

Hearing on Caste Based Discrimination

28.03.2012



Foto: Tom Henning Bratlie

The damaging descent –
What does caste based discrimination entail?

Compellingly global –
What are the challenges and best practices in responding internationally?

Report



Foto: Jacob Carlsen IDSN

-Program-
Hearing on Caste Based Discrimination
“Joining forces for a caste free world”

Time: March 28th-2012, 09.00 – 13.00

Place: Litteraturhuset, Oslo

Part 1

09.00 – 09.25 Welcome and introduction

Welcome by Sandra Petersen on behalf of the Norwegian Dalit Solidarity Network
Short Film Screening “We are not untouchable – end caste discrimination now!”

09.30 – 10.30 The damaging descent – What does caste based discrimination entail?

“Caste discrimination and the struggle for dignity – an introduction and overview”

by Paul Divakar, *General Secretary, Dalit Arthik Adhikar Andolan*
(*National Campaign for Dalit Human Rights*)

“Class, caste and gender – women’s roles in the Dalit struggle”

by Asha Kowtal, *General Secretary, All India Dalit Mahila Adhikar Manch*
(*National Campaign for Dalit Human Rights*)

Part 2

10.45 – 12.30 Compellingly global – Challenges and best practices in responding internationally

Panel

- Sushil Raj, Human Rights Officer in Office of the High Commissioner for Human Rights , the Indigenous Peoples and Minorities Section
- Silje Vold, Child Rights Adviser, Plan Norway
- Berit Hagen Agøy, General Secretary, Church of Norway Council on Ecumenical and International Relations
- Rikke Nöhrind, Coordinator, International Dalit Solidarity Network

Chaired by Ed Brown, *Stefanus Alliance*

“Joining forces for a caste-free world”

On March 28th 2012, the newly established *Norwegian Dalit Solidarity Network* (DSN Norway) invited Norwegian authorities, politicians, organizations working with countries affected by caste discrimination, and the general public to a hearing on caste based discrimination.

The hearing took place at Litteraturhuset in Oslo, to shed light on the inhuman conditions that over 260 million people globally experience daily, to ask how we can work together towards a world where no one is discriminated against on the basis of work, caste or decent. The hearing was visited by approximately 50 people and representatives from 30 organizations.

Background

Caste discrimination based on untouchability can be described as one of the most serious human rights issues in the world today. Affecting at least 260 million people globally, caste discrimination involves massive violations of civil, political, economic, social and cultural rights and denies whole communities, a life of dignity and equality.

Common discrimination, usually involving “untouchability practices”, include segregation in housing, schools and cremation grounds, prohibition of access to and ownership of land, restriction on occupation (assignments of the most menial, dirty and dangerous jobs as defined by the caste hierarchy), prohibition of inter-caste marriage, and limitation or prohibition of access to public places such as roads, temples and tea houses, and to public services such as water taps, health care and education. The untouchability practices lead to social, political, and economical exclusion of the “untouchables”, or the Dalits – the broken people – as they have chosen to call themselves. A large number of Dalits live in poverty with reduced benefits and excluded from development processes. A large majority of the Dalits are prevented from being involved in decision making and meaningful participation in public and civil life. Dalit women often suffer a triple oppression, by being poor, untouchable and women.

When Dalits and other caste affected groups challenge the untouchability practices, they often face violent sanctions and social boycott. The sanctions are frequently carried out in public to show what happens to people opposing the prevailing social and economic order. Untouchability practices and discrimination based on caste is often outlawed in countries affected by it. Yet, lack of implementation of legislation in addition to caste bias within the judicial systems, largely leave Dalits without protection. Very few cases of crimes against Dalits lead to conviction.

Introduction

There are many organizations in Norway working in caste affected countries. DSN Norway want to start a debate on how we can work together in the struggle to end caste discrimination. Caste discrimination is a global human rights issue, with the vast majority of the affected living in India. The two main speakers at this hearing came from India. However through the film screening and the panel discussion, experiences from other countries such as Nepal were also shared to contribute to a larger outlook.

Prior to the hearing, two relatively wide questions were posed to set the tone of the discussions:

What does caste based discrimination entail?

