

Cluster and analysis of issues and recommendations from UN institutions on Dalit women

[Committee on the Elimination of Discrimination Against Women \(CEDAW\)](#)

CEDAW General Recommendations on caste

During and after conflict, specific groups of women and girls are at particular risk of violence, especially sexual violence such as women belonging to diverse caste ([CEDAW General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations](#), 2013)

Protection from discrimination under the Convention encompasses not only ground explicitly mentioned but also grounds such as caste. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as caste. States parties must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences ([CEDAW General Recommendation No. 28 on the Core Obligations of State Parties under Articles 2](#), 2010)

Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as caste. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them ([CEDAW General Recommendation No. 25 on Temporary Special Measures](#), 2004)

Issues/Recommendations from CEDAW and other treaty body reviews on Dalit women

Atrocities

- Concern about ongoing atrocities committed against Dalit women ([CEDAW 2007 India](#))

Impunity/access to justice

- Culture of impunity for perpetrators of such atrocities. ([CEDAW 2007 India](#))
- Calls upon the State party to increase Dalit women's legal literacy and improve their access to justice in bringing claims of discrimination and violation of rights. ([CEDAW 2007 India](#))
- The Committee is concerned that Dalit women and women from scheduled tribes face multiple barriers in accessing justice, due to legal illiteracy, lack of awareness of their rights, and limited accessibility of legal aid [CEDAW Concluding Comments India 2014](#)
- Monitor the availability and efficiency of the Legal Services Authorities, implement legal literacy programmes, increase the awareness of Dalit women and women and girls from scheduled tribes of all legal remedies available to them, and to monitor the results of such efforts. [CEDAW Concluding Comments India 2014](#)

Manual scavenging

- Despite law banning manual scavenging, this practice continues with grave implications ([CEDAW 2007 India](#))
- The status of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill (2012) and on measures in place to eliminate the practices of engaging Dalit women in manual scavenging. (CEDAW 2014 India List of Issues)
- The Committee also urges the State party to study the health implications of manual scavenging on Dalits engaged in this profession and on the community as a whole, and to address all the impediments to eradicating this practice, including by putting in place modern sanitation facilities

and providing the Dalit women engaged in this practice with vocational training and alternative means of livelihood. ([CEDAW 2007 India](#))

Violence against women

- The escalation of caste-based violence, including rape, against women and girls, and the downplaying by key State officials of the grave criminal nature of sexual violence against women and girls [CEDAW Concluding Comments India 2014](#)
- Dalit women are victims of multiple discrimination as they are more vulnerable to sexual exploitation, trafficking and various forms of violence, including domestic violence. The State is to take specific and targeted measures to protect the rights of Dalit women. [CESCR Concluding Observations Nepal 2014](#)
- The Committee is concerned about the prevalence of gender-based violence, including domestic and sexual violence, in particular among the Dalit and other disadvantaged groups [CESCR Concluding Observations Nepal 2014](#)
- Steps taken to address all forms of violence against Dalit women through law, policy and support services (CEDAW 2014 India List of Issues)

Sexual exploitation

- The persistence of sexual exploitation, in particular among the Dalit community (CEDAW 2011 Nepal)

Statistics/studies

- The Committee is concerned at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women, migrant women, refugee women, older women, women with disabilities and girls living on the streets. (CEDAW 2011 Bangladesh)
- The Committee recommends that the State party: a. Collect disaggregated data on the situation of disadvantaged groups of women facing multiple forms of discrimination and adopt pro-active measures, including temporary special measures, to eliminate such discrimination and protect them from violence and abuse. (CEDAW 2011 Bangladesh)
- In this context, the Committee calls upon the State party to conduct a comprehensive study on the situation of minority women, including indigenous Ainu, Buraku and Zainichi Korean and Okinawa women. (CEDAW 2009 Japan)

Education

- Strengthen its efforts to achieve universal provision of quality education for girls at each level of the education system in urban, rural and remote areas, provide access to education to girls with disabilities through improvement of infrastructures and provision of support systems, with special attention to girls from Dalit, Indigenous and other disadvantaged. (CEDAW 2011 Nepal)
- It urges the Government to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Committee calls upon the Government to set a time-frame for those interventions and provide information on the progress made in the next report (CEDAW 2000 India)

Enforcement of Legislation

- Measures taken to ensure the effective implementation of the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act. (CEDAW 2014 India List of Issues)
- The State party put in place a mechanism to monitor effective enforcement of the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act in order to ensure accountability and end impunity for crimes committed against Dalit women. (CEDAW 2007 India CO)
- The poor implementation of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, and the impunity of perpetrators of severe crimes against women [CEDAW Concluding Comments India 2014](#)

