

December 7, 2021

**The Honorable Lisa Peterson
Acting Assistant Secretary,
Bureau of Democracy, Human Rights, and Labor
US Department of State
2201 C Street NW
Washington, DC 20520**

Re: Request to formally recognize and elevate the importance of fighting caste discrimination in US foreign policy

Dear Ms. Peterson,

The **International Commission for Dalit Rights (ICDR)** and the underlisted human and civil rights groups call on the **US Department of State** to formally **recognize the fight against caste-discrimination as a key US foreign policy objective in caste-affected countries**, especially those in South Asia. Most urgently, we recommend that the Department assure the inclusion of caste-based discrimination within the human rights section of the White House Summit for Democracy and the commitments relevant national governments are expected to bring to the Summit. We also call on the Department of State to:

- Establish a special taskforce to review and update non-discriminatory policies, procedures and guidelines related to caste within US foreign policy;
- Improve reporting and increase pressure on governments that engage in or condone caste discrimination and caste-based socio-political conflicts;
- Provide applicable guidance to US allies and development partners such as the United Nations, the World Bank and the European Union to facilitate joint responses to caste-based discrimination;
- Increase support for grants and contracts for organizations working in the area of Dalit or human rights, especially on new studies about caste, gender-based violence, and Dalit women;
- Strengthen the capacity of judicial systems to address caste discrimination in caste-affected countries, especially in South Asia;
- Support further research on caste-based discrimination in Pakistan, Sri Lanka, and other caste-affected countries;
- Facilitate the establishment of an interagency domestic and international caste-based discrimination working group;
- Implement already existent legal authority under Immigration and Nationality Act on immigration inadmissibility to apply regulatory standards such that the crimes of caste discrimination as crimes of moral turpitude or torture or extrajudicial killing and therefore ineligible for a U.S. visa or immigration.

Caste discrimination is a form of ancestry, descent, and racial discrimination. Caste is transnational and considered an interfaith issue that affects many religious groups. It is a social construct designed to uphold systems of domination, exclusion, injustice, inequality, and discrimination. Caste systems are hierarchical forms of social division based on descent or ancestry in which rank is inherited social status and fixed at birth. The UN International Convention on the Elimination of All Forms of Racial Discrimination – which the US ratified in 1994 – prohibits racial discrimination based on descent, which includes caste and analogous systems of inherited status. Like race, caste systems allot differential privileges and penalties depending on inherited social status. Even when someone escapes their caste-defined occupation or class status, they are still subjected to the same inherited social status, stigma, harassment, and discrimination. Caste discrimination is an urgent contemporary U.S. foreign policy issue, especially in South Asian countries. Most glaringly, there is much documented evidence of dominant caste people excluding, exploiting, bullying, harassing and discriminating against subordinate caste people known as Dalits in private and public and in places of work in South Asian societies and politics.

According to recent estimates in South Asia, over 300 million Dalits are impacted every day by caste-based atrocities, lynching, and discriminatory practices that were formally outlawed by national constitutions and international laws. These illegal practices not only negatively impact individuals but also the countries in which they live. In South Asia, 16.6% of the population consists of Dalits or people of low caste (India calls them Scheduled Castes). Among low caste individuals, 75% faced caste-based discrimination and atrocities. Only 21% of those affected filed a report with the police. Of those reporting these crimes, 63% of the victims said that police responses were not helpful. A caste-based atrocity or crime against Dalits occurs once every 15 minutes. Dalit massacres have taken place recently in Nepal, India, Bangladesh, and other South Asian countries.

Congress has already recognized that caste-based discrimination exists and is unacceptable in India and other South Asian countries. In 2007, the 110th Congress (2007-2008) passed the historic House Concurrent Resolution (H.Con.Res.139), “expressing that ‘caste-based discrimination’ is unacceptable and the United States is committed to eliminating it and ensuring the human dignity and rights of Dalits by the U.S. government or U.S. organizations.” Similarly, in 2015, during the First Global Conference Defending Dalit Rights organized by ICDR, US Congresswoman Eleanor Holmes Norton announced that she introduced a resolution (H.Res.158) into the US House of Representatives: “Condemning caste discrimination, untouchability and the practice of birth or descent discrimination against Dalit people, which is widely practiced in Americans of South Asian descents and South Asian nations.”

The US Constitution protects individuals from discrimination by granting equal protection of law. ICDR and the underlisted organizations strongly believe that not recognizing and enforcing caste-based discrimination as a form of discrimination severely undermines human dignity and human rights and goes against an important mission of the US Department of State, to further the compelling government interest of defending democracy and human rights at home and abroad.

