Dalit Solidaritetsnetværk Danmark

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Europaudvalget
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2004-02-09

Kære Claus Larsen Jensen,

Dalit Solidaritetsnetværk-Danmark* (DSN-DK) har søgt foretræde for Europaudvalget d. 26 marts for at rejse spørgsmålet om kastediskrimination og anmode udvalget om at arbejde for en øget indsats i EU regi på dette område.

Delegationens deltagere er:
Henri Tiphagne, National Campaign for Dalit Human Rights-India, direktør for Peoples Watch – Tamil Nadu og leder af Dalit Human Rights Monitoring Program
Rikke Nöhrlind, DSN-DK & koordinator for det Internationale Dalit Solidaritetsnetværk
Christian Kruse, CARE-Danmark
Klaus Løkkegård, Folkekirkens Nødhjælp
Anna Kiertzner, Amnesty International

Kastediskrimination er vor tids mest omfattende og samtidig mest oversete menneskerettigheds-problematik, der berører mindst 260 millioner mennesker globalt, heraf alene 160 millioner i Indien. Kastediskrimination praktiseres desuden i Nepal, Sri Lanka, Pakistan og Bangladesh, og i Japan eksisterer en tilsvarende form for undertrykkelse af Burakumin-folket (ca. 3,5 millioner). I en række afrikanske samfund er diskrimination og marginalisering af visse befolkningsgrupper på baggrund af herkomst og med tvungen 'arbejdsfordeling' ligeledes en daglig realitet.

Dalitter – de kasteløse – nægtes systematisk deres basale menneskerettigheder og er udsat for voldelige overgreb, mord, tvangsarbejde og daglig diskrimination. Diskriminationen omfatter bl.a. segregering i boligområder (dalitter må ikke bo i højkaste landsbyer), de nægtes adgang til offentlige steder som f.eks. templer, te-huse og restauranter, og til offentlige ressourcer som

vandposter. Dalitter er tvunget til at varetage bestemte typer arbejde – det mest nedværdigende og beskidte – for en ringe hyre eller naturalier. De social og økonomiske indikatorer for dalitter taler deres eget tydelige sprog. Dalitter er i helt bunden med hensyn til uddannelse, indkomst, sundhed og deltagelse i det politiske liv. I Nepal er dalitterne f.eks. slet ikke repræsenteret i det politiske liv (trods det at de udgør 20 % af befolkningen), der er ingen dalitter ansat indenfor retsvæsenet og meget få i den statslige administration.

På trods af konstitutionelle forordninger og særlig lovgivning til afskaffelse af kastediskrimination i f.eks. Indien og Nepal vedbliver kastediskrimination således at være omfattende og systematisk, samt omfattet af en næsten total straffrihed. Forbrydelser, der begås mod dalitter, straffes yderst sjældent, hvilket naturligvis bevirker, den onde cirkel fortsætter. Og det er denne realitet, som det nyligt oprettede og landsdækkende Dalit Human Rights Monitoring Program under ledelse af Henri Tiphagne søger at ændre på.

DSN-DK og de mange andre medlemmer af det International Dalit Solidaritetsnetværk opfordrer det internationale samfund og vores regeringer til at hjælpe med at afskaffe denne form for 'skjult' apartheid, som trods omfattende dokumentation af omfang, de forfærdelige konsekvenser og menneskelige fornedrelse endnu ikke behandles, som det det er – et af de største menneske-rettighedsproblemer i vor tid.

Vi mener, at ikke mindst EU kan gøre en stor forskel ved et aktivt engagement og at Danmark, der var i front i kampen mod apartheid, også her bør spille en særlig rolle. Dalit Solidaritetsnetværk-DK vil derfor indtrængende opfordre Europaudvalget om at gøre en særlig indsats for, at Rådet, Kommissionen og EU's medlemslande yder en aktiv og profileret indsats for at afskaffe den 'skjulte apartheid'.

Vi mener, at det vil være ikke blot i fuld overensstemmelse med, men også en forpligtelse set i lyset af EU's vedtagne menneskerettighedspolitikker og principper, og EU's stærke vægtning af harmonisering, kohærens og kontinuitet i EUs udenrigs-, udviklings- og menneskerettighedspolitik.

