

IDSN Input to Post-MDGs on Inequalities – Online Discussion on Gender-based violence (14 Nov)

The comment is posted on behalf of the International Dalit Solidarity Network - an international network of NGOs working for the elimination of caste-based discrimination globally (www.idsn.org)

What are the main structural factors that are at the root of gender-based violence within a society and between different societies?

When considering the major structural factors underlying gender-based violence, it is necessary to address caste-based discrimination as a root cause of some of the gravest inequalities and human rights violations in the world. Therefore, the intersection between *gender and caste* needs to be addressed explicitly and recognized under the MDG framework's focus on inequalities and multiple forms of discrimination. At the same time, it is vital that the fundamental human rights principles of non-discrimination, equality and inclusion must be mainstreamed into the post-2015 MDG framework.

Caste-based discrimination results in gender-based violence against Dalit women from "lower caste" communities, primarily in South Asia. Similar forms of caste-based exclusion based on the notion of "untouchability", pollution and impurity can be found in Japan, Yemen, some African communities and the South Asian Diaspora, as confirmed in a comprehensive study on discrimination based on work and descent by the UN Sub-Commission on the Promotion and Protection of Human Rights.

2. What are the challenges or barriers to address factors / structural causes of gender-based violence? What are some strategies / approaches effective in overcoming these challenges / obstacles?

The caste system is perpetuated by unequal access to power and structures of exclusion, and will not be fully eliminated until equal access to power is achieved. Fundamental to this is the full inclusion and effective participation of persons affected by caste-based discrimination in mechanisms of governance at all levels.

Dalit women suffer extreme forms of violation and multiple discrimination at the bottom of the caste system – as Dalits, as members of an impoverished underclass, and as women. In some countries, Dalit women also belong to the religious minorities, adding to the various forms of discrimination they are faced with. The gender-and-caste discrimination that Dalit women face is the outcome of severely imbalanced social, economic and political power equations. Violence and inhuman treatment, such as sexual assault, rape, and naked parading, serve as a social mechanism to maintain Dalit women's subordinate position in society. They are targeted as a way of humiliating entire Dalit communities. Sanctioned impunity on behalf of the offenders is a key problem. Police personnel often neglect or deny the Dalit women of their right to seek legal and judicial aid. Specific forms of violence and harmful traditional practices against Dalit women include forced prostitution, forced marriage, dowry-related killings, and the practice of manual scavenging – i.e. the occupation of cleaning dry toilets and sewers manually.

In a submission on the Post-MDG Development Agenda, the UN Independent Expert on minority groups, Ms. Rita Iszak, notes that progress to meet the MDGs for many of the most disadvantaged groups, including Roma, Afro-descendants, Dalits, and other disadvantaged ethnic, religious and linguistic minorities globally has not met expectations. She states that: "Indeed for some groups the inequality gaps may actually increase as the situation of some poor groups is improved, while that of some of the most disadvantaged minorities stays the same or improves less markedly. The impact of discrimination, social exclusion and economic marginalization on these groups and the challenges involved in finding solutions to such barriers to development, have not always been fully recognized by State or the international community." She continues to argue that "it is likely that without significant and continuing efforts to raise attention to the need for solutions that work for disadvantaged minorities, post 2015 strategies at the

national level may in some cases continue to follow the same patterns, priorities and models that have proved to be flawed in their ability to address minority needs.”

Good practices and Strategies to Eliminate Caste-based Discrimination

Several UN Member States, UN experts, institutions, and NGOs have called for the sharing of good practices to eliminate caste-based discrimination. In 2011, an International Conference was organized to discuss this topic in November 2011. The aim of the consultation was to identify, share and learn from examples of good practices and strategies to eliminate caste-based discrimination by a wide range of actors, incl. governments, national human rights institutions, UN agencies and Country Teams, the EU, civil society, etc.

