

# Report

## International Consultation on Caste-Based Discrimination

29 NOVEMBER - 1 DECEMBER 2011 · KATHMANDU · NEPAL

Good practices and strategies to eliminate caste discrimination by governments, civil society, national & international institutions and agencies

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The Consultation was organised by the International Dalit Solidarity Network (IDSN) in cooperation with Feminist Dalit Organisation (FEDO), Nepal National Dalit Social Welfare Organisation (NNSWO) and Dalit NGO Federation with financial support of the European Union. The contents are the sole responsibility of IDSN and can under no circumstances be regarded as reflecting the position of the European Union.

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## Introduction

Caste-based discrimination is a violation of international human rights law affecting more than 260 million people worldwide, mainly in South Asia. Structures of caste and the continuation of caste discrimination lead to poverty, violence, caste-based slavery, and economic, social and political exclusion.

To advance efforts to eliminate caste-based discrimination, the International Dalit Solidarity Network (IDSN) organised an International Consultation on “Good Practices and Strategies to Eliminate Caste-Based Discrimination” in Nepal, from 29th November to 1st December 2011.

This historic event, held at a critical time in the development of international, national and local initiatives seeking to eliminate caste-based discrimination aimed to develop and document good practices, to evaluate what has been achieved, and to reflect what works and what strategies are most effective.

The consultation was organised in co-operation with Nepalese Dalit Rights organisations - The Feminist Dalit Organization, the Nepal National Dalit Social Welfare Organisation and the Dalit NGO Federation - and was made possible through financial support from the European Union.

The consultation brought together prominent Dalit human rights defenders and social movement leaders from the caste-affected countries of Bangladesh, India, Japan, Nepal, Pakistan, Senegal, Sri Lanka and Yemen. They were joined by parliamentarians and government officials from Nepal, and representatives from National Human Rights Institutions in Bangladesh, India and Nepal, Diplomatic Representations to Nepal, Dalit Solidarity Networks from across Europe, the Office of the United Nations (UN) High Commissioner for Human Rights, UN Development Programme, UN Women, the European Commission’s Humanitarian Aid and Civil Protection Department, International Labour Organisation, Human Rights Watch, the International Movement Against All Forms of Discrimination and Racism, The Open Society Foundation, DanChurchAid, Asian Human Rights Commission, Christian Aid, the World Council of Churches and ICCO (an inter-church organisation for development co-operation), as well as independent human rights defenders and researchers.

The event was moderated by Ms. Gay McDougall, former UN Independent Expert on Minority Issues and Visiting Professor in Human Rights at Georgetown University. Ms. McDougall opened the consultation with the words of Navi Pillay:

**>> *Caste is the very negation of the human rights principles of equality and non-discrimination...The plight of hundreds of millions cannot be justified as age-old traditions, nor can it be regarded merely as a ‘family business’...The time has come to eradicate the shameful concept of caste. Other seemingly insurmountable walls, such as slavery and apartheid, have been dismantled. We can and must tear down the barriers of caste.*** UN High Commissioner for Human Rights, Navi Pillay

A key outcome of the consultation was a Joint Declaration and Call for Action<sup>V</sup> summarising achievable and concrete recommendations - providing a challenge and an opportunity for governments of caste-affected countries, national human rights institutions, UN human rights bodies, international institutions, the private sector, human rights and development agencies to take action to end caste discrimination.

The consultation brought together key stakeholders for three days of intensive, honest debate on current practices and viable future strategies. It analysed current challenges, provided fresh insights, critiques and the opportunity to consolidate and strengthen international networks.

For policy makers, practitioners and activists, whether as a UN Special Rapporteur or a community organiser, there is rarely time to document and evaluate the current strategies and practices being used to address caste discrimination. This is particularly true in relation to the survival strategies of caste-affected individuals and communities who are, by necessity, focused on a daily struggle to access their rights and basic needs. The consultation provided the critical space for this exercise and reflection.

Held at a pivotal time in the democratic development of Nepal, it was a chance to take stock, celebrate, and re-energise commitments and strategies to tackle caste-based discrimination.

The following report is a synopsis of presentations, discussions and good practices. It aims to be a resource for institutions and individuals involved in tackling caste discrimination.

Part I is a general introduction, outlining key issues, progress and main challenges in relation to the seven themes of the consultation: 1) Civil society strategies, 2) Frameworks and institutions, 3) National human rights institutions, 4) Mainstreaming in development programming, 5) Humanitarian relief and rehabilitation assistance, 6) Addressing the multiple forms of discrimination against Dalit women, and 7) Forced and bonded labour, and discrimination issues in employment. It concludes with a synopsis of quotes from the opening and closing sessions.

Part II compiles innovative good practices in relation to: 1) Effective frameworks, policies and institutions, 2) Addressing multiple forms of discrimination against Dalit women, 3) Humanitarian response and disaster relief, 4) Forced and bonded labour, and discrimination in employment, 5) Access to development: services and resources, and 6) Civil society strategies and campaigns against caste discrimination. These practices include written cases submitted in advance of the consultation by both participants and others working to end caste-based discrimination.

## Part I: Summary of the consultation

>> *Discrimination based on work and descent is any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life. This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability, and is deeply rooted in societies and cultures where this discrimination is practiced.* United Nations Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent

>> *Dalits are deprived of basic human rights and face exclusion, violence and cultural, economic, religious and political discrimination. Existing development programmes and policies still do not adequately address discrimination. Untouchability is still prevalent, rule of law is weak and impunity is a major problem. Intercaste marriage is boycotted and there are many forms of social exclusion.* Durga Sob, Feminist Dalit Organisation

In South Asia, 'Dalits'<sup>vi</sup> (formerly known as untouchables) are traditionally people who fall outside Hindu caste system. However caste systems and related caste discrimination are also found in Christian, Buddhist, Muslim and Sikh communities. Outside South Asia, caste systems and discrimination based on work and descent<sup>vii</sup> are also found in Japan, Yemen and Africa (including Burkina Faso, Cameroon, Ethiopia, Kenya, Mali, Mauritania, Nigeria, Senegal, Sierra Leone and Somalia) and in Diaspora communities around the world.

Participants stressed the importance of not limiting the discourse on caste-based discrimination to one or two countries but in ways that gives voice to those who suffer from caste-based discrimination across the world. Internationalising the issue, using a human rights framework, also avoids claims from governments of caste-affected countries that caste discrimination is a domestic concern and therefore not a legitimate issue for the scrutiny or action of international institutions.

Throughout the consultation participants gave detailed evidence and testimonies of the continuation of caste-based discrimination, its devastating impact on individuals, communities and societies, and the suffering it causes. These issues included:

- systemic violence, particularly against women
- extreme poverty
- degrading untouchability practices (e.g. denial of drinking water from upper caste water sources, denial of access to public and religious places)
- intergenerational bonded labour and child labour
- unemployment or dangerous/degrading employment (e.g. manual scavenging)
- restrictions on employment or forced occupations (e.g. prostitution)

- lack of access to justice, and discrimination and violence from the police and justice system
- lack of access to, control of, and benefit from resources - prohibition of ownership of land and property
- segregation in housing, school and burial/cremation grounds
- de facto prohibition of inter-caste marriage
- abuse or discrimination against Dalit children in schools - high drop out rate from school due to poverty and discrimination
- lack of political power or genuine/independent political representation at all levels
- caste discrimination in humanitarian response to disasters or conflicts
- discrimination or lack of access to health care - related high maternal mortality

It was noted that despite the much lauded economic growth of India that in many countries in South Asia, including India, there is increasing inequality, economic stagnation and jobless growth. Participants stressed that the economic opportunities that do exist are usually only available or accessible to privileged elites. A lack of access to education, knowledge, skills, information and opportunities mean that caste-affected people are often excluded from wider development processes, to the detriment of all.

### Caste discrimination in Senegal

**CASE** · There are 15 ethnic groups in Senegal and within each there is a caste system based on occupation. People are identified through their surname. Caste discrimination creates social, economic and political problems for the entire society. Issues facing minorities and caste affected people are not talked about in Senegal and people suffer in silence. Caste-based discrimination extends across a number of countries in the region, existing almost as slavery. However these issues are never raised by governments. The Commission for Africa has numerous working groups but does not look at this. African NGOs need to take up this issue through establishing a network, awareness raising and research. We need to lobby for specific laws, mechanisms and constitutional provisions to protect of caste-affected communities. Abdoul Kamara, RADDHO, Senegal

The following outlines some of the key issues, progress and main challenges in relation to the seven themes of the consultation:

## 1. Effective Civil Society Strategies

- >> *Nepal has become a global leader in fighting caste-based discrimination. This is a tribute and testament to the hard work of all Nepalese civil society organisations.* Jyoti Sanghera, Head of the Office of the High Commissioner for Human Rights, Nepal
- >> *Seven years ago we held the first international consultation on caste-based discrimination. Until then, only limited international attention was paid to caste related violations, in spite of local and national level activists having struggled for decades for their rights. Faced with the testimonies of the victims, one participant noted that the response of the UN had been “too little, too late.” Today, activists continue their struggles, but with the backing of the Office of the High Commissioner for Human Rights and the support of UN human rights mechanisms. UN Treaty bodies, Special Procedures and Universal Periodic Reviews share their deep concerns and recommendations with governments. We now have a draft UN framework for the elimination of discrimination based on work and descent.* Rikke Nöhrind, International Dalit Solidarity Network

Over the past decade there has been unprecedented progress in tackling caste-based discrimination at every level across the world. National movements, solidarity platforms and an international network for tackling caste discrimination have been established - international linkages have been forged between them and initial alliances have been built with other groups who experience

endemic forms of discrimination. A major catalyst for these movements was the 2001 UN World Conference Against Racism in Durban.

These movements, agencies and networks have developed, and are implementing a range of innovative strategies to eliminate caste-based discrimination. These are interlinked and broadly grouped as:

**Organising and empowering caste-affected communities:** including community mobilisation, human rights and leadership training, building and strengthening the local/district presence of national movements, campaigning against specific untouchability practices

**Local advocacy for resources and rights:** including campaigns for basic services and resources (e.g. land, housing, water, access to government schemes and services), harnessing government or donor funds for development, tracking allocated budgets, establishing self-help groups that provide financial services, lobbying for the inclusion of Dalits in humanitarian relief, campaigning for decent work, a living wage and to end exploitative or illegal employment practices

**Raising visibility and awareness:** including documenting evidence of the existence and impact of caste discrimination through research, reports, events, rallies, websites, photo exhibitions, use of the media, documentation of atrocities, organising exchanges or visits to caste-affected countries, influencing educational curricula, youth programmes, celebrating the positive cultural contributions of caste-affected communities through music and theatre

**Political lobbying:** including influencing and raising awareness amongst parliamentarians, policy makers, political parties and civil servants, advocating for new legislation or for the implementation of existing legislation, finding ways to capture public concern on caste-based discrimination to influence elected representatives to take action (through petitions, protests etc), establishing Dalit-led or Dalit focussed political parties, establishing and supporting cross political party groups to address caste discrimination

**Institutional reform:** including lobbying for constitutional reforms, specific legislation, mechanisms or appropriate budget allocation, lobbying for electoral reform (e.g. proportional representation), training officials, lobbying for increased recognition, visibility and importance to be given by institutions to caste discrimination, lobbying for the creation or implementation of affirmative measures, mainstreaming issues relating to caste discrimination into the political priorities, commitments and strategies of governments, donors and institutions

**Strengthening access to justice:** including fact finding, documentation of atrocities, legal interventions and accompaniment, public interest litigation, citizen's audits, public tribunals, training police, lobbying for police reform, provision of legal aid

**Corporate engagement:** including lobbying and awareness raising to encourage companies to tackle caste discrimination through the adoption of non-discriminatory employment policies and practices, preventing the exploitation of workers in caste-affected communities (addressing child and bonded labour), preventing discrimination in the services offered by companies

**Budget monitoring:** including collecting and tracking data on how funds are allocated and disbursed, analysing how resources are being targeted to caste-affected communities or diverted from their proposed use, using budget data to understand and influence the priorities of governments, donors and institutions

**Disaggregated data collation and caste sensitive census':** including influencing and advising ministries responsible for conducting censuses, developing tools and indicators to capture disaggregated data, lobbying and advising donors on the importance of disaggregated data collection in the monitoring of programmes, carrying out research and sample surveys where data is unavailable, inaccurate or where censuses do not include caste categories

**Networking and linkages:** including participating in international events (e.g. UN Conferences, World Social Forum), raising awareness and lobbying to mainstream issues of caste discrimination into the priorities of other social justice and human rights coalitions or networks, supporting actions in solidarity with other rights based movements

**International advocacy:** including lobbying UN Member States and EU institutions to address caste discrimination in human rights dialogues, statements, and policies, submitting shadow reports to

UN human rights committees and UN experts on country situations and thematic concerns, systematic monitoring and follow up to UN recommendations, influencing political stakeholders at the UN and EU level to support the international call for eliminating caste discrimination.

Implementing these strategies has influenced and shaped individuals, communities, societies and institutions. Dalit communities are now more aware of their rights and entitlements, challenging untouchability on a daily basis. Dalit movements and communities are linking up across villages and countries. Citizens previously too afraid to speak out are joining campaigns and taking action. These strategies have been fundamental in developing the capacity of local and national institutions to address caste-based discrimination and to tackle the problems faced by caste-affected communities.

Caste-based discrimination has been firmly established as a violation of international human rights law and these strategies have captured the attention of the international community. Human rights and development agencies have started to take concerted action to tackle caste discrimination and promote Dalit rights. This progress has been the result of the work and commitment of a relatively small group of activists, organisations and social movements.

Participants at the consultation highlighted some unique aspects and strengths of this global movement, including:

- The development of coherent and consistent local, national and international messages and strategies.
- The ability to influence and achieve impact and change with relatively limited financial resources.
- The use of new technologies and communications.
- The facilitative and supportive role played by international actors and solidarity networks that compliment and support advocacy efforts at local and national levels.
- The positive and respectful way in which Dalit and non-Dalit women and men have worked together.

In addition to the best practices detailed in Part II, participants highlighted the following priorities and challenges for civil society in addressing caste-based discrimination, including some potential risks and criticisms of existing strategies:

**What works** - The successful initiatives presented were those that were clearly focused on a particular goal, were realistic, targeted to influential institutions or individuals at the right time, led by caste-affected people, with strong linkages to national or international actors.

**Global rights and national duties** - Civil society interventions have predominantly used the UN rights framework as a basis for engagement. This has translated into a focus on securing declarations, constitutional amendments, laws and policies. However given governments' lack of progress in upholding and implementing existing laws some participants questioned the rationale in continuing to campaign for yet more legislation. It was suggested that to be more effective, civil society should concentrate on the duties of actors at national level, to ask questions such as who is responsible for upholding rights, and through what mechanisms. What needs to be done to honour existing obligations? In other words for civil society to focus on duties - through upholding laws, judicial and police reform, and developing institutions of justice.

>> *Discrimination is fought through systems of justice - we need to fight for real institutions of justice and we need greater knowledge about how institutions of law can address caste-based discrimination.* Basil Fernando, Asian Human Rights Commission

**Scaling up efforts** - Whilst celebrating the progress made, participants explained the huge challenges that still remain in eliminating caste discrimination and in Dalit communities realising their rights. It was agreed that this will require a dramatic increase in the capacity, scale and vision of all civil society organisations working on this issue, as well as the need to bring in new actors. Despite the magnitude and severity of the issue, caste-based discrimination is still often portrayed as a niche issue and has not been fully mainstreamed into the wider human rights movement. The need for more systemic awareness of caste discrimination and its devastating impact on human rights and global development is required amongst all citizens, governments, institutions, the private sector, the media and civil society organisations.

>> *Dalit rights and addressing caste-based discrimination need to be internalised, nationalised and mainstreamed into everything. Let us build this into all movements working on different themes.*

Meenakshi Ganguly, South Asia Director, Human Rights Watch

**Institutionalising commitment and lobbying challenges** - Effective lobbying and advocacy is based on good communication and building relationships of trust. Unstable governments, frequently changing parliamentarians and officials at all levels and a related lack of institutional memory undermine lobbying efforts. Although civil society have many strong allies within governments and institutions, if commitment to addressing caste discrimination is individual rather than organisational then this expertise and support is lost when these allies move on.

**Caste 'vs' Caste Discrimination** - Some participants felt that civil society should be working with the aim to eradicate caste rather than caste discrimination, and that focusing solely on caste discrimination risks unintentionally perpetuating the caste system. This was particularly highlighted in discussions relating to affirmative actions and benefit schemes for different castes and sub-castes. Each individual and organisation working to eliminate caste and/or caste discrimination grapples with this complex issue and has developed their own position depending on their unique context, experience and role. It is testament to the professionalism and respect for diversity of the global movement that it accommodates different views on this issue without discussions and programmes being derailed. Participants agreed that the global movement should combine visionary and challenging activists that push forward debates with agencies that take a more pragmatic approach.

**Which rights to prioritise** - Human rights are indivisible but different civil society organisations, either by necessity or choice, prioritise the fulfilment of different rights at different times. Some participants felt that civil society has not given enough focus to delivering economic rights for caste-affected communities. That although political empowerment is essential that people will automatically claim their rights, and challenge discrimination and untouchability if they have a decent job, financial independence and are not dependent on upper castes for their livelihood.

>> *If Dalits are able to access jobs and employment opportunities then this will increase their power and independence and ultimately eradicate caste-based discrimination. NGOs have historically been less comfortable working for this aspect of empowerment due to concerns with engaging with the private sector.* Paul Divakar, National Campaign for Dalit Human Rights

**Increasing international linkages** - Although a great deal of outreach has been done to work with and inform other social movements (e.g. in relation to women's rights, labour movements, anti-racist campaigns, Millennium Development Goals) participants felt that success had been relatively limited and that the potential gains of a more collective approach had not yet been realised. Participants suggested that more should be done to work with and implement joint initiatives with other communities facing exclusion, violence or injustice (e.g. indigenous people, informal workers).

