

Report from a side event at the 23rd session of the UN Human Rights Council

“DALIT WOMEN: WORKING TOGETHER TOWARDS THE ELIMINATION OF MULTIPLE AND INTERSECTING FORMS OF DISCRIMINATION AND VIOLENCE BASED ON GENDER AND CASTE”

This side event explored the cross-cutting and intersecting nature and forms of gender and caste-based discrimination and discussed what the international community can do to effectively address this entrenched problem. It was organised by IMADR, Human Rights Watch and MRG in association with IDSN and had five states as co-sponsors: Germany, Canada, Denmark, Finland and Norway.

The event was moderated by **Jyoti Sanghera**, Chief of section of the Office of the High Commissioner for Human Rights and former Head of the (now closed) OHCHR office in Nepal. In her opening remarks she stressed the importance of the participation of UN member states as co-sponsors of the event.

The UN High Commissioner for Human Rights, **Navi Pillay**, addressed the event in a written statement (read out by the Chief of the Asia Section of the OHCHR, Rory Mungoven). Ms Pillay has made strong statements on the issue of caste discrimination on numerous occasions, and the one delivered at the side event was no exception.



Rory Mungoven (left) reads the statement from Navi Pillay. The other panellists are German Ambassador Hanns Heinrich Schumacher, moderator Jyothi Sanghera and keynote speaker Manjula Pradeep.

“The caste system is the very negation of the principles of equality and non-discrimination, eroding the enjoyment of a wide range of political, civil, economic, social and cultural rights for Dalits and other caste-affected groups. Among them, Dalit women and girls are exposed to multiple forms of discrimination based on gender and caste and, therefore, vulnerable to several layers of marginalisation and violence,” the High Commissioner said.

“The specific human rights violations that originate from the intersection of discrimination based on caste and gender include sexual violence, sexual exploitation, trafficking, other forms of gender-based violence, bonded labour, lack of or limited access to food, water and sanitation, healthcare, education, adequate housing, and unequal participation in political, economic and social life,” she added.

Ms Pillay mentioned the recent “terrible cases of sexual violence in India, some targeting Dalit women” and the subsequent report of the Verma Committee on violence against women. She noted that Dalit women and women “face additional challenges in accessing justice and remedies, including due to unaffordability of related financial costs. Exposed to community and societal pressure, they are often obstructed in their attempts to access justice or “persuaded” to mediate out of fear of stigmatization and ostracism, for instance in cases of sexual violence and assault.

The High Commissioner stated that legislation criminalising the practice is “a first key step required to combat and address caste-based discrimination and untouchability”. She cited laws in Nepal and India and recent legislative steps in Bangladesh as examples and noted that her office is pleased to support such initiatives.

“Our continuous engagement in this area is encouraged by the new *Secretary General’s Guidance Note on Racial Discrimination and Minorities*, which stressed that UN action and policies should reflect the fact that persons targeted for discrimination based on descent, in particular caste-based discrimination and related practices, are ... in need of focused attention.”

The High Commissioner warned that legislation is only a starting point that needs to be supplemented by effective implementation so that Dalit women and other caste-affected groups can gain access to “services, remedies, redress and justice”. Such implementation requires a number of measures, including supporting policies, identification of key actions and priorities and allocation of budget resources.

“At the core of this process should lie awareness about those specific human rights violations originating from the intersection of discrimination based on gender and caste and remedies to redress these violations,” she said.

Full commitment from the High Commissioner

In the final part of her statement, the High Commissioner called upon UN member states to “take on the challenge of addressing caste-based discrimination and the human rights violations flowing from this seriously and by mobilising all of their relevant institutions to this end.”

“There should be no place in our day and age for the degrading practices of caste discrimination and untouchability, further amplified by the intersection of discrimination based on caste and gender. I reiterate my fullest commitment in contributing to the eradication of caste discrimination and untouchability and the correlated deeply rooted exclusion, exploitation and marginalisation of Dalit women and other affected groups through the work of my office,” she concluded.

The Ambassador of one of the five co-sponsoring states, Germany’s **Hanns Heinrich Schumacher**, admitted that he had been “shocked” when he gathered information on the situation of Dalit women prior to the side event. Previously, he was unaware of the “urgency, the dimension of the problem, the meaning of being Dalit and in particular a “Dalit woman.”

“I am not going to reiterate the lack of public decency, the denial of social equality, Dalit women are still exposed to – on the grounds of being women and on the grounds of being Dalit. The undeniable facts are known,” he said.

The Ambassador acknowledged that India had “enacted and implemented many laws and social initiatives to protect and improve the socio-economic conditions of its Dalit population. And they were successful, no doubt... After all, the prohibition of discrimination based on caste is also enshrined in the Indian constitution. But it is the effective implementation of these laws, which continues to remain a challenge.”

