

US State Department 2018

INDIA

Section 1. Respect for the Integrity of the Person, Including Freedom from:

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

On July 18, a 19-year-old lower-caste man reportedly committed suicide at Engadiyur in Kerala's Thrissur District a day after he was released from police custody for not having proper motor vehicle registration papers. His father and friends alleged instead that he died from injuries sustained from police brutality while in custody, and a postmortem report confirmed he had injuries consistent with torture. Based on the complaint by the victim's father, a case was filed against several police officers under the Criminal Procedure Code and the Scheduled Caste/Scheduled Tribes Prevention of Atrocities Act. Two police officers were suspended for the death, and the case was transferred to the Crime Bureau for further investigation.

Section 2. Respect for Civil Liberties, Including:

Academic Freedom and Cultural Events

Police in Telangana and Andhra Pradesh filed cases against lower-caste Dalit academician Kancha Ilaiah Shepherd after complaints were received from Vysya caste groups that his book, *Samajika Smuggluru Komatollu*, portrayed the community in a negative light.

Section 3. Freedom to Participate in the Political Process

Elections and Political Participation

Participation of Women and Minorities: The constitution stipulates that to protect historically marginalized groups and provide for representation in the lower house of parliament, each state must reserve seats for Scheduled Castes and Scheduled Tribes in proportion to their population in the state. Only candidates belonging to these groups may contest elections in reserved constituencies. Members of minority populations previously served as prime minister, vice president, cabinet ministers, Supreme Court justices, and members of parliament.

Some Christians and Muslims were identified as Dalits, but the government limited reservations for Dalits to Hindus, Sikhs, and Jains.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: National crime statistics indicated Dalit women were disproportionately victimized compared with other caste affiliations.

Other Harmful Traditional Practices: "Sumangali schemes" affected an estimated 120,000 young women. These plans, named after the Tamil word for "happily married woman," are a form of bonded labor in which young women or girls work to earn money for a dowry to be able to marry.

While in bonded labor, employers reportedly subjected women to serious workplace abuses, severe restrictions on freedom of movement and communication, sexual abuse, sexual exploitation, sex trafficking, and being killed. The majority of sumangali-bonded laborers came from the Scheduled Castes (SC) and, of those, employers subjected Dalits, the lowest-ranking Arunthathiyars, and migrants from the northern part of the country, to particular abuse.

In a case of suspected honor killing in Telangana, police found a lower-caste Dalit man M. Madhukar dead from injuries on March 13. Dalit rights organizations rejected the police contention that it was a case of suicide and asserted the family members of an upper-caste girl were involved in his death. On April 6, the Hyderabad High Court ordered another autopsy on the body following protests and allegations that a local member of parliament was involved in a cover-up operation. There were no updates to the case at year's end.

Coercion in Population Control: There were reports of coerced and involuntary sterilization.

Some women reportedly were pressured to have tubal ligations, hysterectomies, or other forms of sterilization because of the payment structures for health workers and insurance payments for private facilities. This pressure appeared to affect disproportionately poor and lower-caste women.

National/Racial/Ethnic Minorities

The constitution prohibits caste discrimination. The registration of castes and tribes continued for the purpose of affirmative action programs, as the government implemented programs to empower members of the low castes. Discrimination based on caste remained prevalent particularly in rural areas.

The term "Dalit," derived from the Sanskrit for "oppressed" or "crushed," refers to members of what society regarded as the lowest Hindu castes, the Scheduled Castes (SC). Many SC members continued to face impediments to social advancement, including education, jobs, access to justice, freedom of movement, and access to institutions and services. According to the 2011 census, SC members constituted 17 percent (approximately 200 million persons) of the population

Although the law protects Dalits, there were numerous reports of violence and significant discrimination in access to services, such as health care, education, temple attendance, and marriage. Many Dalits were malnourished. Most bonded laborers were Dalits. Dalits who asserted their rights were often victims of attacks, especially in rural areas. As agricultural laborers for higher-caste landowners, Dalits reportedly often worked without monetary remuneration. Reports from the UN Committee on the Elimination of Racial Discrimination described systematic abuse of Dalits, including extrajudicial killings and sexual violence against Dalit women. Crimes committed against Dalits reportedly often went unpunished, either because authorities failed to prosecute perpetrators or because victims did not report crimes due to fear of retaliation.

NGOs reported widespread discrimination, including prohibiting Dalits from walking on public pathways, wearing footwear, accessing water from public taps in upper-caste neighborhoods, participating in some temple festivals, bathing in public pools, or using certain cremation grounds. In Gujarat, for example, Dalits were reportedly denied entry to temples and denied educational and employment opportunities.

