

“Caste based gender violence – Dalit women’s security and access to justice”

Presentation of Ms. Thilagam Ramalingam (EVIDENCE / International Dalit Solidarity Network)

Agenda Item 6: Avoiding renewed violence – building the peace and managing diversity

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Dalit women and girls face extreme forms of violence and multiple discrimination as they are considered to be at the bottom of social hierarchical order – the caste system. The caste system, estimated to affect 260 million people globally, declares Dalit women to be intrinsically impure and ‘untouchable’, which sanctions social exclusion and exploitation.

The caste society which is inherently violent in nature, unleashes violence on dalit women because of a combination of three forms of discrimination – caste, class and gender. Violence against Dalit women is most often used as a means of punishment and demonstration of power by the dominant castes towards both the women and their community. Forms of Violence encompassing physical, sexual, psychological, social and economical harm are perpetrated against women and girls from dalit communities¹ and specifically include sexual violence, forced labour and slavery, trafficking, abduction and physical and verbal abuse.

“The National Crime Records Bureau data records reveal that more than 5 Dalit women are raped every day in India”²

“Various independent reports reveal the rise in atrocities against Dalits and Dalit women”³

More than 2 cases of rape every hour every day – an analysis of cases reported between 2001-2013 by says⁴.”

Moreover, Dalit women are often victims of trafficking and forced sexual labour, such as the *devadasi* and *jogini* systems of forced prostitution in India and in Nepal. In Pakistan, women from ‘scheduled castes’ fall victims to sexual abuse, abduction and forced conversion of religion. Although it is alarming, crimes are grossly underreported and the levels of enduring violence against dalit and other minority women and girls is much higher than official data shows.

Violence is perpetuated against Dalit women each day in both public and private spheres by the family, community and State actors. Dalit women and girls who challenge caste hierarchies or stand

¹ Violence they experience includes: sexual violence, including sexual exploitation/abuse and forced prostitution, human trafficking; domestic violence; harmful discriminatory practices such as devadasi system; honor killings; bonded labour, denial of education, access to land and resources, the practice of manual scavenging

² <http://ncrb.gov.in/CD-CII2013/CII13-TABLES/Table%207.2.pdf>

³ <http://www.thehindu.com/news/cities/Madurai/sharp-rise-in-atrocities-against-dalit-women-in-south-tn-study/article5220644.ece>

⁴ <http://www.humanrightsinitiative.org/postoftheday/Rape-NCRBstats-CHRIanalysis-NDelhi-VenkatN-Jul14.pdf>

up for their rights are frequently targeted with violent retaliation by those who benefit from the caste system.

Irrespective of reports available at national and international level on the situation of dalits; Interventions made before local and international human rights mechanisms to address the inhuman oppression; Observations, recommendations and remarks by international bodies and human rights institutions including the UN High Commissioner and UN Secretary General, the governments of caste affected countries continue to be in denial. India denied caste as a factor of gender inequality in the recently held Asian and Pacific Conference on Gender Equality and Women's Empowerment: Beijing +20⁵. India's reluctance to acknowledge the reality, to accept its responsibility to uphold the legal obligations to address the discrimination and cruelty of the caste system, continues. Yes, our country has guaranteed constitutional safeguards and mechanisms to protect dalit and other minority women. But still caste discrimination continues to be a social evil experienced everyday in several covert forms, and in acts of brutal violence. The reality proves that governments have failed in its due diligence to protect the rights of dalit women and girls; the laws are not effectively implemented to prevent the atrocities against dalit and minority women. The Government has failed to challenge the deep-rooted discriminatory attitudes that underpin the caste system and subordination of women. This failure and the callous apathy of the system in responding to cases of violence against Dalit women and girls, has indeed perpetuated impunity. Most women do not report violence and studies shows that only 1% of the cases that are actually filed end in convictions⁶. Whereas the conviction rate for rapes against women in India is around 25%, it is only 2% for women of caste-affected communities⁷.

Caste is not an issue confined to India alone, it is a global issue, it is not only an issue of dalits alone, it is an issue against humanity. Therefore I urge the governments of all caste affected countries, to break the denial, to recognise the greatest struggle for human dignity, to show full commitment to eradicate the age old structures that are the root causes for the discrimination and violence faced by dalit and other minority women.

Finally, as caste-based gender violence is widespread and enduring, systematic, rights-based and holistic efforts are needed to ensure security and access to justice for dalit and minority women.

While endorsing the draft recommendations, I call upon the forum to include caste-based discrimination on par with other forms of discrimination in the recommendations and to explicitly

⁵<http://www.thehindu.com/news/national/india-denies-caste-as-factor-of-gender-inequality/article6612210.ece>

⁶IDSN key issue paper on Dalit women: IDSN briefing paper on Dalit Women
http://idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Dalit_Women/DALIT_WOMEN_-_IDSN_briefing_paper.pdf

⁷<http://timesofindia.indiatimes.com/city/jaipur/Dalit-women-cases-Crime-conviction-rate-poor/articleshow/9131045.cms?referral=PM>

mention and consider caste identities and caste-affected communities in the calls for particular focuses in approaches, policy and legislation. I would also call for promotion and support for the endorsement of the UN draft Principles and Guidelines for the Effective Elimination on Discrimination based on Work and Descent.

As an Immediate measure, Governments should:

- a. Ensure enabling environment for minority women to access formal justice - by identifying and breaking the barriers that minority women face while accessing justice.
- b. Ensure Law enforcement agencies and other state mechanisms – bureaucrats, welfare departments, medical and para medical agencies, local bodies - are sensitized for effectively addressing the grievances of the minority women and her community. Where officials fail to undertake their duty to protect and assist minority women without discrimination, they must be held accountable for their actions
- c. Conduct Fact- finding and research to understand the violence and its underlying root causes and implement policies and programmes to address the root causes
- d. Ensure that Dalit and other minority women who report violence are protected from retaliation and prevent renewed violence against them including social boycotts and restrictions against dalit women and the community

Preventive measures

- a. With an effective implementation and enforcement of laws, the government should also address attitudes and prejudices that lead to violence and foster the culture of impunity. They should conduct public campaigns to promote equality and challenge discrimination for example through schools and the media
- b. Initiate processes to challenge discrimination based on caste and gender by encouraging dialogue and sensitisation of non dalit communities and men.
- c. The government should identify caste gender conflict prone areas and provide additional resources to address underlying issues in these areas.
- d. Caste and gender disaggregated data is to be collected, analysed and made publically available.