Political life

- the very low representation of women, in particular Dalit and indigenous women, in high-level decision-making positions, the public service, the judiciary and the diplomatic service, in the National Human Rights Commission and at the local level (CEDAW 2011 Nepal)
- Establish concrete goals and timetables so as to accelerate the increase in the representation of women, including Dalit and indigenous women, in elected and appointed bodies in all areas of public life from local level, including at the Village Development Committee level, to national and diplomatic levels (CEDAW 2011 Nepal)
- The Committee urges the State party to ensure that in the Constitutional process currently underway, all sectors of society, including disadvantaged and marginalized groups, in particular the Dalit, the Madhesi and indigenous communities, and especially women within these groups, are represented in decision-making bodies at all levels. It recommends that concrete and active efforts be made to promote the participation of these groups in the Constituent Assembly, which, following the election of its members in 2007, will embark on the drafting of a new Constitution. (CESCR 2007 Nepal)
- The Committee recommends that the State party increase the representation of women, including Dalit and indigenous women, in decision-making positions in public and political affairs. The Committee further recommends that the State party address obstacles to the career advancement of women through temporary special measures and education of men and women about equal career opportunities. [CESCR Concluding Observations Nepal 2014](#)
- The Committee regrets the lack of information regarding participation of minority women, including Buraku women, in policy-making positions. [CCPR Concluding Observations Japan 2014](#)

Harmful practices

- the Committee expressed concern over harmful practices such as *deuki* (offering girls to deities to fulfil religious obligations); *jhumas* (offering young girls to Buddhist monasteries for performing religious functions); *kamlari*, (offering girls for domestic work to the families of landlords), and *badi* (widespread practice of prostitution among the Badi caste) which still persists in the State party and constitute serious breaches in the State party's obligations under article 2 (a) of the OP" (para 27 in the Concluding Observations). (CRC-OP-SC 2012 Nepal)
- It is particularly concerned that women and girls, in particular of **Dalit** origin, continue to suffer from harmful traditional practices such as forced and early marriages, accusations of *boxi* (witchcraft), *deuki* tradition (offering girls to deities to fulfil religious obligations), *jhumas* (offering young girls to Buddhist monasteries for performing religious functions), *kamlari* (offering girls for domestic work to families of landlords) *chapaudi* (isolating menstruating girls), and *badi* (widespread practice of prostitution). (art. 3, 10) (a) effectively implement measures to eradicate harmful traditional practices; (b) reinforce its awareness-raising campaigns among the population and in particular in districts and social groups where such practices are prevalent, reiterating that these practices are violating human rights and that they have long lasting negative effects. (c) enforce its Domestic Violence Act of 2009, investigate cases of harmful traditional practices and punish those responsible; (d) provide protection and rehabilitation to victims; (e) expedite the adoption of the Bill prepared by the National Women's Commission to criminalize all kinds of harmful practices, as well as of the National Strategy to End Child Marriages. [CESCR Concluding Observations Nepal 2014](#)
- The Committee is concerned about the persistence of social norms of purity and pollution which de facto preclude marriages between **Dalits** and non-Dalits; it is also concerned about violence and social sanctions against inter-caste couples and the continuing practices of child marriage and dowry, and **devadasi** whereby mostly Dalit girls are dedicated to temple deities and forced into ritualized prostitution. (art. 5 (d) (iv) and 5 (b))The Committee urges the State party to effectively enforce the prohibition of child marriage, the Dowry Prohibition Act (1961) and State laws prohibiting the practice of **devadasi**. The State party should punish such acts and acts of discrimination or violence

against inter-caste couples and rehabilitate victims. Furthermore, it should conduct training and awareness-raising campaigns to sensitize police, prosecutors, judges, politicians, teachers and the general public as to the criminal nature of such acts. [CERD Concluding Observations India 2007](#)