Our organizations are committed to eliminating race-, caste-, ancestry-, and descent-based discrimination throughout the world, including the US and South Asia. Our efforts towards this goal include fighting violence, hate crimes, harassment, racial injustice and inequality, prejudice, and all forms of discrimination against underrepresented and Dalit communities in caste-affected countries. Therefore, we collectively demand you to ratify the UN Human Rights Council's Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent ((A/HRC/11/CRP.3) and recognize, integrate and enforce this recognition into US foreign policy and development assistance guidelines.

ICDR's most urgent recommendation is to formally include caste-based discrimination within the human rights section of the Summit, and to advocate for inclusion of caste-based discrimination in the commitments relevant national governments are expected to bring to the Summit. Additionally, we call upon the Department of State to establish a Caste-based Discrimination Desk as a focal point of the annual human rights country reports for the South Asian countries of Bangladesh, India, Pakistan, Sri Lanka, Bhutan and Nepal, as well as for countries with caste systems in Africa, Latin America, Middle East, Europe and Asia. Given the continuing prevalence of caste-based discrimination in South Asia and the existential threat that this poses to the human rights of Dalits and other subordinate caste populations, we strongly urge the State Department to highlight this issue more prominently in its human rights country reports.

Included in this letter are a list of recommendations that the Department of State should implement to formally recognize the fight against caste discrimination as a key US human rights objective in caste-affected countries, especially those in South Asia. We also have included annexes that detail instances of caste-based discrimination that occurred in 2020 in Bangladesh, India and Nepal. The annexes contain critical information on both individual instances of caste-based discrimination and the economic, governmental, political, and legal systems which enable such discrimination to continue. The purpose of including these annexes is to highlight important information relating to caste-based discrimination in South Asia that was left out of the Department of State's 2020 human rights country reports for these countries.

Recommendations For Elevating the Importance of Issues Related to Caste Discrimination:

- **Include caste among human rights issues to be addressed at the White House Summit for Democracy:** Our most urgent recommendation is to formally include caste-based discrimination within the human rights section of the Summit, and to advocate for inclusion of caste-based discrimination in the commitments relevant national governments are expected to bring to the Summit. The Summit provides an important opportunity for the US Government to announce its commitment to investigating and prosecuting domestic acts of caste-based discrimination. ICDR and undersigned organizations would be honored and would welcome the opportunity to participate in the Summit.
- **Establish a Policy Review and Advisory Taskforce:** We recommend formation of a taskforce to review existing policies and programs of the Department of State as they relate to rule of law, law enforcement, protection of human rights, and other issues relevant to

the Dalit community and other marginalized lower caste communities in South Asia and around the world. We recommend that this taskforce monitor current threats to these groups and make specific policy recommendations to support them. To facilitate achievement of taskforce objectives, we further recommend the appointment of a special advisor to coordinate taskforce activities. ICDR and its allies are ready to recommend experts on issues of caste-based discrimination for consideration as a taskforce special advisor.

- **Support the development of new studies about caste-and gender-based violence and Dalit women:** Among Dalit and other caste-affected populations, the most vulnerable and systemically oppressed are women. Not only do these women face oppression for being from lower castes, but they also face oppression due to their gender. We recommend that the Department of State, specifically the Office of Global Women’s Issues, conduct studies on caste-and gender-based violence and the vulnerability of Dalit and other lower caste women, as part of the US Government’s efforts to empower women globally.
- **Strengthen the capacity of judicial systems to address caste discrimination in South Asia:** One of the key issues with regards to reform bias and caste-based justice systems and also the unwillingness of prosecutors, judges, and other legal officials to prosecute those guilty of caste discrimination, despite the explicit criminalization of the practice in many South Asian countries. State/DRL along with US Department of Justice should develop or support programs that provide anti-bias training, legal training, and educational programs related to caste-based discrimination and reform the justice systems, especially criminal justice. US embassies should use their strong relationships with local institutions like the Nepal Judicial Academy to design and/or implement such programs.
- **Support research on caste-based discrimination in Pakistan, Sri Lanka and other caste-affected countries:** One of the biggest issues with combatting caste discrimination in Pakistan, Sri Lanka and other caste-affected countries is the lack of up-to-date and reliable research on the threats to vulnerable caste populations and how political, legal, and social systems marginalize Dalit or caste-oppressed communities. Thus, we recommend that the Department of State support up-to-date studies to determine the threats posed both to the human rights and economic and social empowerment of caste-oppressed populations in Pakistan, Sri Lanka, and other caste-affected countries. These populations are significantly more vulnerable because there is less research and general knowledge of how caste impacts them today.
- **Establish an interagency domestic and international caste-based discrimination working group:** While caste discrimination is a much more prevalent issue in South Asia, there have been increasing reports of such discrimination occurring in US workplaces and South Asian-American communities. In order to operate and create effective policies on caste discrimination internationally, the US must set a positive example domestically. Thus, we recommend that State/DRL facilitate the creation of an interagency working group that coordinates the US Government’s international and domestic response to caste discrimination. Relevant agencies include the Civil Rights Division of the US Department

of Justice, the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs of the US Department of Labor. These three agencies recently met with ICDR and the National Coalition against Caste Discrimination, where they expressed their interest in integrating efforts to fight caste discrimination into their work. Other relevant agencies include the Department of Education, the Department of Housing and Urban Development, US Agency for International Development, and the Peace Corps. We recommend that this working group educate and engage with civil society, national and international actors to ensure that the US lives up to its international human rights and domestic civil rights obligations regarding caste discrimination.

