

UN FORUM ON MINORITY ISSUES
7th session, 25-26 November 2014, Geneva

Input to the draft recommendations on preventing and addressing violence and atrocity crimes targeted against minorities.

RECOMMENDATIONS ON ADDRESSING VIOLENCE AND ATROCITY CRIMES TARGETED AGAINST DALITS

1. Introduction

Pursuant to [Human Rights Council resolution 6/15 of 28 September 2007](#) renewed by [resolution 19/23 of 23 March 2012](#), a forum on minority issues has been established to provide a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as thematic contributions and expertise to the work of the [Special Rapporteur on minority issues](#). The Forum shall identify and analyze best practices, challenges, opportunities and initiatives for the further implementation of the [Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities](#).

More information: <http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/ForumIndex.aspx>

The seventh session will consider the theme of “Preventing and addressing violence and atrocity crimes targeted against minorities” and will seek to provide all participants with substantive and tangible outcomes in the form of thematic recommendations. The [draft recommendations](#) are intended to guide the discussions at the seventh session of the Forum on Minority Issues with the objective of further strengthening and developing their content. The recommendations will be presented by the Special Rapporteur on minority issues to the Human Rights Council at its twenty-eighth session. The final recommendations are intended to serve as a resource for all participants and relevant stakeholders (State authorities, decision makers, public officials, minority groups, non-governmental organizations, academics and others, including media) to make appropriate and informed choices when addressing and responding to violent situations affecting minorities, including for minority groups themselves to guide them in their efforts to improve their situation and facilitate constructive dialogue and exchanges with all relevant actors.

IDSN herewith submit information and action-oriented recommendations and language that IDSN would like to see reflected in the paper. IDSN calls for an inclusion of discrimination on the basis of caste alongside and on par with other forms of discrimination in the recommendations and explicit mention and consideration of caste identities when it comes to calls for particular focuses in approaches, policy and legislation. Please find more specific wording amendments reflecting this overall call below.

2. IDSN suggested revisions for the wording of the draft recommendations

1. In the I. Introduction, in paragraph 5, IDSN would suggest that the word caste be included in the last sentence; *“The duty of States to protect their populations from violence and atrocity crimes, irrespective of national, ethnic, religious, linguistic, caste or other identity, transcends any specific State ideology, religion, caste or value system, and is entrenched in universally accepted human rights instruments”*

