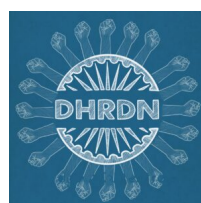




ELIMINATING CASTE-BASED SEXUAL VIOLENCE IN INDIA

Recommendations for the prevention of sexual violence against Dalit women & girls
August 2021



ABOUT THE NATIONAL COUNCIL OF WOMEN LEADERS

The National Council of Women Leaders (NCWL) is a coalition of women leaders who belong to marginalised communities across India working at the grassroots to support and empower marginalised women and girls in their communities.



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NCWL, in collaboration with Dalit Human Rights Defenders Network, Equality Now, and Equality Labs, launched a national campaign in July 2021 focusing on caste-based sexual violence against Dalit women and girls.



INTRODUCTION:

UNDERSTANDING CASTE-BASED SEXUAL VIOLENCE

We believe that sexual violence is being used by those from dominant castes and positions as a weapon to assert power and reinforce existing caste hierarchies. Dalit women and girls are often subjected to more severe or aggravated forms of sexual violence, such as gang rapes or rape with murder, and there is commonly a collective nature to these crimes, with offenders from dominant castes acting in groups to commit offences.

Survivors of sexual violence struggle to obtain justice within India's legal system. And perpetrators of sexual violence and abuse know that they are less likely to face punishment if they commit a crime against members of the Dalit community because such attacks are rarely investigated or prosecuted. Police often refuse to register cases, coerce survivors into compromises, or declare cases false.

For the small proportion of sexual violence crimes that India's criminal court system does prosecute, the conviction rate in rape cases against Dalit women and girls is 32.2%, which is abysmally low. Survivors and their families who seek legal justice are often subjected to extreme pressure to stay silent, and cases that do result in conviction mostly involve the most egregious crimes, such as when the victim has been killed, or those which lead to a great deal of media publicity and action by Dalit women activists.

We believe that the Central Government and the State Governments must do more to fulfil their responsibility to protect Dalit women and girls from sexual violence. Together, we are putting forward the following recommendations.

RECOMMENDATIONS

TO THE CENTRAL GOVERNMENT

GENERAL

1. Recognise and support the ongoing struggles of Dalit women to attain their rights and protect themselves against a culture of sexual violence.
2. Recognise Dalit women as a distinct social group rather than subsuming them under the category of general women or Dalits, and accordingly develop and implement activities with a specific focus on Dalit women's rights within the broader framework of the national agenda for the empowerment of Dalit women and girls.
3. Commit to the abolition of caste-based discrimination and caste-based patriarchy as national goals with the specificity of caste, class, and gender-based violence against Dalit women and girls being acknowledged, ensure that its abolition is incorporated into law and policy; and that existing laws and policies are effectively implemented.

UNDERTAKE NECESSARY POLICY MEASURES

4. Develop and implement a comprehensive strategy to address impunity and ensure access to justice for Dalit women and girls, by identifying and eliminating the barriers that they face in their struggle for justice.
5. Adopt preventive and supportive measures in order to ensure Dalit women and girls their rights to security of life, equal protection of and equal standing before the law, and ensure the discharge of the duty of all law enforcement agencies to exercise due diligence in investigating and prosecuting acts of violence against Dalit women and girls.
6. Provide immediate relief and holistic and adequate rehabilitation to Dalit women victims-survivors and their family members (particularly when the victims die as a result of the violence).

7. Reconstitute all protection mechanisms and monitoring committees for Dalits with mandatory representation of Dalit women from Dalit and women's movements, as well as non-governmental organisations working with Dalits. These committees must be enabled to monitor the registration of cases of atrocities under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, with 2015 amendments [SC & ST (PoA) Act] and the subsequent conduct of State and non-State actors vis-à-vis Dalit women victims-survivors, to prevent threats/pressures from perpetrators of violence and their communities on victims/survivors to withdraw or compromise police cases.

