



REPORT on UN Human Rights Council 26th session, 17th June 2014, side-event:

CASTE-BASED VIOLENCE AGAINST WOMEN

THE ROLE OF THE UN IN COMBATting CASTE-BASED VIOLENCE AND DISCRIMINATION

The side-event heard calls from top UN officials for a coherent and coordinated approach from the UN in tackling caste-based violence and discrimination, with a particular focus on women and girls. Ms. Navi Pillay, UN High Commissioner for Human Rights, expressed great concern for the issue of caste-based violence and discrimination and said that,

“Our outrage is not enough. We must take real and focused action to mend our societies' dramatic failure to support the rights of people of discriminated castes, particularly women and girls.”



Dalit women human rights defenders from South Asia spoke of escalating brutality and violence against Dalit women who assert their rights and called for their Governments to take serious action to implement laws meant to protect them and for the international community to support their struggle.

The Permanent Mission of India to the United Nations in Geneva spoke from the floor, acknowledging the gravity of the issue and that implementation of the laws meant to protect Dalits in India was a very difficult task due to the deep roots of this complex issue. The representative said that the Government of India acknowledged that access to justice is a problem for Dalits, who represent a very vulnerable group in India.

Calls from all sides came for the launch of a coordinated global strategy for action between multiple stakeholders to address caste-based violence and discrimination. The UN Women policy director, Saraswathi Menon, summed up the sentiments of the speakers in her statement,



“Words and legislation is not enough we need concrete action. Legislation alone does not address structural discrimination. The UN has an important role to play and must step up to the plate to help stop caste-based violence against women.”

The side-event was sponsored by Human Rights Watch, International Movement against all forms of Discrimination and Racism, Minority Rights Group, Franciscan International, and Asian Forum for Human Rights and Development, organised in association with the International Dalit Solidarity Network (IDSN) and co-sponsored by Denmark and Norway. The event was well attended and had good state representation.



Ms. Navi Pillay, the UN High Commissioner for Human Rights, opened the event with a statement on the magnitude and gravity of caste-based violence and the need for concerted action. “There is a fundamental need for renewed effort to train law enforcement, the judiciary and other key duty bearers to ensure that cases are properly handled from this point on, and that they act in conformity with international obligations,” Ms. Pillay said, adding that,

“Violence against women of poorly regarded castes has very deep roots, which cannot be tackled without far-reaching efforts. Clearly laws are necessary, but they are not enough ... there must also be fundamental change within communities, to peel off, layer by layer, the mind-set that generates caste discrimination and bigotry,”

Ms. Pillay recounted the multitude of recommendations from Special Rapporteurs, Treaty Bodies, and the Universal Periodic Review Working Group and urged implementation by governments.

“I urge governments to fully implement all the recommendations made by international human rights mechanisms, as well as those arising from national processes,” she said adding that,

“Our outrage is not enough. We must take real and focused action to mend our societies' dramatic failure to support the rights of people of discriminated castes, particularly women and girls”.

Caste-based violence is escalating – impunity is a key challenge



Ms. Asha Kowtal, General Secretary of the All India Dalit Women Rights Forum (AIDMAM), spoke on the Dalit women’s struggle for justice in India and the frustration of the Dalit women’s movement with growing impunity or the lack of implementation of laws even in the face of escalating violence against Dalit women in India.

“A caste society has a crippling effect on everybody, but it is clear that when Dalits attempt to move socially, culturally or economically forward it is the bodies of Dalit women that are attacked with reprisal violence,” Ms. Kowtal said adding that, “As we move from Dalit women’s victimhood to assertion and empowerment this backlash violence is escalating.”

Ms. Kowtal added that following such acts of violence a whole chain of impunity ensues when it is dominant caste members who are perpetrators placing severe barriers on access to justice for Dalit women. She stated that,

“Caste-based rape and violence against Dalit women and girls is escalating as we fight to claim justice. The brutality of the crimes is becoming increasingly severe. Systems of justice

meant to protect Dalit women at the national level are completely failing us. That is why we are asking for immediate loud and clear global solidarity in our struggle.”

