

# UNITED NATIONS

In 2014, caste discrimination figured prominently in a number of reports and country reviews by UN human rights bodies, especially the UN Treaty Bodies and the Special Procedures mechanism, to many of which IDSN and its partners had made contributions. IDSN facilitated or supported representation of Dalit human rights defenders at sessions of the Human Rights Council (HRC); communicated closely with a number of special procedures mandate-holders, treaty bodies and the Office of the High Commissioner for Human Rights (OHCHR); and urged States to address the issue of caste discrimination actively in the context of the HRC.

More treaty body reviews than ever before highlighted caste discrimination in concluding observations. And, eleven thematic and country reports of special procedures mandate-holders made reference to caste discrimination over the course of the year addressing a broad range of themes. IDSN presented an appeal to Special Procedures that resulted in renewed commitments from a number of mandates.

IDSN furthermore carried on its systematic efforts to facilitate inputs to the UN, comprehensively monitor outcomes and developments and share regular information with decision-makers and affected groups. As an outcome of these systematic lobby activities and inputs, the number of UN observations and recommendations on caste discrimination steadily increased in 2014. By the end of the year, the [compilation](#) of caste-specific references in UN documents exceeded 190 pages.<sup>i</sup>

**“Legislation alone does not address structural discrimination. The UN has an important role to play and must step up to the plate to help stop caste-based violence against women.”** Saraswathi Menon, UN Women Policy Director

In June, IDSN and a number of International Associates (IAs) held a HRC side-event on ‘Caste-based violence against women: The role of the UN in combatting caste-based violence and discrimination’, bringing together Dalit women human rights defenders, high-level UN officials and a number of states, including India. The key-note speech was delivered by the UN High Commissioner for Human Rights.

## Human Rights Council

On 17 June, violence against Dalit women and the role of the UN in combatting caste-based violence was highlighted at a HRC side-event co-organised by IDSN. Six Dalit women human rights defenders from South Asia were invited and attended, and three of them, Asha Kowtal, Manjula Pradeep and Durga Sob, addressed the event. They spoke of escalating brutality and violence against Dalit women who assert their rights and called for their Governments to take serious action to implement laws meant to protect them and for the international community to support their struggle. IDSN presented a [set of recommendations](#) to the OHCHR and UN Agencies to end caste discrimination and caste-based violence against women and girls.<sup>ii</sup>

IDSN brought together top UN officials who made calls for a coherent and coordinated approach from the UN in tackling caste-based violence and discrimination, with a particular focus on women

and girls. Navi Pillay, then UN High Commissioner for Human Rights, expressed great concern for the issue of caste-based violence and discrimination.

**“Our outrage is not enough. We must take real and focused action to mend our societies' dramatic failure to support the rights of people of discriminated castes, particularly women and girls.”** Navi Pillay, former UN High Commissioner for Human Rights

Moreover, UN Women Policy Director, Saraswathi Menon stressed that words and legislation is not enough and called for concrete action. She highlighted a need to focus on the structural nature of the intersection of caste and gender that legislation alone fails to address.

**“We want to capture that women are targeted for punitive violence when they transgress caste, by the community, and when seeking to organise and defend their rights and the rights of others.”** UN Women Policy Director, Saraswathi Menon

UN Special Rapporteur on Minority Issues, Rita Izsák commended Dalit women in South Asia for mobilising collective efforts to fight for their rights, “in order to confront and end violence, we must take a holistic approach and address causes of violence.”

The Permanent Mission of India to the United Nations in Geneva spoke from the floor, acknowledging the gravity of the issue and that implementation of the laws meant to protect Dalits in India was a very difficult task, “due to the deep roots of this complex issue”.

The side-event was sponsored by Human Rights Watch (HRW), International Movement against all forms of Discrimination and Racism (IMADR), Minority Rights Group, Franciscan International, and Asian Forum for Human Rights and Development, and co-sponsored by Denmark and Norway. The event was well attended with around 70 participants and had good state representation.

