sub-Commission on the Promotion and Protection of Human Rights ("the Sub-Commission"). Further, India's superficial 'success' – in excluding a paragraph on discrimination on the basis of work and descent from the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) Programme of Action – backfired when it sparked an unprecedented international awakening to the problem, due to both the government's own intransigence and the enormous civil society movement in favour of the Dalits. The problem in India is not seen as a constitutional or legal one, but rather a criminal justice problem: the laws are simply broken with impunity. Lack of political will has doomed administrative measures to failure. The statutory bodies established to safeguard the rights of Dalits and other marginalized groups have "been of no serious consequence to the affected communities in India," according to Mr. Henri Tiphagne. Mr. Tiphagne highlighted civil and political problems such as lack of voting rights and political representation, and stated that "inter caste marriage is still an illusion, the realisation of which leads to gross forms of violence." Economic, social and cultural rights have also been denied to Dalits on a massive scale, particularly in terms of access to education, health care, social security services, programmes for child labourers, debt bondage and the continuation of degrading practices such as manual scavenging. India's Dalits demand the submission of the Indian government's overdue reports to CERD and expect a more enlightened approach to the issue on the part of the new government.

Sri Lanka faces a dual caste problem: a secularised version of caste discrimination which leaves the Rodiya community at the bottom of the Sinhalese hierarchy; and a traditional Hindu caste system practiced by the Tamil minority, which oppresses Plantation Tamils (or 'Indian origin' Tamils, mostly working in difficult conditions on the Sri Lanka's tea estates) and other outcaste groups. The government remains in the hands of the Sinhalese upper caste community, with Dalits and low-caste groups completely disenfranchised. One enormous victory of the Plantation Tamils was to gain citizenship after decades of being Sri Lanka's 'non-people'. This is, however, overshadowed by the socio-economic deprivation and exclusion which they still face. Despite the free education system, private discriminatory practices continue to flourish, as witnessed by marriage advertisements openly referring to the 'caste status' of potential husbands and brides.

Significantly, the 1.5 million Dalits of **Bangladesh** were represented at the Consultation. Brought to modern Bangladesh more than 150 years ago to perform their traditional sweeping jobs for the colonial rulers, the community continues this occupation as their main source of economic survival. However even this meagre form of survival is being taken away, and while some have found work in other 'polluting' spheres, such as in graveyards and tanneries, many have had to migrate to India to find work. The Dalit community is suffering immense economic hardship, which is extreme even considering the under-development of Bangladesh as a whole. With approximately 1% literacy, the constant threat of unemployment, dilapidated housing, landlessness and a lack of access to affordable basic healthcare, the community is struggling with grinding poverty, poor health and a bleak outlook. Their representative Mr. B.G. Murthy explained candidly, "Malnutrition and diseases are our constant companions and many of us have to die every year due to lack of medical treatment."

The Buraku community of **Japan** continues to be discriminated against despite the country's economic advancement and the application of special measures to facilitate Buraku education. Japan's efforts to educate the public about the need for respect and social advancement for Burakumin have been seriously inadequate. As a result, hate-speech and anti-Buraku propaganda have been on the increase in graffiti and on the internet. The government has decided to tolerate such abuse, which goes so far as to call for 'extermination of Buraku clans'. In addition the withdrawal of special measures for Buraku improvement has gone ahead without evaluation regarding the effectiveness of these programmes. The Buraku community fears that in the absence of special measures for education, school completion rates for Buraku children will again fall after a period of increased education and job-readiness. The approach of the Japanese government in relation to reconsidering affirmative action for Burakumin has been unflinching, in line with its refusal to admit that Buraku discrimination is covered by the ICERD in spite of CERD's explicit confirmation of this fact. Burakumin are calling for action from the Japanese government and from UN bodies including the Commission on Human Rights, the ILO and the Educational, Scientific and Cultural Organisation (UNESCO) to support moves by CERD and the Sub-Commission to promote the rights of people discriminated on the basis of work and descent.

