

Violence against Dalit Women

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Introduction

Vulnerably positioned at the bottom of caste, class and gender hierarchies, Dalit women experience endemic gender-and-caste discrimination and violence as the outcome of severely imbalanced social, economic and political power equations. Their socio-economic vulnerability and lack of political voice, when combined with the dominant risk factors of being Dalit and female, increase their exposure to potentially violent situations while simultaneously reducing their ability to escape.

Studies on violence against Dalit women in India presents clear evidence of widespread exploitation and discrimination against these women subordinated in terms of power relations to men in a patriarchal society, as also against their communities based on caste.¹

This is a widespread phenomenon found in India, Nepal, Pakistan, Bangladesh and Sri Lanka where caste-based discrimination subjects millions of Dalit women to inhumane living conditions and systematic human rights violations.² In India the Dalits constitute about 16.20 percent of India's population in 2001 with little less than half being women, which means that 80 million Dalit women face multiple forms of discrimination in this country alone.

Violence against Dalit women reinforces caste norms wherein they are seen as available for all forms of violence, especially sexual violence. According to India's National Commission for Women, "In the commission of offences against... [Dalit] women the [dominant caste] offenders try to establish their authority and humiliate the community by subjecting their women to indecent and inhuman treatment."³ Further, when they transgress caste norms such as those prescribing caste endogamy or untouchability practices, or assert their rights over resources or public spaces, violence is unleashed on them.

The UN Special Rapporteur on Violence against Women has noted that Dalit women "face targeted violence, even rape and death from state actors and powerful members of dominant castes, used to inflict political lessons and crush dissent within the community..."⁴ Similarly, in its 2007 Concluding Comments the CERD Committee noted its concern about the alarming number of allegations of acts of sexual violence against Dalit women primarily by dominant caste men.⁵



¹ The information in this briefing note is based on the 2006 study on Violence against Dalit women in India prepared by the National Campaign on Dalit Human Rights. Link: http://idsn.org/uploads/media/Violence_against_Dalit_Woment.pdf

² For more information see www.idsn.org

³ National Commission for Women, 1996. *Women of Weaker Sections: Socio-Economic Development of Scheduled Caste Women*. New Delhi: National Commission for Women, p.33.

⁴ UN Special Rapporteur on Violence against Women, 2002. *Cultural Practices in the Family that are Violent towards Women*. UN Doc. E/CN.4/2002/83, para.53.

⁵ CERD/C/IND/CO/19

Forms and Frequency of Violence against Dalit women

There are **nine major forms of violence against Dalit women**; six being violence in the general community – physical assault, verbal abuse, sexual harassment and assault, rape, sexual exploitation, forced prostitution, kidnapping and abduction; and three being violence in the family – female foeticide and infanticide, child sexual abuse and domestic violence from natal and marital family members.

The more **frequent forms of violence** that are perpetrated against the majority of Dalit women are verbal abuse, physical assault, sexual harassment and assault, domestic violence and rape, in descending order.

Child sexual abuse in terms of particularly early child marriages and sexual relations with minor Dalit girls below the age of 16 years is also prominent.

A recent three-year study of 500 Dalit women's experiences of violence across four Indian states revealed that the majority of Dalit women faced one or more incidents of verbal abuse (62.4%), physical assault (54.8%), sexual harassment and assault (46.8%), domestic violence (43.0%) and rape (23.2%).⁶

Location of Violence

The majority of Dalit women face violence in **public spaces** – streets, women's toilet areas, fields, etc. – in and around their villages and towns. The next most common place for violence is **within the home**. Aside from domestic violence, a number of women face physical assaults, verbal abuse, sexual harassment and sexual assaults in their very home from non-family members. Violence in the **workplace** ranks third in terms of common locations for violence. Finally, **government spaces** become grounds for violence where women are forcibly incarcerated, verbally abused, sexually harassed or raped in police stations. Otherwise, verbal abuse is the most common form of violence meted out in government spaces from a range of government actors including the police, district administration officials and doctors.

