



Equality in aid

Addressing Caste Discrimination in Humanitarian Response

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International Dalit Solidarity Network

WORKING GLOBALLY AGAINST CASTE DISCRIMINATION

Foreword

EU humanitarian aid is accorded to victims without discrimination on the grounds of race, ethnic group, religion, sex, age, nationality or political affiliation, solely according to needs and paying particular attention to the most vulnerable.

The European Commission has demonstrated over the years how humanitarian initiatives can effectively address gaps and inequalities in vulnerability by ensuring that such initiatives specifically take into account, and are targeted to, the needs of excluded persons and groups. Those who are most vulnerable and marginalised need primary attention when a disaster strikes, both because the impact of the disaster is likely to be higher on them than others, and because of the likelihood that they find themselves excluded from response and recovery efforts.

By systematically addressing in each action the inclusion of those who are marginalised (in particular, persons affected by caste discrimination, minorities, as well as persons with disabilities, women, and the elderly), lives have been saved, the suffering of those in need has been alleviated, and their dignity protected.

More remains to be done to ensure that equality in humanitarian response overall is achieved. I would like to commend the International Dalit Solidarity Network for having identified clear recommendations for how to achieve this in the context of caste discrimination, which can feed into identifying appropriate tools and methodologies for inclusive programming.

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Front page: The village of Ambedkar Nagar in the Indian state of Bihar is inhabited exclusively by Dalits who moved here to escape caste discrimination in their former settlement. The villagers struggle with flooding several months every year. In 2007, when this picture was taken, they survived a week on the roofs of their huts with no food. They received no government aid, a scenario all too typical when Dalits are hit by humanitarian disasters.

Acknowledgements

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The report presents recommendations and specific guidelines to humanitarian stakeholders on how to prevent caste discrimination in disaster risk reduction and response. It draws on the findings and recommendations from “[Addressing Caste Discrimination in Humanitarian Response](#)” – a comprehensive case study by National Dalit Watch-National Campaign on Dalit Human Rights and partnering organisations in India in 2012. The remarkable work of these organisations, agencies and activists is acknowledged with appreciation.

The briefing has also benefited from the insights of humanitarian aid, human rights and development professionals, as well as researchers, who commented on the draft report. Special thanks are due to Katherine Nightingale as the main author of the report and to Lee Macqueen, Prasad Chacko, Tim Gill, Tudor Silva, Samuel Marie-Fanon, Anand Bolimera Kumar and Katia Chirizzi for their advice.

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Introduction

Disasters do not affect everyone equally. People who are most vulnerable and exposed to natural and man-made hazards are hit hardest when disaster strikes. Without proper attention the same structures and systems that make them vulnerable and exposed can leave them marginalised or excluded from emergency aid and recovery.

This is a significant lesson that has been learned from emergency responses in South Asia and beyond. Experience from the 2001 Gujarat earthquake, the 2004 Asian Tsunami, and the flooding in Nepal in 2008, the Indian states of Bihar, Andhra Pradesh, Karnataka and Assam during 2007-2009, and Pakistan in 2010¹ has shown that Dalits – the so-called 'untouchables' at the bottom of the caste system – are frequently the worst affected. Nevertheless, they are often systematically excluded from relief and recovery efforts due to their inherent socio-economic vulnerability.

Caste-based discrimination, in UN terminology also recognised as discrimination based on work and descent², results from hierarchical caste systems that practise discrimination and exclusion founded on notions of purity, pollution and graded inequality. Caste-based discrimination is widespread in South Asia, but exists across the globe in countries like Nigeria, Senegal, Mauritania, Yemen and Japan with 260 million people reportedly affected worldwide. Due to their inherited social status, Dalits and similarly affected people continue to be exposed to a wide range of human rights violations and multiple and intersecting forms of discrimination.³

The Dalits of South Asia constitute the majority of victims facing this form of structural discrimination, which leads to marginalisation, social and economic exclusion and limited access to basic services, including water and sanitation. Discriminatory practices include physical and social segregation, restrictions on occupation or enforcement of certain types of menial jobs as well as widespread caste-based violence.

Dalits are more vulnerable to both natural and human-made disasters compared to non-Dalits due to their marginalised social position; the location of their homes, usually in marginal lands in the periphery of settlements; their vulnerable occupations, such as rubbish and sewage disposal, casual farm labour and lagoon fishing; and the nature of their housing – Dalits often have little or no land rights.

Evidence from Sri Lanka has highlighted that this vulnerability may also apply to man-made disasters like displacement due to conflict, where the majority of long-term IDPs unable to escape cycles of poverty and displacement dependence were lower castes subjected to historic caste exclusion.⁴

It is also evident from case studies that where policies and practices related to humanitarian assistance tend to ignore caste dynamics and caste-related power structures, or simply remain 'caste blind', they can actually undermine equity in aid and even exacerbate existing caste-based mechanisms of exclusion. They can also fail to appreciate the different levels of vulnerability within Dalit communities. Intersecting and multiple forms of discrimination, where caste-based discrimination crosses with gender, age and ability, leave some people even more acutely at risk and excluded.⁵

While several caste-affected states have made specific provisions to address caste discrimination within their national constitutions, laws,

and policies, discriminatory practices remain ingrained in society, as implementation continues to be inconsistent and often extremely weak. This failure to meaningfully uphold laws and to adhere to national and international provisions on non-discrimination not only makes Dalits more vulnerable to disasters, but also impacts on their access to aid and recovery in emergency response.

While the state is the primary duty bearer in fulfilling human rights obligations within its borders, also in disaster situations, NGOs, UN agencies and international donors assisting in disaster risk reduction and response have a responsibility to respect human rights obligations. An adequate response to such obligations includes addressing caste-based discrimination. Therefore all stakeholders involved in providing humanitarian assistance in caste-affected countries are called upon to follow the recommendations and guidelines outlined in this report.

Caste discrimination is a violation of international human rights law, inherently contradicting the universal principles of non-discrimination, dignity and equality. UN human rights bodies continuously raise their concerns and urge governments to take action in accordance with the draft UN guidelines for the elimination of caste discrimination, which also stipulate specific measures to address the problem in situations of humanitarian crises.⁶

This form of discrimination is also directly contrary to the humanitarian principles of impartiality, humanity, neutrality and independence that underpin the standards for international humanitarian aid. Despite this, however, efforts by humanitarian actors involved in preventing and responding to disasters have failed to adequately address caste discrimination in disaster prevention, response and recovery. In order to understand why and how this continues to be the case, a comprehensive study was undertaken by National Dalit Watch to investigate the nature, causes and consequences of caste-based discrimination in emergency assistance, and develop recommendations.

The research process included a review of studies from emergency flood responses across India from 2007-2010⁷, an in-depth case study on disaster prevention and response in India⁸, two national consultations organised by the National Campaign on Dalit Human Rights and Sphere India in 2010 and 2011⁹, and a workshop on the topic at an international consultation on good practices and strategies to eliminate caste-based discrimination, organised by the International Dalit Solidarity Network in December 2011.¹⁰

This report presents the findings of this research into the effect of caste-based discrimination in humanitarian aid and why it continues to be a consistent problem in emergency programming. It examines the existing commitments in international standards for humanitarian aid and examples of good practice where efforts to address caste discrimination and deliver aid to Dalit communities have been most effective. It looks at the emerging challenges for the humanitarian sector that have implications for efforts to eliminate caste discrimination and concludes with recommendations to humanitarian actors, including governments, UN agencies, the European Community Humanitarian Office (ECHO) and NGOs, for the principles, practice and policy and legislation needed to address caste discrimination in humanitarian aid.

Caste-based discrimination in disaster prevention and response

Dalits are more exposed to disasters than other groups, and less likely to receive humanitarian aid. Laws that are meant to protect them are not properly implemented, and humanitarian agencies do not always understand the particularly vulnerable situation of Dalits.

Even prior to a natural hazard like drought, floods, typhoons or earthquakes, Dalit communities are more vulnerable and exposed to disasters.¹¹ Their social exclusion means they often live outside of main villages, with less access to the amenities and information of administrative centres. In some contexts this less desirable land will be more exposed to floods or hazards and have less developed infrastructure like drains, drinking water or flood barriers.¹²

The livelihood situation of Dalits, dependent on wage labour and on dominant caste groups, is particularly vulnerable to shocks and stresses like natural hazards. Dalits are mostly landless people with little or no formal assets, working as share-croppers or manual labourers to meet immediate livelihood needs.¹³ What assets Dalits do have, such as unregistered fishing boats or nets and make-shift houses without land titles, often go unrecognised as formally owned by them, thereby hiding significant disaster losses. In a serious disaster situation many Dalits use loans to cope, e.g. to provide for lost homes, food and medicine, exposing them to a vicious cycle of bonded labour, where whole families can become indentured servants to repay a loan often several times over.¹⁴

During an emergency Dalits' precarious living conditions and lack of social protection mean that they are often the worst affected. But their status as 'untouchables' and the social exclusion they face affect the kind of emergency relief they receive.