The presence of an expert on caste discrimination in **Africa**, Mr. Abdoul Lamin Kamara, opened the window to a widespread yet hidden problem in the continent grounded in the same concepts of 'purity' and 'pollution'. A history of following particular forced occupations, myths about ancestors and descent from prisoners of war or from slaves mark out particular groups for extreme socio-economic oppression and exclusion. Mr. Kamara referred to outcaste people collectively as 'castes' rather than 'Dalits', but the forms and reality of discrimination in Africa and Asia are astonishingly similar. He called for African states and the African Commission on Human and Peoples' Rights to establish specific mechanisms to combat caste and descent-based discrimination, as this phenomenon is widespread in the continent. He provided four country examples.

The situation of castes in **Senegal** showed some signs of political advancement with the formation of political parties since 1992. However, the situation on the ground has changed little, and despite Senegal's secular democracy members of castes continue to be prevented from speaking in public, from marrying freely, from going to school or owning land and continue to be treated as untouchable. In **Guinea Conakry**, despite the ratification of ICERD and constitutional provisions outlawing such discrimination, castes continue to be subject to severe social exclusions that prevent them from intermarriage, from participating in socio-religious ceremonies and even from accessing public land. In **Mauritania** there is an intertwining between caste discrimination and traditional slavery practices, oppressive interpretation of religious 'law', and racial discrimination. The effect of these influences leaves groups such as the Imraguen and the Haratins outcaste, vulnerable to slavery, impoverished and completely oppressed. Three caste groups of **Somalia**, referred to collectively as the Sab, experience life-long discrimination and systematic isolation, face violence, rape, slavery and landlessness and are prevented from freely marrying, going to school or entering into politics on account of their low-caste status.

Session II: Effective use of UN Mechanisms, National Human Rights Institutions and UN Agencies in Eliminating Caste-Based Discrimination

This session provided an overview of recent developments on caste-based discrimination in the UN, with special input from an expert of the Sub-Commission and the UN Special Rapporteurs on the Rights to Education and to Adequate Housing. Following this, the role of the Nepalese and Indian National Human Rights Commissions was investigated. Finally the Consultation was given a deeper look at the place of caste discrimination in the UN system in terms of mainstreaming, and a complete analysis of the historical, present and future role of the UN in tackling caste-based discrimination.

II-A. UN Mechanisms and Caste-based Discrimination

The UN human rights system has done too little too late to address caste-based discrimination in its instruments, and missed another enormous opportunity to do so at the WCAR. However the efforts of civil society at that Conference brought the issue into the consciousness of the international human rights community, and some very positive steps forward have been taken since then. CERD has issued General Recommendation XXIX on descent-based discrimination, and has analysed caste discrimination in its Concluding Observations to Nepal. The Sub-Commission has continued a process of describing and highlighting discrimination on the

basis of work and descent, issuing three Working Papers on the subject and proposing a study by Prof. Chung Chin-Sung and Prof. Yoza Yokota, leading to a set of Principles and Guidelines for the effective elimination of this type of discrimination.

Sub-Commission expert Prof. Chung explained that a three-year process would be undertaken, and would involve workshops with NGOs and government representatives. She expressed concern about the impact of globalisation on Dalits and low-caste communities. Research, monitoring and social, economic and structural measures should be taken for the advancement of low-caste communities, including land reform and more comprehensive housing policies. All procedures to eliminate discrimination should be made with the involvement of the affected parties, with special attention to women and children.

Mr. Vernor Muñoz Villalobos, UN Special Rapporteur (SR) on the Right to Education stated, "The Dalit cause is my cause, that's why I'm here. There is much left to do in terms of the right to education, especially for the discriminated groups such as those in Nepal, India and Africa." The SR shared his sentiments on hearing of a case where an anonymous 11 year-old Dalit boy was beaten – one of so many Dalits deprived of security and education as a result of caste discrimination.

The UN Special Rapporteur on the Right to Adequate Housing, Mr. Miloon Kothari, was also on hand to explain his mandate in relation to the problem of caste discrimination. He spoke of the need to more strongly denounce the deprivation of economic, social and cultural rights – including the right to adequate housing – faced by excluded low-caste communities. Mr. Kothari encouraged the Dalit movement to link with civil society networks working on various issues connected to the problems of Dalits, and to provide information to relevant SRs, who can send 'communications' to governments even where visits are impossible. He also spoke of caste-like practices against slave-descendent communities of Brazil, and likened caste discrimination to the discrimination faced by the Roma in Europe.

