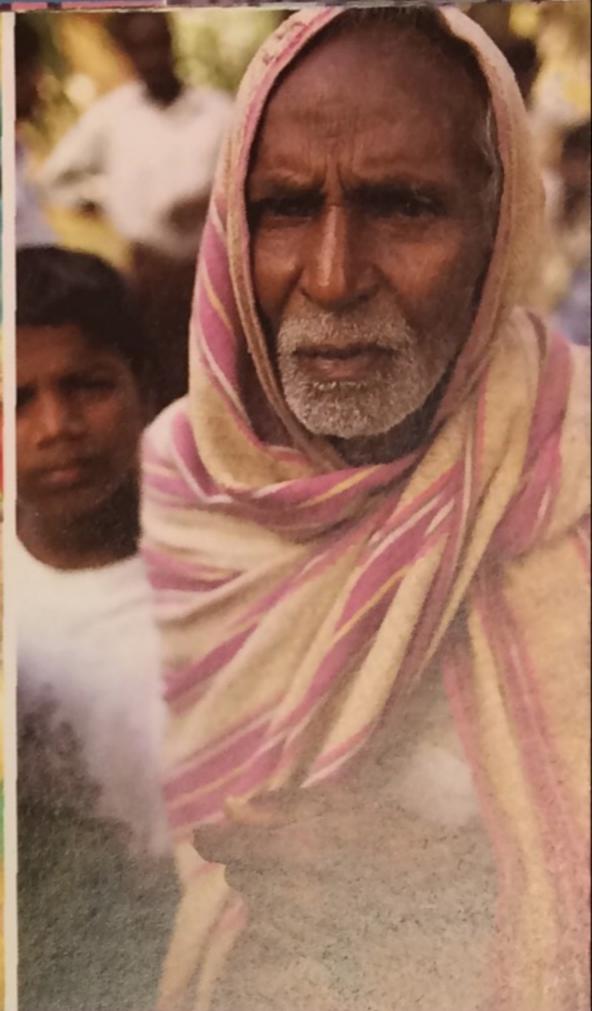


PRACTICES OF CHANGE:

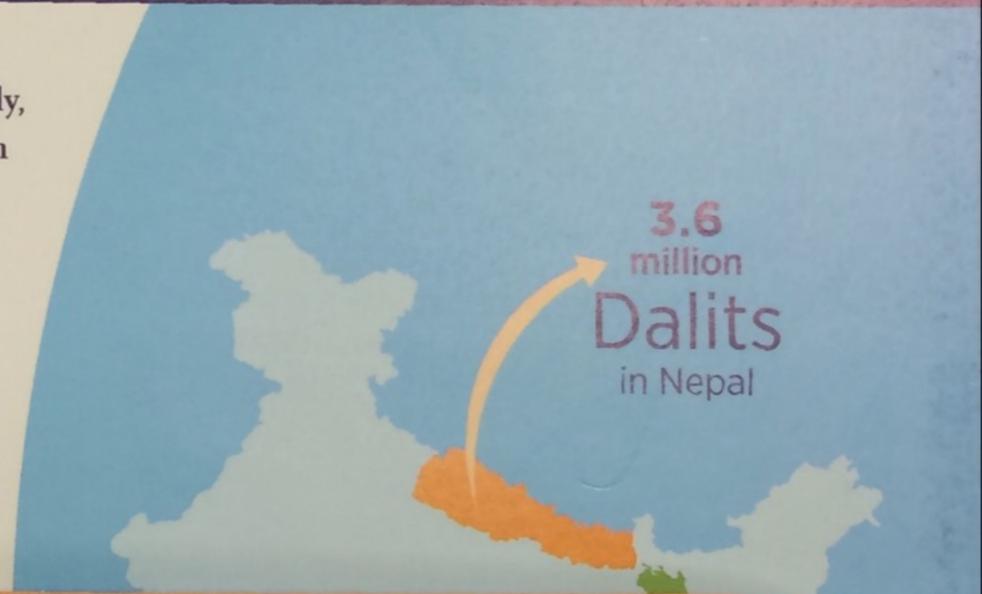
Addressing Equity
and Inclusion for
Dalits in South Asia



Introduction

Of the more than 260 million Dalits globally, around 210 million (80%) live in South Asia. While there are both commonalities and differences in how caste-based social division manifests in each country across the region, inequality, discrimination and social and economic exclusion of Dalits remain common features.

In Bangladesh, India and Nepal, Dalits still live in predominantly segregated areas, often with little or no access to the most basic resources,



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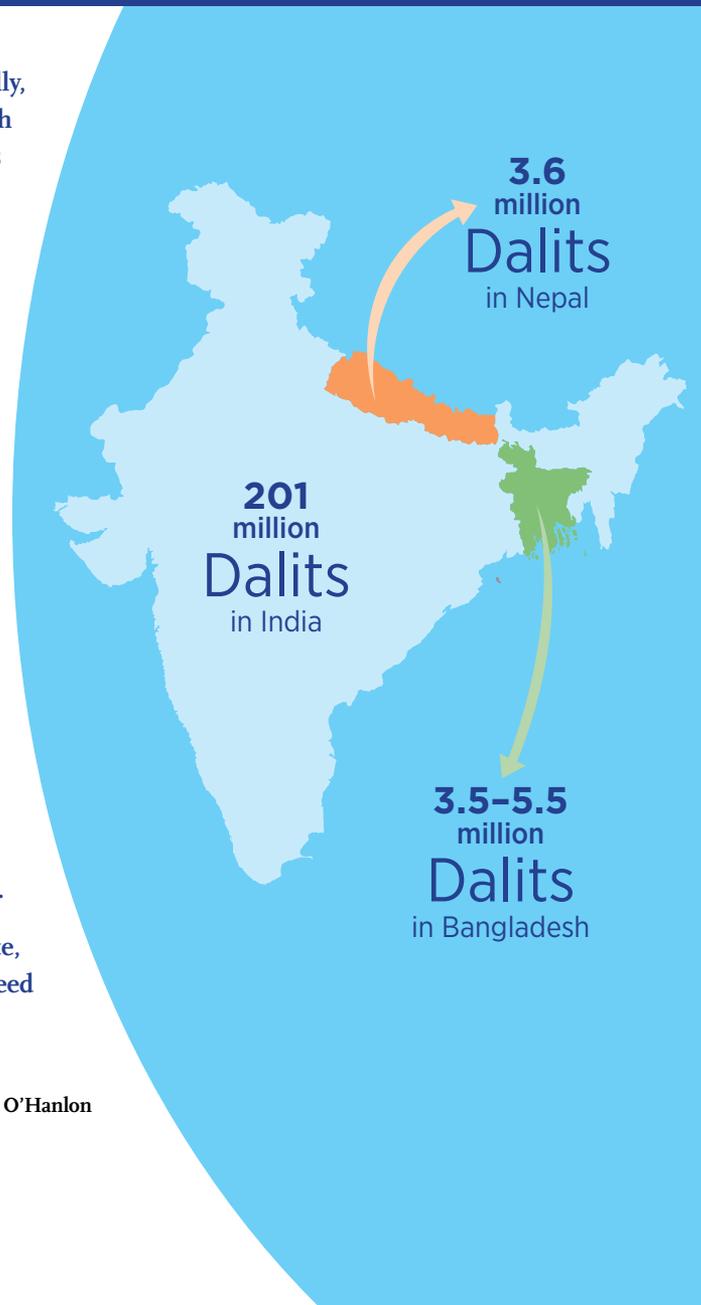
Introduction

Of the more than 260 million Dalits globally, around 210 million (80%) live in South Asia. While there are both commonalities and differences in how caste-based social division manifests in each country across the region, inequality, discrimination and social and economic exclusion of Dalits remain common features.

In Bangladesh, India and Nepal, Dalits still live in predominantly segregated areas, often with little or no access to the most basic resources, including housing, water and sanitation, education and health services. Like other forms of discrimination, caste-based discrimination and untouchability practices are not only human rights violations, but also major obstacles to achieving development. Caste-based inequality diminishes development gains, distorts allocation of human resources, contributes to labour exploitation and denies equality of opportunity for Dalit communities. The evidence for this can be seen in the large gap between Dalits and other caste communities along all major development indicators.

Ending caste-based discrimination and violence, therefore, is integral to achieving the globally-agreed Sustainable Development Goals 2015-2030.

Photo Credit: (L to R) Nagorik Uddyog, SAMATA foundation, Oliver O'Hanlon



Taking measures to address deeply rooted caste-based discrimination and inequality, Bangladesh, India and Nepal have made constitutional and human rights commitments to guarantee Dalits the right to non-discrimination and freedom from all forms of violence on the basis of caste. **This compilation of good practices aims to promote Dalit human rights in South Asia by showcasing strategic initiatives by the Bangladeshi, Indian and Nepali governments to eliminate caste-based discrimination and untouchability through constitutional, legislative and other measures. It also highlights ongoing efforts by affected communities and civil society organizations to activate these rights protections at the local, state and national level. Each practice presented in this compilation includes key areas for strategic action to facilitate further advocacy and regional cross-learning.**

As detailed in the thematic sections of this compilation, commitments to Dalit rights in Bangladesh, India and Nepal have been advanced through national legislation, policies and plans on a wide range of critical issues, including combating segregation and untouchability; assuring physical security and protection against violence; ensuring access to justice; equal employment opportunity and free choice of occupation; ending forced, bonded and child labour; access to adequate food, water and housing; access to education; public awareness raising and elimination of discriminatory customs; and addressing multiple discrimination against women. Recognizing that Dalits are not only impacted by caste based discrimination and untouchability but also intersecting forms of discrimination and violence, this compilation foregrounds initiatives that address the situation of Dalit women, children and those living in poverty.

