

KATHMANDU Dalit Declaration



INTERNATIONAL CONSULTATION ON CASTE-BASED DISCRIMINATION

Establishing Dalit Rights in the Contemporary World;
the Role of Governments, the United Nations
and the Private Sector
November 29 – December 1 2004
Kathmandu, Nepal

The Participants to the International Consultation on Caste-Based Discrimination:

- RECOGNIZING that caste discrimination¹ affects, in its most severe forms, at least 260 million people worldwide and is particularly acute in South Asia, Africa, and Japan,
- RECALLING the terms of the Universal Declaration of Human Rights according to which all human beings are born free and equal in dignity and rights and are entitled to the rights and freedoms therein without distinction of any kind, including race, colour, sex, language, religion, social origin, birth or other status,
- RECALLING the terms of the Vienna Declaration and Programme of Action of the World Conference on Human Rights according to which it is the duty of States, regardless of political, economic and cultural system, to promote and protect all human rights and fundamental freedoms,
- RECALLING the condemnation of discrimination against persons of Asian and African descent and indigenous and other forms of descent in the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,
- RECALLING also General Recommendation XXIX on descent-based discrimination of the Committee on the Elimination of Racial Discrimination,
- RECOGNIZING the relevance of the Discrimination (Employment and Occupation) Convention, 1958 and its accompanying Recommendation (No. 111) for Dalit² Human Rights,
- HIGHLIGHTING the reinforcing relationship between poverty, landlessness, and caste discrimination,
- AFFIRMING the need for the full implementation of the Millennium Development Goals as key mechanisms for the elimination of extreme poverty and the fulfilment of other rights-based human needs.
- FULLY SUPPORTING Resolution 2004/17 of the U.N. Sub-Commission on the Promotion and Protection of Human Rights to appoint two Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent,
- SUPPORTING also the U.N. Sub-Commission Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights,
- CONSCIOUS OF the difficulties faced by Nepal's Dalits who represent a significant sector of Nepal's population and economy, and who are being caught in the crossfire of the conflict being waged in the country,
- RECOMMEND that concerned governments, international and national human rights bodies, U.N. and aid agencies, the European Union, donor countries, international financial institutions, the private sector, and non-governmental organisations adopt the following measures:

1. The term "caste discrimination" as used in the Declaration, is meant to cover discrimination based on work and descent and analogous forms of discrimination.
2. The term "Dalit", as used in this Declaration, is meant to encompass Dalits, outcasts and other communities discriminated against on the basis of work and descent.

1. To Governments in Caste-Affected Countries:

CONCERNED GOVERNMENTS MUST ACT TO UPHOLD THEIR CONSTITUTIONAL PRINCIPLES AND INTERNATIONAL TREATY OBLIGATIONS AND WORK TOWARD THE FULL ENJOYMENT OF RIGHTS BY ALL CITIZENS, REGARDLESS OF CASTE OR DESCENT.

In particular, we call on concerned governments to:

Constitutional, Legislative and Judicial Measures

1. Ensure that all necessary constitutional, legislative and administrative measures, including appropriate forms of affirmative action and public education programs, are in place to prevent, prohibit and redress caste-based discrimination, and that such measures are respected and implemented by all state authorities at all levels.
2. Establish a program and timetable to enforce the abolition of "untouchability", segregation, manual scavenging and similar practices. In both public and private sectors, Dalits and other outcaste communities should have full access to employment opportunities; agricultural land; credit; adequate housing; health; and common property resources, such as forest and water resources. Similar programs should also be established to counter existing cultural exclusion and social discrimination, such as the separation of Dalit children in schools and the social exclusion of inter-caste couples. National surveys should be conducted on a regular basis to assess the effectiveness of such programs.
3. Ensure that, where they exist, national human rights institutions, women's commissions, minority commissions and Dalit commissions can act independently and effectively in protecting the interests of all people affected by caste discrimination by providing adequate financial, statutory and personnel support. Establish such institutions in caste-affected countries where they do not already exist.
4. Take special measures to guarantee that members of Dalit and other outcaste communities enjoy the rights to vote, stand for election and have due representation in government and legislative bodies, revenue administration, the police, and the judiciary. Dalit women should be proportionally represented.
5. Ensure greater participation by Dalits in civil administration. Priority should be given to the administration of justice, particularly in key institutions such as the police and the judiciary.
6. End the culture of impunity for atrocities against Dalits through strict enforcement of relevant penal codes and legislation. Prosecute and condemn those responsible for incidents of caste-based discrimination, segregation, exploitation and violence.
7. Monitor and publicize the extent to which existing laws and rulings to end caste discrimination, including untouchability, have been implemented.
8. Repeal national security and anti-terrorism laws that are contrary to the due process norms of international law. Ensure that anti-terrorism measures do not discriminate against anyone on any ground, including caste, and are not used against human rights defenders, including Dalit rights activists.
9. Uphold human rights obligations, even in the face of national security concerns. In particular, cease diversion of state resources away from social and development programs for vulnerable communities.
10. Ensure that Dalit human rights defenders are able to carry out their mandates effectively without any illegal or arbitrary interference or intimidation by the government or other forces in society.
11. Take the necessary steps to secure equal access to the justice system for all members of descent-based communities, including by providing legal aid, facilitating of group claims and encouraging non-governmental organisations to defend individual and peoples' rights.
12. Reform criminal justice systems to ensure that Dalits at the local level have an independent complaints mechanism freely available to them in cases of police torture, other abuses or general failures to uphold justice.
13. Implement the recommendations of national HR institutions and other relevant national commissions on measures to eliminate caste-based discrimination.

