

IDSN Inputs to Online Discussion on Inequalities and Minorities in the Post-2015 Framework (17 January 2013)

Submitted on behalf of the International Dalit Solidarity Network (IDSN); an international network working for the elimination of caste-based discrimination globally (www.idsn.org)

A Preliminary Input with observations and recommendations on how to address caste-based discrimination in the Post-2015 Framework can be downloaded [here >>](#)

1. What are the most important forms of inequalities faced by minorities? - including discussion of where and among whom these challenges occur, their severity, the evidence about them, etc.

Caste discrimination entails social and economic exclusion, segregation in housing, denial and restrictions of access to public and private services and employment, and enforcement of certain types of jobs on Dalits, resulting in a system of modern day slavery or bonded labour.

A central feature of caste discrimination is the so-called “untouchability practices”. Untouchability practices stem from the notion that different caste groups have varying degrees of purity and pollution, with Dalits and other caste-affected groups being so impure that they can pollute other groups. This form of discrimination is distinct to various forms of exclusion and marginalisation affecting Dalits and other caste-affected communities globally. IDSN therefore recommends that caste-based discrimination and untouchability are recognised as some of the major structural factors at the root cause of inequalities in the post-2015 development framework, and are included in the measures and targets proposed to address global inequalities.

Dalit women and other women affected by caste discrimination are most severely exposed to multiple and intersecting forms of discrimination and violence on the basis of gender and caste. They suffer extreme forms of violation and multiple discrimination at the bottom of the caste system – as Dalits, as members of an impoverished underclass, and as women. In some countries, Dalit women also belong to the religious minorities, adding to the various forms of discrimination they are faced with. Paradoxically, sexual abuse and rape against Dalit women is not considered polluting to men from dominant castes. The effect of untouchability practices and indeed the sexual abuse of "untouchable" women is that Dalits and other "untouchable" groups are kept powerless, separate and unequal.

If Dalits and other caste-affected groups challenge the untouchability practices, they often face violent sanctions and social boycott. Massive violations of human rights occur in relation to untouchability practices and other forms of caste-based discrimination.

Several independent studies have documented the various forms of inequalities faced by Dalits and other persons affected by caste-based discrimination. According to these studies, untouchability practices include:

- Segregation in housing, schools and cremation grounds
- De facto prohibition of inter-caste marriage
- Limitation or prohibition of access to public places such as roads, temples and tea houses
- Denial or limitation of access to public services such as water taps, health care and education
- Restrictions on occupation; assignment of the most menial, dirty and dangerous jobs as defined by the caste hierarchy
- De facto prohibition of access to and ownership of land

One of the most comprehensive studies is [Understanding Untouchability - A Comprehensive Study of Practices and Conditions in 1589 Villages by Navsarjan Trust and the Robert F. Kennedy Center for Justice & Human Rights \(2010\)](#). Many UN Special Rapporteurs, including the Independent Expert on minority issues, have also studied the intersection between caste discrimination and thematic human rights concerns. A compilation of such references can be found on: www.idsn.org/UNcompilation. Links to more reports, good practice cases, and news related to caste discrimination and untouchability can furthermore be found on IDSN's database: <https://delicious.com/idsn>

2. What are the major structural factors at the root of these inequalities, within and among different societies?

Caste discrimination is in itself a major obstacle to achieving the Millennium Development Goals (MDGs). When considering the major structural factors at the root of these inequalities, it is therefore necessary to explicitly address caste-based discrimination as a root cause of some of the gravest inequalities and human rights violations in the world.

A practical way to recognize caste discrimination in the post-2015 framework would be to include caste on par with other prohibited grounds of discrimination in formulations referring to the principle of non-discrimination (e.g. discrimination on the grounds of race, ethnic or religious identity, disability, age, class, caste or other factors as done by the CEDAW Committee in General Recommendation No. 25), and to recognize caste-affected persons alongside other excluded groups such as religious, linguistic and ethnic minorities, people with disabilities and LGBTIQ people (as mentioned by Mark Lattimer in his inputs to the discussion on 16 Jan).

As a consequence of caste discrimination, victims of caste discrimination are routinely denied access to water, schools, health services, land, markets and employment. The social exclusion of Dalits and similarly affected communities lead to high levels of poverty among affected population groups and exclusion, or reduced benefits, from development processes. It furthermore precludes their involvement in decision making and governance, and their meaningful participation in public and civil life.

