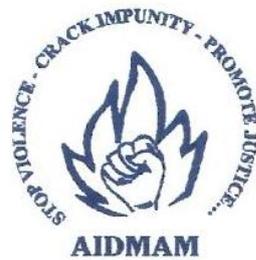


Alternative report to the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) for the examination of the 4th and 5th periodic reports of India at the 58th CEDAW session in July 2014

Multiple discrimination against Dalit women

Joint submission by Navsarjan Trust, the All India Dalit Mahila Adhikar Manch (AIDMAM) and the International Dalit Solidarity Network (IDSN)

June 2014



I. Introduction

The parallel report on multiple discrimination against Dalit women is written by Navsarjan Trust, All India Dalit Mahila Adhikar Manch (AIDMAM) and the International Dalit Solidarity Network (IDSN) and submitted to the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) for the examination of the fourth and fifth periodic reports of India at the 58th CEDAW session in Geneva in July 2014. The report examines the current situation of scheduled caste women (dalits) and provides information about the implementation gaps in the enforcement of the International Convention on the Elimination of all forms of Discrimination Against Women, and makes recommendations for the Committee's examination in July 2014. The observations are based on independent studies and reports, case documentation, and recommendations by other UN human rights bodies.

Navsarjan Trust is a grassroots Dalit organization that works to eliminate discrimination based on untouchability practices; ensure equality of status and opportunities for all, regardless of caste, class or gender; and to ensure the rule of law (www.navsarjan.org).

The *All India Dalit Mahila Adhikar Manch* is the Dalit women's platform of the National Campaign on Dalit Human Rights (NCDHR). NCDHR is a forum committed to the elimination of discrimination based on caste. led by Dalit women and men activists (www.ncdhr.org.in/aidmam/)

The *International Dalit Solidarity Network* is an international network that works on a global level for the elimination of caste discrimination and similar forms of discrimination based on work and descent. Members include national Dalit platforms in caste-affected countries; Dalit Solidarity Networks in seven European countries; and international associates, among others (www.idsn.org).

II. Caste and gender-based discrimination in India

The situation of 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 national census 2011, India is home to 100 million Dalit womenⁱ. 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 life. These include segregation in housing, schools and cremation grounds; limitation or prohibition of access to public places such as roads, temples and tea houses; Restrictions on occupation - assignment of the most menial, dirty and dangerous jobs as defined by the caste hierarchy; Denial or limitation of access to public services such as water taps, health care and education and De facto prohibition of access to ownership of landⁱⁱ

The endemic 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. This undermines not only their dignity and self-respect, but also their rights to equality and development. The nature of violence against Dalit women is accompanied by equally systemic patterns of impunity for the perpetrators.

III. UN observations and recommendations on caste-based discrimination against Dalit women in India

Several UN human rights bodies have raised concerns about the human rights situation of Dalit women.ⁱⁱⁱ Treaty body committees and UN Special Procedures have underlined that caste discrimination is in violation of human rights law, and have demonstrated how caste discrimination intersects with a number of cross-cutting themes^{iv}.

Treaty Bodies

CEDAW - The GoI ratified the Convention on the Elimination of All Forms of Discrimination against Women on 9 July 1993. The CEDAW Committee has expressed grave concern about human rights violations against Dalit women in India. Such references are displayed in the Concluding Observations for India in 2000 (A/55/38) and 2007 (CEDAW/C/IND/CO/3). Furthermore, the CEDAW Committee has confirmed that the Core Obligations of States Parties under the CEDAW Convention encompasses not only grounds explicitly mentioned, but also grounds such as age, class, caste, race, and ethnicity (CEDAW General Recommendation No. 28, para 18.)^v And, acknowledged that specific groups of women and girls such as women belonging to diverse caste are at particular risk of violence during and after conflict. (CEDAW General Recommendation No. 30)^{vi} In accordance with CEDAW General Recommendation 25 on Temporary Special Measures (2004), States parties may need to take specific temporary special measures to eliminate multiple forms of discrimination, including on the basis of caste, against women and its compounded negative impact on them (para. 12). CERD - Similarly, the CERD Committee has, in its 2007 Concluding Observations, 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.^{vii} The CERD Committee has furthermore recommended that states take all measures necessary to eliminate multiple forms of discrimination against women, including discrimination based on caste and analogous forms of inherited status in its General Recommendation No. 29