>> *We need to change our identity from one of victimhood to being torch bearers of liberation - how do we take this forward to mainstream the socially excluded and to link with other social movements who are working for equality?* Martin Macwan, Co-Founder, Navsarjan Trust

**Changing funding patterns** - Securing funds for human rights advocacy and development programmes is becoming increasingly challenging, with more organisations competing over decreasing amounts of money. Bilateral donors are coming under increased domestic pressure to justify their aid budgets. Although one third of the world's poorest people live in South Asia (with an estimated 650 million people living in poverty in India alone), some caste-affected countries are now classified as 'Middle Income' with donors justifying their exit strategies as a result.

Representatives from both large and small organisations highlighted concerns with the often short term and unpredictable nature of donor funding commitments and project cycles that leads to an insecure funding base. The current donor trend to prioritise support to development programmes that deliver tangible outcomes in relatively short periods of time is challenging for organisations involved in longer term human rights advocacy or in changing behaviours and attitudes through education and reform. Representatives from civil society organisations discussed the benefits of diversifying their organisations funding sources and of generating their own income (e.g. through

membership, community donations, setting up co-operatives or enterprises) to ensure independence and sustainability, and to reduce reliance on external funds. The importance of working with and through Community Based Organisations (CBOs) and informal groups who rely on volunteers and voluntary community contributions was also expressed for successful rights based programmes.

**Government Restrictions** - Participants shared examples of how governments are increasing restrictions on what international aid can be used for, and in turn human rights programmes are increasingly classified as ‘political’ and therefore not eligible for funding. There are likely to be increased challenges for civil society in accessing and receiving funds. This is particularly true where civil society’s criticism of government policies or action/inaction in relation to caste discrimination is viewed as potentially undermining to a governments interests or its international reputation. Participants highlighted some of the restrictions and infringements currently faced by human rights defenders such as increased surveillance, harassment from officials, risk of arrest and refusal of visas.

**Engaging with religious debates** - The basis for the caste system and caste-based discrimination is found within religious doctrines. Participants highlighted the entrenched discrimination within religious practices, such as Dalits being denied entrance to temples. Some civil society organisations, particularly from more secular countries, have been reluctant to engage in debates around religion or to implement programmes with a religious theme. Some participants highlighted the importance of tackling prejudice through engagement with religious leaders and in lobbying for changes in religious teaching materials and curriculum used in schools and places of worship.

**Participants suggested numerous strategies and recommendations to make civil societies efforts more effective**, including:

- Increase the leadership of women and young people from caste-affected communities.
- Continue to develop mutually beneficial and coherent local, national and international strategies - based on different organisations priorities and areas of expertise. To continue to invest the time and money needed to develop joint plans and to exchange information.
- Ensure lobbying interventions are based on achievable and actionable asks - giving policy makers and practitioners concrete things to do rather than a ‘shopping list’ of demands that are not within their remit to deliver.
- Honestly confront and tackle caste discrimination within Dalit communities. Participants noted the dangers of using the term ‘Dalit’ as a homogenous category and that many caste-affected communities are divided into many sub-castes. Segregation and untouchability practices between these sub-castes often mirror the patterns of discrimination that exist between Dalits and non-Dalits or between lower and upper castes.
- Develop joint civil society strategies to transparently share funding and opportunities - to maximise the benefit of external funds, to avoid duplication and to prevent organisations competing over both resources and opportunities to increase their national and international visibility. This competition and related tensions can be counterproductive and damaging to the reputation of the wider movement.
- Human rights interventions by civil society organisations can often create expectations amongst caste-affected communities that these organisations will also provide immediate benefits such as better housing, jobs and access to benefits. Civil society organisations need to understand, directly confront and manage these expectations to avoid disappointment or undermining wider advocacy programmes. Civil society organisations, particularly paid development professionals, need to be responsible, respectful and strategic in their interventions with caste affected communities. For example if you are asking someone to sacrifice a day’s wages to attend a training course or to risk violence in joining a protest, then the benefits of this activity need to be very clear. Participants stressed the need for organisations to understand the concerns of some Dalit communities who given their poverty and lack of alternative employment options are worried about giving up traditional occupations, however exploitative.

### Civil society and UN Special Rapporteurs

**CASE** · The UN Special Rapporteur on Contemporary Forms of Slavery outlined four opportunities for civil society to engage with UN Special Procedures and explained how this engagement is necessary and welcomed:

- Communications (letter or urgent appeals) in relation to cases concerning individuals, groups or communities, or with the content of existing or draft legislation.<sup>viii</sup>
- Inputting into country visits where mandate holders obtain direct and first-hand information on human rights violations or caste-based discrimination.
- Inputting or suggesting topics for thematic reports.
- Awareness raising - jointly organising events or proposing themes for events organised by mandate holders.

>> *It is important that we not only highlight problems but also solutions. When the discussion focuses on solutions, you open the way to discuss challenges, lessons learnt and willingness from different stakeholders to engage on issues.* Gulnara Shahinian, UN Special Rapporteur on Contemporary Forms of Slavery

## 2. Effective Frameworks and Institutions: Challenges and Opportunities

States and international institutions have developed a draft of frameworks, mechanisms and institutions to tackle caste discrimination. The majority of caste-affected countries in South Asia have made progress in adopting constitutional, legislative and institutional provisions and measures. The monitoring of existing mechanisms and policies that prohibit caste-based discrimination has led states to adopt and strengthen standards and improve adherence. Participants shared numerous progressive and enabling initiatives, including:

- Signing and adopting international conventions (e.g. Convention on the Elimination of all forms of Racial Discrimination, International Covenant on Civil and Political Rights) and engagement with related follow up processes.
- Developing or amending constitutions that promote the equality of all citizens and prohibit caste discrimination.
- Introducing specific laws that prohibit discrimination, untouchability and violence towards caste-affected communities (e.g. Untouchability (Control and Punishment) Act in Nepal<sup>ix</sup> and the Prevention of Atrocities Act in India<sup>x</sup>, and the proposed amendment to outlaw caste discrimination in the UK Equality Bill 2010).
- Adopting affirmative measures such as quotas and reservations in parliament and legislative elections, higher education and civil service. Adopting special provisions in relation to education and health.
- Establishing and strengthening statutory bodies such as Human Rights and/or National Dalit Commissions.
- Allocating resources to development schemes and benefits targeting caste-affected communities.
- Security sector reform and training of officials. For example training Indian police officers in how to file cases under appropriate legislation.
- Including the needs and priorities of caste-affected communities' in the development of country strategy papers and plans.

Over the last decade there have been critical developments taken by UN human rights mechanisms including the UN Treaty Bodies, the former UN Sub-Commission on the Promotion and Protection of Human Rights, and UN Special Rapporteurs. These have generated visibility and affirmed the prohibition of caste-based discrimination under international human rights law, as well as advised

governments on implementing new and existing measures. Participants highlighted a range of strategies and achievements including:

- Promotion and use of the draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent as a guiding framework for state and non-state actors, and promotion of a resolution welcoming this framework in the UN Human Rights Council.<sup>xi</sup>
- Systematic use of General Recommendation 29 of the Committee on the Elimination of Racial Discrimination addressing discrimination based on work and descent and caste-based discrimination, and other general observations which express human rights obligations related to caste adopted by other treaty body committees.<sup>xii</sup>
- Submission of reports and recommendations under Universal Periodic Review processes, and reviews of governments' implementation of international obligations (e.g. the Convention on the Elimination of Racial Discrimination, Convention on the Elimination of all forms of Discrimination Against Women, and Covenant on Economic, Social and Cultural Rights).
- Reference to caste-based discrimination in reports of Special Procedures mandate holders (including the Independent Expert on minority issues and the Special Rapporteur on racial discrimination).
- Country visits to caste-affected countries by UN mandate holders and dissemination of follow up reports and recommendations. These are then used by other governments, stakeholders and civil society to encourage action and demand accountability.

Participants stressed the critical importance of the draft UN Principles and Guidelines that can and should be used by governments as a framework for developing policies and institutions. This can be done through initiatives in the Human Rights Council and through voluntary endorsements and initiatives. For example in 2009 the Government of Nepal endorsed the framework as a useful tool to work out amendments and reforms of anti-discriminatory laws and revitalization of their implementation. Participants noted that other soft law instruments and draft frameworks have inspired and encouraged wider policy change and the implementation of concrete legislation

The majority of strategies shared in relation to frameworks and institutions related to South Asia. Progress in other caste-affected countries within this area has been minimal or non-existent. Participants expressed the urgent need to undertake research and develop appropriate frameworks and institutions to address caste discrimination in all caste-affected countries.

In addition to best practices detailed in Part II, participants highlighted the following priorities and challenges in developing effective frameworks and institutions:

**Non-enforcement and non-implementation** - The major challenge that emerged throughout the consultation was the gap between policy and practice. That institutional progress has been slow, patchy and is reversible. Participants stressed the need for governments to review, enact or amend legislation and to ensure that institutions are capable of implementing legislative provisions and access to justice.

Governments and institutions, particularly in India, have tried to address caste discrimination through reservations, quotas and targeted schemes. The assessment from participants was that political quotas had been relatively successful but that reservations in jobs and education were not being systematically implemented. Participants explained how in a competitive economic climate upper caste people were finding new ways to avoid implementation without any threat of sanctions being taken by duty bearers.

>> *There are extremely inspirational laws, policies and schemes in place which are the result of civil society's advocacy efforts - but we now need to make these organisational, operational and practical.* Gulnara Shahinian, UN Special Rapporteur on Contemporary Forms of Slavery

**Universal schemes unintentionally discriminate in an unequal society** - On paper, caste-affected communities are entitled to countless schemes and benefits. However discrimination means that Dalits and caste-affected communities often cannot access these services and benefits are rarely distributed on the basis of need. Caste-affected communities are not always aware that these schemes exist or they don't have correct documentation to be eligible (e.g. birth certificates). In

Bangladesh, Dalit girls have been turned down for government school places because local officials refused to sign their endorsement papers.

- >> *India has allocated vast sums to tackling the poverty of Dalit communities through various schemes through the Special Component Plan. If properly allocated at least half the Dalits currently living below the poverty line would now be above it. However funds are diverted, misallocated or notionally allocated. Schemes rarely reach their intended beneficiaries. As per the National Planning Commission norms Dalit communities are due \$10.60 billion for the year 2011-2012, but have been allocated only \$5.88 billion. Even out of this at least 70% is either notional allocation or is diverted to other purposes.* Vijay Parmar, National Convenor, National Campaign on Dalit Human Rights, India

**Accessing Justice** - Caste-based discrimination and untouchability are still often viewed as social issues rather than crimes. Conviction rates for serious atrocities against caste-affected communities are extremely low and in most caste-affected countries there is a back log of pending cases. Participants shared the numerous problems facing caste-affected people when trying to access justice at every stage of the legal process - from complaint, to investigation, trial and judgment. There is entrenched caste and gender-based discrimination within the criminal justice and administration systems. Participants stressed the need to develop functional institutions of justice through fundamental police reform, independent and neutral prosecution mechanisms and an unbiased judiciary.

Provision of legal aid, compensation for victims, training for security forces, improved victim and witness protection, faster legal processes, impartial investigations and police reform were all suggested as positive ways forward. Participants also stressed the need to address and tackle caste discrimination within people's courts and community justice systems.

- >> *Weak protection mechanisms work as a deterrent to making complaints. Law enforcement plays the most critical role in ensuring justice for Dalits: it is paramount to have clear guidance and procedures for identifying, registering and investigating caste-based discrimination cases, and accountability mechanisms to ensure that officers fulfil their legal duties. We have launched a four year research report called *Opening the Door to Equality - Access to Justice for Dalits*<sup>xiii</sup>.* Katia Chirizzi, UN Office of the High Commissioner for Human Rights-Nepal

**Lack of political will, institutional commitment and Dalit leadership** - Although there are some progressive officials who are taking action within the governments and administrations of caste-affected countries there is still widespread discrimination within institutions and a reluctance to systematically address caste discrimination, particularly at senior level. Caste discrimination is rarely prioritised as a political issue.

Although in India there are some prominent Dalit leaders, for example the current Chief Minister of Uttar Pradesh is a Dalit women, participants were concerned that this had not translated into widespread systemic change or improvements for Dalit communities.

Many officials still have relatively limited knowledge of issues relating to caste discrimination and lack the practical skills and knowledge of how to recognise and address caste discrimination. In some countries, such as Bangladesh, where caste-based discrimination is a relatively new issue some officials still deny its existence.

Even when Dalits are elected they face numerous problems in governing independently and effectively. Participants shared examples of leaders who have been threatened or forced to resign, and there are cases of Dalit leaders who have been attacked or killed. Furthermore Dalit elected representatives may not always be advocates for addressing caste discrimination due to the risks of discrimination or of a potential backlash against them.

**Decentralisation** - the transfer of power and resources from national to local political structures - is happening in the majority of caste-affected countries. Participants noted that decentralisation has the potential to address caste-based discrimination, through increasing the participation of caste-affected communities in politics and through a more equitable allocation of resources and entitlements at the local level. However it was noted that the majority of local administrations are failing to fulfil their potential with administrations that are underfunded, bureaucratic, dominated by caste elites or corrupt. Political reform and the devolution of power are constantly challenged by those at the district or central level who benefit from the current status quo. In

Pakistan development responsibilities have shifted back to provincial departments because local administrations had no capacity to deliver or absorb funds for decentralisation.

More encouraging examples were given from Nepal illustrating that where local authorities are run well and are adequately funded, they are able to reduce inequality. The Local Self-Governance Act institutionalises the engagement of caste communities in planning processes and reserves 15% of the budget for socially excluded groups.

**Need for systematic political efforts and dialogue** - Participants shared how caste discrimination could be addressed more systematically in human rights dialogues and through diplomatic channels. Jean Lambert MEP expressed how the European Union and the South Asian Association for Regional Co-operation should adopt strategies for political dialogue and policy reform to address caste-based discrimination.

The use of foreign aid as political leverage in tackling human rights is likely to become less influential. The Indian Government, for example, is debating whether it wants to continue receiving foreign aid (constituting 0.3% of its GDP) and recently announced the creation of an Indian Agency for Partnership in Development, with plans to distribute around \$11 billion, particularly to African countries, in the next five years. Human rights conditions within multi-lateral trade agreements are also being eroded as countries pursue bilateral negotiations and agreements.

**Sharing what works** - Addressing caste discrimination is challenging and complex, in many countries it is still a relatively new issue and its true global scale is not yet fully mapped or known. In this context participants reaffirmed the need for all institutions to document, share and learn from each others strategies and programmes.

### **Government of Nepal's efforts to eliminate caste discrimination**

**CASE** · The Government of Nepal is very clear that caste discrimination is a violation of human rights and must be eliminated. To this end we are:

- 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 Government of Nepal is trying to work with other governments - Japan, African countries and our neighbours - to see if we can work together and help each other by bringing a proposal to the Human Rights Council to adopt a supplement to the International Convention to Eliminate all forms of Racial Discrimination, in order to effectively combat untouchability across the world. As a primary stage we have prepared a document and we want to hear from you and other government representatives about how to move forward and collaborate - we want supplementary proposals to eliminate the discrimination and untouchability which prevail in South Asia.**

The 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.

*Dr. Trilochan Upreti, Secretary, Office of the Prime Minister and Council of Ministers, Nepal*

### 3. Experiences of National Human Rights Institutions

National human rights institutions (NHRIs) are administrative bodies set up to protect or monitor human rights. The Office of the United Nations High Commissioner for Human Rights (OHCHR) supports their development, providing advisory support and access to the UN. The compliance of NHRIs with the United Nations standards, as set out in the Paris Principles, is assessed by the International Coordinating Committee of National Human Rights Institutions. The degree of independence of individual NHRIs depends on national law - best practice requires a statutory basis rather than, for example, a presidential decree.

India has both a National Human Rights Commission (UN compliant but with conditions) and a National Commission on Scheduled Castes. Nepal has a National Human Rights Commission (UN compliant) and a National Dalit Commission. Bangladesh established a Human Rights Commission in 2008 (not fully compliant -awaiting accreditation). Sri Lanka's Human Rights Commission is not fully compliant and Japan does not have a Human Rights Commission.

Representatives from the NHRIs of India, Bangladesh and Nepal gave an overview of their mandate, role and achievements. NHRIs' functions and priorities are dictated by the national context in which operate, however representatives made the following broad observations:

- The role of NHRI's is to ensure that laws and regulations concerning the protection of human rights are effectively applied. NHRI's take on a variety of activities including monitoring, investigation of complaints, training, research, advising on policy reforms, liaison with OHCHR and engagement in international human rights processes.
- Mandated by the Paris Principles they aim to be transparent, impartial, accessible and accountable.
- NHRI's have a critical role to play in tackling caste-based discrimination and in upholding rights. The establishment of specific NHRI to address caste discrimination such as National Dalit Commissions has been an important step in efforts to eliminate discrimination. In Nepal for example the establishment of the Commission illustrates government recognition and commitment to ensuring access to justice, to monitoring atrocities, and to supporting the implementation of legislation.
- That given the scale of the problem and their wide mandate Commissions do not have sufficient resources or power to operate effectively. The Bangladesh National Human Rights Commission for example lacks financial resources, political clout and has limited personnel.