The majority of people affected by caste discrimination are Dalits (or „outcastes“) live in South Asia. It is estimated to affect 260 million persons globally. Similar forms of discrimination are found in Japan, Yemen, some African communities, and the South Asian Diaspora, as confirmed in a comprehensive UN study on the topic (UN study on discrimination based on work and descent by the former UN Sub-Commission on the Promotion and Protection of Human Rights – see for example the final HRC report A/HRC/11/CRP.3 and second expanded working paper E/CN.4/Sub.2/2004/31).

Dalit women and girls belong to the category of particularly excluded groups, who are exposed to multiple and intersecting forms of discrimination and violence on the basis of gender and caste. The intersection between gender and caste therefore needs to be explicitly addressed under the post-2015 framework's focus on inequalities and multiple forms of discrimination.

As a consequence of the inequalities caused by caste discrimination, impunity for the perpetrators of crimes against caste-affected groups and non-implementation of legislation permeates the justice and law enforcement systems. Dalit cases are often not reported, investigated or prosecuted properly. Policemen, lawyers and judges often belong to dominant castes and they are unwilling to investigate, prosecute and hear cases of crimes against Dalits. Very few cases of crimes against Dalits lead to conviction.

Two Special Procedure mandate holders – the Independent Expert on minority issues and the Special Rapporteur on the human right to safe drinking water and sanitation – have already argued that caste discrimination needs to be taken into consideration in the post-2015 development agenda.

The SR on water and sanitation has underlined that different factors need to be taken into consideration in the post-2015 framework in order to ensure equal shares for disadvantaged groups, including those

affected by caste discrimination (A/67/270, para. 36). The Independent Expert on minority groups has noted that progress to meet the MDGs for many of the most disadvantaged groups, including Dalits, has not met expectations. She has stated that “without significant and continuing efforts to raise attention to the need for solutions that work for disadvantaged minorities, post 2015 strategies at the national level may in some cases continue to follow the same patterns, priorities and models that have proved to be flawed in their ability to address minority needs” (Online submission re. the Post-MDG Development Agenda on Inequalities).

3. What kinds of policies, strategies or interventions have been most successful in addressing the various inequalities experienced by minorities? And under which conditions/in which situations have particular policies, strategies or interventions had the greatest, lasting impact? (Contributors may wish to cite examples or give references to these “successes”).

In November 2011, an [International Consultation](#) was held on the theme of Good Practices and Strategies to Eliminate Caste-Based Discrimination. The consultation aimed to enhance international, national, and local engagement to eliminate caste-based discrimination, and involved participation of Dalit activists and leaders from many caste-affected countries, representatives international organisations and UN agencies, researchers, and government representatives, among others. One of the topics for discussion was mainstreaming and inclusion of caste discrimination in development programming. Below are some observations on which kinds of policies, strategies and interventions have been most successful in addressing the inequalities experienced by Dalits and other affected communities. (*The full version of the text on mainstreaming and inclusion of caste discrimination in development programming, see IDSN’s Report from International Consultation: www.idsn.org/ICreport*)

Over the last decade many institutions and governments have made efforts to mainstream Dalits and caste-affected communities into their programmes, to consult with and address the needs of caste-affected communities and to tackle caste-based discrimination. Participants shared some of the successful initiatives that have been taken by UN agencies, donors and governments to tackle caste discrimination and to engage with Dalit communities, including:

- Reference to caste-affected communities and caste discrimination in national country strategy papers and Poverty Reduction Strategy Papers. Creating opportunities for mainstreaming, (e.g. European Union’s programmes with governments and civil society).
- Allocating resources to addressing caste discrimination and funding human rights advocacy programmes.
- Holding formal consultations with representatives from caste-affected countries to develop programmes and calls for proposals.
- Positive measures in aid allocation to caste-affected countries, (e.g. allocating X% of funds to Dalit headed organisations).
- Development of tools to identify discrimination and social exclusion, (e.g. UK Department of International Development’s 2007 Social Exclusion Policy).

Taking stock of these efforts, participants expressed concern about efforts to ensure equal access to services, resources and development. Caste discrimination is preventing equal access to public services such as housing, water, health care and education. Access to financial credit and services is also problematic. Participants expressed the need for states and donors to do more to ensure equal access, allocating appropriate resources and taking action when discrimination occurs. The following strategies were also suggested:

- Training public servants, particularly teachers, health professionals and those responsible for delivery of government benefits, in how to identify, monitor and eliminate caste discrimination.

