



Decade of Dalit Rights UN 2011-20: Decisive Decade against Discrimination based on Work and Descent

Organised by

Buraku Liberation League (Japan), Bangladesh Dalit and Excluded Rights Movement (Bangladesh), Dalit Solidarity Platform (Pakistan), Human Development Organization (Sri Lanka), Feminist Dalit Organization (FEDO-Nepal), National Campaign on Dalit Human Rights (NCDHR-India), National Confederation of Dalit Organisations (NACDOR-India), National Federation of Dalit Women (NFDW-India), National Nepal Dalit Social Welfare Organization (NNDSWO- Nepal), Samatha Foundation (Nepal), Dalit Network Netherlands (DNN-Netherlands), Dalit Solidaritat in Deutschland (Germany), Dalit Solidarity Forum Finland (DSN- Finland), Dalit Solidarity Network Denmark (DNN-Denmark), Dalit Solidarity Network (DSN-UK), International Dalit Solidarity Network (IDSN), International Movement against all forms of Discrimination and Racism (IMADR), Lutheran World Federation (LWF-Geneva), Pax Romana (Geneva), Swedish Platform for Dalit Solidarity (Sweden), World Council of Churches (Geneva), Working Group on Human Rights in India and UN (WGHR)

Brief report of the events in Geneva on 24-28 June 2011

The push given by the Bellagio Consultation on the *UN World Conference Against Racism* in January 2000 for inclusion of caste discrimination in the WCAR Agenda became a public demand in WCAR in 2001 when a large number of delegation from India and other countries affected by discrimination based on work and descent clamoured for the inclusion of this issue in the inter-governmental official text of WCAR. Though the non-inclusion in the governmental text seemed a setback, the recognition of caste discrimination as a heinous crime by the global civil society's NGO Forum at WCAR was a big gain. Moreover, in the past one decade since WCAR, the enormous efforts undertaken by various civil society actors from and outside the caste affected countries to engage the governments of the concerned affected countries, various UN bodies, the EU as well as certain governments in Europe, and the subsequent significant outcomes gained as a result of such efforts necessitated a pause for assessment of the past and designing the future.

To make a historical note here, the seed for having such review and future planning was sown on the occasion of the Regional Seminar on "Minority Issues and Social Exclusion in South Asia: Challenges and Responses by State and Civil Society, Positive Practices, Learning's and Future" held in New Delhi on 18-19 December 2010. The planning set in motion from then onwards moved into the direction of holding five events:

The following is a brief report on each of these four events.

- 1. Strategy Building Conference, 24-25 June, RDC Conference Centre, Rue de Varembe 1, Geneva**
- 2. UN Experts Seminar, 26 June, Palais Wilson, Geneva**
- 3. Bilateral Meetings with Special Rapporteurs, 27 & 28 June, Geneva**
- 4. Advocacy meetings with Country Missions, 28 June**
- 5. Meetings with High Commissioner for Human Rights, Ms. Navi Pillay and the Office of the High Commissioner for Human Rights**

1. Strategy Building Conference, 24-25 June 2011

While the objectives and the detailed schedule of this conference can be found in the “Programme Schedule” that was circulated among the conference participants and while the outcomes of the conference can be found in the “Declaration” that is being circulated among the participants and others after the conference, the following condenses some of the key interventions and debates at the conference itself.



DAY I: 24TH JUNE

Inaugural Session

Chair: Nimalka Fernando - Welcome Address: Vijay Parmar - Overview of Journey of Caste in UN: Paul Divakar & Rikke Norhlind - Chief Guest Speaker: Rory Mungovan - Programme Dynamics: Aloysius Irudayam - Vote of Thanks: Zakir Hossain

The tone of the conference was set by a reminder of our shared experience of resistance to denial of our rights both for ourselves as well as for the millions oppressed by the mere fact of birth into a caste; hence, we ask the UN and the world to give human rights meaning by helping us to eradicate caste discrimination. The historical efforts at internationalizing the struggle against caste discrimination were traced from Dr Ambedkar’s early interventions to the present. Despite the Indian government’s efforts to exclude caste discrimination from international purview, UN member states are now much more aware than a decade ago of the issue and the “Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent” provide an international reference point for action. Rory Mungovan, speaking on behalf of the High Commissioner for Human Rights, then elaborated on the ways in which the OHCHR has given prominence to this issue and wants to promote human rights approaches to caste discrimination in

other UN bodies; this would contribute to impacts on the ground as well as creating further normative advances internationally.