>> ***The Constitution has made it mandatory for every state government to consult the National Commission on Scheduled Castes on all major policy matters affecting scheduled castes. This is a very important function of the Commission, which has to keep track of all major policy decision taken by the government or any state government.*** Raju Parmar, Commission Member, National Commission on Scheduled Castes, India

Participants reaffirmed that NHRI's should be strengthened and equipped with adequate resources, personnel and authority to fulfil their mandate. In addition to the good practices detailed in Part II the following is a synopsis of some of the observations made in relation to NHRIs:

- That the independence of NHRI's is essential and that all appointments should be transparent, accountable to parliaments and representatives of caste-affected groups.
  - Limited accountability - Participants shared their concerns with the current effectiveness and functioning of institutions that are mandated to protect the rights of caste-affected communities, giving specific cases to illustrate where NHRI's are failing in their fulfilment of duties and their independence. These included a lack of investigation into specific cases and atrocities, the lack of oversight mechanisms and the need for statutory powers to ensure accountability. A study into the National Human Rights Commission in India showed that of the 355 complaints made last year the government responded to only 8 and took no action in any. The National Commission for Scheduled Castes in India are supposed to submit an annual report to parliament. Since 2006 reports have not been submitted or discussed. Under the Prevention of Atrocities Act, state and district level monitoring committees are mandated to review progress every three months; however the majority of states do not have committees or committees are not meeting. Participants agreed that building more responsive, transparent, accountable and effective institutions is critical.
  - Participants and representatives from NHRIs expressed concerns in relation to the status and political prioritisation given to NHRIs. For example in India although the National Commission of Scheduled Castes is a member of the National Human Rights Commission it is not given equal status and is not fully recognised by the Human Rights Commission.
- >> *It has been our unfortunate experience that even after detailed inquiries and investigations, the directions and findings of the Commission are not being implemented by a number of departments and authorities. The problem as we see it lies not only in the attitude of the concerned departments/management, but also in the fact that the powers of the Commission do not clearly specify that the powers of the recommendations and directions of the Commission are binding.* National Commission for Scheduled Castes and Scheduled Tribes, Government of India<sup>xiv</sup>
- >> *The Bangladesh Human Rights Commission has no powers but if you go to visit an area, hospital or jail then it will come to the media's attention and create awareness to the government. Civil society and Dalit rights organisations have demanded a separate Dalit cell and we appreciate this demand. I will advocate for this with my colleagues.* Selina Hossain, Commission member, National Human Rights Commission, Bangladesh

#### 4. Mainstreaming and Inclusion in Development Programming

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 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).

Although this progress was welcomed participants agreed that wider organisational commitment to addressing caste discrimination is needed and that programmes often unintentionally discriminate.

Taking stock of these efforts, participants expressed the following challenges and critiques:

**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.

### 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%.

Dharma Swarnakar, Programme Officer, UNDP, Nepal

**Inconsistent institutional progress** - Although some institutions such as the European Union, United Nations and specific bilateral donors such as Denmark and the UK have made concerted efforts to tackle social exclusion and caste discrimination in their programmes, other institutions such as the World Bank, Asian Development Bank and USAID have been much slower to develop appropriate policies and programmes to tackle these issues.

**Ensure systematic inclusion** - 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.

>> *We are seeking to make our programming more effective and to focus on inclusiveness. We believe that our programming is opening up opportunities for mainstreaming and inclusiveness. The role of civil society is important at all stages - from identification stage to monitoring. We need to systematise the consultation process.* Shiva Bhandari, Programme Manager, EU Delegation, Nepal

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. The equal participation of women is also essential.

>> *Four principles can be 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.* Paul Divakar, National Campaign of Dalit Human Rights, India

**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. Participants from Bangladesh shared how they are developing a database of experienced Dalit practitioners to support this recruitment process and to counter claims that ‘Dalits are not hired because they are not qualified.’

>> *One of the challenges is to make the political decision making process all-inclusive at all levels. Though the current parliament has a much better representation from the Dalit communities, it remains to be seen how a meaningful participation at all decision-making levels can be a reality.* Morten Jespersen, Ambassador of Denmark to Nepal

**Need for national data, caste sensitive monitoring and censuses** - Strategies to eliminate caste-based discrimination are currently hampered by a lack of data, particularly in caste-affected countries where the national census makes no reference to caste such as Bangladesh and Pakistan. Sample surveys and guesstimates are not enough to inform credible lobbying for targeted benefits and policy reform, particularly for poorer countries where many other communities are making similar claims on limited resources. Participants agreed that securing accurate and disaggregated data was critical and that the current lack of data contributes to the invisibility, marginalisation and disempowerment of Dalits.

There is also a critical need for disaggregated data and indicators 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.

>> *In 2011 the training given to collectors was improved, the census was widely publicised and Dalits were included in all levels of the management committee and the steering committee. Now we need a separate anthropological and linguistic study to derive more reliable data on caste and Dalits - a single question is not adequate to identify Dalits and additional questions on language, religion and cultural practices are needed.* Uttam Narayan Malla, Director General, Central Bureau of Statistics

**Scaling up resources** - Participants from institutions involved in developing inclusive programmes such as the European Union and UNDP, expressed their challenge of trying to meet the diverse needs of excluded communities, of balancing advocacy with programmes and of ensuring systematic follow up with limited financial and human resources. Again this links to wider organisational commitments and the importance of mainstreaming - if addressing caste

discrimination is seen as a low priority, allocated to a country desk officer with an already heavy workload then institutions efforts are unlikely to be sufficient.

## 5. Good Practices and Future Strategies to Eliminate Caste Discrimination in Humanitarian Relief and Rehabilitation Assistance

Caste tensions and conflict often come to the fore in times of stress, uncertainty or when resources are limited. Caste-affected communities are often more vulnerable to disasters because of where they live and work, inadequate housing or a lack of legal papers. Entrenched poverty means that Dalits can not always afford to evacuate or to bribe officials for information or supplies. Caste-affected communities are usually last in line for relief assistance due to their lack of political influence, power or discrimination from those responsible for distribution aid.

*>> Humanitarian standards do not currently require providers of humanitarian assistance to respond to caste discrimination with a grounded understanding of the nature and causes of caste-based discrimination. This is reflected in a number of ways such as (i) lack of explicit recognition of caste-based discrimination and related exclusion in their policies and guidelines (ii) emphasis on management of disaster response programmes without an understanding of the societal processes of caste-based exclusion at work in communities (iii) lack of awareness and acknowledgement of the fact that large numbers of people affected by disasters are excluded due to various forms of vulnerabilities created by social stratification and discrimination imposed by caste.<sup>xv</sup>*

Critical issues concerning Dalits and caste discrimination in situations of humanitarian crises include non-discrimination; equality; access to health services, shelter and housing, clean water and education; legal protection such as right to identity, security; land and property issues; compensation and restitution (documentation to claim entitlements); rights of Dalits who after major natural disaster are displaced internally.

Participants shared experiences of caste-based discrimination in the humanitarian response to recent crises and disasters, including the Asian tsunami, Pakistan earthquake, Sri Lankan civil war and Gujarat riots. Examples included Dalits being refused entry to relief camps, being excluded from lists of those eligible for relief, or given the worst temporary shelters. It was agreed that discrimination was usually more pronounced during rehabilitation efforts compared to the initial relief stage. Therefore, governments and non-state actors involved in humanitarian response should take measures to tackle exclusion and discrimination in all humanitarian programmes, including disaster response and disaster risk reduction efforts. Participants considered and recommended use of guidelines<sup>xvi</sup> to assist the humanitarian actors in creating a positive, rights-based response and taking effective action to eliminate caste-based discrimination in the context of disaster response and disaster risk reduction through a human rights approach.

International humanitarian agencies, peacekeepers and military personnel are rarely aware of the complex social contexts of caste-affected countries. Particularly in short term emergency operations, senior officials are often either oblivious or reluctant to address the caste discrimination that is occurring in the relief efforts they are responsible for. Participants referred to these oversights as 'caste blindness'.

Living in flood and drought prone areas, Dalit communities will also be worst affected by climate change. Participants stressed the importance of including the solutions of caste-affected communities in mitigation and adaptation programmes. Participants also noted the efforts taken by caste-affected communities to prepare for emergencies and build their resilience to disasters. It was agreed that where communities are organised that disasters are usually less destructive and relief efforts more easily co-ordinated.

Again the lack of implementation of existing policies and guidelines was raised leading some participants to question the value of more legislation in this area. These participants felt that technical guidelines to address caste discrimination should be mainstreamed within existing local and national frameworks and mechanisms.

The internationally recognised 'Sphere Charter and Minimum Standards in Humanitarian Response' stress the need for neutrality and impartiality. However participants explained that concepts of

impartiality always need to be carefully explored to make sure interventions are not unintentionally negating human rights principles or perpetuating caste-based discrimination. It was agreed that it is necessary or preferable to implement affirmative action in disaster relief efforts, going beyond these standards.

Tools such as vulnerability mapping, social equity audits and thorough needs assessment were shared as well as creative examples of how moments of crisis and upheaval have been used to challenge caste divisions and untouchability practices. For example Dalits staffing kitchens in relief camps, training volunteers in how to recognise and address discrimination, ensuring that Dalit-led organisations are responsible for the distribution of aid, and ensuring that new housing is not segregated along caste lines.

In recent years civil society organisations have lobbied with some success to put caste onto the agenda of humanitarian agencies, encouraging the use of existing frameworks to address caste discrimination.

The draft framework for International Humanitarian Stakeholders for Addressing Caste-Based Discrimination in Disaster Response, presented at the consultation, is informed by extensive research, a comprehensive case study on India<sup>xvii</sup> and consultations led by National Dalit Watch. The project is supported by IDSN and financed by the European Union. The draft framework is available on IDSN's website. The guidelines for action include recommendations for implementation and an overview of international humanitarian instruments and obligations in relation to caste-based discrimination and Dalit inclusion.

>> *Caste-based discrimination creates humanitarian disasters and the state does not do enough to prevent discrimination - there are gaps, which we try to fill. Discrimination excludes and we need implementation. I have witnessed several cases of caste discrimination in flood relief. With recent floods in Pakistan we had a cluster system to co-ordinate all humanitarian workers. We should ensure a cluster on caste discrimination. These are the places to address this issue. You should also audit every humanitarian agency - not just on finances but also on social inclusion. Our principle is to do no harm; if you are not part of the solution then you are part of the problem.* Samuel Marie-Fanon, Technical Assistant for Nepal and Rapid Reaction Coordinator for South Asia (ECHO)

## 6. Addressing Multiple Forms of Discrimination against Dalit Women

>> *Many Dalit women have not gone to school and yet dynamically articulate their concerns. There is a lack of Dalit women in politics so we build Dalit women's leadership through systematic trainings. This does not attract funding organisations and there are hardly any Dalit women in international agencies. Why is this? Ambedkar [Dalit leader and author of the Indian Constitution] said that if your claim for equality hurts others then these people will fight to maintain the status quo. If you continue to accept your status then you will remain poor and disunited and you will be allowed to live in peace. The moment you raise these issues and inequalities then conflict starts.* Ruth Manorama, President, National Federation of Dalit Women, India

Dalit women, at the bottom of the caste, class and gender hierarchies, suffer multiple levels of caste discrimination. Participants presented research and powerful testimonies about the discrimination and violence faced by women in caste-affected countries. Violence and sexual assault are used to both maintain Dalit women's subordinate position and to humiliate the wider Dalit community. Vulnerability of Dalit women is reinforced by their lack of economic independence, low education, poor health and nutrition, early marriage, limited (or no) access to land and often deeply conservative and patriarchal societies. Forced and ritual prostitution, trafficking and domestic violence is widespread.

>> *The gruesome way in which Dalit women are murdered and sexually abused reveals a deep-seated hatred against the Dalit community. By attacking Dalit women's sexual or bodily integrity, dominant caste men attempt to dishonour her entire community.* Manjula Pradeep, Director, Navsarjan Trust, India

Dalit women face challenges and stigma at every stage of the legal process and participants explained that even when Dalit women are brave enough to report violence they face many barriers from the police - refusal to register cases, delayed filing of charge sheets or trials, cases dismissed as

closed or false, or refusal to make an arrest due to political pressure or bribes. In cases of rape or sexual assault the perpetrators are often able to exploit social pressures by convincing the victim's family to drop the case on the grounds that it would tarnish the woman's reputation, damaging her future marriage prospects or her married life.

In addition to the best practices detailed in Part II participants highlighted the following priorities and challenges in addressing the multiple-forms of discrimination against Dalit women:

- The overall synopsis was that governments of caste-affected countries are failing to implement national laws and policy frameworks, and to meet their international commitments in relation to tackling violence against Dalit women. It is a low political priority and monitoring is weak. Preventative, protective and rehabilitative services and initiatives are poorly resourced.
- Governments are failing to adopt specific provisions to protect and support Dalit women and to address intersecting forms of discrimination in education, employment, health care, access to land and personal security.
- Dalit women have made a major contribution in advancing global understanding and debates in relation to multiple discriminations and the need for an intersectoral approach - intersecting forms of discrimination also occur on the basis of age, disability, sexual orientation, religion and ethnicity. Participants recognised the role of Dalit women in challenging other social movements to rethink the role of gender and social exclusion. The need to continue to mainstream issues facing Dalit women into the wider women's movement both internationally and in caste-affected countries was stressed.
- Common to many agencies is the explicit targeting of Dalit women both as a particularly vulnerable group and as key agents for change in local communities. In India women who have been liberated from manual scavenging have become role models for other Dalit women. In Bangladesh, Dalit women leaders are trying to influence male family members and to challenge patriarchy within Dalit communities. In Nepal, efforts to promote Dalit women's leadership have led to increased political participation, nomination, and election of Dalit women in political parties, committees and high-level appointments.
- Affirmative actions such as reservations and quotas have been introduced in India, Bangladesh and Nepal. Participants agreed that these were major achievements with the potential to transform the political landscape, giving Dalit women unprecedented political and decision making power. However participants also shared some of the numerous challenges and barriers that Dalit women face in becoming independent and effective leaders. For example verbal and physical violence from non-Dalits or fellow public office holders for trying to exercise their authority and for daring to exercise a position of power- sometimes they are not allowed to sit on chairs in meetings. Their proposed projects and policies are often blocked or refused funding. These situations are often exacerbated by a lack of education, illiteracy and the confidence to take on leadership roles. Dalit women often lack technical skills and knowledge of administrative systems and how to access resources. In this context they feel set up to fail.
- Despite the challenges strong Dalit women leaders are emerging at all levels and their voices and solutions are increasingly heard at events (e.g. public hearings, national and international conferences). There has been documentation and research on the issues facing Dalit women and participants felt that the media was becoming more sensitised to these issues. The submission of alternative reports to the Committee on the Elimination of Discrimination Against Women has been one successful method to highlight these issues to new audiences.
- Participants stressed that formal and informal leadership building is an essential priority - funding needs to be allocated to give women education and skills to take up leadership positions within their households, communities and societies. The need to give women vocational skills was also raised - particularly for younger women to equip them for the job market and to give them financial independence. Investment is needed to provide alternative employment for women working in exploitative, illegal or dangerous jobs. Mentoring and intern schemes were suggested to give Dalit women international exposure and skills.

>> **UN WOMEN need to carry this movement forward.** Sangeeta Thapa, Programme Coordinator, UN Women South Asia

>> *In Pakistan women face violence, forced marriage, a lack of education and no access to justice. Most work in agriculture. We are mobilising women around health, education and livelihood issues. Our work is at very initial stages and we will require more support from Dalit women from other countries to give us guidance.* Kalavanti Raja, Pakistan Dalit Solidarity Network

### Promoting Dalit women's rights - Recommendations to governments:

- Recognise Dalit women as a distinct category and disaggregate data on caste and gender in census reports, action and progress reports on the implementation of all laws, policies and programmes.
- Present a periodic white paper in Parliament on the status and rights of Dalit women.
- Establish special services for women survivors of violence. Provide immediate relief and a long-term package of adequate rehabilitation for survivors and their families.
- Identify areas in which Dalit girls are employed as child labourers, and constitute rehabilitation schemes with incentives to pull them back into education.
- Encourage educational institutions to adopt equal opportunities policies coupled with affirmative action for Dalit girls.
- Ensure non-discriminatory health services and facilities to ensure Dalit women's equitable access to adequate nutrition, including health and maternity benefits.
- Ensure basic amenities and facilities for Dalit women, especially electricity, water and sanitation.

Manjula Pradeep, Director, Navsarjan Trust, India

## 7. Addressing Forced and Bonded Labour, and Discrimination Issues in Employment

The majority of people in caste-affected countries work in the informal sector - working long hours, for low pay in often dire conditions. Numbers working in the informal sector are proportionally greater amongst caste-affected communities. Participants noted that the lower the caste, the lower the work and wages. Although in some countries welfare and benefit schemes exist for informal workers (e.g. Social Security Act for the Informal Sector in India), however these schemes are not always implemented or accessible for Dalits.

Forced and bonded-labour are widespread within caste-affected communities and although illegal the legislation that prohibits these practices is again rarely implemented. Many Dalit organisations are involved in often risky campaigns targeting landowners or higher caste communities to address issues of bonded labour, exploitation of workers and children, and low or refusal to pay wages.

Research by Anti-Slavery International has emphasised that caste discrimination is at the heart of debt bondage in South Asia. Studies suggest that the vast majority of bonded labourers in India, Nepal and Pakistan are Dalits and those who are considered to be of "low" caste.<sup>xviii</sup> Most Dalits are paid less than the cost of living, forcing them to borrow money often at exorbitant interest rates.

>> *Dalits who live and work on tea plantations face discrimination and very poor conditions - extremely low wages, poor housing, no healthcare or sanitation. It is essential to change the mindsets of parents so they educate girls and to give women leadership training to develop self agency. We are also trying to pressure companies to provide scholarships for children of workers.* Tamanna Sing Baraik, Executive Committee, Dalit Women Forum Bangladesh

It is estimated that over one million Dalits (mainly women) still work as manual scavenging in India alone - a lack of alternative jobs, training and education perpetuates this situation. An Indian movement - Safai Karmachari Andolan - carried out a survey documenting manual scavengers across 18 states. This data is being used to hold local and national officials to account when they claim that manual scavenging has been eradicated.

