

Special Rapporteur on violence against women, its causes and consequences - Ms. Rashida Manjoo (Ms. Yakin until June 2009)	
<p>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, following her mission to India (22 April to 1 May 2013), April 1 2014</p> <p>A/HRC/26/38/Add.1</p> <p>(26th HRC session, June 2014)</p>	<p>II. Manifestations of violence against women and girls, its causes and consequences</p> <p>B. Violence against women in the community</p> <p>15. Violence against various groups is also of concern. Dalit and Adivasi women and women from other scheduled castes and tribes and other “backward classes” are frequent victims of multiple and intersecting forms of discrimination, as well as violence. Caste-based discrimination, which also includes intra-caste hierarchies, continues to be pervasive and widespread. The intergenerational nature of caste-based discrimination condemns women to a life of exclusion, marginalization and disadvantage in every sphere of life. Many of those women are denied an education and economic opportunities, and perform dangerous and unprotected work, including bonded labour (debt bondage) and manual scavenging, which are both widely regarded as forms of forced labour and modern forms of slavery. Women represent the vast majority of manual scavengers in the country, and are commonly from scheduled castes and minority groups. While legislation has been adopted to eradicate bonded labour and manual scavenging,⁸ reports and interlocutors indicate that there is a consistent failure in the implementation of such laws⁹ and a tendency to minimize the significance of the problem.</p> <p>9. Ravi S. Srivastava, “Bonded labour in India: its incidence and patterns”, International Labour Organization working paper (2005), p. 35; and International Dalit Solidarity Network, “Manual scavenging”, briefing paper (2012), p. 1.</p> <p>D. Violence against women in the transnational sphere</p> <p>28. The trafficking of women and girls from, and to, India was reported as widespread. Disadvantaged women from minority groups, scheduled castes and tribes and the “backward castes” are usually the main victims. Young unskilled women are allegedly given false work promises, resulting in forced domestic servitude in foreign countries. Women who are trafficked and forced into prostitution are left unable to defend their rights, and lack access to rehabilitation and compensation for such crimes. This lack of protection and prioritization of the problem by the State has intensified the violence perpetrated against them by criminals or those involved in trafficking practices. The complicity of State officials in human trafficking was also reported as a concern. The Immoral Traffic (Prevention) Act, 1956 and its amendments¹⁸ are reportedly more directed at safeguarding public moral than combating trafficking in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.</p> <p>III. Implications of inequality, discrimination and violence on women’s enjoyment of their human rights</p> <p>31. At the national level, laws and policies have been put in place to prevent and respond to violence against women. These include the Penal Code, the Criminal Law (Amendment) Act 2013, the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act, 2013, the Protection of Women from Domestic Violence Act, 2005, the Indecent Representation of Women (Prohibition) Act, 1986, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Dowry Prohibition Act, 1961, the Commission of Sati (Prevention) Act, 1961, the Immoral Traffic (Prevention) Act, 1956 and the Bonded Labour System (Prohibition) Act of 1976, among others. Despite those positive developments, effective implementation of those laws and the allocation of financial resources to support their execution adequately is reportedly lacking in many instances.</p>

	<p>IV. Challenges in fulfilling the State’s obligation to act with due diligence to eliminate violence against women</p> <p>B. Protection</p> <p>60. Although telephone hotlines are available, the police are usually the first point of contact for many women, according to reports received. Victims of violence, who require from the State special security, shelter, public housing, health care and socioeconomic protection, often face significant challenges. Many services are channelled through providers that lack sufficient resources. Numerous allegations were made of de facto caste-based discrimination, perpetrated by police officers, public representatives and community members, with regard to access to services.