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B7-0434/2013

MOTION FOR A RESOLUTION

further to Question for Oral Answer B7-0507/2013

pursuant to Rule 115(5) of the Rules of Procedure

on caste-based discrimination
(2013/2676(RSP))

Eva Joly

on behalf of the Committee on Development

B7-0434/2013

**European Parliament resolution on caste-based discrimination
(2013/2676(RSP))**

The European Parliament,

- having regard to its resolutions of 13 December 2012 on caste discrimination in India¹, of 17 January 2013 on violence against women in India², of 1 February 2007 on the Human Rights Situation of the Dalits in India³ and of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy⁴,
 - having regard to international human rights conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and General Recommendation XXIX of the Committee on the Elimination of Racial Discrimination,
 - having regard to the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent⁵, published by the Human Rights Council,
 - having regard to the serious concerns, observations and recommendations of the UN High Commissioner for Human Rights with regard to caste discrimination,
 - having regard to recent recommendations by UN treaty bodies and UN Special Procedures mandate-holders on the topic of caste-based discrimination,
 - having regard to the report of 24 May 2011 of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance⁶, and to the reports of the Universal Periodic Reviews of caste-affected countries,
 - having regard to the Parliament study entitled 'A human rights and poverty review: EU action in addressing caste-based discrimination',
 - having regard to the oral question to the Commission of 18 September 2013 on caste-based discrimination (O-000091/2013 – B7-0507/2013),
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas caste denotes a socio-religious context, as in Asia, where those who fall outside the caste system are considered 'impure' and 'untouchable' by nature, but also, more broadly, a system of rigid social stratification into ranked groups defined by descent and occupation; whereas discrimination based on work and descent, being the more

¹ Texts adopted, P7_TA(2012)0512.

² Texts adopted, P7_TA(2013)0031.

³ OJ C 250 E, 25.10.2007, p. 87.

⁴ OJ C 258 E, 7.9.2013, p. 8.

⁵ A/HRC/11/CRP.3.

⁶ A/HRC/17/40.

encompassing term preferred by the UN, is a form of discrimination prohibited by international human rights law as proclaimed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the CERD, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child and International Labour Organisation Convention No 111;

- B. whereas in June 2011 Githu Muigai, the UN Special Rapporteur on racism, stressed that it is essential to avoid establishing any hierarchy among the different manifestations of discrimination, even though they may vary in nature and degree depending on the historical, geographical and cultural context, including ‘the Roma community in Europe and victims of caste systems in Africa, Asia and the Middle East’;
- C. whereas despite the steps taken by the governments of some caste-affected countries to provide constitutional and legislative protection and introduce special measures against caste discrimination and untouchability, caste discrimination continues to be widespread and persistent, affecting an estimated 260 million people worldwide;
- D. whereas caste-based discrimination exists in numerous countries across the globe, with the highest number of victims being found in South Asia; whereas, however, there are large concentrations of victims in other areas, including Africa, the Middle East and the diaspora community;
- E. whereas non-implementation of legislation and policies and the lack of effective remedies and effectively functioning state institutions, the judiciary and police included, remain major obstacles to eliminating caste-based discrimination;
- F. whereas the provision of disaggregated data and the need for special legislation and measures to protect against caste discrimination remain unaddressed in many affected countries;
- G. whereas despite the efforts of governments and, increasingly, of some international agencies, castes continue to suffer from severe forms of social exclusion, poverty, violence, segregation, physical and verbal abuse linked to prejudices and a concept of purity and pollution;
- H. whereas untouchability practices remain widespread and are taking on modern forms; whereas affected communities face restricted political participation and serious discrimination in the labour market;
- I. whereas in a few countries, such as India, mandatory affirmative action has to some extent contributed to the inclusion of Dalits in the public sector, but whereas the lack of protective non-discrimination measures in the labour market and the private sector adds to exclusion and growing inequalities;
- J. whereas the ILO estimates that the overwhelming majority of bonded labour victims in South Asia are from the Scheduled Castes and Scheduled Tribes; whereas forced and bonded labour is particularly widespread in the agriculture, mining and garment production sectors, which supply products to a number of multinational and European

companies;