Following the side-event, a [report](#) was produced and forwarded to around 300 contacts.<sup>iii</sup> IDSN and HRW also jointly issued a [press release](#).<sup>iv</sup> The [media pick up](#)<sup>v</sup> was considerable and included an [article](#) by the UN Non-Governmental Liaison Office.<sup>vi</sup>

During the year, IDSN facilitated representation of Dalit human rights defenders at HRC sessions, supported the submission of inputs to treaty bodies and special procedures and held a number of meetings with state and UN officials. Prior to the three HRC sessions in 2014, IDSN provided UN member states with specific recommendations on caste-related issues and called on them to raise the issue in the HRC.<sup>vii</sup>

IDSN continued to promote, through submissions, continuous referencing and lobby, the draft [UN Principles and Guidelines](#) for the Effective Elimination of Discrimination based on Work and Descent (UN PnG) in 2014.<sup>viii</sup> In March, the European Parliament [urged](#) EU member states to promote its endorsement and at the June side-event, Rita Izsák similarly called for UN stakeholders to look to it for guidance.<sup>ix</sup>

Despite the constantly growing number of recommendations issued by UN human rights bodies, States continue to hesitate to voice their concerns when relevant reports are presented and to take a specific initiative on caste discrimination at the HRC. This hesitation from States was all the more apparent when calls were made to States for co-sponsorship of the June side-event.

## UN Special Procedures

IDSN continued to lobby and provide input to UN special procedures, specifically for visits to caste-affected countries and addressing caste discrimination in reports and consultations.

In October, a team from IDSN organised lobby interventions linked to the Special Procedures Annual Meeting. The team of Dalit human rights defenders Manjula Pradeep (Navsarjan Trust), Ashif Shaikh (Jan Sahas) and representatives from the IDSN secretariat put forward an [appeal](#) to the mandate holders to address caste discrimination and had meetings with a total of nine mandates.<sup>x</sup>

At the related exchange of views with civil society, seven mandate-holders highlighted caste discrimination as a key cross-cutting issue of concern and caste discrimination was the issue that was raised and addressed by most Special Rapporteurs. Significant proposals for initiatives raised included moving towards a more structured mechanism against caste discrimination, consideration of the issue at the next annual meeting in 2015 and working on caste discrimination across mandates as a concerted effort.

IDSN continued its close cooperation with relevant Special Rapporteurs and six mandate-holders gave specific consideration to the issue of caste discrimination in reports. IDSN and the Pakistan Dalit Solidarity Network (PDSN) also submitted a [briefing note](#) on 'Religious Minorities in Pakistan: Scheduled Caste Hindus'.<sup>xi</sup>

In June, the Special Rapporteur on Violence against Women, Rashida Manjoo presented her [mission reports](#) from India and Bangladesh that highlighted and strongly criticized the plight of Dalit women in both countries.<sup>xii</sup> IDSN made submissions on the situation of Dalit women in cooperation with IDSN members in advance of the 2013 visits.

*"The intergenerational nature of caste discrimination condemns women to a life of exclusion, marginalization and disadvantage in every sphere of life. Many of those women are denied an education and economic opportunities, and perform dangerous and unprotected work, including ... modern forms of slavery"*<sup>xiii</sup> Special Rapporteur on Violence against Women, Rashida Manjoo

Ms. Manjoo also [found](#) that redress for Dalit women victims of violence is very limited, that multiple discrimination is a significant barrier to access to services and that Dalit women continue to engage in dangerous and unprotected work, such as manual scavenging, although legislation has been adopted.<sup>xiv</sup> In the [report on Bangladesh](#) Ms. Manjoo found indications of "... high levels of violence against women from religious and ethnic minority communities, with Dalits, Hindus and indigenous groups most at risk."<sup>xv</sup>

In the [Interactive Dialogue](#)<sup>xvi</sup> with the Special Rapporteur and in the [official response by the state](#)<sup>xvii</sup>, India strongly criticized the Special Rapporteur for making "unsubstantiated yet sweeping generalizations which tends to point to either a lack of understanding of issues or a high degree of prejudice". In her response, the Special Rapporteur noted that she never before, on her 14 prior missions, had encountered such offensive behaviour and language that she received on her mission to India and rejected any allegations of violating the code of conduct.

