United Nations

2017 was a very active year for IDSN’s UN advocacy work as there were several key human rights reviews of caste-affected countries that were covered by IDSN. These included the Universal Periodic Reviews of India, the UK, and Pakistan and Treaty Body Reviews of Bangladesh, Pakistan and Sri Lanka. Reports and statements from Special Rapporteur visits to India and Sri Lanka were also released in 2017 as well as a relevant thematic report by the Special Rapporteur on slavery.

IDSN submitted input in collaboration with members in caste-affected countries, facilitated the participation of Dalit rights activists in key processes at the UN and in advocacy meetings with delegations and ensured Dalit representation wherever possible. IDSN also held a capacity building workshop for Dalit activists in Nepal on UN and EU advocacy.

One of the key highlights in 2017 was the launch of the UN Guidance tool addressing global caste-based discrimination. IDSN participated in consultations ahead of the tool and promoted the tool extensively in 2017.

Office of the High Commissioner for Human Rights (OHCHR)

UN guidance tool on caste discrimination

In March 2017, the United Nations Office of the High Commissioner for Human Rights (OHCHR) launched the “UNOHCHR Guidance Tool on Descent-Based Discrimination: Key challenges and strategic approaches to combat caste-based discrimination and analogous forms of discrimination.” The tool is meant to support UN country teams, agencies and other stakeholders in combating caste-based discrimination. IDSN has been involved in consultations surrounding the tool and took part in the launch in Kathmandu.

IDSN also published the IDSN Roadmap to the UN Guidance Tool in order to make it more accessible and practical for UN stakeholders at the country level, human rights defenders and Dalit civil society organisations. In addition to the launch of the Guidance Tool, the Office of the High Commissioner for Human Rights also mentioned caste in numerous statements and reports.
Caste discrimination remains a deeply rooted problem in caste-affected countries. In this photograph, from Nepal, Dalit families must use a separate water tap from the rest of the villagers due to stigma and belief that they would pollute the taps. The ‘Dalit’ tap is always overcrowded, while there is no que at the other tap.

Photo by Jakob Carlsen

In a historic event in Kathmandu in March 2017, the United Nations Office of the High Commissioner for Human Rights (OHCHR) launched a comprehensive guidance tool addressing caste-based discrimination.

The tool is meant to support UN country teams, agencies and other stakeholders in combatting caste-based discrimination and has been welcomed by UN stakeholders as well as human rights activists across the world.

The tool is the first of its kind to directly address caste and forms part of an Action Plan to support the implementation of the recommendations contained in the Guidance note of the UN Secretary-General: On racial discrimination and protection of minorities.

A wide range of stakeholders were consulted by the OHCHR when creating the tool, including IDSN, the Asia Dalit Rights Forum (ADRF), Dalit rights organisations, international human rights organisations and OHCHR staff and leaders. It is hoped that the tool will bring much needed attention to and encourage action on one of the most severe forms of discrimination in the world.

“The UN guidance tool on caste-based discrimination will be tremendously useful to those both within the UN system and beyond, working to combat this heinous form of discrimination,” said Meena Varma, Chair of the IDSN board and Acting Executive Director of IDSN.

Several civil society leaders, UN agencies, country teams and networks were represented at the launch, which took place on 27 March 2017. The launch was attended by Rita Izsak, Special Rapporteur on Minority Issues; Katia Chirizzi, Acting Deputy Head of Regional Office for South Asia OHCHR; Renaud Meyer, UNDP Country Director, Nepal; Rikke Nohrlind, former Executive Director of IDSN. IDSN members and ADRF were also present alongside several other civil society leaders and Human Rights activists from South Asia and other parts of the globe.

This Guidance Tool helps lay the foundation for more concerted and system-wide action by the UN on the issue of discrimination based on descent, including caste-based and analogous forms of discrimination.

Human rights activists see this Guidance tool as another constructive step in the journey of the UN to address this particular type of human rights issue, which it is hoped will evolve to bring out a UN Convention to Eliminate Discrimination based on Work and Descent including Caste.

In connection with the UNOHCHR Guidance Tool, IDSN also produced a roadmap to facilitate a more widespread use of the tool at country level and by civil society.
Concerning caste-based discrimination. However, the Government did not accept any of the recommendations related to protecting civil society space and amending the Foreign Contribution Regulation Act.