Special Rapporteurs

Special Rapporteur on Violence Against Women - The Special Rapporteur on violence against women has continued to highlight the issue of multiple discrimination against Dalit women. The 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^{viii}. In 2009, the Special Rapporteur referred to 30 cases of violence against Dalit women in India being raped and beaten by higher castes.^{ix} In the 2014 report of the Special Rapporteur, following her mission to India in 2013, Ms. Rashida Manjoo again voiced concern at the plight of and continued violence against Dalit women, “the intergenerational nature of caste-based discrimination condemns women to a life of exclusion, marginalization and disadvantage in every sphere of life. Many of those women are denied an education and economic opportunities, and perform dangerous and unprotected work, including ... modern forms of slavery.” The report further found that redress for Dalit women victims of violence is limited and that laws to eradicate bonded labour and manual scavenging continue to lack implementation.^x In her press statement from May 2013 she outlined how Dalit women experience some of the worst forms of discrimination and oppression, and that there is a culture of impunity for violations of the rights of Dalit women in the country which is supported by a number of recommendations from various UN bodies^{xi}. In the Clustered Interactive Dialogue with the Special Rapporteur at the 26th session of the Human Rights Council on June 12th 2014, the report on India was met with allegations of a lack of full objectivity, oversimplification, absence of detail, unsubstantiated claims and sweeping generalizations by the Indian representative.^{xii} 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)^{xiii}

Universal Periodic Review

In the second UPR of India in 2012, several states raised concern about the situation of scheduled castes. It was specifically recommended for and accepted by India to, “138.87. continue to promote the rights of women in their choice of marriage and their equality of treatment independently of caste and tribe or other considerations (Holy See)”^{xiv}

The UN High Commission for Human Rights

The High Commissioner for Human Rights has on several occasions called for action to address caste discrimination^{xv}, including in connection with the global response to crimes of sexual violence in India.¹ 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)².

IV. List of Issues

Violence against Dalit women (List of issues 9 and 10)

Violence against women takes a unique form when gender and caste intersect. This intersection is documented in various studies on violence and discrimination against Dalit women, and confirmed 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 Women³. In December 2012, the High

¹ In 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.

² The draft UN Principles and Guidelines for the effective elimination of discrimination based on work and descent, published by the UN Human Rights Council in 2009 (A/HRC/11/CRP.3), recommend specific measures to be taken by governments to prevent and eliminate caste-based discrimination, including multiple forms of discrimination against Dalit women in para. 53-54. (<http://idsn.org/international-advocacy/un/un-principles-guidelines/>)

³ The 2009 report of the UN Special Rapporteur on Violence against Women contains an overwhelming number of accounts of Dalit women in India being raped and beaten by higher castes, when attending their daily doings, such as working in the field, going to the market or doing domestic work. Sometimes disputes over land and resources can be a cause of violence, but just as often they are violated simply because they are Dalit women. Almost all cases show that the Dalit women are punished or harassed by police officers when trying to file a complaint or threatened to remain silent,

Commissioner for Human Rights, Navi Pillay condemned the escalation of violence and of rapes against Dalit women and called for urgent and rational debate on comprehensive measures to address such crimes.^{xvi} In a joint statement on the 'Continued Plight of the Untouchables' in May 2013, seven UN Special Procedures mandate holders stressed that, '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.'^{xvii} Furthermore, in a press statement, following her visit to India in 2013, the Special Rapporteur on Violence against Women noted that Dalits or the Scheduled castes are often victims of a multiplicity of forms of discrimination and violence^{xviii}

The more frequent forms of violence that are perpetrated against the majority of Dalit women are verbal abuse, physical assault, sexual harassment and assault, domestic violence and rape, in descending order. Although the remaining forms of violence are faced by relatively fewer Dalit women.^{xix} 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, using filthy language, etc."^{xx} 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%)^{xxi} Verbal abuse include derogatory use of caste names and caste epithets possibly amounting to 'hate speech', as well as sexually insult, gendered epithets and threats^{xxii} Most women do not report violence and the studies shows that only 1% of the cases that are actually filed end in convictions^{xxiii}. Furthermore, whereas the conviction rate for rapes against women in India is around 25%, it is only 2% for Dalit women^{xxiv}.