- K. whereas non-discrimination in employment is one of the four fundamental labour rights and is included in international guidelines and frameworks for business such as the UN Guiding Principles for Business and Human Rights, the OECD Guidelines and the ISO 26000 Guidance on Social Responsibility, which specifically mentions caste-based discrimination as a serious form of discrimination;
- L. whereas the governments and authorities of caste-affected countries are urged to take note of the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, to take all necessary measures to eliminate and prevent caste-based discrimination, to address any implementation gaps at federal, state, regional and local level and to implement, amend or introduce special legislation and policy measures for the protection and promotion of the rights of Dalits and similarly caste-affected groups;
1. Condemns the continuing human rights violations committed against people suffering from caste hierarchies and caste-based discrimination, including the denial of equality and of access to the legal system and to employment, continued segregation and caste-induced barriers to the achievement of basic human rights and development;
 2. Considers that identity cards should avoid references to caste, as these are contrary to the principles of equality and social mobility;
 3. Welcomes the report by Githu Muigai, the UN Special Rapporteur on racism, and stresses that all victims of caste discrimination throughout the world should receive the same attention and protection; stresses, more broadly, that all forms of racism and discrimination should be addressed with the same emphasis and determination, including in Europe;
 4. Expresses its serious concern that the social exclusion of Dalits and similarly affected communities leads to high levels of poverty among affected population groups and to exclusion, or reduced benefits, from development processes; stresses, furthermore, that it precludes their involvement in decision-making and governance and their meaningful participation in public and civil life;
 5. Remains alarmed at the persistently large number of reported and unreported cases of atrocities and untouchability practices in caste-affected countries, including India, and at the widespread impunity enjoyed by perpetrators of crimes against Dalits and other victims of caste-based human rights violations; recalls that in certain countries perpetrators of such discrimination hold high-level government positions;
 6. Reiterates its serious concern about the violence perpetrated against Dalit women and other women from similarly affected communities in societies with caste systems, who often do not report such violence for fear of threats to their personal safety or of social exclusion, and about the multiple and intersecting forms of discrimination based on caste, gender and religion affecting Dalit women and women from minority communities, leading to forced conversions, abductions, forced prostitution, and sexual abuse by members of dominant castes;

7. Stresses the need to promote an enabling environment for civil society and human rights defenders working with people affected by caste discrimination in order to ensure their security and avoid any impediments to, or stigmatisation or restriction of, their work; stresses that such an environment should include access to funding, cooperation with UN human rights bodies and Economic and Social Council (ECOSOC) accreditation;
8. Calls for the EU to promote the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent as a guiding framework for eliminating caste discrimination, and to promote their endorsement by the UN Human Rights Council;
9. Calls on the Commission to recognise caste as a distinct form of discrimination rooted in the social and/or religious context, which must be tackled together with other grounds of discrimination, i.e. ethnicity, race, descent, religion, gender and sexuality, in EU efforts to fight all forms of discrimination; calls for the EU, in its policies and programmes, to consider people affected by caste-based discrimination as an identifiable group;
10. Urges the Commission and the European External Action Service (EEAS) to mainstream the fight against caste-based discrimination in EU legislation, policies and programming documents and to adopt operational guidelines for its implementation; calls on the EEAS to enhance monitoring and evaluation mechanisms in order to assess effectively the impact of EU action on the situation of people affected by this form of discrimination;
11. Recommends that the EU carry out a systematic assessment of the impact of trade and/or investment agreements on groups affected by caste discrimination, and address these issues with industry representatives, government authorities and relevant civil society organisations;
12. Calls for the inclusion of caste-based discrimination as a human rights issue in future EU human rights policies, strategies and action plans;
13. Calls on the Commission to provide stronger support for development projects combating caste-based discrimination as a serious human rights violation that exacerbates poverty, and to take this form of discrimination into account in all projects with a focus on education, women, access to justice, political participation or labour in relevant countries;
14. Calls on the Commission to develop and apply caste-sensitive approaches in times of humanitarian crisis and ensure that humanitarian aid is delivered to all marginalised groups, including people suffering from caste-based discrimination;
15. Urges the EU to raise the issue of caste-based discrimination at the highest level with the governments of affected countries during bilateral summits and other international meetings;
16. Encourages the EEAS to strengthen its policy and human rights dialogues and promote joint initiatives to eliminate caste discrimination with the governments of states, such as India, Nepal, Pakistan, Bangladesh and Sri Lanka, where caste-affected communities are subjected to so-called ‘untouchability practices’, and, more broadly, to combat discrimination based on work and descent, which occurs in various countries, including

Yemen, Mauritania, Nigeria, Senegal and Somalia; recalls that caste discrimination has gone unmentioned in agreements with many of these states;

17. Calls on the Commission and the EEAS to include, where relevant, a ‘caste-based discrimination clause’ in all trade and association agreements;
18. Recommends that the EU promote non-discriminatory and inclusive policies and procedures in business operations with caste-affected countries, including affirmative action for Dalits and similarly affected people in the labour market and the private sector;
19. Calls for the EU to promote regular, broad consultation with civil society on caste-based discrimination and to allocate adequate resources to civil society organisations for fighting caste discrimination;
20. Calls for the EU to promote a caste-sensitive post-2015 development agenda, with the reduction of inequalities based on or aggravated by caste as a crucial and measurable goal, ensuring that caste discrimination is explicitly addressed as a major structural factor underlying poverty, and as a root cause of structural inequalities;
21. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Secretary-General of the United Nations and the United Nations Human Rights Council.