



# Landelijke India Werkgroep

## India Committee of the Netherlands

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Utrecht, 19 February 2004

To: the Minister of Foreign Affairs  
Dr. B. R. Bot  
Postbox 20061  
2500 EB The Hague

Dear Dr. Bot,

We wish to draw your attention to two issues about which the undersigned previously notified your predecessor, namely caste discrimination and the incident of mass murder in the Indian state of Gujarat in the first half of 2002.

We wish to draw your attention to these issues in the light of the imminent session of the UN Commission on Human Rights.

**The first issue** concerns caste discrimination and similar forms of discrimination on the basis of work and descent. These forms of discrimination, oppression and exclusion affect approximately 250 million inhabitants of South Asia and an unknown number of people in Japan and various African countries.

In 2001, the Dutch government did its best to draw attention to caste discrimination at the World Racism Conference. At that point in time, due to resistance from India, no official progress was made. However, the presence of several hundred Dalits did result in a lot of attention being paid to the issue of caste discrimination.

Since then, attention has been focused at different levels within the UN and the European Union on caste and similar forms of discrimination:

- In 2002, the UN Committee on the Elimination of Racial Discrimination (CERD) adopted an important General Recommendation against 'caste discrimination and similar systems of inherited status'. The CERD issued its recommendation after having heard 23 witnesses from India, Nepal, Sri Lanka, Japan, Nigeria, Senegal, Niger, Somalia and Kenya.
- Moreover, the UN Human Rights Subcommittee has been explicitly involved during recent years with 'discrimination on the basis of work and descent'. In August 2003, the Subcommittee decided to ask Mr Eide and Mr Yokota to continue their work in this field. Among other things, they were asked to prepare a set of principles and guidelines for all the relevant actors, including the private sector and social institutions.
- The Special Rapporteur on Racism, Doudou Diène, recommended to the General Assembly of the UN in October 2003 that priority be given to caste discrimination in the follow-up to the Durban Conference.
- The European Parliament has on numerous occasions, particularly in its annual reports on human rights, explicitly advocated more active EU and UN policies against caste discrimination. The relevant passages from the report adopted in September 2003 are enclosed.<sup>i</sup> This report advocates the appointment of a Special Rapporteur on caste discrimination.

- Lastly, the European Parliament recently recommended to the EU, in its resolution on the priorities of the UN Commission on Human Rights in 2004, that it take the initiative to pass a resolution 'on the situation of the Dalits'.

**The second issue** for which we request your attention is the mass murder of approximately 2,000 people - mostly Muslims - in the Indian state of Gujarat in the first half of 2002. In his response to parliamentary questions on this matter, your predecessor Mr De Hoop Scheffer informed the Parliament on 11 April 2003, that the state government has done little to prevent the mass murders, that the perpetrators have only been brought to justice in very few cases, that victims are being insufficiently rehabilitated and compensated, that there is concern about the deliberate and systematic discrimination and/or exclusion of Muslims and that the national BJP government originally adopted a wait-and-see attitude with regard to the mass murders.

The minister also said that, since the outbreak of communal violence, the Netherlands has made efforts, within the framework of the EU, to raise the issue of Gujarat during bilateral contacts and in multilateral fora. We very much appreciate the involvement of the Dutch government in this matter.

Unfortunately, the situation in Gujarat has hardly improved with regard to the impunity of the perpetrators, the lack of rehabilitation of the victims and/or their next of kin and the discrimination and exclusion of Muslims. In November 2003, for example, Amnesty International published a report on the illegal detention of Muslims in Ahmedabad, Gujarat.

The role of the central Indian government is at least ambivalent. While prime minister Vajpayee explicitly stated, last November, in an interview with the Financial Times, that those guilty of the murders in Gujarat are to be punished, he recently made an appeal in Gujarat to 'forget the past' and praised prime minister Modi of Gujarat – the person with initial political responsibility for the mass murder in 2002 – for bringing 'peace and prosperity to Gujarat'.

**Taking the above into account:**

- We request you to make all possible efforts in the EU context to promote a resolution by the UN Commission on Human Rights on caste discrimination and similar forms of discrimination on the basis of work and descent;
- We request that you make efforts to effectuate the appointment of a Special Rapporteur on 'caste discrimination and similar systems of inherited status';
- We also request you to mobilise political support in the European Commission for the Special Rapporteur on Racism with regard to his work relating to caste- and similar forms of discrimination;
- We ask you to make efforts in order to include have reports on castes and similar forms of discrimination included in the mandates of the rapporteurs on violence against women, the independence of judges and lawyers and the right to education;
- We request that you advocate in the Commission that clear statements are made on the subject of caste discrimination in the relevant thematic or country-related declarations;
- We request you to take the initiative or support a resolution in the UN Commission on Human Rights on India, in particular on the situation in Gujarat. In its resolution on the priorities for the UN Commission on Human Rights, the European Parliament has asked the EU to take or support such a step in relation to India/Gujarat.

In the appendix you will find a number of documents which can serve as background information to the themes we have put forward.

We look forward to seeing your response and would, of course, be most willing to exchange ideas on the above issues with you or your staff.

Yours faithfully,

J.H. van Ham  
ICCO

Manon van der Kaa  
CMC

Victor Scheffers  
Justitia et Pax

René Grotenhuis  
Cordaid

Sylvia Borren  
Novib

G. Boer  
ChurchinAction

Manuela Monteiro  
Hivos

Also on behalf of the above,

G.J.B. Oonk  
Co-ordinator India Committee of the Netherlands

Appendices:

- Two shadow reports on the situation of the Dalits in Nepal and the summary of an extensive report by the ILO on 'Discrimination and forced labour of occupational castes in Nepal'.
- Paragraphs on caste discrimination in the resolution of the European Parliament dated 4 September 2003 on human rights in the world in 2002 and the European Union's human rights policy (2002/2011(INI))
- The publication entitled 'The rise of Hindu Extremism and the Repression of Christian and Muslim Minorities in India' by the American Center for Religious Freedom.
- A review of the recently published book "Threatened existence – a feminist analysis of the genocide in Gujarat". We can send you a copy of this book if desired.

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<sup>1</sup> Adopted: 4 September 2003

**Rapporteur: Bob van den Bos**

**European Parliament resolution on human rights in the world in 2002 and European Union's human rights policy (2002/2011)INI**

**Paragraphs on caste discrimination**

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;