- Improve access to vocational training and employment opportunities for caste-affected communities.
- Programmes of land redistribution and reform to meet agricultural and housing needs, and end bonded labour - providing titles to both women and men
- Budget monitoring to ensure equal allocation of services and resources to caste-affected communities.

Good practice case A: Government of Nepal's efforts to eliminate caste discrimination

The Government of Nepal (GoP) is very clear that caste discrimination is a violation of human rights and must be eliminated. To this end, the GoP is:

- Establishing quotas and a reservation system, particularly in health and sanitation.
- Advocating for special measures in governance structures.
- Making special provisions in the Constitution for Nepal to become an untouchability free state. Law enforcement agencies need to implement the related norms and provisions.
- Implementing the recent Untouchability (Control and Punishment) Act to limit, control, investigate, penalise, prosecute and bring people to justice to uphold the rights of Dalits.
- Developing an action plan to implement the recommendations outlined in the Universal Periodic Review Process.

The GoP's best strategies to address caste discrimination are to establish engagement with civil society and create co-ordination mechanisms to collectively implement the following activities:

- Map key organisations and national frameworks.
- Focus on the implementation of existing laws and policies.
- Monitor and evaluate the effectiveness of existing legislation and policies.
- Map the situation of Dalits to assess their political, social, and economic situation and collect disaggregated data.
- Conduct fact finding, human rights analysis and reporting. Document cases for both national and international audiences.
- Develop tools to identify discrimination and exclusion and develop mechanisms to facilitate inclusion.
- Strengthen the involvement at decision making level of Dalits in programme management and project implementation.
- Lobby and provide information to relevant UN bodies to raise visibility of caste discrimination.
- Develop social, economic, cultural and political programmes to help overcome historic discrimination. Establish appropriate mechanisms for implementation, dialogue and co-ordination with affected communities, the government and donors.

Presentation made by Dr. Trilochan Upreti, Secretary, Office of the Prime Minister and Council of Ministers, Nepal

4. Based on experience, what are the most important recommendations that could be proposed in the Post-2015 Development Agenda for making a lasting and transformative impact on the different forms of inequalities faced by minority groups?

Overall recommendations on how to address inequalities caused by caste discrimination in the Post-2015 Framework:

- The post-2015 framework should explicitly address the root causes to inequalities and poverty, focusing on the poorest and most marginalised groups including Dalits and similarly excluded communities.
- Inclusion and social development should be at the heart of the post-2015 agenda, and the framework should be based on the principles of equality, non-discrimination, and participation.

- The post-2015 framework should have a strong focus on multiple forms of discrimination, including the intersection between caste and gender-based discrimination.
- Human rights indicators should be used to develop and assess the goals and targets of the post-2014 framework to ensure that equal access and distribution of resources are integrated in the post-2015 framework from a rights-based perspective.
- The post-2015 framework should mainstream the collection of disaggregated data and research on intersecting forms of discrimination, including caste-based discrimination, as a way to measure inequalities and to develop and implement programmes to address the systematic patterns of marginalization and exclusion at the root of poverty and exclusion. This data should be collected in consultation with affected groups, and should especially aim for the participation of women in the design, collection, evaluation of data, and impact assessment.

5. What actions and initiatives could be taken by different stakeholders, including civil society, to bring about lasting improvements in these inequalities? And how should those who face inequalities themselves be enabled to participate in the implementation phase of the new Development Framework?

The International Consultation on Good Practices and Strategies to Eliminate Caste-Based Discrimination included several cases of good practices by civil society to prevent and address inequalities caused by caste discrimination. One of the general calls made to civil society was the establishment of alliances with communities discriminated against on the basis of caste in order to build strategies across relevant sectors of advocacy and service delivery to eliminate caste discrimination. Furthermore, the following cross-cutting principles were recommended as a basis for mainstreaming efforts to eliminate caste-based discrimination into legislative, policy and programme activities: Non-discrimination, participation, accountability and access to remedies, substantive equality and special measures, intersectionality, non-retrogression, and data and monitoring.

