

DALIT HUMAN RIGHTS DEFENDERS

Dalit human rights defenders promote the civil, political, economic, social and cultural rights of Dalits, as they are often violated. They are at high risk of physical assaults and other reprisals in caste-affected countries. These are among others inter alia, death threats, beatings and caste-based insults in public places, direct and indirect destruction of their property/belongings; and filing of false cases against them. For instance, Dalit human rights defenders sometimes feel so pressured by fear of intimidation and/or reprisals from the dominant caste that they leave their job.

Another example, which has been documented by the Asian Legal Resource Centre, is that Dalit human rights defenders have experienced that their complaints were not taken up and instead they were charged in false casesⁱ. The number of cases registered across India for offenses which are punishable under the national law, the Scheduled Caste & Scheduled Tribe Act, is therefore relatively low. These assaults are a widespread problem throughout India, but the risks and violations also persist in other countries such as Pakistan, Bangladesh, Nepal and Yemen.



Dalit women demonstrate during the National Conference of Dalit Women in May 2011. The women requested the government to make special provisions for them in the new constitution. Photo: FEDO/IDSN

Dalit women's defenders

Dalit women are at high risk of violence and inhuman treatment, such as sexual assault, rape, and naked parading. The insults serve as a social mechanism to maintain Dalit women's subordinate position in society, and are furthermore a way of humiliating entire Dalit communities. Police personnel often neglect or deny the Dalit women's defenders of their right to seek legal and judicial aid. In many cases, the judiciary fails to enforce the laws that protect Dalit women from discrimination. Dalit women's defenders tell of police officers refusing to intervene or to even take their statements. In many cases, the judiciary fails to enforce the laws that protect Dalit women from discrimination. As noted in a recent study on 'Gender Violence and Access to Justice for Dalit Women' by Navsarjan Trust and Minority Rights Group International, Dalit women face severe difficulties in accessing justice and are extremely vulnerable to violence, sexual abuse and other atrocitiesⁱⁱ.

In 2009, the UN Special Rapporteur on Violence against Women reported an overwhelming number of cases of Dalit women in India being raped and beaten by higher castes, when attending their daily doingsⁱⁱⁱ. 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. The perpetrators are usually released on bail without arrest, police investigation or prosecution. Also in 2014, the UN Special Rapporteur has reported on violence against Dalit women and allegations of de facto caste-based discrimination, perpetrated by police officers, public representatives and community members. *"the low rate of prosecution and conviction for acts of violence against women contributes to the lack of effective redress provided to victims"*^{iv}. The Special Rapporteur, in particular, reported on the widespread trafficking of women and girls, mainly from scheduled castes, to and from India. *"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"*^v

The CEDAW committee has similar expressed concern about the atrocities committed against Dalit women and the culture of impunity for perpetrators of such atrocities in India^{vi}. An example from 2010 is of an elected female Dalit representative in Rajasthan who was beaten up by members of the dominant caste because she was working with cases focusing on land rights. She filed a complaint to the police, who

never arrested the perpetrators. Moreover, in the Universal Periodic Review of India in 2012, states made recommendations to protect human rights defenders working on the rights of scheduled castes^{vii}.

The Special Rapporteur on the situation of human rights defenders

The UN Special Rapporteur on the situation of human rights defenders, Mrs. Margaret Sekaggya, visited India from 10 to 21 January 2011. In a mission report following her visit, the Rapporteur raised particular concern for the situation of Dalit human rights defenders. While congratulating the Government of India on the comprehensive and progressive legal framework, which guarantees human rights and fundamental freedoms, the Special Rapporteur noted widespread deficiencies in their full implementation at both central and state levels, adversely affecting the work and safety of human rights defenders. The Rapporteur expressed particular concern *“at the plight of human rights defenders working for the rights of marginalized people, i.e. Dalits, Adivasis (tribals), religious minorities and sexual minorities, who face particular risks and ostracism because of their activities. Collectivities striving for their rights have in fact been victimized”*^{viii}.

Recommendations

The Rapporteur expressed that in order to overcome these challenges the laws, which already are in place, need to be fully implemented, and stressed that the responsibility lies on the Governments. *“Defenders face multiple challenges and dangers in their daily work and the State has the responsibility to protect them. Government authorities, including security forces, and the judiciary and human rights commissions, at the central and state levels, need to do much more to ensure a safe and conducive environment for defenders. The Rapporteur notes that a high priority is full accountability for violations against the human rights defenders and that the perpetrators have to be prosecuted”*^{ix}. In line with the Rapporteur, IDSN recommends that the Government must undertake an impartial investigation of the crimes committed against human rights defenders.