</p> <p>D. Provision of effective redress, including reparations</p> <p>70. With regard to systemic failures, the low rate of prosecution and conviction for acts of violence against women contributes to the lack of effective redress provided to victims. Redress begins with the filing of domestic incident reports and a First Information Report. As noted above, this is deficient in many respects. Compensation payment is dependent on the filing of a case, which is dependent on the availability of protection officers and the provision of some form of legal identification. Women belonging to marginalized groups, including irregular migrants, domestic workers, scheduled castes and tribes and so-called backward castes are often unregistered citizens, or lack identification cards. Such factors contribute to a culture of normalization of violence against women.</p> <p>E. Remedies for specific groups at risk</p> <p>74. The Special Rapporteur was informed that the draft Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill envisages offering protection to religious and linguistic minorities and to scheduled castes and tribes, while providing standards for addressing communal violence. The Bill reaffirms the importance of non-discrimination when public officials discharge their responsibilities, in particular with regard to addressing violence against religious and linguistic minorities and scheduled castes and tribes. However, as noted by the Committee on the Elimination of Discrimination against Women, the Bill should include, inter alia, “a comprehensive system of reparations for victims of such crimes; and gender-sensitive victim-centred procedural and evidentiary rules” (CEDAW/C/IND/CO/3, para. 25).</p> <p>V. Conclusions and Recommendations</p> <p>Statistics and data collection</p> <p>81. The Special Rapporteur recommends that the Government: (a) Strengthen the current system hosted by the National Crime Records Bureau of the Ministry of Home Affairs for the collection and analysis of data relating to crimes against women, by disaggregating data by sex, age, caste, disability, religion, language and other relevant characteristics</p>
<p>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, following her mission to Bangladesh (20 May to 29 May 2013)</p> <p><u>A/HRC/26/38/Add.2, April 1 2014</u></p>	<p>II. Manifestations of violence against women and girls, its causes and consequences</p> <p>B. Violence against women in the community</p> <p>16. The Special Rapporteur also received information indicating high levels of violence against women from religious and ethnic minority communities, with Dalits, Hindus and indigenous groups most at risk.¹⁵ Persecution of minorities includes rape and sexual assault of women in these communities.¹⁶ The rate of rape is higher for minority women in Bangladesh because they are considered “double infidels” for being women and also for being part of a religious minority.¹⁷ They are also commonly victims of <i>salish/fatwa</i>-related violence.</p>

<p>(26th HRC session, June 2014)</p>	
<p>Statement by Special Rapporteur on violence against women, Ms. Rashida Manjoo</p> <p><u>Statement on Bangladesh visit, May 2013</u></p>	<p>According to interlocutors, the most pervasive form of violence against women in Bangladesh is domestic violence, with an estimated 60% of married women reported to having experienced violence at the hands of a spouse and/or in-laws. Other manifestations of violence include: different forms of sexual violence including rape and eve-teasing; discrimination and violence based on ethnicity, religion, caste, indigenous status, disability, or work; dowry-related violence; sexual harassment; forced and/or early marriages; acid attacks; psychological violence in custodial settings; economic exploitation and cross-border trafficking, among others. Harmful customary and religious practices and violence perpetrated against minorities were also highlighted in numerous testimonies.</p>
<p>Statement by Special Rapporteur on violence against women, Ms. Rashida Manjoo</p> <p><u>Statement on India visit, April 2013</u></p>	<p>The Government of India has signed and ratified numerous international human rights instruments and has also adopted numerous progressive laws and policies at the Union and State levels. Numerous laws, including amendments to existing laws, have been enacted to address various manifestations of violence against women. Among others, these include: the Indian Penal Code which broadly includes crimes against women. This law includes the crimes of rape, kidnapping and abduction for specified purposes, homicide for dowry, torture, molestation, eve teasing, and the importation of girls, among others. More specific laws on crimes against women include: the Criminal Law Amendment Act 2013, the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act 2013, the Protection of Women from Domestic Violence Act 2005, the Indecent Representation of Women (Prohibition) Act 1986, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, the Dowry Prohibition Act 1961, the Commission of Sati Prevention Act 1961, and the Immoral Traffic (Prevention) Act 1956 among others.