

Caste- and gender-based discrimination with regards to the right to health and safety

The UN Working Group on the issue of discrimination against women in law and in practice
32nd session of the Human Rights Council 2016

Joint alternative NGO report by Navsarjan Trust and the International Dalit Solidarity Network (IDSN)
(info@idsn.org)

Introduction

The alternative report on Caste- and gender-based discrimination with regards to the right to health and safety is written by the International Dalit Solidarity Network (IDSN) and Navsarjan Trust and is submitted to the UN Working Group on the issue of discrimination against women in law and in practice for its report to the 32nd session of the Human Rights Council (2016). The report examines how caste and gender discrimination in the delivery of health care, water, sanitation and other basic services are major obstacles for Dalit women severely impacting their welfare and opportunities. Further, the report highlights violence against Dalit women and girls and discrimination in terms Dalit women's access to health and access to justice to secure their right to health and security. This discrimination has been documented repeatedly by UN agencies and major international human rights and development NGOS.

Navsarjan Trust is a grassroots Dalit organization dedicated to ensuring human rights for all based in the state of Gujarat for more than 20 years. Its mission is to eliminate discrimination based on untouchability practices; ensure equality of status and opportunities for all, regardless of caste, class or gender; and to ensure the rule of law. (<http://navsarjan.org/>)

The *International Dalit Solidarity Network* is an international network that works on a global level for the elimination of caste discrimination and similar forms of discrimination based on work and descent. Members include national Dalit platforms in caste-affected countries; Dalit Solidarity Networks in seven European countries; and international associates, among others (www.idsn.org). Contact information: Email: info@idsn.org, phone: +45 6043 3432.

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.

Access to health services

Caste and gender discrimination in the delivery of education health care, water, sanitation and other basic services are major obstacles for Dalit women severely impacting on their welfare and opportunities. This discrimination has been documented repeatedly by UN agencies and major international human rights and development NGOS.

In the 2014 CEDAW review of India, the Committee noted 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 recommended for the State to 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. And further, to 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.

Manual scavenging

98% of those forced into the dehumanising work of manual scavenging, removing human waste by hand, are Dalit women. In 2012, the UN 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. In 2007, CEDAW recommended for the State of India 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.

Violence against women.

Violence and other crimes against Dalit women are widespread and are often committed with impunity. (CEDAW India 2014, CESCR Nepal 2014). Where special legislation exists to protect Dalits it severely lacks implementation.

Harmful practices

Dalit women and girls 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). Dalit women may also be born into temple prostitution as 'Devadasis' (sex slaves) in India.

In the CERD review of Nepal in 2004, the CEDAW review of Nepal in 1999 and 2005, the CESCR review of Nepal in 2008, the CRC review of Nepal in 2005 and 2012 and again in the 2014 CESCR review of Nepal, the Committee has expressed particular concern that women and girls, in particular of Dalit origin continue to suffer from these harmful traditional practices and recommended for the State party to;

- Effectively implement measures to eradicate harmful traditional practices;

- 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.
- Enforce its Domestic Violence Act of 2009, investigate cases of harmful traditional practices and punish those responsible;
- Provide protection and rehabilitation to victims;
- 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.

The CRC review of India in 2000, the CERD review in 2007 and CEDAW reviews in 2000, 2007 and 2014 have all raised concern at the devadasi practice and in 2014 raised particular concern that the State Party has not taken sufficient sustained and systematic action to modify or eliminate stereotypes and harmful practices such as Devadasi. The State has been urged to enforce state laws prohibiting the practice and 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.

Women's access to justice to secure their right to health and security.

Sanctioned impunity on behalf of the offenders is a key problem. Police often neglect or deny the Dalit women 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 (CEDAW India 2007 and 2014).

Dalit women suffer from severe limitations in access to justice and there is widespread impunity in cases where the perpetrator is a member of a dominant caste, above the Dalits in the caste system. Dalit women are therefore considered easy targets for sexual violence and other crimes, because the perpetrators almost always get away with it. For example, in India, studies show that the conviction rate for rapes against Dalit women is under 2% compared to a conviction rate of 25% in rape cases against all women in India¹.

Further resources

[IDSN overview of recommendations from UN institutions on Dalit women](#)

[IDSN webpage on Dalit women](#), [Forced and bonded labour](#), [Manual scavenging](#), [Forced Prostitution](#)

¹ <http://idsn.org/key-issues/dalit-women/>