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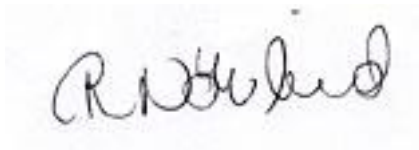
URGENT APPEAL: Reprisals against IDSN by the Government of India in trying to formalize its association with the UN and obtain ECOSOC Status

This urgent appeal is submitted by the International Dalit Solidarity Network (IDSN). It concerns a case of clear reprisals against the International Dalit Solidarity Network (IDSN) by the Government of India, as a result of IDSN's long cooperation with the UN on caste-based discrimination in India and a number of other countries. IDSN is trying to formalize its association with the UN and obtain ECOSOC Status, but is being blocked by the Government of India. The case we are submitting to you illuminates the misuse of the rules of procedures of the ECOSOC Committee on NGOs and resolution 1996/31 on consultative relationship between the UN and non-governmental organizations. The IDSN application is now the longest pending application for ECOSOC status and the only NGO left with an application dating back to 2008. The application will once again be reviewed by the Committee on NGOs in their Regular Session (26 Jan-3 Feb 2015).

The appeal is submitted to the Urgent Appeal mechanisms of the OHCHR, and may be relevant for due consideration and action by the UN Special Rapporteur on the Freedom of Peaceful Assembly and Association, Mr. Maina Kiai and the UN Special Rapporteur on Human Rights Defenders, Mr. Michel Forst.

For further details on this case, please contact Ms Rikke Nöhrind (rn@idsn.org)

Yours sincerely,



Ms. Rikke Nöhrind
Executive Director

Re: Reprisals against a non-governmental organisation, IDSN, cooperating with the UN human Rights mechanism - Continued deferral of IDSN's application for ECOSOC status in the Committee on NGOs

DETAILS ABOUT THE CASE

- **Identification of the alleged victim(s);**

The International Dalit Solidarity Network (IDSN)

- **Identification of the alleged perpetrators of the violation (if known);**

The Government of India (behaviour of the Government of India in the NGO committee)

- **Identification of the person(s) or organization(s) submitting the communication (this information will be kept confidential);**

This urgent appeal is submitted by the International Dalit Solidarity Network (IDSN). IDSN is an international lobby and advocacy network, which is working for the elimination of caste-based discrimination and other forms of discrimination based on work and descent (www.idsn.org)

- **Date, place and detailed description of the circumstances of the incident(s) or violation.**

With reference to IDSN's letter of allegation to the SR on the Freedom of Peaceful Assembly and Association of 1 June 2012 and of 26 June 2014, I am writing to bring before you an allegation letter concerning a case of clear reprisals against the International Dalit Solidarity Network (IDSN) by the Government of India, as a result of IDSN's long cooperation with the UN on caste-based discrimination in India and a number of other countries. This case falls within your mandates (particularly paragraph 5(f) of HRC Resolution 15/21) as IDSN is trying to formalize its association with the UN and obtain ECOSOC Status, but is being blocked by India. The case we are submitting to you illuminates the misuse of the rules of procedures of the ECOSOC Committee on NGOs and resolution 1996/31 on consultative relationship between the UN and non-governmental organizations.

Recalling further the UN Resolution on Human Rights Defenders (March 2014) that build on the UN Charter, the Universal Declaration of Human Rights, the International Covenant on Human Rights and the Declaration on Human Rights Defenders in addition to earlier resolutions on the topic. The Resolution reaffirms the obligation of states to protect all human rights and fundamental freedoms and respect and support the activities of human rights defenders, with specific emphasis on women human rights defenders who are targeted twice, both for their work and their gender. Furthermore, the Resolution emphasizes the important role that non-government organizations play at the international level in the promotion and protection of all human rights and reiterates the grave concerns expressed by the General Assembly in its resolutions 66/164 and 68/181 and by the Human Rights Council in its resolution 22/6 with regard to the serious risks faced by human rights defenders due to threats, attacks, reprisals and acts of intimidation against them.ⁱ

IDSN is an international non-governmental organisation working for the elimination of caste-based discrimination and other forms of discrimination based on work and descent. Caste-based discrimination, which is estimated to affect 260 million persons worldwide, is a violation of international human rights law as recognised by UN human rights bodies and independent expertsⁱ, and also a human rights priority for the OHCHR.ⁱⁱⁱ IDSN has a track record of cooperating with UN human rights mechanisms on this topic, including treaty bodies, Special Procedures, and the UPR mechanism, with a focus on caste-based discrimination globally, including in India.