Recommendations

- Measures should be taken to increase protection from crimes of sexual violence, forced and ritual prostitution, trafficking, domestic violence and punitive violence and to tackle impunity and discrimination in access to justice for Dalit women. Such measures can include police and judicial training and monitoring, legal assistance for prosecution of crimes, strengthening laws against domestic violence and other forms of violence against women, awareness campaigns to help prevent exploitation, and investing resources into education for women and girls affected by caste-based discrimination.
- 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.
- As recommended by the Special Rapporteur on Violence against Women in 2014^{xxv}, the government should: (a) Strengthen the current system hosted by the National Crime Records Bureau of the Ministry of Home Affairs for the collection and analysis of data relating to crimes against women, by disaggregating data by sex, age, caste, disability, religion, language and other relevant characteristics

Constitutional and legislative framework and Legal Complaint mechanisms (list of issues 3 and 4)

The Indian legislative framework promotes and protects women. Article 14 of the constitution guarantees that the State shall not deny to any person equality before the law or the equal protection of the laws on the grounds of religion, race, caste, sex or place of birth, Article 15 of the Constitution affirms the principle of non-discrimination on the basis of caste and gender. Article 21 guarantees the right to life and to security

also by means of physical assaults and rape and threats of further recourses. The report reveals that the women in most cases are denied of their right to medical treatment for their injuries. The perpetrators are usually released on bail without arrest, police investigation or prosecution. Based on the evidence of the situation of Dalit women, the UN Special Rapporteur expressed special concern and urged the Indian Government to act.

of life; and Article 46 specifically protect Dalits from social injustice and all forms of exploitation. Moreover, the Indian State has approved more specific documents aimed at protecting Dalit women; the most important being the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act approved in 1989. Nonetheless, Dalit women continue to face adverse institutional and social barriers that prevent them from enjoying these rights. Implementation to ensure personal security and protection to Dalit women and efforts to emancipate the Dalit community and eradicate entrenched gender and caste discrimination has been inadequate.

Non-implementation of the legal framework - Access to justice for Dalit women

Violations against Dalit women are largely committed with impunity for the perpetrator due to weak or failing state institutions. Fear of social ostracism, threat to personal safety and security as well as complicated, time consuming and costly legal proceedings coupled with delays and irregularities in Criminal Procedures mean Dalit women face persistent discrimination in access to justice. In many cases, the judiciary fails to enforce the laws that protect Dalit women from discrimination. In cases of rape or sexual assault the perpetrators are often able to exploit social pressures by convincing the victim's family to drop the case on the grounds that it would tarnish the woman's reputation, damaging her future marriage prospects or her married life^{xxvi}. In 2014, the UN Special Rapporteur on Violence against Women reported on violence against Dalit women and allegations of de facto caste-based discrimination, perpetrated by police officers, public representatives and community members^{xxvii}. Almost all cases show that Dalit women are punished by police officers when trying to file a complaint or threatened to remain silent, also by means of physical assaults and rape and threats of further recourses^{xxviii}. The report further reveals that women are often denied of their right to medical treatment for their injuries and that perpetrators are usually released on bail without arrest, police investigation or prosecution^{xxix}. In 2006 in India, the official conviction rate for Dalit atrocity cases was just 5.3%^{xxx}. According to the Special Rapporteur on Violence against Women (2014), the low rate of prosecution and conviction for acts of violence against women contribute to the lack of effective redress provided to victims^{xxxi}.

