

DALIT WOMEN – FACING MULTIPLE FORMS OF DISCRIMINATION

IDSN input to the UN Special Rapporteur on violence against women in connection with her visit to India between 22 April – 1 May 2013

Dalit women are placed at the absolute bottom of the social hierarchy as they face systemic and structural discrimination threefold: as Dalits, as poor, and as women. 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 vast majority of Dalit women are poor; they are landless wage labourers; and lack access to basic resources. They are subjugated by patriarchal structures, both in the general community and within their own family.

As a result of this Dalit women are subjected to inhumane living conditions and human rights violations; discrimination and violence systematically deny them opportunities, choices and freedoms in all spheres of life. This undermines not only their dignity and self-respect, but also their rights to equality and development. The nature of violence against Dalit women is accompanied by equally systemic patterns of impunity for the perpetrators.



VIOLENCE AGAINST DALIT WOMEN

Violence against women takes a unique form when gender and caste intersect. The gender-and-caste discrimination that Dalit women face is the outcome of severely imbalanced social, economic and political power equations. This undermines not only their dignity and self-respect, but also their rights to equal access to services and political participation. Violence and inhuman treatment serve as a social mechanism to maintain Dalit women's subordinate position in society; not least with regard to inter-caste marriages which is generally still not accepted, regardless of social class and status.

Dalit women's life stories tell of physical and verbal abuse, forced labour and slavery, trafficking, abduction, and sexual violence, which give insight into how their social position make them vulnerable to these human rights violations. With regard to sexual assaults, Dalit women are more vulnerable to sexual assaults like gang-rape, dowry-related killings, and naked parading and other aggravated forms of sexual violence based on gender and caste. In this exploited position, Dalit women are often victims of trafficking and forced sexual labour, such as the *devadasi* and *jogini* systems of forced prostitution in India. Other demeaning and degrading abuses include Dalit women being forced to parade naked or eat vile substances, such as human feces. Furthermore, new forms of violence are taking form, for example in recent cases of acid attacks against Dalit girls in India, and systematic exclusion in responses to natural disasters.

In the labour market, some Dalit women are forced to take the most demeaning jobs under slavery-like conditions, such as the practice of manual scavenging – i.e. the job of cleaning dry toilets and sewers manually. In 2012, the UN Special Rapporteur on water and sanitation described caste systems as one of the most striking examples of systems that lead to extreme forms of stigmatization and exclusion of large parts of the population, including manual scavengers and sweepers in caste-affected countries, in realizing the right to safe drinking water and sanitation.ⁱ

When considering discrimination and violence against Dalit women, sanctioned impunity on behalf of the dominant caste offenders and duty bearers is a key problem. Police, investigation officers and medical officers often neglect or deny the Dalit women of their right to seek legal and judicial aid. The judiciary and medical staff also often do not ensure accountability in responses to sexual assaults against Dalit women. The challenges of impunity for Dalit rights activists and non-registration of cases were recognized by the UN Special Rapporteur on human rights defenders in her mission report from her visit to India in 2011.ⁱⁱ

DALIT WOMEN OF INDIA

India is home to more than 80 million Dalit women; a calculation based on the statistics of the national census 2001. A three-year study of 500 Dalit women's experiences of violence across four Indian states shows that the majority of Dalit women report having 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%). Verbal abuse included regular derogatory use of caste names and caste epithets possibly amounting to 'hate speech', as well as sexually explicit insults, gendered epithets and threats.ⁱⁱⁱ

What characterizes these incidents of violence against Dalit women is that most of these take place within the public sphere and works as a means of both private and collective punishment and humiliation by the dominant castes. Some of these experiences of violence also take place within the home and in the private sphere, as a result of the Dalit men exercising patriarchal power. In some cases Dalit women become victims of collective retribution within the Dalit community itself as a result of an internalized control mechanism and self-suppression. Most women do not report violence and the study shows that only 1% of the cases that are actually filed end in convictions.