Dalits are often discouraged from accessing water, food and accommodation due to ingrained, discriminatory societal norms that lead to a separation of common water sources, common dining and common shelter areas according to caste status. These norms are coupled with weak implementation of national laws to address caste discrimination. This means that violence committed against Dalits by other castes usually remains unpunished if they dare challenge such social norms.¹⁵

In countries with historic structures of caste, a fundamental basis for addressing caste discrimination in disaster prevention and response is recognising and enshrining in the laws of the state the illegality of caste discrimination. This should be based on recognition of the equal rights of citizens, and the responsibility of the state to ensure equality in the provisions of basic services and safety from preventable disasters.

But having the laws on paper is not enough. In India where 'untouchability' was officially banned under the 1950 constitution, caste discrimination continues to be a daily reality for hundreds of millions of citizens. While constitutional and legal commitments

are essential requirements to ending caste discrimination, firm measures to implement these laws and hold state institutions and actors to account for upholding them may be just as significant. This is equally important during an emergency where additional pressure or tension can return communities and overstretched state institutions to entrenched behaviours even after progress has been made.

Where the state is aided by humanitarian agencies and NGOs in the provision of emergency aid, Dalits may also, if not appropriately consulted, face unequal access to relief. This is a particular risk where the agency is ignorant of the context or socio-political dynamics that can divide the community, or where it has not taken adequate measures to curb caste discrimination internally or in its operations.

Examples of how caste-based discrimination affects relief efforts can be seen in emergency responses going back more than a decade.¹⁶ The response to the 2001 Gujarat earthquake was affected by discrimination in early relief efforts. Later on, not all affected people had access to rehabilitation processes because of a lack of information.¹⁷ In several South Asian countries, the 2004 Asian Tsunami and its response revealed significant social divisions and discrimination affecting Dalit communities long into post-disaster recovery efforts.

In Sri Lanka for example, there were reports of displaced communities being refused dry food rations in a relief camp due to 'low caste' status, and international humanitarian agencies replacing only boats of formal caste fishermen thereby widening the gap and tensions between different social groups.¹⁸ In India, Dalit losses in the Tsunami – although vital – were less visible; the loss of items such as small unregistered log-boats, small nets, bicycles, containers, painting equipment or stored shells destined for limestone production went underreported. In many cases Dalits were forced to undertake the worst of the immediate clean-up efforts to remove corpses and debris, for little if any pay, and received little relief aid, counselling or recognition for their work.¹⁹ Where landless Dalits took out loans to lease land and better their situation they faced considerable debts.²⁰ Two years after the 2008 Kosi Floods in Nepal, despite a billion rupee relief and rehabilitation programme Dalit communities were still without safe drinking water and basic amenities.²¹

Critical issues concerning Dalits in recent humanitarian crises include unequal or denied access to health services, shelter and housing, clean water and education; no compensation or restitution due to e.g. lack of documentation to claim entitlements related to land and property; lack of protection of rights of Dalits who after major natural disasters embark on inter-state migration or are displaced internally.

The following are examples of caste-based discrimination in humanitarian aid:

A Dalit woman displaced by the Bihar floods in 2007 is left with almost nothing. During an emergency Dalits' precarious living conditions and lack of social protection mean that they are often the worst affected.



- Dalit communities are prevented from receiving emergency aid or accessing shelters or kitchens due to perceived 'untouchability' and the internalised social norms or fears of violence.
- Dalit communities are excluded or marginalised from the main village centres and community structures and therefore their needs are not part of formal data gathering or decision-making on response with government officials or humanitarian agencies.
- Dalits face problems of registering in relief camps.
- Dalits often receive relief materials of a poorer quality or lesser quantity compared to other recipients.
- Dalit men and women are exploited for their labour to remove corpses and debris from disaster-affected areas.
- Dalit losses are less visible as their work or assets are not formally recognised: e.g. fishing boats and nets used by Dalits prior to the Tsunami, and makeshift houses without land titles.
- Dalit informal work, often in supportive day labour to official 'casted' occupations, is impacted by the loss of formal work in disasters, and sometimes by the response efforts that might supplant the role of Dalit day labourers. If crops are destroyed, farming or land labour is affected; if boats etc. are destroyed, only caste fishermen receive support; if chill boxes to keep fish are provided, the marketing and use of unsold fish by Dalit women is undermined.
- Dalit men and women are not consulted or included in decision-making in needs assessment and appropriate emergency aid provision that meets their needs. The limited presence or total absence of Dalits in local governance bodies further exacerbates the lack of engagement and consultation.
- Systemic problems of Dalit marginalisation and exclusion from formal development (like in owning land, land titles for homes, official licences for fishing etc.) undermine their ability to access opportunities for recovery of homes or livelihoods in disaster recovery programmes.

- Lack of appropriate assessments of loss or damage of Dalit property, crops and other assets or exclusion of their names in the compensation lists of the authorities further excludes them from receiving their entitlements.

Reports of the 2010 flood response in Pakistan highlighted significant difficulties for Dalits including denial of access to relief camps and other forms of discrimination. A considerable problem in tracking caste discrimination in the Pakistan flood response or monitoring it comprehensively elsewhere, however, is the lack of disaggregated data available on the affected population.

Another serious issue is the lack of provision for equity monitoring. This form of monitoring encompasses a number of tools; including vulnerability mapping, identifying barriers to access to resources, services and decision-making and entitlements, and monitoring of provision of humanitarian assistance to affected communities based on disaggregated data. Several tools for equity monitoring and inclusive programming are presented in the annex to this briefing.

According to UNICEF India, several challenges hinder the implementation of equity monitoring in a disaster response. These may include: Differences in stakeholder mandates; common perceptions of threat that monitoring creates; the perceived reluctance of Government and civil society to collaborate; general perceptions of relief as charity; people's perceptions of vulnerability, a limited understanding of specific needs of different vulnerable groups; and lack of proper methods to facilitate monitoring in a non-threatening and non-offensive manner.²² But the recognition is growing of the need to ensure that humanitarian aid reaches those who are most vulnerable and marginalised and the essential role that equity monitoring plays in making that happen.

International frameworks and state accountability

Caste discrimination is a violation of international human rights law and the principles that underpin humanitarian assistance. Any future work on humanitarian standards should fully recognise this form of discrimination as a serious impediment to ensuring equality in disaster response.

Caste-based discrimination is a violation of international human rights law, inherently contradicting the universal principles of non-discrimination, dignity and equality. The principle of non-discrimination and the right to equality are core human rights principles that are enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and all international human rights treaties. These principles are considered to have attained *ius cogens* status in that they are applicable to all countries, whether or not a State is a party to a particular international treaty. In addition, this status means that countries cannot limit the application of these principles in any circumstances.²³

UN Human Rights bodies, including the former UN Sub-Committee on the Promotion and Protection of Human Rights, UN Treaty Bodies and UN Special Procedures have persistently raised their concerns on caste-related human rights violations and continue to urge Governments to strengthen the protection of affected people through legislative, policy, institutional, budgetary and other measures.²⁴

Already in 2002, the UN Committee on Racial Discrimination (CERD) adopted General Recommendation No. 29 reaffirming that caste-based discrimination falls within the scope of the Convention²⁵ and providing guidance on general and special measures to end 'discrimination based on work and descent', which is the UN terminology also used for this form of discrimination.

The UN High Commissioner for Human Rights, Navi Pillay, and UN Special Procedures Mandate Holders have appealed to world governments and states to endorse and implement the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent. This framework which applies equally to states and to all local, national, sub-regional and international governmental and non-governmental organisations, also stipulates specific measures to address the problem of caste discrimination in situations of humanitarian crises, such as internal conflicts, wars, or natural disasters.

Several caste-affected states have made specific provisions to address caste discrimination within their national constitutions, laws and government policies. Special legislation outlawing caste discrimination exists in India and Nepal, and other affected states may follow. Implementation and adherence to these constitutional and legal provisions, however, depends on whether the state enforces its own laws. Across caste-affected countries, enforcement of laws and implementation of policies is inconsistent and often extremely weak. In India, for example, the body of legislation meant to protect Dalits and improve their situation is extensive, but political will to ensure implementation is often lacking.

States are also responsible for ensuring that citizens are safe from preventable disasters and for providing appropriate aid in accordance with human rights laws and norms during an emergency. Where the capacity of the state or state institutions is overwhelmed during a disaster, other humanitarian actors, like UN agencies, NGOs, religious institutions, community groups, etc. can support them. All humanitarian work, whether by state or non-government organisations, however, should be guided by humanitarian principles of impartiality, neutrality, humanity and independence, and international human rights law.

Caste-based discrimination is a direct violation of the principles that underpin humanitarian assistance. The principles for humanitarian relief and disaster aid have a distinct history going as far back as the Convention establishing an International Relief Union in 1927. Article 3 of the Geneva Conventions refers to the need for humanity, impartiality and "absence of adverse distinction" in assisting civilian populations in armed conflicts. Over time, these humanitarian ideals were expanded to apply to agencies providing assistance after natural disasters and conflicts.

There is a need for more effectively functioning state mechanisms as well as close monitoring of the implementation of specific provisions and legislation where it exists. Measures to address caste discrimination must also be integrated across all other relevant legislation and policies, including in disaster management laws. There is, however, little specific mentioning or focus on issues of discrimination or the risk of caste discrimination in a disaster context.