What are the challenges and best practices in responding internationally?

To illuminate the questions as good as possible, we invited speakers both from the Indian National Campaign on Dalit Human Rights, the Office of the High Commissioners for Human Rights, the Norwegian Ministry of Foreign Affairs, as well as organizations working on these questions internationally from Norway and Denmark. The goal was to get both a national, international and Norwegian perspective on the issue.

Part 1: The damaging decent – what does caste based discrimination entail?



Mr. Divakar and Ms. Kowtal Foto: Tom Henning Bratlie

Mr. Paul Divakar described the practice of untouchability as a hidden apartheid. To describe this he used the term *default discrimination*, illustrating that discrimination is done unconsciously, as well as consciously, as the order of things. Such default discrimination affects all the areas of social and economic interaction in the society, such as accessing elementary education, public roads, and so on. It is still a common practice for Dalit school children to be placed in the back of the class, simply because this is the order of things. The practice of untouchability even permeates emergency relief work, such as after the tsunami or the floods in Bihar, where the discrimination of Dalits continued even within the relief camps.

The default discrimination also ensures that Dalits are to a large degree denied access to economic engagement. For instance, Dalit staff hired by large corporations will receive lower wages for equal work done by other staff. Also, Dalits producing milk and other merchandise for the market will have trouble selling their products, as customers will consider it polluted.

This kind of discrimination is also permeating in public budgets and programs. The result of this is that the Dalits many times not even reach the programs and schemes deliberately set up to help them.

Mr. Divakar illustrated this with reference to the targeted budgeting scheme called The Special Component Plan for Scheduled Castes in India (Scheduled Castes is the official name for Dalits).

Even though this scheme allots money specifically to be used for Dalit benefits, the money is often diverted and will therefore to a large degree not reach its beneficiaries. It is for instance common that roads built under this scheme only provide access to the higher caste section of the village, and not to the Dalit section.

To show the degree and layers of discrimination based on caste, Asha Kowtal said that over the last three to four years, 16-20 Dalit students at Indian universities have committed suicide due to torture and harassment they experienced at their academic institutions. This happens even in the most prestigious institutes such as the Indian Institute of Technology and the All India Institute of Medical Sciences.

Ms. Kowtal emphasized the very difficult situation for the Dalit women. The Dalit women meet the limiting barriers of both caste and gender, which leads to discrimination and various layers of marginalization. As she said:

“When we look at all the human rights and human development indicators for Dalit women, it proves to us that education levels, health, the economic conditions, and the political participation are all at a much, much lower level than other women generally in India, and also very much lower than the Dalit men themselves”.

An example of their particularly difficult situation is illustrated by Dalit women elected representatives. They have to tackle confrontations faced by most female elected representatives disregarding of caste, but in addition they also have to face challenges such as threats of rape, attacks on their families and other obstructions to conduct their work. The powerful mix of caste and patriarchy is threatening the very existence of the right to life, water, food, dignity and the right to live as a free human being. Despite all the good legislations and prohibitions in place, this is the real situation in India - this large democracy and booming economic superpower.

How is it possible that this discriminatory practice is still continuing? First, there is a sustained impunity that is being enjoyed by a certain section of the population. This is also sanctioned by some of the authorities in collusion with the dominant caste groups.

Second, there is the fear of backlash violence. Dalit women who claim their rights, who assert their voices for justice and argue for implementing simple development scheme for the children in the community, are at great risk of physical attacks intended to silence their voices. Threats of rape and murder are used strategically by the dominant caste men, not only to attack Dalit women as individuals, their bodies and themselves, but also to teach a lesson to their community. There is therefore a pressing need for specific interventions for Dalit women, and the need to look at Dalit issues with a specific gender lens considering that half of all the 260 million Dalits are female.

The caste mentality is deeply entrenched in the Indian society, making caste discrimination extremely resistant and callous to deal with. As Mr. Divakar explained: *“It is all in people’s minds, and you can’t always see it. That makes taking a stand on it both harder and less pressing”*. It is “the order of things” which implies both the notion of the deeply entrenched mentality in the society, and also how this mentality can continue to exist more or less subconsciously. He continued: *“We are not willing to ask people’s caste because we don’t want to play this game.”* The discrimination of Dalit women adds a gender/patriarchy dimension to this already exceptionally difficult situation.