Session I:

Present Status of Caste-Affected Countries vis-à-vis their DWD Communities & Our Future Response

Moderators: Vimal Thorat & Ashok Bharti - Panelists: Durga Sob (Nepal), Zakir Hossain (Bangladesh), Sirivella Prasad (India), Megumi Komori (Japan)

Each of the panelists spoke of the status of the rights of the communities affected by discrimination based on work and descent (DWD) across social, cultural, economic, political and legal dimensions in their respective countries. Specifically highlighted were the varying degrees of state recognition and denial of caste based discrimination, and the actions and omissions by each state in addressing this issue. The similarity of approach of states 'domesticating' caste and patriarchy as matters falling external interference was also noted, as was the need for a dynamic movement to counter caste discrimination in society and the state's lack of accountability to its DWD affected citizens for respect, protection and fulfilment of their rights.

Session II:

Review of Past Decade & Identification of Future Possibilities for Engaging UN Bodies

Moderator: Miloon Kothari - Panelists: Rikke Nohrlind, Lawrencia Kwark, Manjula Pradeep, Gitte Dyrhagen & Bhakta Bhishwakarma

The following were noted as important in any strategy to engage with UN human rights bodies on caste discrimination: timely, professional and broad-based submissions to Special Rapporteurs and Treaty Bodies, potentially extending to UN bodies in New York; mainstreaming caste discrimination issues across different human rights areas, while also focusing on intersections between caste and other social categories like gender; drafting of Shadow Reports and organizing of side-events; and getting UN recommendations and guidelines on caste discrimination implemented. A clear consensus exists that the strategy of linking caste and race is a dead-end and that the way forward is by stressing that caste is not race, but that caste-based discrimination is nevertheless a violation of international human rights law. At the same time, discussion also centred on the need to bring achievements at the UN level back to strengthen democratic struggles at the grassroots, building strategic alliances with many stakeholders including international human rights organizations, learning from achievements in different countries and building contacts with more sympathetic states.

Session III:

International Solidarity Actors vis-à-vis Caste-Affected Countries with DWD Communities

Moderator: Chandran Martin - Panelists: Meena Varma, Gerard Oonk, Walter Hahn, Kathryn Ramsay, Anand Bolimera, Bethan Copley & Ralston Deffenbaugh

The panelists shared their experiences in raising the issue of caste-based discrimination with their respective governments and organizations, emphasizing the utility of encouraging voluntary commitment to the Ambedkar Principles by European corporations, using economic arguments to encourage civil society in European countries and governments to place caste discrimination on the

international agenda, pushing the EU and UN to further legislate against caste discrimination, including clauses against caste discrimination in the EU-India Free Trade Agreement, and learning from other struggles such as those of indigenous peoples at the UN. The main hurdle of the Indian government's stance towards caste as an international issue suggests a strategy of simultaneously nurturing stronger Dalit organizations as well as solidarity networks within India with sympathetic 'higher' castes, and ensuring that Dalits gain economic rights in all sectors. The suggestion made was to push for a global fund for Dalit rights in order to support the struggle at a time when on the one hand the concerted efforts to push the DWD agenda on the international scene is poised for a new take off and on the other hand when some of the caste affected country governments are resisting the international as well as national efforts to open the doors of equality and freedom fully to the DWD communities and when the INGOs are planning to withdraw from countries like India.

DAY II: 25TH JUNE

Session IV: Working towards International DWD Movement in the Next Decade: Roles, Strategies and Tasks Ahead

Moderator: Miloon Kothari - Panelists: Corrine Lennox, Lawrence Kwark, Rikke Nohrlind & Paul Divakar

The ways in which to concretely move ahead, occupied the sessions of the second day. A concise overview of lessons to be learned from other groups lobbying the UN, particularly the African American, Roma and indigenous movements, all of whom face fierce opposition from various governments, showed the need to invest in: wider, strong international solidarity networks and alliances, including international human rights organizations; "socializing" the state, i.e. feeding back statements made by the states to them to remind them of their own commitments; and confronting India's eagerness to use hard power rather than soft power in international negotiations. All efforts must be "victim"-centered, connected to the grassroots where most Dalit activists work, but in a different way – a nationally and regionally rooted DWD based movement setting the agenda from the perspective of DWD affected communities, with simultaneous global outreach.

Session V & VI: Strategizing Discussions in Groups & Plenary

Moderator: Ruth Manorama, Convenor of Drafting Committee composed of: Corrine Lennox, Daisuke Shirane, Gitte Dyrhagen, Sirivella Prasad, Suvash Darnal & Luisa Steur

Open group discussions on the challenges that lay before the movement and the strategies of how to move forward were later presented, after which the Drafting Committee, chaired by Ruth Manorama, was authorized to put everything together in a Declaration. This Declaration would make a clear distinction between "challenges" – including political ones – and "strategies", and seek to link the various levels of action while being aware of the politics involved in these processes.