Vi gør opmærksom på Europaparlamentets gentagne resolutioner og anbefalinger på dette område bl.a. i "Resolution on human rights in the world in 2002 and European Union's human rights policy" (2002/2011(INI)) vedtaget af Europaparlamentet i september 2003. Resolutionen indeholder bl.a. følgende paragraf om kastediskrimination:

"62. Calls on the Commission, the Council and the Member States to strongly support initiatives to promote and enhance the fight against caste discrimination in all relevant United Nations fora, particularly UN human rights bodies, the ILO and the World Bank, and to promote the call for a Special Rapporteur on caste discrimination"
(Uddrag af relevante resolutioner fra Europeparlamenet vedlagt).

Den gryende bevågenhed omkring kastediskrimination har medført konkrete tiltag i FN's Underkomite for Menneskerettigheder, samt i FN's komite til Afskaffelse af alle former for Racediskrimination (CERD). Denne ekspertkomite vedtog i august 2002 en række stærke anbefalinger (General Recommendation XXIX) med henblik på at forpligte regeringer på at bekæmpe kaste diskriminationen og at rapportere til CERD om tiltag og fremskridt. CERDs anbefalinger udgør en milepæl i arbejdet mod kastediskrimination og udgør et solidt udgangspunkt for yderligere handling på landeniveau samt i EU og FN regi.

DSN-DK er i løbende dialog med Udenrigsministeriet omkring spørgsmålet og har sat pris på Danmarks hidtidige indsats på området især i forbindelse med Verdenskonferencen mod Racisme i 2001. Vi noterede os med glæde Udenrigsministerens bekræftelse af, at Danmark vil arbejde for sagen i internationale fora og indenfor rammerne af EU's fælles udenrigspolitik (brev fra Per Stig Møller til DSN-DK dateret 8 juli, 2002). Samtidig må vi beklage, at hverken Danmark eller EU har meldt officielt ud på dette område i FN eller i EU regi – dog med undtagelse af EU-Indiens topmøde i København i 2002, hvor troika'en rejste spørgsmålet overfor Indien.

Vi mener, at en langt mere aktiv indsats er påkrævet.

Venlig hilsen
på vegne af DSN-DK

Rikke Nöhrlind

Bilag:
1) DSN-DK's anbefalinger til Europa-udvalget
2) Uddrag af resolutioner fra Europaparlamentet - paragraffer vedr. kastediskrimination
3) CERD General Recommendation XXIX – vedtaget i august 2002
4) IDSN folder (17 eksemplarer)

*Dalit Solidaritetsnetværk – Danmark blev oprettet i maj 2002 af Folkekirkens Nødhjælp, Amnesty International, Care Danmark, Svalerne-DK, Mellemfolkeligt Samvirke, KULU og Red Barnet. DSN-DK har desuden associerede og individuelle medlemmer.

Dalit Solidaritetsnetværk-Danmark opfordrer Europa-udvalget til at arbejde for følgende:

1) En aktiv indsats fra EU's side i spørgsmålet om kastediskrimination i FN med henblik på

   - At fremme en EU indsats i de Forenede Nationers menneskerettighedsorganer, herunder i FN's Menneskerettighedskommission og på Generalforsamlingen /Third Committee med henblik på at få vedtaget resolutioner om kastediskrimination;

   - At sikre at der i EU's indlæg (og i danske indlæg) i FNs menneskerettighedskommission og andre relevante FN fora refereres til dette omfattende menneskerettighedsproblem og opfordres til konkret handling;

   - At støtte og promovere forslaget om en Specialrapportør på Kastediskrimination i EU kredsen

2) At Rådet og Kommissionen konsekvent prioriterer spørgsmålet om kastediskrimination sammen med konkrete handlingsforslag i den politiske og menneskeretlige dialog med lande, hvor kaste-diskrimination praktiseres, samt i udviklingsprogrammer og andre samarbejdsrelationer.

3) At Rådet og Kommissionen sikrer, at de Generelle Anbefalinger XXIX om kaste-baseret diskrimination vedtaget af FN's Komite til Afskaffelse af Racediskrimination (CERD) i august 2002 får størst mulig udbredelse og anvendelse

4) At der etableres bilaterale konsultations-mekanismer på spørgsmålet om kastediskrimination med relevante lande, og at der lægges pres på de lande, hvor kastediskrimination praktiseres og som ikke opfylder deres rapporteringsforpligtelser overfor CERD, såsom Indien, for at sikre at landene opfylder disse forpligtelser.

5) At kastediskrimination sættes på dagsordenen på EU-Indiens topmøder

København d.11 marts, 2004

On 10 February 2004 the European Parliament adopted "Resolution on the EU's rights, priorities and recommendations for the 60th Session of the UN Commission on Human Rights".