Participants shared some of the strategies being used to prevent discrimination in employment, including:

- Lobbying for the introduction or extension of reservation policies in the private and public sector.
- Targeted job skills training and increasing access to finance and markets for Dalits and Dalit run small business.
- Developing and use of the Dalit Discrimination Check, a tool to help companies assess their operation against the risk of discrimination on the basis of caste.<sup>xix</sup>
- Campaigning for Corporate Social Responsibility funds to be used to tackle inequality and discrimination.

A representative from the ILO office in New Delhi shared some of the successes of engaging with the private sector and the subsequent compliance by companies with human rights standards and the UN “Protect, Respect and Remedy” Framework. Dalit Solidarity Networks in Europe have been lobbying multinational corporations to be accountable to legal standards on non-discrimination in their host operations and at every level of their supply chains in caste-affected countries, particularly in relation to companies producing tea, clothing and stone. Companies are also being asked to endorse and sign up to the Ambedkar Principles<sup>xx</sup> and this has been particularly successful with UK banks operating in India.

>> *We have been holding multi-sector dialogues with the private sector, the Confederation of Indian Industries and Chamber of Commerce participate. They have focused on how to engage Dalit youth with private sector companies and government agencies - looking at affirmative action and how to build an inclusive economy.* Alok Prasad, President, Centre for Alternative Dalit Media, National Conference of Dalit Organisations (NACDOR), India

## Synopsis of Quotes from the Opening and Closing Sessions

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### ***Rikke Nöhrhind, Coordinator, International Dalit Solidarity Network:***

We are here to explore what works and how can opportunities be turned into successes? Dalit activists have successfully mobilised in their countries, calling for national human rights and development frameworks to address Dalit rights. Can the new Untouchability Act of Nepal inspire other countries to enact similar legislation? Can we begin to imagine large-scale replication of successful local or national strategies to overcome untouchability? We urge governments of caste-affected countries to turn words into action, and ensure the implementation of laws to protect their citizens. In particular for Dalit women who we know suffer triple discrimination and extreme levels of violence. Caste discrimination has no justification in this century, nor has it ever had. Let us explore how actors at all levels can best take their share of responsibility towards eliminating caste discrimination once and for all.

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### ***Vijay Parmar, National Campaign on Dalit Human Rights:***

The irrational and illogical caste system still exists as it has done for over 3,000 years. Why does it still exist? Why despite legal safeguards, acts and schemes does caste discrimination still continue and persist? Still some state statutes prohibit land ownership for Dalits. Development schemes exist but in India we have culture of non-implementation, especially when it comes to marginalised communities. The culture of discrimination within governance is cementing itself within the legislature of India. For example bribing is often a way to get things done but often government officials are even refusing to take bribes from Dalits or religious minorities. Bureaucracy has learnt how not to implement certain Acts and Schemes and in the last 20 years this has become stronger. The Prevention of Atrocities Act is ground-breaking but the conviction rate is 2%.

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***Jyoti Sanghera, Head, UN Office of the High Commissioner for Human Rights, Nepal:***

Acknowledging the strong need for commitment from every individual and organisation to end caste-based discrimination the 100 days campaign was launched. It aims to build awareness of the new Act in Nepal and tackle caste discrimination through advocacy and awareness raising. It was launched by the Prime Minister and since September 600 Dalit human rights defenders have been trained. Government, human rights institutions, civil society and the media have all been involved to foster joint ownership and hundreds have pledged their support online. It will end on 24th Dec but its spirit will live on.

We need to further enhance strategies for tackling caste discrimination. By working in collaboration we can turn our aim of ending caste discrimination into a reality. I would like to reaffirm the support of the UN to civil society and the government in implementing this Act and ending caste discrimination - this is a key priority of OHCHR both in Nepal and globally.

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***Jean Lambert MEP and Chair of the European Parliamentary Delegation for Relations with South Asia:***

Political leadership in tackling caste discrimination is essential. We need to ensure that governments meet the international standards to which they have signed up to.

We have a task to bring together all the information and issues into more of a strategy. We try to use opportunities in terms of legislation and reports which come before us. For example we want to highlight the potential role of EU companies in caste-affected countries. We want to do an analysis on the companies that best tackle caste discrimination, as was done by gay rights organisations in relation to equalities policies.

We need to look at developing the supportive network within parliament to raise issues of caste discrimination, with the backup of NGOs. We are trying to develop more of an EU strategy on caste, work and descent based discrimination and we are looking at how we can use the new South Asia Desk within the External Action Service to raise issues and to check that action is being taken - we need to be very clear and rigorous about what we are asking of them, to ask for specific action and to check that it has been taken. For example the Human Rights Dialogue with India - this will become much more important as development funding is reduced from 2013.

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***Gajadhar Sunar, President, Dalit NGO Federation, Nepal***

Nepal is heading towards completing the new constitution - we must make existing political parties more democratic inclusive and aware of marginalised communities. We should make all duty bearers accountable to Dalit communities. We have to make the Dalit community more powerful through our movements to establish or collective rights. We need to rearrange the political structure of our society. We also need to make strong networks from local to international level, reduce competition between us, make our organisations self independent and ensure we can fully participate and enter economic activities.

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***Mr. Rory Mungoven, Head of Asia Pacific Section, UN Office of the High Commissioner for Human Rights***

I would like to thank the Deputy Prime Minister and the Government of Nepal for their leadership and support which they have been giving to this issue both nationally and internationally. The High Commissioner has prioritised work on discrimination within the OHCHR across the world - we are very proud to see this bearing fruit through our partnerships in Nepal. The High Commissioner is very interested in this meeting, passes on her greetings.

In the past few months we have seen remarkable progress in Nepal and seen international and national commitments made to address caste-based discrimination. However despite strong national and international legal standards caste-based discrimination crimes are still widespread - and we have recently seen violence and destruction of property. In any country the promulgation of laws

itself is not enough - it is the effective enforcement of laws that is paramount and the right to remedy and to access justice.

The draft UN Principle and Guidelines represents an important conceptual framework - and is a useful guidance. The High Commissioner has welcomed them and will encourage states to use them. The High Commissioner and her office is committed to continue working with all partners to promote the practical application of best practices and international standards for the effective elimination of discrimination based on work and descent. You have made many friends and allies within the international sphere.

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***Mr. Morten Jespersen, Ambassador of Denmark to Nepal, current EU Local Presidency***

No country can afford to exclude one fifth of its population from contributing to the development process. Nepal knows the consequences of discrimination, exclusion, and marginalisation better than most: social unrest, instability and - ultimately - armed conflict. Peace and stability and a sustainable development process are difficult to imagine in a situation where a large chunk of the population is excluded and doesn't have a say. Recognition of this problem has grown among human rights organisations as well as government and donors over the past decade.

Following the introduction of multiparty democracy, Nepal has established institutions to promote human rights and democratic development. However, as a relatively new democracy Nepal is still in the process of developing these institutions to such a point where they can play an effective role in promoting democracy and human rights for all Nepalese citizens.

Combating and preventing all forms of discrimination is a priority for the Danish government and our EU partners. Denmark strives to support the Dalit movement in achieving full enjoyment of their rights.

In Nepal, Denmark has for more than twenty years supported the promotion of human rights, good governance and decentralisation, as well as education, rural energy and support to the peace process. In all our activities we have focused on inclusion of discriminated and marginalised groups. The increased focus on minority rights and elimination of caste-based discrimination in Nepal is very positive. Some important Acts have been endorsed; however, what really matters now is implementation and commitment.

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***Mr. Narayan Kaji Shresth, Deputy Prime Minister and Minister of Foreign Affairs of Nepal***

I really appreciate efforts of this consultation and to bring this subject to the fore. I have been campaigning for over 60 years for Dalit rights. We are fully committed to support the rights of Dalits. I am pleased to state here that we are close to concluding the constitution and reaching consensus to guarantee rights of Dalits in the new constitution. We are working together to tackle social stigma, caste-based discrimination and untouchability which are crimes against humanity.

Therefore the opinions, suggestions and joint declaration adopted at this consultation will be very important inputs for us. We would like to reassure you that we will seriously take them into account. Caste-based discrimination and oppressions based on caste are mainly an issue in South Asia but we need international support and attention.

Unfortunately we have not yet brought this issue into the agenda of the UN and progress has not been fully realised due to lack of adequate attention from concerned parties. I firmly believe that this conference will be instrumental in bringing together all concerned parties to tackle caste-based discrimination. Nepal will continue to fight against this social menace and continue to seek advice and expertise.

## PART II: Good practices

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## Introduction

This compilation includes an overview of all the good practice cases, which came out of the International Consultation; either as presentations or as written cases that were submitted in advance of the consultation

Before the International Consultation, IDSN made an open call inviting all concerned stakeholders to submit good practice cases in order to identify and learn from practices and strategies to eliminate caste-based discrimination. As a result of this call, IDSN received 15 written cases, mainly from civil society organizations working at the local and national level in caste-affected countries (India, Nepal, Bangladesh and Japan). A standard questionnaire explaining the principles and criteria for a “good practice” case was offered as an inspiration or guide for those who wanted to contribute to this exercise.<sup>xxi</sup>

### What is a good practice?

For the purposes of the consultation, IDSN defined a good practice as any activity that contributes to the elimination of caste-based discrimination, without compromising basic human rights principles. It was decided to focus on ‘good’ practices rather than ‘best’ practices, acknowledging that all practices aim to move in a positive direction. Good practice examples cover diverse practices such as legislation, policies, strategies, institutional frameworks, operational measures, campaigns, mobilization, advocacy, programs, projects, forms of cooperation, or approaches.<sup>xxii</sup>

#### Practices were asked to fulfil two or more of the following criteria:<sup>xxiii</sup>

- Had an impact on policy, creating a conducive environment to eliminating caste-based discrimination
- Led to an actual change that contributes to elimination of caste discrimination on the ground
- Demonstrated an innovative and replicable approach, and offered a new or unique example
- Demonstrated a commitment of a government and/or other key stakeholders to take further action and apply resources to eliminate caste-based discrimination

#### IDSN is particularly interested in learning about good practices that:

- Address discrimination, inequalities, and access from a human right’s perspective;
- Have significant scale or ‘reach’;
- Emerge from cooperation or engagement between various actors, and create a link between these levels (civil society, private sector, government, National Human Rights Institutions, UN institutions, etc.);
- Address the situation of Dalit women or other women affected by discrimination based on work and descent

## Summary of key observations

The practices, which are listed in this catalogue, are an illustration of just some of the hundreds of strategies that are being used to address caste discrimination and achieve positive change for Dalits. The practices cover a range of initiatives (e.g. legislation, institutional frameworks, campaigns and forms of co-operation).

They demonstrate widespread achievements, both of measurable outcomes and changes in attitudes and behaviours. They illustrate that a constructive dialogue between civil society and the government is crucial for success and the importance of creating space for informed debate and an inclusive discourse based on credible research

The practices illustrate the importance of sharing and learning from past and current experiences to replicate good examples, and improve future initiatives. They give us a better understanding of how to address the current gaps and challenges to improve the human rights situation of caste-affected people and to eliminate caste discrimination.

Although difficult to summarise such rich and diverse examples the following broad observations can be made about the written cases submitted in advance of the consultation:

- Most are part of diverse movements that aim to promote and respect the rights of Dalit communities at the local and national level in accordance with universal human rights principles of non-discrimination, equality, dignity, and inclusion. They use the language and provisions enshrined in national and international human rights frameworks to explain and justify their purpose and aim
- Effectively linking advocacy at the local, national, and international level they are using international and national obligations as a basis for monitoring governments' policies and efforts.
- The majority target vulnerable and excluded Dalit communities in rural districts (e.g. manual scavengers, agricultural bonded families, Dalit women and children).
- Methods used to monitor government obligations include public campaigning, mass mobilisation, human rights education, skills training, data collection, budget monitoring, public interest litigation, and follow up of commitments made by local officials and parliamentarians.
- Many organisations are lobbying policy makers to become more sensitive and responsible in meeting the rights and needs of Dalit communities in the formulation and implementation of policies. While political advocacy and lobbying have proven an effective means of increasing attention on caste discrimination, it takes time, resources and a high level of technical skills. To engage internationally it also requires competence in English
- Many organisations are deliberately seeking to promote co-operation between Dalit and other stakeholders (e.g. non-Dalit communities, law enforcement agencies, government institutions, and donors). An effective strategy has been to form groups and platforms to bring together various actors in women's groups, youth clubs, forums, etc. Several organisations have experienced that such "convergence forums" are necessary to achieve a positive and long-term change in behaviour and attitudes in society
- Common to the vast majority of cases is the explicit targeting of Dalit women as the most vulnerable and excluded group. Dalit women face multiple challenges, such as social exclusion, low income, poor health and nutrition, and limited (or no) access to land and government benefits. However, Dalit women are at the same time considered to be key agents for change in the local communities. One of the observations is that it is difficult to engage Dalit women in programmes and trainings due to household work, low educational skills, low economic status, and the patriarchal hierarchy. It is therefore important to identify ways to sustain interest and commitment from young Dalit women
- A common challenge is the low representation of Dalits in decisive positions and mechanisms of the government to translate government's policies into reality. A clear theme throughout is the need to focus on human rights training and confidence building of Dalit women to encourage them to take on leadership roles within their families, communities and the wider Dalit movement

The following is a summary of cases according to the thematic areas addressed at the International Consultation. Where possible, links are provided to individual case submissions in their full length. All cases, which were submitted in advance, can also be found here: <http://idsn.org/idsn-consultation/call-for-cases/>

## 1. Effective frameworks, policies and institutions

### 1.1 Using and Influencing the Universal Periodic Review Process, Nepal

The recent Universal Periodic Review (UPR) of Nepal was held on 25th January 2011 in Geneva. The UPR is a unique state driven process, created by the UN Human Rights Council. Dalit rights organisations used the following strategies to inform and influence the process:

- **Submission of a joint civil society report and Dalit position paper** - A broader Nepal NGO coalition, comprising 238 human rights organisations was formed and produced a report that included a separate section on Dalit rights. Dalit Organisations produced an 'advocacy paper' for lobbying with the international community in Geneva. This was developed in a participatory way with Dalit organisations and used as a basis for common lobbying and to set the Dalit agenda.
- **Consultation among Civil Society Organisations (CSOs), National Human Rights Institutions (NHRIs) and the government** - Preparatory consultative workshops were organised involving the representatives of NHRIs and government authorities.
- **Lobbying different missions and delegates** - Dalit CSOs carried out lobbying meetings with different embassies in Nepal. Meetings were also carried out in Geneva to inform different missions, embassies, UN agencies and international human rights organisations of the human rights situation of Dalits and to lobby them to include Dalit rights in their recommendations. Nepalese CSOs organised a side-event to sensitise the delegates and gain their support on specific issues - Dalit rights were again highlighted
- **Follow up** - Formation of a UPR Co-ordination Committee (with involvement of Ministries, NHRIs and Dalit rights activists) that developed a concrete plan and strategies for the follow up of the UPR outcomes. The Committee is also pushing forward the United Nations Draft Principles and Guidelines for the Effective Elimination of Work and Descent. These guidelines can be used for the effective implementation of legal provisions and also be used to get regional sub-bodies to support through financial, technical and legal assistance. They are also being used as a reference tool in the drafting of the new constitution. Dalit organisations and Dalit wings of political parties have been consistently reminding the state of their UPR commitments.

#### Outcomes

- Dalit rights issues gained significant recognition and response from the delegates of different countries. 55 delegates made 135 recommendations. 20 were related to Dalits.
- Creation of political space for Dalit CSOs within government and NHRIs.
- The Government accepted 94 new recommendations during interactive dialogue, including strengthening the National Human Rights Commission, National Dalit Commission and National Women's Commission, and passing an anti-discrimination bill to address caste-based discrimination
- The process has provided a new dynamic to consolidate the efforts of different actors and organisations working for Dalits rights in Nepal, facilitating CSOs and the government to work together against caste-based discrimination and untouchability
- The government of Nepal fulfilled its commitment by passing the 'Caste based Discrimination and Untouchability (Crime and Punishment) Act, 2011, on 24 June 2011. This Act includes:
  - Penalising the practice of caste-based discrimination and untouchability, including access to public places and facilities, provision of goods and services and in employment;
  - Criminalising incitement to commit caste-based discrimination and the promotion of impediments to inclusion;
  - Providing increased punishments for public officials found responsible of discrimination;
  - Requiring the perpetrator to provide compensation to the victim, including provision for medical treatment or additional expenses to cover damages; and
  - Expediting criminal proceedings under the Summary Procedure Act

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### 1.2 Tackling Caste Discrimination in Japan: The Special Measures Law

This practice illustrates how special policy measures can lead to official recognition of discrimination issues. In Japan, discrimination against the Buraku people persists despite the official abolition of the Buraku system by the Emancipation Edict of 1871 and other government measures. However, the implementation of the Law on Special Measures of 1969 has shown more positive results. The law

aimed to improve access to welfare, employment and education for Buraku people, improve their living environment and provide a method of redress in cases of discrimination. As a result of the enactment and implementation of this law, discrimination against Buraku has been officially and widely recognised as an issue to be remedied.

Under the law (1969 to 2002), special measures were designed and implemented at the local level and specific budgets were allocated at the national level. These resulted in improved environments in Buraku districts; an increase in Buraku enrolment rates into senior high school and employment in civil services; the broadening of the range of stakeholders addressing Buraku issues (e.g. teachers, researchers, business and religious sectors); and Buraku citizens participation in addressing problems. Local governments adopted declarations to promote human rights and ordinances on eliminating Buraku discrimination.