Social Status of Perpetrators of Violence in the General Community

Within the wide range of identified perpetrators of violence against Dalit women in the general community, **dominant caste landlords** emerge as the most prominent group. **Police** also emerge as key perpetrators of violence against Dalit women. They are not active perpetrators; they also act in a significant number of cases in collusion with the perpetrators by failing to enforce the law when violence against Dalit women takes place. Two other groups of perpetrators whose numbers are significant belong to the **professional category**, namely doctors and teachers. In addition, there are a large number of **"other dominant caste persons"** as perpetrators. Moreover, often this violence is committed by these perpetrators not only as individuals, but also as group violence involving people of the same status (or different status). Finally, a number of **"other Dalit persons"** are either active perpetrators of violence against Dalit women, or colluders in the violence.

Caste Background of Perpetrators of Violence in the General Community

While in some instances the perpetrators of violence belong to one homogenous dominant castes, there are instances where they cut across all dominant caste lines, that is, backward castes and forward castes.⁷ This is particularly so where the Dalit woman is seen to transgress established caste norms, for example, by asserting her rights in defiance of 'untouchability' practices. The punishment meted out, therefore, takes on the form of collective punishment that is both expressive of caste outrage as well as instrumental in terms of teaching the woman and her community a lesson of 'obedience' to caste norms. Otherwise, sexual violence against Dalit women often takes a collective caste aspect, in terms of gang rapes or forced prostitution.

⁶ Irudayam, A., Mangubhai, J.P. and Lee, J., 2006. Dalit Women Speak Out: Violence against Dalit Women in India. Chennai: National Campaign on Dalit Human Rights, National Federation of Dalit Women, and Institute of Development Education, Action and Studies.

⁷ Caste-wise, both forward castes (FCs) and backward castes (BCs) are seen to engage in violence against Dalit women, either as individuals or as a group. Dalit perpetrators are also present in significant numbers, as mentioned above.

Perpetrators of Violence in the Family

As far as violence in the family is concerned, husbands, the Dalit women's in-laws, her relatives and husbands' relatives are perpetrators of violence, in descending order.

Causal Factors for Violence

I. Violence in the General Community

- The primary identified factor for violence in the general community relates to the issue of Dalit women's **sexual or bodily integrity**. Accompanying Dalit women's low caste status and the socio-economic and political power of the dominant castes is the latter's view of their superior caste and gender status and accordingly a perceived right over Dalit women's bodies. Sexual violence is a tool utilised by dominant caste men to reinforce the caste 'impurity' of both the Dalit woman and her community, given the hegemonic discourse of women symbolising the group identity and bearing the honour of their community.
- A second frequent causal factor for violence in the general community directly links to **gender inequality and the 'natural' caste hierarchy** as often manifested in untouchability practices, and Dalit women's counter discourse of equality, rights, dignity and self-respect.
- Almost as frequently identified a causal factor for violence in the general community lies in the area of Dalit women's **civil rights**.
- A fourth causal factor for violence in the general community, given the aspect of economic exploitation built into the caste system, related to **economic resources** – land, or other economic resources/capital such as wages, payment for services, etc. – and particularly Dalits asserting their rights to own or utilise resources.
- In the realm of **political rights**, several Dalit women's assertions of their basic political rights provoke violent dominant castes backlashes. The issues that led to violence are Dalit women contesting panchayat elections; Dalit women exercising or attempting to exercise political authority as elected panchayat representatives.
- Finally, violence also takes place when Dalit women sought **justice and the protection of the law** for violence done to them, or to forestall such action

II. Violence in the Family

Similarly, Dalit women face violence in the family over a range of issues, suggesting the assimilation of the larger patriarchal caste system's norms by particularly Dalit men, with negative implications for Dalit women's personal lives and interactions in their community.

When it comes to domestic violence, however, the causes for this violence are much more nuanced and varied. **Gender inequality and norms of female subordination** formed a major category of causal factors for violence meted out by natal and marital family members to Dalit women.