“From the ground level to the higher levels of governance we are seeing a whole pipeline of impunity and acts of reprisal that extends right from the ground level right up to the world’s highest international human rights body,” she said.

Caste is not cultural, caste is criminal

“We are calling out to the United Nations and to the member states to name caste-based discrimination specifically as a gross human rights issue to be directly addressed. They must foster a strong political will to call out the perpetrators anywhere in the pipeline of impunity that they are found. We need to do this urgently for even as we sit here in the halls of the United Nations, our women, our children and our men are losing their lives and their dignity.”

“Caste is not cultural, caste is criminal,” Ms. Kowtal ended, “We are not asking for rocket science we are just asking for the laws to be implemented and for political support on a global, national and local level to end caste-based violence and discrimination.”



Ms. Manjula Pradeep, Director of Navsarjan Trust, spoke about the fact that caste-based discrimination extends far beyond the borders of India and exists in many countries across the world including in Nepal, Bangladesh, Pakistan and Sri Lanka.

“Violence against Dalit women and girls is used as a tool by the dominant communities to shame the Dalit communities. The forms of violence on Dalit women and girls which are more prominent and reported are rapes, gang rapes, murder, mass attacks in most caste-affected countries in South Asia,” Ms. Pradeep said.

Certain patterns and forms of caste-based violence against Dalit women are similar in the caste-affected countries and certain are more prominent in some of these countries, Ms. Pradeep explained saying that,

“Stripping and naked parading and forced temple prostitution in India are certain forms of violence against Dalit women which differ from the other caste-affected countries. Similarly, forced conversion of Dalit girls in Pakistan is a pattern of violence against Dalit women which is unique in the given context of caste-based violence in South Asia.”

She said that despite the protection through legislation by the government of India and Nepal, the situation and condition of Dalit women and girls is getting worse and worse. She also noted that Dalits in Pakistan, Bangladesh and Sri Lanka, are in minority and have not been adequately recognized in their constitution or through special legislation, leading to a

lack of safeguards and protective mechanism to protect their rights making the situation of Dalit women most of the times hidden, unseen and neglected. She highlighted caste-based slavery and bonded labour as a common thread in many caste-affected countries in South Asia.

“While India continues to boast about its affirmative action and the laws enacted for the protection of the rights of the Dalits and women, it has forgone to analyse the situation of Dalit women. Caste vis a vis gender is ignored and there is no framework on the basis of which a reformative action could be developed which can review the legislations, policies, programmes and bring amendments,” Ms. Pradeep commented.

Caste is global – end the silence

Ms. Pradeep mentioned that the silencing of global discussions on caste by the Indian Government had a crippling affect not only on Dalit women in India but in other caste-affected countries too. Given the variations among caste-affected countries and the lack of focus on the intersectional caste/gender discrimination in these countries, Pradeep highlighted the need for a regional study on violence against Dalit women and impunity in caste-affected countries, by the OHCHR and UN Women jointly.

“There is a need for high-level advocacy by the OHCHR and UN Agencies to address caste-based discrimination and the intersection of caste and gender,” she said.

She underlined that much more is needed from the international community and the United Nations to address the concerns of Dalit women and girls in the South Asian region. The Governments of caste-affected countries need to recognize the situation of the Dalits and Dalit women and create mechanisms to protect their rights, she said.

OHCHR and UN Agencies have a significant role to play



Ms. Durga Sob, President of the Feminist Dalit Organisation in Nepal, went on to speak more specifically about the challenges faced by Dalit women in Nepal including poverty, violence, rape, caste-based slavery and forced prostitution. Ms. Sob highlighted impunity and the failure of the systems of justice to implement the rule of law, as key issues in Nepal.

She explained that the UN has played a significant role in uplifting the situation of Dalit women, for instance, through the presence of the former OHCHR office. Ms. Sob said the OHCHR office had sensitized the Government of Nepal to introduce special measures to end caste-based discrimination. She also pointed out that the OHCHR has worked with the National Dalit Commission to draft a bill to foster the independence of the commission and launched a campaign against caste-based discrimination as well as providing key strategic recommendations.