Valedictory Session

Chair: Miloon Kothari - Chief Guest: Graham Fox - Reflections: Nimalka Fernando, Meena Varma & Paul Divakar - Vote of Thanks: Asha Kowtal

The conference closed with a series of reflections commemorating the journey of the last decade which put up a concerted response to fight against caste discrimination, and calling for a yet more dynamic movement forward towards the goal of 'tearing down the barriers of caste'.

Conference Participants

1. Aloysius Irudayam (Director, Policy Research, NCDHR & Programme Director, Advocacy Research, IDEAS)
2. Anand Bolimera (Country Representative, ChristianAid-India)
3. Asha Kowtal [General Secretary, All India Dalit Mahila Adhikar Manch (AIDMAM)- NCDHR]
4. Ashok Bharti (Chairman, National Confederation of Dalit Organizations)
5. Bethan Cobley (Asian Regional Coordinator, OneWorld Action)
6. Bhakta Bhishwakarma (National Chairperson, Nepal National Dalit Social Welfare Organization)
7. Bothanki Solomon (General Secretary, Bangladesh Dalit and Excluded Rights Movement)
8. Chandran Paul Martin (Deputy general Secretary, Lutheran World Federation)
9. Corinne Lennox (Lecturer in Human Rights, University of London)
10. Daisuke Shirane (Geneva UN Office, International Movement Against All Forms of Discrimination and Racism)
11. David Mosse (Professor of Social Anthropology, School of Oriental and African Studies)
12. Durga Sob (President, Feminist Dalit Organization-Nepal)
13. Edward Flynn (CSSp of the Geneva Office, Vivat International)
14. Eunice Chong (Pax Romana)
15. Gerard Oonk (Coordinator, Dalit Solidarity Network Netherlands)
16. Gitte Dyrhagen (UN Programme Officer, International Dalit Solidarity Network)
17. Hannah Davies (Director, OneWorld Action)
18. Jorger Thomsen (DanChurchAid)
19. Kathryn Ramsay (Advocacy Officer, Minority Rights Group)
20. Lawrencja Kwark (Secretary general, Pax Romana)
21. Luisa Steur (Post-Doctoral fellow, School of Oriental and African Studies)
22. Magnus Komari (IMADR)
23. Manjula Pradeep (Director, Navsarjan Trust)
24. Meena Varma (Coordinator, Dalit Solidarity Network UK)
25. Megumi Komori (Buraku Liberation League/UnderSecretary-IMADR)
26. Miloon Kothari (Convenor, Working Group on Human Rights in India & at UN)
27. Nimalka Fernando (President, IMADR)
28. Paul Divakar [General Secretary, Dalit Arthik Adhikar Andolan (DAAA)-NBCLC]
29. Peter Prove (Director, Ecumenical Advocacy Alliance)
30. Ralston Deffenbaugh (Assistant General Secretary for International Affairs & Human Rights, LWF)
31. Rikke Nohrlind (Coordinator, International Dalit Solidarity Network)
32. Ruth Manorama (President, National Federation of Dalit Women)
33. Sirivella Prasad [General Secretary, National Dalit Movement for Justice (NDMJ)-NCDHR]
34. Suvash Darnal (Managing Director, Samata Foundation-Nepal)
35. Vijay Parmar (National Convenor, NCDHR)
36. Vimal Thorat (Convenor, AIDMAM-NCDHR)
37. Walter Hahn (Coordinator, Dalit Solidarity Network Germany)
38. Zakir Hussain [Advisor, Bangladesh Dalit and Excluded Rights Movement (BDERM)]

Guests from the Office of the UN High Commissioner for Human Rights:

39. Graham Fox, Programme Officer
40. Rory Mungovan, Head of Asia Pacific Unit, OHCHR
41. Shushil Raj, OHCHR Officer
42. Olga Nakuja, Human Rights Officer, OHCHR

2. UN Experts Brainstorming Workshop, 26 June, 2011

The UN Expert Seminar on 26th June 2011, convened by Ms. Gay MacDougall, UN Independent Expert on Minorities, took place in the conference hall of the Office of the High Commissioner of Human Rights at the Palais Wilson, Geneva. There were on the whole 26 experts who were invited by her, including 8 Special Rapporteurs, one former SR, one Treaty Body members, member of the Office of the High Commissioner on Human Rights, ILO, Int'l Human Rights Organisations like Amnesty International, Human Rights Watch and Minority Rights Group International.