II-B. The Role of NHRCs in protecting and promoting Dalits' human rights

Nepal's National Human Rights Commission (NHRC) came under fire for its lack of Dalit representation and a perceived unwillingness to effectively investigate and advocate on behalf of Dalit victims of human rights violations, even in extreme cases and where data was readily available. The Acting Secretary of the NHRC assured the Consultation that the Commission was trying to address the issue of representation of marginalized communities, saying that "a draft provision to this end will be ready within a few months." The NHRC has made some positive impact by documenting atrocities in the conflict, by visiting areas of the country inaccessible to the government, and by influencing the government to provide compensation to women victimised through accusations of 'witchcraft'.

The efforts of the Indian NHRC were also seen as inadequate in terms of taking up cases of abuse against Dalits and marginalized groups in general. Problems relate to inaccessibility, inefficiency, and lack of cooperation and accountability. However, the role of the NHRC in the debate on including caste discrimination in the WCAR was very positive, as it took a public line opposing that of the government. Recent positive developments include the publication of an NHRC report on atrocities against Dalits and the formation of a Dalit cell in the Commission.

II-C. The Role of UN Organisations in the Elimination of Caste-Based Discrimination

The UN is attempting to mainstream human rights into all areas of its work, from peacekeeping to development. Human rights are seen as the foundation for all that the UN does, and fighting discrimination is one of the most fundamental means by which human rights for all can be achieved. The UN treaty monitoring bodies and Special Procedures of the Commission of Human Rights are available for civil society to use in their efforts to end caste-based discrimination. 'Shadow reporting' is seen as an effective way for NGOs to portray the true picture of discrimination in a given country. Ms. Carla Covarrubias of the UN Development Programme (UNDP) informed the Consultation that the UN stands ready to follow up on the recommendations of the Consultation and to cooperate with Dalit movements to combat caste-based discrimination by strengthening national protection mechanisms.

The UN is expected to act on its words to help deliver the elimination of all forms of discrimination, including caste-based discrimination. However, the history of the UN's failure to raise the caste issue does not help to build confidence. Mr. Vincent Manoharan, NCDHR, outlined the mechanisms which should apply to Dalits in India but have until recently completely ignored their plight. The Human Rights Committee took 18 years to

raise the issue. CERD took 27 years. The Sub-Commission, the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on the Rights of the Child and the ILO have only recently (since 2000) added their voices in support of outcaste communities. UNESCO and the UN Commission on Human Rights³ have still not referred to caste discrimination. Even the UN's high profile development initiative was seen to have fundamentally ignored Dalits: "The Millennium Development Goals have yet to address the root cause of Dalit deprivation. Because of this non-committal approach towards Dalit development, the goals of reducing poverty and injustices may not be realised." Mr. Manoharan concluded his presentation by saying, "Ever since the UDHR was promulgated and the UN Human Rights Charter was passed, Dalit rights have not found any space under the sun. The discourse on a global standard for human rights has always excluded Dalit rights in every possible way... even these belated initiatives are insufficient. A great deal needs to be done before we can say that UN bodies have played a significant role in the elimination of caste based discrimination."

Session III: The Role of the Private Sector and Transnational Corporations in Addressing Caste-Based Discrimination

This session probed the role of the private sector in respecting the rights of outcaste communities. Firstly the existing and planned codes of conduct for business were summarised in terms of their relevance to caste-based discrimination. The ILO explained its measures relating to discrimination on the basis of caste. The role of transnational corporations in Dalit exclusion from the new economy was explored. Finally, a comprehensive analysis of the historical and current exclusion of India's Dalits from markets, and the implications for addressing this discrimination were presented.

