



Asia Parliamentarians' Forum on Dalit
Concerns



Asia Dalit Rights Forum

GLOBAL PARLIAMENTARIANS' CONFERENCE
on
DISCRIMINATION BASED ON WORK AND DESCENT INCLUDING CASTE

*Parliamentarians' Strategic Response to
Building Equitable, Inclusive & Participatory Global Community*

Organized by:
Asia Parliamentarian's Forum on Dalit Concerns (APFDC)
Asia Dalit Rights Forum (ADRF)

Kathmandu, Nepal - 25-26 February 2017

KATHMANDU DECLARATION OF SOLIDARITY

We, the Parliamentarians and Representatives of Human Rights Organizations and Dalit Rights Movements from the continents of Asia and Europe, (Bangladesh, European Union, Finland, Germany, India, Malaysia, Nepal, Norway, Pakistan, Sri Lanka and UK) have come together in Kathmandu on 25-26 February, 2017, at the Global Conference on Discrimination based on Caste, Work and Descent, to express our solidarity in calling upon all the organs of the State and inter-State bodies regionally and globally to end the caste based discrimination and untouchability perpetrated against the communities affected by this systemic and heinous crime and to work for their development and progress within the parameters of equality and justice, equity and inclusion.

- Recalling the terms of the Universal Declaration of Human Rights according to which all human beings are born free and equal in dignity and rights and are entitled to the rights and freedoms therein without distinction of any kind, including race, colour, sex, language, religion, social origin, birth or other status;
- Reiterating, therefore, that caste and descent-work based discrimination is prohibited by international human rights law (UDHR and, inter alia, by the ICERD, etc.);
- Recognising the several non-discriminatory provisions and legislations passed by the UN Member States to protect and promote the rights of those affected by caste and descent-work based discrimination across the globe;
- Acknowledging the various efforts undertaken by the Governments and the Parliaments in the countries to close the gaps in social discrimination through executive policies and legislative measures;

- Taking note of the demands of several Dalit and other people's movements within many countries for substantive equality at all levels, and appeals made by a great number of concerned non-governmental organizations and individuals, orally and through written information, which have provided the UN Human Rights Council with further evidence of the extent and persistence of caste and descent-work based discrimination in different regions of the world.....

We recognize caste based discrimination as one of the worst forms of discrimination in the world. Within the international discourse, particularly in UN Systems, caste-based discrimination is referred to as Discrimination based on Work and Descent (DWD). Often misunderstood to be South Asia centric, it is a reality seen across the entire globe. A total of 260 million people across the world are estimated to face discrimination based on descent and work-- Dalits, Burakumin, Osu, Romani, Quilombo and many other communities. Together they comprise around 4% of the world's population, with approximately 260 million worldwide. Of this, around 210 million or 80 percent live in South Asia: India (16.6 percent of the total population, or 201 million), Nepal (13.6 percent in the total population, or approx. 3.6 million), Bangladesh (6.5 million), Pakistan (approx. 2 million) and Sri Lanka (0.4 to 0.5 million).

These communities are at the bottom of the caste hierarchy defining the social organisation in the world. They are distinguished from others by their occupation, which is seen to be of low status. They live in segregated spaces and are severely discriminated and restricted in accessing social-economic and political resources, services and opportunities. They continue to be subjected to traditional as well as modern forms of slavery and untouchability practices, and the imposition of social disabilities by reason of their birth into Dalit castes. As a result of these factors, they are at the bottom of all development indicators in each country. Across the Region, there are both commonalities and differences in the way caste is manifested on the ground, the universal feature being inequality, discrimination and social exclusion.

Dalit women are amongst the most marginalised people in the world. The caste hierarchy and patriarchal structures triply alienate Dalit Women on the basis of class, caste and gender¹. The low status and position experienced by Dalit women in society results in their exclusion from all spheres of public life – social, political and economic. This is nothing but gross disenfranchisement of all their rights and entitlements. Dalit women also form a significant part of the bonded labour and construction workforce where they face discrimination, exploitation, and are susceptible to physical and sexual violence. While they experience high levels of physical and sexual violence, their vulnerability is largely a result of economic oppression. The high rates of physical and sexual violence experienced by them has led many past interventions to focus more on measures that ensure physical security than on their economic empowerment. Hence, what needs to be emphasized today is that Dalit women are also entitled to the same fundamental rights, including economic rights, as everyone else and the inalienable right to enjoy the benefits that come from those rights as individuals and as collective.

