



International Commission for Dalit Rights

February 10, 2021

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RE: Dalit Justice Defenders Initiative: Professional Legal Training and Curriculum Development

Dear Ms. Dewey:

We appreciate and thank you for your collaboration and support to provide a six-day intensive legal training course for Nepali women lawyers for professional development, organized by Women Lawyers Joining Hands (WLJH) and the Nepal Bar Association (NBA) in 2018. We found this training program as a milestone effort to empower and educate women lawyers.

We are writing to you about collaborating and/or forming a partnership through the Dalit Justice Defenders Initiative that we believe would be of interest to you and your organization: **Professional Legal Training and networking of Dalit Lawyers.**

The *International Commission for Dalit Rights' (ICDR International)* goal for this initiative is: to mobilize global legal community to support; protect Dalit Rights Defenders; provide legal education; and provide access to justice and pro-bono legal education. This initiative is a collaborative and signature program of ICDR International. We seek a wide-range of collaboration and partnership with firms, legal aid providers, nonprofits, and international agencies to enhance and strengthen Dalit Lawyers to establish professional legal practices and overcome any prejudice, exclusion and discrimination with full of professional competence. Currently, we are collaborating with the American Bar Association's Center for Human Rights (ABA-CHR) in South Asia on the Dalit Justice Defenders Report that would provide opportunities for Dalit and minority lawyers for their professional development and technical assistance.

We believe that Dalit and non-Dalit lawyers should be treated equally and have the same opportunities to enter leadership positions in the legal profession, government, state institutions, and judicial entities, as established by the Constitution. Unfortunately, today, Dalit lawyers constitute less than one percent of the legal profession in South Asian countries. These lawyers should be empowered to safely confront persecution and violence in their communities and to demand that courts and government entities uphold their responsibilities to: ensure justice for victims, protect to Dalit Justice Defenders, and enforce all non-discriminatory laws as guaranteed by the Constitution and international human rights laws.

The total estimated cost of triaging and the curriculum development project is \$25,500 (\$20,000 for training and \$5,500 for curriculum/agenda development). This will cover the costs of development of International Standard legal training curriculum/agenda and a five-day intensive residential training program in Nepal in June 2021. The International Legal professional training cum networking event will take place in Kathmandu, Nepal from June 07-11, 2021.

Dalit Justice Defender Initiative:

1. **Project Description:** The constitutions of South Asian countries have abolished the caste-based discrimination, untouchability and exclusion as well as affirmed international human rights mechanisms that recognize the inherent dignity and the equal inalienable rights of all people regardless of their caste, race, gender, religion or ethnicity and origin. There are legal frameworks in place to ensure that Dalits, minorities, and marginalized peoples are protected from socio-political and economic or governmental discrimination, violence and exclusion. However, certain national legislation, such as National Code of Nepal, or the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, was diluted by the Supreme Court of India, and several legal ambiguities have been used as instruments to erode or abuse rights and justice against Dalits and other minorities. The existence and enforcement of these laws has resulted in harassment, intimidation, and violence against Dalits, minorities, marginalized, and vulnerable community members, including religious minorities, by government officials, security forces, dominant caste groups, and fellow community members.

As per the India Spend Analysis of the National Crime Records Bureau statistics, the crimes against Dalits rose by 7.46% from 2006 to 2016. The cases pending investigations were up to 99%, and the police were half as likely to help. This data only shows the reported crimes for which FIR's were admitted. The actual numbers of such crimes against Dalits are much higher than these numbers. There have been malicious attempts to prevent justice, in the form of police refusal to file FIR's, refusal to use the POA Act, 1989, threatening of the victim's families by the perpetrators, and preventing the victim from seeking justice. For instance, a 17-year-old Unnao Dalit rape victim was burnt on her way to the court hearing; the convict is a member of the ruling dispensation); most recent Dalit Massacre in Nepal or religious oppression against minorities in Bangladesh, Pakistan and Sri Lanka are major threats.