Mainstreaming and integration of measures to tackle caste discrimination by National Disaster Management Authorities, across their institutions, policies, guidelines and implementation plans are prerequisites for the effective elimination of caste discrimination in disaster prevention and response.²⁶

The requirement to ensure that humanitarian aid is distributed impartially, solely on the basis of need, and without discrimination between or within affected populations has been reinforced in recent years by commitments to transparency, participation and accountability in guidelines and tools for the sector.

In 1991, while setting up the department for humanitarian affairs, the United Nations laid down certain broad principles to guide humanitarian assistance, followed in 1994 by the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief. Efforts to strengthen accountability in disaster assistance efforts led to the first Sphere Handbook in 2000, and the adoption of the Sphere Humanitarian Charter and Minimum Standards in Disaster Response, which sets out for the first time what disaster-affected people have a right to expect from humanitarian assistance.

The Sphere Project's Humanitarian Charter's 'Protection Principles' and the 'Core Standards' outline the standards for a balanced representation of vulnerable people in discussions with disaster-

Dalits from the flooded areas of Bihar are questioning a local government official about the lack of emergency aid following the 2007 floods. He is trying to assure the angry protesters that they will get help the following day. States are responsible for providing aid during an emergency, but in countries like India, Dalits are all too often overlooked in such situations.



affected populations.²⁷ Founded on the principle of humanity and the humanitarian imperative, Sphere Principles and Standards include the right to a life with dignity, the right to receive humanitarian assistance and the right to protection and security.²⁸

Requirements to prevent caste-based discrimination fall under wider notions of non-discrimination and impartiality and are specifically referred to in the 2011 edition of Sphere Standard.²⁹ It states clearly that the right to receive humanitarian assistance is a necessary element of the right to life with dignity, encompassing the right to an adequate standard of living, including adequate food, water, clothing, shelter and the requirements for good health, guaranteed in international laws.³⁰ It sets out the responsibility to ensure that humanitarian assistance is available to all those in need, particularly those who are most vulnerable³¹ or who face exclusion on political or other grounds.³²

The Sphere Charter outlines the responsibility of humanitarian actors to assist people to claim their rights, access available remedies from the government and recover from the effects of abuse.³³ This makes it imperative for the humanitarian community to assist the victims in the realisation of their rights and entitlements in cases where the lack of enumeration and required documentation results in inadequate or even non-compensation of losses.³⁴

For the purpose of vulnerability assessments, the Sphere Charter calls upon the humanitarian agencies to compose aid workers' teams with a balanced ratio of women and men, ethnicity, age and social background, keeping the local culture and context in view.³⁵ Only when the vulnerabilities are identified, can programme designs be inclusive and responsive to the needs of the most vulnerable. The Sphere Charter clearly sets out the need to take additional measures to ensure equitable access to minimum standards (in water supply, sanitation and hygiene promotion) for all groups.³⁶

After the World Conference on Disaster Reduction, held in January 2005 in Kobe, Hyogo, Japan, many organisations adopted disaster

risk reduction (DRR) policies. The conference provided a unique opportunity to promote a strategic and systematic approach to reducing vulnerabilities and risks to hazards. It underscored the need for, and identified ways of, building the resilience of nations and communities to disasters.³⁷ It adopted a 10-year plan to make the world safer from natural hazards, the Hyogo Framework for Action (HFA), which included a requirement for states to take into account vulnerable groups when undertaking disaster risk reduction (DRR) planning.

The principles of impartiality, participation and informed consent and transparency, also form the cornerstones of the Humanitarian Accountability Partnership Standard (HAP Standard, 2010).³⁸ This practical tool is specifically designed for organisations that work with people affected by or prone to various forms of crises, including disasters. It enables the organisations to design and implement programmes that are accountable to the beneficiaries. What distinguishes HAP from other standards is that it includes a certification mechanism and external verification audits of organisations that apply for certification.

Other relevant standards for the humanitarian sector are provisions for strengthening transparency, accountability and inclusion like the Good Enough Guide to impact measurement and accountability in emergencies, especially in the acute phases of a crisis.³⁹ The People in Aid Code of Good Practice, an initiative to strengthen management and human resource strategies in humanitarian aid, includes the commitment to promote inclusiveness and diversity.⁴⁰ Discussions are newly underway across the humanitarian sector to bring these multiple standards together within a Joint Standards Initiative (JSI).⁴¹

It is the recommendation of the stakeholders behind this report that any future work on new standards initiatives or revision of existing standards, guidelines, and handbooks fully recognise caste-based discrimination as a current, serious impediment to ensure equality in disaster response, and include specific provisions for redressing the situation.

Building on good practices in addressing caste discrimination

There is growing recognition within the humanitarian sector of the need to address caste discrimination in humanitarian aid. Examples of good practice in this area highlight the importance of targeting, empowerment and transparency.

There is a growing recognition across the humanitarian sector of the need to address caste discrimination in disaster prevention and response. This awareness has been supported by stronger guidance from standards like Sphere and HAP, and a more comprehensive commitment to addressing vulnerability as part of disaster risk reduction and resilience building. It is also reinforced by examples of good practice where humanitarian actors have worked to ensure measures against caste discrimination when delivering emergency assistance to Dalit communities in disasters.

In this section we look at examples of good practice that illustrate the fundamental areas of action needed by all humanitarian actors, whether state institutions, NGOs, UN agencies or local community organisations, to overcome caste discrimination. The examples are drawn from the comprehensive report *Addressing Caste Discrimination in Humanitarian Response*.

For disaster prevention and response to be effective and reach Dalits and those most vulnerable, humanitarian actors need to clearly recognise the pervasive issues of caste discrimination and the principles of equality and non-discrimination that underpin an inclusive response.

Public recognition

The main guiding principle is to publicly recognise the problem of caste-based discrimination and exclusion in disaster prevention and response in organisational policies, work plans, and public engagement.

Whereas this principle should be applied by all humanitarian stakeholders, and supported by cross-cutting principles⁴², the value at the operational level has been illustrated in several case studies drawn from the National Dalit Watch study. The importance of effective recognition and targeting can be seen in the example on rehabilitation with targeted inclusion by the organisation, Kalvi Kendra.

Case: Effective recognition and inclusion of Dalits in Community Managed Disaster Risk Reduction

In 2004, Kalvi Kendra launched rehabilitation activities in six coastal villages in Tamil Nadu that had been affected by the Asian Tsunami. The programme was implemented along the Community Managed Disaster Risk Reduction (CMDRR) module of Cordaid for long term preparedness of the Dalit community.

Kalvi Kendra faced the big challenge of changing the mind-sets of members of local governance institutions (panchayat raj) and, in some cases, representatives of community based organisations, to accept Dalit inclusion. They could not accept the mere presence of Dalits among them, and village political leaders strongly opposed providing any support to the Dalit community as they did not vote for them. This attitude almost sabotaged efforts to build an inclusive process, so in order to address the situation Kalvi Kendra facilitated

participation of panchayat presidents in a state level conference on "Dalit Rights and Inclusion". The conference ensured that the issue of caste discrimination was publicly recognised, and enabled Kalvi Kendra to be open and transparent about the organisation's recognition of Dalit rights and its work towards fulfilling that vision.

Following this initiative, Dalits were provided housing and livelihood support based on a vulnerability and risk assessment. To empower Dalit women living below the poverty line, they were encouraged to form self-help groups (SHG) to get access to credit from banks, advocate for their rights to public services and seek assistance from government schemes. Kalvi Kendra also successfully formed rescue teams with youth volunteers involving Dalit youth, and ran evening coaching classes on DRR measures in all Dalit habitations.

The organisation drew on government sources to strengthen the infrastructure facilities and support the livelihood activities of SHG members. Dalits were organised into peoples' collectives and linked up with financial institutions, insurance agencies, government programmes and training institutions to gain access to financial support and benefits from the state that enabled them to run development and capacity building programmes.

As a result of training and awareness raising programmes, community actors were able to conduct hazard, vulnerability and capacity assessment on their own; implement the activities in a participatory manner; monitor activities regularly; and review the progress during Disaster Risk Reduction Management Council (DRRMC) meetings for creating a lasting impact and sustainability of the CMDRR process. ■

Where issues of caste discrimination are socially entrenched it is important that humanitarian programmes revisit and build the principles of equality and participation on equal terms into the heart of the project. Counselling and awareness raising about these principles are found to enhance the process.

Investing in establishing the principles: Examples from a project by SEEDS after the Rajasthan floods in 2006

The Barmer Aashray Yojana project by SEEDS, supported by Christian Aid and the European Union, involved the construction of 300 houses for the most socially, economically and physically marginalised individuals and families cutting across divisions of caste.

The SEEDS social team worked with Village Development Committees (VDC) in 15 villages to identify the most marginalised, vulnerable and needy beneficiaries from the District Government's list. Each committee consisted of members from a wider group of stakeholders including a local government representative, a school teacher, a nurse, a village volunteer, a social worker, and a SEEDS representative. It ensured that women played a core role in the consultation process and that a variety of views were incorporated into planning and decision making.