One of the problems was that the law took measures against the results of discrimination, rather than against the institutions and systems that cause discrimination. It did not include investment in all Buraku areas and was weak in areas of education and employment. One of the most pressing challenges is the need to eliminate discriminatory attitudes amongst the public - especially in relation to marriage and property. There are currently widening gaps in the economic and education levels of Buraku and there are internet hate crimes against Buraku and other minority communities.

To address these issues the International Movement for the Elimination of Racism and Discrimination recommends the following:

- Promotion of more effective human rights education.
- Enact a law to prohibit discrimination and violations in accordance with international standards
- Enact a law to provide remedies to victims of discrimination
- Establish a National Human Rights Commission in Japan
- Establish a specific department with responsibility for addressing Buraku issues and problems

[Download case by IMADR on Buraku discrimination \(Japan\)](#)

### 1.3 Ensuring Access to Justice: National Dalit Movement for Justice, India

There are increasing numbers of atrocities occurring against Dalits particularly when Dalits assert their rights to resources (land, water, wages and jobs) or attempt to access legal justice. Most Dalits do not report crimes for fear of reprisals. There is systemic caste discrimination within the legal justice system and a huge backlog of pending cases. There is a lack of legal awareness amongst Dalit communities. There is an attitude within society and the state that crimes against Dalits do not matter and need not be punished.

The National Dalit Movement for Justice (NDMJ) works across 17 Indian states - it is a network of organisations, networks, activists and lawyers. NDMJ work to organise, mobilise and promote and protect the civil and political rights of Dalits.

The campaign work to implement existing legislation, including:

- The Protection of Civil Rights Act, 1955.
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- The Bonded Labour System (Abolition) Act, 1976.

#### Strategies

- Developing mechanisms to promote and protect the rights of Dalit human rights defenders, building their capacity through trainings and provision of legal information
- Establishing a network of Dalit Lawyers, providing training and enabling them to collectively address the judiciary and other enforcement and statutory bodies
- Advocacy towards parliamentarians and Human Rights Commissions.
- Use of the Right to Information Act to access information

- Holding Citizens Audits
  - Building the assertiveness of survivors of atrocities to become a collective force to address issues of justice. Training and supporting them to meet regularly with enforcement authorities. Survivors are often the best advocates for change
  - Identifying Dalit elected local level leaders to help prevent untouchability and atrocities at village level.
  - Legal Interventions and Fact Finding. Protecting the civil and political rights of Dalits by monitoring major violations of rights, where necessary making legal interventions and raising cases through public campaigns or in the media
- >> *Recently a Dalit girl was burnt to death with her father. Their advocate was beaten up for taking on this case. There is a disconnect between life without dignity, skills without livelihood, duties without rights. This impacts the whole criminal justice sector and is a challenge in all states despite the successes in some. NDMJ aims to unpack the legislation and develop skills - there are now thousands of human rights activists but every day is frustrating. It requires participation in all stages to access and address barriers to criminal justice, and to monitor atrocities for better enforcement. We need to make victims survivors so that they can be part of this struggle and become human rights defenders. We need to monitor atrocities for better enforcement. We need to learn lessons to bring about systemic change.* Prasad Sirivella, The National Dalit Movement for Justice (NDMJ)

#### 1.4 Experiences of Mainstreaming within the Programming and Priorities of the EU, Nepal

The EU in Nepal has been seeking to make their programming more effective and inclusive. To this end they have implemented the following strategies:

Mainstreaming and inclusion of measures to address caste-based discrimination and social exclusion within programmes and processes, including:

- Within the EU Country Strategy Paper and annual action programmes
- Within priorities and processes of bilateral and thematic multi-annual programmes
- Within programme identification and appraisal process
- Within all Calls for Proposals and the following selection and allocation process

Formal consultations with CS and other stakeholders are found to be important means to ensure inclusion, including in:

- identification of potential stakeholders for meetings/discussion with programming missions;
- consultations with concerned groups/communities for setting up the call priorities;
- information sessions and when sharing project specific learning and other issue based inputs to the EU mission

**Programme implementation means towards inclusion include:**

- Joint review of programme implementation - with CSO representation
- Learning from projects; research, assessments and different reports - references for task managers to take up issues at appropriate level
- External monitoring and evaluation: the means to identify gaps to ensure/reframing inclusion

The EU held a consultation on mainstreaming to validate and complement inclusion efforts. This was a good opportunity to maximise benefits of mainstreaming expertise and experiences. The Quality Support Group in Brussels is the final mechanism in Brussels to ensure inclusion.

**Challenges**

- Giving specific preference to organisations is difficult to comply with due to fair treatment procedures
- Diverse needs, limited resources versus the need for secured programme/preferences

- Individual initiative versus institutional pressure/back up
- Systematic follow up and taking up the issues versus availability of sufficient focused human resources
- Taking up issues/project learning Vs. active backing of civil society
- Strategic action/lobbying versus project based action
- Need to systematise consultation process

In conclusion, EU programming is opening up opportunities for mainstreaming and inclusiveness in bilateral cooperation with government and thematic programmes with civil society. The role of civil society is viewed as important at all stages - from identification stage to monitoring

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### 1.5 Access to Justice for Dalits: OHCHR's Experience and Recommendations, Nepal

Since 2005, the Office for the High Commission for Human Rights (OHCHR) has prioritised and focused on developing effective national mechanisms of accountability for tackling discrimination through promoting equal access to justice for the victims of caste discrimination and untouchability. This has been done through:

- Targeted advocacy to secure the Prevention of Untouchability Act - following its adoption, the launch of a nationwide awareness raising campaign called '100 Day Campaign against Caste-based discrimination and Untouchability.'
- Close co-operation with NHRIs and civil society organisations on the promotion of equal access to justice for Dalits

#### Field work

- Monitoring and investigation of emblematic cases of caste-based discrimination and untouchability through OHCHR Field Offices. Up until a year ago there were 5 offices that were able to act upon immediate allegations of discrimination. These offices are now closed but OHCHR still focus on emblematic cases up to the level of enforcement of court proceedings - working with victims, officials at all levels and the police
- The establishment of a dedicated project office in the Far Western Region in 2009 - a remote area where caste discrimination is rampant.
- Supporting the establishment of local networks in remote areas who can support victims where OHCHR or national stakeholders are not able to provide support

#### Challenges

- Caste-based discrimination and untouchability is still seen as a social issue - in all cases investigated, none of the complaints were prompted at the initiative of local lawyers. Human rights defenders were the ones providing legal aid and counselling. Families are not encouraging victims to report crimes
- Failure or delayed registration of First Information Reports by the police and/or selection of a different crime (i.e. robbery and looting)
- Failure to protect victims and witnesses - weak protection mechanisms are a deterrent to making complaints to the police
- Lack of implementation of court decisions (including cases where perpetrators were given custodial sentences of one to two years)
- Lack of appropriate compensation or reparations for victims again this acts as a deterrent

#### Recommendations

- Effective implementation of the new Act - Wide dissemination of the Act, including guidelines for victims and for the general public. Provide training to police officials at central and district levels on their roles and responsibilities under the Act

- Law Enforcement plays the most critical role in ensuring justice for Dalits: it is paramount to have clear guidance and procedures for identifying, registering and investigating caste-based discrimination cases, and accountability mechanisms to ensure that officers fulfil their legal duties. Key actors are:
  - Office of the Attorney General (e.g. supervising police investigations and ensuring full participation of victims in judicial proceedings)
  - The judiciary (exercising oversight to ensure that police comply with their responsibilities)
- Close co-operation is needed amongst NHRIs to undertake joint activities and programmes, and to promote access to justice for victims of caste-based discrimination and untouchability
- Development of mutually supportive protection and advocacy efforts of Dalit and non-Dalit civil society and human rights defenders on access to justice for victims at central and grass-root level

## 1.6 Mainstreaming Dalits through the Local Self-Governance Act, Nepal

Nepal has signed and ratified the International Convention on the Elimination of all Forms of Racial Discrimination. Caste discrimination is also prohibited in the Constitution. The Local Self-Governance Act 1999 is an important instrument towards enforcing these provisions. It has institutionalised the representation of caste communities into the planning process of local bodies and it gives high priority to development programmes benefiting marginalised groups.

### The Ministry of Local Development

- Has established Gender Equality and Social Inclusion Sections and Policies to ensure an inclusive development process through Local Bodies
- Is the focal Ministry for the National Dalit Commission and for the Committee for the Upliftment of Neglected, Suffered and Depressed Castes
- Has produced guidelines and manuals on how to mainstream Dalits within the development process. These include 'Social Mobilisation Guidelines' for municipalities, 'Gender Responsive and Social Inclusive Budgeting and Auditing Guidelines' and 'Development Grant Guidelines' for Districts, Municipalities, Blocks and Villages.

### Strategies/Outcomes

- District, Municipality, Block and Village Development Grant Guidelines include provision for a minimum of 35 % of their total budget to be reserved for target groups, (10% for women, 10% for children and 15% for socially excluded groups)
- Integration of Dalit concerns and priorities in the development agenda of Local Bodies
- Dalit are represented within all Local Body Structures (e.g. Integrated Planning Committees, Ward Citizen Forums)
- Local Bodies have to include Dalits, indigenous people and women in their user committees
- Establishment of 75 Dalit Barga Utthan District Coordination Committees to address development processes in relation to Dalits at local level. Supporting the implementation of plans, strategies, policies and programmes in relation to Dalits in co-ordination with Local Bodies.

## 1.7 Constitutional Provisions and Legislation - compilation

*This is not a case as such, but a compilation of good practices shared.*

Constitutional and legislative measures to protect the rights of Dalits have been enacted in most caste-affected countries. A number of national constitutions explicitly refer to 'caste' in their non-discrimination provisions:

- Nepal's Constitution prohibits discrimination based on 'religion, race, sex, caste, tribe, or ideological conviction or any of these' (article 11)

- Pakistan’s Constitution lists ‘race, religion, caste, sex, residence or place of birth’ as prohibited grounds of discrimination in various contexts (articles 22, 26 and 27). However in Pakistan there is inherent discrimination as a member of a minority group (such as Dalits) cannot be a high ranking officer or Prime Minister. Pakistan previously had 6% reservation quota for Scheduled Castes (lower castes/Dalits) in government jobs but this was abolished in 1998 under the claim that Scheduled Castes are a religious minority.
- Bangladesh’s Constitution prohibits public or private discrimination ‘on the grounds only of religion, race, caste, sex or place of birth’ (article 28)
- Sri Lanka includes the markers of ‘race, religion, language, caste, sex, political opinion, place of birth’ in its constitutional non-discrimination provisions (articles 11 and 27).
- The Constitution of India prohibits discrimination on the grounds of ‘religion, race, caste, sex, place of birth or any of them’ (article 15) and provides for the abolition of ‘untouchability’ (article 17).

The Indian Constitution also includes the following articles:

- Article 46. The State shall promote with special care the educational and economic interests of the weaker sections, of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.
- Article 25(2) (b) provides that Hindu religious institutions of a public character shall be thrown open to all classes and sections of Hindus.
- Article 15(4) empowers the State to make any special provision for the advancement of any socially and educationally backward classes of citizens or for Scheduled Castes (SC) and Scheduled Tribes (ST). This provision has enabled the State to reserve seats for Scheduled Castes and Scheduled Tribes in educational institutions.
- Article 330 provides for reservation of seats for SCs/STs in the Lok Sabha. (Lower House)
- Article 332 provides for reservation of seats for SCs/STs in the Legislative Assemblies.

## 2. Addressing multiple discrimination against Dalit women

### 2.1 Empowering Dalit Women: Organising Women’s Groups, FEDO, Nepal

The Feminist Dalit Organisation (FEDO) was established in 1994 by a group of concerned Dalit women with the vision to ‘fight against caste and gender discrimination and to construct a just and equitable society.’ FEDO takes a participatory approach to development and their programmes aim to provide Dalit women with the awareness and empowerment required to improve their lives.

FEDO works with community based Dalit women’s groups to reach Dalit women who do not have access to other development programmes. This is done in collaboration with community groups, local NGO’s, local and national government bodies. Where needed FEDO establish new Dalit women’s groups, supporting them to exert pressure on local government bodies, to tap local resources and campaign for budget allocation. The strength of working with women’s groups is that they are found across the country, and that Dalit women activists are working voluntarily to mobilise other women to fight against caste and gender based inequality and discrimination.

The group formation method has proved to be successful and replicable. It gives Dalit women the opportunity to talk about their problems and find solutions in a safe environment. The major challenge is that it is difficult to effectively engage Dalit women in awareness raising programs, meetings and trainings as they are often busy with household work and/or jobs. They are also restricted due to social and patriarchal prejudices which reduce their mobility, and because of their low economic status and social isolation.

FEDO are training Dalit women to take up leadership positions - within local politics, parties and committees. For example, five Dalit women from FEDO women’s groups have become members of the Constitution Assembly (CA) representing different political parties. One of FEDO’s board members has been appointed as the Assistant Minister for Physical Planning and Works

>> *Dalit women are now empowered and leadership has been built. They are able to challenge various structural issues and have the confidence to speak out. They have also used media to disseminate their messages. We have set up a network of women survivors of violence. The Dalit movement in Nepal is not gender sensitive - new legislation mandates 33% women's representation at all levels but Dalit NGOs have not considered this in their own organisations. A recent study on Dalit organisations found that Dalit women's representation at senior levels was almost nil.* Durga Sob, President, Feminist Dalit Organisation

[Download case on the Mobilization of Dalit Women's group \(Nepal\)](#)

## 2.2 An Emerging Dalit Women's Movement: Dalit Women's Forum, Bangladesh

Dalit women in Bangladesh face multiple forms of discrimination and violence. Patriarchal social systems pervade and all types of freedoms are extremely limited. Early marriage is common, girls and women are often unable to leave their homes without being accompanied and girls' education is not prioritised so many drop out of school at a young age.

With support from the Bangladesh Dalit and Excluded Rights Movement and Nagorik Uddyog, a small but powerful group of Dalit women have found the courage and strength to organise their communities and to demand change - in 2006 they founded the Dalit Women's Forum in Dhaka. The forum aims to support Dalit women leaders, to organise Dalit women and to give them the confidence and skills to advocate for change. The Forum raise awareness about the issues facing Dalit women and support Dalit women to improve their lives. To date although effective interventions have been relatively small scale

### Strategies

- Human rights and literacy training, legal and health advice, support with family mediation and setting up simple financial services so women can access credit, save or take out insurance
- Strengthening the capacity and resources of Dalit women and the organisations that represent them
- Raising awareness about issues facing Dalit women - organising human chains along the side of roads and media stunts. For example during the World Cup, women from the Dalit community formed two teams - mothers and daughters. Despite opposition from community leaders they held a football match (Mothers 4 vs. Daughters 1). Four thousand people came to watch, including the Deputy Commissioner and the game received national media coverage

### Outcomes

- The Forum now has several hundred members across Dhaka.
- 300 Dalit women have been trained in skill development and are running small scale business' (candle making, sewing, and embroidery) to give them financial independence
- Dalit women are increasing their presence in the public sphere (e.g. through conferences and the media). As a result, attitudes towards Dalit women (from their own communities and families, and wider society) are starting to change.
- Establishment of National Federation of Dalit Women - uniting 12 Dalit women's organisations from across Bangladesh

### The practice illustrates:

- The need for human rights training and confidence building for Dalit women to encourage them to take on leadership roles within their families, communities and the wider Dalit movement.
- That economic rights are critical, and that advocacy needs to be combined with programmes that provide decent jobs and basic services. We can't campaign on an empty stomach.
- The time needed to influence and persuade and negotiate with male family members (e.g. to allow their wives or daughters to attend meetings) - a successful strategy but at the same time it is frustrating and time consuming challenging patriarchy within Dalit communities.
- The need to find new ways to sustain interest and commitment of young Dalit women

[Download case on Promoting the Rights and Leadership of Dalit Women in Bangladesh](#)

### 2.3 Campaigning Against Violence and Building Leadership: The National Federation of Dalit Women, India

In 1995, the National Federation of Dalit Women (NFDW) was established as a platform for Dalit women. It aims to articulate the social ostracism and exclusion, powerlessness and poverty, violence and discrimination that Dalit women experience. Despite the challenges this practice shows the impact that NFDW have had: Today, Dalit women are recognised as leaders, Dalit women are able to organise themselves autonomously and independently, and Dalit women and their organisations are directly influencing government policy and priorities. NFDW have raised visibility of issues relating to Dalit women and undertaken campaigns to tackle and prevent violence.

#### Strategies

- Undertaking research to build a conceptual understanding of violence against Dalit women and how it differs from violence against women in general. This research was then summarised for wider dissemination and awareness raising
- Holding workshops on the Prevention of Atrocities Act and its intersection with the 2005 Domestic Violence Act
- Campaigning, lobbying and advocacy at the national level and in 10 states for action to be taken to address violence. Demands, slogans and handbills given to MPs
- Building skills, training and organising Dalit women - particularly in relation to documentation, communication, writing and language skills.
- Developing fact finding skills for women to document atrocities - co-ordinating a specific exchange to Kerala to build skills in this area
- Co-ordination of a national convention in Delhi which developed a charter of demands that were presented to Sonia Gandhi. This led to a meeting of Chief Ministers on the issue of violence against women.
- Making submissions to Committees relating to the Convention on the Elimination of Discrimination Against Women and the Convention to Eliminate Racial Discrimination to expose the systemic violence faced by Dalit women. As a result Committees have recommended that the Government of India take appropriate and suitable action

### 2.4 Promoting Women Leaders and Addressing Political Violence: AIDMAM, India

The All India Dalit Mahila Adhikar Manch (AIDMAM) is a forum of Dalit Women committed to challenging the nexus of patriarchy, caste, culture and class oppression, exploitation and marginalisation of Dalit Women.