Mr Schumacher said that “there is a more or less a tacit acknowledgement by the Indian authorities that caste relations are defined by violence, both incidental and – worse – systemic, by the very recognition of Dalit as a legal quality. This can only be reversed and improved in an ongoing, pertinent, long term change of the societal fabric.”

“Germany welcomes the fact that a broad and open discussion on gender and gender discrimination and its correlation with caste is gaining momentum in the media and that an active civil society is engaged helping to improve the situation of victims as well as girls and women living in most difficult, often appalling circumstances,” the Ambassador continued.

He also warned against using “traditional values” to limit human rights as some UN member states do: “Human Rights, the right to life, the equality of gender, the right to be accepted as an equal human being in any given society, is universal and indivisible.”

Mr Schumacher said that promoting gender equality is an overarching, dominant aim of German development assistance and concluded his remarks by encouraging the Indian authorities to protect women and infants from all sorts of abuse.

“We are proud that in this endeavour we can lend a helping hand to the Dalit women,” he said.

Support from co-sponsoring states

The other co-sponsoring states made brief comments. A representative of Norway described the issue as extremely important, and the Finnish delegate noted that “women’s rights, minority rights and discrimination are at the core of Finland’s human rights policy” and that the situation of Dalit women is at the heart of all these dimensions. The Canadian representative said that it was important to look at intersecting vulnerability and that the issue was relevant to a resolution on violence against women.



Juliette de Rivero of Human Rights Watch

After the screening of IDSN’s short film on Dalit women, **Juliette de Rivero** from Human Rights Watch described caste as a form of descent-based discrimination akin to racism.

“Unfortunately,” she said, “the UN, despite the gravity of the problem, has not given it the necessary attention.”

Ms de Rivero noted that Dalits suffer human rights violations almost as a matter of routine and that the practice of untouchability, although forbidden, is entrenched in society. Also, discrimination against women is a longstanding problem in South Asia, where the birth of a daughter is not celebrated. Caste discrimination against Dalit women and girls fosters a culture of impunity, she said, and Dalit women often feel too intimidated to complain.

When they do, they are met with caste bias from the police.

In the context of the Delhi gang-rape, India has taken steps to address the issue of violence against women, Ms de Rivero said, but she also stressed that “new laws are useless unless implemented, as we have seen with previous efforts to ensure protection of Dalit rights.”

She concluded that the Human Rights Council “could play a stronger role” in demanding more accountability and asking governments to protect the rights of Dalits.

The UN Special Rapporteur on violence against women, **Rashida Manjoo**, addressed the event in a written statement that was read out by IDSN coordinator Rikke Nöhrlind. The Special Rapporteur stated that “the reality of Dalit women and girls is one of exclusion and marginalisation” and that “many experience some of the worst forms of discrimination, continuously, which perpetuates their subordinate position in society and increases their vulnerability, throughout generations.”

“They are often victims of civil, political, economic, social and cultural rights violations, including sexual abuse and violence. They are often displaced; pushed into forced and/or bonded labour, prostitution and trafficking; and also experience inter- and intra-community violations of rights,” she continued.

The Special Rapporteur called on states to adopt a holistic approach to the protection of Dalit women. Such an approach would take into account “the structural and underlying causes and consequences of violence, including discrimination, inequality and oppression” as well as a number of other factors.

During her recent visits to Bangladesh and India, Ms Manjoo met a number of Dalit women’s rights campaigners, including **Manjula Pradeep**, Director of Navsarjan Trust in Gujarat. Ms Pradeep was a member of a group of Dalit women from South Asia who attended the 23rd session of the Human Rights Council, and she gave a keynote address at the side event.



Manjula Pradeep, Navsarjan Trust, India

Speaking movingly about cases of caste discrimination and violence that she had dealt with over the years, Ms Pradeep mentioned a Dalit girl who had been forced to sit at the back of her class, and clean the toilets at her school. She had wanted to become a nurse or a doctor, but could not break through the caste barrier.

To demonstrate the gravity of the problem, Ms Pradeep highlighted the study ‘Understanding Untouchability’ conducted by the Navsarjan Trust in 1589 villages across the state of Gujarat in 2010.

It identified 98 different forms of ‘untouchability’ practices carried out by dominant castes. Two specific examples from the study showed that in 71.4 per cent of the villages, Dalits were not allowed to fetch water from a water tap in a non-Dalit area, and in 66.2 per cent of the villages, non-Dalit midwives refused to provide services for Dalit women.

Reflecting on the difficulties of being a woman and a Dalit, Ms Pradeep noted that the issue of caste discrimination had been raised by Dalits themselves: “If there had not been organisations like ours, would the international community have known?” she asked.

Nevertheless, Manjula Pradeep expressed much appreciation for the recent visit to India by the Special Rapporteur on violence against women. The visit enabled her and other campaigners for the rights of Dalit women to share their testimonies.