2. In the III. Recommendations, A. Recommendations to prevent violence and atrocity crimes, 1 Recommendations to States, in paragraph 14, IDSN would suggest that the word caste be included in the first sentence; *“States must adopt the necessary national legislation prohibiting and punishing discrimination on the ground of nationality, ethnicity, religion, caste and language”*
3. III Recommendations. A. Recommendations to prevent violence and atrocity crimes. 1 Recommendations to States. Paragraph 14. IDSN would suggest that the following sentence be included: *States should ensure the effective enforcement of the law and the implementation of robust measures to combat the existing impunity for atrocities committed against minorities and caste-affected communities*
4. In the III. Recommendations. A. Recommendations to prevent violence and atrocity crimes, 1 Recommendations to States, in paragraph 22, IDSN would suggest that the word caste be included in the first sentence; *“States should collect data disaggregated by, inter alia, gender, age, ethnicity, religion, caste, mother tongue and geographical location, as a violence prevention tool providing a better understanding of the size and status of minorities”*
5. In the III. Recommendations, A. Recommendations to prevent violence and atrocity crimes, 1 Recommendations to States, in paragraph 26, IDSN would suggest that the word caste be included in the last sentence; *“Events or situations such as elections or periods of political or social unrest that feature or might exacerbate divisions based on national, ethnic, religious, caste or linguistic identity should be carefully monitored to prevent possible violence”*
6. III Recommendations. B. Recommendations to address ongoing violence. 1 Recommendations to States. IDSN would suggest that the word caste be included in the first sentence: *States have the primary responsibility to protect their populations from violence and atrocity crimes irrespective of national, ethnic, religious, caste, linguistic or other identity*
7. In the III. Recommendations, C. Recommendations for post-violence situations, 1 Recommendations to States, in paragraph 64, IDSN would suggest that the word caste be included in the second sentence; *“States should pay particular attention to the situation of women belonging to diverse ethnic, national, religious, caste or other minorities, who are often a target in post-violence scenarios as symbolic representative of their community”*
8. III Recommendations. C. Recommendations for post-violence situations. 1. Recommendations to States. After Paragraph 66. IDSN would suggest that the following paragraph be included: *In conformity with the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, national and local government should take proper measures to protect caste-affected communities against acts of violence and to end impunity for violence against members of caste-affected communities. National and local governments should; take special measures to protect caste-affected communities from physical violence, including torture, sexual violence and extrajudicial killings; investigate, prosecute and punish perpetrators of all forms of violence; protect victims from acts of retaliation; ensure that complaints are properly registered and publicize information on the number and nature of complaints registered. Furthermore, particular attention should be given to the situation of women and girls from caste-affected communities. – The reference to the UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent is similar to the reference to the Guiding Principles on Internal Displacement in paragraph 66, already noted in the draft recommendations.*
9. III Recommendations. C. Recommendations for post-violence situations. 1. Recommendations to States. After paragraph 70. IDSN would suggest that the following paragraph be included: *Governments should take special measures to promote due representation in the mass media of minorities, and carry out sensitization campaigns and awareness raising programme with media representatives. It is recommended that government and other relevant institutions encourage media outlets to profile and publicize abuses faced by minorities, as well as promoting tolerance and positive examples of combating discrimination and violence against minorities.*

3. International human rights mechanisms highlighting violence against caste-affected communities

International human rights mechanisms - treaty bodies and special procedures mandates of the Human Rights Council and the Universal Periodic Review (UPR) Working Group - have increasingly raised concerns on caste-based discrimination, recommended special measures to address it and elaborated on how caste discrimination intersects with a number of crosscutting themes, including gender. The expert bodies have made multiple observations and recommendations to governments and other stakeholders, specifically on violence against women with a low caste status¹.

The recommendations to specifically address violence and atrocity crimes targeted against Dalits in the draft recommendations for the Minority Forum draw on multiple and extensive UN observations and recommendations from Special Procedures, Treaty Bodies, the High Commissioner for Human Rights, the UN Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent and from previous submissions to UN bodies.

3.1 Special Procedures

Several Special Procedures mandate-holders have raised serious concern and issued recommendations on violence and atrocity crimes against caste-affected communities.

Special Rapporteur on Minority Issues

- In 2014, the Special Rapporteur highlighted that violence against Dalits remains widespread and their access to justice poor [A/69/266](#)
- In 2014, the Special Rapporteur noted sexual violence against Dalit girls [A/HRC/25/56](#)
- In 2007, the Special Rapporteur on Minority Issues; the independence of judges and Violence against Women sent a joint allegation letter to India on violence against Dalit women.
- In May 2013, seven UN Special Procedures Mandate Holders issued a [Joint Statement](#) on the Continued plight of the 'untouchables': UN experts call for strengthened protection of more than 260 million victims of caste-based discrimination
 - This form of discrimination entails gross and wide-ranging human rights abuses - including brutal forms of violence," they said. "Dalit women and girls are particularly vulnerable and are exposed to multiple forms of discrimination and violence, including sexual violence, on the basis of gender and caste. Children victims of caste-based discrimination are more at risk to be victims of sale and sexual exploitation."
 - "We urge other caste-affected States to adopt legislation to prevent caste-based discrimination and violence and punish perpetrators of such crimes, and call on world Governments to endorse and implement the UN Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent."