As transnational companies penetrate from the international to local level and governments' ability to regulate them wanes, Dalits become integrated in highly unequal economic relations at the end of the chain of production. At the same time, Dalits are being excluded from the new technology industries in India because they lack the caste networks and often the education necessary to be considered. With the failure of governments to use legislation to ensure multinational investors respect the rights of marginalized communities, the companies themselves are being called to account through voluntary codes of conduct. The most prominent initiative in this area is the [UN GLOBAL COMPACT](#), which is vague and lacks enforcement mechanisms, but may still be used to compare practice to stated ideals. The [OECD GUIDELINES FOR MULTINATIONAL COMPANIES](#) are more clearly elaborated and have a quasi-enforcement mechanism in the form of National Contact Points, to which complaints can be made. One of the most comprehensive codes of conduct is the [UN HUMAN RIGHTS NORMS FOR BUSINESS ENTERPRISES](#), which encourages affirmative action to counter traditional discrimination and envisages a reporting and monitoring mechanism. Other important initiatives are the [GLOBAL SULLIVAN PRINCIPLES](#), the [ILO DECENT WORK AGENDA](#) and its [TRIPARTITE DECLARATION OF PRINCIPLES CONCERNING MULTINATIONAL ENTERPRISES AND SOCIAL POLICY](#).

There is a need for studies to be conducted on the impact of private sector activities on Dalits, and the movement needs to combine with the wider human and worker rights movements to include issues affecting Dalits in codes of conduct. The Ambedkar Principles, drafted in September 2004, were presented to the Consultation. After further discussion and amendment, these Principles could create an appropriate instrument that foreign investors in South Asia may endorse to signify their willingness to engage with the process of eliminating caste discrimination.

ILO Convention 111 provides an important mechanism for combating caste-based discrimination, referred to as discrimination on the basis of 'social origin'. The Convention urges anti-discrimination measures in employment, occupation training and work placement. Affirmative action measures and skills development are seen as important in tackling entrenched discrimination. However, lack of resources hampers monitoring in Nepal, and the informal sector in which the majority of Dalits work is not being monitored. The ILO is trying to further improve its efforts to combat discrimination in work.

Transnational corporations are investing heavily in India across a wide range of sectors. These corporations are increasingly being made aware of the impact that their investments can have on the continuation of caste-based discrimination. The caste system was likened to the apartheid system in South Africa, marked by segre-

3. Special Rapporteurs and the Sub-Commission are increasingly paying attention to caste discrimination within their mandates, but the Commission on Human Rights is yet to make reference to caste-based discrimination.

gation, discrimination and violent oppression of those who try to assert their equality. The fight against apartheid – which involved holding transnational corporations to account for their role in supporting the apartheid regime – can serve as a model for the international struggle to end caste-based discrimination. Those corporations who ignore caste-based discrimination run an enormous risk of exacerbating the problem as caste bias is the default option. Dalits are excluded from India's famous 'new economy', further increasing the gap between the caste Hindus and the 'untouchable' Dalits. Some corporations have already begun to implement affirmative action policies to ensure that Dalits are given an equal chance to prove themselves in the new economy.

One of the most striking insights of the Consultation was that provided by Prof. Sukhadeo Thorat, Indian Institute for Dalit Studies, on the exclusion and unfavourable inclusion of Dalits in the labour, land, housing, education, capital, consumer goods and product markets. Discrimination against Dalits has chiefly been viewed as a human rights issue, but ignored in terms of its negative impact on economic growth. Yet it is clear that discrimination in access to occupations on the basis of caste is a significant constraint on growth. Productivity is affected by reduced work commitment and effort on the part of Dalit workers who realise they are victims of wage discrimination. Income inequality can even lead to communal conflict. As market discrimination is deeply entrenched, and has proven to be anything but self-correcting, special measures are required to enable equal access for Dalits. Taking relevant examples from around the world, Prof. Thorat showed that three measures would be necessary to overcome market discrimination: enactment of equal employment opportunity laws, wide-reaching affirmative action in both private and public sectors, and compensation through one-time land or monetary settlements in reparation for historical disadvantage. According to mainstream economic theory, such measures to open up access to markets closed to Dalits by the caste system should lead to economic growth, in addition to their contribution to justice, equality and human rights.

Session IV: Mainstreaming Dalit Rights in Development Programming

In this session, the exclusion of Dalit women from development in India and Nepal was made evident, and an outline of the overall place of Nepal's Dalits in terms of development was presented. A means of Dalit upliftment through non-formal education was described, and the Nepalese government explained its past problems and future plans in terms of Dalit development. Agencies active in Nepal – Save the Children US, the UK Department for International Development (DfID), the World Bank, Denmark's Danida and the European Union – provided their insights on the challenges and successes of Dalit development in Nepal. This was followed by an analysis of the role of NGOs and political parties in building Dalit movements capable of social transformation.

