



# General Assembly

Distr.: General  
17 May 2013

English only

---

## Human Rights Council

Twenty-third session

Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the International Movement Against all Forms of Discrimination and Racism (IMADR), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 May 2013]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Violence and discrimination against Dalit Women\***

The incident of rape and murder in Delhi in December last year has drawn the widest attention, both within and outside India, to the deep-rooted and widespread issue of violence against women in India. The case has illustrated the lack of an effective and functioning justice system, the rule of law and protection of women in general in the country. While the issue of violence against women needs to be addressed urgently and seriously by all relevant stakeholders; it must also be noted that, in the South Asian context, women from the lower caste belonging to Dalit community are extremely vulnerable and are victims of multiple forms of violence, discrimination and exploitation. The intersections of the structural forces like caste, class and gender is further compounded with poverty, lack of resources and socio-economic-political exclusion. Dalit women are in the centre of this web and their multiple identities only push them further to the margins of society.

### **Violence against Dalit women in India**

Placed at the bottom of the caste stratified society, Dalit women face one of the most severe and heinous crimes. Violence against Dalit women is best understood by analysing the following three factors:

- Being born into a low caste, Dalit women are often perceived as women of ‘low character’ and hence available for use by the dominant caste males. This control over their body and sexuality is further sanctioned by traditional and religious practices and explains the impunity enjoyed by oppressors.
- Dalit women have no option but to earn livelihood for themselves and their family. Without access to land and economic resources, they are dependent on land lords, contractors and economically powerful men, whereby becoming vulnerable to exploitation and violence. As compared to general caste women, Dalit women move out of domestic chores and into public places to earn the living which makes them more vulnerable through the perceived notion that she is available for use by dominant caste men.
- Backlash violence or violence for retaliation on Dalit women is a common trend that is used to silence them and their community. Economic and political assertion of the community is often met by severe forms of backlash violence. This fact is clearly visible with Dalit women elected representatives, who face severe discrimination and violence even after being constitutionally elected.

The National Crime Records Bureau data reveal that more than four Dalit women are raped every day in India.<sup>1</sup>

“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%) 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

---

\* The National Campaign on Dalit Human Rights (NCDHR), Navsarjan Trust and the Feminist Dalit Organization (FEDO), NGOs without consultative status, also shares the views expressed in this statement.

<sup>1</sup> National Crime Records Bureau, Gov. Of India. <http://www.ncrb.gov.in/>

and their supporters, and/or the community at large, prevented the women from obtaining justice. 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.”<sup>2</sup>

In September 2012 a 16-year-old Dalit girl was gang-raped by at least eight drunken higher-caste men for three hours in a village in the state of Haryana. The men videotaped the assault on their cell phones, and eventually the images were shown to the girl’s father, who committed suicide shortly thereafter. Within a period of 45 days, more than 19 cases of rape were reported from Haryana, a state that is only less than 100 kms from Delhi. Only when faced with mass protests, the police decide to take action against the suspected perpetrators. In Punjab in 2006, a Dalit activist, who went to the police to seek justice after his daughter was gang-raped, was beaten up by the supporters of the perpetrators so badly that his both arms and a leg had to be amputated.

Dalit women are also sexually exploited owing to religious and traditional practices like Devadasi system where Dalit girls are dedicated to temple and forced to have sex with priests and members from dominant castes. Religious and philosophical sanctions and structural mechanisms of ostracism against Dalit women has promoted a high degree of impunity against harassment, atrocities – abuse and physical violence, sexual and labour exploitation, labour exploitation, destruction of assets against Dalit women, preventing their rights to free franchise and disallowing political participation.

Incidents are also reported, where rape was employed by landlords and other authority to crush movements of Dalits. Moreover, a number of lower castes, especially Dalit women in inter-caste marriages are quite often suffering from domestic violence, sometimes in most severe forms. Furthermore Dalit victims of rape are also exposed to multiple forms of stigmatization. Although they are constitutionally elected, Dalit women Panchayat representatives are abused and threatened and murdered.

Dalit women are in worst position than Dalits in general, in terms of sex ratio, wages, employment, occupation, assets, education, health, social mobility and political participation. Without economic assets including land and other resources, Dalit women have to go out to earn their livelihoods, necessitated by economic deprivation. Being Dalit they are treated with great contempt by upper caste men and women alike, and their own men folk.

There is an endless list of such incidents, while it must be made clear that there are certainly more cases that are not reported due to the fear of reprisals and stigmatisation, or the failure of law enforcement officers to properly deal with the cases even in cases re-traumatizing victims. The failure of the authority to effectively deal with the cases of violence against women, especially against Dalit women, is also represented in the low number of cases in which perpetrators are prosecuted and convicted.

Impunity is another deep-rooted and closely related issue. Even if there is a progressive and comprehensive legislation or policy programmes, it does not create the envisaged impact if not implemented. The victims are not protected, perpetrators not prosecuted or much less convicted, the issue remain de facto untouched, and the vicious cycle of violence and discrimination against Dalit women goes on. Special Rapporteur on extrajudicial, summary or arbitrary execution, Christof Heynes, in his mission report to India have recognized that Dalit women are exposed to difficulties in registering FIRs. Individuals who wish to report

<sup>2</sup> Aloysius Irudayam, Jayshree P. Mangubhai, Joel G. Lee (2006): Dalit Women Speak Out - Violence against Dalit Women in India, National Campaign on Dalit Human Rights, New Delhi

violations by security officers face similar challenges which dissuade them from complaining and impede the accountability of State agents.<sup>3</sup>

### **Conclusion and recommendations**

Discrimination and violence against Dalit women, and other related issues and root causes, is not a simple problem, but requires comprehensive approach by all stakeholders. However, or even therefore, it is high time for national authorities and international community to pay due attention and take decisive action as there are a number of countries which are affected by caste discrimination, not only in India or other countries in South Asia, but also worldwide. Concerning the existence of similar forms of discrimination as to the one based on caste, there is certain possibility and needs for international community, especially the UN Human Rights Council, to thematically study, address and monitor the situation. While welcoming the efforts made by Treaty Bodies and several Special Procedure mandate holders including the recent visit of the Special Rapporteur on Violence Against Women, we would like to recommend followings to the said Special Rapporteur:

- To study, analyse and highlight the issues affecting Dalit women in all countries affected by caste discrimination and continuously monitor the situation, also in cooperation with other UN actors wherever possible;
- To call upon the national governments for decisive action, implementation of existing legislation as well as recommendations made by UN actors including Treaty Body, Special Procedures and UPR, and address the issue of impunity;
- To seek and make recommendations to the Human Rights Council how it can more effectively address the discrimination and violence against Dalit women in particular, and multiple forms of violence against minority and indigenous women in general;
- Initiate dialogues with State governments and all relevant stakeholders including UN bodies, private sector, NHRIs, CSOs and academic institutions with a view to identify, promote and exchange views on best practices related to violence and discrimination against women.

---

<sup>3</sup> [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.47.Add.1\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.47.Add.1_EN.pdf)