Part 2: Compellingly global – what are the challenges and best practices in responding internationally?

This following part of the report can be divided into three sections. First, a mostly descriptive one, where it will be reported on the debate and what is being done by various actors, in various levels of the society. Second, some critiques and calls for extended efforts will be discussed. The last section is more normative, and will bring up questions such as why the issue of caste is relevant, why nothing more is being done, and what else can be done.

What has been done – lessons learned

There is no doubt that the challenges in dealing with caste discrimination are huge and complex. A fruitful starting point can be to look to Nepal, where interventions and collaborations made by the Office of the High Commissioner for Human Rights (OHCHR) have provided some valuable lessons. OHCHR established an office in Nepal in 2005. Mr. Sushil Raj, said rapid progress had been made in areas ranging from representation of Dalits in the Constituent Assembly to the enactment of a national law.

This progress was achieved through close partnership between the Government, national institutions, the UN and civil society.

The Nepal Office of the OHCHR monitored a wide range of cases of caste based discrimination. They raised concerns with authorities and sensitized the local administration, judiciary, and other stakeholders on the issue. The OHCHR’s office in Nepal also undertook joint advocacy with the National Dalit Commission for the adoption of legislation to address caste-based discrimination and “untouchability”. In addition, the OHCHR carried out a 100 day joint sensitization campaign with the National Dalit Commission. Ms. Navi Pillay, the High Commissioner herself, made a personal commitment to end caste discrimination and untouchability practices.

Mr. Raj mentioned two major lessons learned from the UN experience. First, the realization of equality and non-discrimination requires the adoption of laws that are comprehensive, yet sufficiently detailed and specific to address the different forms and manifestations of discrimination. In order to put these laws into practice, it is necessary to create appropriate national bodies, policies and programs, as well as strengthen the judicial system, among other sectors. Second, there is a real need to target social policies and programs to address caste-based discrimination, which can work towards altering deeply rooted, systemic, cultural and social prejudices, customs, beliefs and traditions based on descent, power, or influence. While work with the UN begins with legal, political and institutional measures which require implementation, issues such as stigma and discrimination will also have to be addressed. The civil society plays a major role in this field.

The organization Plan has also carried out work in Nepal. Child rights advisor Silje Vold highlighted Plan’s social inclusion program as an input of good practice in terms of addressing caste based discrimination. This program has a political, economic and social aspect. It uses a mixed strategy of direct intervention and advocacy at the local-, district- and national levels, in addition to capacity building. Direct intervention is needed to provide support for livelihood, education, provision of scholarships, access to markets, better farming practices, etc. But this would not be sufficient without an advocacy focus directed towards the district and local levels, where the actual implementation takes place.

The lack of implementation often originates from the fact that the officials are unaware of a law, or simply don't want to implement it. The program therefore focuses on holding these authorities accountable, and informing Dalits about their rights and how these processes work.

Lack of implementation is also due to the entrenched mentality among people in the societies affected by caste discrimination. It can be illustrated by how many are unwilling to buy products such as cow milk from Dalits, as Divakar previously explained.

Both Ms. Vold and Ms. Kowtal point to the problem of self-perception and the fact that not only the higher castes see Dalits as worthless, but that this is in fact embedded in their own mentality. This is also why Plan's social inclusion program entails capacity building networks for Dalits to get organized, and where these attitudes are sought tackled through building a sense of self-worth, in order to shift the mentality of discrimination and subordination. A fruitful way to go about this, in Ms. Vold's opinion, is to start with attitude change among children, as it is with them the attitudes of the future are formed, and what they learn will form part of their worldview. She also stressed the importance to have a holistic view on work against discrimination, in that both prejudice based on gender and disabilities, as well as discrimination inside the Dalit communities themselves, are being targeted.

