

32nd Annual Meeting -ALNAP
Relevant For Whom? Responding To Diverse Perspectives And Priorities In
Humanitarian Action

Who do you listen to? Power and Marginalization in emergencies

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- 1} How does exclusion manifest itself during an emergency response?
- 2} What should humanitarian actors know and do to include discriminated people?

India has a coastline of 7,516 km, of which 5,700 km are prone to cyclones of various degrees. About eight per cent of the Country's area and one-third of it's population live in 13 coastal states and UTs who are, thus vulnerable to cyclone related disasters.

Tamil Nadu is historically one of the most vulnerable States to tropical cyclone. The total geographical area of Tamil Nadu is 13 Million hectares and it has a coastline of 1,076 km which is about 15% of the coastline of India. The State is multi-hazard prone, the major natural hazards being Cyclonic storms, Urban and Rural floods, and periodic Droughts. Some of the tropical cyclones that hit Tamil Nadu are Gaja (2018), Ockhi (2017), Vardha (2016), Nilam (2012), Thane (2011), Jal (2010) and Nisha (2008) and Gaja (2018). Cyclone Gaja made landfall in South India, at Vedaranyam, Tamil Nadu. At the time of landfall of the cyclone, 100-120 kmph speed was experienced. The highest sustained speed was recorded in Adhirampattinam at 165 kmph and 160 kmph at Muthupet. The cyclone Gaja affected 08 districts of Tamil Nadu, namely, Nagapattinam, Thanjavur, Thiruvarur, Pudukottai, Karaikal, Cuddalore, Trichy and Ramanathapuram.

*Study Report on Gaja Cyclone 2018, <https://ndma.gov.in/en/ndma-reports.html>
A publication of: National Disaster Management Authority Ministry of Home Affairs
Government of India NDMA Bhawan A-1, Safdarjung Enclave New Delhi – 110029
does not not captured any single word of Social Exclusion and Discrimination rather
making general learning's and recommendations.*

*Denial of Dignity of Dalits, A Study Report of Gaja Cyclone reveals the caste
discrimination and exclusions in the Humanitarian Interventions.*

Caste based discrimination (CBD) is internationally recognized as discrimination based on work and descent, as typically associated with the notion of purity and pollution and practices of Untouchability. This kind of discrimination leads to multiple marginalization of Dalits suffering with their identity and origin based discrimination, resulting in systemic exclusion in social, economic and political spheres, including humanitarian assistance, through discrimination by default.

Dalits known as "Untouchables" in India and they are notified as Scheduled Castes (SC) through the Constitution of India and totally 1208 castes are notified as SC. Dalits who constitute 220 million out of 260 million of DWD communities worldwide are one of the most recognized communities of DWD and caste - based discrimination, who mainly resides in south Asia. They have been facing systematic forms of exclusions,

discrimination, denial of fundamental Human Rights, and targeted for brutal forms of caste atrocities by the so called dominant caste groups in India. The systematic exclusions and discrimination has originated through the religious believes and birth identity and it has been built and practiced over 3000 years and more.

According to the National Crime Record Bureau (NCRB-2001-2016), there were 5, 42, 510 incidents of caste atrocities committed against Dalits. The economic factor is most apparent as many poor people are forced to live on marginal lands, such as floodplains, coastal towns and unstable hillsides. The attention of the international community has been brought to the existence and persistence of various forms of caste-based discriminations occurring around the world.

- 40,801 Crimes were committed against Dalits in 2016
- 38,947 Dalit Women were Raped during 2001-2016
- 10,773 Dalits were murdered during 2001-2016
- 502 Villages are identified as Untouchability Villages
- 28 Districts have declared as Caste Atrocity Prone out of 32 Districts in TN
- A Crime Committed against Dalit Every 18 Minute
- 6 Dalits Kidnapped or Abducted Every Week
- 3 Dalit Women Rapped Every Day
- 13 Dalits Murdered Every Week
- 27 Atrocities Against Dalits Every Day

This practice has been established firmly as a violation of international human rights law. Important actions have been taken by the UN human rights mechanisms, including the UN Treaty Bodies, the former UN Sub-Commission on the Promotion and Protection of Human Rights, and UN Special Rapporteurs, to bring attention to caste-based discrimination, to affirm its prohibition under international human rights law, and to advise governments on the implementation of existing law to prohibit caste-based discrimination and the adoption and implementation of new measures towards this end.

Caste based discrimination falls under wider notions of non- discrimination and impartiality; the right to receive humanitarian assistance is an inherent element of the right to Life, Equality and Dignity. It encompasses the right to adequate standard of living, including adequate food, water, clothing, shelter and the basic requirements for good health guaranteed in the international laws. It sets out the responsibility to ensure the humanitarian assistance is available to all the those people in need, particularly those who are most vulnerable or who face exclusion on social, political or other grounds.