It includes the following paragraph:

25. "Calls on the EU to sponsor a resolution on the situation of the Dalits, as well as on the dowry related murder of women in Asia"

On 4th September 2003 the European Parliament adopted its resolution on human rights in the world in 2002 and European Union's human rights policy (2002/2011(INI))

The following paragraphs on caste discrimination were included:

62. Calls on the Commission, the Council and the Member States to strongly support initiatives to promote and enhance the fight against caste discrimination in all relevant United Nations fora, particularly UN human rights bodies, the ILO and the World Bank, and to promote the call for a Special Rapporteur on caste discrimination;

162. Calls on the Council and the Commission to address and take concrete measures on the issue of caste discrimination in political dialogues and in EU development and trade cooperation with the countries concerned; calls for the establishment of bilateral consultative mechanisms on the issue and support for the emancipation of the Dalits through external assistance programmes; urges the EU to avail of every opportunity to ensure that the General Recommendation XXIX on Descent-based Discrimination, adopted by the UN Committee on the Elimination of Racial Discrimination in August 2002 be given the widest recognition in terms of implementation;

163. Calls on the Council to include in its human rights report an analysis on caste-based discrimination, as well as factual reports and a critical assessment of the effectiveness of the EU's Human Rights Policy in terms of addressing caste discrimination;

The European Parliament in it's Annual Report on Human Rights 2000 adopted on 5 July 2001 urged "the EU and its Member States to voice it concern regarding caste discrimination add to formulate strategies to counter this widespread practice, which is affecting 260 million people in India, Asia and elsewhere."

COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION
Sixty-first session
5– 23 August 2002

CERD/C/61/Misc.29/rev.1
22 August 2002
UNEDITED VERSION

GENERAL RECOMMENDATION XXIX

GENERAL RECOMMENDATION ON DESCENT-BASED DISCRIMINATION

The Committee on the Elimination of Racial Discrimination,

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';

Recalling also the terms of the Vienna Declaration of the World Conference on Human Rights according to which it is the duty of States, regardless of political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

Reaffirming General Recommendation XXVIII of the Committee which expresses wholehearted support for the Declaration and Programme of Action of the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

Reaffirming also the condemnation of discrimination against persons of Asian and African descent, and indigenous and other forms of descent in the Durban Declaration and Programme of Action;

Basing its action on the provisions of the Convention on the Elimination of All Forms of Racial Discrimination which seeks to eliminate discrimination based on 'race, colour, descent, or national or ethnic origin';

Confirming the consistent view of the Committee that the term 'descent' in Article 1, paragraph 1 the Convention does not solely refer to 'race' and has a meaning and application which complements the other prohibited grounds of discrimination;

Strongly reaffirming that discrimination based on 'descent' includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights;

Noting that the existence of such discrimination has become evident from the Committee's examination of reports from a number of States Parties to the Convention;

Having organized a thematic discussion on descent-based discrimination and received the contributions of members of the Committee, as well as contributions from some governments

and members of other United Nations bodies, notably experts of the Sub-Commission for the Promotion and Protection of Human Rights;

Having also received the contributions of a great number of concerned non-governmental organisations and individuals orally and through written information, providing the Committee with further evidence of the extent and persistence of descent-based discrimination in different regions of the world;

Concluding that fresh efforts, as well as the intensification of existing efforts, need to be made at the level of domestic law and practice to eliminate the scourge of descent-based discrimination and empower communities affected by it;

Commending the efforts of those States which have taken measures to eliminate descent-based discrimination and remedy its consequences;

Strongly encouraging those affected states who have yet to recognize and address this phenomenon to take steps to do so;

Recalling the positive spirit in which the dialogues between the Committee and governments have been conducted on the question of descent-based discrimination and anticipating further such constructive dialogues;

Attaching the highest importance to its ongoing work in combating all forms of descent-based discrimination;

Strongly condemning descent-based discrimination, such as discrimination on the basis of caste and analogous systems of inherited status, as a violation of the Convention;

Recommends that the States Parties, as appropriate for their particular circumstances, adopt some or all of the following measures:

1. MEASURES OF A GENERAL NATURE

1. To take steps to identify those descent-based communities under their jurisdiction who suffer from discrimination, especially on the basis of caste and analogous systems of inherited status, and whose existence may be recognized on the basis of various factors including some or all of the following: inability or restricted ability to alter inherited status; socially enforced restrictions on marriage outside the community; private and public segregation, including in housing and education, access to public spaces, places of worship and public sources of food and water; limitation of freedom to renounce inherited occupations or degrading or hazardous work; subjection to debt bondage; subjection to dehumanizing discourses of pollution or untouchability; and generalized lack of respect for their human dignity and equality.