Special Rapporteur on Violence against Women, its causes and consequences

- Most recently, the Special Rapporteur noted, upon her visit to India, that Dalit women in India are frequent victims of violence. Furthermore, The Special Rapporteur has noted that disadvantaged women from among others, scheduled castes are usually the main victims of trafficking and forced prostitution. [A/HRC/26/38/Add.1, 2014](#)

¹ IDSN compilation of UN human rights bodies' references to caste discrimination (updated in February 2014)

- Input to the UN Special Rapporteur on Violence against Women in connection with her visit to India (May 2013): [Violence against Dalit women \(All India Dalit Mahila Adhikar Manch \(AIDMAM\)\) 2013](#)
- Input to the UN Special Rapporteur on Violence against Women in connection with her visit to India (May 2013) [Dalit Women - Facing Multiple Forms of Discrimination, IDSN 2013](#)
- The Special Rapporteur on Violence against Women has also reported on high levels of violence against women from religious and ethnic minority communities in Bangladesh, with Dalits, amongst others, most at risk. This persecution includes rape and sexual assault of women. Ms. Manjoo notes that, “the rate of rape is higher for minority women in Bangladesh because they are considered “double infidels” for being women and also for being part of a religious minority. They are also commonly victims of *salish/fatwa*-related violence” [A/HRC/26/38/Add.2, 2014](#)
- Input to the UN Special Rapporteur on Violence against Women in connection with her visit to Bangladesh (May 2013): [Violence against Dalit women \(BDERM, BDEWF, Nagorik Uddyog and IDSN\) 2013](#)
- In the thematic report on gender-related killings of the Special Rapporteur, Dalit women were highlighted as some of the main victims of physical violence and dowry-related killings [A/HRC/20/16, 2012](#)
- In 2009, the Special Rapporteur referred to 30 cases of violence against Dalit women in India being raped and beaten by higher castes [A/HRC/11/6/Add](#)
- In 2002, the Special Rapporteur has noted that Dalit women are often the targets of violence and sexual offences when members of dominant castes demonstrate their power over Dalit communities [E/CN.4/2002/83](#)

Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

- In 2014, the Special Rapporteur highlighted violence against descent based communities [A/HRC/26/49](#)
- In 2013, The Special Rapporteur noted abuses at school of Dalit children [A/68/333](#)
- In 2011, the Special Rapporteur highlighted women in Dalit communities being subjected to physical abuse, sexual harassment, trafficking and sexual violence as well as harmful practices such as devadasi and violations of land and property rights, rights to health, education and wages [A/HRC/17/40](#)
- In 2009, the Special Rapporteur highlighted the occurrence of violence on the grounds of caste [A/64/271](#)
- In 2008, the Special Rapporteur highlighted the occurrence of violence on the grounds of caste [A/HRC/7/19](#)

Special Rapporteur on the human rights to safe drinking water and sanitation

- In 2014, the Special Rapporteur noted that Dalits face violence in accessing water and sanitation, often linked to deeply entrenched stigmatization [A/HRC/27/55](#)
- In 2012, the Special Rapporteur stressed continue violence against Dalits in accessing water [A/HRC/21/42](#)

Special Rapporteur on freedom of Religion or Belief

- In 2012, the Special Rapporteur highlighted cases of violence against Scheduled Castes [A/HRC/22/51](#)
- In 2009, the Special Rapporteur highlighted violence arising from inter-caste marriage [A/HRC/10/8/Add.3](#)

Special Rapporteur on Human Rights Defenders

- In 2011, following a visit to India, the Special Rapporteur on the situation of human rights defenders expressed particular concern at the plight of women Dalits' rights defenders who face gender-based violence and restrictions regarding their work on the basis of their caste and gender ([A/HRC/19/55/Add.1](#))

Special Rapporteur on extrajudicial, summary or arbitrary executions

- In 2013, the Special Rapporteur reported on cases of violence against Dalits [A/HRC/23/47/Add.1](#)

Special Rapporteur on the rights to freedom of peaceful assembly and of association

- In 2014, the Special Rapporteur raised the issue of violence against Dalit populations [A/HRC/26/29](#)

3.2 Treaty Bodies

Several Committees of Treaty Bodies have raised serious concern and issued recommendations on violence and atrocity crimes against caste-affected communities.

Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)

General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situation 2013:

- During and after conflict, specific groups of women and girls are at particular risk of violence, especially sexual violence such as women belonging to diverse caste (CEDAW/C/GC/30)

CEDAW 2014 Concluding Observations India

- The Committee noted violence against Dalit Women [CEDAW/C/IND/CO/4-5](#)

CEDAW 2011 Concluding Observations Bangladesh

- The Committee recommends that the State party: a. Collect disaggregated data on the situation of disadvantaged groups of women facing multiple forms of discrimination and adopt pro-active measures, including temporary special measures, to eliminate such discrimination and protect them from violence and abuse. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice (CEDAW/C/BGD/CO/7)

CEDAW 2011 Concluding Observations Nepal

- The Committee noted sexual violence against the Dalit women community CEDAW/C/NPL/CO/4-5

CEDAW 2009 Concluding Observations Japan

- The Committee noted exposure to violence for the Buraku CEDAW/C/JPN/CO/6

CEDAW 2007 Concluding Observations India

- The Committee noted domestic violence against Dalit women [CEDAW/C/IND/CO/3](#)

CEDAW 2000 Concluding Observations India

- The Committee noted violence against Dalit women [A/55/38](#)

Committee on the Elimination of Racial Discrimination (CERD)

CERD General Recommendation no. 29 on descent-based discrimination of 22 August 2002

- Measures of a general nature: 1. To take steps to identify those descent-based communities under their jurisdiction who suffer from discrimination, especially on the basis of caste and analogous systems of inherited status, and whose existence may be recognized on the basis of various factors including some or all of the following: inability or restricted ability to alter inherited status; socially

enforced restrictions on marriage outside the community; private and public segregation, including in housing and education, access to public spaces and places of worship, and public sources of food and water; limitation of freedom to renounce inherited occupations or degrading or hazardous work; subjection to debt bondage; subjection to dehumanizing discourses of pollution or untouchability; and generalized lack of respect for their human dignity and equality.

- Civil and political rights: 31. To take steps to identify areas prone to descent-based violence in order to prevent the recurrence of such violence.
- Dissemination of hate speech including through the mass media and the internet: 18. To take measures against any dissemination of ideas of caste superiority and inferiority or which attempt to justify violence, hatred or discrimination against descent-based communities. To take strict measures against any incitement to discrimination or violence against the communities, including through the Internet CERD/C/61/Misc.29/rev.1

CERD 2007 Concluding Observations India

- The Committee noted concern about continued de facto segregation of Dalits and an alarming number of allegations of acts of sexual violence against Dalit women in India, primarily by dominant caste men CERD/C/IND/CO/19.
- The Committee stressed incidences of torture and extrajudicial killings of Scheduled Castes by the police; frequent failure to protect and properly register; sexual violence against Dalit Women, inter-caste violence, violence against Dalits due to land disputes [CERD/C/IND/CO/19](#)

CERD 2001 Concluding Observations Nepal

- The Committee reiterates its previous recommendation that the State party provide information in its next periodic report on the implementation of practical and substantive measures to eradicate the practice of the caste system, including measures for the prevention of caste-motivated abuse and the prosecution of State and private actors responsible for such abuse [CERD/C/304/ADD.108](#)

Committee on the Rights of the Child (CRC)

CRC 2004 Concluding Observations India

- The Committee recommends that the State party, in accordance with article 17 of its Constitution and article 2 of the Convention, take all necessary steps to abolish the discriminatory practice of “untouchability”, prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses [CRC/C/15/ADD.228](#)

CRC 2000 Concluding Observations India

- The Committee noted abuse of Dalit children [CRC/C/15/ADD.115](#)

Committee on Economic, Social and Cultural Rights (CESCR)

CESCR 2008 Concluding Observations India

- The Committee noted Violence against Scheduled Castes [E/C.12/IND/CO/5](#)