Several case studies of India since 2004 Tsunami, Kerala Flood and etc provides deep insights into the situation of Dalits presented through findings from the civil society studies and media reports, which also highlights similar trends of social exclusion and discrimination of Dalits from disaster response across the South Asian countries. It is evidently clearer that the social positioning plays a crucial role in determining the chances of survival and recuperation of survivors during and post disaster. The pre-existing vulnerabilities of Dalits make them easy targets and primary survivors of any disaster.

Forms of Social Exclusions and Discriminations of Dalits:

- Dominant Caste People in the camp prevented our elderly from coming to the camp, saying they will dirty the place.
- “How can we eat food cooked by you Dalits?” asked the dominant caste people; and moved out of the camp” since they were not willing to share space with us”.
- “We were forced to stay in the worst class rooms at the back of the School which was used as Relief Camp, while the dominant castes stayed in the front and in the best classrooms.”
- “We will not eat food cooked in your vessels” said Dominant caste people.
- “More rations and provisions were provided to the dominant castes, with which they were able to cook and eat thrice a day. We were give less, and we able to cook and eat twice a day”. Says, Dalits.
- We were not allowed to drink water from the same drums. We were give less drinking water. Says, Dalits.
- “You are not our equals. How can we sit and eat together with you?” Says, Dominant Caste People.
- “They refused to cook together with us and use the same utensils. They started cooking separately for people belonging to their own caste. Says, Dalits.
- “We were not allowed to use the toilets in the school which served as our Camp. Says, Dalits.
- “Dominant caste people took away all the relief materials that were distributed in the camp by the NGOs. We convinced volunteers of some of the NGOs to come to our camp to give us relief materials. For this, the dominant caste people started attacking us with lethal weapons and we could have ben killed if the police had to come a little later. Says, Dalits in Gaja Cyclone hit at Nagapattinam District”.
- “Only when we demanded our share, the dominant caste, gave us the left overs of the relief materials given by NGOs”.
- Discrimination in Early warning
- Discrimination in Evacuation
- Discrimination in Relief Camps
- Discrimination in providing Relief Assistance
- Discrimination in Medical Camps
- Exclusion in Enumeration
- Discrimination in Rehabilitation

There are several challenges hinder the implementation of equity monitoring in a disaster response. These includes, differences in stakeholder mandate, the perceived reluctance of Government and civil society to collaborate, general perceptions of relief as charity, people’s perceptions of vulnerability, a limited understanding of specific needs of different vulnerable groups.

It requires intensified Human Rights Perspectives should be built within any Disaster Response - Disaster Risk Reduction program of the agency based on the ground principles and entitlements of human rights and it helps to

- Ensure Social Inclusion of Vulnerable Groups
- Identify relevant needs and interests of affected persons from various social groups
- Identify and engage right holders and duty bearers
- Ensure that Humanitarian Interventions meets Human Rights Standards.

Critical issues concerning Dalits that have been emerging in recent humanitarian crises include the following: non-discrimination; equality; legal protection such as right to identity, security, etc.; access to health services, shelter and housing, clean water and education; compensation and restitution (lost documentation to claim entitlements); rights of Dalits who in general after major natural disasters get into inter-state migration or/and are also displaced internally; land and property issues.

Guidelines for Action for International Humanitarian Stakeholders:

The guidelines are broadly categorized into 3 sections:

1. The first section calls for the humanitarian agencies to explicitly acknowledge the problem of Caste-based discrimination and exclusion in Disaster Response and Disaster Risk Reduction and firmly establish their commitment to eliminate such exclusion in all their interventions.
2. The second section recommends the tools and methodologies including possible activities that could enable them to ensure the identification of pre-existing vulnerabilities due to Caste Based Discrimination (CBD) and thereby reach out to them directly through their programmes during Disaster Response (DR), Disaster Risk Reduction interventions (DRR). The methodologies include steps and possible interventions which the humanitarian stakeholders should take in order to ensure effective inclusion in all humanitarian interventions, but also generate evidence of CBD in DR and DRR, which is necessary for advocacy towards policy and legislative provisions and oversight.
3. The third section recommends points for collective advocacy post Disaster Response, for legal and institutional arrangements at the national levels with the concerned governments that are essential for countering CBD in DR and DRR. The assumption is that for inclusion of those communities that are excluded due to CBD, enabling protective legislation is absolutely essential.