IDSN continued its close dialogue with the Special Rapporteur on Minority Issues, Rita Izsák, who in addition to addressing the HRC side-event in June, highlighted numerous issues of caste discrimination in the context of education, health, hunger, food security and nutrition, environmental sustainability and water in her [annual HRC report](#).<sup>xviii</sup> The now Special Rapporteur

also [urged](#) attention be given to caste-based groups and namely Dalit populations in the post-2015 development agenda and highlighted that violence against Dalits remains widespread and their access to justice poor.<sup>xix</sup> In September, PDSN and IDSN sent an [urgent appeal](#) to the Special Rapporteur and others on the killing of two Hindu traders in Pakistan.<sup>xx</sup>

In his [annual report](#), the Special Rapporteur on contemporary forms of racism, Mutuma Ruteere, highlighted the CERD General Recommendation 29 on descent-based discrimination, recommending that States take strict measures against any incitement to discrimination or violence against descent-based communities.<sup>xxi</sup>

In his [report](#) on his mission to Mauritania in September 2013, the Special Rapporteur raised concern over caste discrimination and recommended for the government to include adequate resources to tackle such issues as well as slavery-like practices.<sup>xxii</sup> Similarly, upon her [follow-up mission to Mauritania](#), Gulnara Shahinian, now former Special Rapporteur on contemporary forms of slavery, reiterated the need to introduce a law against discrimination practices based on caste or ethnic slavery.<sup>xxiii</sup>

Urmila Bhoola was appointed the new Special Rapporteur on Slavery and underlined, in her [annual report](#), her commitment to continue to work on caste-based forms of slavery and the contemporary forms of slavery highlighted by her predecessor.<sup>xxiv</sup>

In February, Rashtriya Garima Abhiyan (RGA), National Campaign on Dalit Human Rights (NCDHR) and IDSN submitted a [joint report](#) to the Special Rapporteur on Water and Sanitation, Catarina de Albuquerque for her September report on common violations of the right to water and sanitation, drawing attention to violations against Dalits.<sup>xxv</sup> In the [report](#), Ms. Albuquerque highlighted that societal rules prevent Dalits from using water fountains and that Dalits face violence in accessing water and sanitation, often linked to deeply entrenched stigmatization.<sup>xxvi</sup> She further urged that the State of India fully implement the new Manual Scavenging Act and take appropriate action in response to any violations.

Faced with yet another deferred [application for UN consultative status](#) in the first half of 2014, IDSN stepped up its advocacy efforts.<sup>xxvii</sup> IDSN highlighted the reprisals against IDSN in a submission to the Special Rapporteur on the exercise of the rights to freedom of peaceful assembly and of association, Maina Kiai, for his report on multilateral institutions. In October, IDSN [submitted the case](#) to the UN Urgent Appeals Mechanism<sup>xxviii</sup> and in June, IDSN joined other NGOs in sending an [open letter](#) to the ECOSOC Committee on NGOs calling for measures to stop its members from blocking legitimate human rights organisations.<sup>xxix</sup> In October, Maina Kiai, [highlighted](#) IDSN's year-long application.<sup>xxx</sup>

“The case of the International Dalit Solidarity Network, an international NGO focusing on caste discrimination and other forms of discrimination based on work and descent, is particularly troubling: since 2008, the Network has received 64 written questions from the Committee, all raised by India. It is now the longest pending application before the Committee.”<sup>xxxi</sup> Maina Kiai, Special Rapporteur on the exercise of the rights to freedom of peaceful assembly and of association.

In his [presentation to the General Assembly](#), the Special Rapporteur criticised India for arbitrarily blocking IDSN from obtaining UN consultative status calling it “clearly unacceptable, wrong and unfair.”<sup>xxxii</sup> Many States speaking at the General Assembly noted concern that the NGO

committee, meant to ensure inclusion of civil society at the UN, is acting in a manner contrary to its purpose. Norway specifically [highlighted](#), “The continued deferral for seven years of the International Dalit Solidarity Network’s application for accreditation as an NGO with the UN ... is in our view unacceptable and the situation should be rectified.”<sup>xxxiii</sup> The application will be reviewed again in 2015.