- The Committee notes with concern that the State party has maintained its declarations to articles 5 (a) and 16 (1) and (2) of the Convention, and reiterates its view that this is incompatible with the State party's constitutional guarantees of equality and non-discrimination. It is further concerned with the persistence of patriarchal attitudes and deep-rooted stereotypes, entrenched in the social, cultural, economic and political institutions and structures of Indian society and in the media, that discriminate. It is also concerned about the persistence of harmful traditional practices in the State party, such as child marriage, the dowry system, so-called "honour" killings, sex-selective abortion, Sati, **Devadasi**, and women accused of witchcraft. The Committee is particularly concerned that the State party has not taken sufficient sustained and systematic action to modify or eliminate stereotypes and harmful practices [CEDAW Concluding Comments India 2014](#)
- The Committee urges the Government to enforce laws preventing discrimination against Dalit women and prohibiting the **devadasi** system. It urges the Government to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Committee calls upon the Government to set a time-frame for those interventions and provide information on the progress made in the next report. (CEDAW 2007 India CO)
- The Committee urges the Government to enforce laws preventing discrimination against Dalit women and prohibiting the **devadasi** system (CEDAW CO India 2000)
- The Committee recommends that the State party ensure that legislation criminalizes the sexual exploitation of children and penalizes all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized. While noting that **Devadasi**, or ritual prostitution, is prohibited under the law, the Committee recommends that the State party take all necessary measures to eradicate this practice. In order to combat trafficking in children, including for commercial sexual purposes, the Penal Code should contain provisions against kidnapping and abduction. The Committee recommends that the State party ensure that laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement (CRC India 2000).
- The Committee notes the lack of information in the periodic report on the situation of women belonging to disadvantaged groups who are victims of multiple discrimination, and expresses concern over the situation of forced prostitution of girls and women of the **Badi** caste. The Committee recommends that the State party consider issues of political representation, personal security, employment and education, in line with general recommendations XXV (2000) on gender-related dimensions of racial discrimination and XXIX (2002) on descent-based discrimination, in taking measures to eliminate multiple discrimination against women who belong to vulnerable groups. The Committee further requests the State party to include in its next report the measures taken in this regard, including specific action taken to eradicate forced prostitution of Badi girls and women [CERD Concluding Observations Nepal 2004](#)
- Although certain harmful traditional practices have been prohibited by law, the Committee expresses its continuing concern about the persistence of such practices that violate the rights of women and girls as deuki (dedicating girls to a god or goddess), **badi** (widespread practice of prostitution among the Badi caste), chaupadi (isolating a woman during menstruation because she is considered to be impure), marrying child brides, and witchcraft,. In this regard, the Committee regrets the lack of information contained in the State party's second periodic report about the full

extent of such practices and the efforts being made to eradicate them (CESCR Concluding Observations Nepal 2008)

- The Committee is concerned at the continuing existence of child marriage and polygamy and other practices, including the institution of dowry, *deuki* (dedicating girls to a god and goddess), *jhuma* (in some communities, second sisters remain unmarried and spend their life in monasteries), *kumari pratha* (having a girl child as living goddess) and *badi* (ethnic practice of prostitution among young girls), that are contrary to the Convention and constitute discrimination against women. The Committee is also concerned that the enactment of the draft bill on domestic violence has been delayed indefinitely. The Committee recommends action without delay by the State party to enforce its marriage laws, particularly as they relate to the prohibition of child marriage and polygamy, in the light of general recommendation 21 on equality in marriage and family relations, and urges the State party to take steps to abolish other harmful and discriminatory traditional practices, such as dowry *deuki*, *jhuma*, *kumari pratha*, and *badi*. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns aimed at eliminating these practices. The Committee requests the State party to adopt immediately measures on domestic violence and to provide in its next report information about progress in relation to the draft bill on domestic violence (CEDAW Concluding Observations Nepal 2005).
- The Committee expresses concern that traditional Convention, the Committee's general recommendations, and customs and practices detrimental to women and girls, such the Beijing Declaration and Platform for Action. as child marriage, dowry, polygamy, *deuki* (a tradition of dedicating girls to a god or goddess, who become "temple prostitutes", which persists, despite the prohibition of the practice by the Children's Act) *badi* (the ethnic practice of forcing young girls to become prostitutes) and discriminatory practices that derive from the caste system are still prevalent (CEDAW Concluding Observations Nepal 1999)
- The Committee recalls the concern it expressed in its concluding observations adopted on the fourth report of the State party under the Convention (CRC/C/15/Add.261 para.67) concerning harmful practices such as *deuki* (offering girls to deities to fulfil religious obligations); *jhumas* (offering young girls to Buddhist monasteries for performing religious functions); *kamlari*, (offering girls for domestic work to the families of landlords), and *badi* (widespread practice of prostitution among the Badi caste) which still persist in the State party and constitute serious breaches in the State party's obligations under article 2 (a) of the Optional Protocol. [CRC Concluding Observations Nepal 2012](#)
- The Committee notes with concern that certain harmful traditional practices continue to prevail in the State party, most notably the caste system and traditions such as the *Deuki*, *Kumari*, *Jhuma*, *Badi*, *Kamlari* and *Chaupadi*, causing extreme insecurity, health hazards and cruelty to girl children. The Committee regrets the absence of legal prohibition and sufficient interventions on the part of the State party to address the harmful effects of these traditional practices on the enjoyment of rights by children who are affected by these practices. While noting the efforts taken by the State party to eliminate the phenomenon of sexual exploitation of children, the Committee is gravely concerned about the large number of children in the State party who are sexually exploited. The Committee is of the view that insufficient efforts have been taken to protect the particularly vulnerable groups of children from sexual exploitation. Specifically, the Committee notes with concern that children of lower castes are disproportionately represented among sex workers, and about the persistence of the customary practice known as *Badi*, whereby young girls of the Bedi caste are forced into prostitution.....(CRC Concluding Observations Nepal 2005)