Thank you for your consideration of these proposals to promote inclusive democracy, and defend dignity and rights of Dalit communities internationally and in the US. We look forward to discussing these proposals further, and we wish you luck with your upcoming engagements.

Sincerely,

DB Sagar

DB Sagar
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Following organizations endorsed and signed on the memo:

- International Commission for Dalit Rights (ICDR International)
- Hindus for Human Rights (HfHR)
- Sadhana: Coalition of Progressive Hindus
- South Asian Americans Leading Together (SAALT)
- Niranjana Adhikari, Attorney and Member of the District of Columbia Commission on Asian and Pacific Islanders Affairs
- Boston Study Group
- American Dalit Federation
- Dalit Solidarity Forum in USA
- National Coalition Against Caste Discrimination in USA

Annex A:
Gaps in Coverage of Caste-Based Discrimination Issues in selected
Department of State 2020 Human Rights Country Reports:
Bangladesh

- While the Constitution of Bangladesh mentions caste, it fails to explicitly recognize Dalits as a protected class.¹
- Dalit women are particularly vulnerable across several dimensions - right to property, reproductive health, possibility of early marriage, dowry, and lack of financial independence.²
- Law enforcement in Bangladesh regularly fails to seriously consider and investigate cases involving gender-based violence against Dalits.³
- Some Dalit workers in Bangladesh, such as tea workers, are cut off from the judicial system when seeking recourse for grievances related to living conditions, employment, or wage since they work on isolated estates that are managed by oftentimes brutal corporate administrations.⁴
- An Anti-Discrimination Bill which was initially submitted to the Ministry of Law by the Law Commission in 2015 has yet to be passed and has not been revisited since at least 2018.⁵
- The National Human Rights Commission does not have the financial or operational autonomy to independently and effectively challenge human rights violations committed by the government.⁶
- The Foreign Donations (Voluntary Activities) Regulation Act of 2016 has granted the NGO Affairs Bureau of Bangladesh broad powers to control and restrict the activities of NGOs that have been critical in bringing to light Dalit rights issues.⁷

¹ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter II: Dalit Justice Defenders in Bangladesh,” *American Bar Association Center for Human Rights*, June, 2021, https://www.americanbar.org/content/dam/aba/administrative/human_rights/justice-defenders/dalit-bangladesh-chapter-2.pdf

² American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter II: Dalit Justice Defenders in Bangladesh”

³ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter II: Dalit Justice Defenders in Bangladesh”

⁴ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter II: Dalit Justice Defenders in Bangladesh”

⁵ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter II: Dalit Justice Defenders in Bangladesh”

⁶ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter II: Dalit Justice Defenders in Bangladesh”

⁷ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter II: Dalit Justice Defenders in Bangladesh”

- The Digital Security Act of 2018 which made hurting religious values or sentiments through digital formats a punishable offence has been used against minority religious communities in Bangladesh.⁸

⁸ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter II: Dalit Justice Defenders in Bangladesh”

Annex B:
Gaps in Coverage of Caste-Based Discrimination Issues in Selected
Department of State 2020 Human Rights Country Reports:
Nepal

- Police forces tear gassed protestors demanding due process and accountability for the death of Dalits in the district of Dhanusha in Nepal.⁹
- Various domestic organizations such as the Dalit NGO Federation have urged the government to distribute relief packages to Dalit populations during the COVID-19 pandemic to no avail.¹⁰
- The UN Office of the High Commissioner for Human Rights stated in reference to Nepal that “Despite constitutional guarantees, impunity for caste-based discrimination and violence remains high in Nepal.”¹¹
- Despite the Nepali government having established the National Dalit Commission (NDC), no appointments to the commission were made for nearly 5 years and the commission has not held meetings for over a year.¹²
- Although the NDC has authority to act under the Untouchability Act, it lacks sufficient funding and the necessary human resources to implement its goals or act effectively.¹³
- Dalits within Province No. 2 in Nepal are especially vulnerable to the practices of caste-based discrimination; just in 2020, 62 caste-based killings and 168 rape cases involving Dalit women occurred in the province.¹⁴
- Police in Nepal regard caste-based discrimination as a social issue, often preferring to resort to community-based mediation rather than investigating and holding perpetrators accountable.¹⁵