Committee on Civil and Political Rights (CCPR)

CCPR 1997 Concluding Observations India [CCPR/C/79/Add.81](#)

- The Committee noted inter-caste violence

3.3 High-level UN acknowledgement of caste-based discrimination and caste-based violence.

Discrimination on the basis of caste, alongside and on par with other forms of discrimination has been widely acknowledged in general statements by high-level UN officials, including the High Commissioner for Human Rights and UN Secretary-General²

²http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/UN_HC_and_SG_references_to_caste_in_statements_and_reports.pdf

The High Commissioner for Human Rights has on several occasions called for action to address caste discrimination³, including in connection with the global response to crimes of sexual violence in India.⁴ She has also promoted action by the Human Rights Council on a set of draft UN Principles and Guidelines for the effective elimination of discrimination based on work and descent (A/HRC/11/CRP.3)

- In the OHCHR Strategic Management Plan 2014-2017 and in the presentation of the Annual Report of the High Commissioner presented at the 25th session of the Human Rights Council, the High Commissioner noted that, “the exclusion, marginalization and abuse of people on the basis of their perceived...caste status...are scourges that the international community must combat”
- In December 2012, the High Commissioner condemned the escalation of violence and of rapes against Dalit women and called for urgent and rational debate on comprehensive measures to address such crimes⁵.
- Most recently, at the HRC26 June 17 Side-event on “Caste-based violence against Women,”⁶ the High Commissioner noted that “Violence against women of poorly regarded castes has very deep roots, which cannot be tackled without far-reaching efforts. Clearly laws are necessary, but they are not enough ... there must also be fundamental change within communities, to peel off, layer by layer, the mind-set that generates caste discrimination and bigotry”

3.4 UN Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent (on the issue of atrocities and violence)⁷

Guidelines (General)

Special measures to protect caste-affected communities against acts of violence and end impunity.

12. National and local governments should take proper measures to protect affected communities against acts of discrimination and violence, and measures to end impunity for violence against members of affected communities

Guidelines: Combating segregation

Violence arising in accessing public places

21. National and local governments should ensure access to public places, including community centers, hospitals, schools, places of worships, and water resources, by those from affected communities; take measures to eliminate and prevent segregation in employment, housing and education and to ensure protection from violence against those who cross the boundaries of segregation.

³ High Commissioner for Human Rights, Ms. Navi Pillay statements on caste-based discrimination, <http://idsn.org/international-advocacy/un/navi-pillay-on-caste-discrimination/>

⁴In 2009, Madam Navi Pillay issued an opinion piece entitled “Tearing down the wall of caste” in which she called on the Human Rights Council to promote the 2009 Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, and on all states to rally around and endorse these norms. Caste discrimination also figures as a priority in the OHCHR Strategic Management Plans (2010-2011, 2012-2013 and 2014-17). References to caste has been included in various statements by the UN High Commissioner, including in the statement entitled “Fundamental changes needed in wake of India rape tragedy: Pillay” of 31 December to the gang-rape case in New Delhi, India.

⁵ ‘Fundamental changes needed in wake of India rape tragedy’: Navi Pillay (December 2012) <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=12910&LangID=E>

⁶<http://idsn.org/news-resources/idsn-news/read/article/report-un-hrc26-side-event-on-caste-based-violence-against-women/128/>

⁷ The UN Human Rights Council has published a report on discrimination based on work and descent, including a set of draft UN Principles and Guidelines on the topic in 2009 (A/HRC/11/CRP.3), yet to be adopted by the Human Rights Council, and currently precluding an appropriate UN framework for addressing caste-based discrimination, including violence against women from “low caste” communities <http://idsn.org/international-advocacy/un/un-principles-guidelines/>

Violence arising from Inter-caste marriage

22. National and local governments should introduce and apply special measures to eradicate the persistence of social and cultural stigma of impurity and pollution that de facto precludes marriages between members of affected and non-affected communities and, in some societies, gives rise to violence, collective punishment and social exclusion against couples from different communities.