This practice aims to tackle violence against Dalit women through building the capacity and leadership of elected Dalit women to implement the policies that exist to protect and support Dalit women. It aims to maximise the potential opportunity of the increased number of Dalit women leaders in positions of political power

In Bihar violence against women is prevalent. AIDMAM is working with Dalit women elected representatives at local and village level to build their capacity to become strong and independent leaders. They have implemented a series of activities to raise awareness about the violence Dalit women face, to celebrate their contribution and to build their leadership.

#### Strategies

- Identification and selection, organisation and support to leaders
- Holding legal camps for leaders to build skills and to access justice institutions
- Continuous engagement with state level rights' commissions to ensure their proactive role in supporting Dalit women leaders

- Co-ordination of People’s Tribunal on violence against Dalit women - working with advocates and the media.
- Gender budgeting with and for Dalit women leaders - to support development programmes in their areas.

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## 2.5 Tackling Discrimination in Rajasthan: Dalit Mahila Manch, India

Dalit women in Rajasthan face multiple levels of discrimination. When any Dalit woman tries to assert her power, particularly if elected into office, this is seen as an affront to the dominant caste. As a result Dalit women experience rape, gang rape, sexual harassment and kidnapping

The Centre for Dalit Rights based in Jaipur is working for social justice and human rights in Rajasthan. The Centre has supported Dalit Mahila Manch an organisation of Dalit women that mobilise, train and campaign for equity and social justice

### Strategies to tackle discrimination and violence

- Regular inter Dalit community meetings and dialogues to reduce differences between different Dalit sub-castes so that a strong cohesive Dalit movement can emerge. As a result many sub castes are coming closer together and in some cases are now eating together and inter-marrying.
- Supporting women victims of discrimination, atrocities and land encroachment in their fight for justice (follow up actions, providing legal aid, legal intervention and advocacy with police and administration for justice, relief and protection)
- Making linkages with government and administration officials. Ensuring that Dalit women elected representatives are on District level committees.
- Working with elected officials so they are aware of the issues facing Dalit women. Organising Round Tables with dominant caste people to motivate them to end caste based discrimination and atrocities, to promote communal harmony and defuse tensions.

[Download case on Tackling Discrimination in Rajasthan \(Dalit Mahila Manch, India\)](#)

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## 2.6 Addressing Caste Discrimination through Citizen’s Welfare Committee’s: Nari Surakshya Samiti, India

Nari Surakshya Samiti (NSS) is a women’s organisation working for the socio-economic, legal and political empowerment of Dalit and Adivasi women in rural areas in Orissa/Odisha. NSS work on issues of violence, trafficking and empowerment. Problems are multiplying every day as the government are encouraging large scale coal mining in the region which is leading to displacement, violence and environmental destruction

### NSS activities include

- Counselling for women to get justice from the court and to follow up cases
- Provision of legal aid.
- Conducting health camps and providing vocational skills training for income generation.

NSS are building strong women’s organisations and building the leadership capacity of elected women representatives. Over the last five years, NSS has conducted leadership programmes and trained more than 600 leaders. They have initiated a district-level women’s forum of 20 elected women. NSS is well recognised at the district level and has established a good rapport with the district administration

In 2008 NSS established a Citizen Welfare Committee to address the issues of socially discriminated communities - the aim was to bring key stakeholders together in a single platform, including Dalits, non-Dalits /dominant-caste people, and law enforcement agencies. The Committee supports Dalit communities, including victims of caste-based atrocities, women’s self-help groups, and migrant workers. The Committee has dealt with 250 atrocity cases and 15 cases where Dalit rights have been

violated. It has also raised awareness amongst non-Dalits and government officers about the importance of Dalit rights

The Committee has brought different stakeholders together in a common platform to discuss and commit themselves to resolving issues through mutual understanding in a regular manner. Traditional approaches to empowerment, sensitisation and advocacy often mean separate activities. This practice combines them holistically in a common forum. The focus has been on changing attitudes and behaviours, the involvement of non-Dalits and enabling a learning environment by using local information. The involvement of all key stakeholders in the forums has been essential to achieve results; especially the involvement of non-Dalits, government officers; village headman and law enforcers

[Download case on Forming a Citizen Welfare Committee \(Nagarika Surakshya Committee\)\(India\)](#)

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### **2.7 Fighting Against Accusations of Witchcraft: Office of the High Commission for Human Rights, Nepal**

Throughout history, people described as witches have been persecuted, tortured and murdered and this continues today. Statistics are not easy to come by but it is known that every year, thousands of people, mostly older women and children are accused as witches, often abused, cast out of their families and communities, and in some cases murdered. The UN Special Rapporteur on violence against women has highlighted the problem of witch hunts in India and Nepal. In Nepal, elderly women and widows are often singled out and abused in exorcism ceremonies

The majority of women who are accused of witchcraft in Nepal are Dalit and as a result face extreme discrimination and violence. In response to this issue OHCHR initiated a campaign to eradicate accusations of witchcraft and to date no case has been reported. The campaigns' success was due to the will of the community and local officials who wanted to ensure that these violations were eradicated from their locality. Women leaders together with officials took proactive action, and local community leaders, including teachers, traditional healers, doctors and religious figures got involved. There was consistent ownership from all community members to explain why this is an inhuman and discriminatory violation of human rights.

## **3. Humanitarian standards and a framework to eliminate caste-based discrimination in humanitarian responses**

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### **3.1 Addressing Caste Discrimination in Humanitarian Responses: National Dalit Watch - India**

As explained in Part I, National Dalit Watch –NCDHR India and IDSN have developed a draft Framework for International Humanitarian Stakeholders for Addressing Caste-Based Discrimination in Disaster Response, informed by extensive research and a case study from India. The guidelines for action include recommendations for implementation and an overview of international humanitarian instruments and obligations in relation to caste based discrimination and Dalit inclusion. The case study and draft guidelines draft are available on <http://bit.ly/humanitarian-standards>

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### **3.2 Vulnerability Assessment and Community Organising: TRDP, Pakistan**

Pakistan experiences frequent disasters, such as the recent earthquake and floods. There is widespread caste discrimination against Dalits in Pakistan and most philanthropists are Muslim only choosing to allocate aid to Muslims and not to minority groups. Thardeep Rural Development Programme (TRDP) is an NGO working with around 400,000 mainly Dalit families in Sindh, Pakistan. The organisation aims to empower rural communities to secure their rights and manage resources sustainably. Based in the centre of the desert their programmes respond to emergencies and address vulnerability - helping communities to absorb shocks and to help themselves.

This practice shows that putting the community at the centre of relief and rehabilitation efforts is an effective strategy that works. It is the people in communities that know who is most vulnerable, who

needs what, whose house has been damaged etc. If a community is organised then it also helps them to absorb aid. For example Tardeep were able to distribute RS 2 billion from government programmes because Dalit families were known and organised

### Strategies

- Use of Poverty Score Card Tool (approved and also used by the World Bank and government) to assess the vulnerability of villages and different communities.
- To ensure the participation of rural people in planning, distribution of relief and identification of needs.
- Organising communities for disaster preparedness by working with people's organisations
- Creation of a community manual for disaster relief and response
- Development of Joint Contingency Community Plans - providing a framework and criteria for response. This framework has now been approved by the National Disaster Management Authority and District Disaster Management Authority
- Development of joint contingency plans for networks of NGOs to cover a wider area
- Establishment of informal/unofficial relief camps and lobbying for unofficial camps. People often migrate during disasters but Dalits rarely travel to camps for fear that they won't be allowed to access camps or that if they are allowed in that they won't be able to use water or toilets. District Management Authorities often declare camps as official distribution centres, so if you are not in the camp then you can't receive aid.

>> *I have been taken to the police 370 times often by feudal landlords. Complaints have been made to the national disaster committee asking why am I giving preference to these communities, accusations of bias and favouritism. To correct caste discrimination we need to train workers and communities, develop clear and transparent criteria for humanitarian assistance, develop clear financial systems and inform the media* Dr. Sono Khangarani, Director, Tardeep Rural Development Organisation, Pakistan

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### 3.3 Use of Research to Illustrate Caste Blindness in Humanitarian Responses, Sri Lanka

Sri Lanka has experienced a long civil war and a devastating tsunami. Although there is widespread caste discrimination the term Dalit is not widely used. IDSN and IIDS supported a research project in Jaffna) - a region in the north of the country that has been decimated by the conflict. The research examined caste discrimination and its influence in shaping and hampering humanitarian efforts.xxiv

Across the country there are numerous camps for Internally Displaced People (IDPs) who have become homeless or displaced during the conflict. Panchamas are low caste people, comprising 18% of the population. The research revealed that 80% of IDPs who had been living in camps long term (over 5 years) were Panchamas. There were far less numbers of higher caste people, who had been able to move to the capital or abroad. Research showed that the Panchamas in the camps had not moved on because they had lost their land and because higher caste people were not willing to sell them new land. This revealed widespread discrimination in the land market

Long term IDPs were staying in the camps because they felt that this was now the safest option where at least they could receive housing, water and subsidies, even though they were not always allowed to access wells or to admit their children into schools. The research also found that no intervention from any agency or government had been caste sensitive or based on an analysis of caste discrimination.

This practice raises the question - how do you address issues where the majority dominant group is making caste invisible? So for example Tamils are blamed for caste in Sri Lanka, and Hindus blamed in Bangladesh and Pakistan. Caste and ethnicity work together - this practice illustrates the critical need to look at intersectionality and at caste issues more widely in Sri Lanka.

## 4. Forced and bonded labour and discrimination issues in employment

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### 4.1 A Liberation Movement for Manual Scavengers: Safai Karmachari Andolan, India

Manual scavenging, an occupation which involves cleaning dry latrines and carrying human excrement is considered one of the lowest, polluted and most degrading occupations. The caste system dictates that those born into a particular Dalit sub-caste should engage in manual scavenging and should remain doing so throughout their lives. A key reason for the continuation of manual scavenging is the presence and use of dry latrines

There are various laws which prohibit manual scavenging such as, '[The Employment of Manual Scavenging and Construction of Dry Latrines \(Prohibition\) Act, 1993](#)'<sup>xxv</sup> however they are not fully implemented and it is estimated that manual scavenging continues in around 256 districts in India (there are 612 in total). Apart from being employed by individual households, manual scavengers are also employed by the government to clean community dry latrines or latrines in railway stations or government hospitals.

Safai Karmachari Andolan (SKA) is a national Indian movement committed to the total eradication of manual scavenging and the rehabilitation of all scavengers into dignified occupations. SKA was initiated in 1995 by children of manual scavengers. With a national secretariat in New Delhi, it works closely with State Conveners, Organisers and Animators in 26 states. SKA also works with others engaged in 'unclean' occupations such as sewage workers, pit workers and sweepers.

#### Strategies

- In November 2007 SKA organized a Dharna (protest/fast) and National Consultation where people's organisations and movements pledged their support to free the nation from manual scavenging. A decision was made to launch 'Action 2010' with the goal of eliminating manual scavenging in India by 31st December 2010.
- Co-ordination of Yatra/Carnival/March from Sep-November 2011 - which covered 20 states, journeyed 20,000km and involved 184 public meetings, 108 rallies, submission of 308 memorandums to district officials, basket burning in 78 districts and 61 press conferences
- Community organising, education and collective action programmes - symbolic burning of baskets (used to collect waste) at protests of liberation
- Collaboration with state, union and statutory bodies - linking local to national and international
- Extensive surveys and documentation of manual scavengers - production of a report called 'Truth in Numbers,' used to tackle claims by government that manual scavenging has been eradicated
- Public litigation cases, lobbying for resources for rehabilitation (often resources are allocated but are diverted)

#### Outcomes

- Recent commitment from Government to end manual scavenging - in a recent statement they announced, 'We are deeply disturbed to observe that the shameful practice of manual scavenging persists in India, despite being outlawed.'
- Manual scavenging has been eradicated in numerous districts and thousands of manual scavengers have been liberated

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### 4.2 A National Campaign for Dignity and Eradication of Manual Scavenging, India

'Garima Abhiyan' (National Campaign for Dignity and Eradication of Manual Scavenging) was started by women in Dalit communities who were involved in manual scavenging. From initial village level activities in 2001 it is now a national movement. The campaign has been supported by Jan Sahas an Indian NGO that protects human rights through capacity building and mobilisation of excluded communities

#### Interventions, Strategies and Outcomes

- Interventions focus on Identification > Liberation > Rehabilitation.
- Supporting people to leave manual scavenging through organising and trainings. Supporting women to take the decision that 'I will not do this work from today. I condemn it.' With this message freed women have become role model for other women and this has led to the liberation of 10,024 manual scavengers (9531 women and 492 men).
- Use of national legal frameworks that prohibit manual scavenging in India
- Emphasis on equality, honour and dignity, and that manual scavenging is not a job
- Community organising
- Focussing on women as the worst victims and children as motivators. Ensuring education for children of manual scavengers.
- Ensuring that liberated manual scavengers are not purely dependent on government schemes
- Working for holistic social, economic and political rehabilitation
- Advocacy, networking and making the government and wider society accountable

#### Challenges

- Social boycott of manual scavengers by non-Dalit communities
- Lack of political will by political parties to work for the liberation and rehabilitation of this community because it is not recognised as a large vote bank.

The campaign is based on the understanding that the community has to be empowered so that the decision of abandoning manual scavenging comes from within. This is a replicable and sustainable model to eradicate and rehabilitate manual scavengers.

[Download case on the Garima Abhiyan \(National Campaign for Dignity and Eradication of Manual Scavenging\)](#)

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### 4.3 Tackling Bonded Labour: Pakistan Institute of Labour Education and Research

The Pakistan Institute of Labour Education and Research (PILER) was established in 1982, and is engaged in research, training and advocacy in labour rights and labour legislation. Ten years ago there was limited acceptance that bonded labour existed in Pakistan. However it is still widespread based on a feudal system of land ownership.

PILER formed a Pakistan national coalition to highlight and tackle forced and bonded-labour, to mainstream the issue and to raise visibility of its existence internationally. The campaign used the Pakistan Bonded Labour Act of 1992 as a framework

#### Strategies

- Building a broad based coalition of 33 organisations including NGOs and trade unions, working in partnership with the ILO, to put pressure on the government and landlords to end bonded labour
- Implementing collective advocacy and lobbying
- Involving the media as a powerful tool to name and shame
- To keep in close connection and be informed by bonded labourers.

One challenge was that new forms of bondage arise therefore PILER needed to adopt a flexible strategy

#### Results

- A successful Supreme Court judgement that liberated people from bonded-labour. The verdict included guidelines to ban bonded-labour, and resulted in the registration of people who were living in bonded labour. This case is replicable in other countries, although courts need to be supportive
- Some funds have been provided to support the rehabilitation of people freed from bonded labour (through micro-credit)

The majority of people held in bonded labour in the province of Sindh are Dalits.

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#### 4.4 Decent Work for Dalits: Experiences of the International Labour Organisation

The International Labour Organisation (ILO) is the UN Labour Agency founded in 1919. It has 184 member states and is a tripartite forum of governments, trade unions and employers' organisations

Activities include setting of international labour standards, research and technical co-operation. There are 189 ILO Conventions (last one was on domestic workers) which can be ratified by states, and once ratified governments have to report on progress against them. Governments usually report back in a positive manner so input from civil society and workers is needed to get a more balanced view. There is an implementation gap and the ILO works with governments, judiciary and unions to fill this gap. For example the ILO supported the Chamber of Commerce in India to develop a Code of Conduct on affirmative action to tackle caste discrimination.

The Discrimination in Employment and Occupation Convention (no. 111) has been ratified by 170 member states and this allows for positive action in tackling caste discrimination. Child Labour and Forced Labour conventions are also relevant for addressing caste discrimination. Where Convention No. 111 is ratified, tripartite partners report every three years (reports due June - August), followed by a legal review by a Committee of Experts (November/December), then observations (published in March) and finally a political review by Standards Committee of the International Labour Conference (June). The International Labour Office follows up within one year.

##### Specific Strategies/Activities

###### India:

- Trade unions produced a report on manual scavenging that led to an observation by the ILO Committee of Experts and a manual scavenging project (with government, trade unions, NGO's, UN organisations, judiciary and corporate sector).
- Production of a resource guide on employment of Dalits in private sector, (included query at UN Solution Exchange)
- Reports on bonded and child labour and related projects, research and advocacy interventions, (e.g. Sumangali project in Tirupur)
- Recurrent reports made under the 2008 ILO Social Justice Declaration, on all core conventions due in 2012

**Bangladesh:** Raised issues in relation to plantations (complaint by ILO Committee on Freedom of Association)

**Nepal:** Raised issues in relation to child and forced labour, and bonded labour in agriculture

**Pakistan:** Raised issues in relation to debt bondage in agriculture and brick kilns, and child labour

**Sri Lanka:** Raised issues in relation to child labour, forced labour and trafficking

>> *The ILO will now use the term excluded people (to include issues of discrimination, inequality and impunity) rather than marginalised or vulnerable.* Coen Kompier, ILO Decent Work Team for South Asia

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#### 4.5 Ending Bonded Labour in Nepal: The Haliya Rights Movement

'Haliya Pratha' is a system of agrarian bonded labour found across nine districts in the Far Western Region of Nepal. Dalit labourers (also known as Haliyas) take loans from landlords and money lenders who charge exorbitant interest rates. Whilst required to pay back the loan in cash, to pay back the interest the labourers and their families are required to work until the loan is repaid. Given the terms this is impossible for most families. A recent study, by the Nepal National Dalit Social Welfare Organisation and Lutheran World Federation, estimated that there are around 60,000 Haliyas in this region and that 97% are Dalit.

The Rastriya Dalit Network (RDN) Nepal was the first Dalit organisation to work on this issue and ten years ago initiated a Haliya rights movement. Campaign objectives were to eliminate caste based discrimination and to end bonded labour. RDN aimed to ensure the full and active participation of Haliyas at every level of the campaign.