Several studies and submissions document the challenges facing Dalit women with regard to access to justice^{xxxii}. The National Campaign on Dalit Human Rights (NCDHR) has published a detailed study of violence against Dalit women in four states in India, including Tamil Nadu. In it, they found that for 86% of instances of violence experienced by women in the four states, they did not or were unable to gain entry to the legal system at all. This means that their cases do not appear on any official figures^{xxxiii}. In less than 1% of cases were the perpetrators convicted by the courts. In 17.4% of instances of violence, police obstructed the women from attaining justice. In 26.5% of instances of violence, the perpetrators and their supporters, and/or the community at large, prevented the women from obtaining justice. And, in 40.2% of instances of violence, the women did not attempt to obtain legal or community remedies for the violence primarily out of fear of the perpetrators or social dishonour if (sexual) violence was revealed, or ignorance of the law, or the belief that they would not get justice^{xxxiv}. Many times, legal proceedings are so complicated, tardy, time consuming, costly and unfriendly to Dalits that they do not approach courts or other law enforcing agencies for their redressal^{xxxv}. As noted in a study on 'Gender Violence and Access to Justice for Dalit Women' by Navsarjan Trust and Minority Rights Group International, Dalit women face severe difficulties in accessing justice and are extremely vulnerable to violence, sexual abuse and other atrocities^{xxxvi}. The 2014 report 'Justice under Trial: Caste discrimination in access to Justice' by the National Dalit Movement for Justice (NCDHR) finds serious obstacles to Dalits obtaining justice in crimes against them and reports growing impunity when victims are Dalits^{xxxvii}. The report findings mirror many of the findings in the April 2014 Nazdeek and NCDHR report 'Claiming Justice' based on an extensive field study conducted in five states in India. The report documents the experiences and reflections of using the criminal justice system as told by victims, witnesses, human rights defender and public officials^{xxxviii}. Moreover, the Special Rapporteur on Violence Against Women has noted that, "women belonging to marginalized groups including scheduled

castes are often unregistered citizens or lack identifications cards” that “contribute to a culture of normalization of violence against women”^{xxxix}.

Recommendations

- As recommended by CEDAW in 2007, the state party is called upon to improve Dalit women’s access to justice in bringing claims of discrimination and violation of rights. The state party should enact and implement measures to increase protection from caste-based crimes and to tackle impunity and discrimination in access to justice for Dalit women.
- Judicial, legislative, and law enforcement bodies should take specific and concrete measures to ensure equal protection of the law for affected communities. Law enforcement officials, including police, judges and prosecutors should be provided with adequate training in the prevention, investigation, and prosecution of cases involving discrimination based on work and descent.
- 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. 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.

Stereotypes and harmful practices (List of issues 8)

De facto prohibition of inter-caste marriage

Inter-caste marriage is rarely endorsed by the dominant castes. Social and cultural stigma of impurity and pollution 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. This violence often manifests itself in verbal abuse of the woman, accompanied by physical assault, but also entails sexual abuse including marital rape. The CERD expressed concern about the persistence of social norms of purity and pollution which de facto preclude marriages between Dalits and non-Dalits. Furthermore, the Committee expressed concern about violence and social sanctions against inter-caste couples^{xi}.

Recommendations

- The State party should punish such acts and acts of discrimination or violence against inter-caste couples and rehabilitate victims. Furthermore, it should conduct training and awareness-raising campaigns to sensitize police, prosecutors, judges, politicians, teachers and the general public as to the criminal nature of such acts.

Trafficking and exploitation of prostitution (List of issues 11)

Dalit women are extremely vulnerable to sexual exploitation and are often victims of trafficking and forced sexual labour. In India, some Dalit women are especially targeted for the harmful practices of the *devadasi* and *jogini* systems of forced prostitution

Forced prostitution of Dalit women and girls

Thousands of Dalit girls are forced into prostitution every year. The link between caste and forced prostitution is apparent in the Devadasi and Jogini systems practiced in India; form of religiously sanctioned sexual abuse. Originally a sacred, religious practice, the Devadasi dedication of girls to temples has turned

into a systematic abuse of young Dalit girls serving as prostitutes for dominant caste community members⁴. Most girls and women in India's urban brothels come from Dalit, lower-caste, tribal, or minority communities. In 2007, Anti-Slavery International published a study on the practice of ritual sexual slavery or forced religious 'marriage'. It found that 93% of *Devadasi* were from Scheduled Castes (Dalits) and 7% from Scheduled Tribes (indigenous) in India. The Special Rapporteur on contemporary forms of slavery focused in her report from 2012 on the particular vulnerability of Dalit women and girls to situations of servile marriages and sexual slavery as well as ritual and forced prostitution such as the *Devadasi* practice. Furthermore, the Committee on the Elimination of Racial Discrimination has expressed particular concern at this continuing practice of *devadasi* whereby mostly Dalit girls are dedicated to temple deities and forced into ritualized prostitution (CERD/C/IND/CO/19).