Gender Equity and Violence against Women

14. Take adequate measures to address abuses particular to Dalit women and girls who suffer multiple discrimination on the basis of caste, class and gender. Ensure the representation of Dalit women in relevant institutions referenced in this Declaration and evolve a comprehensive development policy focused on Dalit women as a special category.
15. Take action to eradicate trafficking, forced and ritual prostitution of Dalit girls and women; take measures to address sexual exploitation and domestic violence, including early marriage and sexual violence in marriage, against Dalit women and girls.
16. Amend discriminatory laws regarding birth and marriage registration, and citizenship laws that confer citizenship to children solely on the basis of their father's identity.

Media and Public Awareness

17. Take special affirmative measures to promote due representation in the mass media of members of Dalits and other disadvantaged groups, including women.
18. Carry out sensitisation campaigns and awareness-raising programs with media representatives.
19. Liaise with media outlets to profile and publicize abuses faced by caste-affected communities, including acts of violence, discriminatory social and customary practices and exploitation of labour.

Policy Reform and Access to Land, Education, Health, Housing and Common Resources

20. Enact land reform legislation that includes land distribution clauses to counter the pervasive landlessness of Dalits, a major-

ity of whom are dependent on agriculture for their livelihood.

21. Amend and enforce existing land reform legislation to prevent land alienation and ensure development of land belonging to Dalits through, among other things, greater access to credit and markets.

22. Introduce measures to combat homelessness and discrimination in tenancy, particularly in urban areas.

23. With the involvement of and input from civil society organisations, launch nationwide public awareness campaigns regarding legal prohibitions on caste discrimination. These campaigns should explain in simple terms what actions are legally prohibited and what recourse is available to victims of such discrimination and abuse. Enlist the support of civil society groups in such campaigns. Ensure removal of prejudicial content from textbooks and other teaching resources and methodologies.

24. Enlist the support of school teachers, social workers, law enforcement officials, government employees, the private sector and other relevant actors to undertake active training and sensitization programs against caste discrimination. Include a social justice education component in the curricula from primary to tertiary levels as well as in all teacher training programs. Implement the U.N.'s World Program on Human Rights Education in primary and secondary schools with a particular focus on caste discrimination.

25. Ensure the inclusion of all Dalit children in free, full-time formal quality education from primary level until the completion of elementary level. All working and other out-of-school children up to 15 years of age, including Dalit children, should have the right and opportunities to enter and finish a formal elementary education through the provision of transitional educational support such as bridging classes and courses.

26. Introduce mid-day meal schemes in all public schools and ensure non-discriminatory access. Where meal schemes exist, ensure that Dalit children are not denied access to these meals and that Dalit cooks are employed by the schools in the preparation of the meals.

27. Ensure greater participation by Dalits and other outcaste communities in educational institutions after finishing elementary education.

28. Introduce social justice and human rights education, including principles of non-discrimination, in public schools

Employment

29. Enact equality laws that prohibit public and private employer discrimination on the basis of caste. Require affirmative action programmes in the public and private sector and set up appropriate monitoring and reporting systems.