Ms. Sob said that the current policies of Nepal's government are inadequate to address Dalit women's issues which need to be specifically addressed rather than generally. Dalit women's issues should be linked up to the international arena so that international solidarity can be created. To create a just and equitable society, it is also necessary to promote men, youth and non-Dalit support and engagement as well, she commented.

However, Ms. Sob expressed the need for the OHCHR to organize training to enhance and strengthen the capacity of Dalit women in South Asia, including on the use of UN human rights mechanisms. Regional consultations on caste-based discrimination should be continued and she suggested a thematic focus on Dalit women in the next consultation. She also mentioned the important role that UN Women could play in Nepal to support Dalit women and that the UNDP and UN agencies should mainstream the issue of Dalit women and non-discrimination as a cross-cutting issue. Ms. Sob furthermore recommended that Special Rapporteurs dealing with social, economic and sanitation issues as well as violence against women and the enforcement of the rule of law, should visit Nepal to contribute with their recommendations.

Recognize caste-based discrimination as an international human rights issue



Ms. Julie de Rivero, Geneva Advocacy Director, Human Rights Watch, presented documentation on abuses against Dalit women and used new extensive research by Human Rights Watch into manual scavenging in India, as an example. The research finds that despite the existence of new legislation banning manual scavenging, with provisions for the rehabilitation of manual scavengers who leave this work, legislation is not implemented.

The degrading practice continues unabated, enforced by threats and reprisals on 'scavengers' if they refuse to carry out their work, and barriers to access the labour market.

Ms. de Rivero explained that the Government denial in relation to the widespread existence of manual scavenging and its failure to provide proper sanitation continues to trap manual scavengers in this inhuman occupation.

Ms. de Rivero urged the Indian government to take action to implement laws and respect international responsibilities. She recommended that livelihood schemes should be made gender sensitive, that caste-based discrimination should be recognized as an international human rights violation and that the draft UN Principles and Guidelines for the Elimination of Caste-Based Discrimination should be endorsed and adopted.

A holistic approach necessary to change ingrained mind-sets



Ms. Rita Izsák, UN Special Rapporteur on Minority Issues, spoke of the grave human rights situation facing victims of caste-based violence and discrimination and commended Dalit women in South Asia for mobilising collective efforts to fight for their rights.

She mentioned the problem of multiple perpetrators, and that violence is frequently silenced with a tendency to put the blame on the victim, resulting in widespread underreporting of cases. She also said that in her work she saw human rights violations of Dalit women that were not purely physical but also social and economic. As reported in her 2014 report, Dalit girls have lower literacy levels, drop-out rates are higher and Dalit girls are prevented from pursuing an education due to deep-rooted discrimination.

She pointed out the need to address lack of implementation of legislation but also the 'mind-set' that is making it so difficult to achieve progress on this issue. To tackle this mind-set Ms. Izsák saw educational policies and sensitisation as playing key roles.

Ms. Izsák recommended that the Special Rapporteurs work together to address the cross cutting issue of caste-based violence and discrimination and she called for a September 2014 meeting with Special Procedures mandate holders to move forward in tackling this challenging issue.

In terms of UN action she suggested that Special Rapporteurs be invited for country visits to caste-affected countries and that UN stakeholders should look to the draft UN Principles and Guidelines on the Elimination of Caste-Based Discrimination for guidance. Where possible, the implementation of recommendations from International Human Rights Mechanisms should also be supported. She recommended that,

"In order to confront and end violence, we must take a holistic approach and address causes of violence. Special Procedures took action in 2013 and came out with a joint press release. More action should be taken."

The UN must step up to the plate to fight caste-based violence against women



Saraswathi Menon, Director, Policy Division, UN Women, saw the UN playing an important role in carrying out many of the recommendations brought forward to end caste-based violence and discrimination against women and girls. She commented that while caste-based discrimination was widespread in India there is, "a failure to implement laws and a tendency to minimize the gravity of the situation."