Trafficking of Dalit women and girls

Following her visit to India in 2013, the Special Rapporteur on Violence against Women reported that the trafficking of women and girls to and from India is widespread^{xii}. Disadvantaged women from minority groups, scheduled castes and tribes and the "backward castes" are usually the main victims. Young unskilled women are allegedly given false work promises, resulting in forced domestic servitude in foreign countries. Women who are trafficked and forced into prostitution are left unable to defend their rights, and lack access to rehabilitation and compensation for such crimes. This lack of protection and prioritization of the problem by the State has intensified the violence perpetrated against them by criminals or those involved in trafficking practices. The complicity of State officials in human trafficking was also reported as a concern. The Immoral Traffic (Prevention) Act, 1956 and its amendments are reportedly more directed at safeguarding public moral than combating trafficking in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/HRC/26/38/Add.1).

Recommendations

- Take the lead in creating a national entity that works to specifically to identify and address the aspects of Caste structures that lead to women's trafficking and exploitation.

Participation in political and public life (List of issues 12)

In India, there is a quota system in place for Dalits to have seats in the local *panchayat* (town assembly), but the role Dalit women play is consistently subordinated to their male counterparts⁵. Dalit women who attempt to utilise their power in the *panchayat* are met with male and dominant caste backlash, pressure and sometimes violence^{xiii}. Faced by several crippling factors and an interplay of caste and gender, Dalit women have only made an entry into the elected democratic system in India⁶. Lack of knowledge, poverty and illiteracy only further exacerbate the situation of Dalit women.

⁴ Keeping Dalit women as prostitutes and tying prostitution to bondage is a means of subjugation by dominant castes seeking to enforce their social status and economic superiority. Girls who become *Devadasi* and *Jogini* are prohibited from marrying and are stigmatized by the community. The children of *Devadasi* and *Jogini* suffer from discrimination because they do not have a recognized father⁴.

⁵ Many times Dalit women are told they are not even allowed to sit on a chair, but must take their place on the floor. In the majority of instances a Dalit woman has no ability to exercise her voice in the *panchayat* because her husband represents her and makes the decisions while she is forced to stay at home until he can usurp the *panchayat* seat for himself

⁶ Dalit women elected representatives in Panchayat are reported to be faced with acts of violence, prevention of franchise and nominations for elections, discrimination in office and false allegations. According to the All India Dalit Mahila Adhikar Manch, In spite of the space (reservation) given to Dalit women at panchayat (village) level, their participation is dismal in local governance. Dalit women face direct impediments from the time of filing nominations right up to announcement of the election results, including: caste and sexually-based verbal abuse; harassment, threats or physical assaults; property destruction; restrictions on freedom of movement; and illegal and fraudulent voting practices. Furthermore, the mechanisms of law enforcement and access to justice seem far away from the reach of these elected Dalit representatives. In 2007, CERD found that Dalits are underrepresented in the Union, State and local governments and legislatures, as well as in the public service. The Committee noted with concern, reports that Dalit candidates, especially women, are frequently forcibly prevented from standing for election, and if elected forced to resign.

Recommendations

- Women from caste-affected communities should be supported to increase participation at all levels of political governance as well as in other decision-making structures. The formation of high-level skills in capacity building training for Dalit women should be prioritised, in order to provide them with opportunities for employment in donor and other international organizations at the regional and global level, which will lead to increased development and financial support to eliminate caste-based discrimination. Proportional representation of caste-affected women elected into parliaments, legislatures and local governance systems should be mandated. Gender discrimination within caste-affected communities should be challenged through programmes of dialogue and sensitisation of men.