This led to the formation of new 'model' villages, where people from different caste communities co-reside. This model ensured that those most in need received assistance, and it promoted new principles of coexistence that cut across caste and social barriers. To succeed, the project was highly dependent on the pro-active participation of the beneficiaries, their families and the communities at large. Its inclusive approach required constant interaction with the community in order to make inroads into the rigid caste system. ■

Following the Bihar floods in 2007, a number of Dalit flood victims lived along a damp road for months without being aware of any right to aid. The result of this exclusion was deprivation and starvation. Fortunately, there is a growing recognition across the humanitarian sector of the need to address caste discrimination in disaster prevention and response.



Common approach

Good practices are founded on a common approach to addressing the risk of caste-based discrimination in humanitarian programming across the spectrum of interventions from disaster prevention, preparedness, response and recovery.

Working with other humanitarian actors operating in the same country, region or local area to build a common approach to addressing caste-based discrimination is an essential condition for effective interventions.

This should include agreement on the use of participatory methods such as participatory vulnerability and capacity assessments, social equity audits, participatory needs assessments, post-disaster needs assessments and inclusion monitoring and accountability tools. It should include the collation of disaggregated data for assessments purposes, monitoring, regular information sharing as part of a coordinated disaster prevention or response strategy, and the development of strong networks on good practice. It should seek to represent the delivery of existing sector-wide standards like Sphere, build up a collation of best practices on addressing caste discrimination that can further inform these standards, and incorporate a strong focus on reducing the risk of caste discrimination into the delivery of accountability standards like Humanitarian Accountability Partnership (HAP).

Learning from examples of good practice is building across the sector (in particular in India) into a detailed and comprehensive approach. Analysis across this body of work can be a very useful way to identify the principles and methodologies that are needed to underpin 'best practice' policies. An example from the report *Addressing Caste Discrimination in Humanitarian Response* looks at three different pathways to inclusion: Targeting, empowerment of Dalit leadership, and transparency.⁴³

- **Inclusion by targeting** requires humanitarian actors to consciously target Dalits and women through a process that identifies the most vulnerable in the community, and then consciously involves community members in supporting these people first.

- **Inclusion through empowerment** and Dalit leadership is an approach where Dalit organisations and Dalit leaders themselves are supported to lead their own projects, organise response efforts and hold government agencies accountable for their rights.
- **Inclusion by transparency** emphasises the need for humanitarian agencies and government institutions to be committed to transparency in data collection, needs assessments and information sharing in order to create greater awareness about the realities of caste discrimination. Using tools such as social audits, disaggregated data collection, and information sharing at public hearings that involve governments and other humanitarian actors supports pressure for inclusion. In addition, formal HAP commitments to transparency and strategies for engaging the media on issues of exclusion all serve to cement the structures for inclusion through transparency and accountability.

Good practice cases point to cooperation between stakeholders at different levels as a key aspect of success. Common approaches can be identified through partnership between a government and UN agencies, or with local NGOs, Dalit community representatives, government structures, and international NGOs working together to reach the most vulnerable groups, particularly Dalits and women.

Examples to illustrate three main pathways to inclusion are given below.

Following the Kosi floods in Bihar in 2008, the Evangelical Fellowship of India Commission on Relief (EFICOR) worked with the Mahadalits, a sub-caste of Dalits also known as rat-eaters. During the Kosi floods, EFICOR had provided food relief to the Dalits through the community kitchens where Dalit volunteers prepared meals together with non-Dalit staff and volunteers of the organisation. The concept of involving Dalit members in volunteer teams to cook meals is not new, but it remains a challenging task in a rural set-up with an anti-Dalit attitude among so-called dominant castes. Nevertheless, it effectively contributes to breaking down barriers and stereotyping.

Elsewhere as part of the Bihar flood response in 2008, the constituents of Dalit Watch embarked on an intensive equity

monitoring programme in 204 relief camps in the five worst affected districts. They assessed the accessibility of relief measures for Dalit communities in particular, and the administration of relief camps in general, across these districts. The monitoring reports indicated significant shortfalls in aid distribution across most of the sites, and recommendations particularly highlighted the need to ensure greater accessibility for Dalit communities.

While Dalit Watch performed an independent monitoring programme within the relief camps, the Government of Bihar had established monitoring systems throughout the administrative machinery, and they collaborated with Dalit Watch. The then District Magistrate of Madhepura sent district level officers to work with officials at the block level to ensure that the needs of the vulnerable were met. Strong coordination through the Inter-Agency Group (IAG) in Bihar ensured collaboration and coordination between civil society organisations and the various government levels.

Moreover, computerised lists of relief items distributed by the army were shared at these meetings, injecting transparency into the system. Information was also relayed to the affected communities in the relief camps about the compensation package. This was done effectively by Dalit Watch, who not only distributed pamphlets and posters on the details of the entitlements, but also verbally communicated this information to the flood survivors. This information exchange enabled affected communities to demand their rights. It also revealed instances of corruption among those who make the lists of beneficiaries.

It is clear that sector-wide efforts at greater accountability, transparency and participation, in line with HAP, have been instrumental in addressing caste discrimination within emergency response. The construction of 515 transit shelters during the Kosi floods by the Churches Auxiliary for Social Action (CASA), supported by DanChurchAid (DCA), is an example of this.

Humanitarian assistance for early recovery of flood-affected communities

A project implemented by CASA and DCA in Supaul district ensured broad representation at the various levels. At the district level, meetings were attended by elected representatives and government officials while cluster level meetings ensured inclusion and participation of Dalits, minorities and women in the consultative process. In each ward, a complaint box was provided by CASA, backed with a complaints mechanism as per the Humanitarian Accountability Partnership (HAP) principles. If any victim was left out or dissatisfied with the process, she or he could register a complaint. The areas of lodging complaints included (i) Beneficiary selection; (ii) Quality of aid received; (iii) Bribery/favouritism; and (iv) Sexual harassment.

All shelter and livelihood programmes made special efforts to ensure social inclusion. The beneficiary selection was based on existing vulnerabilities within the communities and prioritised Dalits and other marginalised groups as well as families with houses completely destroyed or severely damaged by flooding. Village Development Committees (VDCs) were formed in each village, with representation from each group. The list of beneficiaries selected by VDCs was verified by CASA's field officer and necessary corrections were made. The selection process ensured inclusion of 'invisible' people, and people living on the periphery in any community.

Complaints were recorded and addressed adequately. As a result, households that had been left out during the initial selection process were later included in the list of beneficiaries. The complainant's right to confidentiality was adequately addressed through a Community Complaints Handling Committee (CCHC). All community level complaints were addressed by the CCHC, while project office level complaints were handled by the Project Coordinators of CASA and DCA. ■

In the context of DRR programmes organisations have generated awareness on government health services, relief packages and entitlements to Dalit communities. Well-designed cash-for-work programmes have also raised issues and awareness around labour and women's rights, including the principle of equal pay.

Forming rescue teams with youth volunteers from Dalit communities and providing them special evening coaching classes on the DRR concept is a recommended practice that helps build capacity and sustainability in the community.

Data from social inclusion monitoring generated by NGOs have been disseminated to the authorities. Such a step encourages government departments to ensure inclusion of Dalits and women in their programmes. Some of the organisations scrutinised the government schemes in different disaster situations and then intervened in the areas to fill in the gaps.

In most cases, the organisations that forged linkages with the government schemes for the beneficiaries and conducted advocacy to make the government responsible to the people successfully helped Dalits in claiming their share of relevant development schemes and compensation.

Efforts to meet the needs of Dalits and address caste discrimination must always include consideration of the particular vulnerabilities of women and cross-cutting issues such as age, ability and gender. This has been possible in examples of good practice in inclusive participation processes, through targeting and through establishing appropriate accountability and monitoring systems.

Gender and diversity in livelihood recovery

It is essential to ensure that cross-cutting issues affecting vulnerability are integrated into recovery work. Following the Kosi floods in 2008, six NGOs⁴⁴ supported by ECHO initiated a livelihoods recovery programme aimed at the most vulnerable Dalits, tribals, minorities, women, persons with disability, chronically ill persons and marginal farmers.

Addressing gender and social inclusion was a programme priority. To ensure inclusive decision-making processes, representatives from respective groups were nominated to the committees deciding on programme implementation, such as beneficiary selection. The result was seen as a more targeted and appropriate set of support opportunities. In some parts of the project such as seed support for small farmers the beneficiaries were mainly male Dalit farmers, but the role of women vendors in the rural economy was recognised and targeted also.

Women got more opportunities to participate in the Cash for Work (CfW) programme and appreciated this particular initiative the most as it gave them immediate cash and food security. The elderly and disabled were employed as water providers and supervisors. The CfW programme also raised awareness among women of the right to work with equal wages. Beneficiary awareness regarding minimum wages helped them bargain with the local landlords for better wages.

While much of the CfW programme built community infrastructure that benefited everyone, some work also contributed to directly benefiting the most marginalised. For instance, CfW was used to support the reconstruction of housing and also to raise the plinth level of existing and new houses belonging to vulnerable families. ■

Disaster management

Humanitarian actors should support the development and implementation of inclusive and appropriate disaster management laws and policies at local, national and international level that enable the effective targeting of marginalised and excluded groups for disaster prevention and response, with a specific focus on caste-based discrimination.

Adherence to principles of inclusion and requirements to address caste discrimination in disaster prevention and response are dependent on the advocacy, monitoring and accountability work of a range of actors during emergencies. It can also depend on the partnering of UN agencies or NGOs with government institutions to provide them with the tools and skills needed to address caste-based discrimination in an effective way.