Recommendation of Implementation of the Guidelines:

1. Recognition of Caste Based Exclusion in Disaster Response, the International Humanitarian stakeholders should explicitly acknowledge discrimination and exclusion meted on the basis of caste and the fact that effective inclusion of Dalits is possible only through interventions that specifically engage with these communities and groups.
2. Tool and Methods to ensure Inclusive programming (Response and Recovery) International Humanitarian stakeholders should assist the Dalit communities to claim their rights and entitlements and access available remedies from the government with the help of information generated from the tools which they are encouraged to develop for vulnerability mapping and inclusion monitoring in localities with a sizeable population of Dalits. Involve Dalits in Humanitarian Interventions both in the organization and DRR interventions.
3. Vulnerability mapping should enable the identification and documentation of pre-existing vulnerabilities of communities due to caste-based discrimination, and the manner in which it determines exclusion from relief and denial of access to entitlements required for recovery after disasters. It is only through this knowledge that inclusive programmes and strategies to reach out to the Dalits can be devised. Vulnerability mapping tool should be effective more so when

administered in ‘piece times’, before disasters strike. The tool should also help the humanitarian agencies assess the gaps in existing outreach programmes and measures to fill in the gaps

4. Inclusion Monitoring tool with the information gathered from the vulnerability mapping exercise in the disaster prone regions, in pre-disaster scenarios, the next level is to monitor inclusion when disaster have struck. The Inclusion monitoring exercise should be equipped to work at two levels. Firstly, generate knowledge of vulnerabilities of Dalit for Humanitarian stakeholders to target their response aid to the identified Dalit habitats where response does not reach due to various systemic and other identified reasons. Secondly, this exercise should enable the Humanitarian stakeholders to assess the actual receipt of relief services by Dalits, when both government and humanitarian aid has reached the disaster hit areas. This will further improve the responsiveness of the Humanitarian stakeholders and help generate data for assisting the Dalit victims secure their entitlements and do advocacy at country level.
5. Legal and Institutional requirements (Post Disaster Response Advocacy) International Humanitarian Organizations have an important role to play in contributing collectively to advocate for legislation and policies at the national and international levels, by partnering and involving such organizations that work through rights based approach and lay down procedures to ensure inclusion of persons affected by caste discrimination.

International Human Rights Obligations And Caste Based Discrimination:

Guidelines and principles for humanitarian relief and disaster aid have a distinct history going as far back as the Convention establishing an International Relief Union in 1927. Article 3 of the Geneva Conventions refers to the need for humanity, impartiality and “absence of adverse distinction” in assisting civilian populations in armed conflicts. Over time, these humanitarian ideals were expanded to apply to agencies providing assistance after natural disasters and wars.

In 1991, while setting up the department for humanitarian affairs, the United Nations laid down certain broad principles to guide humanitarian assistance.

This was soon followed by the 1994 Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief. The code was later improved upon by the Sphere Project, an initiative of a number of NGOs and the Red Cross and Red Crescent movement in 1997. The aim of the project was to bring out an “operational framework for accountability in disaster assistance efforts”. This was done through the Sphere Handbook first published in 2000, and revised thereafter in 2003 and again in 2009–2010, which adopted Humanitarian Charter and Minimum Standards in Disaster Response sets out for the first time what people affected by disasters have a right to expect from humanitarian assistance.

Humanitarian action is informed by universally accepted human rights that are fundamental in nature obligated to protection by national and international laws from time to time. The principle of the Right to Life with Dignity, liberty and security underpin all humanitarian interventions in disasters.

In humanitarian assistance programming, much of the discourse has centered on the complex relationship between human rights and humanitarian action in situations of violent insecurity. Less well documented are the issues involved in protecting and

promoting social, economic and cultural rights in a natural disaster setting.

Humanitarian assistance often centres on the logistics operation to address immediate life- saving needs. This may be true during the first few weeks after a disaster - the initial rapid response phase - but humanitarian assistance programming often continues for several years. The rights-based approach (RBA) to programming - that shifts the focus from charitable fulfillment of needs to duty-driven advancement of rights - offers a conceptual link that may help the humanitarian community better integrate its relief and development agendas.

The Universal Declaration of Human Rights (UDHR) recognizes and guarantees everyone the right to a standard of living adequate for the health and well-being with access to minimum amenities in circumstances beyond his control. The same is upheld in the Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent. In 1996 CERD made its first reference to caste discrimination, 'untouchability' and Scheduled Caste under the rubric of Descent: "The Committee states that the term 'Descent' mentioned in Article 1 of the Convention does not solely refer to race. The Committee affirms that the situation of the Scheduled Castes and the Scheduled Tribes fall within the scope of this Convention".

The Convention on the Elimination of All Forms of Racial Discrimination (CERD), whilst condemning racial discrimination, calls for the states to "take special and concrete measures, on a temporary basis, to ensure the development and protection of disadvantaged racial groups" (article 2(2)).

Humanitarian and development assistance in the Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent calls for the recognition of exclusion and discrimination to take measures to address the special problem in situations of humanitarian crises, such as internal conflicts, wars, or natural disasters. The development and application of tools like social equity audits and caste analysis frameworks is encouraged by humanitarian agencies, besides, training their staff for enabling them to responsibly monitor and counter untouchability.

Those affected by natural disasters have the right to request and receive such protection and assistance from their governments. Protection is not limited to securing the survival and physical security of those affected by natural disasters. It encompasses all relevant guarantees - civil and political as well as economic, social and cultural rights - attributed to them by international human rights law.