In particular, this compilation highlights initiatives in which governments have collaborated with civil society organizations, schools and other institutions to advance Dalit human rights. These practices demonstrate how national and state-level laws, policies and practices, across the region, have been brought to life through sustained and dedicated efforts from a wide range of state and civil society actors, including civil society human rights defenders; local, state and national-level government officials; parliamentarians; national commissions; law enforcement officials; and university administrators.

The good practices also align with the range of international human rights commitments agreed to

by Bangladesh, Nepal and India, including under the International Covenant on Civil and Political Rights (ICCPR), International Convention on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All forms of Racial Discrimination (ICERD), Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). In line with these commitments, the 2009 draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent provide a comprehensive legal framework to inform government initiatives to end caste-based discrimination. This compilation illustrates how these principles have been operationalized in Bangladesh, India and Nepal through innovative and effective government and civil society initiatives to eliminate caste-based discrimination.

Some Useful Resources On Caste-Based Discrimination In South Asia:

Benchmarking the Draft UN Principles and Guidelines on the Elimination of (Caste)

Discrimination Based on Work and Descent:

Bangladesh, India and Nepal reports, 2014

www.nuhr.org/.../134-Benchmarking%20Study_EIDHR_NU_BD.final.pdf

<http://asiadalitrightsforum.org/publications.php>

Surinder S. Jodhka and Gyansham Shah, 2010.

Comparative Contents of Discrimination: Caste and Untouchability in South Asia

<http://www.dalitstudies.org.in/images/stories/1005.pdf>

Anti-Slavery International, 2001. *The enslavement of Dalit and Indigenous Communities in India, Nepal and Pakistan through debt bondage*

http://idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Bonded_Labour/goonesekere.pdf

Human Rights Council, *draft UN Principles and Guidelines on the Effective Elimination of*

Discrimination based on Work and Descent, Annex to Final report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of

discrimination based on work and descent

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/CRP/A-HRC-11-CRP3.pdf>

International Dalit Solidarity Network:

www.idsn.org

Asia Dalit Rights Forum:

www.asiadalitrightsforum.org



Bangladesh, India and Nepal have committed to prevent, prohibit and eradicate all practices of segregation. This includes protecting freedom from discrimination in marriage and choice of spouse; work and free choice of employment; public health, medical care, social security and social services; education and training; equal participation in cultural activities; and access to any place or service intended for use by the general public.¹ This commitment includes taking proactive measures to secure the rights of marriage for people who wish to marry outside of their caste-based communities.

This section highlights good practices for combating segregation and untouchability undertaken by government and civil society in Bangladesh and Nepal. In Jessore District, Bangladesh, local civil society organizations worked with government officials to end discrimination and untouchability in hotels and restaurants in Dhalgram Bazar.

Taking steps to challenging traditional social prohibitions on inter-caste marriages, in 2009 the Government of Nepal passed the Incentive Grant Distribution Procedure of Marriage between Dalit and non-Dalit. This programme has already provided some inter-caste couples who face social and economic exclusion for exercising their right to choice in relationships with immediate, short-term financial stability.²

¹International Convention on the Elimination of all forms of Racial Discrimination, 1965, Articles 3 and 5(d). Ratified by India (1968), Nepal (1971) and Bangladesh (1979).

²CERD General Recommendation 29 on Article 1(1): Descent, A/57/18 (2002) 111, 6(ff).

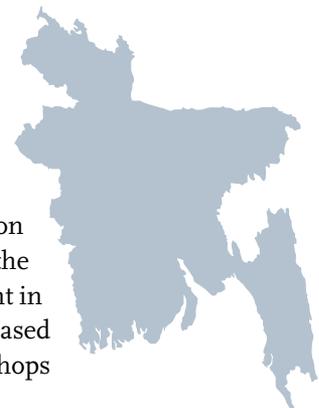
Photo Credit: SAMATA foundation (Nepal Practice) & Nagorik Uddyog (Bangladesh Practice)

GUIDELINES FOR COMBATING CASTE- BASED SEGREGATION

- ▶ Guideline 21 calls upon national and local governments to ensure access to public places, including community centers, hospitals, schools, places of worship and water resources for Dalits. It also calls for government to take measures to eliminate and prevent segregation in employment, housing and education, and to ensure protection from violence against those who challenge segregation.
- ▶ Guideline 22 calls upon national and local governments to introduce and apply special measures to eradicate the persistence of social and cultural stigma or impurity and pollution practices that de facto precludes marriages between Dalits and non-Dalits, and also gives rise to violence, collective punishment and social exclusion against couples from different communities.

Draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent (Caste)

1 Eradicating untouchability in tea shops and restaurants, Bangladesh



The Bangladesh constitution guarantees all citizens the right to non-discrimination on the basis of caste. However, no comprehensive studies have been undertaken on the range of untouchability, segregation and related caste discriminatory practices present in the country. Despite considerable social and economic development among caste based groups, mounting evidence shows that untouchability practices, including in tea shops and restaurants, continue.



A 2015 study by Bangladesh Dalit and Excluded Rights Movement (BDERM) and Nagorik Uddyog conducted among 674 Dalits in 35 districts of Bangladesh found:

Untouchability practices were present in **33** out of the **35** districts

67% of Dalits reported being denied access to local restaurants and tea shops

52% had access to local restaurants and tea shops, but weren't allowed to use the common utensils. Instead, they had to sit on the floor and use their own utensils.



(‘Untouchability Practices in Bangladesh’, presented at Untouchability and Dalit Human Rights: Obligations of State and Society workshop, Dhaka, 6/8/2015)

For instance, in Dhalgram Village, Jessore District, many members of the Rishi community have transcended their caste-designated role as leather workers to gain employment in government jobs, as police and as teachers. Members have also been elected to the Dhalgram Union Council. Yet they remained barred from drinking tea from common glasses and eating food from common plates in restaurants in the Bazar. This persistence of untouchability practices sparked resistance from educated Rishi youth who took action in protest to integrate area hotels and restaurants.





Civil society and state collaboration to end untouchability in Bagharpara Upazila (Sub-District), Jessore District

The issue

Untouchability practices in tea-shops and restaurants persist in Bangladesh.

The practice

Dalit Human Rights Defenders (DHRDs), civil society organisations (CSOs) engaged with local government officials to end untouchability in Dhalgram Bazar by:

- ▶ linking the Dhalgram Village struggle against untouchability practices to national initiatives and networks to combat caste-based segregation
- ▶ raising the visibility of untouchability practices through media and community awareness programmes
- ▶ calling upon the Deputy Commissioner to issue orders prohibiting segregation and ensuring entry by Dalits into tea-shops and restaurants
- ▶ urging police to take action against those who assaulted Dalits for challenging segregation and thereby strengthening accountability to protect Dalit citizens and creating clear message that all are equally protected by law.

CHALLENGES AND FUTURE DIRECTIONS

- **Changing discriminatory mindsets:** Caste-based discrimination practices are deeply rooted and accordingly provisions to end discrimination and untouchability require ongoing sensitization and monitoring initiatives.
- **Extending the impact of the local campaign:** DHRDs are taking steps to ensure that the Dhalgram Bazar desegregation order is applicable across the district. At the time of writing, this order had also been applied in Charamon Kathi village. DHRDs involved and local communities engaged in this process may require protection to ensure their ongoing safety.
- **Preparing for High Court litigation:** DHRDs are also collecting evidence on untouchability practices to secure a High Court order prohibiting untouchability.

The process of ending segregation and discrimination in Dhalgram Village





CIVIL SOCIETY

Building pressure on government:
Chairaivati submits memo to Deputy Commissioner's office and letter to Upazila Nirbahi Officer on the grounds that the Upazila Nirbahi Officer has not taken action. Memo also submitted to Superintendent of Police of Jessore.

2013



CIVIL SOCIETY

CSOs mobilize community:
 DHRDs and Dalit Rishis form a human chain at the city center.
Rishi community members persist in trying to integrate tea-shops and restaurants and are physically assaulted by people acting on behalf of restaurant owners.

2014

GOVERNMENT

Deputy Commissioner issues a public notice ensure entry of Rishi community in tea-shops and restaurants in Dhalgram Bazar and calls for administrative action.

Police file a case against tea-shop and restaurant owners responsible for the assault against Rishi community members.

Police issue a public notice that Rishi community must be allowed access to tea-shops and restaurants without discrimination.



GOVERNMENT

Protests and media campaign:
 DHRDs, Mayor and local government representatives hold a seminar to draw media attention to persistent segregation.

