

# State of the Worlds Minorities and Indigenous Peoples 2011 : Events of 2010 – Minority Rights Group International

## Excerpts on Dalits/ Caste Discrimination

### From [Press Release](#):

“In India, for instance, Dalit women experience multiple levels of violence due to caste, class and gender. They face killing, rape, gang rape and custodial torture on a daily basis, across the country, the report says.”

+ Specific Case given:

### **India’s ‘untouchable’ women face multiple levels of violence and no justice**

As a minority, Dalit women are subject to a ‘triple burden of inferiority’ based on caste, class and gender. This combination of structural factors renders Dalit women vulnerable to some of the most abhorrent forms of physical violence. Because beliefs about the low status of Dalits are pervasive among the general population in India, such violence is nonetheless often ignored or under-estimated by officials.

Dalit women in India are vulnerable to murder, rape (including gang rape), custodial torture, and stripping and parading in public spaces. Dominant-caste men are the main perpetrators of physical and sexual abuse, as well as members of the Indian police force, men in other societal positions of power and authority and men from the Dalit community.

Legislation does exist in India to protect Dalits and other minority groups from discrimination, but poor access to justice and widespread social exclusion render legal avenues of justice for Dalit women victims of violence largely ineffectual.

### **Contact**

Manjula Pradeep,

Navsarjan (A NGO working for the empowerment of Dalit women), Gujarat, India.

M: +919898515090

E: [manjula.hp@gmail.com](mailto:manjula.hp@gmail.com)

**From the [promotional Video](#):** “In India Dalit women experience multiple levels of violence due to caste, class and gender. They face killing, rape, gang rape and custodial torture on a daily basis, across the country.”

### From [State of the Worlds Minorities and Indigenous Peoples 2011 Report](#):

#### **Foreword written by Gay McDougall:**

“In India I heard the testimony of scores of Dalit women who had been beaten, raped or had their families threatened because they were serving local governing councils. I also had the privilege to stand with nearly

1,000 Dalit women as they rallied to declare themselves 'free' of the degrading work of 'manual scavenging'; that is, cleaning the excrement from dry toilets by hand —a task reserved for women of the lowest caste, despite the practice having long been banned in India. Those women were raising their voices to claim their rights and dignity and had symbolically burned their manual scavenging baskets. I was struck by their bravery. Many of them had known no other way of life and had no guarantee of an alternative source of income for their families - yet they were making a stand." (pg. 7)

### **Why Focus on Minority and Indigenous Women - Kathryn Ramsay:**

"A pregnant Dalit woman is forced to give birth in the street because the doctors refused to admit a Dalit to hospital." (pg. 15)

### **Minority and Indigenous Women and the Millennium Development Goal - Corinne Lennox:**

"Minority and indigenous girl children may be particularly vulnerable to physical, sexual or other abuse by teachers or other students because they have less power to challenge authority and seek justice for crimes committed against them. For instance, Dalit girls at one school in India were particularly targeted for repeated rape by teachers. In this case, the case was heard and won in favour of the girls."

"The Navsarjan Trust, a Dalit NGO in Gujarat, India, has worked to bring together at state level all Dalit women *sarpanches* (elected village heads) and hundreds of Dalit female *panchayat* (village assembly) members, to help them find strength in networking and the confidence to raise Dalit women's issues in their roles."

"For example, recognizing low levels of education among minority children, the government of Nepal has made targeted efforts to increase recruitment of women teachers and teachers from minority groups; figures have been gradually increasing. Further intersecting these goals, that is, to recruit minority women teachers and particularly Dalit women, would help to break down both gender and minority identity barriers in the classroom." (pg. 24)

### **Violence against women in indigenous, minority and migrant groups - Claire Rowland and Michelle Carnegie**

#### **Case Study – Dalit Women:**

Dalit women in India: violence on the basis of caste, class and gender

Structural discrimination against Dalit men and women in India, Nepal and Sri Lanka stems from an entrenched hierarchical caste order in South Asian societies. Victims of the oldest surviving system of social stratification in the world, Dalits, or 'untouchables', are perceived as belonging to the 'lowest' social category, according to traditional caste values within the Hindu religion.