This UN Experts Seminar turned out to be effective in brainstorming future strategies and intervention. It agreed upon the need to broaden the concepts of general human rights principles of non discrimination, equality of opportunity and universality. It underlined the Caste discrimination as global; human rights concern due to its unique, distinct and transnational nature. It affirmed that the caste falls under all relevant non discrimination provisions and it realized the urgent need to move beyond the caste- race debate. This meeting also suggested that how HR law is dynamic and using rigid definitions to it will take out the essence of the concept of Human Rights itself.

It also came up with strategies to be taken in the UN/ OHCHR level. It pointed to the need to formulate best practices in INDIA, Mauritius, Maldives and Nepal. There was also a suggestion of December 10th campaign letter by the OHCHR to be on Dalit issues specially Dalit children. A strategy was suggested to increase the role and participation of SR in addressing Caste Based Discrimination and to sensitise SRs on how to address CBD, to feed sufficient information to SRs on different dimensions of CBD, urgent appeals to be sent by SRs. It was also suggested to engage more intensely with UN agencies, and to have a concerted voice to get the UN standards to be applied in national and sub-national work. And also the bilateral donors who support SRs and OHCHR need to be sensitized for them to apply funding clause to work on CBD. It was emphasized that UPR process need to be effectively utilized to address CBD.

The other points are:

- Strong local action applying the UN standards and connect the national to the UN standards.
- Bench mark the level of impunity, in South Asian Countries using UN Principles and Guidelines and have a possible shadow report.
- Appeal for the report on these guidelines, may be done by OHCHR.
- Broad base the CBD – work, Children, Women, Development
- Lobby presence in Geneva and New York. A dedicated team to address at UN level. Increase the lobby from *expert* to *political* arena
- Strengthen the movement regionally/globally, who leads the global movement? Where do you pitch the focus?
- Use a strong champion to make inroads to HRC, can we get South Africa or Brazil to back our journey?
- Need to study the relevance preparation debates of UDHR and CERD.
- Which countries do we need to focus? – South Asian Countries excluding India (Nepal, Bangladesh), India, African continent?
- Explore the SAARC meetings, and see if this can be taken in these consultations.

3. Bilateral Meetings with Special Rapporteurs, 27 & 28 June, 2011

A total of 6 Special Rapporteurs were directly involved in separate advocacy meetings, in addition to the three more who participated in the UN expert Seminar on the 26 June.

1. Minority issues
2. Slavery
3. Health
4. Water and sanitation
5. Human rights defenders
6. Internally Displaced Persons

Furthermore, the group met with assistants to three mandates (racism, education, and housing). This means that 9 mandates were engaged and sensitized on the issue of caste-based discrimination apart from the three more who also participated in the UN Experts Conference on the 26 June! Key recommendations made to special mandate holders are

- Caste-based discrimination intersects with a long range of human rights violations, and should therefore be addressed by all thematic mandate holders, preferably jointly
- Make joint statement, calls and reports on discrimination based on work and descent (across the whole range of mandate holders), e.g. on Human Rights Day
- Investigate what governments are doing to prevent caste-based discrimination
- Promote disaggregated data on caste
- Seek inputs on the situation of affected communities to relevant report, in particular in relation to implementation of legal provisions and affirmative action programmes for Dalits, and the situation of Dalit women and children
- Promote the UN principles and guidelines on discrimination based on work and descent as a



guiding framework for enhanced monitoring and implementation



- Make use of existing references to caste discrimination by other Special Procedures, treaty bodies, and the UPR mechanism

- Help to promote awareness and recognition of caste-based discrimination by bringing it up in dialogues with relevant bodies and mechanisms, e.g. delegations in Geneva, capitals, UN agencies, donor agencies and

organisations, regional bodies, and the EU.

4. Advocacy meetings with Country Missions, 28 June, 2011

Two set of advocacy meetings with country Missions were carried out. One was a meeting convened by the Canadian Mission and country mission representatives from Canada, USA, Austria, UK, Denmark, Argentina, France, and Hungary attended the meeting. List of delegations invited to the meeting but did not attend were Germany, Sweden, Belgium, The Netherlands, Slovenia, Finland, Norway, Poland, Mexico, Uruguay, Guatemala, and Chile. Jeffrey Heaton from the Canadian, who is a strong supporter of the Dalit cause, chaired the meeting.