Guidelines: Physical security and protection against violence.

23. National and local governments should prohibit harmful practices of child marriages and dowry, and those forbidding the remarriage of widows, the dedication of girls to temple deities and forced ritualized prostitution and create local law enforcement task forces for the effective implementation of the prohibition.

24. State actors should take special measures, such as devising and implementing comprehensive plans of action and creating a monitoring mechanism, to protect affected communities from physical violence, including torture, sexual violence and extrajudicial killings.

25. Particular attention should be given to the situation of women and girls, including under domestic violence laws, and to sexual violence, sexual exploitation and trafficking committed against women and girls of affected communities.

26. National and local governments should investigate, prosecute and punish perpetrators of all forms of violence and atrocities, and sanction anyone found preventing or discouraging victims from reporting such incidents, including public officials.

27. National and local governments should encourage victims and witnesses to report such acts to the competent authorities and protect them from acts of retaliation and discrimination, and ensure that complaints under relevant acts and other criminal law provisions are properly registered. National and local governments should make public information on the number and nature of complaints registered, the convictions and sentences imposed on perpetrators, and the remedies and assistance provided to victims of such acts.

Guidelines: Public awareness raising and elimination of discriminatory customs

50. National and local governments should, wherever necessary, review or enact libel, slander, and hate speech laws to explicitly prohibit and punish libellous and slanderous speech or speech inciting discrimination, hatred, or violence based on work and descent.

4. Focus areas

4.1 Violence and Atrocities against Dalit women

Dalit women are placed at the absolute bottom of the social hierarchy as they face systemic and structural discrimination threefold: as Dalits, as women and as members of an impoverished underclass. According to the caste system, Dalit women are considered “impure” and thus “polluting” to other caste groups. They are therefore known to be “untouchable” and subjected to so-called “untouchability practices” in public and private life⁸. The majority of women from caste-affected communities face multiple forms of violence, which includes sexual violence, forced labour and slavery, trafficking, abduction and physical and verbal abuse. Several UN human rights bodies have raised concerns about the human rights situation of Dalit women⁹. As the National Commission for Women has commented, “in the commission of offences against... scheduled caste [Dalit] women the offenders try to establish their authority and humiliate the community by subjecting their women to indecent and inhuman treatment, including sexual assault, parading naked,

⁸ <http://idsn.org/caste-discrimination/caste-and-untouchability/>

⁹ [IDSN Overview of recommendations and issues from UN women’s institutions](#) and IDSN compilation of UN recommendations on caste discrimination for a full overview: www.idsn.org/UNcompilation

using filthy language, etc.”¹⁰ Dalit women’s experience of violence across four Indian states shows that the majority of Dalit women report having faced one or more incidents of verbal abuse (62.4%), physical assault (54.8%), sexual harassment and assault (46.8%), domestic violence (43.0%) and rape (23.2%)¹¹ Verbal abuse include derogatory use of caste names and caste epithets possibly amounting to ‘hate speech’, as well as sexually insult, gendered epithets and threats¹² Most women do not report violence and the studies shows that only 1% of the cases that are actually filed end in convictions¹³.

The gender-and-caste based discrimination and violence that these women encounter is due to severely imbalanced social, economic and political power equations. The multiple forms of violence and discrimination against women of caste-affected communities are also used as a social mechanism to maintain these women’s subordinate position in society. It often occurs in response to women of “low caste status” asserting their economic rights and challenging caste-class relations by demanding their right to wages or land. Women from these communities are exposed to a disproportionately higher rate of sexual assaults, including gang-rapes, mainly committed by men of dominant caste groups. For example, whereas the conviction rate for rapes against women in India is around 25%, it is only 2% for women of caste-affected communities¹⁴. The nature of violence against Dalit women is accompanied by equally systemic patterns of impunity for the perpetrators due to weak or failing state institutions and collusion between state-actors and perpetrators. Police, investigation officers and medical officers often neglect or deny the Dalit women of their right to seek legal and judicial aid.