30. Take necessary steps to remove the customary constraints on leaving traditional caste-based occupations and promote more gainful alternative employment opportunities for Dalits. Increase access to finance and marketing to enable Dalits to set up enterprises. Improve functional literacy, for Dalit women and girls in particular, so they may engage in both skilled labour and entrepreneurship.

31. Enact and enforce legislation guaranteeing decent work, a living wage, labour rights, and access to land for Dalits and other exploited or oppressed communities, particularly in the informal economy

Development Planning and Implementation

32. Ensure that government programs are designed in consultation with Dalits and other marginalized communities at both the state and central government levels. In particular, infrastructure projects in the areas of water and sanitation, irrigation, rural roads and electricity should actively involve Dalit community members to ensure access to basic services.

33. Pay particular attention to the needs of Dalit and other outcaste communities in the devising and implementation of strategies and plans to achieve the Millennium Development Goals (MDGs). To this end, disaggregate the data on progress achieved on each and every MDG for Dalits.

34. Include Dalit groups and other civil society groups in discussions on priorities for engagement with the World Bank and Asian Development Bank.

35. Allocate adequate funding for programs for the socio-economic and educational support of communities that have faced discrimination on the basis of caste or descent. Actively involve caste-affected communities in the formulation and monitoring of these programs.

International

36. Strongly support initiatives to promote and enhance the fight against caste discrimination in all relevant United Nations and related fora, including U.N. human rights bodies, the International Labour Organisation (ILO), the United Nations Development Programme (UNDP), the United Nations Fund for Women (UNIFEM), the United Nations Children's Fund (UNICEF), the World Bank, the Asian Development Bank and the International Monetary Fund.

37. Support efforts at the 61st session of the U.N. Commission on Human Rights in 2005 to adopt the draft decision contained in resolution 2004/17 of the Sub-Commission on the Promotion and Protection of Human Rights to appoint two Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent. Cooperate fully with the appointed Rapporteurs.

38. Ratify (or accede to) and fully implement provisions of the U.N. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Make a declaration under Article 14 of the Convention recognizing the jurisdiction of the Committee on the Elimination of Racial Discrimination (CERD) over individual and group complaints regarding violations of any rights under the Convention committed by a State party. Ensure timely submission of state reports to the Committee.

39. Implement without delay recommendations contained in CERD's General Recommendation XXIX on descent-based discrimination, including those on the administration of justice, civil and political rights, economic and social rights, the right to educa-

tion, and the dissemination of hate speech³. Duly implement recommendations on descent-based discrimination addressed to governments by CERD following consideration of state reports due under the Convention. Include in periodic reports all follow-up measures taken to implement CERD's General Recommendation XXIX.

40. Promote the call for the appointment of a Special Rapporteur on Caste Discrimination by the U.N. Commission on Human Rights. Extend invitations to and cooperate with all relevant Special Rapporteurs to investigate caste-based abuses specific to their respective mandates.

41. Ratify and implement the provisions of the International Covenant on Civil and Political Rights (including its Optional Protocol), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (including its Optional Protocol), the Convention on the Elimination of All Forms of Discrimination Against Women (including its Optional Protocol), and the Convention on the Rights of the Child. Cooperate fully with the treaty bodies set up to monitor these covenants and conventions.

42. Review and make effective time-bound action plans for the implementation of all ILO Conventions and domestic laws pertaining to labour rights, bonded and child labour, and manual scavenging.

2. To National Human Rights Institutions and Other National Commissions

43. Ensure affected community representation, including women, in the membership and staff of national human rights institutions, women's commissions, minority commissions, and Dalit commissions. Where relevant, establish state-level branches for these institutions and commissions.

44. Create a core group of NGOs to assist in the commissions' work and ensure Dalit NGO representation in this group.

45. Ensure that the Asia Pacific Forum of National Human Rights Institutions (APFNHRI) discusses specific strategies to fight caste discrimination. The NGO Forum of the APFNHRI should include representation from caste-affected communities.

3. To U.N. Human Rights Bodies

46. Take every opportunity to raise the issue of caste and descent-based discrimination with relevant governments and encourage enactment and implementation of laws against the violations of human rights of members of Dalit communities, including laws prohibiting manual scavenging, bonded labour, caste-based violence and other abusive practices.

Commission on Human Rights and its Special Procedures

47. The Commission on Human Rights should adopt the draft decision contained in the resolution 2004/17 of the Sub-Commission on the Promotion and Protection of Human Rights to appoint two Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent, and call upon States to extend all necessary cooperation to the Rapporteurs.