8. Address the violence not only as an issue of law and order but also as a socio-economic issue, in recognition of the fact that economic dependence and poverty is a significant reason behind Dalit women not filing police complaints against the violence they face from dominant castes. Interventions to address violence should be holistic, including preparing a national perspective plan with separate funding aimed at accelerating efforts to reduce the gap in poverty levels between Dalits and the general population, within fixed time-bound targets, and explicit short

and long term goals for the overall development of Dalit women as well as the eradication of violence against them.

9. Promote an active and visible policy of mainstreaming a Dalit gender perspective in all government development policies and programmes.

10. Grant powers to relevant national human rights institutions to enable them to make legally binding recommendations and establish an independent complaints and monitoring mechanism to redress the discrimination and violence inflicted against Dalit women.

IMPLEMENT AWARENESS-RAISING AND EDUCATION PROGRAMMES

Develop and implement specialised programmes for awareness-raising and training at all levels of police officers, judges and prosecutors, village council representatives and bureaucrats with regard to the situation of Dalit women in general and violence against Dalit women in particular, as well as to eliminate casteist and sexist stereotypes. The focus of the training programmes should be on the reasons for and purpose of enactment of

special laws to protect Dalits, providing thorough knowledge of the SC & ST (PoA) Act (including the 2015 amendments), and the specific problems linked to the gender-specific nature of crimes these women face, as well as the caste-based nature of crimes.

12. Address the attitudes and prejudices that lead to sexual violence and foster a culture of impunity, including through public campaigns to promote equality and challenge caste-based discrimination and violence, for example, through schools or the media.

13. Highlight the responsibility of the media in promoting non-stereotyped images of women and men and Dalit women and men in particular, as well as encouraging the media to actively include positive images of Dalit women.

14. Initiate processes to challenge discrimination based on caste, sex, and gender by encouraging regular dialogue and sensitisation among non-Dalit communities and men.

IMPROVE AVAILABLE DATA AND RESEARCH

15. Correlate data on violence against women, violence against Dalits, and violence against Dalit women and girls separately and map out violence-prone areas for Dalit women and girls to assist with the development of targeted interventions to address this systemic problem. Disaggregate all criminal, economic, social, and political data on the grounds of gender, sex, and caste. Based on this data, present a periodic white paper in Parliament on the realisation of the rights of Dalit women and girls.

16. Undertake further research studies related to violence against Dalit women and girls in different parts of the country. Further, plan for preventive action and assistance for the victims in the event of violence in violence-prone areas on the basis that each area demands a different approach rather than the implementation of a common policy for all the areas.

RECOMMENDATIONS

TO THE STATE GOVERNMENTS

PROTECTION OF DALIT WOMEN AND GIRLS AND PREVENTION OF SEXUAL VIOLENCE

1. Implement, support, and fund programmes to educate Dalit women and girls about their legal rights, including information about the rights under the SC & ST (POA) Act, including community-based education, legal literacy campaigns, and trainings aimed at increasing knowledge and understanding of the causes, consequences, and mechanisms of violence against women in general and Dalit women in particular.
2. Ensure that Dalit women and girls who report violence are protected from retaliation by the accused and their supporters and from the perpetration of renewed violence against them through social boycotts and imposition of restrictions on them.
3. Ensure that law enforcement agencies and other state mechanisms

and agents, including bureaucrats, welfare departments, medical and paramedical agencies, and local bodies, are sensitised to be able to effectively address the grievances of Dalit women and girls.

EFFECTIVE IMPLEMENTATION OF EXISTING LAWS

4. Urgently bring the criminal justice system under effective monitoring to ensure the efficient delivery of justice for Dalit women and girls. Ensure the full and strict implementation of the SC & ST (PoA) Act and the timely investigation and disposal of cases of violence against Dalit women and girls.
5. Fast-track the effective investigation and trial of all cases of sexual violence against Dalit women and girls, ensuring that judgment in these cases be pronounced within four months from the date of reporting the atrocities in accordance with applicable law.