Deputy Commissioner issues a notice to the Sub-District Executive Officer to end segregation.
 Local officials respond to directions from Deputy Commissioner: Assistant Commissioner and Executive Magistrate order Upazila Nirbahi Officer to take necessary steps to end segregation.



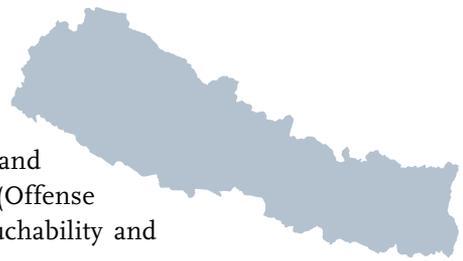
CSOs meet with Deputy Commissioner of Jessore to ensure action.

CSOs meet with local police, Superintendent of Police, Upazila Nirbahi Officer and Deputy Commissioner to request response to violence against Rishi community

Police meet with local government representatives and business owners to ensure desegregation in Dhalgram Bazar.

Rishi community gains access to hotels and restaurants in Dhalgram Bazar.

2 Promoting inter-caste marriages, Nepal



Article 24 of the Constitution of Nepal, 2015 prohibits discrimination, untouchability and the denial of access to public services on the basis of caste. Section 4 of the Civil Rights Act, 1955 and section 4 of the Caste Based Discrimination and Untouchability (Offense and Punishment) Act, 2011 also prohibit discrimination, untouchability and segregation.

The Nepal government has identified as its goal the establishment of a caste based discrimination and untouchability free country in its Thirteenth Three-Year Plan (2013/14-2015/16). Multiple national mechanisms are tasked with advancing this objective, including the Neglected, Suppressed and Dalit Community Upliftment Development Committee, National Dalit Commission, Badi Community Development Board, and Mechanism for Promoting Dalits' Rights and Eliminating Caste-Based Discrimination and Untouchability.

Despite these measures, caste-based discrimination and untouchability persist, due in part to traditional social prohibitions regarding inter-caste marriages that historically functioned to maintain caste-based social hierarchies. Thus inter-caste couples, when exercising their right to choice in relationships, continue to face strong resistance from their families and communities. This includes social exclusion, physical violence and withdrawal of any financial or familial support.

Incentive grant to promote inter-caste marriage between Dalits and non-Dalits

The issue

Inter-caste couples who may be socially ostracised from their families and communities often require initial government support to attain long-term stability and to safeguard themselves from immediate threats such as social and economic boycotts and violence.

The practice

In 2009, the government of Nepal created the Incentive Grant Distribution Procedure for Marriage between Dalit and non-Dalit to break down caste-based divisions and discourage discrimination and untouchability.





CREATING IMPACT INCREASING INTER-CASTE MARRIAGES

Dalit led civil society organizations have spread awareness about the inter-caste marriage incentive through programmes honouring newly married couples and interventions in support of inter-caste couples facing harassment or violence. An increase in inter-caste marriages has been reported in a number of districts across the country, including Kathmandu, Banke and Surket, Parbat, Dhanusha, Makwanpur and Ilam districts. In many districts Village Development Committees hold feasts to celebrate the marriage of inter-caste couples.

Prakash BK Incentive as a lifeline for inter-caste couples

I am from Bardiya but now live in Nepalgunj with my wife. My wife's family opposed our relationship. After two-and-a-half years, supported by a senior political leader from my village, we married. After our marriage, her family continued to threaten us. The harassment disrupted our studies and compelled us to leave our home in poverty. When I heard about the government cash incentive, we applied immediately. The cash incentive has allowed us to open a small vegetable shop that will be an ongoing source of income. Without material support from our families, we needed this incentive to get on our feet.

Sunita BK and Ram Bista Role of incentives in facilitating family consent for inter-caste marriages

I am from the Dalit community and Ram, my husband, belongs to a non-Dalit family. I had just taken my S.L.C. Board Examination and Ram was studying in 11th standard when Ram's parents came to my home to propose our marriage. My parents' first concern was whether as a Dalit girl I would suffer in their household, and that they did not have money to give me to contribute to my future. Knowing of the incentive helped my parents feel secure that I would be well taken care of. We registered and received the incentive in 2015. We then had a gorgeous wedding feast in our village where people from the Dalit and non-Dalit communities attended and celebrated together.

In Banke district:

Applications filed between 2010 and 2014: 25

Incentives granted: 4 in 2010/11

In Makwanpur district:

Applications filed between 2012 and 2013: 35

Incentives granted: 27 in 2012-2013

(13 August 2013 report by Gorkhapatra National newspaper and announcements of inter-caste marriages in the Kantipur, Annapurna and Gorkhapatra daily newspapers)

KEY FEATURES

OF THE NEPAL INCENTIVE GRANT DISTRIBUTION PROCEDURE FOR MARRIAGE BETWEEN DALITS AND NON-DALITS:

- Applies to inter-caste couples married after July 16, 2009
- Inter-caste married couples are eligible to receive NPR 100,000
- Couples are eligible if both the bride and groom are between 20 and 40 years, and age gap is no more than 20 years.
- To be eligible, marriages must be registered in compliance with the Marriage Registration Act, 1997 at the District Administration Office.
- Couples can receive grants within 15 days of their marriage registration. They are required to submit marriage registration certificates, proof of citizenship, passport size photos and must have two witnesses of their marriage from both parties.



CHALLENGES AND FUTURE DIRECTIONS

- **Eligibility:** Although the legal age of marriage is 20 in Nepal (18 with parental consent), more than half of Nepali women marry before the age of 18 years.³ Greater public awareness measures therefore are still required to eradicate child marriages and ensure that inter-caste couples are above 20 years in order to receive the grant.
- **Expense:** Couples seeking the inter-caste marriage incentive report having difficulties in meeting the expenses of travel and accommodation for themselves and their witnesses incurred in order to apply at the District Administration Office. The government should consider financial allocations to support inter-caste couples to meet these costs.
- **Budget:** According to the District Administration Office of Kathmandu, no budget was allocated for inter-caste marriage incentives for FY 2013-2014. Effective implementation requires the Ministry of Finance to allocate the budget necessary to support the scheme, and for the government to collect data on the number of couples seeking inter-caste marriage incentives.
- **Local implementation:** Couples face difficulties registering their marriages in the District Administrative Office. Delays also occur between the registration and disbursement of the incentive amount. Difficulties in overcoming resistance from family and community members is an on-going challenge since parental support is integral to the process of attaining Marriage Registration and Citizenship Certificates. Village Development Committees should exercise their authority to register marriages and safeguard the rights of couples seeking inter-caste marriages against family and community pressure.
- **Awareness and outreach:** Dalit civil society organisations and human rights defenders can conduct awareness and outreach initiatives to popularize the incentive scheme and its benefits. Lawyers should provide legal support to married couples seeking the incentive.

³Aleksandra Percynska, "Let's talk about girls: Nepal has laws that prohibit child marriages, but not the enforcement mechanisms," 11 October 2013, *Nation*, <http://nepalitimes.com/article/nation/nation-child-marriage-young-brides,829> (accessed 27 September 2015).



Bangladesh, India and Nepal have committed to protect the rights of Dalit communities to physical security and freedom from all forms of violence,¹ including preventing injury and taking measures in response to past injury. This right includes freedom from confinement, including being kept in police custody and detention; and freedom from bodily injury and fatality inflicted by government or private actors.²

In response to continuing police persecution and violence against the Kuruvan Dalit community, India's National Commission for Scheduled Castes (NCSC) worked closely with civil society organisations (CSOs), human rights defenders and lawyers to independently investigate police practices, demand protection for the community and accountability for the violence, and call for an immediate end to discriminatory police practices targeting the community. These initiatives demonstrate the important role national human rights institutions can play in investigating systematic violence against Dalit communities and coordinating action between local officials and CSOs to ensure their protection.

¹International Covenant on Civil and Political Rights 1966, Article 9(1). Ratified by India (1979), Nepal (1991) and Bangladesh (2000).

²Human Rights Committee, Draft General Comment No. 35: Liberty and security of person, CCPR/C/107/R.3 at I.8 (2013).

Photo Credit: Swadhikar – NCDHR

GUIDELINES ON PHYSICAL SECURITY AND PROTECTION AGAINST VIOLENCE

- Guideline 24 calls upon state actors to take special measures, such as devising and implementing comprehensive plans of action and creating a monitoring mechanism, to protect Dalit communities from physical violence.
- Guideline 25 directs particular attention to the situation of Dalit women and girls, including under domestic violence laws, and laws pertaining to sexual violence, sexual exploitation and trafficking committed against women and girls.
- Guideline 26 calls for national and local governments to investigate, prosecute and punish perpetrators of all forms of violence, and sanction anyone found preventing or discouraging Dalit victims from reporting such incidents, including public officials.
- Guideline 27 calls upon national and local governments to encourage Dalit victims and witnesses to report acts of violence to the competent authorities and protect them from acts of retaliation and discrimination, and ensure that complaints under relevant legal provisions are properly registered.

Draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent (Caste)

1 National Commission for Scheduled Castes Investigation into Violence against Dalits, India

India's constitution protects the right to equality and prohibits deprivation of life or personal liberty without due process (Articles 14 and 21). In line with these principles, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 seeks to protect scheduled castes from caste-based violence. India's National Commission for Scheduled Castes (NCSC), tasked with safeguarding the rights and welfare of scheduled castes, has authority to inquire into specific complaints of atrocities against scheduled castes.



In **2014**, the National Crimes Records Bureau recorded a total of **47,064** crimes against scheduled castes across the country. When comparing the number of crimes committed in **2005 (26,127 crimes)** with that committed in **2014**, this represents a **55.5%** increase in such crimes in the past decade.

(NCRB, Crimes in India 2005 and 2014)

NCSC Initiatives

2014

September 2

Engaging the NCSC: CSOs present 28 individual cases of police persecution against the Kuruvan community to the NCSC.

September 8

NCSC member Ms. Kamamma summons Director General of Police to appear before the NCSC in Delhi.

September 23

Building political support: 12 survivors, accompanied by CSOs and Dalit Human Rights Defender (DHRDs) travel to Delhi to meet with Member of Parliament Dr. Udit Raj, standing member of Parliamentary Committee on Social Justice and Empowerment.

MP Dr. Udit Raj writes a letter to the Tamil Nadu Director General of Police calling for protection and rehabilitation of Kuruvan community and immediate measures to address survivor allegations.

Survivors are trained on depositing their cases before NCSC.

September 24

Survivors testify before the NCSC: 12 survivors testify before the NCSC member Ms. Kamamma with the Tamil Nadu Director General of Police and Deputy Inspector General of Police responsible for Social Justice and Human Rights present.

NCSC member mandates independent inquiry to investigate allegations against police officials and suggest relief, rehabilitation and remedial measures.

Home Secretary and Director General of Police also directed to conduct independent inquiry into the matter, and to ensure security and protective measures for 12 survivors who testified.

October 12

CSOs organize Legal Advice Camp for 50 Kuruvan survivors of violence.

September 30

Extension of political support: MP Dr. Udit Raj writes a letter to the Tamil Nadu Chief Minister calling for protection and rehabilitation of Kuruvan community and immediate measures to address allegations by survivors.

Despite these measures, discrimination against Dalits remains deeply entrenched and atrocities against them have increased in recent years. For centuries, the *Kuruva*n community—a sub-caste of the scheduled caste community in Tamil Nadu—has been stigmatized as a “criminal caste” due to colonial era classifications. Although the Criminal Tribes Act was repealed across India in 1952, these communities continue to bear the stigma of criminality. The Tamil Nadu police, facing pressure to solve pending cases, subject the *Kuruva*n community to ongoing harassment, including false charges, illegal detention and extreme custodial violence.

The issue

To elicit confessions *Kuruva*n men and women are arbitrarily picked up from their homes, held for extended periods of time and subjected to torture, including physical and sexual violence. In some cases this has resulted in custodial deaths.

The practice

The National Commission for Scheduled Castes

- responded to CSOs and political leaders raising the issue of systematic and persistent police harassment and caste-based violence against the *Kuruva*n community
- launched investigations into cases of police abuse
- called upon the Tamil Nadu police to take immediate action to protect the *Kuruva*n community
- emphasized security for survivors who sought justice, with particular attention to the situation of *Kuruva*n women and girls.



October 29

CSO head appointed to investigation committee: General Secretary of the National Dalit Movement for Justice is invited to be a member of the independent committee investigating police atrocities against Kuruvans for the NCSC.



October 30

Strategic planning by CSOs in Delhi in order to launch a media strategy to publicize the NCSC inquiry into ongoing police persecution of *Kuruva*n community; and systematically collect information to support the testimony of survivors.



November 15

Media outreach: CSOs hold a press conference in Chennai to raise awareness about NCSC inquiry into police persecution of Kuruvans.



November 25- December 2

Intensive on-site support to survivors from civil society lawyers and DHRDs: CSOs, DHRDs and lawyers travel work intensively with 29 survivors from three districts to prepare necessary documentation and evidence to substantiate their cases before the study team.



2015

January 14

Release of draft report.



December 15 - January 13

Civil society – DHRDs and lawyers – engagement in collecting data to present to NCSC investigative committee: identifying critical cases in which the committee can interview survivors; facilitating interviews with survivors; supporting inquiries in 35 police stations in 10 districts; and collecting relevant evidentiary documents.

“The way in which innocent Koravas are brought into the vicious cycle of crime is a mockery at all accepted process of legal procedures and fundamental rights... Right from top to bottom, police officials treat denotified tribes as potential criminals. Very significantly many of them also know that they are convenient scapegoats.”

B S Ajeetha

High Court Lawyer and Legal Expert in Special Committee constituted by NCSC

TAKING ACTION TO PROTECT DALITS

Mr. Rajni, a daily wage labourer in Tamil Nadu, has had 15 false cases filed against him between 2009 and 2015. Due to these charges, Mr. Rajni has suffered 45 days in illegal detention and physical violence amounting to torture. Desperate for help to stop the ongoing police violence faced by her husband, Mr. Rajni’s wife visited the District Collector for relief. Upon being denied support, she attempted to commit suicide in the District Collector’s office by consuming rat poison. Her drastic action prompted the NCSC to instruct the Police General to take immediate action to end the persecution Mr. Rajni faced.



CHALLENGES AND FUTURE DIRECTIONS:

- **Providing justice, adequate relief and rehabilitation:** Given the losses suffered by the survivors in terms of medical and judicial expenses, time loss, loss of livelihood and dignity in facing the false charges and torture while in police and judicial custody, the recommendations of the NCSC investigation report should be implemented in full in order to ensure justice and rehabilitation of the victim/survivors.
- **Ensuring protection in future:** A strong deterrence message to police and adequate measures are needed to protect the Kuravan community and prevent their arbitrary arrest under false charges, detention and all forms of psychological and physical torture.
- **Expanding the powers of NCSC:** An expansion of the powers of the NCSC beyond summoning and issuing directions, to investigation and recommendations regarding punishment of the accused would support the commission in fulfilling its duties to safeguard the rights of scheduled castes.
- **Removing social stigma:** One of the biggest challenges is to put in place social measures to remove the stigma of criminality which is still attached to this particular community.



Bangladesh, India and Nepal have committed to take the steps necessary to secure equal access to the justice system for those who face caste-based discrimination.¹ This includes protecting the right to an effective remedy, including for discrimination on the basis of caste and a fair and public hearing by a competent, independent and impartial tribunal established by law. A key component of access to justice is prompt redress for the harm that avoids unnecessary delays in disposing cases and executing orders granting rewards.²

In order to facilitate access to justice through special courts in atrocity cases involving Dalit victim/survivors in India, CSOs undertake legal clinics to link victims and witnesses with lawyers, Dalit Human Rights Defenders (DHRDs) and CSOs. Intensive support is then provided to the victim/survivors at each stage of accessing justice through the courts.

DHRDs in India have also strategically engaged police and government officials in calling for justice and accessing rehabilitation and compensation measures for surviving family members following caste-based atrocities. A clear example is where, following DHRD Chandrakant Gaikwad's murder, DHRDs from Maharashtra have been working with police and government officials to secure justice.

¹ CERD General Recommendation 29 on Article 1(1): Descent. UN Doc. A/57/18 (2002) 111, 5(u),(v),(w).

² International Covenant on Civil and Political Rights 1966, Articles 2(1), 2(3), 4, 6, 14(1). Ratified by India (1979), Nepal (1991) and Bangladesh (2000).

Photo Credit: Swadhikar – NCDHR

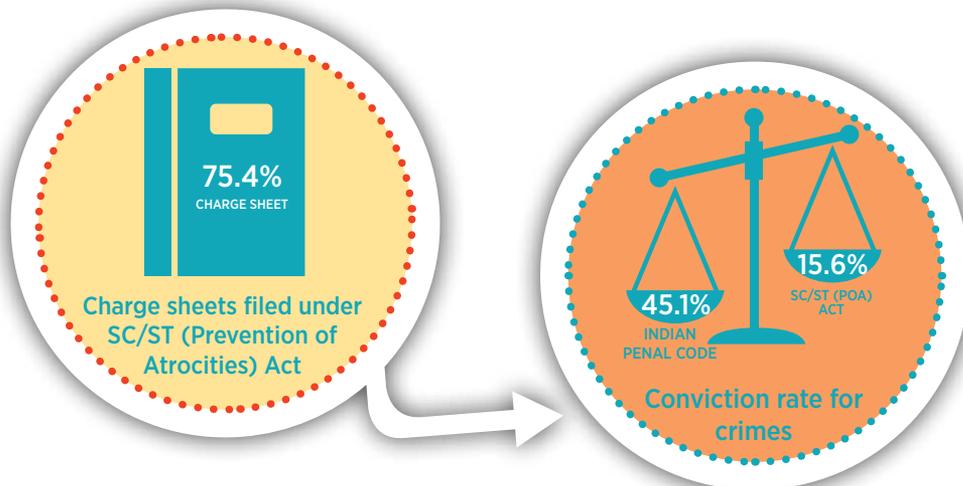
GUIDELINES ON ACCESS TO JUSTICE

- ▶ Guideline 28 calls upon judicial, legislative and law enforcement bodies to take specific and concrete measures to ensure equal protection of the law for Dalits.
- ▶ Guideline 29 calls upon national and local governments to take all necessary steps to ensure equal access to judicial remedies for Dalits, including the provision of legal aid or other kinds of support to public interest organizations representing the interests of Dalits.
- ▶ Guideline 30 calls upon state actors, including all bodies of government and public corporations to adopt specific guidelines, including a scheme of incentives and sanctions prohibiting caste discrimination in their internal practices.
- ▶ Guideline 31 calls for law enforcement officials, including police, judges and prosecutors to be provided with adequate training in the prevention, investigation and prosecution of cases involving caste discrimination.

Draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent (Caste)

1 Legal Clinics to support access to justice through Special Courts, India

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 defines criminal, economic, political and property-related offenses committed against scheduled castes and scheduled tribes as atrocities. Atrocity cases are to be tried in special courts with special public prosecutors to ensure speedy justice. Despite these protections, Dalit victim/survivors often face hurdles at every stage of accessing justice. This is evidenced by the low conviction rate for crimes against scheduled castes under the SC/ST (Prevention of Atrocities) Act, much lower than for crimes in general tried under the Indian Penal Code.



The issue

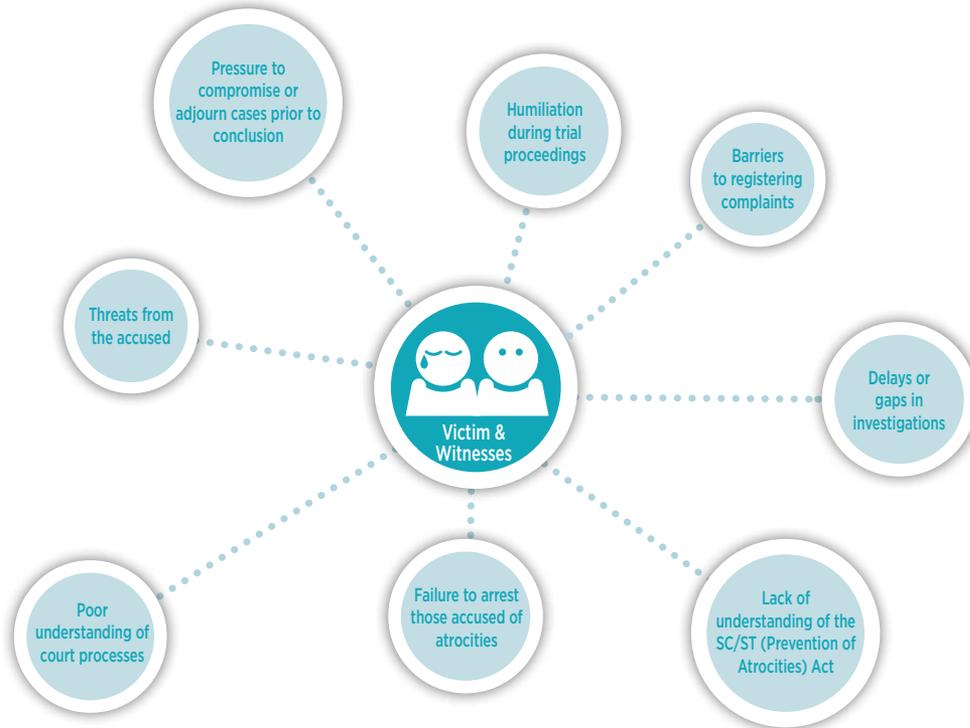
Dalit victim/survivors of atrocities face barriers in accessing justice through special courts.

The practice

DHRDs and CSOs

- support victim/survivors and witnesses through legal clinics to link them with lawyers and other necessary support
- facilitate monitoring and engagement in the judicial process by lawyers
- call for rehabilitation and compensation for surviving family members
- unite victim/survivors and witnesses of atrocities so they can support one another during the process of seeking justice and rebuilding their lives
- work with Dalit women survivors in particular to help them sustain their case in the face of pressure to compromise or withdraw cases
- build and strengthen a network of advocates trained to take up atrocity cases.

CHALLENGES IN ACCESSING JUSTICE THROUGH SPECIAL COURTS



No. of districts with exclusive special courts and atrocity prone districts by state

S.No.	State	Total no. of districts in the state	No. of districts with exclusive special courts	No. of identified atrocity prone districts
1.	Andhra Pradesh	23	23	8
2.	Bihar	38	11	33
3.	Chhattisgarh	27	6	0
4.	Gujarat	33	26	11
5.	Karnataka	30	08	30
6.	Kerala	14	2	3
7.	Maharashtra	35	0	4
8.	Madhya Pradesh	52	43	8
9.	Odisha	30	0	16
10.	Rajasthan	33	25	36
11.	Tamil Nadu	32	4	150
12.	Uttar Pradesh	75	40	0
13.	Uttarakhand	13	2	0
	Total	435	190	299

Ministry of Social Justice and Empowerment, Annual Report under sec. 21(4) SC/ST (Prevention of Atrocities) Act for 2013

BUILDING THE CAPACITY OF LAWYERS

In order to build a network of lawyers prepared to take atrocity cases through the legal clinic network and facilitate cross-learning among lawyers, NDMJ has supported the formation of lawyers' forums. Through state-level conferences, these lawyers' forums have built confidence and provided a platform for legal capacity building for lawyers, including those from marginalized communities.

LEGAL CLINIC INTERVENTION MODEL



Case identification: Cases tried under SC/ST (Prevention of Atrocities) Act are identified at the fact-finding stage by district and state-level CSOs. Pending cases in which fact-finding has not taken place are referred to legal clinics.



Engagement with victims and witnesses: DHRDs, trained in special court procedures and legal case management, visit victim/survivors to explain legal clinics and offer support at all stages of accessing justice.



Preliminary case investigation: DHRDs, lawyers and CSOs collect all complaints, FIRs, charge sheets, court orders and statements from special courts and victims.



Case status assessment: Based upon this information, DHRDs assess case status and any challenges faced by victims and witnesses.



Case file preparation: DHRDs prepare and collate case files.



Identification and assignment of advocate: Lawyers who may be willing to take up the atrocity case are identified and contacted. All case-related documents are handed over to a designated lawyer.



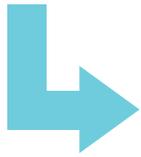
Legal clinic: DHRDs sit with victims, witnesses and assigned lawyers to discuss the cases, identify weaknesses and develop strategies to strengthen the cases.



Ongoing monitoring of Special Court proceedings: Following the legal clinic, DHRDs continue to monitor special court proceedings to ensure victims, witnesses and lawyers have the support they need to access justice. Monitoring of court proceedings also facilitates systematic documentation and analysis of legal processes to inform advocacy and institutional reform initiatives.

OUTCOMES OF LEGAL CLINICS, 2012-2015

In the five states of Haryana, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh 40 Dalit victim/survivors of atrocities have been supported to file petitions to the District Magistrate/Collector for the appointment of a supportive Special Public Prosecutor of the victim's choice.



In around a quarter of the cases, this request has been granted and cases are under trial with adequate support being given to the victim/survivors and witnesses to face the trial process.

Meeting needs of Dalit women survivors of sexual violence

Dalit women victims of sexual violence often face pressure from not only dominant caste communities, but also from their families to compromise on prosecution to avoid social stigma. Legal clinics have focused on ensuring that Dalit women have the support to access justice in cases of sexual violence. For instance, in Erode District, Tamil Nadu DHRDs worked with a women survivor to select a Special Public Prosecutor with whom she was comfortable to help her sustain her case—ultimately resulting in conviction of the accused in 2013.

Using new technology to support access to justice

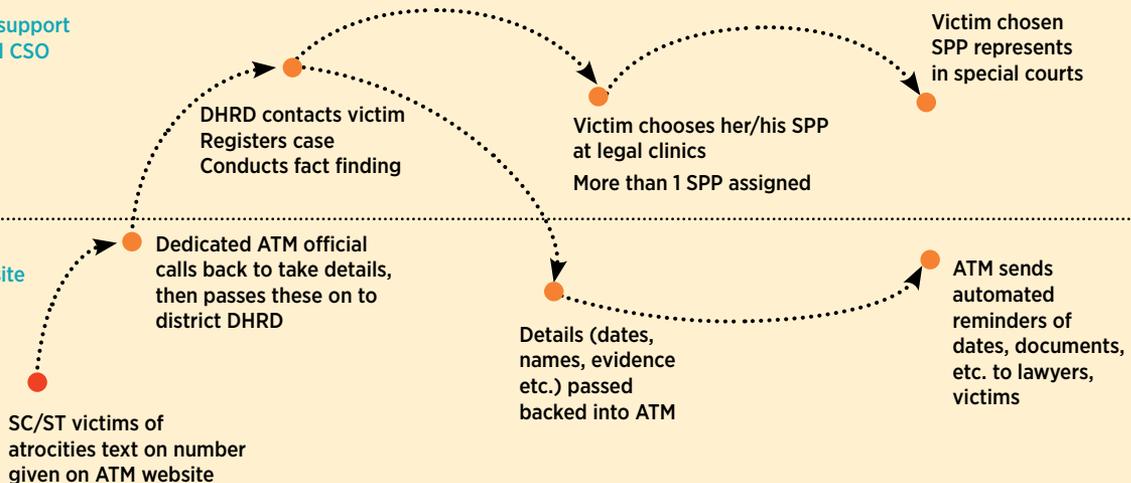
The Atrocity Tracking and Monitoring (ATM) system is a digital portal that functions as a first point of contact for victims of atrocities and a repository for documentation on atrocity cases across the country.