48. The Special Rapporteur on Contemporary Forms of Racism should continue to raise the issue of caste discrimination in their reports, make specific recommendations to concerned governments, and continue to request government invitations for official visits to the respective countries.

49. All relevant Special Rapporteurs should pay particular attention to the plight of Dalits in a manner relevant to their respective mandates.

50. The Commission on Human Rights should appoint a Special Rapporteur on Caste Discrimination and declare in a resolution that caste-based discrimination is prohibited by international law, and call upon all concerned States to take necessary measures for its elimination.

51. Support the U.N. Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights and promote its development into an international instrument that is binding on companies in order to ensure, within their sphere of influence, their accountability and liability with regard to the realisation of human rights.

Sub-Commission on the Promotion and Protection of Human Rights

52. The Sub-Commission's prospective Rapporteurs on discrimination based on work and descent should be provided with all the necessary support and resources required to carry out their mandate.

53. Subject to confirmation of the Rapporteurs' mandate by the Commission on Human Rights, priority should be given to the formulation of the requested Principles and Guidelines for the Elimination of Discrimination Based on Work and Descent.

Human Rights Treaty Monitoring Bodies

54. Treaty monitoring bodies - in particular the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination Against Women, the Human Rights Committee, and the Committee Against Torture - should pay particular attention to human rights violations against Dalits when examining the periodic reports of concerned countries, and should take into account the recommendations contained in this Declaration when formulating their Concluding Observations, Comments and Recommendations.

4. To the United Nations and its Specialized Agencies

55. The Secretary-General of the United Nations and the United Nations High Commissioner for Human Rights should help

3. See Appendix B.

ensure that all U.N. agencies working in caste-affected countries pay particular attention to the issue of caste violence and discrimination.

56. Assess the impact of existing programs in caste-affected countries with regard to caste discrimination. Develop social, economic, educational and health programs and strategies designed to curb abuse and encourage accountability.

57. All U.N. agencies should build partnerships with Dalit organisations and establish consultative mechanisms to seek Dalit NGO input into project design and evaluation. All U.N. agencies should incorporate an analysis of caste into poverty reduction strategies and ensure that all data is disaggregated on the basis of caste and gender.

58. In its programs on HIV/AIDS, the UNDP should ensure that Dalit children are not discriminated against in their access to health and education. UNDP Annual Development Reports should include caste disaggregated data and analyses on patterns of discrimination.

59. All U.N. agencies should implement affirmative action measures in order to proportionately employ Dalits, including women, in all development activities.

60. In its forthcoming Global Report on non-discrimination as one the four fundamental labour rights, the ILO should conduct a thorough analysis of the impact of caste discrimination on labour. The report should include a specific plan of action to address and eradicate caste discrimination in the labour force, forced and bonded labour, and child labour, including a gender analysis. The ILO should work closely with its social partners to eradicate caste discrimination at the national level.

61. Undertake assessments of UN recruitment policy and practice in relevant country offices to ensure non-discrimination of Dalits and other caste affected and marginalised groups.

5. To Bilateral Aid Agencies

62. Promote the inclusion of marginalized groups such as Dalits into the consultation and design of programs.

63. Provide political and financial support for programs of the United Nations and regional bodies to assist countries seeking to eradicate caste discrimination.

64. Provide assistance for Dalit groups at the community level to participate in the planning of infrastructure and other government programs to ensure equal access by Dalits.

65. Take every opportunity to raise the issue of caste discrimination with caste-affected country officials, and encourage enactment and implementation of relevant laws against caste-based abuses.

66. Support civil society initiatives, including those led by Dalit organisations, that seek to eliminate caste-based discrimination.

67. Implement affirmative action measures in order to proportionately employ Dalits, including women, in all development activities.

6. To the European Union (Member States, the Council, the Commission and the Parliament)

68. Open up political and human rights dialogue with caste-affected countries on caste discrimination and ensure the effectiveness of EU Human Rights policy in this respect by ensuring that the issue forms a central part of Ministerial-level dialogues.

69. Ensure that caste-discrimination and its consequences are effectively analyzed and included in EU country strategy papers, reports, recommendations, resolutions, mid-term reviews and communications on affected countries.

70. Ensure that EU development programmes in affected countries are designed to assist national Governments to counter existing inequalities and specifically eradicate caste discrimination, and monitor the results.