Impunity for Violence against Dalit Women

The systemic nature of violence against Dalit women is accompanied by equally systemic patterns of impunity. In 2006, the official conviction rate for Dalit atrocity cases was just 5.3 percent.⁸ The study of 500 Dalit women's cases of violence revealed:

- In **less than 1% of cases** were the perpetrators convicted by the courts.

⁸ National Crimes Record Bureau, 2006. *Crimes in India 2006*. New Delhi: National Crimes Record Bureau.

- In 17.4% of instances of violence, police obstructed the women from attaining justice.
- In 26.5% of instances of violence, the perpetrators and their supporters, and/or the community at large, prevented the women from obtaining justice.
- In 40.2% of instances of violence, the women did not attempt to obtain legal or community remedies for the violence primarily out of fear of the perpetrators or social dishonour if (sexual) violence was revealed, or ignorance of the law, or the belief that they would not get justice.⁹

One negative implication is that violence against Dalit women is legitimised, spurring further violence.

Recommendations

Affected governments are encouraged to:

- Follow-up on recommendations relevant to the promotion and protection of Dalit women's rights of UN Special Procedures, particularly the Special Rapporteur on violence against women, UN Treaty Bodies, the Universal Periodic Review, etc;
- Enact and implement national legislation to eliminate practices such as dowry, devadasi/jogini, manual scavenging, caste-based discrimination and "untouchability" in accordance with recommendations by the UN Committee on the Elimination of all forms of Discrimination against Women (CEDAW)¹⁰;
- Cooperate fully with the UN Special Rapporteurs by responding to their questions and accepting invitations to country visits;
- Provide disaggregated data on the incidence of crimes against Dalit women, as well as police and judicial handling of such cases (as per CERD General Recommendation XXIX, 2002) and include the following sections in periodic reports to UN treaty bodies:
 - The extent of domestic violence against Dalit women, and on the legislative and other measures taken to address this phenomenon, including facilities and remedies provided for victims;
 - The situation of women and the extent to which they enjoy the right to own land and property independent of their male relatives;
 - Annual data, disaggregated by age, sex, caste, ethnicity and religion, as well as specific benchmarks, to enable adequate monitoring and evaluation of the progress achieved.

National demands

Affected governments should:

- Recognize Dalit women as a distinct social group rather than subsuming them under the general women or Dalit category, and accordingly evolve and implement a specific focus and activities on Dalit women's *rights* within the broader framework of the Dalit and women's empowerment agenda.
- Ensure full and strict implementation of laws in place to protect Dalit women's rights and implement measures to ensure the abolition of 'untouchability' practices¹¹, and implement strict sanctions against anyone preventing or discouraging victims from reporting incidents of violence or accessing the criminal justice system, including police and other law enforcement officers.
- Ensure the implementation of national penal codes in its jurisdiction, and that law enforcement officials, judges, lawyers, social workers and medical professionals are duly trained on the serious and criminal nature of domestic violence;

⁹ Irudayam, A., Mangubhai, J.P. and Lee, J., 2006. *Dalit Women Speak Out: Violence against Dalit Women in India*. Chennai: National Campaign on Dalit Human Rights, National Federation of Dalit Women, and Institute of Development Education, Action and Studies.

¹⁰ In 2007 the Committee on the Elimination of Discrimination against Women made specific recommendations on this issue in its Concluding Comments in the review of India (CEDAW/C/IND/CO/3).

¹¹ In India this applies to the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act 1989 and the Protection of Civil Rights Act 1955 – and measures to ensure the abolition of 'untouchability' in compliance with Article 17 of the Indian Constitution.

- Evolve a national perspective plan aimed at specifically accelerating efforts to reduce the development gap between Dalit women and the rest of the population within fixed time-bound targets.
- Introduce affirmative action policies to increase Dalit women's participation in the police, judiciary, legal professions and education.
- Produce and disseminate disaggregated data on the status of Dalit women, particularly in government plans and development programmes.