Education (List of issues 13)

Discrimination against Dalit women in the educational system is a widespread problem in India. Alienation, social exclusion, and physical abuse transcend all levels of education, from primary education to university. Illiteracy and drop-out rates among Dalit women are very high due to a number of social and physical factors. Legislation on the area is limited, and measures that have been taken are often inadequately implemented. In 2009, India enacted the Right of Children to Free and Compulsory Education Act, which provides for free and compulsory education to all children aged 6 to 14 based on principles of equity and non-discrimination. However, five years after it came into force, the Right to Education Act is yet to be properly implemented. Although nearly all primary school children are enrolled in school, caste acts as a barrier to education meaning millions do not actually attend class^{xliii}. Girls from Scheduled Castes are particularly more likely to be excluded from school than children from other social groups. According to a 2014 UNICEF South Asia regional study, the average rate of exclusion for primary school-age children from Scheduled Castes is 5.6 per cent and Scheduled Tribes 5.3 per cent compared to the national average of 3.6 per cent. Girls from Scheduled Castes have the highest rates of exclusion at 6.1 per cent^{xliv}.

The forms of structural discrimination and abuse that Dalit girls face in schools are often so stigmatising that they are forced to drop out of school. According to Human Rights Watch (2014), the elementary school dropout rate for children from Scheduled Castes is 51%, much higher than the 37% national average^{xlv}. Those who are the worst hit are adolescent girls whose dropout rate is 64% and even higher when the girl is a Dalit, Adivasi or Muslim^{xlvi}. Furthermore, although, the literacy rate amongst the Dalit women has improved from 41.9% in 2001 to 56.5% today, it is still behind the general literacy rate for women at 64.6%^{xlvii}. One of the main issues is the discriminatory practices conducted by teachers, which may include corporal punishment, denial of access to school water supplies, segregation in class rooms, and forcing Dalit children to perform manual scavenging on and around school premises. In 2007, CEDAW expressed concern about the continuing disparities in the educational status of scheduled castes, scheduled tribes and Muslim women and the limited access of these groups of women to higher education^{xlviii}. And in 2014, the Special Rapporteur on Violence against Women expressed concern at Dalit women being denied an education (A/HRC/26/38/Add.1).

Recommendations

- The State party should provide, in its next periodic report, comparable data disaggregated by sex, caste, minority status and ethnicity, on the enrolment and retention rates of girls and women at all levels of education, and trends over time.
- The state party should increase efforts to enable scheduled caste, scheduled tribe and Muslim women to access higher education.

Employment (List of issues 14)

The caste system confines women to certain types of occupations and Dalit women face differential treatment in terms of type of employment and in terms of wage-earning⁷. A large number of Dalit women are forced to take the most demeaning jobs under slavery-like conditions, such as the practice of manual scavenging – a term used to describe the job of removing human excrement from dry toilets and sewers using basic tools such as thin boards, buckets and baskets, lined with sacking, carried on the head. In 2010, the UN Special Rapporteur on contemporary forms of slavery noted how the issue of domestic servitude interlinked with caste-based discrimination leads to situations of bonded labour with degrading work, such as manual scavenging as a particular plight of Dalit women (A/HRC/15/20). In 2009, the Special Rapporteur underlined the link between forced labour and caste discrimination with reference to ILO research, stating that in Asia, the majority of bonded labour victims in agriculture and other sectors are from Scheduled Castes. And further, that bonded labour can be linked to sexual exploitation especially in the system of polygamy and bride procurement often with prostitution as a result (A/HRC/12/21). Furthermore, in 2014, the UN Special Rapporteur on Violence against Women expressed concern at Dalit women being denied economic opportunities and performing dangerous and unprotected work, including bonded labour (debt bondage) and manual scavenging, “which are both widely regarded as forms of forced labour and modern forms of slavery” (A/HRC/26/38/Add.1).

Manual scavenging

It is estimated that around 1.3 million Dalits in India (of which more than 80% are Dalit women), make their living through manual scavenging^{xlix}. Manual scavengers earn as little as one rupee a day. Though this practice was abolished by law in India in 1993, the practice is still deeply entrenched. “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” (A/HRC/26/38/Add.1). Dalit scavengers are rarely able to take up another occupation due to discrimination related to their caste and occupational status, and are thus forced to remain scavengers. They are paid less than minimum wages and are often forced to borrow money from upper-caste neighbours in order to survive and consequently they end up maintaining the relationship of bondage^l. In 2012, the UN Special Rapporteur on water and sanitation described caste systems as one of the most striking examples of systems that lead to extreme forms of stigmatization and exclusion of large parts of the population, including manual scavengers and sweepers in caste-affected countries, in realizing the right to safe drinking water and sanitation^{li}. In March 2012, a National Public Hearing on "Rehabilitation of Manual Scavengers and their Children in India" was held to increase the political will to address the issues and sensitize other sections of the society and involve them in rehabilitation efforts⁸.