71. The EU must promote and support initiatives to address caste-based discrimination in all relevant United Nations fora, including the adoption of the U.N. Sub-Commission's resolution 2004/17 by the U.N. Commission on Human Rights at its forthcoming session in March/April 2005.

72. Include references to and recommendations for the elimination of caste-based discrimination in all relevant EU statements, resolutions, working papers, declarations and programs of action pertaining to relevant agenda items in the United Nations Commission on Human Rights, the General Assembly's Third Committee, and in the follow up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

73. As part of its policies on corporate social responsibility, encourage and provide incentives for private companies with EU origin operating in caste-affected countries to adopt and implement the Ambedkar Principles⁴.

74. Assess the impact of trade, investment relations, and cooperation programs between EU and caste-affected countries on those suffering from caste discrimination. Formulate recommendations to make these programmes non-detrimental and more beneficial to Dalits.

7. To Donor Countries

75. Fulfil commitments made under Millennium Development Goal 8 to build a global partnership for development. Specifically work with national governments to address the elimination of caste discrimination as pivotal to the achievement of the MDGs 1 to 7 in caste-affected countries and undertake regular reporting.

76. Fulfil the human rights obligations of international cooperation as found in the Universal Declaration of Human Rights, the U.N. Charter and the ICESCR, toward the promotion of economic, social and cultural rights in developed and developing countries. In this regard, provide financial support to the U.N. World Program on Human Rights Education in primary and secondary

4. The Ambedkar Principles: Employment Principles to Assist Foreign Investors to Address Caste Discrimination in South Asia, are attached as Appendix A.

schools and promote inclusion of caste discrimination in the curricula.

77. Be mindful that the obligation of States to protect economic, social and cultural rights extend also to their participation in international organisations, where they act collectively, such as the World Trade Organisation and international financial institutions. It is particularly important for States to use their influence to ensure that violations and discrimination such as caste-based discrimination do not result from the programmes and policies of the organisations of which they are members.

8. To the World Bank and Asian Development Bank

78. Incorporate an analysis of caste exclusion into Corporate Social Development Strategies. For policy-based lending ensure that Poverty and Social Assessments (PSIA), carried out before loans are approved, include investigations of how the proposed policy changes will affect Dalit men and women, and their livelihoods. For sector investments or project loans ensure that the social analysis covers Dalit issues, and that measures to ensure equal benefits to Dalits - as well as women, indigenous peoples and other disadvantaged groups - are included in the Vulnerable Communities Development Plan (VDCP).

79. As part of their commitment to good governance, the World Bank and Asian Development Bank, as well as other international lending institutions, should, together with the governments concerned, establish an ongoing dialogue with Dalit NGOs and representatives of other marginalized groups at all stages of the decision-making process, i.e. before a loan is released, whilst a project is being implemented, and in the course of any post-project evaluation.

80. In the design of infrastructure programs, the World Bank and Asian Development Bank should ensure that concerned governments consult with Dalit and other marginalized groups, particularly women, to promote access to water, food, sanitation, land, rural transport, irrigation and social infrastructure.

81. With regard to basic services in health and education, the World Bank and Asian Development Bank should design an accountability framework that allows Dalit and other civil society groups to monitor access to these services.

9. To the Private Sector including Transnational Corporations

82. All companies investing in or operating in caste-affected countries should support and implement the U.N. Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, as well as sign the more general Global Compact, and implement changes in their business practices consistent with its principles.

83. Companies from OECD countries, should also implement the OECD (Organisation for Economic Co-operation and Development) Guidelines for Multinationals and other Enterprises, whilst all companies should implement the principles contained in the ILO Tripartite Declaration.

84. Adopt specific policies pertaining to human rights and ensure that, within your sphere of influence, these principles are also implemented by all suppliers and business partners.

85. Ensure that infrastructure investments are carried out in consultation with marginalized groups, including Dalits, and prioritise access of these groups to the fruits of these investments.

86. Ensure compliance with nationally mandated affirmative action programs. Where no such programs exist, companies should voluntarily institute and implement affirmative action programs for Dalits.