The work of Action Aid India following the Orissa floods in 2001 is an early example of the importance of accountability measures to ensure inclusivity and also to build credibility and influence government officials and institutions. Other effective measures have included setting up grievance mechanisms to enhancing or challenging defunct accountability structures through vigilance committees and people's hearings.

Accountability strengthens credibility and provides examples for government

During the Orissa floods of 2001, Action Aid worked with local partners and village reconstruction committees to establish a Food-for-Work programme targeting Dalits as the most vulnerable group. Daily work charts in public places detailed the number of people working, the jobs they were doing, and the quantity of rice available for distribution and the schedule for cash payments. 'People's hearings' acted like vigilance committees, monitoring the distribution of jobs and ensuring that corruption was curbed.

This commitment to accountability enabled them to engage more directly with the authorities. Action Aid India lobbied the Government of Orissa to make the state Relief Code more responsive to the needs of the poor. They commissioned a social audit to evaluate the Food-for-Work programme, which helped claimants voice their complaints and seek redress. Participation by women in the social audit meetings also significantly increased their participation in food-for-work. The meetings also served as a forum for ideas and changes for future programmes.

The 'downward' accountability and the right to be heard were central to the initiative, and shelters became meeting places where the most marginalised could articulate their concerns, and their voices be heard. The planning meetings with the community helped gain insight into the existing capacities of the villagers. Subsequently, information about programme scope, coverage, goals and funds would be posted on a notice board. The board also provided the name of the panchayat, the local government district to which the village belonged.

The principles of accountability and transparency not only helped deliver a more appropriate programme, they also strengthened the agency's credibility with officials at local, state and national levels in India and provided a strong example to other government and NGO institutions. ■

Advocacy that directly targets government institutions and humanitarian actors is central for building the disaster prevention and response capacity that is needed. It should hold them to account for their responsibilities to adhere to international human rights law on equality, their own national constitutions and laws, and to the humanitarian principles and standards for the provision of aid.

Establishing transparency and accountability measures with community participation at local levels has proven to be effective, whereas dialogue with National Disaster Management Authorities on policies, laws and procedures to address caste-based discrimination is another central area.

Social inclusion monitoring during and after an emergency response builds the evidence base and data necessary to identify the problems and propose concrete solutions. In addition, establishing the principle that social inclusion monitoring should be a central part of all disaster prevention and response programmes helps maintain the pressure on governments and humanitarian actors to take appropriate steps to address caste-based discrimination. A strong example of the power of social inclusion monitoring leading to advocacy can be seen in the work of the National Dalit Watch (NDW) that was established in India specifically in response to caste discrimination in disasters.

Effective civil society monitoring for ensuring inclusion

NDW started work in 2010 by commissioning monitoring studies following major flood interventions across the flood belt of India. Having gathered primary evidence of social exclusion during the disaster response NDW embarked on strategic advocacy engagement with humanitarian organisations, UN agencies and the National Disaster Management Authority (NDMA). The objective was to make them aware of caste discrimination in relief and recovery phases, and the need for effective civil society monitoring and the implementation of strong government policies to counter exclusion.

To share its findings and build the political momentum to address caste discrimination in emergencies NDW organised a national consultation on "Exclusion of Dalits in Disaster Risk Reduction Interventions – effective civil society monitoring" in collaboration with Sphere India, Cordaid and Oxfam India. The event brought together NDMA officials, representatives of NGOs, humanitarian organisations and UNDP, and academics.

As a result of the national consultation, humanitarian agencies called for a revision of the NDMA guidelines to reflect the need to address caste based discrimination. The consultation helped bring together a network of organisations to work on eliminating caste-based discrimination in disaster prevention and response, which continues to call for policy change and facilitation of good practices.

The use of campaigning for protection of Dalit rights and litigation against discriminatory government practices exemplifies the need to also activate the justice systems and make law institutions answerable to the plight of the marginalised. National Dalit Watch and other organisations in caste-affected countries of South Asia believe that this is an area where more humanitarian organisations could engage and "support advocacy of the people, by the people and for the people".

Advocacy efforts at local and national level should be complemented by international stakeholders such as UN agencies, ECHO, and international humanitarian NGOs. ■

Conclusion

States, civil society and international agencies should all address caste discrimination when providing humanitarian assistance. Humanitarian stakeholders are called upon to follow the recommendations listed in this report.

The experiences of Dalits during the relief and rehabilitation that follow disasters have demonstrated the degree to which caste discrimination by default can entrench and enhance inequity. While caste discrimination – despite laws and policies – continues to exist in day-to-day life in many countries, caste-based discrimination during disaster relief and recovery is also highly predictable. Yet humanitarian minimum standards do not currently require or guide providers of humanitarian assistance in caste-affected countries to understand and respond to caste discrimination.

However, examples of good practice in addressing caste-based discrimination in humanitarian aid and a growing recognition within the humanitarian sector of the need to be much more consciously addressing caste and issues of exclusion should give cause for optimism.

Any failure to adequately address underlying causes of vulnerability, a key concern with regard to states' implementation of the Hyogo Framework for Action on Disaster Risk Reduction, means that whilst emergency aid may be becoming more inclusive, Dalits and vulnerable groups will continue to require the bulk of it as they will continue to be the hardest hit. Unless there is a comprehensive and long-term approach to addressing caste-based discrimination in resilience-building and development across the region, millions of people, particular in South Asia, will continue to be at risk from preventable disasters.

A move away from large-scale internationally-led response efforts is happening in favour of nationally or regionally-led responses. This puts greater importance on ensuring an open discussion on the need to address caste-based discrimination in disaster prevention and response at national and regional level, and amongst international humanitarian donors and agencies working with national and regional governments.

Other emerging challenges that face this region include the impact of climate change which is increasing the frequency and severity of weather-related hazards. For vulnerable communities like Dalits this places even greater strain on their adaptive capacity; the ability to deal with shocks, stresses and change. Other aggravating factors such as rapid unplanned urbanisation, eco-system decline and population growth will continue to strain resources and risk aggravating existing vulnerabilities further.

The pre-existing conditions of vulnerabilities posed by 'untouchability' practices and discrimination are magnified into various forms

of systemic and societal exclusion of Dalits in emergency situations. As pointed out in the case study by National Dalit Watch – National Campaign on Dalit Human Rights, neglect in understanding the caste structures and how they work in disaster situations invariably result in discrimination and exclusion of Dalits and other marginalised communities in disaster response. Even in cases where there is no intentional bias against Dalit communities, the lack of knowledge about their pre-existing vulnerabilities, and the lack of targeting these communities or including them in response assessment and management result in prevailing, often discriminatory, norms of operations taking over.

It is recommended that a human rights perspective be in built into disaster response and disaster risk reduction programmes of agencies to ensure that humanitarian action meets human rights standards and the needs of rights holders. The Indian experience of caste-based discrimination documented in the case study also clearly illustrates the need for policy and legislative measures.

Governments and non-state actors involved in humanitarian response should take different measures to tackle exclusion and discrimination in humanitarian programmes. Strategies and tools should be developed in the planning, implementation and monitoring of programmes, including participatory capacity assessment and vulnerability mapping, inclusion monitoring and social equity auditing. All actors should be trained in tackling caste-based discrimination and measures should be adopted to address and challenge 'untouchability' practices in disaster response. The agency of affected communities must also be strengthened to ensure their effective participation and decision-making in humanitarian operations.

International and local humanitarian stakeholders should assist the Dalit communities in claiming their rights and entitlements and accessing available remedies from the government. They should do so with the help of information generated from tools for vulnerability mapping and inclusion monitoring, which they are encouraged to develop in localities with a sizeable population of Dalits. The above measures should be anchored in agency policies and sufficient resources must be allocated for effective implementation by governments and non-state actors.

While the state is the primary duty bearer in fulfilling human rights obligations within its borders also in disaster situations, NGOs, UN agencies and international donors assisting disaster risk reduction and response have a responsibility to respect human rights obligations. An adequate response to such obligations includes addressing caste-based discrimination. Therefore all stakeholders involved in providing humanitarian assistance in caste-affected countries are called upon to follow the recommendations and guidelines outlined in this briefing.

These Dalit women and children were left homeless in the wake of the Bihar floods in 2007. The aid that was given was stolen by the people who were supposed to deliver it. Unless there is a comprehensive and long-term approach to addressing caste discrimination in resilience-building and development across South Asia, millions of people will continue to be at risk from preventable disasters.



Recommendations

Humanitarian aid is defined by humanitarian principles of neutrality, humanity, independence and impartiality. Caste-based discrimination in the provision of humanitarian aid is a direct violation of those principles and a violation of international human rights law.⁴⁵

In order to ensure that humanitarian aid targeting disaster prevention, response and sustainable recovery is not susceptible to caste-based discrimination, humanitarian actors involved in funding or providing humanitarian aid⁴⁶ should implement the following recommendations:

Principle

Publicly recognise the problem of caste-based discrimination and exclusion in disaster prevention and response in their organisational mission, work plans, and public engagement.