In addition to the challenges with national-level laws and regulations, local regulations and practices are applied in contradiction to individual access to justice granted in the constitution. Dalit Justice Defenders have faced harassment, threats and criminal charges in relation for their legitimate work and advocacy. Well-known Dalit rights defenders have faced threats to their life by non-state actors, at times with the implicit support of the state, e.g. in situations where the state fails to investigate threats against defenders. State actors also misuse their official positions to harass defenders by imposing unjustified or discriminatory funding or registration requirements or bringing frivolous criminal charges. Unfortunately, the same kind of discrimination has impacted the legal community, with lawyers from Dalits/Minorities communities facing prejudice by the bar, bench and fellow legal professional colleagues. Dalits and religious minorities, who face additional caste-based violations and societal barriers, are experiencing rising levels of intolerance, communal violence and restrictions on fundamental human rights and freedoms.

2. **The Dalit Justice Defenders Initiative will focus on two objectives:**
 - a. Mobilize global legal community to support and protect Dalit Rights Defenders, and to litigate for nondiscriminatory laws and procedures with the justice enshrined in constitutional and international human rights laws
 - b. Develop and strengthen the connection between communities, government entities and Dalit legal professionals in an effort to address socio-economic and political barriers to justice and human rights.

Under objective 1, illustrative outcomes include, but are not limited to:

- a. Develop a comprehensive international standard training agenda and curriculum that include principles of professional responsibilities and legal ethics and knowledge sharing materials
- b. Provide 5-day residential training for 30 Dalit lawyers focusing on investigation, international arbitration, criminal justice, human rights, corporate and commercial laws as well as professional development and ethics

- c. Build professional networks of Dalit Justice Defenders both at cross-national and international arena,

Under objective 2, illustrative outcomes may include, but are not limited to:

- a. Increase awareness of shared challenges and build legal capacity to coordinate efforts to litigate, prosecute and advocate rights and justice of their clients, communities, especially Dalits and other minority groups
 - b. Increased collaboration among Dalit Justice Defenders, minority groups and civil/human rights lawyers and society to advocate for the repeal, reform, and replacement of discriminatory legislation and policy, especially create an atmosphere of support and advocate to reform biased criminal justice system
 - c. Increase access to secure and culturally competent professional legal services that consider the unique needs of individuals from Dalits and other minority groups to file criminal complaints, serve as witnesses, and claim compensation
3. **Activities and Methodologies:** The legal training will include residential workshops on the highest priorities identified by ICDR's Dalit Justice Defender Initiative. The working groups will explore demonstrable progress, examples of change, and required solutions. They also will identify the types of collaboration needed to safeguard gender equality, human rights, justice, rule of law, and inclusion. The gender issue will be cross-cutting and woven into all of the agenda items to examine and facilitate discussion from a gender-based perspective.

Using ICDR's expertise and extensive network in South Asian nations, ICDR will select 30 Dalit lawyers (at least 10 Dalit Women Lawyers) to participate in the five-day residential training. These lawyers will be selected based on their previous legal training, accomplishments, and commitment to advancing the status of Dalits. The training will be provided by international and domestic legal experts. The training will focus on strategic approaches to criminal investigation, litigation, advocacy strategies, and international law. It will help participants analyze how to apply these approaches in the domestic context and will include discussions on case selection, investigation, and impact litigation. ICDR will participate to focus on the international framework and global human rights strategies. Local legal experts will discuss domestic legal realities and operational procedures. This initiative will be a unique opportunity for Dalit Lawyers to receive quality training provided by experienced international lawyer trainers, as well as the opportunity to build relationships, expand professional networks, and share their experiences.

ICDR will mobilize the global legal community to support and protect Dalit Rights Defenders and to litigate for nondiscriminatory laws and procedures with the justice enshrined in constitutional and international human rights laws.