87. As a specific development of the above, adopt and implement the Ambedkar Principles (see Appendix A). The Ambedkar Principles are employment principles to assist foreign investors to address caste discrimination in South Asia. They are intended to acknowledge and compensate for historic injustices against Dalits through affirmative action and the norms of non-discrimination and labour rights that are in line with international human rights standards

10. To Non-Governmental Organisations

88. Include documentation on caste-based abuses and analysis of caste-based discrimination in reporting on caste-affected countries. Where appropriate, include critical assessments of the effectiveness of national policies and legislation addressing caste discrimination. Documentation of the plight of communities discriminated against on the basis of work and descent in Africa, Latin America, Pakistan, Bangladesh and Sri Lanka is sorely lacking and much needed.

89. Pay particular attention to the intersection of gender, class and caste discrimination as it affects Dalit and other outcaste women.

90. Give due attention to the nexus between caste discrimination and other forms of human rights violations such as torture, gender-based violence, modern forms of slavery including child and bonded labour, denial of equal treatment before the law, and deprivations of livelihood, food, water, healthcare, education, housing and land.

91. Plan for the reduction and elimination of caste-based discrimination and violence through development programming and monitor the impact of such programs.

92. Implement public awareness-raising and education campaigns to promote positive change in public attitudes and practices vis-à-vis members of communities affected by caste discrimination.

93. Lobby and provide information to relevant U.N. bodies (including the Sub-Commission on the Promotion and Protection of Human Rights, CERD and all relevant Special Rapporteurs) to increase their attention to the plight of Dalits and other caste-affected communities, and encourage the creation of social, economic, cultural and political programs to help overcome historic discrimination.

94. Lobby governments to implement CERD General Recommendation XXIX as well as recommendations addressed to them fol-

lowing consideration of state reports by CERD.

95. Translate into national languages and disseminate widely CERD General Recommendation XXIX and CERD's country-specific recommendations. Provide CERD's Coordinator on Follow-up with information on the measures taken at the national level to implement CERD's country-specific recommendations on descent-based discrimination.

96. Provide CERD and other relevant human rights treaty bodies with information on caste-based discrimination and encourage them to review the implementation of ICERD and other relevant instruments even when governments fail to comply with their reporting obligations.

97. Raise awareness among international aid agencies, the private sector, transnational corporations, and governments on the prevalence of caste discrimination and recommend appropriate interventions similar to those outlined in this document.

98. Develop and implement staff policies that will ensure the maximum participation of Dalits at all levels within domestic and international NGOs. Ensure that Dalits, including women, are involved in all stages of relevant projects, including planning, implementation, monitoring and evaluation.

Appendix A

THE AMBEDKAR PRINCIPLES*

Employment Principles to Assist Foreign Investors to Address Caste Discrimination in South Asia

The Signatories of these Principles, building on existing national anti-discrimination laws and policies and in the spirit of internationally recognized human rights will:

Include in any statement of employment policy a reference to the unacceptability of caste discrimination and a commitment to seeking to eliminate it;

Develop and implement a plan of affirmative action, where appropriate with specific reference to Dalit women, particularly where Dalits are under-represented as employees in relation to the local population;

Avoid any form of bonded or indentured labour and, as the victims of these are mostly Dalits, pay specific attention to the role that caste relations might play in legitimising or covering up such forms of labour;

Use fair recruitment, selection and career development processes, with clear objective criteria, and ensure that these processes are open to scrutiny from Dalit themselves as well as other civil society groups;

Take full responsibility for their workforce, both direct and sub-contracted, seeking to detect and remedy any caste discrimination in employment conditions, wages, benefits or job security;

Evolve comprehensive training opportunities for employees and potential recruits from Dalit communities, integrated with other staff where appropriate but separate if not, and with the aim of enabling them to fulfil their potential;

Designate a manager at appropriate level to carry out the policy, aimed at meeting business needs, maximising the benefits of a diverse workforce, and ensuring the policy, its monitoring and the related practices are carried through;

Develop effective monitoring and verification mechanisms of progress with effect to the above at the level of the individual company, and also co-operate in monitoring at the levels of sector and the state, involving Dalit representatives, including women, in these mechanisms;

Publish annually a report on progress in implementing these Principles – preferably in relation to an appropriate section of the Annual Report and appoint a specific board member with responsibility for oversight of this policy area.

Ensure that all corporate support to community development programmes and other charitable activities in caste-affected countries or areas includes the participation of Dalits and assures their at least equal share in any benefits.

*These Principles were presented in draft form to the International Consultation on Caste-Based Discrimination held in Kathmandu between November 29 and December 1, 2004. The International Dalit Solidarity Network hopes to receive comments and suggested amendments over a six-month period and to adopt the Principles in final form in mid-2005.