Criticism, and calls for extended effort

The International Dalit Solidarity Network (IDSN), represented by Ms. Rikke Nöhring, is working to raise international awareness on caste based discrimination, and in particular to influence the UN, the EU, and policy makers to take necessary steps for its elimination. The rationale is that by informing, engaging and applying pressure through external means, the processes to create real change for Dalits will happen at a faster pace.

Ms. Nöhring stressed that despite some great progress in the last couple of years, the delivery of human rights protection and justice are grossly compromised by dysfunctional systems of justice, and a lack of reforms in all affected countries. Several UN Special Procedures have recently expressed deep concern regarding the situation of Dalits through their mandates. Many of them gathered in June 2011 for a full day expert meeting on how best to address caste based discrimination and step up the efforts.



Ms. Nöhring and Mr. Raj Foto: Tom Henning Bratlie

However, in spite of the extensive work of UN Human Rights Bodies, the Special Procedures and Treaty bodies, it appears that states and interstate groupings are increasingly reluctant to speak about the issue. The reluctance in the Human Rights Council (HRC), and their human rights dialogues with some of the affected states is an example of this. According to Ms. Nöhring, we are experiencing a widening gap between Human Rights rhetoric and Human Rights action when it comes to addressing a "sensitive issue" such as caste discrimination.

In Ms. Nöhring's view, the work of the OHCHR, and the High Commissioners Navi Pillay's personal commitment to ending caste based discrimination clearly stands out. Ms. Pillay has appealed to States to endorse the UN Principles and Guidelines for the Effective Elimination of Caste Based Discrimination, which must be endorsed by the Human Rights Council, and encourages the work towards implementing a convention on caste discrimination. These calls must be actively supported by States. Networks and forums, such as the Dalit Solidarity Network, can help to mobilize such support.

The renewed and deepened commitment by the OHCHR and the specific plans to promote action on caste discrimination by the broader UN system, in particular through the United Nations Development Assistance Framework (UNDAF), is encouraging to IDSN and other similar networks. The commitment is incredibly important and must be backed actively by States and the UN system.

Caste discrimination needs to be taken out, named, unpacked, and brought into the human rights and development discourse and programming of both bilateral and multilateral cooperation. Caste based

discrimination must be addressed in humanitarian assistance and mainstreamed into the work of civil society and NGOs in relevant countries. Ms. Nöhring suggested that this can be done by drawing on the already existing resources and work of Special Rapporteurs and the civil society. For instance, a compilation of good practices and strategies to address caste discrimination with a set of recommendations is available as an outcome of an International Consultation organized by IDSN in Kathmandu in December 2011.

The road ahead

Last, a more normative aspect was discussed in the panel. Ms. Berit Hagen Agøy brought the perspective of the Norwegian Church and posed three questions:

“Why do we bother about this? Why don’t we do more? What can we actually do?”



The panel chaired by Mr. Brown Foto: Tom Henning Bratlie

In an attempt to answer the first question, Ms. Hagen Agøy stressed the theological aspect. The Norwegian Church believes that all people are created in the image of God. As God created us with the same value and human dignity, accepting any kind of discrimination is also a disgrace to God. 18 % of all Dalits in India are Christian, which roughly amounts to 30 million. It is therefore surprising that practices of untouchability still continue within the churches, which are often run by upper caste people. This makes it not a question of solidarity, but an internal church matter. However, there have always been people opposing this practice in the church, and now a Dalit theology is developing while churches are working on the matter. The international ecumenical society has the issue high on its agenda, and international conferences have been organized resulting in strong statements against caste based discrimination.

Regardless of religion and theology, the Norwegian Church is horrified by the situation of Dalits, and would like to stand together with fellow Hindus, Muslims and Buddhists to fight the discrimination. Another reason to get involved, especially for the Norwegian Church, is that they have been asked by Indian partners to do so in solidarity with the struggle.

“Why don’t we do more?” One answer, Ms Hagen Agøy suggested, could be that the issue seems too massive to tackle, and that it is difficult for us as individuals to believe what is actually happening. It can be easier to close our eyes and choose not to deal with such an awful reality. Another perception is how we as individuals, and also as the church, are too occupied with trying not to criticize other people’s beliefs, traditions, practices and attitudes. But, in Ms. Hagen Agøy’s opinion, we should be much more outspoken. We should dare to criticize any kind of practice that is discriminating in this way, even if it means criticizing another religion. Lastly, another reason for our apathy could be regarding our image of India as a democratic state. It is thus hard to admit and grasp that India may not be what we would like it to be.