IDSN's application for ECOSOC status was first considered by the Committee on NGOs at the Regular Session in January 2008. IDSN has altogether received 64 written questions; all posed by India as a member of the Committee. Many of the questions are beyond the scope of what is reasonably within the mandate of the Committee. The application has now been deferred by the Committee for seven years. During the process, no objections have been made to IDSN's application on technical or procedural grounds, and IDSN has always provided full, transparent and timely information in response to all questions received.

The application was considered at the 2014 Regular Session (January) and was once again deferred due to repetition of a question asked by India in four earlier sessions. At the Resumed Session of the Committee on NGOs (May 2014), a new question was posed to IDSN by the Indian delegate: "In light of the information presented in Part III of the original application form kindly provide details of specific projects and activities undertaken under the following expenditure lines and for the past three years: "UN programme", "EU programme" and "Private Sector programme."" Consideration of IDSN's application was therefore deferred once more and is to be reviewed again during the 2015 Regular Session (26 Jan-3 Feb 2015).

The IDSN application is now the longest pending application and the only NGO left with an application dating back to 2008. Please find a [detailed note on IDSN's ECOSOC application process with a chronological overview and all questions included](#)

The experience over the last seven years reveals that one member of the NGO Committee (India) can effectively hinder consideration of an application (IDSN's) through continued presentation of questions, many of which are repeated or duplicated. This in spite of the fact, that IDSN has followed the prescribed rules with due diligence. It becomes clear that the questions posed stem from a particular NGO Committee member's disagreement with IDSN's work on caste-based discrimination related to India and that it is its goal to refuse IDSN enhanced association with the UN human rights mechanism. This, by indefinitely prolonging the application procedure for now 7 years. India's position furthermore leads to hesitance by other states to engage proactively in international initiatives for the elimination of caste-based discrimination. For example, a set of draft UN principles and guidelines for the effective elimination of Discrimination based on Work and Descent (covering caste-based discrimination), published by the Human Rights Council in 2009, is still pending consideration and adoption by this body.

The continued deferral of IDSN's application for accreditation gives rise to a number of questions and concerns on targeted reprisal against IDSN for its work with UN mechanisms, which is a primary focus of the organisation's work, undertaken in cooperation with members and associates from caste-affected countries including India, home to at least 200 million Dalits. The continued, deliberate and discriminatory denial or delay of IDSN's application for ECOSOC

consultative status on no legitimate grounds whatsoever, impairing the right to communicate freely with international human rights mechanisms and seeking to minimize the extent to which the organization can cooperate with the UN, amounts to exclusion and reprisal against a civil society organization hindering its legitimate work with the UN.

IDSN is concerned that the current working methods of the NGO Committee and in our case, the continued questioning by India, exclude IDSN from freely associating with UN organisations in contrast to the principles of non-discrimination, equality, participation, transparency and accountability, laid out in resolution 1996/31^{iv} and work against the criteria for NGO participation stipulated therein. The continued questioning of IDSN is unreasonable; it is furthermore very time and resource demanding for an NGO wishing to make an effective contribution to the work of the UN. In addition, it specifically hinders direct representation of persons affected by caste-based discrimination at the UN.

The blocking of IDSN and other NGOs' legitimate engagement with the UN human rights mechanisms should be viewed in the light of the decreasing space for civil society to operate in many countries, including India. The International Service for Human Rights recently highlighted IDSN's battle to obtain ECOSOC consultative status, noting that these and other tactics used by India to intimidate and block the IDSN from freely associating with the UN constitute reprisals.^v In May this year, IDSN submitted a letter of complaint to the UN General Secretary's report with reference to the Human Rights Council resolution 12/2. Furthermore, the IDSN ECOSOC case is noted as a cause of concern for EU diplomats as well as UN officials.