Despite the concerns raised by civil society and member states, the Indian delegation failed to give convincing assurances that concrete steps to improve the situation would be taken.

“The position of the Indian Government in the 2017 UN UPR review has been defensive stating introduction of new amendments to the SCs and STs (Prevention of Atrocities) Act 1989. Introducing new amendments alone will not address structural caste based discrimination and atrocities inflicted against Dalits and Adivasis.

The State must recognize that there is a consistent failure to protect Dalit and Adivasis from violence by not ensuring effective implementation and monitoring of such laws.”

Ramesh Nathan from the National Campaign on Dalit Human Rights (NCDHR) speaking on the Government’s response to the UPR of India.

Several other issues relating to the rights of Dalits were also raised, including the need to secure protection for human rights defenders and concern over the detrimental effects of India’s Foreign Contributions Act (FCRA), blocking funding for thousands of civil society organisations working to further human rights.

Pakistan UPR

IDSN and the Pakistan Dalit Solidarity Network (PDSN) made a joint submission in advance of Pakistan’s UPR and distributed a factsheet with key recommendations prior to the UPR pre-session in October.
IDSN facilitated the participation of Dalit rights activists Pirbhul Lal and Zulfiqar Shah from PDSN to attend Pakistan’s UPR Pre-session, bilateral lobbying meetings and other relevant events in Geneva. The IDSN UN Advocacy Programme Officer was also in Geneva to coordinate meetings and activities.

The delegation attended the UPR info training on UPR advocacy, had meetings with fourteen State missions and met with relevant special procedures’ mandates.

During the UPR of Pakistan, in November, three states - Sierra Leone, Argentina and Holy See, directly mentioned “caste” in their recommendations. Fifteen states made recommendations on religious minorities and three on bonded labour.

IDSN coordinated and issued a joint statement together with PDSN, International Movement Against All Forms of Racism and Discrimination (IMADR), Minority Rights Group International, Anti-Slavery International and FORUM-ASIA.

The statement urged the Government to accept the caste-related recommendations and to honour their commitments and make sure that the recommendations at the November 2017 UPR are not only accepted but also urgently implemented and systematically followed up. The statement was distributed widely and PDSN organised streaming of the UPR review in Pakistan.

Special Procedures

Report on access to justice by the Special Rapporteur on contemporary forms of slavery

“In South Asia, debt bondage and forced labour is reported to be widespread in countries such as Bangladesh India, Nepal and Pakistan. Those who are trapped in debt bondage in South Asia are predominantly Dalits, of “low” caste status, indigenous people or other minority groups. In some countries, a hierarchy of work has been created as a result of community divisions under which labourers are put at the lower level, particularly those of “low” caste status or those belonging to ethnic and religious minorities. An individual’s access to justice, jobs and other rights and privileges are often conditioned by this social hierarchy. This results in discrimination, domination, inequality and disparity, primarily through a lack of cultural and social power and access to resources for people who belong to minority groups. Furthermore, those who opt to defy traditional exploitative, discriminatory and humiliating roles, often face social boycotts that further restrict any opportunity to overcome discrimination-related poverty and dependency on employers or landlords.” — HRC37, September 2017, Report of the Special Rapporteur on contemporary forms of slavery - Urmila Bhoola
The report points out that discrimination and inequality in terms of access to and the availability of adequate housing and land were repeatedly raised with the Special Rapporteur on her visit as issues of concern. According to the report this discrimination includes not only actions or omissions by all government authorities, but also the lack of effective mechanisms to ensure protection from an array of private entities, such as private landlords, developers, megaproject construction companies and extractive industries.

The report also offers concrete recommendations to fight discrimination and ensure implementation of existing legislation.

Special Rapporteur on Water and Sanitation’s statement on India

The United Nations Special Rapporteur, Léo Heller, visited India from 27 October - 10 November to examine the extent to which people’s rights to safe drinking water and sanitation are being realized. IDSN and IDSN member Jan Sahas made a joint submission to the Rapporteur, prior to his visit. The submission draws attention to the inhumane practice of manual scavenging that persist in India, despite this practice being banned.