Temporary Special Measures

- It is also concerned that no temporary special measures have been or are being applied as part of a necessary strategy to accelerate the achievement of substantive equality between women and men

in areas where women are disadvantageded, such as education or in the judiciary, as well as for promoting participation of women from religious minorities and scheduled castes and scheduled tribes in various areas under the Convention [CEDAW Concluding Comments India 2014](#)

Rural Women

- The Committee is concerned at the prevalence of customs and traditional practices that prevent rural women from inheriting or acquiring land and other property, especially the women from scheduled castes and tribes [CEDAW Concluding Comments India 2014](#)

Health

- It notes with concern the financial, cultural and physical barriers faced by Dalit, and women from scheduled tribes in accessing gynaecological and maternal health services, their limited knowledge of birth registration procedures, as well as the existence of bureaucratic obstacles and financial barriers which prevent them from registering births and obtaining birth certificates for their children. [CEDAW Concluding Comments India 2014](#)
- Strengthen public awareness-raising campaigns and take concrete measures to ensure that Dalit and women from schedule tribes are aware of the procedures for registration of births and obtaining birth certificates, and ensure their access to these facilities. [CEDAW Concluding Comments India 2014](#)
- Provide training to medical and health professionals in order to ensure that Dalit as well as women from scheduled tribes are attended by trained health-care personnel. [CEDAW Concluding Comments India 2014](#)
- It urges the Government to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Committee calls upon the Government to set a time-frame for those interventions and provide information on the progress made in the next report (CEDAW 2000 India)

Working conditions

- Fully dismantle the caste-based system of enslaving women in domestic work and thereby raise the dignity of women domestic workers, ensure that women domestic workers have access to effective complaint procedures and redress and consider ratifying ILO Convention No. 189 (1990) on decent work for domestic workers; [CEDAW Concluding Observations Mauritania 2014](#)

General

- the continued strong caste discrimination, particularly towards the Dalit as well as the prevailing legal and de facto discrimination against women and girls" (para. 21 in the Concluding Observations). (CRC-OP-SC 2012 Nepal)
- The Committee is deeply concerned about the multiple forms of discrimination against disadvantaged groups of women such as Dalit and indigenous women, widows and women with disabilities. (CEDAW CO 2011 Nepal)
- The Committee urges the State party to prioritize combating multiple forms of discrimination against women from various disadvantaged groups through the collection of data on the situation of these women, and the adoption of legal provisions and comprehensive programs, including public education and awareness raising campaigns involving the mass media as well as community and religious leaders, to combat multiple discriminations. (CEDAW 2011 Nepal)
- The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice. (CEDAW 2011 Bangladesh)
- The Committee is deeply concerned about the widespread manifestations of discrimination in Yemen against disadvantaged and marginalized individuals and groups, in particular women, which often bear a structural character (CESCR 2011 Yemen)

Submissions to CEDAW 2013

- [IDSN submission to CEDAW on Dalit women's access to justice](#), February 2013
- [Joint submission \(Navsarjan Trust \(India\), FEDO \(Nepal\) and IDSN\) to the discussion on CEDAW General Comment on Rural women](#), September 2013

UPR

In the [UPR of India in 2012](#), it was recommended for the state to promote the rights of women in their choice of marriage and their equality of treatment independently of caste.

UN Working Group on Discrimination against Women in Law and Practice

In 2012 and 2013, the Working Group has focused on multiple forms of discrimination against women including caste and specifically noted that women who belong to vulnerable groups based on caste are effectively barred from political and public life based on multiple stereotyping. The UN Working Group has stressed that for legal guarantees of gender equality to benefit all women, implementation frameworks and strategies must be responsive to the intersections of sex-based discrimination with other grounds of discrimination such as caste. Legal guarantees and implementation frameworks and strategies must also integrate special measures to reach women who face multiple forms of discrimination, such as rural and indigenous women, women with disabilities, women living in poverty and women facing other forms of marginalization. This requires a comprehensive and coherent human rights-based approach that ensures that women are at the centre of efforts to hold principally States accountable for implementing international standards guaranteeing civil, cultural, economic, political and social rights. National, regional and international human rights mechanisms play critical roles in ensuring the full enjoyment by women of their human rights.