IV-A. Dalits and Development

What the Government of India has achieved on behalf of Dalit women can best be described as "mal-development". Dalit women are the most economically depressed, the least literate, the most excluded from markets and the least protected in employment. Each Dalit woman should be granted at least five acres of land in their own name, and should have access to Dalit reservations in both the public and the private sectors.

With very high levels of both gender discrimination and caste discrimination in Nepal, it is not surprising that Dalit women are at the bottom of the development pile. But the true measure of their plight is in the range of problems they face: untouchability, poverty, illiteracy, poor health, domestic violence, sexual exploitation and trafficking. They are the main victims of the armed conflict and of intercaste marriages, are denied the most basic labour and occupational rights, and suffer other human rights violations ranging from rape to accusations of witchcraft. Ms. Durga Sob, Feminist Dalit Organisation, presented a damning audit of a number of the government's programmes designed to assist women or Dalits, each of which has completely failed to include Dalit women. Ms. Sob urged the women's movement, the Dalit movement and the human rights movement to agitate for the upliftment and protection of the oppressed Dalit women of Nepal.

Development indicators show that in Nepal, as the country develops, Dalits continue to be left behind. There is a correlation between this fact and the absence of specific Dalit policies in development programming. Very few agencies have specific Dalit policies, either in their development programmes or in their staffing arrangements. The agencies, for their part, cited various factors contributing to the lack of Dalit development, including un-

touchability and geographic problems, the lack of cooperation and of disaggregated data, and the perceived priorities of Dalit NGOs. Significantly, there was consensus among Nepal's development agencies that not enough is being invested in Dalit development given the size of the population and the severity of Dalit problems. Participatory processes for the development of non-formal education curricula provide a means by which Dalit communities can have access to education relevant for their own upliftment. By identifying the important issues and determining the mechanisms by which they can best learn about those issues, Dalits can work with educators to develop materials and educational fora that enable community organising, critical discussion and community decision-making, which contribute to their development and liberation. This process is being used effectively in rural Nepal.

Mr. Hem Sharma Pokharel of Nepal's Ministry for Local Development admitted that there are serious problems with the implementation of legal and constitutional provisions designed to protect Dalits and other marginalized groups. While he acknowledged that the results of the government's 8th and 9th five-year plans were "not very inspiring", the 10th plan contains stronger measures based on the socio-economic upliftment of Dalits and other impoverished or excluded groups. The plan promises free education to secondary level for all Dalit children, along with measures for empowerment and development of Dalits. The government's current challenges include institutionalising the National Dalit Commission; empowerment of Dalit women; improving Dalit research, monitoring and evaluation; resolving the problems delaying Dalit reservations; and most importantly the implementation of existing legislation designed to assist Dalit development and eradicate discrimination and untouchability.

IV-B. The Role of NGOs, Bilateral and Multilateral Agencies

Save the Children US and DfID are two development organisations attempting to actively include or target Dalits in their programmes. Save the Children US has placed a high priority on preparing and assisting Dalit children to participate equally in good quality public schooling. DfID's focus is on increasing the institutional capacity of national Dalit NGOs and on ensuring the collection and analysis of useful and meaningful data for the current and future development of Dalits.

The World Bank (WB) has also begun to consider the problem of caste discrimination as a fundamental barrier to poverty reduction, and requires the government to enable Dalit access as a criterion for receiving WB poverty alleviation funds. WB has developed a means of measuring empowerment and inclusion, which shows that Dalits are far behind all other groups, with Dalit women being the most deprived of a voice and the capacity for self-development.

The invaluable experience of Danida's work with Dalits in Nepal provides numerous insights for development agencies, NGOs and all others seeking to assist Dalit self-empowerment and equality on the ground. Dr. Jit Gurung shared some of the problems identified during the first phase of Danida's support for Dalit organisations (2000-2003): traditional ideologies and mentalities; lack of access to the means of production and technology; lack of awareness amongst Dalits, non-Dalits and government agents; low capacity of Dalit NGOs; and gender-based discrimination. Taking these problems into account, in the second phase Danida is supporting the development of local, independent Dalit organisations via the main national Dalit NGOs and aiding the development of the National Human Rights Commission. Action is being taken on issues such as public-police interaction, land rights and coordination of donor programmes. Danida's early decision to invest in Dalit self-empowerment has paid off notably in terms of sensitising government, aid agencies, NGOs and the general public to the problems associated with caste-based discrimination in Nepal.