We are concerned about the continued deferral and the methods used, which we have summarized below:

- **Timing of questions and consideration of responses leading to further delay:** IDSN has always replied in due time to the 64 written questions put forward by the Secretariat on behalf of one member. However, questions are sometimes submitted so late during sessions that the Committee has not had time to review the answers at the same session. The application has therefore been deferred to the next session; thus postponing a final decision on the application (see ex. Reply III and IV of June 2008 in the attached note).
- **Repeated/duplicated/inappropriate questions:** Several questions put forward to IDSN by the Committee have duplicated or contained similar content to questions that have already been explained in the application or in previous replies (see ex. Question nr 63 (February 2014) which is the same question as no. 62 (June 2013), no. 61 (February 2013), no. 59 (June 2012) and no. 57 (February 2012) in the attached note). Some questions have also requested information on activities or assessments with particular relevance for the domestic political sphere in the questioning state, in this case India, which have not related to the activities of the organization (see ex. Reply VI of January 2010).
- **Disregard for relevance of precedence:** In the case of IDSN, it is worth noticing that the organisation was granted accreditation to the Durban Review Conference according to Decision P.C. 3/6 of the Organizational Session of the Preparatory Committee.

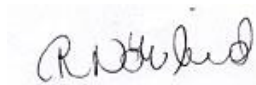
This accreditation process employed the same criteria for NGO participation as established in ECOSOC resolution 1996/31.

We are concerned that the behaviour of India in the NGO committee is a consequence of IDSN's engagement on the issue of caste-based discrimination related to India. We have cooperated extensively with the UN over the last 12 years and would like to enhance cooperation with the UN human rights and development mechanisms in the future. This would be much facilitated by ECOSOC status.

With this urgent appeal, we trust that your mandates can take appropriate action. We would like to request that you send a communication to the Indian Government, expressing your concern over the limitations to our freedom of association with the UN that India is currently imposing.

It is our sincere hope that this case will be dealt with to ensure effective NGO participation and give voice to Dalit human rights defenders working in conformity with the spirit, purposes and principles of the Charter of the United Nations, and for IDSN to effectively contribute to the work of the UN.

Yours sincerely,



Ms. Rikke Nöhrind

Executive Director

Further Links on the application of IDSN for ECOSOC status.

- [Read about IDSN's fight for UN consultative status – a case of reprisal against a human rights NGO \(IDSN News - June 2014\)](#)
- IDSN has joined other NGOs in sending an [open letter](#) to the ECOSOC members calling on them to take measures to stop the Committee on NGOs' members from blocking legitimate human rights organisations from gaining ECOSOC status:
- [Read the fact sheet on IDSN's application for ECOSOC status](#)
- [Read the detailed note on IDSN's ECOSOC application process with a chronological overview and all questions included](#)

ⁱ <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G14/122/76/PDF/G1412276.pdf?OpenElement>

ⁱⁱ [Compilation of UN references to caste-based discrimination](#)

ⁱⁱⁱ Caste-based discrimination is a priority in the OHCHR Strategic Management Plan 2014-2017. Furthermore, the UN High Commissioner for Human Rights has highlighted the issue on numerous occasions, specifically in 2009; "Caste is the very negation of the human rights principles of equality and non-discrimination. It condemns individuals from birth and their communities to a life of exploitation, violence,

social exclusion and segregation” in an opinion piece, 19 Oct 2009: <http://idsn.org/international-advocacy/un/navi-pillay-on-caste-discrimination/>. And, most recently at a UN HRC26 Side-event on ‘caste-based violence against women’ on 17 June 2014; “Caste-based discrimination fundamentally undermines human dignity. It damages the full spectrum of civil, political, economic, social and cultural rights of the persons concerned – who today amount to some 260 million people, globally”

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14736&LangID=E>

^{iv} ECOSOC Resolution 1996/31 on Consultative relationship between the United Nations and non-governmental organizations

^v<http://www.ishr.ch/news/rikke-nohrlind-international-dalit-solidarity-network>