

Matoshri RAMABAI CENTRE FOR DIGNITY AND RIGHTS OF DALIT WOMEN

(NGO working under ACJP Global Network for the liberation of Dalits)

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Dalit women number about 80.5 million i.e. 8% of the total Indian population.¹ There is insufficient data to adequately represent the dalit women, also their enjoyment of rights to education, employment, experiences of descent based discrimination, and so on. Dalit women are invisible to scholars and activists in their extensive researches and documentation. Dalit women are triply oppressed by the cauldron of caste, gender, and class/status. However this quarter million of the population is not represented in proportion to their size; nor does it enjoy equal socio-political and cultural rights. There is a continuing discrimination against dalit women despite the SC and ST prevention of atrocities act of 1989. Dalit women have to grapple with numerous injustices of caste hierarchy, economic deprivation aggravated by legal, political, and cultural discrimination. They are victimized by a number of external and internal factors-the upper castes, dalit community, and their own families.

They are inferior and untouchable but sexually “touchable” for upper caste men. Thus they are more vulnerable to public violence as opposed to upper caste women who face violence within the confines of home alone. The categories of “gender” and “caste” on the Indian social are intertwined. Dalit women face double discrimination on the basis of caste and gender and are subjected to gross violence of their physical integrity, including sexual abuse by upper caste men, are socially excluded and economically exploited. Statistics over the last 5 years report that at least 3 dalit women are raped everyday.

The Indian government is aware of these atrocities and argues that erasing this age-old institution would take longer time, thus paying lip service to caste based violence and avoiding stringent measures to deal with such practices. It is only recently that the Indian government seems to understand the gravity of the inflicting discrimination. The Indian Prime Minister-Manmohan Singh has likened these atrocities to apartheid.²

I can multiply cases of descent based and gender based discrimination of dalit women. I can cite many instances in which Dalit women have been totally blanked out by upper caste women and also where they have been insulted by upper caste women and men. The caste-monster continues to prevail even in capital cities! Even the mainstream, upper caste middle class Feminist movement obscures Dalit woman. It seems to be

¹ Census of India, 2001

² Guardian, UK, 28th December 2006 reported the Prime Minister’s address at the International Conference of Dalits and Minorities, New Delhi.

repetition of what happened to the white feminist movement in the West! The NCHR in its 2002 report said that there was 'virtually no monitoring of SC/ST prevention of atrocities act. The vigilance committees under this act are not being constituted and the already existing ones poorly function. The center and state need to implement laws urgently.

There exists a gross ignorance by police. In India's southern states, thousands of Dalit girls are forced to become prostitutes for upper-caste patrons and village priests. Landlords and the police use sexual abuse and other forms of violence against women to crush the community. Dalit women have been arrested and tortured in custody to punish their male relatives who are hiding from the authorities. The insensitiveness and the continuous failure of the criminal justice administrative system, the impunity enjoyed by both dominant caste community and the state officials continues. This is clearly illustrated in a recent national study of violence against Dalit women based on 500 cases:

In 40, 4 % of the cases the women did not even attempt to obtain justice

In 26.6 % of the cases the victims were prevented to file cases

In 1.6 % of the cases the women were able to obtain informal justice

In 17.5 % of incidents the violence reached the notice of the police, but are thwarted

Only in 13.9 % of cases was appropriate police or judicial action taken.

Only 3.6 % of cases have ever reached the courts, only 3 of the cases – less than one per cent have ended in conviction.³

Violence therefore forms the core result of gender based inequalities, caused, intensified and facilitated by caste discrimination. This is primarily to maintain Dalit women's caste and gender subordination to men in general and upper caste men in particular.

Despite the fact that many Dalits do not report crimes for fear of reprisals by the dominant castes, official police statistics averaged over the past 5 years show that 13 Dalits are murdered every week, 5 Dalits' homes or possessions are burnt every week, 6 Dalits are kidnapped or abducted every week, 3 Dalit women are raped every day, 11 Dalits are beaten every day and a crime is committed against a Dalit every 18 minutes.⁴

In 2000, 190 countries accepted the Millennium Declaration and agreed to take the necessary action in order to attain eight specific goals-- Millennium Development Goals (MDGs). The realisation of human rights of Dalit women will have a major positive effect on the realisation of the MDGs. Dalit women are extremely poor, and make up 2% of the world's population. My research reveals that majority of dalit girls cannot attend school due to various hurdles—social, economic, cultural, and psychological. India also accounts for more than 20% of all global maternal deaths. A greater availability and accessibility of healthcare for women, including Dalit women, is needed. Further their predicaments need global attention.