</p> <p>In India, women from the Dalit, Adivasi, other Scheduled castes, tribal and indigenous minorities, are often victims of a multiplicity of forms of discrimination and violence. Despite protective legislative and affirmative action laws and policies, their reality is one where they exist at the bottom of the political, economic and social systems, and they experience some of the worst forms of discrimination and oppression - thereby perpetuating their socio-economic vulnerability across generations. They are often forced to live in displacement settings, experience forced labour practices, prostitution and trafficking, and also experience intra-community violations of rights.</p> <p>Customary and religious practices such as child marriages and dowry-related practices, sorcery, honour killings, witch-hunting of women, and communal violence perpetrated against cultural and religious minorities, were highlighted in numerous testimonies. Communal violence, inspired by religious intolerance, does manifest in some parts of India. Indiscriminate attacks by religious majorities on religious minorities, including Christian and Muslim minorities, is frequently explained away by implying that equal aggression was noted on both sides. Also, such violence is sometimes labelled as ‘riots’, thereby denying the lack of security for religious and other minorities, and disregarding their right to equal citizenship. This issue is of particular concern to many, as the wounds of the past are still fresh for women who were beaten, stripped naked, burnt, raped and killed because of their religious identity, in the Gujarat massacre of 2002.</p> <p>Conclusion:</p> <p>6. Grave concerns are noted as regards the continuing atrocities perpetrated against Dalit women. There is a culture of impunity for violations of the rights of Dalit women (CEDAW). Concerns are further expressed for the failure to properly register and investigate complaints of violations against scheduled castes and tribes, the high rate of acquittals, the low conviction rates, and the alarming backlog of cases related to such atrocities (CRC, CEDAW and CERD).</p>

	<p>7. The practice of devadasi is of concern (HRC). The effective enforcement of relevant legislation and the Indian Constitution is required to end this practice (CERD).</p> <p>12. Continuing disparities in literacy levels are of concern, in particular the educational status of scheduled castes, scheduled tribes and Muslim women (CEDAW). Effective measures must be adopted to reduce the drop-out rates among Dalit girls (CERD).</p> <p>13. More effort is needed to end customary practices which deprive women from underprivileged classes, castes and religious minorities of their rights to human dignity and to non-discrimination (HRC).</p>
<p>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo</p> <p>Thematic report on gender-related killings (A/HRC/20/16) (20th HRC session, June 2012)</p>	<p>39. Women accused of witchcraft in Ghana are often violently driven from their communities and forced to take refuge in —witch camps . Many widows are subjected to property-related violence, including violent evictions and loss of inheritance; and subjected to sexual abuse and harassment by relatives. In India, based on accusations of being a dayan (witch) or practising banamathi (witchcraft), physical violence is sometimes employed against Dalit women as a mechanism to take possession of their family lands and/or to keep them under economic subjugation, sexual exploitation, gender domination and control. In Nepal, particularly in the southern Terai region, elderly women, widows, destitute women and women of low caste are often targeted and deprived of their property rights or victimized to settle a personal vendetta.</p> <p>5. Dowry-related killings of women</p> <p>56. In some South Asian countries, a widespread practice is that of dowry-related murders. This term covers the deaths of young brides who are murdered, or driven to suicide by continuous harassment and torture perpetrated by the groom’s family in an effort to extort dowry payment or an increased dowry of cash or goods. The most common manifestation of this practice is the burning of the bride. These incidents are often presented as, and accepted to be, accidents, such as death as a result of an —exploding stove .</p> <p>57. Dowry-related violence is embedded in religious and cultural traditions of the South Asian region. The practice has permeated all communities. Pakistan enacted an anti-dowry law in 1976, Bangladesh in 1980 and Nepal in 2009. Despite legislative reforms, dowry is an indispensable part of weddings in this region; it has been a cause of violence against women, and the laws have failed to have an impact in curbing dowry or elevating the status of women within marriage.