Recommendations

- National and local governments should enact equality laws that prohibit public and private employer discrimination on the basis of caste or analogous systems, take steps to remove customary constraints on leaving traditional caste-based occupations, and promote gainful alternative employment opportunities and full access to markets for members of affected communities.
- National and local governments should ensure the complete eradication of manual scavenging and other unhealthy working conditions, in accordance with international standards.

⁷ In 2000, SC women casual labourers received daily wages of Rs 37 compared with Rs 56 for non-SC/ST women; the national average was Rs 42.

⁸ From November 2012 till January the following year, a two-month long march to end manual scavenging – the Maila Mukti Yatra – crossed 18 Indian states and liberated thousands of scavengers. On the final day of the march, the UN High Commissioner for Human Rights, Navi Pillay, issued a message of support to the participants. In September 2013, “The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill” was passed by the Indian Parliament, however, concerns remain, amongst others regarding rehabilitation programmes and non-incorporation of Dalit Muslims and Christians.

Rural women (List of issues 16)

The situation of Dalit rural women

CERD^{liii} and CEDAW^{liiii} note with concern that segregation and discrimination of Dalits particularly occur in rural areas. Of the country's almost 100 million Dalit women, approximately three fourths live in rural areas where they face systematic oppression, social exclusion, and direct and structural violence from within their own community as well as from 'upper' castes^{liv}. Caste-affected women in rural settings face a number of serious challenges, including lack of access to resources and land⁹, social rights and basic services¹⁰ and political participation¹¹.

In India, Dalit rural women have the highest poverty levels, are landless and depend on the dominant caste for employment, wages and loans. Their access to resources or even their efforts to access them are often met with violence. Due to the intersection of caste, class and gender, Dalit women are subjected to direct and structural violence. Specifically, the structural violence and lack of access to resources perpetuate their poverty and undermine their dignity. When it comes to infrastructure and resources in Dalit communities, the government often overlooks those areas and does not allocate the necessary funds to ensure equality of access to resources. Further, Dalit women lack employment options and other livelihood opportunities, more so than their male Dalit counterparts.

Recommendations

- Governments should take into account the situation of women and girls in all measures taken to address caste-based discrimination and should adopt specific provisions to ensure the human rights of women and girls affected by caste-based discrimination. Particular attention should be paid to combating intersecting forms of discrimination in the sectors of education, employment, health care, access to land and personal security.
- Land reform programmes should be implemented with the objective of redistributing government owned land resources to the landless, targeting Dalit women residing in rural areas, to use it for agriculture based income generating activities. Special subsidies should be made available for women from marginalized communities on agriculture loans, land ownership tax etc.

⁹ Access to and control over land may be an important factor in attaining food security and an increased income. However, Dalit women have limited access to land and no control over it. Due to cultural norms, they do not own land even when it is within their family. Moreover, Dalits generally do not own the land but work it for a dominant caste landlord. The landlords' socio-economic and political power in rural, agricultural areas and status as employers of Dalit women allows for continual caste and gender violence, committed with impunity. Dalit women are met with physical, verbal and sexual violence from the landlords when they try to assert their economic right to wages or land and their right to sexual integrity. When Dalit families do own land, they are often forced off the land by encroaching dominant caste families and usually have no recourse because the dominant caste members will exert their power and authority within the community. By forcing Dalits off their land, the dominant caste can perpetuate the cycle of poverty and violence by denying them necessary resources for income and food. Since Dalit women have the least amount of power and access to resources, this also exposes them to increased forced and bonded labour. Furthermore, when a Dalit woman does have land, she is often accused of being a witch. Witch hunting is a serious problem in rural communities where a Dalit woman can be either forced off the land or forced out of the community. The practice is employed as a 'land grab' tactic and is used by non-Dalits as well as Dalits. This further demonstrates that Dalit women are continually met with violence, discrimination and subjugation from every group. Many Dalit women reside in disaster prone areas and due to climate change, their livelihoods are threatened. Since Dalit rural women have the least access to land and to resources, it is necessary for them to work harder to sustain their lives.