Women and girls from caste-affected communities worldwide are among the worst victims of sexual violence and exploitation. Dalit women are often victims of trafficking and forced sexual labour, such as the *devadasi* and *jogini* systems of forced prostitution in India and the Badi caste in Nepal. In Pakistan, women from ‘scheduled castes’ fall victims to sexual abuse, abduction and forced conversion of religion. Furthermore, new forms of violence are taking form, including acid attacks against Dalit girls in India, forced conversions of lower caste Hindu girls in Pakistan, and systematic exclusion in responses to natural disasters. Violence against women of these communities is often used as a means of punishment and demonstration of power by the dominant castes towards both the woman herself and her community. Anti-rape legislation for example in India continue to ignore the vulnerability of Dalit, Adivasi and women from minority communities, and has failed to include the section of aggravated sexual assault based on caste and religious identity. This is a pattern which repeats itself; not only in India, but in the entire South Asia region and in other countries where the issue of “untouchability” and caste discrimination exist.

Other useful links

¹⁰ National Commission for Women, *Women of Weaker Sections: Socio-Economic Development of Scheduled Caste Women*, New Delhi, 1996, p.33.

¹¹ Dalit Women Speak Out - Violence against Dalit Women in India, An overview Report in Andhra Pradesh, Bihar, Tamil Nadu/Pondicherry and Uttar Pradesh by Aloysius Irudayam S.J. Jayshree P. Mangubhai and Joel G. Lee, National Campaign on Dalit Human Rights, New Delhi, March 2006:
http://idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Dalit_Women/dalitwomenspeakout.pdf

¹² Dalit Women Speak Out - Violence against Dalit Women in India, An overview Report in Andhra Pradesh, Bihar, Tamil Nadu/Pondicherry and Uttar Pradesh by Aloysius Irudayam S.J. Jayshree P. Mangubhai and Joel G. Lee, National Campaign on Dalit Human Rights, New Delhi, March 2006.
http://idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Dalit_Women/dalitwomenspeakout.pdf

¹³ IDSN key issue paper on Dalit women: IDSN briefing paper on Dalit Women
http://idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Dalit_Women/DALIT_WOMEN_IDSN_briefing_paper.pdf

¹⁴ <http://timesofindia.indiatimes.com/city/jaipur/Dalit-women-cases-Crime-conviction-rate-poor/articleshow/9131045.cms?referral=PM>

- [Violence against Dalit women](#) submitted by AIDMAM (All India Dalit Mahila Adhikar Manch) to CSW 57th session 2012
- [Violence against Dalit women in India and government failure to investigate](#) submitted by Navsarjan Trust to CSW 57th session 2012
- IDSN leaflet [Dalit Women Fight!](#) 2014
- [Atrocities Against Dalit Women and Access to Justice](#) – A Study by Evidence (2011), covering figures from 2005-2010.
- [Addressing barriers in access to justice for Dalit women](#) submitted by IDSN to CEDAW for its General Discussion on Access to Justice February 2013
- [IDSN overview of recommendations and issues raised by UN human rights bodies on Dalit women](#) with a focus on violence.
- [Dalit Women Speak Out - Violence against Dalit Women in India](#) (An overview Report by the National Campaign on Dalit Human Rights) March 2006

4.2 Violence against Religious Minorities: Scheduled Caste Hindus in Pakistan

Discrimination, persecution and violence against religious minorities and a steady erosion of their citizenship rights is on the rise in Pakistan¹⁵. Growing extremism and a heightened sense of religious identity among the majority population, at the expense of identity as citizen of a state, has deepened the minorities' sense of alienation from the mainstream society. Rising incidents of mob violence, target killings, cases of alleged blasphemy, forced conversion of minor girls and the inability of the State to curb violations of rights against minorities indicate a very disturbing reality. The level of violence and the extent of threat to their identity, culture, religion, to their life and property have reached a point where the minorities are pushed to live a life in perpetual fear and anxiety of an impending disaster.