They are also one of the most socio-economically marginalized groups in India, due to occupational discrimination. Dalit women's oppression is deepened via ingrained patriarchal values and norms. Violence against Dalit women in India has thus been described as serving as 'a crucial social mechanism to maintain Dalit women's subordinate position in society, [that] is the core outcome of gender based inequalities shaped and intensified by the caste system', according to a 2006 publication by the National Campaign on

Dalit Human Rights, National Federation of Dalit Women and the Institute of Development Education, Action and Studies. As a minority, Dalit women are thus subject to a 'triple burden of inferiority' based on caste, class and gender. This combination of structural factors renders Dalit women vulnerable to some of the most abhorrent forms of physical violence. Beyond this, because beliefs about the low status of Dalits are pervasive among the general population in India, and more or less condoned by the state, the psychological violence that women (and men) experience is also severe.

Dalit women in India are vulnerable to murder, rape (including gang rape), custodial torture, and stripping and parading in public spaces. Uppercaste men are the main perpetrators of physical and sexual abuse, as well as members of the Indian police force and men in other societal positions of power and authority. Physical violence is often used as a method of dispelling dissent among the general Dalit population; or to force consent or confessions, or as a means of control and intimidation. According to the 2007 HRW report *Hidden Apartheid: Caste Discrimination against India's 'Untouchables'*, Dalit women are reported as being sexually abused during police raids or in custody, to 'punish Dalit communities as a whole' and 'as a means of exerting pressure on their male family members to surrender, give false evidence, retract their complaints, or silence their protests regarding police mistreatment'. The *State of Human Rights in India Report 2010*, produced by the Asian Human Rights Commission (AHRC), details a case of custodial violence and torture that occurred in Delhi, in May 2010. As stated in the report:

'the officers forced Mala [name changed] to strip naked in front of her minor son who was detained at the station, and ordered her to have sex with [her son]. Upon refusal, one of the police officers demanded Mala to have sex with him. Mala, a slum dweller had gone to the police outpost with her husband to enquire as to why her two sons were detained at the police station.'

Assisted by a local human rights organization, Mala lodged a complaint; to date, however, no charges have been laid.

Far from being an isolated incident, the authors of the report argue that this case reflects the ongoing abuse by police officers toward Dalit women in India today. In the 2006 study by the National Campaign on Dalit Human Rights et al. mentioned above, involving 500 Dalit women across four provincial states in northern India, in 40 per cent of violent incidents, women were unable to obtain either legal or non-legal recourse for the violence. In addition, perpetrators of violence against Dalit women were reported as being convicted by the courts in less than 1 per cent of all cases.

Legislation does exist in India to protect Dalits and other minority groups from discrimination, in the form of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989. Sadly, there is little effort on the part of the Indian state to implement this law via its judiciary and law enforcement agencies, and hence legal avenues of justice for Dalit women victims of violence are largely ineffectual. As stated in the 2007 HRW report, state and private actors enjoy virtual impunity for crimes against Dalit women. As a result of this situation, and according to its 2010 annual report, the National Campaign on Dalit Human Rights continued its efforts for the 'proper implementation of legislation and ... ensuring the effectiveness of future legislative measures'.

Many other bodies and organizations at the national and international level have spoken out on the issue of violence against Dalit women, urging the Indian state to take action, including the UN Special Rapporteur

on violence against women. The Indian state, however, has refused to properly acknowledge and attend to the concerns raised by the Dalit rights organizations or international community. Meanwhile, many NGOs within India continue to work to secure Dalit human rights and dignity, and some focus specifically on Dalit women. For example, All India Dalit Mahila Adhikar Manch – an organization formed in 2006 by the National Campaign on Dalit Human Rights– aims to advocate for Dalit women representatives in local government, and to build the leadership skills of the few Dalit women who do gain seats, to ensure that their voices are heard in the effort to keep the multiple axes of discrimination against Dalit women on the political agenda.” (pg. 36-37)

### **Reproductive Rights: A long way to go -Tanya Saroj Bakhr:**

A 2009 report by Human Rights Watch (HRW) on reproductive health in Uttar Pradesh, in northern India, found that many of the Dalit and lower-caste women interviewed for the report had faced direct, castebased discrimination from health workers. This had included nurses refusing to visit Dalit communities to provide ante- or postnatal care to women, or, in the event that they did visit, refusing to touch the woman or her baby. In another instance recorded in the report, a Dalit woman who gave birth in a state health facility was discharged without being properly examined by medical staff, meaning that health complications relating to her recent delivery were not picked up. As a result, she suffered serious and debilitating health problems, incurring US \$1,000 in health care expenses, and she and her family experienced verbal abuse when they complained about the poor treatment that she had received. Other cases where Dalit women had received inadequate care as a result of caste-based discrimination were also not properly investigated.