In Léo Heller’s official statement following his mission in India, he noted that the failure to end the practice of manual scavenging in India coupled with the construction of more non-flush toilets, is contributing to an increase in the discriminatory practice of manual scavenging, where the lowest castes are made to undertake the duty of cleaning excrements from non-flush toilets by hand.

During his visit Mr. Heller took part in a community consultation in India organised by IDSN member Jan Sahas and Safai Karamchari Andolan (SKA). At the consultation he heard cases of many ‘workers’ that had died while carrying out their ‘duties’ where no legal action had been taken and no relief or compensation had been made. He also heard that workers engaged in cleaning sewer lines, septic tanks, and manholes are not provided with safety gear at all, despite the legal obligations and that sanitation workers are largely unprotected.

The emphasis on building toilets should not “contribute to violating fundamental rights of others, such as those engaged in manual scavenging, or ethnic minorities and people living in remote rural areas,” Mr. Heller said in this statement.

The rapporteur will release a full report on his mission to India at the 39th session of the UN Human Rights Council in September 2018.
Treaty Bodies

Committee on civil and political rights (CCPR) review Bangladesh

A small team of IDSN members, supported by IDSN, participated in the 119th session of the Human Rights Committee on 6–7 March for the examination of Bangladesh and its adherence to its international obligations to protect civil and political rights.

Prior to the review, Bangladesh Dalit and Excluded Rights Movement (BDERM), Network of Non-mainstreamed and Marginalized Communities (NNMC) and IDSN submitted a joint alternative report to the Human Rights Committee detailing how the Dalit population in Bangladesh continues to be exposed to systemic discrimination based on caste. The report also highlights the most prevalent forms of discrimination against Dalits, including restrictions in their access to adequate housing, land, water and sanitation, and discrimination by employers.

Dalit rights and caste were subsequently mentioned in the list of issues by The National Human Rights Institution of Bangladesh and a joint civil society report from Bangladesh, as well as very briefly in the response from the State party to the list of issues.

On 6 March a small team of IDSN members - Sarah Marandy from NNMC and Zakir Hossain from BDERM, participated in an informal consultation. Zakir Hossain was able to present an oral statement to the Committee members on discrimination of Dalits, including restrictions in their access to adequate housing, land and employment. He urged the Committee to question the government under review on which specific measures it intends to take in addressing caste-based discrimination and requested a timeline for the adoption of the Anti-Discrimination Act proposed in 2014.

Before the review, both representatives participated in a meeting with the representatives of the United Nations bodies, specialised agencies, national human rights institutions and non-government organisations, where they raised issues of land and related violence against indigenous communities, freedom of speech and association, and the need for better protection of human rights defenders.

During the constructive dialogue with the state delegation the Committee posed two questions on combating caste-based discrimination and requested a concrete timeline for passing the Anti-Discrimination Law to protect the rights of Dalits. The head of the state delegation expressed a commitment to pass the Anti-Discrimination Act in the next six months. However, specific caste related questions were not addressed by the delegation during the dialogue.

In a state reply to the list of issues, prior to the review, the government stated that its Constitution prohibits

SR on minority issues report on Sri Lanka

The now former UN Special Rapporteur on minority issues, Rita Izsák-Ndiaye, visited Sri Lanka in October 2016 and was briefed by IDSN ahead of the visit.

In March 2017 she presented her report to the Human Rights Council.

"The Special Rapporteur observed that the caste system, the existence of which is not disputed, is evidently an uncomfortable topic for the majority of Sri Lankans.

She was told that three parallel caste systems that define interpersonal relationships exist within the Sinhala, Sri Lankan Tamil and Indian Tamil communities.

Additionally, some members of the lower caste groups have clearly inherited status that limits them, by birth, to certain occupations that are considered the most dirty, menial and hazardous, such as manual scavenging and street sweeping, and that are passed down through generations, continuing patterns of social exclusion and marginalization.

Most of these persons suffer discrimination in all spheres of life, have limited or no access to political representation and often have their children excluded from the education system, perpetuating the cycle of extreme poverty."