The Special Rapporteur also addressed the challenges faced by Dalits in their enjoyment of the rights to freedom of peaceful assembly and of association in his [annual HRC report](#).<sup>xxxiv</sup> 2014 therefore saw the 17<sup>th</sup> mandate-holder added to the list of Special Procedures that have addressed caste discrimination.

## UN Treaty Bodies

More treaty body reviews than any year before gave specific consideration to the issue of caste discrimination in Concluding Observations.

After a six-year break from any treaty body reviews, India was scheduled to be reviewed by two Committees in 2014. In June, Navsarjan Trust, AIDMAM and IDSN presented a [joint submission addressing multiple discrimination against Dalit women](#) to the Committee on the Elimination of Discrimination Against Women (CEDAW).<sup>xxxv</sup> In its [conclusion](#), the Committee raised serious concern about human rights violations against Dalit women, caste-based violence and rape, land rights and the lack of implementation of the SCST (Prevention of Atrocities) Act.<sup>xxxvi</sup>

The Committee recommended that India take action to end caste-based violence against women and the Devadasi practice. At the same session, CEDAW also issued [Concluding Observations for Mauritania](#) and as a first recommended for the State to fully dismantle the caste-based system of enslaving women in domestic work.<sup>xxxvii</sup>

For the Committee on the Rights of the Child (CRC) review of India in June, NCDHR advocated for the Committee to address the plight of the 84 million Dalit Children in India, both in its contribution to the [India Alliance for Child Rights report](#).<sup>xxxviii</sup> and through its participation in the review. The Committee subsequently [raised concerns](#) at the unequal access to education, health care, safe water and sanitation and other social services for Dalit children in India.<sup>xxxix</sup> The [Concluding Observations](#) on the CRC-Optional Protocol on the sale of children, child prostitution and child pornography, in the first review of India, raised particular concern at the inadequate mechanisms in place to detect and identify minority children at risk of becoming victims such as children from Scheduled Castes.<sup>xl</sup>

CRC also issued [Concluding Observations for Yemen](#), in which it raised concern at the persistence of discriminatory social attitudes against Muhamasheen children and specifically the widening gap in the rate of school enrolment of Muhamasheen children when compared with nationwide rates.<sup>xli</sup>

In November, the Committee on Economic Social and Cultural Rights (CESCR) [raised concern](#) that Dalits in Nepal continue to face widespread discrimination and that Dalit women are victims of multiple discrimination as they are more vulnerable to sexual exploitation, trafficking and various forms of violence, including domestic violence.<sup>xlii</sup>

For the first time, the Human Rights Committee (CCPR) [raised the issue](#) of caste discrimination in Nepal. The Committee raised concern over the lack of effective implementation of the Caste Discrimination and Untouchability Act and the persistence of de facto discrimination against the

Dalit community.<sup>xliii</sup> The Human Rights Committee also [raised serious concern](#) of discrimination against the Buraku in Japan, with particular attention paid to Buraku women.<sup>xliv</sup> These concerns raised by IMADR, an associate of IDSN, were similarly noted by the Committee on the Elimination of All Forms of Racial Discrimination (CERD) in its September [review of Japan](#), urging the State to act on the discrimination faced by the Buraku.<sup>xlv</sup>

## High-level inclusion of caste – gradual norm emergence

High-level inclusion of caste, as a ground and on par with other forms of discrimination, gains increased political salience and gradually emerges as a norm in the HRC context. The commitment of the Office of the High Commissioner for Human Rights was reaffirmed in the [OHCHR Strategic Management Plan 2014-17](#) that includes many references to caste discrimination and a key headline in the anti-discrimination section of the action plan.<sup>xlvi</sup> In the introduction, the now former High Commissioner, Navi Pillay, notes that the exclusion, marginalization and abuse of people on the basis of their caste status, among others, are scourges that the international community must combat. Ms. Pillay highlighted caste discrimination in various reports and statements to the Human Rights Council.