- a. **Training Agenda and Curricula Development:** ICDR will form a three- member team of legal experts who will design an international standard legal professional training for Dalit Lawyers, in consultation with the ABA CHR and other international legal experts such as Women Lawyers Joining Hands (WLJH), DLA Piper, and Symes, Street, and Millard, LLP who have been engaged in a similar initiative. They have developed and delivered the training curriculum on a pro bono basis. We will explore a possible collaboration with these lawyers. The training agenda and curricula will be developed by April 2021.
- b. **International Legal Litigation Training.** Following selection, Dalit Justice Defenders will engage in 5-day residential training in Nepal. The training will include meetings with law enforcement leaders, policy-makers, and public practice lawyers and will help participants analyze the work of previous litigations to advance the rights of Dalits and other minority

groups. The ABA-CHR, national Bar Associations, and international and local legal experts will advise and provide additional support and training where necessary. The initial training will also allow the group of 30 attorneys and project staff to have reserved time and unique experiences at the outset of their work together to enable them to create personal and professional bonds to carry through the remainder of the project. The International Legal training will take place in Kathmandu, Nepal from June 07-11, 2021.

- c. **Ongoing Coaching for Dalit Lawyers.** Following the training, ICDR’s legal team will coach and evaluate the lawyers for the duration of the project through remote support and ongoing site visits to each participant. International lawyer cohorts will gather periodically to share challenges and successes and to collectively brainstorm how to litigate caste-based discrimination and atrocities and reform biased criminal justice system in their nation. The entire group will come together annually to assess progress, discuss challenges, and to focus on additional training topics to be determined through discussions with participants. In addition, there will be ongoing substantive training modules integrated into the focus group meetings, focusing on civil and human rights litigation strategies, criminal legal investigation, international human rights advocacy, and case selection techniques.
 - d. **Networking Building:** ICDR aims to bring together Dalit Justice Defenders, Civil Rights lawyers, and international legal practitioners in a common platform for sharing empirical experience, training materials, case management systems, knowledge, challenges, and resources to litigate against caste-based atrocities, discrimination, and unfair treatment against Dalits, migrants and minorities. The ultimate goal is to empower and enhance communities and advocates, making the government more accountable. The network will be a part of ICDR’s Global Dalit Justice Defenders initiative and will expand and connect the global legal community and professionals.
 - e. **Pro-bono Legal Services:** Soon after returning from training, Dalit Justice Defenders will work individually and as a group to litigate and advocate within the constitutional and international human rights laws. Dalit Justice Defenders, in collaboration with national, cross-national and international lawyers, will manage and litigate alongside relevant community experts and victims. This initiative will educate and engage international experts from bar associations (e.g. National Bar Association, Black Bar Association, Hispanic National Bar Association, Native American Bar Association) to advocate and litigate caste-based racial discrimination, atrocities, and bigotry against the Dalits, Blacks and marginalized populations.
4. **Implementation strategy – shared responsibility:** ICDR’s implementation strategy is collaboration and partnerships with American Bar Association Center for Human Rights (ABA-CHR) along with other organizations such as Dalit Lawyers organizations, Nepal’s National Bar Association’s Committee of Professional Development, international lawyers from Australia, Canada, Europe, U.S. and Asia. The Initiative’s partners will comprise of lawyers from firms with a strong pro-bono focus.

ICDR will coordinate, monitor, evaluate, and provide connections with Dalit Justice Defenders, as well as prepare briefs on relevant legal issues. The ABA-CHR will provide funding and evaluate the illustrative outcomes. The Initiative has a high potential for success, as evidenced by the success of a similar project in which Nepali female lawyers were provided with training from top lawyers in the U.S., Canada, and Australia.^[1]

International law firms will assign lawyers to provide pro-bono training and mentoring. Dalit civil society organizations and law firms will assign Dalit Justice Defenders for training and mentoring on legal services and promotion of justice. The Initiative will also work with legal partners to conduct open

source investigations for legal accountability and convene experts to establish protocols for digital evidence.