In other instances, reported by Healthwatch Forum Uttar Pradesh, scheduled caste women were physically abused by medical staff, or denied access to treatment because their families could not pay for medicines or refused to pay bribes to medical staff (antenatal, delivery and postnatal care are meant to be available free of charge). Such discrimination no doubt contributes to the fact that lower-caste and tribal women were found to make far less use of reproductive health services, and that they accounted for 61 per cent of maternal deaths in six north Indian states, according to a 2007 report by UNICEF. (pg. 46)

### **Asia – Joshua Castellino, Irwin Loy, Matthew Naumann, Marusca Perazzi and Jacqui Zalcborg**

#### **Introduction:**

“Violence and intimidation was also prominent in parts of India, as a result of the ongoing conflict between government forces and the Naxalites, a Maoist movement that has a presence in a third of all Indian districts. This movement has appealed directly to marginalized communities, including Dalits and indigenous peoples (Adivasis), as well as landless labourers, arguing that they have been excluded from the wealth being generated in the country. Despite the country’s strong economic performance in the midst of a global crisis, new indicators contained in the Oxford Poverty and Human Development Initiative’s Multidimensional Poverty Index demonstrate that inequality is growing, with minority communities like the Dalits and Adivasis falling further behind the national average in terms of socio-economic attainments.” (pg 137)

#### **Bangladesh:**

“In February, Bangladesh Minority Watch reported that a Dalit Hindu woman was sexually assaulted by a police officer. The officer in question was suspended from duty, although the report also alleged that the woman was pressured against pursuing the case.” (pg 141)

### **Special Report – India in a State of Turmoil**

“The much-contested Armed Forces Special Powers Act provided security forces with carte blanche in what are euphemistically described ‘disturbed areas’, resulting in a pervasive culture of impunity. It has to be noted that previous iterations of such legislation, the Terrorist and Disruptive Activities (Prevention) Act (TADA) of 1985 and the Prevention of Terrorism Act (POTA) of 2002, had both been discontinued due to the arbitrary detention, enforced disappearance and extra-judicial killings of many members of minorities including Dalits, Muslims, Sikhs and others in the north-eastern states. (pg. 143)

#### **India:**

Adivasis, Dalits and landless labourers face regular pressure from militants, and often succumb to it: not necessarily as an expression of genuine support, but as a result of the grave physical threat against them if they do not. Beyond the response to the Maoist uprising, there are other indications that the human rights situation in India is deteriorating, while the poor socio-economic situation of minorities – and minority women in particular – shows little signs of improvement. The year began with the launch of the ‘Leadership Development of Minority Women’s’ programme, a government scheme aimed at increasing minority women’s awareness of their rights in regard to education, employment, health, hygiene, immunization and family planning, as well as improving access to microcredit. But it ended with the suppression of a protest organized by minority women calling for those very rights. The events that took place at Barwari, in Madhya Pradesh on 28 December 2010 illustrate the extent to which freedom of speech and association has been curbed in recent years. The protest, called by a grassroots organization of Dalits and tribal communities, consisted of about 1,000 tribal women. They were protesting against the poor quality of health care that had resulted in nine deaths at a maternal hospital the previous month. Overall, there were 25 maternal deaths at this hospital between April and November 2010. In breaking up the protest, police used colonial-era sedition laws to arrest the organizers and others, at the same time as the Indian government was celebrating membership of the UN Commission on Information and Accountability for Women’s and Children’s Health.