The following possibilities for action in the Human Rights Council were raised:

- Joint statement by states, perhaps in follow up to a joint statement/call by the UN Special Procedures
- Caste-related statements during the second cycle of the Universal Periodic Review, preferably cross-regional (India and UK in the first session in June 2012, and Pakistan, Japan, and Bangladesh in the second session)
- Follow up to caste-related references in relevant interactive dialogues with Special Procedures, thematic debates, panel discussions, communications, etc.
 - HRC 18 (September): Access to justice in Nepal (item 2 report by OHCHR), report on mining sector by the SR on slavery (item 3)
 - HRC 19 (March): Report from India visit by SR on HR defenders (item 3), UPR side events on multiple forms of discrimination/affirmative action with other groups? (item 6)
 - Endorsement of the UN P&G (by states/experts/NGOs)
 - Global study on discrimination based on work and descent by the OHCHR (the question is how to get it addressed in the HRC?)
 - Side events, either in relation to the HRC or between sessions (e.g. NGO side events, state-sponsored, or events convened by the OHCHR)
 - Informal dialogues with diplomats of affected countries to promote the 'best practice' approach, and with UN agencies

There was another discussion with the country mission of Nepal by the delegates from Nepal and IDSN.

5. Meetings with High Commissioner for Human Rights, Ms. Navi Pillay and the OHCHR

Meeting with Ms. Navaneethem Pillay, the UN High Commissioner for Human Rights, on the 28 June 2011 at Palais Wilson, turned out to be very successful and promising.

Three clear appeals were made to her by the Dalit/Burakumin delegation. 1) A global study on discrimination based on work and descent undertaken by the OHCHR (without the need for a resolution) as part of the office's activities (Strategic Management Plan 2012-2013). 2) There needs to be an effective monitoring mechanism on caste-based discrimination. Could the OHCHR establish a desk? It needs to be addressed at the global level, not only at Asia level. 3) There is a need to mainstream issue of caste discrimination into all UN bodies and agencies. UN Women should also look at the situation of Dalit women.

High Commissioner responded that it may be a good way would be to learn from strategy on sexual orientation. She agreed that the issue of caste-based discrimination is a global phenomenon. But there is hesitance in the HRC to adopt the UN Principles and Guidelines to Eliminate Discrimination Based on Work and Descent. She encouraged us to find strategies so that India does not think it is all about them. She suggested that we should find out more about caste-based discrimination in Mauritania and link up to groups (she was there on a country visit recently). She opined that It is important to get people to address the issue themselves, and to get people to see the situation in terms of their own rights which is slowly what has been happening in Nepal.

The High Commissioner promised to look into the need for a global study and said that this is something the OHCHR can do without an authorization from the HRC. The problem is to get it before an inter-governmental forum (General Assembly or HRC). She promised also to call a senior meeting to develop strategies, with the participation of the whole office (preparation for the Strategic Management Plan 2012-2013). She also promised to look into the possibility to take into account a Dalit/Buraku human rights defender while commemorating the Human Rights defenders on the World Human Rights Day (10th December). She said that she is committed to address discrimination at several levels and so will continue to raise this issue at the high political levels. The meeting closed with presenting a memento and resource book on Dalit life in pictures.



Meetings with the Asia Pacific Unit of OHCHR on the 23 June.

OHCHR staff who participated: Rory Mungoven and Olga Nakajo (Asia and Pacific Unit) and Sushil Raj (Indigenous Peoples and Minorities Section)

NGO representatives: N.Paul Divakar, Megumi Komori, Rikke Norlhind, Zakir Hussain, Solomon , Durga Sob, Bhakta Biswakarma, Suvash Darnal and Gitte Dyrhagen.

Action points:

1. Public report: The OHCHR will launch a public report on access to justice in Nepal, where the specific focus will be on caste-based discrimination. The report will be published in September in connection with the 18th HRC session, and will be launched at a meeting in Nepal (not inter-governmental). Rory came up with the idea that a meeting is at the same time held in West Africa (caste-affected communities).
2. Strategic Management Plan 2012-2013: The OHCHR is looking into incorporating a specific segment on caste discrimination in the plan, preferably as part of the overall strategic perspectives.
3. CBD and human rights approaches: Integrate caste-based discrimination in a common understanding of human rights approaches (a specific UN framework?), which can be considered by the UN Development Group and mainstreamed into the programmes of all UN agencies. The idea of national action plans on CBD was also raised (check what already exists in national HR action plans).
4. The OHCHR wants to target the NHRIs and specialized agencies, in particular the National Dalit Commission (Nepal) and Commission on Scheduled Castes/Scheduled Tribes (India)