The 2009 report of the UN Special Rapporteur on Violence against Women contains an overwhelming number of accounts of Dalit women in India being raped and beaten by higher castes, when attending their daily doings, such as working in the field, going the market or doing domestic work. Sometimes disputes over land and resources can be a cause of violence, but just as often they are violated simply because they are Dalit women. Almost all cases show that the Dalit women are punished by police officers when trying to file a complaint or threatened to remain silent, also by means of physical assaults and rape and threats of further recourses^{iv}. The report reveals that the women in most cases are denied of their right to medical treatment for their injuries. The perpetrators are usually released on bail without arrest, police investigation or prosecution^v. Based on the evidence of the situation of Dalit women, the UN Special Rapporteur expresses special concern and urges the Indian Government to act.

Despite the year-long struggle by Dalit women to create a better understanding and recognition of the specific human rights violations they face, caste discrimination is not yet *fully recognised* as a major root cause of structural inequalities and exclusion of millions of Dalit women and similarly affected communities worldwide. The most recent example is the response to the tragic gang rape case in New Delhi in December 2012. What has remained largely overlooked in the national and international attention to the case was the fact that women from lower caste and indigenous communities are often the worst victims of sexual violence and exploitation. In follow-up to the case, the report by the Verma Committee (established as a direct consequence of the Delhi gang rape) and the subsequent anti-rape legislation ignored the vulnerability of Dalit, Adivasi and minority community women, and failed to include a section on aggravated sexual assault based on caste and religious identity.^{vi} This is a pattern which repeats itself; not only in India, but in the entire South Asia region and in other countries where the issue of "untouchability" and caste discrimination exists.

Forced prostitution

Thousands of Dalit girls are forced into prostitution every year. The link between caste and forced prostitution is apparent in the Devadasi and Jogini systems practiced in India. The *Devadasi* and *Jogini*

systems are a form of religiously sanctioned sexual abuse. Originally a sacred, religious practice, the Devadasi dedication of girls to temples has turned into a systematic abuse of young Dalit girls serving as prostitutes for dominant caste community members. Most girls and women in India's urban brothels come from Dalit, lower-caste, tribal, or minority communities.

In 2007, Anti-Slavery International published a study on the practice of ritual sexual slavery or forced religious 'marriage'. It found that 93% of *Devadasi* were from Scheduled Castes (Dalits) and 7% from Scheduled Tribes (indigenous) in India.

Keeping Dalit women as prostitutes and tying prostitution to bondage is a means of subjugation by dominant castes seeking to enforce their social status and economic superiority. Girls who become *Devadasi* and *Jogini* are prohibited from marrying and are stigmatized by the community. The children of *Devadasi* and *Jogini* suffer from discrimination because they do not have a recognized father.

Manual Scavenging

Manual scavenging is a caste-based and hereditary occupation for Dalits that is predominantly linked with forced labour. It is estimated that around 1.3 million Dalits in India, mostly women, make their living through manual scavenging - a term used to describe the job of removing human excrement from dry toilets and sewers using basic tools such as thin boards, buckets and baskets, lined with sacking, carried on the head.

Manual scavengers earn as little as one rupee a day. Though this vile and inhumane practice was abolished by law in India in 1993 the practice is deeply entrenched in South Asian societies.

Dalit scavengers are rarely able to take up another occupation due to discrimination related to their caste and occupational status, and are thus forced to remain scavengers. They are paid less than minimum wages and are often forced to borrow money from upper-caste neighbours in order to survive and consequently they end up maintaining the relationship of bondage.

In March 2012, a National Public Hearing on "Rehabilitation of Manual Scavengers and their Children in India" was held to increase the political will to address the issues and sensitize other sections of the society and involve them in rehabilitation efforts.

In September 2012, a new and expanded bill on manual scavenging was submitted to the Indian Parliament. It is likely that it will be adopted in 2013.