Articles of CERD and substantive provisions of the Convention on the Elimination of All Forms of Discrimination against Women are violated:

Article 1: of the substantive provisions of the convention on the elimination of all forms of discrimination against women states that: the term "discrimination against women"

³ Ruth Manorama's paper before the European Parliament

⁴ <http://ncrb.nic.in/crime2005/home.htm-figures> on crime in India

shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. Dalit women are discriminated on the above grounds.

Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake. It is not enough merely to insert anti-discrimination clauses into legislation. The Convention also requires States parties to protect women's rights effectively and provide women with opportunities for recourse and protection against discrimination. Though the Indian government has taken steps to racial/caste discrimination continues to be practiced in some form or the other. The forced occupations of *devadasis*, prostitutes, manual scavenging, and bonded labour for dalit women violate Articles 2 and 6.

A dalit woman was paraded naked in Kendrapara. Her husband and some villagers who tried to protect her were also thrashed.⁵ Sympathetic women leader meet the victims; however we are led to ask-What happens ahead? A dalit woman was thrown from a running train for refusing bribe in Patna. Thus, Dalit women are insignificant.

Article 3: States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. The convention demands that state parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular shall ensure to women, on equal terms with men, the right. However, A Dalit woman *sarpanch* was not allowed to hoist the Indian flag in Nasik, and Thane.⁶ It is an enormous struggle for dalits even to get to the doors of the UN. One dalit woman from Bihar, Girija could not attend a UN convention and the passport officers have no regrets for the delay. I feel immensely fortunate to have this opportunity to represent the voice of dalit women at this convention. Article 3 is an expression of an international solidarity of the state parties to the convention with people living under racial segregation and apartheid. In that Dalits (like other minorities) are “marked” and residentially segregated. Even during the tsunami rehabilitation, dalits were not allowed to stay in camps as the fishermen community.

Article 4: is significant in that state parties have to adopt legislations to criminalize and punish dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, acts of violence against any race, and assistance in such activities. However, many states do not implement state legislations effectively. The state machinery, the judiciary and police simply ignore untouchability and do not taking effective measures. One heinous and inhuman crime of upper castes took place in October 2006, in Khairlanji village of Bhandara. The state machinery and police are mute. They either beat us up or bury us alive. A dalit woman was beaten to death for

⁵ 25th April, 2006, Times of India

⁶ A Sarpanch, Sunita Ghoderao was not allowed to hoist the Indian flag. Feb 17.2006

collecting fallen grains. She has no food and no right even to collect fallen grains. A dalit woman was gang raped and the accused are still to be arrested. A wife of a dalit leader was hacked to death by some unidentified persons in Tuticorin.⁷

Article 5- This article of CERD has a long list of rights and freedoms. It is violated in that many violent incidents are reported from across the country when dalits try to exercise their rights. Untouchability is practiced in some or the other form. Are we not citizens of India? Can we not hoist the flag? Also there are many acts of violence when dalit women try to assert their rights and fight for panchayat elections. A Dalit woman of Rajhana panchayat in Rajasthan was raped (on 22nd Sept, 2005) by police officials when she tried to complain against the corporal punishment in schools. Annually there are 5000 cases of violence against dalits. The daily violence faced by dalit women while asserting their rights. When the upper caste woman seeks justice they carry their caste identity and approach the police officers or judged, while a dalit woman going to these officials with the same demands is still, in the India of 2007, in real danger of being raped.⁸ The Right to education of dalit women is still a dream. The highly advertised increasing enrolment rates of dalit women successfully gloss over the increasing drop-out rates for dalit women. Furthermore, teacher and upper castes take every opportunity to degrade dalits and call them dullards. Dalit women also do not have access to basic amenities. According to the Family health survey, almost 56% dalit women suffer from anaemia. Women also do have hospital facilities for child delivery. Though the Indian constitution affirms the right to food, a dalit girls fingers were chopped off simply because she tried to grab some spinach leaves from an upper caste farm to satisfy her hunger. In the labour market dalit women often have to work on low wages, face differential treatment from higher castes. Dalits involved in manual scavenging. 1.5 million women are involved in this dastardly practice and the act prohibiting this has not been adequately implemented due to the apathy of the state and centre. They women carry the excreta in metal pans, with bare hands. The caste juggernaut rolls on. Dalit women triply oppressed. Subordinate to upper caste women. Apart from this, the dalit women also face domestic violence. The constitutional and legislative measures enacted are not a meaningful deterrent for the atrocities. This is the failure of the Indian state to protect dalit women against public and private violence, (CERD, 1992)

Article 6 of CERD suggests effective protection and remedies from the state parties. In this case we find a big gap in the legal remedies offered. This is basically due to the inefficiency of the state structure and the social bias of the majoritarian population. They are of the view that both state and societal crimes against dalits are not punishable. The Indian constitution has made amendments to change but the Indian social set up does not change. Dalit women are marginalized and most vulnerable section of the Indian society. This article states that state parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women. The heinous practice of *muralis*, *jogtinis*, and *devadasis* continues till date despite laws enacted to prevent this gory practice. My research unravels that the Judicial