As an outcome of this conference, a Joint Declaration and Global Call for Action to Eliminate Caste-based Discrimination was prepared, containing recommendations on specific themes, such as multiple forms of discrimination, access to service, humanitarian standards, forced and bonded labour, and effective institutions: www.idsn.org/globalcall

3. What forms of violence are not adequately addressed by the State's responses?

Answer: Caste-based violence (and how it intersects with gender-based violence)

4. What are the challenges for developing inclusive policies and strategies to address the issue of GBV for women who suffer multiple forms of discrimination (e.g. women with disabilities, HIV/AIDs, indigenous women, sex workers, LGBTI women etc...)?

Dalit women and women affected by discrimination based on work and descent – the UN terminology for caste-based discrimination – belong to the certain groups of women and girls, who are exposed to multiple and intersecting forms of discrimination and violence on the basis of gender and caste.

The UN Committee on the Elimination of all forms of Discrimination Against Women has provided its interpretation of the links between gender and caste in two general recommendations on temporary measures, and on the core obligations of States Parties under the Convention:

- CEDAW General Recommendation No. 25 on Temporary Special Measures (2004), para. 12: “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 race, ethnic or religious identity, disability, age, class, **caste** or other factors. 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. 28 on the Core Obligations of States Parties under Article 2 (2010), para. 18: “The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status age, class, **caste**, and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways than men. States parties must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned.”

Examples of caste-inclusive guidelines and toolkits

Several guidelines and toolkits exist to give guidance to states, international institutions, civil society and the private sector on how to effectively address caste-based discrimination. These can be used and endorsed by state and non-state actors in overcoming these challenges. Some examples are given below:

“Draft UN Principles and Guidelines on discrimination based on work and descent”

The draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent is a comprehensive framework on the effective elimination of discrimination based on work and descent, the UN terminology for caste discrimination. Based on existing international human rights principles and obligations, the framework proposes general and special measures to be taken by multiple stakeholders. Although still a draft, the UN Principles and Guidelines constitute a strong tool to encourage specific anti-discrimination legislation and relevant policy measures for governments and their agencies, UN and other international agencies, educational institutions, non-governmental organizations and the private sector. The soft law framework is the result of a UN study on discrimination based on work and descent undertaken by the former UN Sub-Commission on the Promotion and Protection of Human Rights. The final report, including the draft principles and guidelines, was published by the Human Rights Council at its 11 session in 2009 (A/HRC/11/CRP.3).

Link: http://idsn.org/uploads/media/UN_Principles_And_Guidelines_-_IDSN.pdf

“Marginalised Minorities in Development Programming: A UNDP Resource Guide and Toolkit”

In collaboration with UNDP, the Independent Expert on minority issues has developed this guide and toolkit to further enhance UNDP’s policy and programming interventions on minority issues. The publication was launched and distributed to UNDP offices and staff globally on 26 May 2010. It includes several observations on measures to be taken to promote and protect Dalit rights in caste-affected countries. It also includes a reference to the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent. The publication has the potential to enhance UNDP’s treatment of minority issues and to increase the opportunities available to minorities for meaningful participation and representation in development processes and for strengthening partnerships to protect and promote the rights of minorities.

Link: <http://www.ohchr.org/Documents/Issues/Minorities/UNDPMarginalisedMinorities.pdf>

5. How has GBV been integrated into wider gender equality policies, budgets and advocacy approaches? For example how has GBV been integrated into wider approaches to citizen security (e.g. in Latin America, in the context of widespread urban violence, etc.) or within other sectors (e.g. education, labour, health)?

Despite the evidence and concerns expressed by human rights bodies such as the UN Committee on the Elimination of all forms of Discrimination Against Women and the UN Special Rapporteur on Violence against Women in thematic studies and country examinations, the links between caste and gender remains largely unaddressed in international fora. The intersecting forms of gender- and caste-based violence is often not integrated in multilateral and bilateral policies, budgets and advocacy approaches on gender equality, even though it is essential to address them when targeting inequalities in sectors such as education, labour and health in order to reach the MDGs globally and in affected countries.