

Submission by the International Dalit Solidarity Network (IDSN)
to the UN Working Group on Discrimination against Women and Girls

Women's Human Rights in the Changing World of Work
(2019)

Introduction

This document aims at bringing a contribution to the upcoming report of the UN Working Group on Discrimination against Women and Girls, to be presented at the 44th regular session of the UN Human Rights Council, relating to Women and the World of Work. This document uses as a point of departure the UN Guiding Principle on Business and Human Rights, which points out to the need of identifying those individuals in vulnerability due to the activities of any business activitiesⁱ.

Hence, the main focus of this document is the diverse forms of discrimination suffered by Dalit women in accessing work and during work relations. Dalit women are often trapped in highly patriarchal societies. The severe discrimination they face from being both a Dalit and a woman, makes them a key target of violence and systematically denies them choices and freedoms in all spheres of life. This endemic intersection of gender-and-caste discrimination is the outcome of severely imbalanced social, economic and political power equations. Caste-based discrimination in itself encompasses a wealth of instances of violence and stigma against Dalits.ⁱⁱ As Meena Varma, the Director of International Dalit Solidarity Network (IDSN) explains:

“Dalits are the elephant in the room for most companies. People may tell me their call centres, their factories, their supply chains don’t discriminate against Dalits, but they don’t actually know because they’re not asking the right questions of the people that manage their suppliers and subsidiaries.”

Intersecting instances of discrimination form worrying patterns of invisibility and rights deficits, affecting Dalit women disproportionately or generating violations that are exclusively experienced by Dalit women and not Dalit men, including in the world of work,

The Walk Free Foundation's Global Slavery Index, for instance, highlighted caste-based slavery as a key issue finding that, "Indians most vulnerable to modern slavery are those from the 'lower' castes (Dalits), and the indigenous communities (Adivasis), especially women and children ... Members of the lower social castes, particularly women and children, are frequently denied access to basic rights and infrastructure that might mitigate their risks of enslavement, such as education, healthcare, employment and justice."

Among the many forms by which Dalit women may face discrimination in the workplace, the following are the most expressive:

Equal Pay

It has been documented that Dalit women are often not paid a living wage and usually earn less than Dalit men, and much less than members of dominant castes, carrying out similar work. Below minimum wages for parents are a key contributor to child labor, excessive working hours and being engaged in hazardous work.

Dalit women are often a part of an invisible workforce whose wages are not recorded or who are working to pay off debts and interests controlled by their employers. Even in urban settings and skilled work, studies find that urban Dalit women earn half the average daily wage earned by non-Dalit castes and urban Dalit men earn 62% of what non-Dalit caste men earn.ⁱⁱⁱ

Dalit women are demanding equal pay for equal work and businesses sourcing in India must pay special attention to preventing and addressing caste and gender-based discrimination and labor exploitation.

Promoting inclusive workplaces and affirmative action.

Dalit women have been severely discriminated against for centuries and workplaces have an obligation to ensure that discrimination is not occurring in their hiring and promotional practices and in other aspects of their operations. In some caste-affected countries there are affirmative action policies in place reserving Government jobs for Dalits. There are, however, no state policies when it comes to private businesses, where affirmative action policies would go a long way to ensuring a better representation of Dalit women in the workforce.

Workplaces also need to focus on promoting an inclusive culture where caste and gender discrimination, abuse, sexual harassment and exploitation are never tolerated and addressed head-on with specific policies and grievance mechanisms. Ensuring the participation of Dalit women in the planning, implementation and monitoring of any measures meant to ensure decent work for them is crucial.

Labor Exploitation against Dalit Women and Girls

Dalit women are overwhelmingly overrepresented in forced labor and labor exploitation in global supply chains in India, with studies consistently finding that the majority of home-based garment workers in India are Dalit and Muslim women and girls. Dalit women working in domestic servitude are also often isolated and vulnerable.

The intersection of caste and slavery in South Asia has been addressed by UN experts on multiple occasions, where all the experts indicate that while there is legislation in most caste-affected countries to safeguard against slavery, child labor and other labor abuses, the implementation when it comes to cases involving Dalit women, is severely lacking. Extensive studies on child labor in South Asia, including in the carpet-weaving and garment sector, has found that Dalit and Adivasi children are always the ones engaged in child labor. Studies have also found that the children often work under grueling conditions, with both significant physical and mental health risks. They also often face beatings and severe scoldings from their employers. Some other industries where it has been documented that Dalit children are working in child labor in South Asia are cotton picking, cottonseed production, sports goods, leather, synthetic gemstones, sugar, mining, carpet-weaving, tea and brick making. Dalit girls are often forced to work alongside their parents in order for their family to survive.

Dalit women are traditionally viewed as 'inferior' and due to ingrained caste bias, their avenues for obtaining justice in cases of sexual abuse are extremely limited. Thus, there is a widespread perception that Dalit women can be abused without consequence by dominant caste perpetrators and many turn a blind eye to such abuses.