</p> <p>58. In several cases in Bangladesh, dowry-related harassment of women has been aggravated to acid attacks, leading to blindness, disfigurement and death of women. In 2002, Bangladesh passed a law imposing the death penalty on offenders and also restricted the sale of acid, in response to the growing problem of acid attacks. In the first half of 2009, 119 cases of dowry-related violence, including 78 deaths, were reported. In 2008, 172 women were killed, and the figure for 2007 was 187.95</p> <p>59. Statistics for the period 2007 to 2009 show that there have been between 8,093 and 8,383 reported cases of dowry deaths in India. As noted by experts, the numbers of reported cases do not add up to conviction rates. The National Crime Records Bureau of India reports that for 2008 there were 1,948 convictions, as against 3,876 acquittals. Acid attacks are also becoming a growing phenomenon in India, with young women being targeted for spurning suitors and for rejecting proposals of marriage, as well as in connection with contestation over dowry.</p> <p>60. Human rights bodies have strongly condemned these practices. Experts argue that there is a need to address the underlying cultural concerns, such as the subordinate status of women within their birth/natal and marital homes; issues of property and ownership within these realms; the control of women’s sexuality; the stigma attached to divorce; and the lack of support for a woman after she is married.</p>

<p>Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo</p> <p>Addendum - Communications to and from Governments</p> <p>A/HRC/17/26/Add.1</p> <p>(17th session of the Human rights Council, June 2011)</p>	<p>Bangladesh</p> <p>Allegation letter</p> <p>35. On 30 November 2010, the Special Rapporteur, jointly with the Special Rapporteur on freedom of religion or belief sent an allegation letter to the Government concerning MMB, a Hindu woman from Tala Upazila, Satkhira District.</p> <p>36. According to the information received, MMB was the wife of PB and belonged to the Lower Caste of the Hindu minority in Tala Upazila of Satkhira District. On 20 April 2010, at about 9:00 a.m., MMB went to fetch water from a well near the Tala police station. Allegedly, MMB was then kidnapped by MZG with the help of KG, AZ and SG. On 21 April 2010, a criminal case under section 7/30 of the 2003 Women and Children Repression Act was opened against MZG and three unidentified perpetrators.</p> <p>37. It was reported that MZG forcefully converted MMB to Islam on 9 June 2010, renamed her as FB and married her in contravention of section 494 of Bangladesh Penal Code. Subsequently, MZG reportedly put mental and physical pressure on MMB to withdraw the abduction case dated 21 April 2010, and also to get money from her parents as dowry. When MMB expressed her inability to procure dowry money from her destitute parents, Mr. MZG started beating her. As a result, MMB died at the house of MZG on 28 October 2010. MZG tried to portray this as a suicide, hanging her dead body in his room and then fled away.</p> <p>38. On 28 October 2010, the same day, the police recovered the dead body and filed another case against four perpetrators responsible for abatement of murder, including MZG, under section 11(ka)/30 of the 2003 Women and Children Repression Act. However, the police had yet been unable to arrest the perpetrators. The body of MMB was subsequently buried as per Muslim custom.</p> <p>39. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as further clarification concerning any complaints that might have been lodged; the results of any judicial investigation; and any plans, policies or legislation instituted to prevent violence against women, in particular forced marriages and dowry related violence.</p> <p>Response from the Government</p> <p>40. In a letter dated 30 November 2010, the Government responded to the communication sent on 30 November 2010 indicating that the contents of the communication had been duly noted and forwarded to the concerned authorities in Bangladesh for necessary inquiry and actions.</p> <p>Observations</p> <p>41. The Special Rapporteur looks forward to receiving further information from the Government regarding the allegations above and takes this opportunity to recall that the right to marry, only with one's free and full consent, is recognized in the Universal Declaration of Human Rights (Article 16(2)) and that Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women refers to the right of women and men to freely chose a spouse, to enter marriage only with their free and full consent and with the same rights and responsibilities.</p> <p>42. The Special Rapportuer also wishes to recall the obligation by States under international human rights law to exercise due diligence to prevent, investigate and, in</p>
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	accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.