⁷ The Hindu, April 7, 2006

⁸ May 15, 2006. The Indian Express

Files of the Home Department of the Bombay Presidency deal with the proclamations of the government to discontinue this loathsome custom in 1909. Further provisions were made to protect the girls in 1913. Despite these initiatives by the colonial authorities way back in early twentieth century we find this horrendous tradition continuing in the twenty first century and zealous efforts have been made by the government and other bodies to eradicate this evil practice. This evil custom reduced the *muralis* to performing sexual labour. The rehabilitation of such *devadasis* is poorly implemented, further there are no means for their education or legal recourse. Approximately 98% of girls trafficked belong to SC; they are auctioned off to urban brothels.⁹ Women of the lower castes remain at the bottom of the hierarchical order; they have no right to privacy or decision-making and no right of protection against sexual exploitation. It seems Dalit women they are “public” property to be devoured at will by anybody.

Article 7: suggests that states are obliged to adopt immediate and effective measures in teaching, education, culture, and information, in order to fight racial prejudices. The literacy rates for dalit women in rural India are still 37.8%.¹⁰ Further, the official curricula hardly acknowledge the existence and world of dalits and dalit women. Teaching has no relation to the culture of dalits. Dalit women also have cultural barriers to education. The mainstream exercises and enjoys hegemony—politically, socially, educationally, and culturally. The education of dalits is a possible threat to higher castes and hence they have so many hurdles to face despite the so called reservations. Proper implementation of affirmative action is another question altogether.

Effective measures to be adopted

1. Police and district administration should be trained and sensitized toward Promotion and Protection of Human Rights and Constitutional rights of Buddhists, SCs/STs and Minorities. Steps are to be taken to educate masses to end high caste and low caste mentality as per CERD recommendations of 1996 to Government of India under United Nations Commission on Human Rights. Internationally policy framed, trade agreements, political dialogue with India should be affected in a manner to fight the widespread discrimination, violence, and impunity committed against dalit women.
2. The civil society, the Government of India, State Governments and United Nations should act immediately to prevent all such atrocities and human rights violations in India or else 250 million people may resort to unconstitutional means to protect their dignity and lives. This is because despite all the anti-caste legislation and all the policies to end caste-based discrimination justice for Dalits remains elusive.
3. The Indian government legislates extensively but the implementation of measures is a need of the times. Inadequate implementation of laws is serious impediments to the realization of women’s human rights in India. Therefore, we would appreciate if the government of India resolutely implements its projects and measures. Improvement of criminal justice system is called for. This would allow

⁹ A NGO report, February 18, 2006, Times of India

¹⁰ Census of India, 2001

- the dalit women to enjoy their civil, cultural, economic, political, and social rights, as mentioned in article 5 of the Convention.
4. Special measures are to be taken by the authorities to prevent acts of discrimination towards dalit women, and thorough investigations should be conducted to punish the guilty in order to provide justice to the victims.
 5. The government should provide periodic information about its implementation in practice of the legal provisions prohibiting acts of racial discrimination.
 6. There should be a continuing campaign to eliminate the institutionalized thinking of the high-caste and low-caste mentality.
 7. The government of India should make justice accessible and easier for dalit women.
 8. A quarter of the budgetary allocation should be towards the welfare of dalits and dalit women in particular, who are about 80 million of the Indian population.
 9. The National Commission on Women (NCW) has no power to enforce its proposals for law reform or to intervene to prevent discrimination. It is further not well resourced or as empowered as the Human Rights Commission of India. We find gender disparity here itself. The NCW needs to be strengthened.
 10. Dalit women activists and human rights defenders are exposed to violence and harassment in the communities in which they work; the government should strictly enforce the law and protect women activists.
 11. Indian government should take multiple measures in order to check discrimination of women in employment and education. Further it should also make provisions for self-employment of women.
 12. The private sector is not controlled by constitutional means, and hence efforts should be taken to protect dalit women employed in these enterprises.
 13. Further, it should also account for the projects and policies implemented and treat dalit women as a “distinct” category of the community. Dalit womens’ specific problems should not be subsumed under the rubric of the larger community.
 14. We would also appreciate if the government promotes investigation and monitoring by dalit members themselves who will also look into implementation of provided facilities and legislations.
 15. We will also evolve plans for the inclusion, rather the mainstreaming of dalit women in development projects/programmes, facilitate their social and economic empowerment, work on representation of women on monitoring bodies, and undertake (CERD) human rights awareness and capacity building programmes as the ACJP has done in the past.