From November 2012 till January the following year, a two-month long march to end manual scavenging – the *Maila Mukti Yatra* – crossed 18 Indian states and liberated thousands of scavengers. On the final day of the march, the UN High Commissioner for Human Rights, Navi Pillay, issued a message of support to the participants.^{vii}

UN OBSERVATIONS AND RECOMMENDATIONS

Several UN human rights bodies have raised concerns about the human rights situation of Dalit women.^{viii} The Special Rapporteur on violence against women has noted that Dalit women are often the targets of violence and sexual offences when members of dominant castes demonstrate their power over Dalit communities^{ix}. In 2009, the Special Rapporteur referred to 30 cases of violence against Dalit women in India being raped and beaten by higher castes, when attending their daily doings, such as working in the field, going the market or doing domestic work.^x Sometimes disputes over land and resources can be a cause of violence, but just as often they are violated simply because they are Dalit women. Almost all cases show that the Dalit women are punished by police officers when trying to file a complaint or threatened to remain silent, also by means of physical assaults and rape and threats of further

recourses^{xi}. The report reveals that women are often denied of their right to medical treatment for their injuries. The perpetrators are usually released on bail without arrest, police investigation or prosecution^{xii}.

The UN Committee on the Elimination of all forms of Discrimination against Women (CEDAW) has expressed concern about the ongoing atrocities committed against Dalit women in India and the culture of impunity for perpetrators of such atrocities in 2007 (CEDAW/C/IND/CO/3). Similarly, the CERD Committee has noted its concern about the alarming number of allegations of acts of sexual violence against Dalit women in India, primarily by dominant caste men, in its 2007 Concluding Observations.^{xiii}

The CEDAW Committee has confirmed that the Core Obligations of States Parties under the CEDAW Convention encompasses not only grounds explicitly mentioned, but also grounds such as age, class, caste, race, and ethnicity (CEDAW General Recommendation No. 28).^{xiv} The CERD Committee has recommended that states take all measures necessary to eliminate multiple forms of discrimination against women, including discrimination based on caste and analogous forms of inherited status in its General Recommendation No. 29.

Several treaty body committees and UN Special Procedures have underlined that caste discrimination is in violation of human rights law, and have demonstrated how caste discrimination intersects with a number of cross-cutting themes.^{xv} The High Commissioner for Human Rights has on several occasions called for action to address caste discrimination, incl. in connection with the global response to crimes of sexual violence in India.^{xvi} She has also promoted action by the Human Rights Council on a set of draft UN Principles and Guidelines for the effective elimination of discrimination based on work and descent (A/HRC/11/CRP.3). Despite her call for action in 2009, no specific action has been taken by the world's leading human rights forum on caste-based discrimination or violence against Dalit women.^{xvii}

There is a need to address caste-based discrimination *on par with other prohibited grounds of discrimination* to effectively address the systematic exclusion of millions of women belonging to one of the world's most marginalised communities. The UN Special Rapporteur on violence against women has provided a conceptual framework to address intersecting and multiple forms of discrimination, promoting a holistic approach to violence against women (A/HRC/17/26). The UN Working Group on discrimination against women in law and practice has underlined that frameworks and strategies to eliminate discrimination against women must be responsive to the intersections of sex-based discrimination with other grounds of discrimination, such as caste, in its first report to the UN Human Rights Council (A/HRC/20/28).

References:

- The draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, published by the UN Human Rights Council in 2009 (A/HRC/11/CRP.3) is a comprehensive legal framework developed to eliminate [discrimination based on work and descent](#). It makes explicit recommendations to governments on general and specific measures to address discrimination and violence against Dalit women. Download [full PDF version published by IDSN](#).
- Read [IDSN recommendations](#) on good practices and strategies to eliminate caste discrimination (addressing multiple discrimination against Dalit women)
- IDSN compilation of references to caste discrimination by Treaty Bodies, Special Procedures, and the UPR (updated March 2013): www.idsn.org/UNcompilation
- Find all documents on Dalit women in IDSN's database, incl. recent news stories: www.delicious.com/idsn/dalit-women
- [IDSN input to CEDAW General Discussion on Access to Justice \(February 2013\)](#)
- [Dalit Women's Right to Political Participation in Rural Panchayati Raj](#) - A study of Gujarat and Tamil Nadu published by IDEAS, Justitia et Pax, Equalinrights (2009).