<p>Communications to/from Governments and interactive dialogue</p> <p>A/HRC/14/22/Add.1</p> <p>(14th session of the HR Council, June 2010)</p>	<p><u>NEPAL</u></p> <p>Urgent appeal</p> <p>251. On 30 April 2009, the Special Rapporteur on violence against women, its causes and consequences, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent an urgent appeal to the Government regarding Ms. K.D.S., Ms. T.M., Ms. S.K., Ms. B.C., Ms. S.S., Ms L.C. and other women human rights defenders of Chimdi Village Development Committee (VDC) in Sunsari district in Nepal, as well as Mr. R.N., Mr. K.B. and Mr. G.K., all of them journalists, Mr. S.C., representative for the Informal Sector Service Centre (INSEC) and Mr. B.C., a member of the Women's Rehabilitation Centre (WOREC), an organization helping victims of domestic and sexual violence.</p> <p>252. According to the information received, on 9 April 2009, Ms. K.D.S., after calling for respect of the fundamental right of any person to marry and to choose freely her/his spouse, was beaten up by the relatives of Ms. L.G., a young woman who planned to have an intercaste wedding with a young man belonging to the Dalit community. The two young people were also beaten up by L.G.'s relatives for speaking to each other in public. Immediately after the assault, Ms. K.D.S. approached the Illaka police station of Chimdi to file a complaint, but the Sub-Inspector refused to receive it.</p> <p>253. On 11 April 2009, the Women Human Rights Defender Network, Sunsari, and more than 500 women from eight Village Development Committees (VDC) staged a demonstration in front of the police station in Chimdi VDC, in order to call for sanctions against the police for refusing to register Ms. K.D.S. complaint and to denounce the denial of access to justice. While doing so, they evoked the statement made by the Prime Minister on 25 January 2009, in which he committed himself to establish a complaints centre for women in order to end all forms of violence against women and criminalize caste-based discrimination against Dalits. They also called for a police apology since, on 10 April, while the Chimdi VDC were walking towards the police station in Chimdi, police officers publicly insulted them.</p> <p>(...)</p> <p>257. The Special Rapporteur requested some clarifications from the Government on the following matters:</p> <ol style="list-style-type: none"> 1. Are the facts alleged in the above summary of the case accurate? 2. Has a complaint been lodged by or on behalf of the alleged victim? 3. Please provide the details, and where available the results, of any investigation and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why. 4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators? <p>Response from the Government</p> <p>258. By a letter dated 8 February 2010, the Government responded to the communication sent on 30 April 2009. (...)</p> <p>Observations</p>

	<p>265. The Special Rapporteur is grateful to the Government of Nepal for its response. She wishes to call upon the Government to enhance efforts towards ensuring the right of women, on equal terms with men, to participate in non-governmental organizations and associations concerned with the public and political life of the country. She also wishes to refer to the observations made by the Special Rapporteur on the situation of human rights defenders in A/HRC/13/22/Add.1.</p>
<p>Communications to/from Governments and interactive dialogue A/HRC/11/6/Add.1 (11th HRC session, June 2009)</p>	<p>In the addendum to her report to the Human Rights Council, the Special Rapporteur on Violence against Women, Ms. Yakin Ertürk, refers to 30 cases of violence against Dalit women in India, including incidences of physical and verbal abuse, gang rape, sexual exploitation, witch hunting, and naked parading (paragraphs 185-246). This is the result of a long-term process pulled by several persons involved in the Dalit women’s working group especially in India, and with assistance from Cordaid and Justice and Peace Netherlands.</p> <p>The Special Rapporteur concludes in her rapport:</p> <p>“217. According to the information received, Dalit women and men suffer descent based discrimination in various aspects of their lives and are also victims of violence and untouchability practices arising out of the caste system. Despite the formal abolition of “untouchability” by article 17 of the Indian Constitution, de facto discrimination and segregation of Dalits persists, in particular in rural areas and with regard to access to places of worship, housing, hospitals, education, water sources, markets and other public places.</p> <p>218. Dalit women are confronted with discrimination, exclusion and violence to a larger extent than men. Land and property issues in particular, tend to cause or be at the root of conflicts over which Dalit women have faced eviction, harassment, physical abuse and assault. Dalit women are often denied access to or are evicted from their land by dominant castes, especially if it borders land belonging to such castes. They are thus forced to live in the outskirts of villages, often on barren land. Reportedly, on many occasions, cases of violence against Dalit women are not registered, and adequate procedures are not taken by the police.”</p> <p>In the interactive dialogue Ms. Yakin Ertürk referred to the number of cases on violence against Dalit women in her presentation to the Council and proposed that this specific issue was examined in more detail by the new mandate holder. Two delegations (Slovenia and Denmark) raised this issue in their questions to the Special Rapporteur in the interactive dialogue.</p> <p>In resolution A/HRC/11/L.5 on “Accelerating efforts to eliminate all forms of violence against women” the Human Rights Council Council expressed deep concern that “all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage, can lead to the particular targeting or vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, [...] women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation.”</p> <p>The same resolution also encouraged the Special Rapporteur “to consider in future reporting the needs of women who experience multiple forms of discrimination, and to examine effective measures to respond to those situations”.</p>