- Scheduled caste victims of atrocities can access support by sending a text message received by a dedicated ATM operator. The victim is linked to CSOs and DHRDs that will work with them to register the case, engage in fact finding and obtain support through the Legal Clinics;
- DHRDs use the ATM system to aggregate and access registered contacts from over 15,000 police stations; track cases; and send out automated reminders of key dates to police, judges and lawyers.

Strategy: Justice delivery through nationalized ATM website, and local partner CSOs supporting victims through trained SPPs of their choice matched through Legal Clinics

Localized support of regional CSO

National ATM Website



Access to justice

2 Access to Justice for Murder of Dalit Human Rights Defender in Maharashtra, India



The issue

Dalit human rights defenders (DHRDs) who challenge violence and promote Dalit rights routinely face threats of retaliation and violence from perpetrators of atrocities.

On February 12, 2013, Chandrakant Gaikwad, a DHRD from Maharashtra, was murdered by a dominant caste man released on bail despite three atrocity cases filed against him by Chandrakant and other DHRDs. Chandrakant was survived by his wife, two children and mother. Although he had reported threats of retaliatory violence to the police, National Human Rights Commission (NHRC) and Home Ministry, he received no protection.

The practice

DHRDs

- took strategic action at each stage of initiating legal proceedings against the accused
- acted to ensure compensation, rehabilitation and access to employment for surviving family members
- used Chandrakant Gaikwad's case to highlight barriers to accessing justice and attacks on DHRDs.

STAGES OF POLICE AND LEGAL ENGAGEMENT TO ACCESS JUSTICE IN ATROCITY CASES



ACCESS TO JUSTICE FOR CHANDRAKANT'S MURDER

Action by DHRDs	Action by Police and other State Actors
1. Complaint and First Information Report (FIR)	
<ul style="list-style-type: none"> Timely filing of a complaint and FIR, within three hours of the crime. 	<ul style="list-style-type: none"> Police transfer FIR to the station with jurisdiction over murder and re-register case.
2. Investigation	
<ul style="list-style-type: none"> On the same day as the murder, DHRDs meet District Superintendent of Police, invoke investigative authority of Superintendent and demand immediate spot inspection of the scene of the crime. DHRDs demand video recording of post mortem report. 	<ul style="list-style-type: none"> Superintendent visits site of the murder on the very same day to collect evidence and assess loss of life and other damages. District Collector completes spot inspection at home of deceased to assess dependents' needs.
3. Arrest of the accused	
<ul style="list-style-type: none"> Following post-mortem report, family members refuse to receive body until police arrest the accused. 	<ul style="list-style-type: none"> Seven people accused for murder are arrested.
4. Opposition to bail petition	
<ul style="list-style-type: none"> DHRDs meet with Public Prosecutor and appoint their own advocate to oppose the bail petition. DHRDs work through an advocate to assist Special Public Prosecutor in opposing the Bail Petition before the Mumbai High Court. 	<ul style="list-style-type: none"> Prosecutor and Special Public Prosecutor work with DHRDs to oppose bail petitions.
5. Protection for family members and witnesses	
<ul style="list-style-type: none"> In response to threats from the accused who were released on bail, DHRDs seek protection for the family, witnesses and DHRDs involved in the case. 	<ul style="list-style-type: none"> Family and witnesses received police protection
6. Charge sheet	
	<ul style="list-style-type: none"> Charge sheet filed by District Superintendent of Police in Magistrate Court under Indian Penal Code and section 3(2)(5) SC/ST (Prevention of Atrocities) Act.
7. Preparing for trial: Collaboration between DHRDs and Special Public Prosecutor	
<ul style="list-style-type: none"> DHRDs advocate for appointment of supportive Special Public Prosecutor by writing to District Magistrate and Law and Judiciary Departments and meeting with police. During trial, two advocates will assist appointed Special Public Prosecutor in ground-level investigation as necessary. 	<ul style="list-style-type: none"> Consistent with these requests, selected Special Public Prosecutor appointed.

Compensation and rehabilitation for surviving family members

- **Engaging relevant departments on employment, widow's pension, rehabilitation and legal assistance for surviving family members:** Letters to Social Welfare Department, District Collector, Sub Divisional District Magistrate, Law and Judiciary Department, Chief Minister and State Scheduled Castes Commission.
- **Calling for support from relief funds:** Sub-Divisional Magistrate forwards call for support to Ambedkar Foundation Relief Fund.
- **Building support among government actors:** DHRDs approach National Scheduled Castes Commission, District Magistrate and Superintendent of Police.
- **Public demonstration to put pressure on Social Welfare Department:** Dalit activists hold a hunger strike until the promise of employment to the surviving widow is fulfilled.

Compensation and employment secured for widow and surviving family members

DHRDs and CSOs promoting Justice and Security for Human Rights Defenders

- State level consultations highlighting the targeting of DHRDs and forming coalitions to protect the rights of DHRDs.
- Month-long march to inform media, government, police and broader community about the widespread attacks on DHRDs—murder of five more DHRDs in one month period—in Maharashtra.
- National people's tribunal in Delhi to draw the attention of the media, government stakeholders and human rights institutions to ongoing caste discrimination and attacks on DHRDs.
- Roundtable meeting with national human rights institutions, which resulted in the NCSC pursuing Chandrakant's case by requesting the Superintendent of Police of Pune District to furnish a status report on the case.

CHALLENGES AND FUTURE DIRECTIONS

- **Enhanced protection for human rights defenders:** Increasing attacks on Dalit and other human rights defenders in recent years indicate the need for legislation to protect them. This could be complemented by strengthening the capacity of National and State Human Rights Institutions to protect DHRDs through measures including facilitating fast-track access to protection, justice and rehabilitative support for DHRDs and their families.
- **Training for law enforcement:** These good practices can be used to inform training for law enforcement officials on how to prevent, investigate and prosecute cases of caste-based violence and ensure equal protection of the law for communities facing caste-based discrimination and violence.
- **Monitoring mechanisms to ensure access to speedy justice:** Adequate monitoring systems, involving both government and civil society, are required to track the process of access to justice at every stage of a criminal case, identifying the barriers Dalits victims and witnesses face, and strengthening procedures with adequate resources to eliminate these barriers.
- **Building model case laws:** More and more model case laws need to be built, along the lines of Chandrakant's case, to bring the spotlight on issues of access to justice, including the wider issues of access to protection, compensation and rehabilitation.



Bangladesh, India and Nepal have committed to uphold the right to work, which protects the right to gain one's living by work that is freely chosen or accepted,¹ free from discrimination on the basis of gender² or caste.³ They have also committed to take special measures to promote employment of communities affected by caste-discrimination in the public and private sector and educate the public on the importance of affirmative action programmes for communities facing caste-based discrimination.⁴

Reservations and affirmative action policies that promote equal employment and free choice of occupation are significant in upholding the right to work for Dalit communities. The Indian Railways—with roughly 1.5 million employees—is the world's largest employer subject to affirmative action through reservations for scheduled castes and scheduled tribes. Reservations here have been shown to be positively linked to productivity and productive growth.

¹International Covenant on Economic, Social and Cultural Rights, 1966, Article 6(1). Ratified by India (1979), Bangladesh (1998) and Nepal (1991).

²Convention on the Elimination of All Forms of Discrimination against Women, 1979, Article 11(a)-(f). Ratified by India (1993), Bangladesh (1984) and Nepal (1991).

³International Convention on the Elimination of Racial Discrimination, 1965, Article 5(e)(i).

⁴CERD General Recommendation 29 on Article 1(1): Descent, A/57/18 (2002) 11, 1(h), 7(jj).

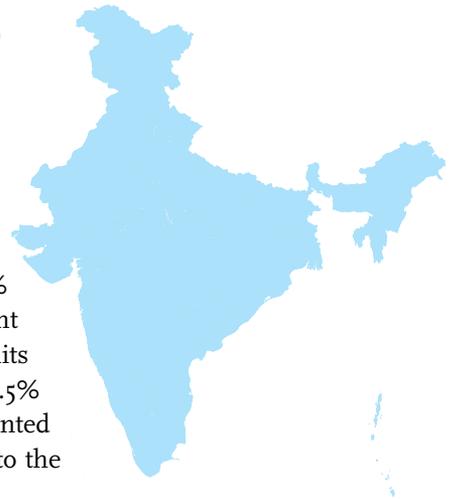
Photo Credit: Nagorik Uddyog (cover photo), Swadhikar – NCDHR (page 2 photo)

GUIDELINES ON EQUAL EMPLOYMENT OPPORTUNITY AND FREE CHOICE OF OCCUPATION

- ▶ Guideline 34 calls upon national and local governments to enact equality laws that prohibit public and private employer discrimination on the basis of caste, take steps to remove customary constraints on leaving traditional caste-based occupations, and promote gainful alternative employment opportunities and full access to markets for Dalits.
- ▶ Guideline 35 calls upon national and local governments to enact and enforce legislation guaranteeing decent work, a living wage and labour rights for Dalits; in particular, national and local governments should ensure the complete eradication of manual scavenging and other unhealthy working conditions.
- ▶ Guideline 36 calls upon governments to enact measures to enhance Dalits' access to the labour market by introducing or extending reservation policies to the public and private sectors.
- ▶ Guideline 37 calls upon the state and other agencies to secure and support the exercise of the right of Dalits to free choice of labour and other occupations traditionally withheld from them because of their caste.

Draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent (Caste)

1 Employment reservations in the railways, India



India has the oldest and most comprehensive affirmative action system in the world today. The Indian constitution prohibits discrimination in employment and commits to promoting the economic interests of scheduled castes and scheduled tribes. In particular, Article 16 allows for 15% reservation for scheduled castes to enable their participation in government services, educational institutions and political bodies. While in 1965, Dalits held just 1.6% of senior civil servant positions, this number has risen to 11.5% since 2011—far closer to the 16% or so of India’s general population represented by Dalit communities.⁵ Reservation policies have been inextricably linked to the promise of full citizenship for historically excluded communities.⁶

⁵“Affirmative Action: Indian Reservations”, *THE ECONOMIST*, June 29, 2013.

⁶Satish Deshpande, “Reservations are not just about quotas”, *THE HINDU*, March 27, 2015.

The issue

Dalits (scheduled castes) in India historically faced barriers to employment on the basis of caste.

The practice

- ▶ 15% of government jobs in the Indian Railways are reserved for members of scheduled castes
- ▶ Reservations have been key to raising the proportion of scheduled caste employees in high-level managerial and decision making jobs.

The outcome

The proportion of scheduled caste employees in high-level positions within the railways is positively associated with productivity and productive growth.



PRIVATE AFFIRMATIVE ACTION INITIATIVES

While not mandated, some private firms also take voluntary measures to ensure inclusion of Dalit and Adivasi workers among their employees. The Tata Group, for instance—an employer of over 350,000 workers—maintains in-house surveys to assess the proportion of its workforce from Dalit and Adivasi communities and provides incentives to ensure representation among Dalit and Adivasi workers.

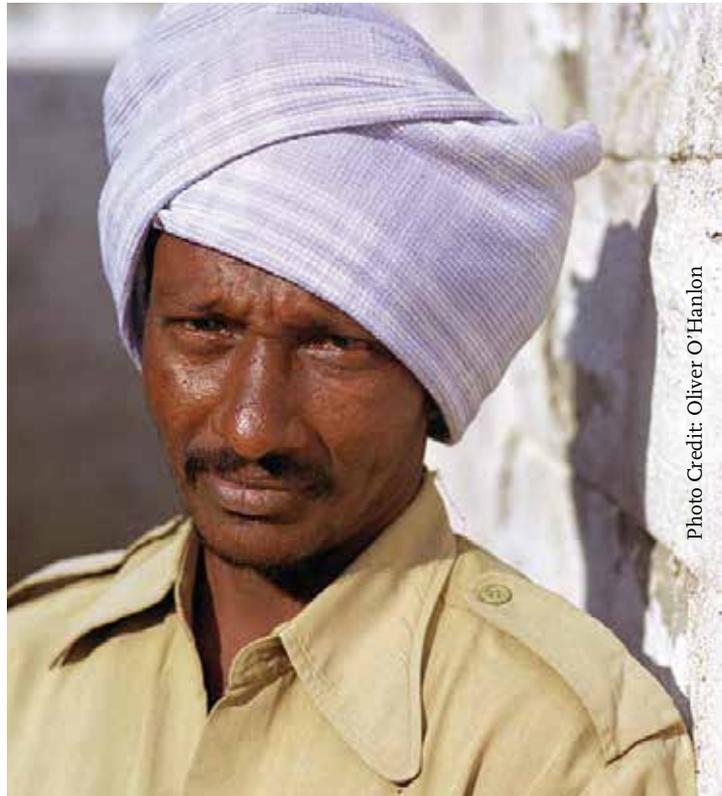


Photo Credit: Oliver O'Hanlon

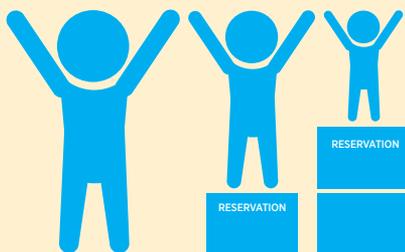
The recent Socio-Economic and Caste Census 2011 has shown that only 3.96% of rural scheduled castes are in government jobs, much less than their percentage share of the Indian population. Likewise, the latest MSME Census 2006-07 showed that only 6.3% of scheduled castes owned micro, small or medium enterprises.

Myth versus reality on reservations in employment for scheduled castes



MYTHS AND OBJECTIONS

Reservations diminish quality of service, efficacy and productivity.



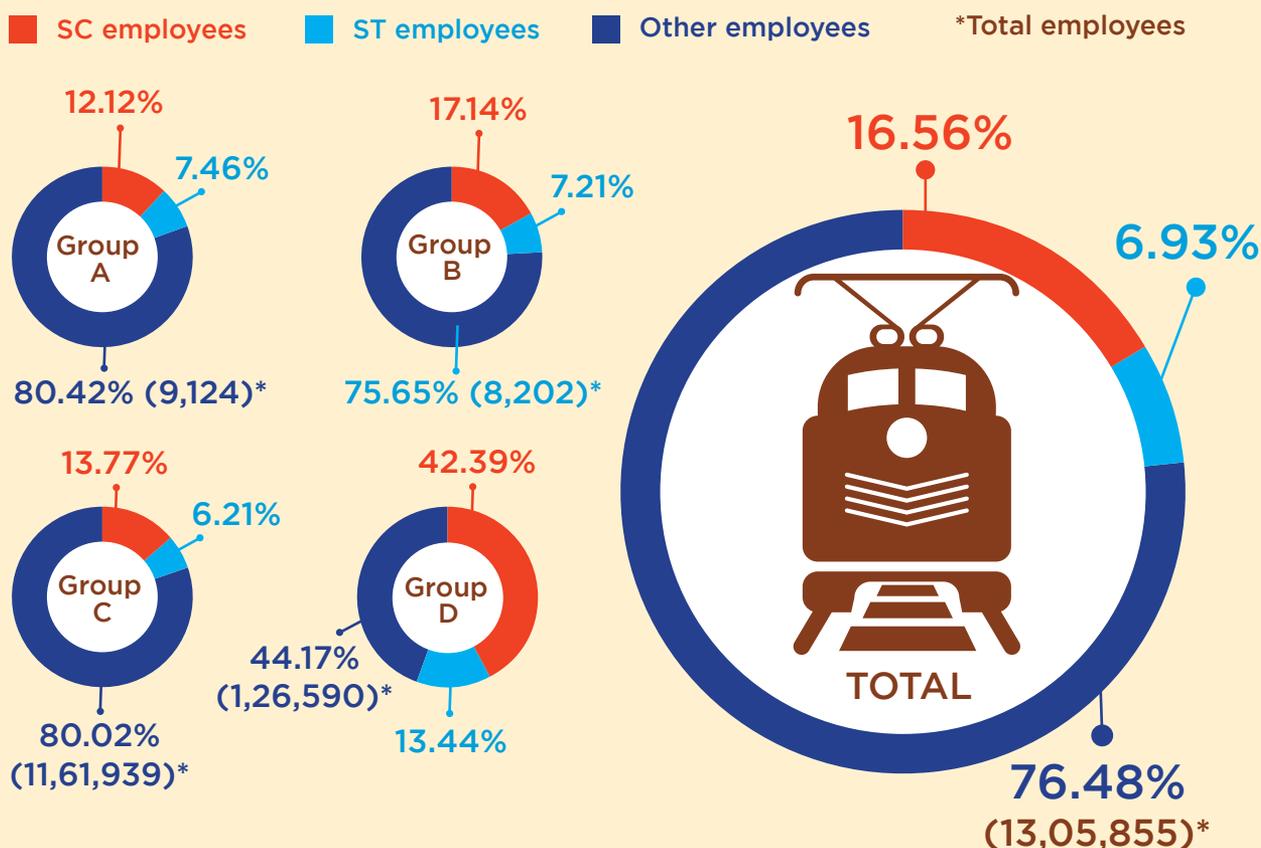
REALITY

The proportion of scheduled caste and scheduled tribe employees in high-level positions is positively associated with productivity and productive growth due to:

- **motivation** among scheduled castes and tribes when they attain decision-making and managerial positions;
- **effective supervision** and ability to motivate workers from their own communities;
- **greater diversity of talents and perspectives** made possible by integration of scheduled castes and tribes in high-level employment.⁷

⁷Ashwini Deshpande and Thomas E. Weisskopf, "Does Affirmative Action Reduce Productivity? A Case Study of the Indian Railways," *World Development*, Vol. 64, pp. 169-180 (2014), 169.