She also spoke about the global level saying that, “while countries in South Asia are witness to some of the most severe forms of caste-based discrimination, human rights treaty bodies have, to date, made recommendations regarding caste for 22 different countries.”

Ms. Menon stated that victims, “too often face additional abuse and discrimination from the very officials and service providers who should provide them with support. Survivors are often accused of ‘dishonouring’ themselves.” She highlighted a need to focus on the structural nature of the intersection of caste and gender that legislation alone fails to address. “We want to capture that women are targeted for punitive violence when they transgress caste, by the community, and when seeking to organise and defend their rights and the rights of others,” she said.

“We welcome the 2011 report of the Special Rapporteur on Violence against Women to the Council, which calls for a holistic approach to address intersecting and multiple forms of discrimination and violence based on existing obligations. What does this mean in practice?” she asked and offered a six-step recommendation.

Six key recommendations from UN Women

“First to make human rights a reality for women and girls, States must recognize that women are not a homogenous group. They must consider how discrimination affects women in different ways depending on how they are positioned within social, economic and cultural hierarchies. This demands a holistic look at the way societies are organized and the differential impact of discrimination on the various groups within it. Violence against caste-affected communities cannot be eliminated without a comprehensive approach to realizing all their human rights – civil, political, social, economic and cultural.

Second, efforts to end all forms of violence against women must focus not only on the immediate impact of individual incidents of abuse, but must challenge the fundamental and specific inequalities, marginalization and systematic discrimination that women of face.

Third, national laws, policies and institutions addressing violence against women need to explicitly recognize intersectionality and the specificity of compounded discriminations. Data collection, research and analysis must capture the complexities of gender and caste. Interventions across sectors must be tailored for specific communities and monitored using indicators and targets that capture intersectionality and proactive positive measures taken to dismantle entrenched patterns of discrimination.

Fourth, efforts must tackle the broader social norms, perceptions, attitudes and beliefs that perpetuate prejudices and stereotypes of hierarchy, domination and exclusion that the caste system and gender inequality reveal.

Fifth and perhaps most importantly women and girls must collectively be able to claim their rights. Solidarity across different social movements will strengthen public action in address violence against women and girls from caste-affected communities. Accountability systems

must be put in place, and measures strengthened to ensure that women are empowered to claim their rights and have access to redress and remedies through both formal and informal justice systems.

Sixth, the work carried out by women human rights defenders must be recognized as legitimate and essential, and it must be ensured that women human rights defenders can carry out their work free of attacks and violence.”

Rounding up Ms. Menon stated that, “The UN has a role to play in all these recommendations – through programmes, research, in terms of convening our goals, advising on legal reform and the important role of human rights mechanisms. This is raised through many human rights mechanisms but we are not putting it together – we need to do this more coherently ... Words and legislation is not enough we need concrete action ... The UN must step up to the plate to help stop caste-based violence against women.”

Following the contributions of the speakers, moderator **Ms. Jyoti Sanghera**, Chief, Human Rights and Economic and Social Issues Section, OHCHR, opened up for comments from the floor.

Recommendations from the floor

Rikke Nöhr lind, Executive Director of the International Dalit Solidarity Network (IDSN), offered key recommendations on combatting caste-based discrimination at the global level.

Ms. Nöhr lind recommended the launch of a joint initiative led by the OHCHR and UN Women to address and campaign for ending caste-based violence against women with a specific and time-bound action plan involving multiple stakeholders, including UN agencies.

She highlighted a need for inter-agency studies on multiple forms of discrimination and violence against caste-affected women and on caste-based bonded and forced labour in South Asia. Ms. Nöhr lind also recommended identifying the relevant thematic priorities of the OHCHR Management Plan 2014-2017 with a view to develop concrete plans on caste-based human rights issues in relevant focus areas. She saw advocacy and communications by the OHCHR on the rights of caste-affected communities as important support to human rights defenders dealing with this issue on the ground.