The European Union is funding several initiatives targeting the Dalit community of Nepal including advocacy, media and community empowerment projects. The European Commission is capable of 'mainstreaming' Dalit rights through its political dialogue with concerned governments, and by assessing the impact of all assistance (trade, development, economic co-operation) in terms of its impact on Dalits. In addition the EU could ensure and promote good employment practices by giving Dalits equal opportunities to access EU work.

Mr. Hira Vishwakarma, DNF, was highly critical of the role being played by Dalit NGOs and the Dalit 'sister organisations' of Nepal's political parties. The NGOs have concentrated on acting as 'contractors' for international agencies rather than calling the government to account for its responsibility to uplift Dalits. The Dalit sister organisations of political parties have failed to take up opportunities to provide concrete assistance to Dalits facing grave problems. If they continue to flounder in building Dalit social movements, Dalits may need to form their own political party. Ironically the greatest impact in building a real Dalit movement has been made

by a non-Dalit NGO who used adult education to encourage the Chamar community to stand up for its rights by refusing to continue their traditional, forced, 'polluting' occupations. This resulted in an enormous backlash by the upper caste residents, but it also had a very positive effect in building a movement in support of Dalit emancipation. The current resources available for Dalit grassroots work must lead to the formation of a true social movement of Dalits, which is the only hope for eradicating caste-based discrimination in Nepal.

Closing Session

Following the presentation of the landmark Kathmandu Dalit Declaration, Ms. Rikke Nöhrind, IDSN, summarised the outcomes of the Consultation: "We have expanded our knowledge especially on the situation of Dalits in Nepal, and made new contacts. Measures and strategies to work towards the elimination of caste-based discrimination have been put on the table. Inspiration and new ideas have flowed on how to enhance the impact of what's already being done and what we will set out to do in the future. We have witnessed new and important commitments and will eagerly follow the response to the recommendations presented at this Consultation - especially that of governments and the international community."

Conclusion

The Consultation expressed its deep concern that the efforts being made to combat this severe and systematic form of discrimination are at this stage completely inadequate. Caste discrimination remains rampant in the world, and has proven to be resilient to the normal measures expected to combat such problems. Oppression, exclusion and violence with impunity against low-caste communities remains strong whether one looks at countries which have put in place laws and affirmative action measures to counteract caste discrimination (such as India), countries that are highly economically developed (such as Japan), non-Hindu countries (such as Bangladesh), or countries with very high education standards (such as Sri Lanka). In these countries political will is seriously lacking, and much deeper measures – including compensation, private sector reservations – are needed in order to address not only current but also past exclusion from markets. Clearly the affected African countries – which have almost universally turned a blind eye to the problem – have not made any progress at all. Much more research is needed before we can even comprehend the scale and depth of the problem in that continent.

In spite of this, with few exceptions the UN, governments, development bodies, financial institutions, corporations and NGOs have failed to even ensure they are not exacerbating the problem, let alone take strong steps to counteract this type of discrimination. So much more needs to be done. The Consultation's Kathmandu Dalit Declaration provides concrete proposals for how to move forward in this regard. All stakeholders are urged to implement the measures outlined in this document.

The papers presented at the Consultation were of an exceptionally high standard. While the papers could only be summarised in this report, they are nevertheless available in their entirety on the IDSN website www.idsn.org. These documents should be used widely, as they provide groundbreaking analysis of caste based discrimination, invaluable insights from unique experiences of working with Dalit communities and an enormous number of specific recommendations for tackling discrimination on the basis of work and descent.

REPORTING: TIM GILL, ASIAN HUMAN RIGHTS COMMISSION/IDSN



Dalit NGO Federation, Nepal

Lhotse Marg
Kamalpokhari
Katmandu, Nepal
P.O.Box 12729
Telephone +977 1 4415397



International Dalit Solidarity Network
WORKING GLOBALLY AGAINST DISCRIMINATION BASED ON WORK AND DESCENT

Nørregade 13
DK - 1165 Copenhagen K
Telephone +45 33 18 77 99
E - mail: rn@idsn.org
www.idsn.org