### Strategies/Activities

- Conducting an initial sample survey in 800 households in 5 Districts
- Preparing a campaign strategy document based on learning's from the Kamaiya movement that served as a model for this campaign. Kamaiya is another traditional system of bonded labour in Southern Nepal that was abolished in 2000.
- Conducting participatory community trainings, literacy programmes and mobilisations to convince the Haliya community to unite against bonded labour and for a daily wage.
- Formation of a Central Haliya Rights Forum - a people's organisations with representation of Haliyas from different districts.
- Formation of Haliya Rights Forums in 9 districts - strengthening their capacity through meetings, trainings and caravans
- Holding meetings with landlords
- National level lobbying through seminars, workshops and a national Haliya conference. Engagement with policy makers in Kathmandu through interaction programmes and workshops.
- Establishment of 'Untouchability Crime Watch Centres' to provide legal support and take on legal cases in relation to bonded labour. Two cases were registered with the Supreme Court which judged in favour of Haliyas
- Linking the Haliya rights movements to over 1000 people and organisations across the country, including land and human rights movements, journalists, lawyers and political parties
- Engaging with leading Dalit and human rights activists to give legitimacy to the campaign and to learn from their expertise
- Use of ILO Convention, UN treaties and other government policies and procedures in favour of ending bonded labour

### Outcomes

- In 2008 the Government of Nepal declared the emancipation of Haliya's and agreed a 5 point plan for their liberation
- Establishment of a government task force to conduct in-depth analysis on Haliya issues and problems and to develop possible measures for rehabilitation
- Ministry of Peace and Reconstruction conducted further research and gathered statistics
- Formation of 'Rehabilitation of Freed Haliya and Monitoring Task Force' at national and district level to give verification and certification to Haliyas. After this process rehabilitation programmes are planned to include low cost housing, skill and income generation programmes, employment provision and land allocation.

*If all stakeholders capably implement the recommendations, then this will be a milestone to eradicate this system that will open the door to a prosperous society in the Far Western Region*

**Challenges** - The high levels of poverty amongst Haliya communities, the lack of proper rehabilitation efforts to date and the subsequent lack of income generation programmes. Rehabilitation efforts need greater political commitment.

### Lessons learnt

- Institutionalise inclusion at local, district and central level within different political parties, state mechanisms, and civil society organisations and ensure the equitable participation of Dalit communities in campaigns

- There is no single solution to entrenched and complex issues - widespread sensitisation of issues, political influence and combination of a long term vision with immediate action is needed.

[Download a Good Practice On Haliya Rights Movement in Nepal \(RDN Nepal\)](#)

## 5. Access to development: services and resources

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### 5.1 Equality into Practice: Support and Strategies of The Dalit Foundation, India

The Dalit Foundation is an Indian NGO and the first grant making institution in South Asia to work for the empowerment of Dalit communities. The Foundation, with over 25 years of experience, supports individuals, community organisations and networks - providing small grants and fellowships to strengthen the Dalit movement and nurture future leaders. For the last three years the Foundation has been supporting and building the capacity of smaller Dalit organisations, supporting grassroots leaders to articulate their own solutions.

#### Aims

- To give Dalit organisations equal access to opportunities, resources and services.
- To tackle the root causes of caste discrimination - prejudice, attitudes, lack of enforcement and a lack of information in knowing what services are available

#### Strategies

- To make people who are practicing untouchability irrelevant (e.g. Dalits should just carry their own water rather than asking for it.)
- To build leadership, skills, knowledge and confidence.
- To give trainings and practical help (e.g. in how to file Right to Information requests, in how to register cases and in how to measure progress)
- Use of peaceful protest to campaign for rights.
- Before supporting or working with an organisation staff from the Foundation spend two nights with the organisation/community to help understand their issues

#### Results

- Increased knowledge of and access to, government schemes (e.g. pensions). Increased enrolment of Dalits in school. Land now registered in names of Dalits.
- Use of Right to Information Act to reveal corruption and to access rights.
- Former manual scavengers now elected to become Panchayat officials.

#### Challenges

- How to scale up and replicate these successes?
- 40% of people the Foundation works with are women - not yet been able to make it 50%

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### 5.2 Make a Scene When Everyone is Watching: Budget Monitoring and the CW Games, India

Civil society organisations can struggle for years without impacting government policies. However this practice shows that sustained campaigns prepare organisations to act decisively when opportunities arrive. The success of the 789 Campaign, led by the National Campaign for Dalit Human Rights (NCDHR) built on their diligent monitoring of budgets and persistent efforts to get the Indian Government to honour its promises to the Dalit community. When international attention was focused on the 2010 Commonwealth Games in Delhi (CWG) - and corruption linked to the games - NCDHR and its partners were ready to push ahead for accountability

The Scheduled Caste Sub Plan (SCSP) 2006-07, requires that the government spend a pro-rata proportion (i.e. 16.2%) of funds on Dalit development. However in 2007-08 only 6.1% of

development funds were channelled through the SCSP and in the budget for 2011-12 this number was 8.84%. Allocations are not binding and funds are often allocated in ways that do not benefit Dalits. The government introduced Code 789 to categorise all SCSP funds however most departments do not categorise funds and therefore there is no way to track what SCSP funds are actually being spent on

NCDHR had previously lobbied numerous government departments responsible for resource allocation - such as the Auditor General and Planning Commission - to implement Code 789 and to meet their obligations under the SCSP.

Together with the Housing and Land Rights Network (HLRN), NCDHR studied the Delhi administration's budget, and found that funds for the CWG were being diverted from various sources including SCSP allocations. HLRN filed a right-to-information petition, asking for information on the cost of the CWG and the amount of SCSP funds that were diverted to the CWG between 2006 and 2010. The government admitted that INR 7.44 billion had been diverted from the SCSP. A press conference was held to share this information which made national and international headlines. Opposition members of parliament raised the issue and the Home Minister was forced to admit that the diversion of funds was wrong and that the government would make sure that the funds were returned.

The government also made it mandatory for all departments to use Code 789 in the budget of 2011-12. The Planning Commission set up a taskforce in June 2010 to "re-examine and revise the guidelines issued by Planning Commission for implementation of SCSP."

This practice demonstrates how large national events and the international pressure they generate can be used to push a particular agenda onto the national stage. It illustrates the importance of sustained monitoring and advocacy pressure throughout the policy and budget cycle. NCDHR are now planning to submit an alternative budget, mobilising the Dalit community to declare their needs.

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### 5.3 Campaigning for Discrimination Free Government Services: Jan Sahas, India

This practice illustrates the impact that credible research can have in changing attitudes and in improving local efforts and government policies to prevent social exclusion and caste discrimination. It also shows the need for evidence to counter claims that caste discrimination is not a problem.

Jan Sahas is an Indian NGO that protects human rights through capacity building and mobilisation of excluded communities. In 2009 they produced and disseminated action research called 'Social Exclusion in Education and Health in Madhya Pradesh.' The research documented examples and examined various aspects of discrimination, harassment and untouchability against the Dalit community, especially children and women. It concluded that Dalit children and women are facing discrimination in accessing education, health and nutrition services, and are not fully benefiting from these services.

Jan Sahas shared the findings and recommendation with various stake holders, including government institutions, policy makers, human rights commissions, the media and civil society. The report received widespread national and international media coverage. As a result various organisations took action to address these issues.

The government continued to take the position that discrimination and exclusion did not exist in these services. Therefore Jan Sahas started a "Campaign for Discrimination Free Government Services", targeting national ministries, filing public interest litigation in the Madhya Pradesh High Court and filing numerous cases in national commissions. At local level Jan Sahas developed 'community score cards' to evaluate health and education services and formed children's groups to address discrimination in schools. Due to these efforts the Government of India and national commissions (on Human Rights, Scheduled Castes, and Child Rights) took action to address social exclusion and caste-based discrimination.

[Download case on Jan Sahas' Campaign for Discrimination Free Government Services \(India\)](#)

#### 5.4 Improving Housing and Sanitation in Dalit Colonies, Bangladesh

One of the main problems facing an estimated 5.5 million Dalits in Bangladesh is the lack of adequate housing and landlessness. In rural areas Dalits usually live in houses built with straw and mud, often on common land, under constant threat of eviction. In urban areas Dalits often live in segregated very cramped slum areas known as ‘colonies.’ Housing and sanitation have been a focus for Bangladesh Dalit and Excluded Rights Movement (BDERM)’s advocacy efforts

Strategies have included lobbying policy makers (municipal authorities, government ministries, donors and UN) to make them aware of the problems and to encourage them to take responsibility to improve housing and sanitation.

BDERM has taken action locally (e.g. claims for specific colonies for direct and immediate improvements), nationally (e.g. for resource allocation from governments and donors) and internationally (e.g. reports to UN Special Rapporteurs to gain visibility of the problem). Inviting officials to visit communities to see first-hand the problems and to meet with members of the community has been an influential strategy. BDERM submitted a memorandum to the Finance Ministry demanding specific allocation of funds in the national budget to improve the housing. As a direct response the Ministry allocated 100,000,000 taka in the 2011-2012 budget

Despite some immediate successes (e.g. water connections made to some Dalit colonies in Dhaka), the majority of Dalits still live without adequate housing and sanitation. BDERM has observed that it is necessary to link claims for services to budget allocations and national/international agreed policies; to monitor budgets; to take action on individual cases; and to follow up pledges made by local officials and parliamentarians - these efforts all take a great deal of time and resources. Dalit communities want to see tangible improvements in their own lives to build trust in the wider Dalit rights movement. There is therefore a need to find creative ways to fund infrastructure improvements.

[Download case on Improving the Housing and Sanitation Problems facing Dalits in Bangladesh](#)

#### 5.5 Accessing Resources and Development: Civil Society and Government Collaboration, Nepal

*This case has been prepared by the Nepal National Dalit Welfare Social Welfare Organisation (NNDSWO)*

With the restoration of democracy in 1990, the Government of Nepal began to implement poverty reduction programmes and to work with NGOs to compliment development efforts. At the same time, Dalit civil society leaders and Dalit political leaders became more vocal on the socio-economic, and development rights of Dalits.

Since the late 1990s civil society organisations (CSOs) and the government have been working together to mainstream exclusion issues into the development process. This has enabled Dalits to gain greater access to services, resources and development opportunities. For example 139,732 Dalits accessed resources from a Poverty Alleviation Fund, 30% of the Fund’s total outreach. Dalit CSOs have demanded special development programmes and have been able to influence government policies. For example there is now a separate chapter on Dalits in the National Plan. The Government has created an enabling and open environment that has accelerated progress. Dalit CSOs’ lobbying and regular sharing of information has gained support and solidarity from international donor community and UN agencies.

##### Strategies

- Leadership and capacity building. The Dalit movement has become more focussed and strategic. Dalit CSOs have developed their capacity and networks. Leadership has been developed at local level and CSOs are now more informed about the planning and budgeting process
- Use of evidence and research. Dalit CSOs are now implementing fact based advocacy. Using development experts and sociologists to conduct research not only gives credibility to advocacy efforts but has also meant that these people have become useful advocates for the issue

- Working in coalitions had made policy influence more effective (maximising the different strengths, reach and purpose of organisations) and enabled numerous national level interventions (e.g. influencing the planning commission and the national budget to increase allocation to housing).
- Promoting dialogue between local Dalit people and government officials.

This practice has led to less confrontational attitudes and ongoing respectful interaction and exchange of thoughts between Dalit CSOs and the government. Timely interventions have realigned democracy in Nepal

#### Challenges

- Low or absent representation of Dalits in decision making positions
- Limited government resources and capacity to deliver services
- Ineffective monitoring mechanism of both government and CSOs
- Lack of higher education and skills within the Dalit community

#### Recommendations

- Create space for CSOs in all government led development programmes and policy formulation
- Carry out informed debate to build consensus based on rigorous research and study
- Organise people to voice issues together through alliances and networks

[Download case on Efforts of CSOs in Enhancing Access of Dalits to Services, Resources and Development \(Nepal\)](#)

## 5.6 The Right to Land: Jamin Adhikar Andolan Campaign, India

The Jamin Adhikar Andolan (JAA) Land Rights Campaign started in 2000 in several villages in Maharashtra. It became a wider mass struggle across the Marathwada region in 2002. A strong feudal structure exists in this region which means that Dalits are dependent on upper caste landlords and denied virtually any development opportunities

The campaign aims to combat caste discrimination and end bonded labour by creating alternative livelihood options and supporting landless Dalit people to gain land titles. The campaign also focuses on accessing justice for Dalits who have experienced atrocities and liberating Potraj men. Potraj men are from a particular caste dedicated to a goddess - they are given alms for whipping themselves with heavy knotted ropes.

#### Strategies

- Working with 10 Dalit civil society organisations to reach Dalit families which are landless, agricultural bonded labourers or migrant workers.
- Tackling the caste system through the eradication of bonded labour and providing respectful livelihood options. Promoting the use of available natural resources for alternative and sustainable livelihoods
- Using the Constitutional rights and provisions that are guaranteed for Dalits as a framework for action
- Giving equal opportunity to women - campaigning for land titles to be given in the name of both husband and wife.
- Undertaking advocacy with different levels of government - land is a deeply political issue so requires intensive efforts and negotiation. Use of the media
- Mobilising communities through a people-centred approach

**Impact**

- Around 40,000 Dalit families who were formerly bonded labourers are now cultivating their own grazing land in 10 Districts. They have broken away from the vicious cycle of bonded labour and have experienced a dramatic transformation in their lifestyle and outlook.
- Liberation of 1,000 Potraj men from ancient caste-based traditions.
- Women are now borrowing capital to cultivate the land and to form their own micro credit co-operative
- Some farmers are learning organic farming techniques.

[Download case on Jamin Adhikar Andolan \(JAA\)'s Land Rights Campaign](#)

## 6. Civil Society Strategies and Campaigns against Caste Discrimination

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### 6.1 Rights and Visibility for the Al-Akhdam People: The All Youth Organisation, Yemen

In Yemen the Akhdam people live in separate communities in almost complete isolation from the society around them. They build temporary shacks and houses from tin, cardboard and tires on the outskirts of cities or by rubbish dumps. There are 1.8 million Akhdam people in Yemen, the 100,000 Akhdam people in Taiz Province live in particularly desperate conditions that have not changed for centuries. The Akhdam are the ancestors of Ethiopians who ruled Yemen in the year 535

There is no protection for minorities in Yemen and although the law stipulates that all citizens are equal in rights and duties, this is not implemented.

Akhdam people work in menial professions such as sweeping, cleaning, collecting plastic and begging - they receive very low wages and are always allocated to specific jobs. They are deprived of housing, education, and ownership of land and assets. There are many rights not enjoyed by the Akhda, for example they are deprived of housing and education. Marriage with anyone from outside their community is prevented and they are not entitled to own land, to access basic services (e.g. electricity, water, sewage, and phone) or to nominate themselves for political office.

**Strategies**

- Documenting and researching the issues facing the Akhdam people
- Raising international visibility and awareness - through attending international events and the media

The campaign for the rights of the Akhdam is still at a very early stage - this practice illustrates the critical need for further research outside South Asia to better understand, analyse and address caste-based discrimination

### 6.2 Tackling Untouchability and Exclusion of Arundithiyar in Tamil Nadu: AMMI, India

This practice is upholding the rights of the Arundithiyar community in Tamil Nadu, India. Arundithiyar are often described as 'the Dalits of the Dalits' due to the extreme levels of discrimination, violence and exclusion they face. The practice is reducing their vulnerability to poverty, oppression and atrocities through changing and challenging attitudes, policies and behaviours.

In just a few years the people's movement 'AMMI' Arunthithiyar Mukkal Munnetra Iyyakam (Arundithiyar People's Unity Movement) has made strong progress through organising, human rights training and campaigning.

**Strategies/Outcomes**

- Securing a separate Arundithiyar reservation of 3%, within the 18% Dalit reservation for government jobs and seats in academic institutions.

- Formation of 1,125 village mandrams, which are clubs or voluntary activist groups composed of around 10 Arundithiyar women and men. Mandrams meet monthly to resolve issues and organise the community. They also lobby for the correct implementation of government benefits (e.g. employment guarantee scheme, housing maintenance, pensions etc).
- Co-ordinating a march of 8000 Arundithiyar in the town of Theni to publicise and protest against untouchability
- Taking up of legal cases - for example 276 cases where Dalits were denied common property. Arunthathiyars are now more aware of their rights and the wider community has realised that discrimination is less likely to be tolerated.
- Focusing on two specific and blatant issues of untouchability: the use of separate glasses for Dalits in tea shops and the need for Dalit communities to be allocated land for burial grounds. In hundreds of villages tea shops have been targeted and now no longer serve Dalits with separate cups. Land for burial grounds have also been allocated by the District Collector in several villages. Targets for advocacy include local and district authorities, state government, police and other caste communities.

**Case study:** My name is Tamilselvi and I am 13 years old. I study in government middle school at Vilankurichi. I am an Arunthathiyar. For the past few years the teachers made 15 Arunthathiyar students clean the toilets. I told our movement about it. They said that we should not be cleaning the toilets and they came and talked to our teacher and headmistress. We thought the problem would stop and so I told the others not to clean the toilets. But both the teacher and the headmistress shouted and used very bad words and beat us. The next day we did not clean the toilets, we were beaten and all 15 of us were sent out of the school. A big crowd made the Kovilpalayam police register a case under the Prevention of Atrocities Act. For a week nothing happened and so the movement organised a demonstration. We went with our parents and shouted slogans in front of the office of the District Collector. Only then were the teacher and the headmistress suspended and transferred. We were taken back to the school and all of us are still studying there and we don't have to clean the toilets now. I am happy that I refused to clean the toilets but this only happened because the students, our parents and movement stood together.