IMPROVE POLICE RESPONSE AND ACCOUNTABILITY

6. Ensure that criminal cases are filed against officers who tamper with evidence, protect accused persons from the due and fair process of the law, or work to support persons accused of sexual violence/criminals.

7. Appoint appropriately trained and gender- and caste- sensitised women police officers as Deputy Superintendents of Police in violence-prone districts so that they can efficiently handle cases of violence against Dalit women and girls.

8. Make provisions to sensitise all police officers on the provisions of the SC & ST (PoA) Act, and the specific barriers to accessing justice faced by Dalit women and girls due to intersectional forms of discrimination based on caste and sex, in all aspects of police training imparted in the Police Academy.

9. Create a separate cell to be headed by Scheduled Caste and Scheduled Tribe officials for dealing with atrocity cases under the SC & ST (PoA) Act.

10. Establish Dalit women and child protection units in partnership with the

police, relevant ministries dealing with Scheduled Caste protection, development and social justice and non-governmental organisations and movements with adequate representation of Dalit women.

PROVIDE HOLISTIC SUPPORT TO VICTIMS- SURVIVORS

11. Provide immediate relief in conjunction with a holistic and adequate rehabilitation to the Dalit women victims-survivors and their family members, including provision of counselling and psycho-social support services.

12. Establish special services for women victims-survivors of violence so that they can benefit from professional assistance of psychologists, doctors, lawyers, marriage counselors, etc. This would include special units or procedures in government hospitals and primary healthcare centers to help identify women victims-survivors of violence and to provide them with counseling without discrimination.

13. Provide adequate support to minor Dalit girls who have survived sexual violence to ensure that they continue their studies and live a dignified life.

14. Effectively implement existing provisions for providing suitably qualified lawyers to Dalit women and girls who are victims-survivors of sexual violence. Ensure state level authorities providing legal services offer these services to Dalit victims of sexual violence promptly as and when required, and that the lawyer

accompanies the victim-survivor from the very day that the case is registered.

15. Support adult Dalit women who survive sexual violence to find secure, valued jobs and pensions as a rehabilitative measure.



RECOMMENDATIONS

TO THE NATIONAL HUMAN RIGHTS COMMISSION, THE NATIONAL COMMISSION FOR SCHEDULED CASTES, THE NATIONAL COMMISSION FOR WOMEN AND RESPECTIVE STATE COMMISSIONS

1. In recognition of the increasing attacks and violence that women human rights defenders (WHRDs) face for trying to protect the rights of Dalit women and girls, the National Human Rights Commission (NHRC) should take up all such issues *suo moto*, especially cases of victimisation of Dalit women and girls.

2. Work together to suggest concrete measures to curb the gruesome and unrelenting violence against Dalit women and girls, as the full protection and promotion of the human rights of

Dalit women can only be addressed by promoting an understanding of the intersection of caste, gender, and sex discrimination, and strictly recommend the filing of cases under the SC & ST (PoA) Act by ensuring complete adherence to all the provisions and rules.

3. Work actively to prevent sexual violence against Dalit women and girls, including by actively raising awareness of the SC & ST (PoA) Act and associated legal rights and available remedies.

REFERENCES

1. *Research Study On Violence against Dalit women in Rajasthan*, conducted by Kundan Welfare Society supported by:- National Commission for Women.
http://ncwapps.nic.in/pdfReports/VIOLENCE_AGAINST_DALIT_WOMEN_IN_RAJASTHAN_Kundan_Welfare_Society.pdf
 2. *Dalit Women Speak Out: Caste, Class and Gender Violence in India*, by Aloysius Irudayam, Jayshree P. Mangubhai, Joel G. Lee., 2006 https://idsn.org/uploads/media/Violence_against_Dalit_Woment.pdf
 3. *Justice Denied: Sexual Violence & Intersectional Discrimination, Barriers to Accessing Justice for Dalit Women and Girls in Haryana, India*, by Swabhiman Society and Equality Now, 2020, <https://www.equalitynow.org/justicedenied>
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