The Initiative's partners will comprise lawyers from firms with a strong pro-bono focus. According to *The American Lawyer*, the firms in this legal area include the following:

- DLA Piper LLP
- Women Lawyers Joining Hands (WLJH),
- Symes, Street, and Millard, LLP
- Jenner & Block
- Covington & Burling
- Orrick, Herrington & Sutcliffe
- Patterson Belknap Webb & Tyler
- Hughes Hubbard & Reed
- Gibson, Dunn & Crutcher
- Buckley Sandler
- Dechert
- Ropes & Gray
- Paul Hastings

We will source partners from these firms, ideally engaging five lawyers, each with a different specialization. In addition to these lawyers, we will engage an academic/subject matter expert to help develop a tailored curriculum for training. ICDR has contacts at Brandeis University (Dr. Rajesh Sampath), Indiana University (Prof. Kevin D. Brown), The New School (Provost Kenya Tyson, Esq.), Colorado College (Dr. Purvi Mehta), American University Washington College of Law, and the American Bar Association Rule of Law Initiative, who could provide technical support and complete this assignment. Likewise, D.B. Sagar, ICDR's founder and a Nepali-American legal scholar, provides expertise on international human rights law, as well as facilitates and manages this initiative. Richard Gold, Chair of ICDR, and former Head of the USAID's Rule of Law Division, and Ms. Neha Kumar, an Australian lawyer and ICDR Board of Director, provides technical leadership for human rights and rule of law.

5. **Comprehensive Evaluation:** The ABA-CHR will be conducting an external evaluation at the conclusion of the project to assess the impact of the project on the individual Dalit Justice Defenders, attorneys and the communities they serve. The evaluation will measure the ability of the project to be replicated in other areas and suggest improvements for addressing challenges. In addition, the Dalit Justice Defenders and project staff will compile case studies of their work to be published and reviewed by others interested in Dalits' and other marginalized groups' empowerment and legal issues.
6. **Budgets:** The ICDR International will be the primary recipient of and manage this initiative. It will work closely with the ABA-CHR and its partners in Bangladesh, India, Nepal, Pakistan and other South Asian countries, including national Bar Associations and law firms. The total estimated cost of the project is \$25, 500 for the development of International Standard legal training curriculum and a five-day long residential training program in June 2021 in Nepal. The detailed budget breakdown will be provided as needed before signing a contract agreement. The proposed budget will cover the two program activities as listed below:
 - a) Professional Legal Training Curricula and agenda development - \$5,550.00
 - b) Five-day Residential Legal Training Program - \$20,000.
7. **Organizational profile:** The *International Commission for Dalit Rights (ICDR International)* is a 501(c) (3) non-profit and a global advocacy and networking organization leading a global movement of

people striving to eliminate Caste or Work and Descent-based Discrimination (CWDD), inequality, and injustice. We investigate, expose discrimination, educate and mobilize the public, provide community services, and campaign to leverage for changes in policy and transform societies. ICDR staff consists of professionals, including lawyers, development practitioners, policymakers, advocates, country experts, journalists, and academics of diverse backgrounds and nationalities. Established in 2008, ICDR is known for its international policy advocacy, impartial reporting, effective coordination and mobilization of diverse organizations, media, and collaboration with targeted civil society organizations. As a non-profit organization, ICDR's revenue comes from individual donations, corporate donations, grants, fundraising events, membership fees, interest, and in-kind support.

With over 255 members across the globe, ICDR collaborates, networks, and provides technical support for its associates, civil society, government agencies, and the communities, as they strive to promote religious freedom, equal opportunities, civil rights, dignity, and the rule of law. We empower Dalits, marginalized and underprivileged people, who often face disproportionate challenges and obstacles to dignified lives. We campaign for the religious freedom, rights, and dignity of Dalits, tribes, marginalized, migrants and underprivileged people in the USA and South Asia who face religious oppression and caste discrimination. Currently, we are working with the American Bar Association's Center for Human Rights (ABA-CHR) to develop the Dalit Justice Defenders Report of South Asia.

We would welcome the opportunity to speak with you about this important initiative in your convenient time. We will call you in the coming days to set up an appointment, or you can reach me at dbsagar@icdrintl.org, or our program officer, **Jamie Lee**, at jamie@icdrintl.org. I look forward to hearing from you.

Sincerely,



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President /Founder



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[1] <http://labusinessjournal.com/news/2018/apr/19/most-influential-women-attorneys-women-lawyers-nep/>

<https://www.law.com/americanlawyer/2018/06/27/the-american-lawyers-national-pro-bono-rankings/>