EU’s Guidelines on Human Rights Defenders:

The objective of the guidelines is to promote and encourage respect for human rights defenders. The Union can use the guidelines to intervene in cases where Human Rights Defenders are at risk. They assist EU Missions when approaching Human Rights Defenders, and they support the Special Procedures of the UN Commission on Human Rights. If threats or attacks are reported by human rights defenders, their situation should be addressed by the Mission; there should be created an environment where human rights defenders are protected so they can operate freely; and meetings should be held with Human rights defenders when visits to third countries are taking place^x.

European Parliament Resolution on Caste-based Discrimination, October 2013

Stresses the need to promote an enabling environment for civil society and human rights defenders working with people affected by caste discrimination in order to ensure their security and avoid any impediments to, or stigmatisation or restriction of, their work; stresses that such an environment should include access to funding, cooperation with UN human rights bodies and Economic and Social Council (ECOSOC) accreditation^{xi}.

KEY REPORTS ON DALIT HUMAN RIGHTS DEFENDERS

- [Report on the current situation of human rights defenders in India by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya in 2012, based on the Mission to India in January 2011](#)

- [Report on how caste discrimination and similar forms of discrimination based on work and descent have been addressed by the UN treaty bodies, Universal Periodic Review, and the Special Procedures. Prepared by the International Dalit Solidarity Network \(IDSN\) in February 2014.](#)

NCDHR-National Dalit Movement for Justice (NDMJ) has documented several cases of threats of physical assault, murder, and insults to Dalit human rights defenders in public places by using caste-based abusive language. Assaults in public places, torture, illegal detention, harassment and misbehavior, forced disappearances, extra-judicial killings, illegal imprisonment, surveillance and targeting of family members, branding as naxalites and anti-nationals and implicating in false cases have not been uncommon rights violations against SC human rights defenders. The cost of working for the rights of marginalized people, i.e. Dalits, Adivasis (Indigenous People), religious minorities has been risks to their life, name and livelihood, and social ostracism. On the other hand, those collectivities striving for their rights have been victimized. There is no corresponding domestic legislation in India to safeguard the rights of the SC human rights defenders and the marginalized people they are working for^{xii}.

Violence by the Police:

Human Rights Watch has identified various patterns of atrocities by police officials. More than 60% of the victims of torture belonged to SCs and religious minorities. Custodial torture and deaths, encounter deaths, raids on Dalit colonies after inter-caste clashes, violence against dalit women, false arrest of dalits, violence to crush peaceful protests by Dalits; violence against entire Dalit colonies while searching out a Dalit accused; and violence against Dalit villagers caught in crossfire in insurgency/ naxalite affected areas^{xiii}.

ⁱ India 2012 UPR Submission - Asian Legal Resource Centre

http://www.alrc.net/doc/mainfile.php/alrc_st2011/695

ⁱⁱ Navsarjan Trust report - 'Gender Violence and Access to Justice for Dalit Women'

http://idsn.org/fileadmin/user_folder/pdf/New_files/India/2012/Gender_violence_and_access_to_justice_for_Dalit_women_2011_Navsarjan_Trust.pdf

ⁱⁱⁱ [A/HRC/11/6/Add.5](http://www.unhcr.org/refugees/refugees/54454444.html)

^{iv} [A/HRC/26/38/Add.1](http://www.unhcr.org/refugees/refugees/54454444.html)

^v [A/HRC/26/38/Add.1](http://www.unhcr.org/refugees/refugees/54454444.html)

^{vi} [CEDAW/C/IND/CO/3](http://www.unhcr.org/refugees/refugees/54454444.html)

^{vii} [A/HRC/21/10](http://www.unhcr.org/refugees/refugees/54454444.html)

^{viii} [A/HRC/19/55/Add.1](http://www.unhcr.org/refugees/refugees/54454444.html)

^{ix} [A/HRC/19/55/Add.1](http://www.unhcr.org/refugees/refugees/54454444.html)

^x EU Guidelines on Human Rights Defenders <http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re01.en08.pdf>

^{xi} EP Resolution on Caste-based discrimination 2013

<http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2013-0434&language=EN>:

^{xii} India 2012 UPR Submission - National Campaign on Dalit Human Rights

http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/UPR/UPR_India2012_NCDHR.pdf

^{xiii} India 2012 UPR Submission - National Campaign on Dalit Human Rights

http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/UPR/UPR_India2012_NCDHR.pdf