Hindus are the largest religious minority group with a population of more than two million. Officially, the Hindu population is categorized under Hindu (jati) and scheduled caste (dalits). The last population census conducted in 1998, cited a very low population, 0.25 per cent, of scheduled caste (dalits) against 1.6 percent Hindu (jati or upper castes) of the total religious minorities population. These figures have been challenged by human rights activists. The figures on the ground indicate a greater number of scheduled caste Hindus who suffer discrimination from the Muslim majority and from upper caste Hindus as well. The scheduled caste Hindus are discriminated the most due to four elements of their status in Pakistan—being Hindu, low-caste, poor and rural. Their lack of education is the biggest hindrance.

Even though, equal rights to education, health, housing, public services and infrastructure are proscribed in the Constitution and national legislation, social discrimination translates in to exclusionary practices and procedures, depriving the minority communities of full benefit of the facilities.

Dalit women in Pakistan fall victim to sexual abuse, abduction and forced religious conversion. They suffer triple discrimination due to their gender, religion and caste. In recent years, abduction and forced conversion of young Hindu girls has emerged as a serious issue. The majority of such cases pertain to scheduled caste poor communities. Incidences of rape of scheduled caste young girls are also frequently reported.

¹⁵The majority Muslim (officially 96.28 per cent) population is divided into Sunni sect (80 per cent) comprising various sub-sects (i.e. Deobandi, Brelvi), and a sizeable Shia minority sect (20 per cent) and its off-shoots (i.e. Bohra, Ismaili). The non-Muslim minority, 3.7 per cent of the total population, includes Hindus, Christian, Sikh, Parsis, Jains, Kalashas and the Ahmedis.

Other useful links

- [PDSN and IDSN briefing note on Religious Minorities in Pakistan: Scheduled Caste Hindus September 2014](#)
- IDSN webpage on Pakistan: <http://idsn.org/country-information/pakistan/>

5. Mention of caste-based discrimination in past Recommendations from Minority Forum sessions

IV. Thematic recommendations. C. Effective participation in economic, social and cultural life. 81. In some societies, minority women experience even more complex burdens of poverty, ethnic, religious or **descent-based** prejudice and gender-based restrictions that can frequently result in increased challenges relating to the right to an adequate standard of living, including adequate housing. [Recommendations from the 2011 Forum on minority issues on Guaranteeing the rights of minority women and girls](#)

II. General considerations: 5. Minorities are often discriminated against when they seek employment, on the basis of their colour, ethnicity, race, religion, language or name, even when there is legislation that bans discrimination in both public and private sectors. Some face long-standing and entrenched challenges, such as discrimination on the basis of work and descent, including **caste** and analogous forms of bias, which require specific attention. Women shoulder even more complex burdens of poverty, ethnic prejudice and gender-based restrictions.

[Recommendations from the 2010 Forum on minority issues on Minorities and effective participation in economic life](#)

Definition of Minorities in footnote. The term “minorities” as used in the present recommendation should be understood as it is used in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly resolution 47/135), the commentary of the Working Group on Minorities to the Declaration (E/CN.4/Sub.2/AC.5/2005/2) and the first annual report of the independent expert on minority issues (E/CN.4/2006/74). It encompasses the persons and groups protected under the International Convention on the Elimination of All Forms of Racial Discrimination from discrimination based on race, colour, descent (caste), national or ethnic origin, citizen or non-citizen (GA resolution 2106 (XX)).

IV. Equal access to quality education for minorities. 40. States should ensure equal access to education for women and girls from minority groups, upon whom poverty and family responsibilities may have a disproportionate impact, and who may be subject also to aggravated discrimination, including in extreme cases violence, on the basis of culture, gender or **caste**.

[Recommendations of the Forum on Minority Issues on “Minorities and the Right to Education” 2008](#)