She also recommended regular OHCHR/UN regional consultations on caste-based discrimination and the provision of support and technical advice to multiple stakeholders by the OHCHR and UN agencies for monitoring and implementation of recommendations from Treaty Body, Special Rapporteurs and Universal Periodic Review on caste discrimination.

Ms. Nöhr lind furthermore read out a statement by Ms. Barbara Lochbihler, former chair of the European Parliament Sub-Committee on Human Rights, who called for implementation of legislation to end caste discrimination and highlighted the recommendations in the European Parliament resolution on caste-based discrimination.

Ensure recognition and implementation to change mind-sets

The Permanent Mission of India to the United Nations in Geneva, acknowledged that difficulties in relation to access to justice is an issue that is recognized by the Government and that Dalits represent a particularly vulnerable section of Indian society. The representative, Councillor Mrs. Gloria Gangte, stated that India did not wish to underplay the gravity of this issue but that implementation of legislation was very difficult due to the complex issue at hand, which had deep roots across a vast country. Ms. Gangte expressed disappointment that Dalit women human rights defenders did not feel that the Government were making their plight a priority. At the same time, she stated that India did not wish to follow guidance from outside countries and that India had so much special legislation to deal with this issue that time would not permit it be stated at the side-event.

The delegation of the European Union to the United Nations in Geneva, represented by Ms. Urska Cas Svetek, strongly condemned all forms of caste-based discrimination and expressed their engagement in wanting to fight it and improving access to justice. She stated that the EU condemns all forms of violence against women and has tools and instruments at its disposal that can be deployed to help combat it. Ms. Svetek asked what the UN could do to place a higher priority on the issue of caste-based violence against women and girls and what the international community could do to encourage states to exercise due diligence and protect against violence?

The Permanent Mission of Norway to the United Nations in Geneva, represented by Mr. Baard Hjelde, said that despite the fact that caste discrimination has been banned, and that internationally recognized special legislation exist, rapes and many other crimes clearly shows legislation does not stop caste-based discrimination. Norway raised the issue of caste-based discrimination in the 2012 UPR of India, and strongly encourages India to live up to its UPR recommendations, Mr. Hjelde Said.

Ms. Afsana Binte Amin, of the Bangladesh Dalit and Excluded Rights Movement, spoke of the situation for Dalits in Bangladesh. Ms. Amin said that, “We are demanding an anti-discrimination act for Dalits in Bangladesh. Civil society organizations and the National Human Rights Commission in Bangladesh along with the Law Commission have submitted the draft law to the Ministry of Law, Justice and Parliamentary Affairs, Bangladesh. We wish for the international communities to encourage our government to pass the law”

Henri Tiphagne, Executive Director of People’s Watch Tamil Nadu and Chairperson of FORUM ASIA, welcomed the recognition of the gravity of caste-based violence and lack of implementation of legislation by the Indian Government. Mr. Tiphagne suggested that the new government in India and other caste-affected countries together publically acknowledge the issue. He also commented that much could be learned by the government on non-discrimination that could lead to tremendous change through the changing of mind-sets. He commented that action such as the Indian Government blocking the UN ECOSOC accreditation of organisations working on Dalit human rights, such as IDSN, was not helpful to those on the ground calling out for support and solidarity.

Further information

- **Full statement made by UN High Commissioner for Human Rights, Ms. Navi Pillay**
- **IDSN recommendations to the OHCHR and UN Agencies to end caste-based discrimination and caste-based violence against women and girls**
- **UN Rights Council: End Caste-Based Rape, Violence** - Joint press release by Human Rights Watch and IDSN following the side-event
- **Dalit women fight!** Leaflet with information on caste-based violence and discrimination against Dalit women and girls
- **Selected Press Clippings of news on the event**
- A live twitter campaign tracked the side-event, see tweets & re-tweet on www.twitter.com/idsnupdates and www.twitter.com/#dalitwomenfight

Photos by Ms. Aruna Kornana – Dalit woman activist participating in the side-event