<p>15 Years of the UN Special Rapporteur on Violence against Women – August 2010 <u>Review</u></p>	<p>Ms. Yakin Ertürk initiated this study with the objective of reviewing the work of the SRVAW, highlighting the conceptual shifts in the VAW mandate since its inception, and assessing the lessons learned as well as remaining challenges in combating VAW.</p> <p>Applying Intersectionality</p> <p>pp. 49-50. Other violations persist that would warrant further attention by the SRVAW. Although gender dimensions of conflict situations are covered, those</p>

	<p>pertaining to disaster management and humanitarian relief remain in need of elaboration. In addition, violence specific to elderly women or adolescent girls, women who are victims of caste-based discrimination*, and women who are migrants, refugees or non-citizens needs to be highlighted. Intersectionality sets out a wide canvas for the SRVAW to work on, as no matter how much ground is covered, issues and contexts that need attention will remain, given the overlapping and interconnectedness of issues, discriminations and structures of power.</p> <p>* In a joint contribution to the Durban Review Process, the SRVAW expressed her concerns regarding the numerous complaints she was receiving about violence perpetuated against women on the grounds of caste, as highlighted in her communications with governments; see A/CONF.211/PC/WG.1/5.</p>
<p>Joint contribution prepared pursuant to decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its first session A/CONF.211/PC/WG.1/5</p>	<p>The joint contribution was prepared by several Special Rapporteurs ahead of the Durban Review Conference. The SR on violation against women has the following remark in a separate section devoted to the issue of caste discrimination.</p> <p>“Discrimination on the grounds of caste and other systems of inherited status</p> <p>48. Against this backdrop, the Special Rapporteur on violence against women wishes to express her concerns about the numerous complaints she receives about violence perpetuated against women on the grounds of caste, as highlighted in her communications with Governments, jointly with other Special Rapporteurs.”</p>
<p>Communications to/from Governments A/HRC/7/6/Add.1 (7th session HR Council, March 2008)</p>	<p>This report contains a number of cases submitted to the governments of India and Nepal.</p> <p>4. Violence against women facing multiple and intersecting layers of discrimination</p> <p>23. 19 out of 59 communications sent (32 per cent of the total number) concerned women facing multiple and intersecting layers of discrimination.</p> <p>24. Women belonging to national, ethnic or religious minorities or lower social castes, indigenous women, and migrant women are strongly overrepresented among reported victims. The Special Rapporteur has also acted on a case of a transgender/gay activist, who was targeted due to his sex identity choice and his activity of bisexuals, gays and tranvestites’ rights defender, as well as on a case of a lesbian couple, who was reportedly persecuted because of their sexual orientation.</p> <p>25. In this regard, the Special Rapporteur would like to refer to Commission on Human Rights resolution 2005/41 on the elimination of violence against women in which the Commission calls on States to address the specific circumstances facing indigenous women and girls in relation to gender-based violence, especially sexual violence, arising from multiple, intersecting and aggravated forms of discrimination, including racism, paying particular attention to the structural causes of violence. [...]</p>
<p>Report of Dr. Yakin Ertürk – Communications to and from Governments (61st session of the Commission on Human Rights)</p>	<p>The report mentions communications to and from governments in four caste-affected countries, incl. Bangladesh, India, Nepal and Pakistan. The three following allegations were brought to the attention of the three governments:</p> <p><u>Bangladesh:</u></p> <p>24. J.T., aged 19 and her two cousins, R.T. and K.T., three young women from a low-caste Hindu family. According to information received, they were gang-raped on several occasions by five men, the names of three being known to the Special Rapporteur. The incidents occurred in Fatemabad village, under Lalmohan police station of Lord Hardinge in Bhola District of Bangladesh. The police were alleged to have not taken any action. The cases are as follows.</p> <p><u>India:</u></p> <p>181. By letter dated 8 June 2006 sent jointly with the Special Rapporteur on Racism, the Special Rapporteur advised the Government that she had received</p>