Within the Norwegian public, government and business, India is held up as an example of a democracy developing prosperously with a fast growing economy. To spread awareness about these problems is to partly destroy this positive image of India. However, as Ms. Hagen Agøy points out, one should challenge the Norwegian government, politicians and businesses by saying that the India they are praising is actually quite different.

“What can we do?” The recent developments should be continued, such as sharing information, organizing hearings and raising awareness. The creation of a Dalit Solidarity Network in Norway is a part of this. Ms. Hagen Agøy also suggested challenging the Norwegian Missionary organizations and the Norwegian Government to a much greater extent than what is presently done. There is a potential to create an even bigger international campaign among the churches than what was organized to end apartheid in South Africa. All the panel participants agree that good work is already in progress when it comes to tackling these enormous and highly difficult tasks of eliminating caste discrimination. The work done by the UN, Plan Norway and other organizations in Nepal are evidence of this.

However, although we have some experience and tools that can guide the future process, the task is still extremely vast. The words of Mr. Divakar and Ms. Kowtal speak its clear language. The widening gap between Human Rights rhetoric and Human Rights action expressed by Ms. Nöhrind should not be allowed to develop any further. There was a consensus among the participants at this hearing that some of the best ways to improve the situation of the Dalits is to inform, engage and apply pressure on politicians, government and businesses by external means. It is our hope that this hearing has helped lift the voices of 260 million Dalits all over the world.

Summary and conclusions

Discrimination is a global challenge, with widespread impunity and default discrimination.

Great progress have been made in Nepal by a close collaboration between the UN, Nepalese government and civil society.

There is a need to break free from the ideal image of India as a perfect model for developing countries and to challenge ourselves, our churches and our government to do more.

Great progress is made within the UN with a better knowledge and focus on caste based discrimination, but at the same time obstacles within the UN are increasingly prevalent with states being unwilling to challenge powerful caste affected countries.

A recent statement by the UN Special Rapporteur on Human Rights Defenders, Ms. Margaret Sekkagaya, stresses the urgent need for protection of Dalit human rights defenders in South Asia. DSN Norway hopes that this hearing will contribute to raised awareness and thus greater international pressure for such protection.



Mr. Divakar

Foto: Tom Henning Bratlie

Based on this hearing, DSN Norway calls on the Norwegian government to:

- Endorse the draft UN Principles and Guidelines for the Effective Elimination of Caste Based Discrimination and to work towards a convention on caste discrimination.
- Make use of the comprehensive body of references by Special Procedures and Treaty Bodies and the UPRs in their work at the HRC when engaging with caste affected countries
- Address the need for cast affected countries to maintain disaggregated data on caste and related discrimination

DSN Norway calls on civil society to:

- Actively work towards partnering with and including Dalits from marginalized Dalit communities in actions and programs.
- Actively ensure that caste based discrimination does not take place in relief and emergency programs
- Actively apply a “Dalit lens” in all programs in caste affected countries
- Actively apply a “gender lens” in all Dalit-related programs

DSN Norway calls on Norwegian corporations doing business in caste affected countries to:

- Make use of the Ambedkar Principles¹ when doing business in caste affected countries



Foto: Jacob Carlsen IDSN

In January 2012, the Norwegian NGO-Forum for Human Rights² gave the following recommendations to the Norwegian Ministry of Foreign Affairs:

We call on the Norwegian government to:

- Actively work towards the endorsement of the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, published by the Human Rights Council in 2009 (A/HRC/11/CRP.3).
- Criticize human rights violations stemming from caste discrimination (e.g. with respect to access to justice, women’s rights, bonded labour, education, housing, water, torture, and health) in political statements, dialogues, and thematic discussions in the HRC, making systematic use of relevant recommendations from UN human rights bodies.
- Push for the inclusion of caste discrimination as a main human rights issue during this year’s Universal Periodic Review of countries where caste based discrimination persists, especially India, Pakistan, Sri-Lanka, Japan and the United Kingdom.
- Promote joint action in the HRC in the form of a resolution or joint statement to recommend the sharing of good practices to eliminate caste discrimination (possibly in a panel discussion or a study by the OHCHR).
- Promote the Ambedkar Principles in international fora, especially in the UN Global Compact and ILO and include the caste dimension in its CSR policies.