Given this dehumanizing and unacceptable situation faced by all the communities affected by Discrimination based on Work and Descent (DWD):

¹ In countries like Bangladesh and Pakistan, DWD affected women, apart from class, caste and gender factors, face further discrimination based on religion or being religious minority, while in Sri Lanka and various African countries, they face further discrimination based on their ethnicity.

- We recognize that DWD affects millions of people worldwide and violates a whole range of civil, political, economic, social, cultural and religious rights;
- We are aware that this discrimination is systemic, distinctively marked against a particular social group, gender biased, collectively targeted, entrenched with violence, and generationally imposed resulting in life-long disastrous effects.

At the same time, the recent past shows that the affected communities, various movements, solidarity bodies, international human rights organisations, INGOs and Faith Bodies have been engaging with the UN Human Rights Mechanisms, International Organizations and various Governments to prevent and eliminate DWD. We are encouraged by the positive outcomes that have resulted from such efforts of civil society groups and institutions. In specific terms:

- We recognize the initiatives undertaken by UN bodies through their Treaty Bodies and Mechanisms, towards addressing and valuing caste and discrimination based on work and descent. With the promulgation of The Draft Principles and Guidelines for Effective Elimination of Discrimination based on Work and Descent (DWD), the UN has provided comprehensive guidelines for the states to practice towards addressing caste and discrimination based on work and descent;
- We stand in support and solidarity for the launch and effective implementation of the United Nations Network on Racial Discrimination Guidance Tool on Descent-Based Discrimination coordinated by the Office of the High Commission for Human Rights.
- We recognize the UN Member States and its machineries in addressing the issues of caste and DWD through constitutional provisions and safeguards, affirmative action, targeted policies and budget allocations.
- We recognize that since 1996, six Treaty Bodies and 15 UN Special Rapporteurs of the UN have dealt extensively on the issue of discrimination based on work and descent and caste discrimination and UNCERD has passed General Recommendation 29, 32 and 35 and the CESCR and passed general comment 20- all covering the issue.

As we thus scan the road we had travelled in recent years, we acknowledge the progressive legislative and policy measures undertaken for ensuring the rights of the communities affected by caste based discrimination. We recognize the various efforts taken up by the States to address gender justice, especially related to Dalit women and other women who are discriminated on the basis of work and descent precisely because these women face multiple and intersecting forms of discrimination, violence and exclusion based on their gender, class, caste, ethnicity and religion. But then we realize that we have not travelled far enough, or fast enough.

- We recognize that although 1996-17 has been over two decade of significant achievements, it has been a period of anguish as the elimination of DWD has not been fully realized yet;
- We are disheartened by the limitations faced in globally addressing and valuating caste and DWD in the various international mechanisms as well as in such UN developmental policy paradigm and declarations like SDGs;
- We are pained to observe that our sisters and brothers continue to face caste based discrimination and violence that denies them their rights and entitlements to decent

livelihood and just wage, quality education and adequate health care, freedom of speech and movement, effective participation in governance institutions and easy access to government employment, etc., especially so when they make demands for the enjoyment of their legitimate rights.

However, given that that our Dalit and DWD communities have contributed tremendously in nation building of their respective countries in different fields including agriculture, industry, defence, sports, education, rural and urban development, academia, arts, culture, etc., we strongly feel that they have every right to claim their rights and entitlements for a rightful place in society. Hence, we would like to state in unambiguous terms:

- We are committed to overcome the challenges in our struggle for the elimination of all forms of caste and untouchability based discrimination;
- We resolve to end any discrimination and violence the people face by ensuring the implementation of the rule of law;
- We further resolve to improve the socio-economic and political status of Dalit and DWD women by enacting laws for proportionate and adequate budgetary allocations;
- We are determined that this decade up to 2030 is a period of hope for us and for the DWD affected people in heralding a new era in our efforts to build alliances with all other discriminated groups and strengthen our DWD people's movements and networks at all levels to usher in a DWD-free society;
- We call upon all those committed to protect and promote human rights to join in our efforts in building a Global Movement of the DWD affected Communities to 'tear down barriers of caste' for the enjoyment of all rights and freedoms;
- We are united in standing for the rights our Dalit sisters and brothers globally in being their powerful voice precisely because of the obligation they have placed on our shoulders as their elected representatives and their spokespersons.