1. Humanitarian actors should explicitly declare their adherence to humanitarian principles and publicly acknowledge that discrimination and exclusion on the basis of caste are violations of these principles and of international human rights law.
2. Humanitarian actors should ensure that a strong understanding and public recognition of the societal processes of caste-based exclusion at work in communities form the basis of their engagement and decision-making for humanitarian aid provision.
3. Humanitarian actors should recognise in their work and their public engagement that the inclusion of caste-affected communities, such as Dalits, is possible only through interventions that specifically engage with these communities and groups.

Practise

Encourage and adhere to a common approach to addressing the risk of caste-based discrimination in humanitarian programming across the spectrum of interventions from disaster prevention, preparedness, response and recovery.

This includes a range of steps that could be reinforcing:

1. Encourage a common approach: Working with other humanitarian actors operating in the sub-region or local area to build a common approach to addressing caste-based discrimination across interventions from disaster reduction, to response and recovery.
 - This should include the use of participatory methods such as Participatory Vulnerability and Capacity Assessments (PVCAs), social equity audits, participatory needs assessments, post-disaster needs assessments and inclusion monitoring and accountability tools.
 - It should include the collation of disaggregated data for assessments purposes, monitoring, regular information sharing as part of a co-ordinated disaster prevention or response strategy and the development of strong networks of good practice.

- It should seek to represent the delivery of existing sector-wide standards like SPHERE and build up a community of best practice on addressing caste-based discrimination that can further inform these standards.
2. Build on existing accountability commitments across the sector: Incorporating a strong focus on reducing the risk of caste-based discrimination to the delivery of accountability standards like Humanitarian Accountability Partnership (HAP). For example:
 - Including reference to addressing caste-based discrimination in its accountability framework and implementation plan for the accountability framework.
 - Ensuring appropriate understanding of caste-based discrimination as part of staff competency requirements.
 - Ensuring appropriate targeting and engagement of excluded groups for information sharing commitments.
 - Incorporating appropriate mechanisms for addressing caste discrimination (such as vulnerability mapping or inclusion monitoring tools) in delivering on participation commitments.
 - Having a specific approach to complaints mechanisms and complaints handling that takes into consideration the context of caste discrimination and how it can occur in the delivery of a programme and in the handling of complaints about that programme. This could include an inclusion monitoring tool as part of regular accountability reviews and complaints handling reviews throughout the project phase.
 - Building a strong organisational commitment to learning and continual improvement in accountability and addressing caste discrimination both within HAP certified agencies and across the wider sector.
 3. Tailor participatory approaches for programme planning with a good analysis of the risk of caste-based discrimination in different sectors: Using relevant participatory tools for assessment of the context and the risk of caste-based discrimination for programming at all stages of intervention, from vulnerability assessments and disaster risk reduction work to preparedness, response and recovery.⁴⁷ Of particular importance are:
 - Understanding pre-existing vulnerabilities of Dalit and other excluded groups, and the cross-cutting issues of e.g. gender, age and ability that will also affect members of these groups.
 - Collecting and using disaggregated data through participatory information gathering and needs assessments.
 - Understanding the issues of documentation and formal identification.
 - Understanding the particular context of risks of discrimination related to Water, Sanitation and Hygiene (WASH), medical aid and provision and preparation of food.⁴⁸
 - Understanding the context of forced labour and economic exploitation.
 - Understanding specific challenges related to settlements, housing and shelter, including in terms of documentation.

- Understanding context and discrimination risks related to caste-based violence and protection, with a particular consideration given to gendered dimensions within caste-based violence.⁴⁹
4. Remain aware of the particular vulnerability of Dalit women and the cross-cutting issues that affect exclusion: It is essential to ensure recognition of and action against the multiple and intersecting forms of discrimination against caste-affected women. Cross-cutting issues of gender, age, ability and any factors that may affect vulnerabilities and access to disaster prevention and response programmes must be duly considered.

Policy and legislation

Support the development and implementation of inclusive and appropriate disaster management laws and policies at local, national and international level that enable the effective targeting of marginalised and excluded groups for disaster prevention and response, with a specific focus on caste-based discrimination.

1. Recognise principles of inclusion in laws: Government laws and policies to address disaster risks and response must be developed and implemented in line with commitments to the Hyogo Framework for Action and internationally recognised standards like ICRC/NGO Code of Conduct, SPHERE and HAP. These must include appropriate measures to address caste-based discrimination and its role in aggravating vulnerability and undermining disaster preparedness and effective response. In order to do this government laws and policies should:
 - Explicitly recognise the context and specific needs of vulnerable groups, including Dalits and other marginalised groups.
 - Explicitly recognise humanitarian principles that guide emergency aid and international standards for the delivery of that aid including SPHERE and HAP.
 - Require the inclusion of representatives of Dalits and other marginalised groups, at national, sub-regional and local level in the development and execution of government disaster laws and policies. This should include their representation in relevant bodies and committees.
2. Build institutional structures and procedures for inclusive disaster prevention and response: Steps and procedures should be laid down through specific operational guidelines so that complete inclusion of Dalits and other marginalised groups is ensured as a non-negotiable entitlement. Requirements should be in accordance with the HAP commitment to accountability and transparency and include:
 - The officers of state agencies and humanitarian agencies should be trained and expected to recognise the societal processes of caste-based exclusion at work in communities and hence should directly reach out to these affected communities and vulnerable groups, avoiding any mediation of people from the powerful dominant communities.
 - Government agencies should seek to collect and use disaggregated data including information on marginalised groups defined by gender, caste, ethnicity, age and disability.
 - Legislated requirements for the inclusion of representatives of Dalit and marginalised groups on village level committees.
 - Establishing of village level information systems to enable the timely flow of information on Government schemes to vulnerable and excluded populations, and the articulation of the needs of vulnerable groups to the district administrators.
3. Monitor for inclusive policies: Government legislation and policies should include measures for independent monitoring of their disaster prevention and response strategies, with a specific focus on inclusivity and addressing caste discrimination.
 - Establishing complaint mechanism through Help Desks or complaint boxes placed in intervention areas to allow beneficiaries to report or complain of discrimination or any other issues and check corruption to address the issues at the very start.
 - Provision of legal aid to victims of human rights violations based on caste, ethnicity or gender.
 - Working with international agencies and across the humanitarian sector national governments should support the appointment of committees or 'Ombudspersons' to look into grievances related to exclusion of caste-affected communities in disaster prevention and response programmes.
 - Adequate guidelines and procedures should be laid down and administrative facilities provided for such committees to fulfil their functions effectively. Their recommendations should be binding for the executives, and governing boards of organisations should be liable to monitor the implementation of the recommendations for inclusive practices.
4. Reinforce accountability and inclusion through advocacy: Local, national, regional and international humanitarian actors have an important role to play in monitoring and holding governments and other humanitarian actors to account for ensuring that their humanitarian aid is inclusive and in line with humanitarian principles and international human rights law.
 - Support information-sharing and organisational learning on addressing caste-based discrimination in humanitarian programming.
 - Support financially and politically the monitoring of caste-based discrimination and exclusion in disaster prevention and response programmes by local and national organisations, including representative groups specialised in the field.
 - Recognise good work and build on best practice in addressing caste-based discrimination in humanitarian aid.
5. International donors should require inclusion and should fund advocacy to ensure accountability:
 - Donors, whether governments, UN agencies or NGOs, should require measures to address exclusion and caste-based discrimination in all the programmes they fund, with a particular emphasis on supporting measures to address caste-based discrimination as part of a comprehensive commitment to implementing HAP in programming.
 - Donors should allocate specific funding to local national, regional and international organisations working to develop the understanding and evidence for what works and engaged in monitoring and holding government and humanitarian actors accountable to humanitarian principles that include impartiality.
 - Donors should include as a standard indicator in funded projects the staff diversity of implementing entities, whether in the government, UN agencies or NGOs, looking at the efforts made to recruit Dalit staff.

Annex

Tools and methods for inclusive programming⁵⁰

It is strongly recommended that the humanitarian actors use appropriate tools based on participatory methods and principles of social equity audit for monitoring and auditing the extent of social equity and inclusion of persons affected by caste-based discrimination in disaster response and risk reduction programmes.

Where the appropriate tools do not yet exist, humanitarian actors should come together and coordinate the development of such tools. Humanitarian actors should integrate these tools into their official formats and make them mandatory in all humanitarian assistance interventions.

Vulnerability mapping tool

Tools for vulnerability mapping should enable the identification and documentation of pre-existing vulnerabilities of communities due to caste-based discrimination, and the manner in which it determines exclusion from relief and denial of access to entitlements required for recovery after disasters. It is only through this knowledge that inclusive programmes and strategies to reach out to Dalits and other marginalised groups can be devised. Vulnerability mapping tools would be even more effective when administered before disasters strike. The tools should also help the humanitarian agencies assess the gaps in existing outreach programmes and measures to fill in the gaps.

The key steps that the organisations should take while designing vulnerability mapping tools are listed below:

1. Humanitarian actors should map communities along with the areas that are prone to disasters. Pilot studies on vulnerability mapping should first be undertaken to equip oneself with the local settings and scenario.
2. The vulnerability mapping exercise should be effective in identifying the social vulnerability of Dalits exposed to natural disasters on account of cultural, geographical and political factors; and the difficulties faced by them during the disaster response phase. The humanitarian actors should simultaneously review their own disaster response in the given regions and address the procedural and other gaps which may have excluded Dalits from accessing assistance.
3. Humanitarian actors should consider constituting task forces in the regions prone to natural disasters, at local levels, comprising volunteers, preferably youth and community members including representatives of local governance with proportionate representation of women, and train them in the Dalit and excluded community perspective, and understanding Dalit vulnerability. This will also be pertinent to ensure community participation in activities devised for their benefit.
4. The task forces should be oriented on vulnerability mapping exercises along a suggestive list of indicators.