¹ http://idsn.org/fileadmin/user_folder/pdf/New_files/IDSN/Ambedkar_Principles_brochure.pdf

² The NGO forum for Human Rights is a coalition of a wide range of civil society organizations working on human rights issues.

Does Norway care?

Caste discrimination

Over 260 million people are today discriminated against because of their caste belonging. The dalits constitute Southeast Asia's untouchables, and their situation is comparable to black's position under South Africa's apartheid regime, or the situation of the slaves in the United States.

A big distinction makes the dalit situation different though: both the apartheid and slavery system have predominantly been abolished – caste discrimination, however, is still very much alive. Norway's relation to Southeast Asia is developing fast, and caste discrimination is therefore not an issue Norway can stay neutral to anymore. The caste system separates the society into a four layer hierarchy constituting both high and low castes. Beneath this hierarchy is where we find the dalits. They are casteless, and are perceived as sub humans in countries like India, Sri Lanka, Pakistan, Nepal and Bangladesh. The different castes have various scales of cleanness and the dalits are looked at as filthy, and consequently, untouchable by the other castes. This has amounted to massive discrimination and segregation.

In schools, the dalit children are exposed to exclusion and abuse by both teachers and students. Analphabetism and the share of children who do not complete their elementary education are significantly higher among the dalit population than amongst the other society groups. In employment, the dalits are forced to work in degrading and dangerous occupations, such as manual scavenging. Extreme poverty, lack of resources and social exclusion are factors which force the dalits to take unfavorable loans, thus tying their labor to the lenders. "Bonded labor" is a modern version of slavery which hits the casteless people of Southeast Asia extremely hard. A hierarchical division of society which favors some people over other is clearly violating the foundation of the universal human rights, namely that all people are born free and equal. A number of organizations have joined together in Norway into a solidarity network in order to place caste discrimination on the agenda. We are arranging a public hearing today at the Literature house (Litteraturhuset). Representatives from both the Norwegian and Indian civil society will meet international actors from both the UN and Human Rights Watch for a dialog concerning caste discrimination.



The Norwegian state is a proclaimed defender of human rights and has a designated commitment towards the UN Millennium Goals. The Norwegian state has also a dual responsibility, both as an independent actor and a facilitator for private actors, in how the dalits are affected by Norwegian presence in Southeast Asia. Cheap labor is surely one of the many factors that attract the Norwegian industry towards economic engagement in countries like India. And this is the way it is going to be as long as the caste system remains.

Norway has the possibility to address the necessity for the Indian and Pakistani authorities to fight this form of discrimination as soon as in May. This is when these countries will be scrutinized of all the world states in the UN Security Council. Norway has already given similar advice to the authorities of Nepal. Will they dare to do the same when the targeted country is an economic superpower?

- Bjørn A. Wegge**
Secretary General, Stefanus-Alliance
- Berit H. Agøy**
Secretary General, Church of Norway Council on Ecumenical and International Relations
- Sandra Petersen**
Executive Director, the Norwegian Human Rights Fund
- Kristin Kjæret**
Executive Director, FIAN Norway
- Iver Ørstavik**
Dalit coordinator, the Rafto Foundation
For Human Rights
- Helen Bjørnøy**

On March 28th 2012 DSN Norway published a joint statement in the Norwegian newspaper, Klassekampen. Over you find the translated text.

The hearing is organized by **The Norwegian Dalit Solidarity Network** www.dalit.no

Church of Norway Council on Ecumenical and International Relations

FIAN Norway

Plan Norway

Stefanus Alliance

Norwegian Human Rights Fund (NHRF)

The Rafto Foundation



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