Submission to the UN Working Group on Discrimination against women in law and practice

- [FEDO and IDSN submission to UN WG on discrimination against women in law and practice - Inclusion of Dalit women in Nepal's new constitution](#), August 2012

Commission on the Status of Women (CSW)

Submissions to the [Commission on the Status of Women \(CSW\) 57th session](#) March 2013

- [AIDMAM \(All India Dalit Mahila Adhikar Manch\) submission to CSW 57th session - Violence against Dalit women](#), 2012
- [Navsarjan Trust submission to CSW 57th session – Violence against Dalit women in India and government failure to investigate](#), 2012

Special Rapporteur on Violence against Women, its causes and consequences, Ms. Rashida Manjoo

The Special Rapporteur on Violence against Women has noted that Dalit women in India are frequent victims of multiple and intersecting forms of discrimination, as well as violence, and that the intergenerational nature of caste-based discrimination condemns women to a life of exclusion, marginalization and disadvantage in every sphere of life. Dalit women are denied an education, economic opportunities and perform dangerous and unprotected work, including bonded labour and manual scavenging. Furthermore, the Special Rapporteur has noted that disadvantaged women from among others, scheduled castes are usually the main victims of trafficking and forced prostitution. And, has put a focus on the impunity and lack of justice for Dalit women [A/HRC/26/38/Add.1](#), 2014

- Statement by Special Rapporteur on violence against women, Ms. Rashida Manjoo, on her visit to India 2013: [Statement on India visit May 2013](#)
 - Input to the UN Special Rapporteur on Violence against Women in connection with her visit to India (May 2013): [Violence against Dalit women \(All India Dalit Mahila Adhikar Manch \(AIDMAM\)\) 2013](#)
 - Input to the UN Special Rapporteur on Violence against Women in connection with her visit to India (May 2013) [Dalit Women - Facing Multiple Forms of Discrimination, IDSN 2013](#)

The Special Rapporteur on Violence against Women has also reported on high levels of violence against women from religious and ethnic minority communities in Bangladesh, with Dalits, amongst others, most at risk [A/HRC/26/38/Add.2](#), 2014

- Statement by Special Rapporteur on violence against women, Ms. Rashida Manjoo, on her visit to Bangladesh 2013: [Statement on Bangladesh visit May 2013](#)
- Input to the UN Special Rapporteur on Violence against Women in connection with her visit to Bangladesh (May 2013): [Violence against Dalit women \(BDERM, BDEWF, Nagorik Uddyog and IDSN\) 2013](#)

In the thematic report on gender-related killings of the Special Rapporteur, Dalit women were highlighted as some of the main victims of physical violence and dowry-related killings [A/HRC/20/16](#), 2012

Other Special Rapporteurs on Dalit women

- [Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai](#) - highlighted women in Dalit communities being subjected to physical abuse, sexual harassment, trafficking and sexual violence as well as harmful practices such as devadasi and violations of land and property rights, rights to health, education and wages ([A/HRC/17/40](#)), 2011
- [Former Special Rapporteur on contemporary forms of slavery, with a particular focus on the manifestations and causes of domestic servitude, Ms. Gulnara Shahinian](#) - highlighted Dalit women engaging in manual scavenging because of their caste [A/HRC/15/20](#), 2010
- [The Independent Expert on minority issues, Rita Izsák](#) - highlighted lower literacy levels for Dalit girls [A/HRC/25/56](#), 2014
- [Former Special Rapporteur on Adequate Housing, Miloon Kothari](#) - highlighted how descent and work-based communities, such as the Dalits in India, continue to face extreme human rights violations, including with regard to land and housing rights [A/HRC/7/16](#), 2008
- [Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya](#) - expressed her concern for the continued plight of women Dalits rights defenders who face gender-based violence, or restrictions, regarding their work on the basis of their caste and gender. [A/HRC/19/55/Add.1](#), 2012
- [Special Rapporteur on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque](#) - stressed how Dalits, in particular women, work as manual scavengers and sweepers resulting in a range of health problems that are for the most part

left untreated and add further to their stigmatization. She has further reported that Dalits have been unable to collect water from shared wells or have been fined for drinking from a common water tap, and Dalit women have reportedly had to wait in a separate queue until non-Dalits have fetched water [A/HRC/21/42](#), 2012