Stronger focus on post-2015 framework

Looking at the challenges ahead for the struggle for Dalit rights, she called for a stronger focus on the post-2015 development framework, which will include the issue of inequality.

“It is time to look at the intersectionality of caste and gender. We need disaggregated data and research on these intersecting forms of discrimination,” she said.

Responding to a question from the German Mission regarding the usefulness of the Indian law that is meant to protect Dalits – the so-called Prevention of Atrocities Act – Ms Pradeep said that it was a powerful law with a very low conviction rate. She stressed, however, the need for good laws.

The next speaker was **Mariem Salem**, a representative of the Haratine community in Mauritania and a member of the country's parliament. The Haratine are subjected to forms of work- and descent-based discrimination that are somewhat similar to caste discrimination in South Asia. Haratine women experience multiple forms of discrimination - on the basis of their gender and their low status in the social hierarchy.



Mariem Salem from Mauritania

As descendants of slaves, the Haratine's status is passed from generation to generation. Discrimination linked to their low social status plays a key role in maintaining inequalities: even when freed, Haratine women and men are trapped into work patterns which closely reproduce the relationship of servility. They perform mostly domestic work and other socially degrading, unremunerated and physically strenuous types of labour.

Ms Salem discussed the multiple barriers for Haratine women in today's Mauritania. A key challenge for them "lies in the pervading social attitudes and perceptions which stigmatise Haratine in general. Specific types of work continue to be assigned to them on the basis of their hierarchical status." Other issues are their economic vulnerability, continued relationships with their former slave masters, and a lack of access to

education, which also affects the opportunities of Haratine children.

Mauritania has adopted a law criminalising slavery, presenting "opportunities to improve the status and condition of Haratine women." But the "lack of specific measures, tailored programmes and funding impede their real emancipation," Ms Salem said and noted that the UN Committee on the Rights of the Child had expressed concerns over the lack of effective implementation of the above-mentioned law, as well as the continued existence of caste-based slavery.

Towards the end of the event, an official representative from Mauritania commented on Ms Salem's presentation and questioned whether the notion of 'caste' was applicable to his country.

'Special day for Dalit women'

Durga Sob, President of the Feminist Dalit Organization (FEDO) in Nepal, noted that this was a special day for Dalit women because of the side event. Additionally, it was also the last day of a 12-day campaign against caste discrimination and untouchability in her home country.

Ms Sob presented some worrying statistics on the situation of Dalit women in Nepal. Almost half of them encounter various forms of violence, but only 4.4 per cent of these cases are reported to the police: "Dalit women mostly fear to speak out against the violence that they suffer, not only from the surrounding society, but also within their own families," she said.

She also noted that 48 per cent of Dalit women are illiterate, and that 42 per cent live in conditions of extreme poverty. Trafficking, forced prostitution and accusations of witchcraft are widespread. Patriarchy and the caste-based societal structure adversely impact the overall development of Dalit women.



Durga Sob with Jyothi Sanghera and Mariem Salem

Durga Sob suggested a number of ways forward for Dalit women in Nepal, including the strengthening of the National Dalit Commission and the Women's Commission, special provisions to ensure participation at all levels of society and protection for couples who enter into inter-caste marriages. She concluded her presentation with an appeal:

"We urge all UN agencies, especially the OHCHR, to take the issues of Dalit women seriously and introduce affirmative action in its policies."

The final speaker was **Asha Kowtal**, General Secretary of AIDMAM, the women's platform of the National Campaign on Dalit Human Rights in India. She stressed that caste discrimination is not exclusive to India; not a cultural, traditional or domestic issue; not an issue only for Dalits; and not static.

"It is a deeply entrenched system. Caste-based violence is based on a society founded on unequal relationships," she said and added that while the forms of untouchability had changed dramatically over the years, they were still rampant.

Ms Kowtal gave some examples of the risks Dalit women run just by being Dalit. She noted that a woman born into a 'lower caste' is seen as a lower character. This makes her a target of violence and her body an object of use, e.g. by powerful landlords. When Dalit women try to assert themselves, they risk violent retaliation, "not just to silence me, but the entire community".

She also summed up the various interventions at the side event by declaring herself encouraged by the recent international focus on the situation of Dalits and Dalit women. Asha Kowtal acknowledged the "complete solidarity" of the UN High Commissioner for Human Rights, who has issued a number of strong statements on caste discrimination over the past three-four years.

She also acknowledged the efforts of the Indian government to combat caste discrimination. These efforts include good laws, and in this respect, India could become a role model for other countries: "We strongly appeal to the Government of India to recognise caste as a global issue," Ms Kowtal concluded.

The event took place on 4 June 2013 at Palais des Nations, Geneva, and was attended by appr. 60 people.

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