- [Violence against Dalit women](#) submitted by All India Dalit Mahila Adhikar Manch (AIDMAM), 2012
- [Dalit Women Speak Out: Violence against Dalit Women in India](#) by Irudayam, A., Mangubhai, J.P. and Lee, J., 2006. Chennai: National Campaign on Dalit Human Rights, National Federation of Dalit Women, and Institute of Development Education, Action and Studies.
- [Submission on stigmatization of Dalits in access to water and sanitation in India \(NCDHR, 2012\)](#)
- [Gender-violence and access to justice for the Dalit women](#) (Gujarat, India) by Navsarjan Trust, 2011
- [Report of the Special Rapporteur on violence against women, its causes and consequences](#), May 2009 by Yakin Ertürk, UN Special Rapporteur on Violence against Women.
- [Women in Ritual Slavery](#) by Anti-Slavery International, 2007.
- [Dalit girls working under slave like conditions in India's garment industry](#)
- [Unheard Voices - DALIT WOMEN](#) - An alternative report for the 15th – 19th periodic report on India submitted by the Government of Republic of India for the 70th session of Committee on the Elimination of Racial Discrimination, Geneva, Switzerland, Jan, 2007.

ⁱ See [extracts on caste discrimination as a root cause of stigmatization in realising the right to water and sanitation](#) from the thematic of the UN Special Rapporteur on water and sanitation in 2012 (A/HRC/21/42)

ⁱⁱ See [selected extracts on Dalit human rights defenders](#) from the mission report of the UN Special Rapporteur on human rights defenders (A/HRC/19/55/Add.1)

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

^{iv} See Promotion and protection of all human rights, civil, political, economic, social and cultural, including the right to development, May 2009' -Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, UN Special Rapporteur on Violence against Women.

^v Ibid.

^{vi} See this [submission to the Verma Committee](#) and this [memorandum to the Indian Prime Minister](#).

^{vii} See [www.mailamukti.org](#) and [Navi Pillay's statement](#)

^{viii} See a compilation of UN recommendations on caste discrimination for a full overview: [www.idsn.org/UNcompilation](#)

^{ix} *Cultural Practices in the Family that are Violent towards Women*. UN Doc. E/CN.4/2002/83, para.53 - UN SR on VAW, 2002.

^x A/HRC/11/6/Add, para. 185-246

^{xi} HRC report of SR on VAW, 2009

^{xii} Ibid.

^{xiii} CERD/C/IND/CO/19.

^{xiv} CEDAW GR 29 states that discrimination based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity (para. 18).

^{xv} For a full overview of references by UN treaty bodies, Special Procedures, and the UPR mechanism, see [this compilation of UN human rights bodies' references to caste discrimination \(updated in Jan 2013\) >>>](#)

^{xvi} In 2009, Madam Navi Pillay issued an opinion piece entitled "[Tearing down the wall of caste](#)" in which she called on the Human Rights Council to promote the 2009 Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, and on all states to rally around and endorse these norms. Caste discrimination also figures as a priority in the OHCHR Strategic Management Plans (2010-2011 and 2012-2013). References to caste has been included in various statements by the UNHCHR, including in the statement entitled "[Fundamental changes needed in wake of India rape tragedy: Pillay](#)" of 31 December to the gang-rape case in New Delhi, India.

^{xvii} A comprehensive study on discrimination based on work and descent has been undertaken by the UN Sub-Commission on the Promotion and Protection of Human Rights. A result of the study process was the development of a set of UN Principles and Guidelines on the effective elimination of discrimination based on work and descent published as part of the final report on the topic by the HRC in 2009 (A/HRC/11/CRP.3). Since then, the framework has not been acted upon or endorsed by the HRC. Some states, the UNHCHR, and some Special Procedure mandate holders have however expressed their support to the framework and promoted their use. Nepal is the only country which has officially endorsed the framework as a basis for enactment of legislation to prohibit caste discrimination.