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HUMAN RIGHTS COUNCIL
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Written statement submitted by the Catholic Organisation for Relief and Development (CORDAID), a non-governmental organization in special consultative status

Human Rights of Dalit women¹

In her report to the 11th session of the Human Rights Council, the Special Rapporteur on violence against women, its causes and consequences, addresses a number of cases of violence against Dalit women. Violence against Dalit women presents clear evidence of widespread exploitation and discrimination against these women subordinated in terms of power relations to men in a patriarchal society, and against their communities based on caste.

Dalit women are victims to discrimination based on specific social customs and religious practices, including the devadasi and jogini system of forced prostitution. The major forms of violence that Dalit women are subjected to are physical and verbal abuse, sexual harassment, abduction, and sexual violence, including rape. The CEDAW committee has expressed concern about the ongoing atrocities committed against Dalit women in India and the culture of impunity for perpetrators of such atrocities.²

Dalit women are one of the largest socially segregated groups in the world. In India alone there are up to 80 million Dalit women according to the national census 2001. Dalit women suffer three-fold discrimination: they are poor, they are women, and they are Dalits. Vulnerably positioned at the bottom of caste, class and gender hierarchies, Dalit women in South Asia experience endemic gender-and-caste discrimination and violence as the outcome of severely imbalanced social, economic and political power equations. Their socio-economic vulnerability and lack of political voice, when combined with the dominant risk factors of being Dalit and female, increases their exposure to potentially violent situations while simultaneously reducing their ability to escape.

The countries where discrimination based on work and descent persists (Sri Lanka, Nepal, India, Pakistan, Malaysia and Bangladesh) are party to most of the relevant human rights instruments, which provide equal rights for women and men. As these countries are also party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), governments have a specific obligation to make sure that women can realize their human rights. However, in spite of international and national legal mechanisms, Dalit women still face discrimination due to weak implementation of legislative measures to safeguard their fundamental rights.

In November 2006, following an international conference, Dalit women adopted the 'The Hague declaration on the human rights and dignity of Dalit women' in which they make recommendations to the governments of Nepal, India, Pakistan, Bangladesh and Sri Lanka, and the international community. The declaration directly requests the Human Rights Council to address the issue of untouchability and violence against Dalit women and men and the impunity related to caste practices and discrimination.³

¹ Justice and Peace Netherlands and the International Dalit Solidarity Network also share the views expressed in this statement

² CEDAW/C/IND/CO/3

³ Human Rights and dignity of Dalit women, report of the conference in The Hague, 20-25 November 2006, ISBN 978-90-809375-5-0

The CEDAW Committee has stated that certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties should take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them in accordance with CEDAW General Recommendation No. 25.⁴

The CERD Committee has also recommended in its General Recommendation No. 29 that states take all measures necessary in order to eliminate multiple discrimination including descent-based discrimination against women, including discrimination based on caste and analogous forms of inherited status.⁵

When considering discrimination and violence against Dalit women, impunity is the key problem Dalit women face today – not only while seeking legal and judicial redress for violence, but also while attempting to access and enjoy their fundamental rights and freedoms. When considering India, the CEDAW committee expressed concern about the policy of non-interference in the personal laws of communities, the non-implementation of legislative and policy initiatives, narrow definition of rape in the current Penal Code, and the lack of legal protection against sexual and gender-based crimes against women perpetrated during communal violence.⁶

Several UN Special Rapporteurs have raised concerns about the human rights situation of Dalit women. The Special Rapporteur on contemporary forms of racism reported on allegations of violence against Dalit women in his report to the Council in 2008 (A/HRC/7/19/Add.1). In August 2007, he also sent a joint urgent appeal together with the Special Rapporteur on adequate housing, the Special Rapporteur on violence against women and the Special Representative of the Secretary-General on the situation of human rights defenders regarding attacks on the Dalit communities, particularly women, in Uttar Pradesh, India. An allegation letter to the Government of India? concerning violence against Dalit women in India was also jointly submitted by the Special Rapporteur on contemporary forms of racism, the Independent Expert on minority issues, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on violence against women in December 2007. Unfortunately no replies to these requests had been received in March 2008. In her report to the Council in March 2008, the Special Rapporteur on violence against women also expressed concern about the overrepresentation of lower caste women among reported victims, and referred to the Commission on Human Rights resolution 2005/41 on the elimination of violence against women.

We request the Human Rights Council to discuss the human rights of Dalit women and to identify ways in which discrimination, violence and impunity can be addressed. At the 11th Council session this issue can be brought up in the interactive dialogues with the Special Rapporteur on violence against women (item 3) and the Special Rapporteur on contemporary forms of racism (item 9), as well as in the annual full-day discussion on women's rights. In particular, the following questions may be raised:

1. What can be done to eliminate the sexual exploitation of Dalit women through social customs and religious practices such as the devadasi and jogini systems of forced prostitution?
2. What are the best practices of combating violence against Dalit women? What type of special measures could states use to address *de facto* discrimination against Dalit women?
3. How can impunity of violence against Dalit women be addressed in law? Could specific legislation be introduced? What type of legislation is needed to protect Dalit women from marital rape, communal sexual violence, and rape as punishment for breaking caste-taboos?
4. Would a comprehensive legal framework such as the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent provide a useful tool to enhance states' protection of Dalit women's rights?

⁴ General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures

⁵ General recommendation No. 29 on article 4, paragraph 2, of the Convention on the Elimination of Racial Discrimination, on descent-based discrimination

⁶ CEDAW/C/IND/CO/3