2. To consider the incorporation of an explicit prohibition of descent-based discrimination in the national constitution.

3. To review and enact or amend legislation in order to outlaw all forms of discrimination based on descent in accordance with the Convention.

4. To resolutely implement legislation and other measures already in force.

5. To formulate and put into action a comprehensive national strategy with the participation of members of affected communities, including special measures in accordance with Articles 1and 2 of the Convention, in order to eliminate discrimination against members of descent-based groups.

6. To adopt special measures in favour of descent-based groups and communities in order to ensure their enjoyment of human rights and fundamental freedoms, in particular concerning access to public functions, employment and education.

7. To establish statutory mechanisms, through the strengthening of existing institutions or the creation of specialised institutions, to promote respect for the equal human rights of members of descent-based communities.

8. To educate the general public on the importance of affirmative action programmes to address the situation of victims of descent-based discrimination.

9. To encourage dialogue between members of descent-based communities and members of other social groups.

10. To conduct periodic surveys on the reality of descent-based discrimination, and to provide disaggregated information in their reports to the Committee on the geographical distribution and economic and social conditions of descent-based communities, including a gender perspective.

2. MULTIPLE DISCRIMINATION AGAINST WOMEN MEMBERS OF DESCENT-BASED COMMUNITIES

11. To take into account, in all programmes and projects planned and implemented, and in measures adopted, the situation of women members of the communities, as victims of multiple discrimination, sexual exploitation and forced prostitution.

12. To take all measures necessary in order to eliminate multiple discrimination including descent-based discrimination against women, particularly in the areas of personal security, employment and education.

13. To provide disaggregated data for the situation of women affected by descent-based discrimination.

3. SEGREGATION

14. To monitor and report on trends which give rise to the segregation of descent-based communities and to work for the eradication of the negative consequences resulting from such segregation.

15. To undertake to prevent, prohibit and eliminate practices of segregation directed against members of descent-based communities including in housing, education and employment.

16. To secure for everyone the right of access on an equal and non-discriminatory basis to any place or service intended for use by the general public.

17. To take steps to promote mixed communities in which members of affected communities are integrated with other elements of society and ensure that services to such settlements are accessible on an equal basis with other members of society.

4. DISSEMINATION OF HATE SPEECH INCLUDING THROUGH THE MASS MEDIA AND THE INTERNET

18. To take measures against any dissemination of ideas of caste superiority and inferiority or which attempt to justify violence, hatred or discrimination against descent-based communities.

19. To take strict measures against any incitement to discrimination or violence against the communities, including through the Internet.

20. To take measures to raise awareness among media professionals of the nature and incidence of descent-based discrimination.

5. ADMINISTRATION OF JUSTICE

21. To take the necessary steps to secure equal access to the justice system for all members of descent-based communities, including by provision of legal aid, facilitation of group claims, and encouragement of non-governmental organisations to defend community rights.

22. To ensure where relevant that judicial decisions and official actions take the prohibition of descent-based discrimination fully into account.

23. To ensure the prosecution of persons who commit crimes against members of the communities and the provision of adequate compensation for the victims of such crimes.

24. To encourage the recruitment of members of descent-based communities into the police and other law enforcement agencies.

25. To organise training programmes for public officials and law-enforcement agencies with a view to preventing injustices based on prejudice against descent-based communities;

26. To encourage and facilitate constructive dialogue between the police and other law enforcement agencies and members of the communities.

6. CIVIL AND POLITICAL RIGHTS

27. To ensure that authorities at all levels in the country concerned involve members of descent-based communities in decisions which affect them.

28. To take special and concrete measures to guarantee to members of descent-based communities the right to participate in elections, to vote and stand for election on the basis of equal and universal suffrage, and to have due representation in government and legislative bodies.

29. To promote awareness among members of the communities of the importance of their active participation in public and political life, and eliminate obstacles to such participation.

30. To organise training programmes to improve the political policy-making and public administration skills of public officials and political representatives who belong to descent-based communities.

31. To take steps to identify areas prone to descent-based violence in order to prevent the recurrence of such violence.

32. To take resolute measures to secure rights of marriage for members of descent-based communities who wish to marry outside the community.