Former UN Special Rapporteur on minority issues, Rita Izsák-Ndiaye, report on Sri Lanka released in 2017
Despite the Government’s failure to acknowledge the issue, the Committee included a separate section under point 15 and 16 in its Concluding Observations dedicated to “Scheduled Castes/ Dalits” stressing its concern over continued caste-based discrimination, segregation and stigma. The committee made a clear recommendation stating that:

“The Committee recommends that the State party carry out a study on the situation of the Scheduled Castes/Dalits with the participation of this community and relevant experts and include information on the situation of Dalits in the country, including relevant statistical data, in its next periodic report. It also recommends that the State party take effective measures to eradicate stigma and prejudice against the Scheduled Castes/Dalits, including awareness-raising campaigns, and to combat discrimination against Dalits, particularly in the employment and education sectors.”

CEDAW and CESC reviews of Sri Lanka

While IDSN did not give formal input in relation to the CEDAW and CESC review of Sri Lanka both reviews did highlight the need for concrete policies and programmes to address caste-based discrimination and intersectional discrimination in Sri Lanka in their Concluding Observations.

UN Forum on Minority Issues

Young Dalit activists played an active role at the 2017 Forum on Minority Issues, which took place in Geneva from 30 November to 1 December. Dalit women from Nepal and India, forming part of an IDSN delegation, gave powerful presentations under the theme of Minority youth: towards diverse and inclusive societies.

They explained to participants how deeply ingrained caste-based discrimination continues to pose severe obstacles to equal participation in most aspects of life and how social media offers both new opportunities for change and new challenges.

Anju representing the All India Dalit Women Rights Movement (AIDMAM-NCDHR) had been nominated by IDSN and selected by the OHCHR to speak on the panel of the UN Forum. She gave a statement about the advantages and challenges of using digital media to empower and protect Dalits.
She described how Dalit women activists were using social media to mobilise and demand justice, through campaigns such as #dalitwomenfight and the Dalit History Month.

Anju also explained how digital tools were giving increased exposure to Dalits, as traditional media narratives continue to be controlled by dominant caste groups in society and are not representing Dalit voices adequately. She also touched upon the many challenges in relation to harassment, the personal security of the women engaging with social media, as well as the lack of access to being online and the necessary tools for many Dalits.

In spite of all these challenges, we must use social media so that the whole world can know and see what is happening with Dalit communities, that’s why we decide not to leave but take measures to overcome these challenges. We have to use these social media to reach out to the world.”

Dalit human rights defender from India, Anju, said in her statement at the UN Minority Forum

Ankita, speaking on behalf of the Feminist Dalit Organisation (FEDO) in Nepal, gave statements on inclusive education and participation of minority youth in public life. Ankita’s statements pointed towards structural caste-based discrimination and socially ingrained stigmatisation as the key obstacles to Dalits receiving education on par with non-Dalits and to their enjoyment of equal participation in public life. She furthermore pointed out that Dalit women were even more at risk of exclusion, discrimination and abuse as they face multiple discrimination on account of their gender and their caste.

“Dalits need to be protected by the full implementation of anti-untouchability legislation. This will not change mind-sets overnight but over time behaviour will change”

Dalit human rights defender from Nepal, Ankita, said in her statement at the UN Minority Forum

Ankita also attended Minority Rights Group training and capacity building sessions following her nomination by IDSN. IDSN also secured training for a Dalit delegate from Bangladesh but unfortunately his visa was rejected.

In addition to this UN Minority Fellow, Chet Narayan, Chairman of the Dalit Youth Alliance in Nepal gave a presentation on the general state of caste-based discrimination in Nepal.

The newly appointed UN Special Rapporteur on Minority Issues, Dr Fernand de Varennes, mentioned his concern over Dalit rights violations in his opening and closing statements.
Human Rights Council
IDSN issues recommendations for the Human Rights Council’s 34th, 35th and 36th sessions that were widely distributed ahead of each session.

IDSN facilitated participation of two of its members at the HRC 36 session, on 11-13 September 2017, for the aforementioned presentation of the Special Rapporteur on Slavery’s thematic report.

Their programme in Geneva included meetings with the Special Rapporteur on slavery, the Special Rapporteur on water and sanitation, the CERD secretariat, and the new assistant to the Special Rapporteur on minority issues, State missions, and a number of INGOs.

At the HRC 35 Session IDSN facilitated the participation of two Dalit women from the All India Dalit Women Rights Movement (AIDMAM-NCDHR) who took part in advocacy efforts during the council session and in preparatory and exploratory meetings for planning a Dalit women’s event in future at the UN.