5. With the help of experts and like-minded organisations in the field of disasters, the humanitarian stakeholders should assist the volunteers in identifying caste issues in their localities which act as impediments in accessing the relief from government and humanitarian agencies. These issues can be those relating to protection and social security; caste-based practices; development policies; service delivery; locational vulnerability; political representation, etc.
6. Humanitarian actors should be able to make a check list of all those indicators of caste discrimination and exclusion which already exist among Dalits in the intervention regions.
7. The task forces should be handheld throughout the process of vulnerability mapping assessment with assistance from community based organisations possessing the required perspective and knowing the real issues of Dalits. Such organisational assistance for handholding the task forces could be solicited through the organisational policy of the humanitarian agency.
8. Humanitarian actors should conduct base line surveys in pre-disaster situations, to map vulnerabilities and capacities of Dalits, and report outcomes based on disaggregated data.
9. The findings of the base line should be able to bring out the difficulties the Dalits face due to the pre-existing vulnerabilities in disaster response and rehabilitation, in claiming their entitlements and rights from the government. It is also desirable that the successive exercises result in the refinement of the present tool from inputs from the field and its findings disseminated for larger advocacy.
10. Hold meetings with the Dalit communities in areas accessible to them and share the consolidated findings with them. The objective of vulnerability mapping exercise is to make communities aware of their weaknesses to work towards their resilience.

Inclusion monitoring tool

With the information gathered from the vulnerability mapping exercise in the disaster prone regions, in pre-disaster scenarios, the next level is to monitor inclusion when disaster have struck. The Inclusion monitoring exercise should be equipped to work at two levels. Firstly, it should generate knowledge of vulnerabilities of Dalits for humanitarian stakeholders to target their response aid to the identified Dalit habitats where response does not reach due to various systemic and other identified reasons. Secondly, this exercise should enable the humanitarian stakeholders to assess the actual receipt of relief services by Dalits, when both government and humanitarian aid has reached the disaster hit areas. This will further improve the responsiveness of the humanitarian stakeholders and help generate data for assisting the Dalit victims in securing their entitlements and doing advocacy at various levels.

The key steps that the organisations should take while designing inclusion monitoring tools are listed below:

1. The inclusion monitoring tool should be designed in view of available information on the likely nature of discrimination and exclusion that occurs in the recovery and reconstruction phase.
2. The inclusion monitoring survey should be ideally commissioned at the conclusion of the response phase. The study should include Dalit stakeholders and /or a consortium of like-minded civil society organisations. Inclusion monitoring exercises should be able to identify the real issues/measures of exclusion (WHAT?); the nature of exclusion (HOW?) and the agents of exclusion. The agents of exclusion can be the government administration, community groups, political factions, CSOs (NGOs, INGOs or corporates), across different phases of a disaster.
3. The community should be able to identify its own vulnerabilities and capacities, accessible public schemes and packages on relief and entitlements; and provisions for special services for particular groups such as disabled, children, orphans or widows. The community should also be enabled to keep track of how much it has received, and be informed which allocating disaster management authority or government body provided it with aid.
4. Humanitarian actors with experience will have to handhold the communities to enable them to assess the above.
5. It is recommended that the humanitarian actors seek information on the relief and compensation packages of the government directly wherever possible, or through their implementing partners, through available legislations that allow the disclosure of public information to the citizens (e.g. as the Right to Information Act in India).
6. The information received through right to information legislations should help the humanitarian stakeholders to channel their humanitarian aid to the most vulnerable and excluded groups.
7. On the basis of information generated from the inclusion monitoring exercise the humanitarian stakeholders are encouraged to facilitate the Dalit communities to file applications and memoranda for claiming their rights and entitlements from the government. In this exercise, it is very important to ascertain through inclusion monitoring, the existence or non-existence of personal documents (such as social security card, voter card, Public Distribution System card, Below Poverty Line card and the like, as may be relevant to the country in question) that would make them eligible for government relief and rehabilitation programmes.
8. Facilitate and/or steer the formation of NGO-driven core groups to convincingly advocate, follow up, and review the process of securing entitlements for Dalit victims. The group should also be supported in partaking in the formation of disaster management plans at provincial and local levels.
9. Effective media advocacy through press meetings and media briefings should be aimed at disseminating the findings of discrimination to the wider public and authorities. This again could be done through partnering organisations if not directly.

Method for inclusive response programming

The steps listed below will enable humanitarian stakeholders to ensure that their Disaster Relief and Disaster Risk Reduction programmes include Dalits.

1. Humanitarian actors should endeavour to reach out to the vulnerable Dalit communities in disasters through Dalit representatives and volunteers. For this it is important to formally integrate local, decentralised organisations – such as community based organisations – into preparedness activities and response plans.
2. Humanitarian actors should diversify emergency response workforces at the regional and local levels to reflect the diversity in local populations.
 - With the information generated from the pre-disaster vulnerability mapping, the international humanitarian stakeholders should plan their disaster response and rehabilitation processes towards reducing caste discrimination.
 - Establish Women and Children's units during the intervention period in villages, and/or involve experts or organisations working on excluded and marginalised communities' women and children. These should identify pre-existing and current vulnerabilities in order to design accurate need-based programmes for disaster response.
 - Humanitarian actors should engage existing social service providers to prepare for and respond in case of disasters, rather than depending solely on specialised emergency personnel.
 - Existing social service providers, community-based organisations and like-minded agencies, together with the capacitated community members should be able to conduct needs assessments.
 - Encourage active presence of members of the excluded communities in relief programmes, including for example the organisation of community kitchens.
 - Provide targeted and prioritised assistance to the marginalised excluded communities in setting up small businesses. It may also be desirable to run programmes like Cash for Work (CfW) to ensure 'x' no. of working days to at least one member of the family with minimum wages per day as fixed by the government, and monitor equal pay.
 - CfW programmes should also be used to support the reconstruction of infrastructure and housing to raise the plinth level of existing and new houses of the Dalits frequently exposed to water disasters, eventually addressing long term need of safe housing.
 - The right to water and sanitation is inextricably related to other human rights, including the right to health, the right to housing and the right to adequate food. As such, it is part of the guarantees essential for human survival. People affected by disasters are generally much more susceptible to illness

and death from disease, which to a large extent are related to inadequate sanitation, inadequate water supplies and inability to maintain good hygiene. Therefore, humanitarian actors should pay special attention to the needs of Dalits with respect to Water, Sanitation and Hygiene (WASH). Special care needs to be taken to ensure that the relief guidelines on WASH, medical aid, drinking water and food take cognisance of caste discrimination and include Dalits and the socially excluded as a vulnerable group.

- Steps to ensure WASH to the excluded communities could be as below:
 - a. Identify water demand requirement of evacuees and the purification and treatment process to be applied.
 - b. Encourage representation and participation of Dalit women and men in planning and managing the areas where they can easily access water. The various physical, cultural, economic and social barriers they may face in accessing these services in an equitable manner also need to be addressed.
 - c. Institute water sources in areas easily accessible to the members of Dalit communities where practices of caste discrimination hinder their access to such sources.
 - d. Provide support in identifying WASH needs, monitoring status and progress of WASH related issues in the evacuation centres, and temporary relocation sites of Dalit communities.
 - e. Form WASH clusters at village levels to conduct sanitary vulnerability assessment and hold meetings of the WASH Cluster at a feasible frequency where needs and gaps are discussed and addressed. These clusters should comprise a good number of women from the communities themselves (task forces should be used for this assessment).
 - f. Distribute WASH kits (hygiene, water, household cleaning kits) regularly.
 - g. Disseminating situational reports concerning evacuation sites and relocation sites regularly to the concerned authorities and wider civil society organisations (being partnered and otherwise).
 - h. Create awareness in the communities of the significance of WASH.
 - i. Protective measures for affected persons, e.g. lighting of water points and sanitation areas in camps and collective centres to prevent or reduce instances of gender-based violence and abuse.

