



National Campaign on Dalit Human Rights राष्ट्रीय दलित मानवाधिकार अभियान



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CEDAW SESSION- INDIA

Suggestions for inputs to the List of Issues submitted by All India Dalit Mahila Adhikar Manch

CASTE - Gender BASED DISCRIMINATION IN INDIA

Background Information

When the Government of India (GoI) is going to be reviewed in the next pre-session by the Convention on the Elimination of All Forms of Discrimination against Women held between 21st to 25th October, 2013 in Geneva, the members are urged to take into consideration the situation of Dalit women in India. Dalit /Scheduled caste (SC) women, in India's highly patriarchal and caste-based society, bear the triple burden of caste, class, and gender. Being positioned at the lowest social order of Indian society, Dalit women suffer from many forms of discrimination, including lack of education, economic disadvantages, social disempowerment, domestic violence, political invisibility, and sexual oppression.

In contravention of both national laws and international human rights standards that prohibit any physical, sexual or psychological violence against women, varying forms of violent acts specifically targeting Dalit women are occurring on a large scale across India today.

Human rights of Dalits women in general are normally violated by dominant castes and powerful communities to practice and exhibit patriarchy and caste based discrimination. Dalit women are oppressed by the broader Indian society, men from their own community and also their own husbands and male members in the family. Thus, Dalit women face multiple disadvantages and vulnerabilities. Their issues are clearly different from that of other Indian women.

But human rights of Dalit women are violated in peculiar and extreme forms. Stripping, naked parading, caste abuses, pulling out nails and hair, sexual slavery & bondage are few forms peculiar to Dalit Women. Hence, violence, which serves as a crucial social mechanism to maintain Dalit women's subordinate position in society, is the core outcome of gender-based inequalities shaped and intensified by caste system.

CEDAW Convention- Specific Suggestions

CEDAW recommends under article 1 on non discrimination and equality, the state parties should take measures of a general and specific nature to address this form of caste based discrimination against Dalit women. The Gol, as an affected country and a signatory to CEDAW should recognize this form of discrimination takes place in the country and should seek guidance from this framework in order to prevent human rights violation in the country as an effect of caste based discrimination.

In the 4th-5th periodic state report (CEDAW/c/IND/4-5) presented by the Government of India there is very little information on the implementation of the national laws, policies and programmes. The members of CEDAW are therefore asked to take note of the following information and questions when preparing the List of Issues for the examination of India in the next pre-session.

Questions based on India state report

Article 1: Non –discrimination and Equality

There is no dearth of evidence to expose the severe barriers faced by Dalit women elected representatives in accessing their legal rights and performing their role as leaders within the community. Faced by several crippling factors, interplay of caste and gender, they have only made an entry into the elected democratic system of our country. Lack of knowledge, ignorance, poverty and illiteracy only further exacerbate her situation in a society that is ridden by patriarchal and casteist mindsets. Gruesome acts of violence, prevention of franchise and nominations for elections, discrimination in office, false allegations etc. are only the tip of the iceberg of violations for most Dalit women elected representatives in Panchayat positions.

The mechanisms of law enforcement and access to justice seem far away from the reach of the elected representatives. The information on these services and legal rights as Panchayat leaders is almost non-existent. From the block level up to the state level, the flow of information and services is blocked at various levels.

The power of being an elected representative often renders her powerless and insecure, as the backlash violence due to assertion is severe. This combined with the systemic caste and patriarchal discrimination causes acute barriers to her journey as a leader of her community and her constituency.

- **What measures have the Gol taken to address the question of violence against Dalit Women Elected Representatives in local governance?**
- **How is the Gol ensuring effective participation of Dalit women in governance?**

Article 2: Obligation to eliminate discrimination

- **What measures have been take by the Gol for the proper implementation of the SC/ST (POA) Act? What is the current status of the proposed amendments to the SC/ST PoA Act ?**

- What measures have the GoI done to ensure the availability of gender and caste based disaggregated data?
- How has the GOI planned to address the legal barriers faced by Dalit women survivors of sexual violence? How does the Justice Verma Recommendations and the amendments to criminal law address the specific problems faced by dalit women in India ?
- What steps is the GoI prepared to take to adopt improved measures to implement legislations that ensure the rights of Dalit women are fully respected?
- What steps is the GoI taking at present to raise awareness of caste based discrimination in the country?

Article 5: Sex roles, stereotyping and prejudice

- What GoI is doing to ensure the complete elimination of derogatory practice of Jogini and Devdasi system?
- What steps have been taken by the GoI for the survivors and their families?

Article 10: Education

- What steps GoI taken to ensure mainstreaming of girls passing out from Kasturba Gandhi Balika Vidyalaya.
- How does the GOI plan to address the grave security concerns faced by Dalit girls in accessing the schools ?
- What does the GOI plan in order to address the discrimination and untouchability practices faced by dalit girls in schools ?
- How does the GOI plan to spend the budgets under special component plan for higher education of Dalit girls ?

Article 12: Health

- What steps have GoI taken to ensure that Dalit women are not discriminated in the Janana Suraksha Yojana scheme under the NRHM?

Article 13: Economic and Social Life

- How will the GoI ensure that these 36 demands from 29 ministries will address specific vulnerability of Dalit women? Can the GoI provide disaggregated data of the beneficiaries benefitting from these 36 demands from 29 ministries?
- Can the GOI share the plan about the distribution of 5 acres of land for dalit women ?