Appendix B: General Recommendation XXIX on descent-based discrimination adopted by the Committee on the Elimination of Racial Discrimination

General Recommendation XXIX
Article 1, paragraph 1, (Descent)
(Sixty-first session, 2002)

The Committee on the Elimination of Racial Discrimination,

RECALLING the terms of the Universal Declaration of Human Rights according to which all human beings are born free and equal in dignity and rights and are entitled to the rights and freedoms therein without distinction of any kind, including race, colour, sex, language, religion, social origin, birth or other status,

RECALLING also the terms of the Vienna Declaration and Programme of Action of the World Conference on Human Rights according to which it is the duty of States, regardless of political, economic and cultural system, to promote and protect all human rights and fundamental freedoms,

REAFFIRMING its general recommendation XXVIII in which the Committee expresses wholehearted support for the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

REAFFIRMING ALSO the condemnation of discrimination against persons of Asian and African descent and indigenous and other forms of descent in the Durban Declaration and Programme of Action,

BASING its action on the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination which seeks to eliminate discrimination based on race, colour, descent, or national or ethnic origin,

CONFIRMING the consistent view of the Committee that the term "descent" in article 1, paragraph 1, the Convention does not solely refer to "race" and has a meaning and application which complement the other prohibited grounds of discrimination,

STRONGLY REAFFIRMING that discrimination based on "descent" includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights,

NOTING that the existence of such discrimination has become evident from the Committee's examination of reports of a number of States parties to the Convention,

HAVING ORGANIZED a thematic discussion on descent-based discrimination and received the contributions of members of the Committee, as well as contributions from some Governments and members of other United Nations bodies, notably experts of the Sub-Commission for the Promotion and Protection of Human Rights,

HAVING RECEIVED contributions from a great number of concerned non-governmental organisations and individuals, orally and through written information, providing the Committee with further evidence of the extent and persistence of descent-based discrimination in different regions of the world,

CONCLUDING that fresh efforts need to be made as well as existing efforts intensified at the level of domestic law and practice to eliminate the scourge of descent-based discrimination and empower communities affected by it,

COMMENDING the efforts of those States that have taken measures to eliminate descent-based discrimination and remedy its consequences,

STRONGLY ENCOURAGING those affected States that have yet to recognize and address this phenomenon to take steps to do so,

RECALLING the positive spirit in which the dialogues between the Committee and Governments have been conducted on the question of descent-based discrimination and anticipating further such constructive dialogues,

ATTACHING THE HIGHEST IMPORTANCE to its ongoing work in combating all forms of descent-based discrimination,

STRONGLY CONDEMNING descent-based discrimination, such as discrimination on the basis of caste and analogous systems of inherited status, as a violation of the Convention,

RECOMMENDS that the States parties, as appropriate for their particular circumstances, adopt some or all of the following measures:

I. Measures of a general nature

1. Steps to identify those descent-based communities under their jurisdiction who suffer from discrimination, especially on the basis of caste and analogous systems of inherited status, and whose existence may be recognized on the basis of various factors including some or all of the following: inability or restricted ability to alter inherited status; socially enforced restrictions on marriage outside the community; private and public segregation, including in housing and education, access to public spaces, places of worship and public sources of food and water; limitation of freedom to renounce inherited occupations or degrading or hazardous work; subjection to debt bondage; subjection to dehumanizing discourses referring to pollution or untouchability; and generalized lack of respect for their human dignity and equality;
2. Consider the incorporation of an explicit prohibition of descent-based discrimination in the national constitution;
3. Review and enact or amend legislation in order to outlaw all forms of discrimination based on descent in accordance with the Convention;
4. Resolutely implement legislation and other measures already in force;
5. Formulate and put into action a comprehensive national strategy with the participation of members of affected communities, including special measures in accordance with articles 1 and 2 of the Convention, in order to eliminate discrimination against members of descent-based groups;
6. Adopt special measures in favour of descent-based groups and communities in order to ensure their enjoyment of human rights and fundamental freedoms, in particular concerning access to public functions, employment and education;

2. Multiple discrimination against women members of descent-based communities

11. Take into account, in all programmes and projects planned and implemented and in measures adopted, the situation of women members of the communities, as victims of multiple discrimination, sexual exploitation and forced prostitution;
12. Take all measures necessary in order to eliminate multiple discrimination including descent-based discrimination against women, particularly in the areas of personal security, employment and education;
13. Provide disaggregated data for the situation of women affected by descent-based discrimination;