References

[Caste discrimination: A Global Concern](#)
(Human Rights Watch, 2001)

[Compilation of References to Caste-based Discrimination by UN Treaty Bodies, Universal Periodic Review, and UN Special Procedures](#)
(IDSN, 2013)

[Draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent](#)
(UN document A/ HRC/11/CRP.3)

Gill, Timothy: [Making things worse: How caste Blindness in an Indian post-tsunami recovery has exacerbated vulnerability and exclusion](#)
(Dalit Network Netherlands, 2007)

Irudayam s.j., Aloysius et al: [Dalit Women Speak Out – Violence against Dalit Women in India](#) (National Campaign on Dalit Human Rights, 2006)

Johns, Hannah: [Stigmatization of Dalits in access to water and sanitation in India](#)
(NCDHR, 2012)

Macqueen, Lee: [Addressing caste discrimination in humanitarian response](#)
(National Dalit Watch-National Campaign on Dalit Human Rights, 2011)

Nöhrind, Rikke: [Caste-based discrimination in South Asia](#) (IDSN, 2009)

Silva, Kalinga Tudor & Sivapragasam P.P. & Thanges, Paramsothy: [Casteless or Casteblind? The dynamics of concealed caste discrimination, social exclusion and protest in Sri Lanka](#) (IDSN/IIDS, 2009)

[The Sphere Project: Humanitarian Charter and Minimum Standards in Humanitarian Response](#) (also known as the Sphere Handbook), 2011 Edition

Notes

- 1 (a) Timothy Gill: [Making things worse: How caste-blindness in an Indian post-tsunami recovery has exacerbated vulnerability and exclusion](#) (Dalit Network Netherlands, 2007)
- (b) [Exclusion of Dalits in Flood Rehabilitation](#), Bijapur district, Karnataka, 2009 (HRFDL-K and National Dalit Watch)
- (c) [The Excluded in Relief and Rehabilitation](#), 2009-10 floods, Andhra Pradesh (Dalit Watch-AP and National Dalit Watch)
- (d) [Status of implementation of the Calamity Relief Fund in SC villages of Dhakuakhana block of Lakhimpur district](#) (Assam) during flood and Post flood-2008/09 (RVC Assam and National Dalit Watch)
- (e) [The Affected and the Relief and Rehabilitation-Status report on Bihar Flood 2007](#) (Dalit Watch-Bihar and National Dalit Watch)
- (f) [For a Morsel of Life! ...Bihar Relief Camps report](#), 2008 (Dalit Watch Bihar and National Dalit Watch)
- 2 [Draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent](#) (A/HRC/11/CRP.3)
- 3 For a more detailed explanation of the caste system, see Lee Macqueen: [Addressing Caste Discrimination in Humanitarian Response](#) (National Dalit Watch-National Campaign on Dalit Human Rights, 2011), p. 1; or Rikke Nöhrind: [Caste-based discrimination in South Asia](#) (IDSN, 2009), p. 2
- 4 Kalinga Tudor Silva et al: [Casteless or Caste-blind? The dynamics of concealed caste discrimination, social exclusion and protest in Sri Lanka](#) (IDSN/IIDS, 2009)
- 5 (a) The Excluded in Relief and Rehabilitation...
- (b) Aloysius Irudayam et al: [Dalit Women Speak Out – Violence against Dalit Women in India](#) (National Campaign on Dalit Human Rights, 2006).
- (c) [IDSN Briefing Paper on Dalit Women](#)
- 6 (a) [Compilation of References to Caste-based Discrimination by UN Treaty Bodies, Universal Periodic Review, and UN Special Procedures](#) (IDSN)
- (b) Draft UN Principles and Guidelines...
- 7 See note 1
- 8 See Macqueen: Addressing Caste Discrimination..., pp 37-61
- 9 National Consultation on '[Exclusion of Dalits – Disaster Risk Reduction interventions – Effective civil society monitoring](#)', June 18-19 2010, New Delhi, India, and the National Consultation on '[Addressing Caste Based Discrimination in Disaster Response](#)', 14-15 December 2011, New Delhi, India
- 10 (a) [Declaration and Recommendations](#) from the International Consultation on Good Practices and Strategies to Eliminate Caste-Based Discrimination, 29 Nov-1 Dec, 2011 in Kathmandu, Nepal (IDSN)
- (b) [Report on the International Consultation](#) on Good Practices and Strategies to Eliminate Caste-Based Discrimination
- 11 Gill: Making things worse, p. 12
- 12 See for example: [Caste Discrimination: A Global Concern](#) (Human Rights Watch 2001), p. 6; Gill, Making things worse, pp 22-23; Silva: Casteless or Caste-blind, p. 75
- 13 [The United Nations Development Programme \(UNDP\) report on the Kosi floods](#) identified that among Dalit households three in four were landless or near-landless.
- 14 For more information on bonded labour, see [IDSN Briefing Paper: Dalits, Forced and Bonded Labour](#)
- 15 Gill: Making things worse, p. 9, and [Johns: Stigmatization of Dalits in access to water and sanitation in India](#) (NCDHR, 2012), p. 6
- 16 A summary of reports on caste-based discrimination in humanitarian work by National Dalit Watch and the National Campaign on Dalit Human Rights can be found at <http://www.indiawaterportal.org/post/31517>
- 17 G. Price and M. Bhatt: [The role of the affected state in humanitarian action: A case study on India](#), April 2009, pp 6-15
- 18 See Macqueen: Addressing Caste Discrimination... p. 3
- 19 Gill: Making things worse, p. 22
- 20 Ibid
- 21 [Caste discrimination affects disaster relief efforts for Dalits in Nepal](#), May 9, 2011, by Asian Human Rights Commission.
- 22 [Real-time Equity Monitoring in Disaster Response](#), Lessons Learnt from Indian Experiences, UNICEF India, 2009
- 23 OHCHR Report: "[Opening the Door to Equality: Access to Justice for Dalits in Nepal](#)", 2011.
- 24 See note 6
- 25 [CERD General Recommendation XXIX](#)
- 26 For more detail on the Indian legislative framework for disaster management, see Macqueen: Addressing Caste Discrimination..., pp 66-70.
- 27 [The Sphere Project: Humanitarian Charter and Minimum Standards in Humanitarian Response](#) (also known as the Sphere Handbook), 2011 Edition, p. 55: Core Standard 1, Key Actions: Ensure a balanced representation... (to be read in conjunction with the guidance note 3, p.57)
- 28 Ibid, p. 4
- 29 Ibid, p. 54, Core Standard on vulnerability: "...People are, or become, more vulnerable to disasters due to a combination of physical, social, environmental and political factors. They may be marginalised by their society due to their ethnicity, age, sex, disability, class or caste, political affiliations or religion." See also p. 64.
- 30 Ibid, 6. The right to receive humanitarian assistance, p. 22
- 31 Ibid, Vulnerability, p. 54
- 32 Ibid, Understanding the Protection Principles, Principle 2, p. 30
- 33 Ibid, Protection Principle 4, p. 41
- 34 Ibid, Protection Principle 4, p. 41
- 35 Ibid: Core Standard 6: Aid worker performance: Recruit teams..., p. 71
- 36 Ibid: Access and Equity, p. 99
- 37 [Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters](#), International Strategy for Disaster Reduction
- 38 [HAP Standard in Accountability and Quality Management: The HAP Standard Principles](#), pp 8-9
- 39 [ECB Project: The Good Enough Guide](#)
- 40 For further detail see [People in Aid Code of Good Practice](#), p. 8
- 41 [Joint Standards Initiative](#)
- 42 The Declaration from the International Consultation on Good Practices and Strategies to Eliminate Caste-Based Discrimination outlines crosscutting principles
- 43 Macqueen: Addressing Caste Discrimination..., pp 59-61
- 44 Action Aid, Concern, German Agro Action, ADRA India, CASA and Handicap International
- 45 See for example [ICRC Code of Conduct](#), p. 3
- 46 Including, where applicable, donors of Humanitarian Aid, national and local government agencies, UN agencies, international NGOs, national and local NGOs, religious organisations and networks, not-for-profit organisations and international and local private business.
- 47 For more detail, see Macqueen: Addressing Caste discrimination..., pp 15-20
- 48 Ibid, p. 19
- 49 Where emergency response is at a global level and involves a UN cluster system, the role of the UN protection cluster can play an important role in issues of security and protection to particularly vulnerable groups like Dalits.
- 50 For more details on these tools please see Macqueen: Addressing Caste Discrimination..., pp 14-20



Dalits are more vulnerable than other groups to both natural and human-made disasters for a number of reasons. These include the location of their homes, usually in marginal lands in the periphery of settlements, and the nature of their housing – Dalits often have little or no land rights. This area in Bihar, India, was severely affected by the 2007 floods.

This report is an outcome of an EU-funded initiative by the International Dalit Solidarity Network (IDSN).

IDSN was founded in March 2000 to advocate for Dalit human rights and raise awareness of caste discrimination nationally and internationally. IDSN is a network of international human rights groups, development agencies, national Dalit solidarity networks from Europe, and national platforms in caste-affected countries.

The network has had a significant impact on the internationalisation of caste discrimination as a critical human rights issue. Through engagement with UN, EU and other multilateral institutions, IDSN has successfully lobbied for action-oriented approaches to address 'untouchability' and other human rights abuses against Dalits in South Asia and similar communities around the world that suffer discrimination on the basis of work and descent.

IDSN bases its work on contributions from members and associates. Joint interventions in the United Nations and the EU constitute a major part of the network's activities. IDSN produces crucial input in the form of documentation, strategic interventions and lobby action and also supports national level lobbying. The Copenhagen-based secretariat coordinates lobby and advocacy activities in close cooperation with members, associates and alliance partners.

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Equality in Aid: Addressing Caste Discrimination in Humanitarian Response

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This briefing was prepared on the basis of a comprehensive study "Addressing caste discrimination in humanitarian response" by National Dalit Watch-National Campaign on Dalit Human Rights, India

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The comprehensive study is available on the Internet at <http://idsn.org/HumanitarianResponse>

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International Dalit Solidarity Network
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