7. ECONOMIC AND SOCIAL RIGHTS

33. To elaborate, adopt and implement plans and programmes of economic and social development on an equal and non-discriminatory basis;

34. To take substantial and effective measures to eradicate poverty among descent-based communities and combat their social exclusion or marginalization;

35. To work with intergovernmental organizations, including international financial institutions, to ensure that development or assistance projects which they support, take into account the economic and social situation of members of descent-based communities.

36. To take special measures to promote the employment of members of affected communities in the public and private sectors.

37. To develop or refine legislation and practice specifically prohibiting all discriminatory practices based on descent in employment and the labour market.

38. To take measures against public bodies, private companies, and other associations who investigate the descent background of applicants for employment.

39. To take measures against discriminatory practices of local authorities or private owners with regard to residence and access to adequate housing for members of affected communities.

40. To ensure equal access to health care and social security services for members of descent-based communities.

41. To involve affected communities in designing and implementing health programmes and projects.

42. To take measures to address the special vulnerability of children of descent-based communities to exploitative child labour.

43. To take resolute measures to eliminate debt bondage and degrading conditions of labour associated with descent-based discrimination.

8. RIGHT TO EDUCATION

44. To ensure that public and private education systems include children of all communities and do not exclude any children on the basis of descent.

45. To reduce school dropout rates for children of all communities, in particular for children of affected communities with special attention to the situation of girls.

46. To combat discrimination by public or private bodies and any harassment of students who are members of descent-based communities.

47. To take necessary measures in co-operation with civil society to educate the population as a whole in a spirit of non-discrimination and respect for the communities subject to descent-based discrimination.

48. To review all language in textbooks which convey stereotyped or demeaning images, language, names or opinions concerning descent-based communities and replace them by images, language, names and opinions which convey the message of the inherent dignity of all human beings and their equality in human rights.

IDSN Members and Associates

National advocacy groups in caste-affected countries include the National Campaign for Dalit Human Rights in India, the Dalit NGO Federation of Nepal and the Human Development Organisation of Sri Lanka.

Dalit Solidarity Networks exist in Germany, the United Kingdom, the United States of America, the Netherlands, France, Denmark and Sweden. Development organisations, human rights organisations and committed individuals constitute the back bone of the Dalit Solidarity Networks.

Associates of IDSN include international human rights and development organisations such as Human Rights Watch, the International Movement Against all forms of Discrimination and Racism, the Lutheran World Federation, Anti-Slavery International, the Minority Rights Group and the Asian Human Rights Commission.

A secretariat located in Copenhagen coordinates the activities of the network.

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IDSN International Dalit Solidarity Network

WORKING GLOBALLY AGAINST DISCRIMINATION BASED ON WORK AND DESCENT

IDSN

IDSN CAMPAIGNS AGAINST CASTE-BASED DISCRIMINATION WHICH SUBJECTS MORE THAN 260 MILLION PEOPLE GLOBALLY TO GROSS HUMAN RIGHTS VIOLATIONS, INHUMAN TREATMENT AND POVERTY

IDSN - a network of solidarity

The International Dalit Solidarity Network (IDSN) is a network of international organisations, national solidarity networks and national advocacy groups in caste-affected countries.

IDSN brings together organisations, institutions and individuals concerned with caste discrimination and other forms of discrimination based on work and descent.

IDSN links grassroots priorities with international mechanisms and institutions to make an effective contribution to the elimination of caste discrimination.

IDSN aims to

- ensure global recognition of Dalit human rights
- fight caste discrimination and similar forms of discrimination by raising awareness and building solidarity
- influence policies of governments, international bodies and institutions, including the United Nations, the European Union and other multilateral bodies
- facilitate the international advocacy of the Dalits and other caste-discriminated communities
- monitor enforcement and implementation of anti-caste discrimination measures

Caste based discrimination

'Outcastes' or 'caste' communities live in physical and social segregation subject to restriction on occupation and degraded by the notion of purity and pollution.

Caste-affected people face inequality and gross injustice before the law; modern day slavery; and other forms of exploitation and violence.

Access to land, employment, education, health care and other basic amenities is limited. Poverty alongside economic and physical vulnerability characterise the lives of Dalits and other caste discriminated groups.

All over the world

Caste discrimination severely affects the lives of over 160 million Dalits in India alone.

Dalits continue to be marginalised and exploited in Pakistan, Nepal, Bangladesh and Sri Lanka and discrimination against the Buraku people persists in Japan.

In many countries of West, East and the Sahelian Africa discrimination based on work and descent is practiced towards 'outcastes' and 'caste' communities.

Discriminatory practices are common in the Indian diaspora throughout the world. These practices include the social segregation of Dalits.