3. Segregation

14. Monitor and report on trends which give rise to the segregation of descent-based communities and work for the eradication of the negative consequences resulting from such segregation;
15. Undertake to prevent, prohibit and eliminate practices of segregation directed against members of descent-based communities including in housing, education and employment;
16. Secure for everyone the right of access on an equal and non-discriminatory basis to any place or service intended for use by the general public;
17. Take steps to promote mixed communities in which members of affected communities are integrated with other elements of society and ensure that services to such settlements are accessible on an equal basis for all;

4. Dissemination of hate speech including through the mass media and the Internet

18. Take measures against any dissemination of ideas of caste superiority and inferiority or which attempt to justify violence, hatred or discrimination against descent-based communities;
19. Take strict measures against any incitement to discrimination or violence against the communities, including through the Internet;
20. Take measures to raise awareness among media professionals of the nature and incidence of descent-based discrimination;

5. Administration of justice

21. Take the necessary steps to secure equal access to the justice system for all members of descent-based communities, including by providing legal aid, facilitating of group claims and encouraging non-governmental organisations to defend community rights;
22. Ensure, where relevant, that judicial decisions and official actions take the prohibition of descent-based discrimination fully into account;
23. Ensure the prosecution of persons who commit crimes against members of descent-based communities and the provision of adequate compensation for the victims of such crimes;
24. Encourage the recruitment of members of descent-based communities into the police and other law enforcement agencies;
25. Organize training programmes for public officials and law enforcement agencies with a view to preventing injustices based on prejudice against descent-based communities;
26. Encourage and facilitate constructive dialogue between the police and other law enforcement agencies and members of the communities;

6. Civil and political rights

27. Ensure that authorities at all levels in the country concerned involve members of descent-based communities in decisions which affect them;
28. Take special and concrete measures to guarantee to members of descent-based communities the right to participate in elections, to vote and stand for election on the basis of equal and universal suffrage, and to have due representation in Government and legislative bodies;
29. Promote awareness among members of the communities of the importance of their active participation in public and political life,

and eliminate obstacles to such participation;

30. Organize training programmes to improve the political policy-making and public administration skills of public officials and political representatives who belong to descent-based communities;

31. Take steps to identify areas prone to descent-based violence in order to prevent the recurrence of such violence;

32. Take resolute measures to secure rights of marriage for members of descent-based communities who wish to marry outside the community;

7. Economic and social rights

33. Elaborate, adopt and implement plans and programmes of economic and social development on an equal and non-discriminatory basis;

34. Take substantial and effective measures to eradicate poverty among descent-based communities and combat their social exclusion or marginalization;

35. Work with intergovernmental organisations, including international financial institutions, to ensure that development or assistance projects which they support take into account the economic and social situation of members of descent-based communities;

36. Take special measures to promote the employment of members of affected communities in the public and private sectors;

37. Develop or refine legislation and practice specifically prohibiting all discriminatory practices based on descent in employment and the labour market;

38. Take measures against public bodies, private companies and other associations that investigate the descent background of applicants for employment;

39. Take measures against discriminatory practices of local authorities or private owners with regard to residence and access to adequate housing for members of affected communities;

40. Ensure equal access to health care and social security services for members of descent-based communities;

41. Involve affected communities in designing and implementing health programmes and projects;

42. Take measures to address the special vulnerability of children of descent-based communities to exploitative child labour;

43. Take resolute measures to eliminate debt bondage and degrading conditions of labour associated with descent-based discrimination;

8. Right to education

44. Ensure that public and private education systems include children of all communities and do not exclude any children on the basis of descent;

45. Reduce school drop-out rates for children of all communities, in particular for children of affected communities, with special attention to the situation of girls;

46. Combat discrimination by public or private bodies and any harassment of students who are members of descent-based communities;

47. Take necessary measures in cooperation with civil society to educate the population as a whole in a spirit of non-discrimination and respect for the communities subject to descent-based discrimination;

48. Review all language in textbooks which conveys stereotyped or demeaning images, references, names or opinions concerning descent-based communities and replace it by images, references, names and opinions which convey the message of the inherent dignity of all human beings and their equality of human rights.



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International Dalit Solidarity Network
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