NGOs reported that Dalit students were sometimes denied admission to certain schools because of their caste or were required to present caste certification prior to admission. There were reports that school officials barred Dalit children from morning prayers, asked Dalit children to sit in the back of the class, or forced them to clean school toilets while denying them access to the same facilities. There were also

reports that teachers refused to correct the homework of Dalit children, refused to provide midday meals to Dalit children, and asked Dalit children to sit separately from children of upper-caste families.

In April the supporters of Bhim Army, a lower-caste Dalit advocacy group in Uttar Pradesh, reportedly faced violence at the hands of organized upper-caste Thakur landlords in Uttar Pradesh. More than 50 Dalit houses were reportedly burned and many individuals injured in the violence. In May thousands of Dalits, led by the Bhim Army, staged a demonstration against the violence. As confrontations between the communities escalated, police arrested several Bhim Army activists, including leader Chandrshekhar Azad. State police reportedly did not detain upper-caste participants.

The federal and state governments continued to implement programs for members of lower caste groups to provide better-quality housing, quotas in schools, government jobs, and access to subsidized foods. Critics claimed many of these programs suffered from poor implementation and/or corruption.

Manual scavenging--the removal of animal or human waste by Dalits--continued in spite of its legal prohibition. NGO activists claimed elected village councils employed a majority of manual scavengers that belonged to Other Backward Classes and Dalit populations. Media regularly published articles and pictures of persons cleaning manholes and sewers without protective gear. On March 16, the Ministry of Social Justice and Empowerment stated that there were 12,737 manual scavengers in 13 states and union territories. NGOs maintained the actual numbers were higher.

HRW reported that children of manual scavengers faced discrimination, humiliation, and segregation at village schools. Their occupation often exposed manual scavengers to infections that affected their skin, eyes, respiratory, and gastrointestinal systems. Health practitioners suggested children exposed to such bacteria were often unable to maintain a healthy body weight and suffered from stunted growth.

The law prohibits the employment of scavengers or the construction of dry (nonflush) latrines, and penalties range from imprisonment for up to one year, a fine of 2,000 rupees (\$32), or both.

Section 7. Worker Rights

Discrimination occurred in the informal sector with respect to Dalits, indigenous persons, and persons with disabilities. Legal protections are the same for all, but gender discrimination with respect to wages was prevalent. Foreign migrant workers were largely undocumented and typically did not enjoy the legal protection available to workers who are nationals of the country.

According to a 2016 Asian Human Rights Commission report, although the Supreme Court ordered enforcement of the law prohibiting employment as manual scavengers, calling for their rehabilitation, and banning manual cleaning of sewage lines, authorities rarely enforced the law. The commission quoted a Dalit rights activist who asserted that at least 700 deaths in manholes occurred every year.

NEPAL

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Other harmful practices: Traditional beliefs about witchcraft negatively affected rural women, especially widows, the elderly, persons of low economic status, or members of the Dalit caste. Shamans or family members publicly beat and otherwise physically abused alleged witches as part of exorcism ceremonies.

Discrimination: Dalit women in particular faced discrimination by virtue of their gender and caste status. The law grants women equal shares of their parents' inheritance and the right to keep their property after marriage, but many women were not aware of their rights, and others were afraid to challenge existing practice.

National/Racial/Ethnic Minorities

Caste-based discrimination is illegal, and the government outlawed the public shunning of Dalits and made an effort to protect the rights of other disadvantaged castes. The constitution prohibits the practice of untouchability and stipulates special legal protections for Dalits in education, health care, and housing. It also established the National Dalit Commission as a constitutional body to strengthen protections for and promote the rights of Dalits.

According to the Nepal National Dalit Social Welfare Organization, government progress in reducing discrimination remained limited in rural areas.

BANGLADESH

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Women

National/Racial/Ethnic Minorities

NGOs reported that national origin, racial, and ethnic minorities faced discrimination. For example, some Dalits (lowest-caste Hindus) had restricted access to land, adequate housing, education, and employment.

Discrimination with Respect to Employment and Occupation

The labor law prohibits wage discrimination on the basis of sex or disability, but it does not prohibit other discrimination based on sex, disability, social status, caste, sexual orientation, or similar factors. The constitution prohibits adverse discrimination by the state on the basis of religion, race, caste, sex, or place of birth and expressly extends that prohibition to government employment; it allows affirmative action programs for the benefit of disadvantaged populations.