Long term champion for the cause, Ms. Pillay ended her six-year tenure as High Commissioner for Human Rights on August 31. Ahead of the June side-event, to which Ms. Pillay made the opening statement, a group of Dalit human rights defenders met the now former High Commissioner to express their gratitude for her unwavering commitment to support them in their struggle to end caste discrimination.

It is noted that the new High Commissioner, Zeid Ra'ad Al Hussein, has made a number of [references to caste discrimination](#) in his initial statements.<sup>xlvii</sup> Also, the UN Secretary-General has [called for](#) particular attention to be paid to direct or indirect discrimination on the basis of caste, among others.<sup>xlviii</sup>

## The Post-2015 Agenda

IDSN made two submissions to the UN-led public consultation in [March](#)<sup>xlix</sup> and [September](#)<sup>l</sup> calling for caste-affected groups to be addressed in the post-2015 agenda, noting that leaving out caste and similar forms of discrimination from this equation mean that hundreds of millions of people will indeed be “left behind”.

Three of the eight [policy briefs](#) delivered by the UN Non-governmental Liaison Service (UN-NGLS) to the UN General Assembly Open Working Group on Sustainable Development Goals in 2013 and 2014 addressed caste discrimination **and inequalities**.<sup>li</sup> **The recommendations were compiled from various [UN-NGLS civil society consultations](#)**<sup>lii</sup> **including consultations where National Campaign on Dalit Human Rights (NCDHR), Asia Dalit Rights Movement and IDSN provided input.**

Although, the UN-led public consultation recognised caste discrimination as a source of inequality in 2013, neither the 2014 Focus Areas Document nor the Final Report of the Open Working Group on the Sustainable Development Goals include mention of caste. Moreover, the UN Secretary General's Synopsis report, released in December, also fails to recognise caste discrimination. The



new Sustainable Development Goals are expected to be adopted at the 70<sup>th</sup> session of the UN General Assembly in September 2015.

## UN related country level developments in caste-affected countries

As a first and convened by the UNDP, six UN agencies including [IFAD, ILO, UNFPA, UNICEF and UN Women formed a task team](#) to help accelerate inclusion of Dalit and Adivasi (tribals) issues and access to rights in national and state policy and planning processes in India.<sup>liii</sup>

“Targeting interventions to the most disadvantaged improves lives and addresses multi-dimensional poverty...The United Nations in India is committed to support the Government of India’s efforts towards greater inclusion of the Scheduled Castes and Scheduled Tribes in the development process.”<sup>liv</sup> UN India website

In December, the Office of the Prime Minister in Nepal organised a Consultation Workshop on Anti-Caste Based Discrimination and Untouchability on the implementation of the first UPR recommendations and in preparation for the second UPR, to take place October 2015. IDSN Director, Rikke Nöhrind, was invited and presented on the existing international standards and practices. Ms. Nöhrind and Bhakta Bishwakarma, NNDSWO, were also invited to present on the topic of “Caste-based discrimination and possibilities for engaging with the UPR” at the Human Rights Core Group meeting of multilateral and bilateral donors. The meeting had more than 30 participants from UN agencies; Embassies and the EU delegation.

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<sup>i</sup> CASTE DISCRIMINATION AND HUMAN RIGHTS

<sup>ii</sup> IDSN recommendations to the OHCHR and UN Agencies to end caste-based discrimination and caste-based violence against women and girls

<sup>iii</sup> CASTE-BASED VIOLENCE AGAINST WOMEN

<sup>iv</sup> UN Rights Council: End Caste-Based Rape, Violence

<sup>v</sup> Press Clippings – HRC26 side-event on ‘Caste-based violence against women’

<sup>vi</sup> The Road to Doha - February Issue

<sup>vii</sup> IDSN recommendations on agenda items of relevance to be considered at the 27th session of the Human Rights Council (HRC) (8-26 September 2014);

IDSN recommendations on agenda items of relevance to be considered at the 26th session of the Human Rights Council (10-27 June 2014);

IDSN recommendations on agenda items of relevance to be considered at the 25th session of the Human Rights Council (3-28 March 2014).