Forced Prostitution

Thousands of Dalit Girls are forced into prostitution every year, naturally given the absolute lack of choices of decent work. The link between caste and forced prostitution is apparent in the Devadasi and Jogini practice in India. 93% of Devadasi are from Scheduled Castes (Dalits) and 7% are from Schedules Tribes

(Indigenous) in India. In Nepal, many Badi women (Dalit sub-caste) are forced into prostitution and trafficking.^{iv}

Manual Scavenging

98% of those Dalits subjected to manual scavenging are Dalit women. Manual Scavenging, the removing from human excrement from dry latrines, railroad tracks and sewers by hand, is a caste-based slavery reserved exclusively for Dalits. Manual scavenging is considered one of the worst forms of labor. As the former UN High Commissioner for Human Rights, Madame Navi Pillay, has expressed:

Manual scavenging is not a career chosen voluntarily by workers but instead a deeply unhealthy, unsavory and undignified job forced upon these people because of the stigma attached to their cast.

Despite being, at the surface, an overall problem of Dalits, this slave-like form is extremely concentrated on women and thus, should be seen as a specific focus of discrimination against women in the workplace.

The practice is illegal in India, but it remains widespread and is extremely detrimental to the health and dignity of the women involved. In 2014, the UN Special Rapporteur on violence against women, Rashida Manjoo, on the country visit report to India, had pointed out to the difficulties in eradicating this practice that affects almost exclusively Dalit women: *“While legislation has been adopted to eradicate bonded labour and manual scavenging, reports and interlocutors indicate that there is a consistent failure in the implementation of such laws and a tendency to minimize the significance of the problem.”^v*

Dalit activists in India have staged nationwide protests with thousands of Dalit women engaged in manual scavenging participating and demanding to be released from this work and offered alternative ways to earn a living. They are asking that states be held accountable to implementing policies banning manual scavenging and compensating those who have left this practice.

Brick Kilns

In Pakistan and India thousands of Dalit women are working in indirect bonded labor in the brick kiln industry. Studies have shown the predominance of Dalits within this industry. What is peculiar about women and children working in brick kilns is that they are typically considered the property of brick kiln

owners, suffering from sexual abuse and violence. Whole families are enslaved and work long days with little or no compensation.

According to the testimony of Veeru Kohli, a former brick kiln worker:

“my daughter was dying for starvation because the landlord whose field I was working on was not paying me anything. When I confronted them, they beat me up”.

Textiles – The “Sumangali Scheme”

A perverse form of discrimination against women within the context of labor and caste is indeed the “Sumangali Scheme”. It consists of luring teenage girls, predominantly Dalits, who are promised a lumpsum dowry after completing ten years of work. They live in very basic company-run hostels and face threats and violence from factory supervisors. The girls are often trapped in a 68-hour working week, with no contract or pay slips, and being locked inside factory dormitories and dormitory compounds during working and non-working hours. This indeed reduces drastically the personal and professional choices of the girls and adolescent women trapped in this scheme. As Dr. Aidan McQuade, Former Director of Anti-Slavery International has stressed:

“Caste-based apartheid underpins the ‘camp coolie’ and Sumangali systems allowing the powerful to enslave, with impunity, vulnerable workers, often young Dalit women and girls, for the manufacture of textiles and garments for northern hemisphere markets, and hence to derive considerable profits from their enslavement.”

When resorting to remedies for this type of violations, for example, by labour unions, Dalit women have reported intersectional discrimination, as they are not even aware that they could take part in unions. On other occasions, women workers commented that they did not think Unions were open to them,^{vi} in a drastic form of intersectional discrimination. Dalit Women often do not report abuses due to fear of retribution.^{vii} In 2018, ETI Trainer Stirling Smith reported on a suicide crisis where young women workers in Tamil Nadu commit suicide at an alarming rate. He called on companies to recognize the need to double and triple check their supply chains.



ⁱ “The initial step in conducting human rights due diligence is to identify and assess the nature of the actual and potential adverse human rights impacts with which a business enterprise may be involved. The purpose is to understand the specific impacts on specific people, given a specific context of operations. Typically this includes assessing the human rights context prior to a proposed business activity, where possible; identifying who may be affected; cataloguing the relevant human rights standards and issues; and projecting how the proposed activity and associated business relationships could have adverse human rights impacts on those identified. In this process, business enterprises should pay special attention to any particular human rights impacts on individuals from groups or populations that may be at heightened risk of vulnerability or marginalization, and bear in mind the different risks that may be faced by women and men.”

ⁱⁱ For instance, [CCPR/C/NPL/CO/2 \(CCPR, 2014\)](#).

ⁱⁱⁱ Centre for Social Equity & Inclusion (2010) *Quest for Equity: Urban Dalit Women Employees and Entrepreneurs*. *Centre for Social Equity and Inclusion*, available at <http://csei.org.in/wp-content/uploads/2017/01/Quest-for-Equity-Urban-Dalit-Women-Employees-Entrepreneurs.pdf>

^{iv} For instance, [CEDAW/C/NPL/CO/4-5 \(CEDAW, 2011\)](#); [CERD/C/IND/CO/19 \(CERD, 2007\)](#)

^v International Dalit Solidarity Network (2014) UN: Plight of Dalit women highlighted by the Special Rapporteur on Violence against Women. *IDSN*, available on <https://idsn.org/un-plight-of-dalit-women-highlighted-by-the-special-rapporteur-on-violence-against-women/>

^{vi} International Dalit Solidarity Network (2014) Report: Dalit girls in modern slavery in India’s textile industry. *IDSN*, available on <https://idsn.org/report-dalit-girls-in-modern-slavery-in-indias-textile-industry/>

^{vii} Human Rights Watch (2015) World Report 2015. *Human Rights Watch*, available on <https://www.hrw.org/world-report/2015>