	<p>information according to which a group of 200 people attacked a Dalit settlement in Kalapatti village of Coimbatore district, Tamil Nadu, India on 16 May 2004. It is reported that the Dalits' homes were attacked by upper-caste villagers using swords and other weapons. They reportedly pushed the Dalits to the ground and stamped on them, verbally abusing them by using degrading caste names.</p> <p><u>Nepal:</u></p> <p>271. By letter dated 18 May 2004 sent jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteurs expressed their concern at the alleged social and economic discrimination faced by Badi women and girls.</p> <p>According to information received, the Badis, who are said to number tens of thousands across western Nepal, are one of 36 castes who make up Nepal's untouchables. It is reported that Badi women and girls, due to the discrimination, stigma and vulnerability inherent in the caste system, are forced to work in prostitution.</p> <p>[...]</p> <p>274. By letter dated 17 November 2004 sent jointly with [SR on Racism and SR on the Sale of Children], the Special Rapporteur advised the Government that she had received information concerning S.S., a Dalit girl aged 14, from Inaruwa, Sunsari, who was allegedly raped and then murdered with impunity.</p>
<p>Report of the Special Rapporteur on violence against women, Ms. Rashida Manjoo following her mission to Bangladesh, Nepal and India on the issue of trafficking (28 October-15 November 2000)</p> <p><u>(E/CN.4/2001/73/Add.2)</u></p> <p>57th session of the Human Rights Commission, February 2001</p>	<p>II. GENERAL BACKGROUND TO THE PROBLEM OF TRAFFICKING IN SOUTH ASIA</p> <p>20. The causes of trafficking are manifold and remain of great concern for the sending countries of the region. In her discussions with the women as well as with activists, the Special Rapporteur noted that poverty was a major factor and that many of these women were either sold into prostitution or left their homes to escape poverty. However, it was also pointed out that the poorest areas of Nepal were not the areas from which women are being trafficked. Other factors contributing to trafficking were traditional practices in certain villages and among certain castes whereby young girls were sold into concubinage for feudal lords or into prostitution. Social discrimination against women was also responsible for women leaving home. Lack of access to inheritance, land and employment and the practice of polygamy made women easy prey for traffickers who exploit their desire to migrate. Child marriage and unilateral divorce also make women extremely vulnerable to the whims of male partners. This discrimination was often given as the reason why women did not wish to return to their homes once they had been rescued. They were afraid of the stigma, but they also did not want to return to the same lives that they had sought to escape. In addition, all commentators point to the fact that members of lower castes and ethnic minorities appear to be disproportionately represented in the sex worker population</p> <p>III. GENERAL FINDINGS</p> <p>49. The Special Rapporteur found that women and girls leave Nepal and Bangladesh in such large numbers because of a lack of economic opportunities at home and because they suffer from a great deal of social discrimination. Many of these women belong to lower caste groups or ethnic minorities. In addition, the inheritance laws, land laws and employment regimes in these countries appear to discriminate against women. Many women and girls leave home because husbands have taken second and third wives. Girls often run away from home because of stepmothers or because they feel they are not wanted or because there is abuse. The need to alleviate poverty is recognized as an important way to fight all forms of human exploitation, including trafficking. However, in addition, States must feel compelled to take measures that give dignity and equality to women and girls. Inheritance laws, personal laws and socially discriminatory attitudes should be reformed in order to give women an equal chance in their society and prevent them from becoming easy prey to traffickers.</p>

Their desperation to leave their home countries, recounted in one testimony after another, often makes women complicit in their own trafficking, at least in the initial stages. The Special Rapporteur recorded only a very few cases that involved abduction. Most of the cases involved young girls and women who wanted to leave in search of a better life than the one they had at home. Providing women with income-earning opportunities and avenues for economic independence is one strategy that should be adopted to prevent trafficking. The removal of discriminatory legislation and discriminatory practices is also essential if the root causes of trafficking are to be tackled. Unless the sending countries understand that most of the women leave because of unhappy conditions in the home, they will not take the measures that are necessary to prevent trafficking while respecting the human rights of the individual women

VI. INDIA

Programmes and Policies to combat trafficking

125. The aspects of the Plan of Action that the Special Rapporteur feels pose human rights problems are, among others, the suggestion that the children of prostitutes be removed from their mothers to more healthy environments. This is a very disturbing violation of the right to family even if it is done with good intentions. The report also seems to rely on social surveillance as a method of preventing and fighting trafficking. Given the hierarchies of class, religion and caste, this can result in a great deal of abuse. Some of the women we interviewed described this abuse in detail, describing how certain women and groups are targeted for this type of social surveillance. Accountable state institutions are better vehicles for enforcement than social surveillance. In addition, the report focuses on the victim and has little to add with regard to laws and strategies for finding and punishing traffickers.