At the HRC 34 Session IDSN board member, Henri Tiphagne, from Human Rights Defenders Association in India spoke about the impact of the restrictions on foreign contributions to civil society in India at the side event, organised by CIVICUS, on “Backsliding on Civic Space in Democracies”.

The event was organised in consultation with IDSN and co-sponsored by Amnesty International, CIVICUS, Forum Asia, International Service on Human Rights (ISHR), Human Rights Watch (HRW), Human Rights Defenders Alert (HRDN) and L’Observatoire pour la protection des défenseurs des droits de l’Homme (OBS).

IDSN’s application for UN consultative status
IDSN’s application for ECOSOC status has been pending in the UN NGO Committee for ten years due to perpetual questioning by one State in the Committee. In 2017, IDSN received two additional questions: one question in May and one in June, and provided timely answers.

On 19 June 2017, IDSN board member, Henri Tiphagne, spoke about the IDSN ECOSOC situation at a UN side event in New York entitled “The Committee on NGOs: improving working methods, encouraging civil society engagement”.

Several states and civil society representatives spoke about how the NGO committee, which grants UN ECOSOC accreditation, is effectively blocking legitimate civil society participation at the United Nations.

In a powerful statement, Henri Tiphagne explained how IDSN has been forced to operate through partners with ECOSOC accreditation who have kindly allowed IDSN to be present at the UN Human Rights Council in Geneva as their guests.

He also explained how being at the mercy of the help of others to speak at the UN is humiliating and he found it disturbing that the humiliation faced by Dalits in India, can follow them into the corridors of the UN, where one state is effectively given the power to block them.

“This continuous referral is a reprisal, leading to the exclusion of millions of people who want to be included in the UN processes and contribute to strengthening the sensitivity of the UN to the violations of human rights faced by 260 million people.” Henri Tiphagne said at the side-event.

The former UN Special Rapporteur on the exercise of the rights to freedom of peaceful assembly and of association, Maina Kiai, has highlighted IDSN’s application as a particularly troubling case. At the UN General Assembly, the Special Rapporteur criticised India for arbitrarily blocking IDSN from obtaining UN consultative status calling it “clearly unacceptable, wrong and unfair”. 

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Dalit activists take part in IDSN’s UN and EU advocacy workshop

IDSN organized and facilitated a capacity building workshop on October 10, in Kathmandu, Nepal.

The day focused on ‘Making international institutions and mechanisms work for you’ was to help inform and strengthen Nepalese Dalit activists’ engagement with the UN and EU and as well as their advocacy capacities toward such institutions.

The workshop included an overview of the EU and its institutions by IDSN EU Adviser, Claire Ivers, specifically the different roles of the European Council, Council of the EU, European External Action Service (EEAS), European Commission, and European Parliament. EU Human rights policy was also explored along with what avenues are available for advocacy and lobbying most suited to pursuing Dalit rights.

This was followed by an explanation of how to use the UN institutions to advance Dalit Human rights in Nepal, facilitated by Meena Varma, IDSN Chair and Acting Director. This explored the role of the UN Human Rights Council and Treaty Bodies, as well as avenues for NGO advocacy through the UN and a group exercise allowing participants to draft their own recommendations in relation to the UN Special Rapporteur on minority issues, Committee on the Elimination of Racial Discrimination (CERD) and Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

Increasing the skills and knowledge of Dalit activists and organisations and as a result Dalit communities, the workshop not only provided participants an opportunity to learn more about how they can access the EU and UN institutions for advocacy, but also provided an opportunity for networking and linkages between local and national organisations and IDSN – and getting Dalit voices heard at the international level.

The workshop involved 26 participants from 13 different organisations, almost half of which were women.

The information, networking and capacity the workshop provided will not only help the long term goal of elimination of caste-based discrimination, but is specifically relevant in the Nepalese context ahead of 2018 CERD review.

“The presentation about EU mechanisms is new to us and also the information about the UN Minority Forum and its relevance for the Dalit Community is interesting,” stated Sushil BK, Vice-President of the Dalit NGO Federation.

"After this workshop we can work and coordinate with the EU delegation and engage with the UN Minority Forum. Overall the workshop is a success to give some new knowledge and skills and re-energize us.”

Generally, the participants were overwhelmingly positive about the workshop, the only complaint being that more time was needed.