⁹ “Nepal 2020,” Amnesty International, 2020, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/nepal/report-nepal/>

¹⁰ Tika R. Pradhan, “Serious human rights violations against Dalits reported during lockdown,” *The Kathmandu Post*, May 26, 2020, <https://kathmandupost.com/national/2020/05/26/serious-human-rights-violations-against-dalits-reported-during-lockdown>

¹¹ “More ‘can and must be done’ to eradicate caste-based discrimination in Nepal”, *UN News*, May 29, 2020, <https://news.un.org/en/story/2020/05/1065102>

¹² American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter I: Dalit Justice Defenders in Nepal,” *American Bar Association Center for Human Rights*, June, 2021, https://www.americanbar.org/content/dam/aba/administrative/human_rights/justice-defenders/nepal-challenges-for-dalits-ch-1-update.pdf

¹³ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter I: Dalit Justice Defenders in Nepal”

¹⁴ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter I: Dalit Justice Defenders in Nepal”

¹⁵ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter I: Dalit Justice Defenders in Nepal”

- The Lawyers’ National Campaign for the Elimination of Caste Discrimination reported that no perpetrator to date has ever been jailed for caste-based discrimination.¹⁶
- The International Commission of Jurists found that prosecutors in Nepal routinely fail to do their duties in terms of investigating crimes, fail to uphold human rights by failing to perform their functions, and are unable to function independently because of political and other influences.¹⁷
- Dalit NGOs, the UN OHCHR, and even Nepal’s Judicial Academy have all noted that judges’ lack of training and knowledge prevent them from effectively enforcing antidiscrimination laws and upholding other essential protections.¹⁸
- During the fiscal year 2020-2021, the National Dalit Commission’s budget accounted for just 0.002% of the national budget, and the National Human Rights Commission was only allocated 0.017% of the national budget.¹⁹

¹⁶ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter I: Dalit Justice Defenders in Nepal”

¹⁷ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter I: Dalit Justice Defenders in Nepal”

¹⁸ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter I: Dalit Justice Defenders in Nepal”

¹⁹ American Bar Association, “Challenges for Dalits in South Asia’s Legal Community, Chapter I: Dalit Justice Defenders in Nepal”

Annex C:
Gaps in Coverage of Caste-Based Discrimination Issues in Selected
Department of State 2020 Human Rights Country Reports:
India

- Government data from 2019 showed that crimes against Dalits in India rose by 7 percent.²⁰
- In August of 2020, 40 Dalit families in the Indian state of Odisha reported social ostracization because the actions of a 15-year-old Dalit girl were deemed to have broken the social and caste hierarchy.²¹
- A Dalit man was beaten in July in the state of Karnataka for allegedly having touched a motorbike belonging to a man from a dominant caste.²²
- Another Dalit man was killed by individuals from higher castes in February in Tamil Nadu for having defecated on their property.²³
- A Dalit lawyer was killed in September for his criticisms online of Brahminism - the religious practices of the highest Hindu caste known as Brahmins.²⁴
- Due to the government's closure of schools in most states during the COVID-19 lockdowns, students from marginalized communities such as Dalits were put at great risk due to the higher potential for them to drop out and be pushed into child labor or childhood marriage.²⁵
- Given the closure of vital resource centers and government schools during COVID-19 lockdowns in addition to the failure of the government to provide meals, health care, and immunizations, millions of Dalit and other children were at a greater risk of malnutrition and illness.²⁶
- Despite the passing of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in 1989 which is intended to protect Dalits and other vulnerable castes, government data indicates that less than half of caste-based crimes end up in court, and the conviction rate for those accused of such crimes has been reported to be as low as 15 percent.²⁷

²⁰ Human Rights Watch, "India, Events of 2020," *World Report 2021*, n.d., <https://www.hrw.org/world-report/2021/country-chapters/india>

²¹ Human Rights Watch, "India, Events of 2020"

²² Human Rights Watch, "India, Events of 2020"

²³ Human Rights Watch, "India, Events of 2020"

²⁴ Human Rights Watch, "India, Events of 2020"

²⁵ Human Rights Watch, "India, Events of 2020"

²⁶ Human Rights Watch, "India, Events of 2020"

²⁷ Gautham Subramanyam, "In India, Dalits still feel bottom of the caste ladder," *NBC News*, September 13, 2020, <https://www.nbcnews.com/news/world/india-dalits-still-feel-bottom-caste-ladder-n1239846>

- Government data indicates that on a daily basis around ten Dalit girls and women are raped in India.²⁸

²⁸ “India’s justice system is failing survivors of caste-based sexual violence,” *Equality Now*, November 24, 2020, https://www.equalitynow.org/india_caste_system_preventing_justice_nov2020