1. We, therefore, call on the UN and Member States:

- (1) To work towards and adopt a UN Convention on Elimination of Discrimination based on Work and Descent and Caste;
- (2) To ensure that UN SDGs identify Caste and DWD as a system which excludes communities and, therefore, make proactive measures to address DWD and caste based discrimination across targets with necessary indicators;
- (3) To urgently adopt the Draft Principles and Guidelines for the Elimination of Descent and Work based Discrimination which was prepared and recommended by two eminent Special Rapporteurs appointed for this purpose and which still awaits the UN Human Rights Council's formal recognition and approval.
- (4) To call for a UN Decade for combating discrimination on work and descent and caste discrimination and establish a Special UN Fund to support representatives of communities from across the globe affected by Discrimination based on Work and Descent and Caste based Discrimination to participate in all UN processes on behalf of the community.

2. We call on the nation states which have a large number of population affected by DWD:

- (1) To create substantive equality in the respective countries by enacting and implementing national legislations and international instruments effectively, and by applying all possible means with special attention along with time bound action plans and budgeting;
- (2) To give official recognition to those DWD affected communities in countries where they have not been identified as such, so as to enable them enjoy the benefits that are due to them;
- (3) To give due recognition to the rights of the growing population of DWD affected children and youth and work out for them specially designed development projects that are relevant to their needs today, and accordingly allot special budgets for them, and ensure their effective participation in the implementation and review process;
- (4) To statutorily mandate reservations in employment, procurement and services in both private and public sectors, with penalties attached for non-compliance and non-implementation by the concerned officers in the government administration;
- (5) To bring a common human rights framework with strategies to end untouchability and caste discrimination in all countries where it exists and to ensure that the Dalits , Dalit women in particular, live with equality and human dignity;
- (6) To establish legal mechanisms with follow up measures in all the countries where it exists, with a view to monitor the caste and gender based atrocities committed against Dalit women and girls;
- (7) To bring in legislative measures that effectively ensures the total abolition of manual scavenging and related forms of labour and that effectively addresses human trafficking and that propose ssuch rehabilitation measures that ensure the people affected to live with dignity and to get integrated into the larger society with full rights and self-respect;
- (8) To evolve a common legal policy framework with strategies for Dalit women's educational and economic empowerment by accessing land resources, education, and employable and entrepreneurial skills development for their gainful occupation as well as for building their economic assets as a measure of security and self-reliance;
- (9) To give due recognition to the rights and entitlements of Dalit women, men and children in all areas of life by designing development schemes as well as allocating adequate financial resources in the annual budget in proportion to their population;
- (10) To establish effective and inclusive monitoring mechanisms for reviewing the implementation of the laws and policies, budgets and schemes, where these are in place, with strict penalties for non-compliance, negligence and dereliction of duty.
- (11) To pay special attention to the exclusion of DWD communities during humanitarian crisis and accordingly put in special mechanisms in place to address this problem.

History beckons us now, more than ever, to stand in solidarity with the voiceless women, men and children in the world, who have been affected by work and descent based discrimination for generations.

The growing awareness among them of their dignity and the increasing assertion of their rights compel us to give loud voice to their aspirations and

tangible shape to their hopes. This undoubtedly is the call of the people to our moral conscience.

This is the imperative of history to us as their elected representatives, no matter to which nation or political formation we belong, what ideology or religious belief we profess, what culture or territory we identify ourselves with.

We commit ourselves to work in solidarity with them in their search and struggle for reclaiming their identity, dignity, rights and entitlements.

Date: 25-26 February, 2017

Place: Kathmandu, Nepal