Participants at the International Consultation underlined the principle of effective and meaningful participation and involvement. A general recommendation was that efforts need to be scaled up if programme decisions, resources and policies are to be truly shaped by the needs and solutions of caste-affected countries. Participants recommended that multi-year plans, policies and programmes be publically assessed with the full participation of caste-affected groups. Commitment to mainstreaming has not been systematic and at times consultation has been tokenistic and ad hoc. Participants expressed that more needs to be done to ensure the meaningful and effective participation of caste-affected communities - at every stage of the programme management cycle - from project selection, design, implementation, monitoring and evaluation. Participants reaffirmed that all caste-affected people should have a right to participate in the decision making that affect their lives.

It was suggested that donors and governments should systematise their engagement with caste-affected communities, developing mechanisms for consultation, dialogue and joint co-ordination taking into account issues such as language, where consultations happen, who is invited and how much notice is given. Concretely speaking, one participant suggested that four principles are used to ensure inclusive policies and programmes:

1. Ensure clear and disaggregated data
2. Identify indicators and allocate budgets
3. Strengthen and systematise programmes and tools so they are responsive and dynamic
4. Keep tracking change to ensure evidence based policy making.

Another concrete recommendation was recruitment of caste-affected people. Recruiting Dalits and strengthening their involvement in decision making within programme management and implementation is essential. Dalit representation amongst the staff of UN agencies, governments, donors and NGOs

remains pitifully low, particularly at senior level. A good practice example of this is the following Policy Brief : [IMPROVING WORKFORCE DIVERSITY WITHIN THE UNCT: A good practice from Nepal](#)

The need for national caste-disaggregated data, caste sensitive monitoring and censuses was also underlined to track and monitor exclusion, the effects of caste discrimination, and the impact of programmes. Participants agreed that data should be collected in accordance with international standards on privacy protection, informed consent and adherence to ethical standards and that caste-affected people should be involved in research methodology, design and analysis. This is an area where civil society, states and institutions could combine expertise and work together.

A practical example of mainstreaming efforts to eliminate caste discrimination in development programming is the [UNDP Resource Guide and Toolkit on Marginalised Communities](#) developed by UNDP in collaboration with the Independent Expert on minority issues to further enhance UNDP's policy and programming interventions on minority issues. It includes several observations on measures to be taken to promote and protect Dalit rights in caste-affected countries, and includes a reference to the [Draft UN Principles and Guidelines on the Effective Elimination of Discrimination based on Work and Descent](#). The publication has the potential to enhance UNDP's treatment of issues affecting minorities and excluded groups like the Dalits, and to increase the opportunities available to minorities for meaningful participation and representation in development processes and for strengthening partnerships to protect and promote the rights of minorities.

Good Practice Case B: UNDP strategies and tools

The UNDP have implemented the following strategies to mainstream Dalit issues in UNDP's policy, planning, monitoring and evaluation Processes:

- Development of 2010 UN Framework on Gender Equality, Social Exclusion and Human Rights which aims to develop UN wide understanding on intersectionality and development, recognising multiple forms of discrimination and that when different forms of discrimination interact they produce new types of discrimination.
- Developing a participatory UN Development Assistance Framework for 2013-2017. This is the UN response to national development priorities and looks at who is marginalised and vulnerable, social attitudes and what the UN should be doing on this. Every programme supported by UNDP will disaggregate data by caste, ethnicity and sex. Our approach has now changed and is looking at who the UN should be working for, who are our clients? 20 client groups were identified including Dalits.
- Development of UNDP Project Monitoring Tool - The Gender and Social Inclusion Responsive Monitoring Information System monitors and focuses on three interlinked domains of social transformation - improved livelihood, social and political empowerment, and policy change for equity and equality.
- Development and implementation of UNDP Workforce Diversity Policy 2007 - As a result all terms of reference now include issues on gender and social exclusion relevant to the position, vacancy announcements are disseminated to Dalit organisations, affirmative action is taken during recruitment processes for target groups, and recruitment committees are inclusive to the fullest extent possible. Dalits representation in UNDP in 2007 was 4% and in 2011 it is now 7%.

Presentation made by Dharma Swarnakar, Programme Officer, UNDP, Nepal

See also: [ADDRESSING DISCRIMINATION AND HUMAN RIGHTS IN THE CCA/UNDAF: A good practice from Nepal](#)

Source: *IDSN's Report from International Consultation: www.idsn.org/ICreport*