[Download case on the Arundithiyar Movement in Tamil Nadu \(India\)](#)

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### 6.3 Promoting Equity and Inclusion of Dalit Children: The Centre for Social Equity and Inclusion, India

The discrimination, humiliation and exclusion experienced by many Dalit children leads to high dropout rates. Not completing higher education limits their economic opportunities and social mobility.

The Centre for Social Equity and Inclusion (CSEI) is an NGO working towards the empowerment of marginalised and excluded sectors of society, with a special focus on women. It was established in 1988 and is committed to the realisation of equality as enshrined in the Indian Constitution. CSEI are implementing a pilot project to promote equity and the inclusion of Dalit children in schools. The project is working with 5 Dalit-headed NGO partners, in 50 government elementary schools, in 5 Districts in Bihar, North India.

#### Strategies

- Monitoring the provisions and entitlements allocated to Dalit children by the government
- Developing tools to track exclusion in schools and developing recommendations to promote inclusion
- Engaging with children, teachers, administrators and the government to promote non-discriminatory and inclusive schooling.
- Engaging with Dalit communities and young people through Education Resource Centres.
- Providing Dalit and non-Dalit led organisations with training, exclusion mapping tools, and materials on diversity and inclusion in schools.

- Working with Dalit leaders and policy makers to strengthen the equity and inclusion provisions under the Right to Education Act 2009
- Based on project findings to advocate on issues relating to equity and inclusion to the National Advisory Council of the Right to Education Act

The impact of the project will be evaluated using a ‘road map toward inclusive education.’ Evaluation will include frequent dialogue with teachers, focus group discussions and questionnaires. The process aims to make teaching and school management easier, livelier and more creative as long as effective resources are maintained and utilised well. CSEI has developed 17 initial indicators of inclusion (listed in the full practice)

[Download case by the Centre for Social Equity and Inclusion \(CSEI\) on Promoting Equity and Inclusion of Dalit children and youth \(India\)](#)

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#### 6.4 Visibility, Rights and Accountability: The National Campaign on Dalit Human Rights, India

The National Campaign on Dalit Human Rights (NCDHR), committed to the elimination of discrimination based on caste, protecting and promoting human rights focusing on women and children from vulnerable communities, started its work in 1998 as an informal network of organisations and individuals across the country.

With the main aim to strengthen the institutions delivering justice to Dalits and build people’s capacity to access them as rights and entitlements, NCDHR works in four main thematic areas, i.e. (i) Dalit women’s rights and equity (AIDMAM), (ii) Access to Justice and Administration of Justice through National Dalit Movement for Justice (NDMJ); (iii) Economic Rights of Dalits through Dalit Arthik Adhikar Andolan (DAAA) and (iv) National Dalit Watch - for equity and inclusion in disaster response and risk reduction. It primarily focuses on domestic concerns and utilises national and international advocacy as its tool as when needed

##### Strategies adopted

- Advocacy with policy makers, like parliamentary committees, ministries and national and state commissions, and using various constitutional tools and mechanisms, like the Right to Information Act, public interest litigations, consultation with members of the Vigilance and Monitoring committee members to affect certain amendment to further strengthen the SC & ST (Prevention of Atrocities) Act 1989;
- Working with the Dalit women elected representatives in accessing their legal rights and performing their role as leaders within the community;
- Budget analysis and research to track the reach of funds to the Dalits, as per allocations made by the union and state government for Dalits and Tribals for their educational and economic and entrepreneurial development and entitlements;
- Engaging with the humanitarian organisations like Sphere India, ECHO, INGOs and NGOs for inclusive organisational approach and outreach to reach the excluded Dalit communities in disasters;
- Closely working with international human rights organisations for carrying out advocacy efforts with the UN and mobilizing human rights resources in support of Dalit demands

##### Corresponding Outcomes

- The Ministry of Social Justice & Empowerment has proceeded in the process of amendments to the Act. National Commission for Scheduled Caste has also sent their recommendation. National Advisory Council is working on the draft amendment;
- Sensitisation of the enforcement officials through RTI; good orders in PILs filed in the states of Bihar, Maharashtra and Haryana and district-level and state-level Vigilance & Monitoring Committee meetings being held;
- Vulnerability Mapping & Inclusion Monitoring tool and Draft Framework for Addressing Caste Based Discrimination in Humanitarian Response;

- Creating visibility at global level thereby mainstreaming the issue within the UN mechanisms significantly. A sustained and well coordinated intervention has brought the issues related to Caste based discrimination on to the centre stage for debate and discussion, and strengthens the fulfilment of national and International HR mechanisms that have been ratified.
- Trained 350 Dalit Women Sarpanches and activists to address the issue of violence against Dalit women with 93 support groups formed in the districts of three states and 52 CSO in the network;
- Working with peoples' representatives and policy makers on strengthening budget and fiscal measures to ensure implementation of policies meant for SCs and STs.

## 6.5 Building a National Dalit Movement: Bangladesh Dalit and Excluded Rights Movement

The current Dalit movement began in Bangladesh in 2002. The organisation Bangladesh Dalit and Excluded Rights Movement (BDERM) was built up gradually with support from a national human rights organisation, Nagorik Uddyog. This process involved participation in international events, facilitation of national events and trainings. In 2008 BDERM received its first external grant. In 2009 BDERM and Nagorik Uddyog co-ordinated Bangladesh's first national Dalit conference where 260 Dalit and representatives from excluded communities came together. This historic conference was a milestone for the Dalit rights movement, capturing the attention of media, national and international agencies

### Aims of BDERM

- To build an equal society by eliminating all forms of discrimination against Dalit and excluded communities on the basis of equality, dignity, prosperity and security.
- To build a diverse and widespread movement to raise visibility and awareness of issues facing Dalit communities

### Strategies

- Broad targets for lobbying and advocacy - Dalit and excluded communities, general public, government, donors, academia and the media.
- BDERM believe strongly in the participation of their members in all decision-making processes. Dalit women play a relatively strong role within the leadership of the movement.
- BDERM focus on training its leadership and reaching out to grassroots communities across the country. Strategies used to strengthen BDERM include - holding divisional workshops; organising leadership and human rights training; conducting Annual General Council Meetings; mobilisation at the local level; providing legal support; and initiating campaigns on specific issues (e.g. exclusion of Dalit children from school/segregated seating in restaurants)
- BDERM use the language and provisions enshrined in national and international human rights conventions and legislation to inform its advocacy and purpose.
- BDERM has been inspired and informed by the national Dalit movements in India and Nepal, and the international campaign against caste discrimination.

### Outcomes

- A transformation in attitudes and confidence amongst the Dalit communities where BDERM have trained and increased awareness of rights and entitlements. BDERM has given voice to the widespread anger, frustrations and needs of Dalit communities.
- Creation of a partnership between emerging, dynamic Dalit leaders and organisations, national human rights organisations and supportive international actors.
- Recognition of existence of caste discrimination in Bangladesh (e.g. inclusion of caste discrimination in manifestos of all major political parties, mainstreaming of Dalit rights within programmes of major donors)

Challenges include the ongoing divisions amongst Dalit and excluded communities, the current lack of national data and the self-exclusion of some Dalit communities

In just a few years with extremely limited financial resources BDERM have made strong steps forward. This practice shows that with the right approach, partners and leadership, there is the potential for progress to be made in protecting and promoting the rights of Dalits and excluded movements. The synergy of the vision and effective lobbying of BDERM, the support from a national human rights organisation, lessons learnt from movements in India and Nepal, the surge in interest from international institutions and journalists, and a sense of outrage that untouchability and caste discrimination exist in Bangladesh has culminated in a growing and forceful movement for change

[Download case on Building and Strengthening a National Dalit Movement in Bangladesh \(2008-2011\)](#)

[Download case on Advocacy and Campaigning by the National Dalit Movement in Bangladesh \(2008-2011\)](#)

## 6.6 Inclusive Governance and Decision Making: The Dalit Panchayat Movement, India

Within Panchayats (the smallest administrative unit in India), Dalits traditionally have very little power and are rarely able to voice their concerns. In 2006 the Rural Education for Development Society (REDS) based in Tumkur District in Karnataka, India, started to establish informal Dalit Panchayats. This model was inspired by the philosophy of M. C. Raj, author of the book Dalitocracy. It is based on the theory that power is captured through participation and that Dalits have the right to govern themselves and be integrated into the political system

### Dalit Panchayats aim to:

- Give marginalised communities an opportunity to participate in internal and external governance processes and decision making of their villages.
- Build the capacity of Dalits to participate in the institutions and mechanisms of local, regional and national governance.
- Strengthen the internal governance mechanisms of Dalit communities.
- Prevent higher castes from resolving family issues or cases affecting Dalit communities

### Outcomes

- By April 2008, 1,017 Dalit Panchayats had been formed - each consists of 10 members elected from the Dalit community, with an equal number of men and women representatives.
- A 70% drop in the number of cases of caste discrimination in the District. Illustrated by records kept by Dalit leaders.
- Dalit Panchayats have resolved hundreds of cases and issues, particularly on family conflict and development issues - as a result there is less involvement and interference from higher castes.
- Higher caste people now come to the Dalit Panchayat to resolve any issues in relation to Dalit communities.
- Land reclamation through tracing documentation on land titles and educating Dalits on their rights. 6,107 acres of land belonging to Dalits in 133 villages were found to be in the wrong hands. Through documenting and campaigning 4,829 acres of land has now been returned.
- Establishment of a Dalit Parliament in Tumkur District.

Success in Tumkur district is giving the Dalit community a glimpse of what the future might hold. Land for all Dalit families, the right to livelihood, education, to govern themselves and to dignity.  
Padmalatha Ravi

## 6.7 Promotion of Rights and Justice in Gujarat: Navsarjan, India

Navsarjan is a grassroots Dalit organisation dedicated to ensuring human rights for all, to eliminating discrimination based on untouchability, to ensuring equality of status and opportunities regardless of caste, class or gender, and to ensuring the rule of law. Navsarjan is the largest Dalit organisation in Gujarat and is active in more than 3,000 villages.

Navsarjan establish independent consciousness amongst the people so that they can fight oppression and inequality without Navsarjan's help. Navsarjan have 80 field staff mostly recruited from the communities in which they work who organise thousands of meetings and training programs. Navsarjan work with and support community based groups to become independent. These include women's rights groups, land rights groups, youth groups, village paralegals and agricultural workers groups

#### **Strategies and programmes**

- Providing training and education in human rights values
- Promoting and protecting women's rights
- Eradicating manual scavenging
- Implementing the minimum wage
- Campaigning for land rights
- Research and digitisation of data
- Establishment of a Community Video Unit
- Promoting local governance and political rights
- Youth awareness and motivation
- Establishment of a Dalit Vocational Training School

Navsarjan have started writing books for children on the theme of equality working with 30,000 children. They also have plans to create a Dalit Children's Book Trust.

Navsarjan recently conducted a study on 100 Dalit women that had been elected to local level politics and organised a celebration for these women. This has a very positive effect - one woman, Kanta ben, raised issues of corruption amongst government officials, and this was highlighted in the media. She faced threats and limited family support but as a result the police took action and 3 officials were sacked.

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### **6.8 Campaigning for Land: The National Federation for Dalit Land Rights Movements, India**

76% of Dalits in India are landless and historically they have not been able to access or own land. Around 75% of Dalits in India are dependent on agriculture. Land gives people an identity, dignity and livelihood. It is vital for housing and cultivation. Ambedkar (Dalit leader and author of the Indian Constitution) said, 'My people have no mother land so how can we struggle for independence?' Mahatma Gandhi also promised that after independence the land issue would be addressed, but the problem remains.

In response to these concerns the National Federation for Dalit Land Rights Movements (NFDLRM) was formed in 2006 - a movement of around 250 Dalit organisations across 17 states. NFDLRM campaigns for access to land, for land reform, for the productive use of land and for the implementation of government policies in relation to land

#### **Strategies**

- To campaign to end feudal structures of ownership. Lobbying for all Dalits to be given either 1 acre of irrigated land or 5 acres non-irrigated land. To lobby for bank's reserve funds to be used for land development
- To work with Dalits and non-Dalits, and with all organisations working on land rights
- To work at state, district, block and village levels - aiming to be active in 28 states by the end of this year
- To demand land for all landless groups (e.g. indigenous people)
- To use the UN Decade on Dalit rights to encourage action

### Future plans

- Land Marches are planned in 17 states. Culminating in Delhi and reaching out to 251 MPs, 10 national parties and 25 state parties. Soil will be collected from every village and given to the Prime Minister - presenting our mother land and the fact we have no land.
- To strengthen and create a more dynamic South Asian land movement - linked to debates on migration and trafficking

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## 6.9 Building an Effective Platform for Dalit Organisations: Dalit NGO Federation, Nepal

The Dalit NGO Federation (DNF) is a network of Dalit organisations in Nepal. It was established in 1996 to fight against caste-based discrimination. DNF provides a forum to raise the collective voice of the Dalit community to claim rights, dignity and opportunities through policy influencing, networking and alliance building.

DNF has 5 Regional Committees that support over 300 member organisations, working with and empowering Dalit communities. DNF also works with Dalit sister wings of political parties and individuals. In Nepal there are around 350,000 registered NGOs and 500 of these are Dalit NGOs.

DNF challenge the traditional mindset of government officials of which 1% are Dalit. Dalit representation within NGOs and international organisations is 3.8%. DNF are therefore working to make political parties and organisations more inclusive.

### Strategies

- Strengthening the institutional development of Dalit NGOs - helping them access and mobilise resources
- Providing information to members on national level policies and laws. Training in negotiation and advocacy skills.
- Identifying issues relating to untouchability and exclusion at local level
- Building national and international networks and alliances to foster solidarity to promote the rights of Dalits' in Nepal
- Lobbying, using negotiation and meetings at national level - to make duty bearers accountable to their election commitments. To influence political manifestos.
- Conducting policy analysis and monitoring policies at national and district level. Monitoring budgets and political party commitments against benchmarks

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## 6.10 Empowering Community Voices, Video Volunteers, India

Dalits are rarely asked to be experts in the media and there are very few mainstream Dalit journalists. Video Volunteers trains and equips women and men to expose reported stories from their communities. They have trained hundreds of Dalits to become journalists and activists - effected positive social change through film and new media. They have created innovative models of community media that help Dalit communities gain coverage of under or unreported issues.

### Strategies

- Training 300 Community Producers, of which more than 100 are working full time to cover the stories in 1000 villages in nearly every state of India
- Enabled 300,000 people to see films during more than 2,200 night-time community screenings, and thousands more worldwide via website
- Publishing one IndiaUnheard video a day online, with a total of more than 400 to date, freeing one unheard voice from India every day
- Exposing and capturing cases of caste discrimination on film - examples from schools, communities and during disaster relief

## Notes

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- <sup>i</sup> Joint Declaration, Global Call and Recommendations: <http://bit.ly/ICDeclaration2011>
- <sup>ii</sup> Consultation Programme: <http://bit.ly/IC-Programme>
- <sup>iii</sup> List of Participants at the consultation: <http://bit.ly/IC-ListOfParticipants>
- <sup>iv</sup> Gallery of photos from the consultation: <http://bit.ly/IC-Photo-Gallery>
- <sup>v</sup> Joint Declaration, Global Call and Recommendations: <http://bit.ly/ICDeclaration2011>
- <sup>vi</sup> The terms caste-affected communities and Dalits are used interchangeably in this report
- <sup>vii</sup> Discrimination based on work and descent is the UN terminology for caste-based discrimination
- <sup>viii</sup> For more details and contact information on how to submit a complaint to the UN, go to: <http://idsn.org/international-advocacy/un/special-procedures/submit-a-complaint/>
- <sup>ix</sup> Untouchability Bill passed in Nepal: <http://bit.ly/Untouchability-Bill>
- <sup>x</sup> Scheduled Castes & Scheduled Tribes (PoA) Act, 1989: <http://idsn.org/country-information/india/scst-poa-act-1989/>
- <sup>xi</sup> For more information about the draft UN Principles and Guidelines, go to: <http://idsn.org/international-advocacy/un/un-principles-guidelines/>
- <sup>xii</sup> For all references, see [www.idsn.org/unpublication](http://www.idsn.org/unpublication)
- <sup>xiii</sup> Opening the Doors to Equal Justice for Dalits in Nepal –OHCHR: <http://bit.ly/Equal-Justice-Report>
- <sup>xiv</sup> Outlined in their 3<sup>rd</sup> Annual Report, 1996
- <sup>xv</sup> Addressing caste discrimination in Humanitarian Response – NDW-IDSN-EU study <http://bit.ly/Humanitarian-Standards>
- <sup>xvii</sup> Addressing caste discrimination in Humanitarian Response – NDW-IDSN-EU study <http://bit.ly/Humanitarian-Standards>
- <sup>xviii</sup> Anti-Slavery International: [http://www.antislavery.org/english/campaigns/no\\_slavery\\_no\\_exceptions/no\\_slavery\\_no\\_exceptions.aspx](http://www.antislavery.org/english/campaigns/no_slavery_no_exceptions/no_slavery_no_exceptions.aspx)
- <sup>xix</sup> Dalit Discrimination Check: <http://idsn.org/business-csr/dalit-discrimination-check/>
- <sup>xx</sup> Ambedkar Principles: <http://idsn.org/business-csr/ambedkar-principles/>
- <sup>xxi</sup> Links to the standard questionnaire and cases: <http://idsn.org/idsn-consultation/call-for-cases/>
- <sup>xxii</sup> Excerpted and adapted from a questionnaire of the UN Special Rapporteur on water and sanitation
- <sup>xxiii</sup> Excerpted and adapted from UN Women Watch
- <sup>xxiv</sup> Link to research (2009): <http://bit.ly/castebind>
- <sup>xxv</sup> The Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act, 1993': <http://safaikarmachariandolan.org/aboutus.html>