It may be recalled that, according to a 2007 UN Children’s Fund (UNICEF) report, nearly 60 per cent of maternal deaths in six northern states occurred in what could be classed Dalit or tribal communities. Elsewhere, minority women’s rights activists called for a ‘quota within a quota’ for Dalit women and women from religious minorities to be included in the Women’s Reservation Bill (still under discussion at the end of the year). Without this, they argued, the right to political representation of Dalit women and women from religious minorities would not be protected by the proposed ‘women’s quota’. (pg. 144)

#### **Nepal:**

The government appears to be striving to erode age-old practices of caste-based discrimination, and there is acceptance of the need for the introduction of reservations for the Dalit community in order to realize equality. Draft legislation vetted by a high-level panel and released in December 2010 contained provisions

to guarantee equality and provide measures through which to realize language rights and proportional representation. In addition, there were two progressive judgments on these issues in January and March 2010 (handed down by the District Court in Baitadi in the west of the country), both of which upheld Dalit rights. The first sentenced a man to two years' imprisonment for an attack on Dalits whom he believed were not following discriminatory temple rituals, while the second convicted a man for physical assault on the father of the groom at a Dalit wedding, where the perpetrator believed rituals practised were reserved for 'high-caste communities'.

These decisions indicate some official appetite for combating caste-based discrimination, though inevitably tackling societal perceptions is a significant challenge. Indeed, discrimination on the basis of caste identity appears to continue to be widespread in Nepal, affecting the estimated 13-20 per cent of the population who are Dalit. For instance, according to the Asian Human Rights Commission (AHRC), Dalits are often refused entry to tea shops, restaurants and hotels, and to Hindu temples, denying their right to practise their religion. Those who speak out against such discrimination face hostility. In October, the AHRC reported that a non-Dalit teacher who had spoken out against discriminatory practices against Dalit students at her school in Kailali District (including separate facilities for Dalit students and banning Dalit students from attending certain classes) remained suspended. In addition, she had been blocked by the local school board from applying for other teaching posts in the district.

In a similar vein, although the government declared 2010 to be the year to focus on gender based violence, ingrained attitudes have meant that women, especially from marginalized communities, continue to face violence, due to their lower status and financial dependence on their spouses. Women from marginalized communities such as Haliya, or bonded labourers in the mid- and far western regions of Nepal continue to face difficulties that are accentuated by poverty and the lack of employment opportunities, in accessing food, clothing, shelter, health care and education, despite the abolition of bonded labour nearly three years ago. For instance, the AHRC alleges that Dalit women and girls are at particular risk of sexual violence at the hands of higher-caste men, and that such cases are rarely brought to justice due to complicity between the police and the perpetrators. The year 2010 also saw the murder of two Dalit women and a girl in Bardiyia National Park by army personnel. The soldiers involved alleged that they had killed the women and child - who were collecting firewood along with others from their village - instantly, and in self-defence. But other members of the party reportedly stated that they had been shot at while they were sleeping, and that the women and the girl were abducted, sexually assaulted, and later killed. (pg 174)

### **Special Report (Europe Section)**

"Discrimination and exploitation suffered by women in their home countries is one of the root causes of trafficking. In much of its project work, Anti-Slavery International has clearly established the link between discrimination and slavery. According to its findings, victims of slavery practices, including trafficking and forced labour, are 'frequently from minority or marginalized groups who face institutionalized discrimination and live on the margins of society where they are vulnerable to slavery practices'. This includes those facing caste-based discrimination - Dalits in India for example - or members of indigenous and other minority groups, including religious minorities."

### **Middle East - Preti Taneja**

## Yemen

Yemen is home to around 200,000 Akhdam people, who are the country's largest and poorest minority group. Although Arabic-speaking Muslims, Akhdam are considered servants by mainstream Yemeni society. They suffer deeply ingrained discrimination akin to the caste-based marginalization suffered by India's Dalits. Their situation is harder to address when there is no formal caste system that can be targeted through, say, legislation. Many live in extreme slum conditions with no access to running water, sewerage or electricity. Traditionally, they have been forced to find employment as waste collectors; today they find precarious employment as street cleaners, sanitation workers and rubbish collectors. As such they are viewed as tainted, and some members of the community believe this attitude has become internalized among Akhdam people.

A 2010 report by the US-based Duhur news agency stated that, 'death rates from preventable disease [for Akhdam] are even worse than the nationwide average in Yemen, where overall infant mortality is already an appalling one in nine, and maternal mortality is one in 10'. When they do attend school, children from this community are put to work and experience discrimination and bullying because of the darkness of their skin and their poverty. Women from this community are also subject to gender-based violence from mainstream society and from the men of their own community, who force them into sex work, according to NGO reports. They have little access to justice because of their marginalized status. Reportedly many are murdered after suffering rape, according to the Yemeni Observatory for Human Rights. Experts have warned that this violence may increase as the security situation in Yemen becomes increasingly volatile. (Pg. 229)