<sup>viii</sup> Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent

<sup>ix</sup> European Parliament resolution of 13 March 2014 on EU priorities for the 25th session of the UN Human Rights Council

<sup>x</sup> European Parliament resolution of 13 March 2014 on EU priorities for the 25th session of the UN Human Rights Council

<sup>xi</sup> Religious Minorities in Pakistan: Scheduled Caste Hindus

<sup>xii</sup> Annual reports

<sup>xiii</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo

<sup>xiv</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo

<sup>xv</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo

<sup>xvi</sup> HRC26 Clustered Interactive Dialogue with the Special Rapporteur on Violence against Women, Ms. Rashida Manjoo, 12 June 2014 (09.30-15.00)

<sup>xvii</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo

<sup>xviii</sup> Report of the Independent Expert on minority issues, Rita Izsák

<sup>xix</sup> Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

<sup>xx</sup> URGENT APPEAL: Two Hindu traders killed (Umerkot city, Umarkot District, Sindh, Pakistan)

<sup>xxi</sup> Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere

<sup>xxii</sup> Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere

<sup>xxiii</sup> Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian

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- xxiv [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola](#)
  - xxv [Violations of the right to water and sanitation](#)
  - xxvi [Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque](#)
  - xxvii [IDSN application for ECOSOC Status – the longest pending NGO application](#)
  - xxviii [URGENT APPEAL: Reprisals against IDSN by the Government of India in trying to formalize its association with the UN and obtain ECOSOC Status](#)
  - xxix [Open Letter: A Call for Transparency in the ECOSOC NGO Accreditation Process](#)
  - xxx [Rights to freedom of peaceful assembly and of association](#)
  - xxxi [Rights to freedom of peaceful assembly and of association](#)
  - xxxi [India called out at UN General Assembly for blocking IDSN’s UN consultative status](#)
  - xxxi [India called out at UN General Assembly for blocking IDSN’s UN consultative status](#)
  - xxxi [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai](#)
  - xxxi [Multiple discrimination against Dalit women](#)
  - xxxi [Concluding observations on the combined fourth and fifth periodic reports of India](#)
  - xxxi [Concluding observations on the combined second and third periodic reports of Mauritania](#)
  - xxxi [INDIA THIRD AND FOURTH COMBINED PERIODIC REPORT ON THE CONVENTION ON THE RIGHTS OF THE CHILD](#)
  - xxxi [Concluding observations on the combined third and fourth periodic reports of India](#)
  - xi [Concluding observations on the report submitted by India under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#)
  - xli [Concluding observations on the fourth periodic report of Yemen](#)
  - xlii [Concluding observations on the third periodic report of Nepal](#)
  - xlii [Concluding observations on the second periodic report of Nepal](#)
  - xlii [Concluding observations on the sixth periodic report of Japan](#)
  - xlii [Concluding observations on the combined seventh to ninth periodic reports of Japan](#)
  - xlii [OHCHR Management Plan](#)
  - xlii [UN High Commissioner and UN Secretary-General references to caste in statements and reports](#)
  - xlii [Report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights](#)
  - xlii [IDSN Input to the online discussion on the Focus Areas Document \(that sets out 19 broad issues for consideration at the Next OWG where member states move into a process of identifying SDGs and accompanying targets\) of the Open Working Group on the Sustainable Development Goals. Posted on The World We Want 2015 platform \(UN and Civil Society\) on 14 March 2014](#)
  - i [IDSN Input to the World we Want E-discussion on the Open Working Group Final Report on the Sustainable Development Goals taking place from 15 September to 15 October 2014](#)
  - li [UN-NGLS Recommendations on Women’s Human Rights and Gender Equality for the UN General Assembly Open Working Group on Sustainable Development Goals \(OWG on SDGs\)](#)
  - lii [UN-NGLS Policy Briefs for the OWG on SDGs](#)
  - lii [UN agencies in India team up to fight caste discrimination](#)
  - liv [www.in.one.un.org](http://www.in.one.un.org)