¹⁰ In India, Dalit women are often met with violence when attempting to assert their rights in areas such as access to housing, drinking water, the public distribution system (PDS), education or open spaces for open defecation. In a study on 'untouchability' in 1589 villages in Gujarat, the NGO Navsarjan Trust found that Dalits were not allowed to fetch water from a tap in a non-Dalit area in 71.4 per cent of these villages. In 66.2 per cent of them, non-Dalit midwives refused service to Dalit women.

¹¹ Rural women are politically marginalised, but rural Dalit women are given even less of a voice in the decision making process. In India, there is a quota system in place for Dalits to have seats in the local *panchayat* (town assembly), but the role Dalit women play is consistently subordinated to their male counterparts.

- ⁱ IDSN key issue paper on Dalit women: IDSN briefing paper on Dalit Women
- ⁱⁱ <http://idsn.org/caste-discrimination/caste-and-untouchability/>
- ⁱⁱⁱ See a compilation of UN recommendations on caste discrimination for a full overview: www.idsn.org/UNcompilation
- ^{iv} See a compilation of UN recommendations on caste discrimination for a full overview: www.idsn.org/UNcompilation
- ^v CEDAW General Recommendation 29 states that discrimination 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 (para. 18).
- ^{vi} CEDAW/C/GC/30 - CEDAW General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, October 2013
- ^{vii} CERD/C/IND/CO/19.
- ^{viii} E/CN.4/2002/83, para.53 *Cultural Practices in the Family that are Violent towards Women* - UN Special Rapporteur on Violence against Women, 2002.
- ^{ix} A/HRC/11/6/Add
- ^x A/HRC/26/38/Add.1 Report of the Special Rapporteur on Violence Against Women, following her mission to India, 2014 http://ap.ohchr.org/Documents/dpage_e.aspx?si=A/HRC/26/38/Add.1
- ^{xi} Statement by Special Rapporteur on violence against women, Ms. Rashida Manjoo, on her visit to India 2013 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13282&LangID=E>
- ^{xii} IDSN note and UN News release: HRC26 Clustered Interactive Dialogue with the Special Rapporteur on Violence against Women 2014 http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/HRC/HRC26_Clustered_ID_with_SR_on_VAW_12_June_2014.pdf and www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/9006207390A6398DC1257CF50049CE60?OpenDocument
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- ^{xiv} A/HRC/21/10
- ^{xv} High Commissioner for Human Rights, Ms. Navi Pillay statements on caste-based discrimination, <http://idsn.org/international-advocacy/un/navi-pillay-on-caste-discrimination/>
- ^{xvi} '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>
- ^{xvii} UN SP Joint Statement on the 'Continued Plight of the Untouchables' (May 2013) <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=13352>
- ^{xviii} Statement by Special Rapporteur on violence against women, Ms. Rashida Manjoo, on her visit to India 2013: Statement on India visit May 2013 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13282&>
- ^{xix} Manjula Pradeep (Navsarjan Trust) - Violence against Dalit Women 2014 http://idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Dalit_Women/Manjula_Pradeep_-_Violence_against_Dalit_Women_2014.pdf
- ^{xx} National Commission for Women, *Women of Weaker Sections: Socio-Economic Development of Scheduled Caste Women*, New Delhi, 1996, p.33.
- ^{xxi} 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
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- ^{xxiv} <http://timesofindia.indiatimes.com/city/jaipur/Dalit-women-cases-Crime-conviction-rate-poor/articleshow/9131045.cms?referral=PM>
- ^{xxv} A/HRC/26/38/Add.1
- ^{xxvi} The report on Best Practices and Strategies to Eliminate Caste Discrimination (2012) http://idsn.org/fileadmin/user_folder/pdf/New_files/IDSN/Consultations/Report/Report_IntConsultationOnCBD_2011.pdf
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