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A HUMAN RIGHTS AND POVERTY REVIEW:

EU ACTION IN ADDRESSING CASTE-BASED DISCRIMINATION

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1. The face of caste-based discrimination

- ▶ What are castes?
 - ▶ Social stratification system
 - ▶ Notions of purity and pollution
 - ▶ Division of labour

- ▶ Who is affected?
 - ▶ 260 million people worldwide
 - ▶ Most severely: women, specific sub-castes, children.

1. The face of caste-based discrimination (2)

- ▶ Economic and social discrimination: Poverty among the caste affected
 - ▶ Violence
 - ▶ Denial of rights
 - ▶ Restrictions to engage in society and take part in religious life
 - ▶ Constrained access to resources and services
 - ▶ Social and economic boycott
 - ▶ Discrimination with regard to employment
 - ▶ Discrimination in disaster relief

- ▶ Access to justice and political participation
 - ▶ Legislation and political participation vary strongly in different affected countries
 - ▶ Awareness of rights and access to justice as crucial elements

2. Caste-based discrimination and the EU

- ▶ EU has addressed caste-based discrimination:
 - ▶ Resolutions
 - ▶ Resolution “Human rights situation of the Dalits in India” (2007)
 - ▶ Resolution “Human rights in the world and the EU’s policy on the matter including implications for the EU’s strategic human rights policy (2012)”
 - ▶ Resolution “Caste discrimination in India (2012)”.
 - ▶ Hearings; development cooperation (funding of projects).
 - ▶ Not yet included in the EU’s Annual Human rights report.



2. Caste-based discrimination and the EU

- ▶ EU channels to address caste-based discrimination:
 - ▶ Dialogues (human rights dialogues)
 - ▶ Development cooperation
 - ▶ Humanitarian assistance
 - ▶ Trade relations



2.1. Bangladesh

- ▶ **Forms of CBD, key issues:** Segregation, discrimination with regard to employment, limited access to services; massive discrimination of women, high poverty among Dalits; low political representation

- ▶ **Legal framework** against caste-based discrimination
 - ▶ Constitution of Bangladesh

- ▶ **Caste-based discrimination in EU-Bangladesh cooperation**
 - ▶ Emphasis today on development cooperation (DCI)
 - ▶ Caste-based discrimination not a focus

2.2. India

- ▶ **Forms of CBD, key issues:** Discrimination of Dalit women, discrimination in employment, non-implementation of legislation.
- ▶ **Legal framework** against caste-based discrimination
 - ▶ “Untouchability” outlawed with Constitution of 1949; legislation against types of discrimination (i.e. manual scavenging), quota for Dalits.
- ▶ **Caste-based discrimination in EU-India cooperation**
 - ▶ EU fosters an EU-India strategic partnership: foreign policy consultations, ministerial meetings, EU-India Summit, EU-India Human Rights Dialogue
 - ▶ Greatest number of cooperation documents, but
 - ▶ Joint Statements of EU-India Summits no reference to CBD
 - ▶ DCI related documents: CBD included, but India will not be a beneficiary in the next round
 - ▶ Projects



2.3. Nepal

- ▶ **Forms of CBD, key issues:** Discrimination of women, discrimination in employment, political underrepresentation, access to justice.
- ▶ **Legal framework** against caste-based discrimination
 - ▶ Constitution 1990 prohibited caste-based discrimination
 - ▶ 2009 “untouchability free state”
 - ▶ Caste-based discrimination and untouchability act (2011)
- ▶ **Caste-based discrimination in EU-Nepal cooperation**
 - ▶ CBD not included in EU-Nepal cooperation (1996)
 - ▶ CBD addressed in Country Strategy Paper
 - ▶ Projects

2.4. Pakistan

- ▶ **Forms of CBD, key issues:** Hindu, Christian and Muslim low-castes; discrimination against women, discrimination in employment, political underrepresentation, discrimination in education.
- ▶ **Legal framework** against caste-based discrimination
 - ▶ Limited regulation, CBD is not as such a punishable crime in Pakistan
- ▶ **Caste-based discrimination in EU-Pakistan cooperation**
 - ▶ No reference to CBD in key documents, despite a strong focus on human rights



2.5. Yemen

- ▶ **Forms of CBD, key issues:** ‘Al Akhdam’ (the servants) are a caste outside the Hindu caste system; forms of CBD: segregation, discrimination in education and employment, lack of access to resources and service.
- ▶ **Legal framework** against caste-based discrimination
 - ▶ No affirmative action or anti-discrimination legislation in place
- ▶ **Caste-based discrimination in EU-Yemen cooperation**
 - ▶ No reference to the ‘Akhdam’ in key documents



3. Conclusions and recommendations (1)

Mainstreaming policies, strategies and programmes

- ▶ Lessons for successful mainstreaming can be drawn from mainstreaming human rights
 - ▶ Introducing a ‚caste-based discrimination clause‘ in all cooperation agreements
 - ▶ Stronger funding for projects tackling caste-based discrimination
 - ▶ Projects in caste-sensitive key areas, such as labour, education, justice or projects targeting certain groups (i.e. women) should always take caste-based discrimination into account. Minimum recommendations for these sectors need to be elaborated.
 - ▶ A caste-sensitive approach needs to be applied in humanitarian and development assistance.



3. Conclusions and recommendations (2)

Mainstreaming policies, strategies and programmes

- ▶ Training on caste-based discrimination for EU personnel in caste-affected countries needs to be elaborated and given.
- ▶ The network of human rights 'focal points' could be used to improve information flow on CBD.



3. Conclusions and recommendations (3)

Dialogue with partners

- ▶ Consistent with the resolutions “Human rights of the Dalits in India” and “Caste discrimination in India”, the issue of caste-based discrimination should be raised during EU-India summits and other meetings as part of all political, human rights, civil society development and trade dialogues.
- ▶ Concerning Bangladesh, Pakistan and Yemen, the EU should work towards more recognition of caste discrimination and support the countries in issuing legislation against caste discrimination and for reservations.



3. Conclusions and recommendations (4)

Dialogue with partners

- ▶ The EU should endorse the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent and promote their use.
- ▶ Consultations with civil society on caste-based discriminations should be held.



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Thank you for listening.

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