BREAKDOWN OF SCHEDULED CASTE AND SCHEDULED TRIBE EMPLOYEES IN THE INDIAN RAILWAYS BY OCCUPATIONAL CLASSIFICATION, 2012



Source: Indian Railways (All data for 2012)

Note: Groups A, B, C and D refer to differentiation by skill level with Group A representing the highest-level positions.

CHALLENGES AND FUTURE DIRECTIONS

- Despite affirmative action initiatives, there remains a higher percentage of scheduled castes in low-level jobs within the railways. This suggests that **additional equity measures** are necessary to correct this imbalance and enable Dalits to access all level of employment.
- Affirmative action measures like reservations are only one tool to promote access to decent employment for Dalits. Data suggest the **need for a comprehensive employment policy, covering both the public and private sectors**, with special emphasis on promoting equitable access to resources, skill development, vocational training and employment opportunities for scheduled castes.
- The reservation policy is confined to a state-run and state-supported sector whereas the private sector, where more than 90% of scheduled caste and scheduled tribe workers are engaged, is excluded. Greater emphasis needs to be made on **measures to encourage the private sector to adopt affirmative action and diversity measures** that promote non-discriminatory access to employment for Dalits.
- Currently there is no **gender-disaggregated data** on the numbers of scheduled caste women who are accessing reservations. Such information is vital to ensure equal access for these women to affirmative action measures.



Photo Credit: Oliver O'Hanlon

Bangladesh, India and Nepal have committed to end forced and compulsory labour in any form' and protect the right to work and the equal opportunity to gain a living under favorable conditions of work. This includes fair wages, equal pay for work of equal value, safe and healthy working conditions, reasonable limitations on working hours and non-discrimination in access to these rights.² In South Asia, Dalits are particularly vulnerable to forced, bonded and child labour, with studies estimating that 90% of bonded labourers come from these groups.³ Addressing these challenges, Bangladesh, India and Nepal have committed to take measures to eliminate debt bondage and degrading conditions of labour associated with caste-based discrimination.⁴

Engaging with affected communities, in 2008 the Government of Nepal banned the *haliya* practice—an agrarian system of bonded labour prevalent in western Nepal. Since 2008, the government has taken steps to identify Dalit families engaged in the *haliya system*, establish monitoring committees and institute rehabilitative support.

What is forced or compulsory labour?

All work or service done involuntarily under the threat of penalty.
(ILO Convention No. 29 concerning Forced or Compulsory Labour, 1957)

¹International Covenant on Civil and Political Rights, 1966, Article 8(3)(a). Ratified by India (1979), Nepal (1991) and Bangladesh (2000).

²International Covenant on Economic, Social and Cultural Rights, 1966, Articles 2(2), 6, 7. Ratified by India (1979), Bangladesh (1998) and Nepal (1991).

³Krishna Prasad Upadhyaya, *Poverty, discrimination and slavery: The reality of bonded labour in India, Nepal and Pakistan*. London: Anti-Slavery International, 2008.

⁴CERD General Recommendation 29 on Article 1(1): Descent, UN Doc. A/57/18 (2002) 111, 7(qq).

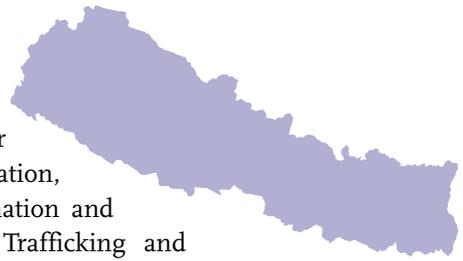
Photo Credit: SAMATA foundation

GUIDELINES ON ELIMINATING FORCED, BONDED AND CHILD LABOUR

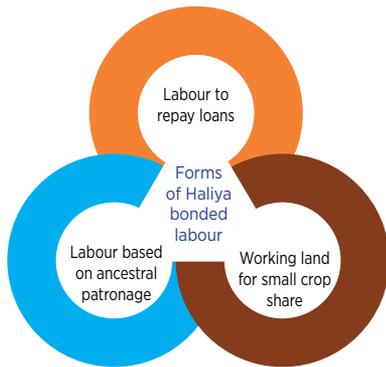
- ▶ Guideline 38 calls for national and local governments, corporations, labour groups, and international labour, financial, and development organizations to collaborate to ensure concrete mechanisms for the prevention, identification and eradication of exploitative labour arrangements and the implementation of rehabilitation schemes for forced, bonded and child labourers with special attention to Dalits.

Draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent (Caste)

1 Rehabilitation of Haliya bonded labourers, Nepal



The Government of Nepal has taken important steps to end bonded labour. Article 29 of the Constitution of Nepal 2015 prohibits forced or bonded labour. Legislative provisions against caste-based discrimination, trafficking and bonded labour include the Caste Based Discrimination and Untouchability (Offense and Punishment) Act, 2011, Human Trafficking and Transportation (Control) Act, 2007, and the Bonded Labour Abolition Act, 2002.



Despite these legal protections, bonded labour persists in the agricultural, domestic, brick and other sectors. For instance, in western Nepal, *Haliya* workers take loans from landlords and moneylenders at exorbitant interest rates that they work to pay back. Debts are frequently passed from one generation to the next. Landowners and moneylenders use coercive measures to prevent the *Haliya* from seeking paying work. The *Haliya*, the majority of whom are Dalits, do not own land, lack access to alternate livelihoods and face persistent caste-based discrimination, denial of access to education and exclusion from decision-making forums.



Engaging Affected Communities (2001)

Issues faced by *Haliya* raised in Community Literacy Programme. *Haliya* commit to end bonded labour.



Haliya Rights in Nepal Supreme Court (2007)

Nepal Supreme Court recognises that *haliya* system constitutes bonded labour, prohibits its practice, calls for liberation and rehabilitation of *Haliya* and directs government to enact legislation prohibiting *Haliya* labour.



Government and CSO Collaboration (2008)

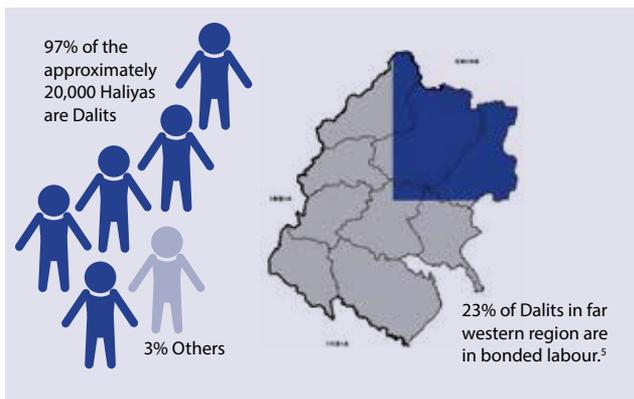
- **National advocacy:** Rashtriya Haliya Mukti Samaj, together with 60 *Haliya*s, presents 11-point demand to the Government.
- **Prime Minister meets with *Haliya* activists** and commits to address abuses faced by *Haliya*.
- **September 6, Government declares *Haliya* emancipation and exemption from any loans that maintain debt bondage**, a historical achievement and turning point.
- **Minister of Peace and Reconstruction issues 5-point agreement** on *Haliya* liberation, writing off generational family loans; assigning task force including *Haliya* and government representatives; providing security to *Haliya* rights defenders; committing to act on task force recommendations.
- **Appointment of *Haliya* activists to Nepal Constituent Assembly and High Level Commission for Scientific Land Reform.**
- **Task force created to inform Government initiatives**
- **Ministry of Peace and Reconstruction** updates government statistics on *Haliya*.



Building a Haliya Movement for Justice (2004-06)

- **Evidence for advocacy:** CSO research to inform national advocacy with clear evidence.
- **Networking:** National *Haliya* conference leads to central and district-level *Haliya* Rights Forums, that network with various stakeholders via capacity building and workshops in order to support national advocacy.
- **Public support:** Through public hearings, press conferences, hunger strikes, seminars, workshops and interactive programmes, DHRDs raise awareness about rights abuses faced by *Haliya*.
- **Legal support teams:** CSOs establish Untouchability Crime Watch Centres to support district *Haliya* Rights Forums.
- **Linking *Haliya* rights movement to other national/international campaigns:** *Haliya* rights movement builds solidarity on *Haliya* concerns with over 1000 people's organizations in Nepal and raises international profile at Peoples' SAARC meet.

⁵ International Labour Organization, *Forced Labour: Facts and Figures, The Cost of Coercion, Regional Perspectives*, May 2009.



Government Funds for Kamaiya and Haliya Liberation and Rehabilitation

Financial Year	Allocation (NPR)
2008/2009	140,000,000
2009/2010	35,000,000
2010/2011	1,400,000
2013/2014	324,452,000
2014/2015	350,650,000

Government of Nepal, Ministry of Finance, Budget Allocation for FY 2008/2009 - 2014/2015

The issue

Agricultural bonded labour among *Haliya* Dalits in western Nepal persists.

The practice

The Government of Nepal has taken proactive measures to end the *Haliya* system, including:

- Taking steps to identify Dalit families engaged in bonded labour
- Establishing monitoring committees to implement protection measures
- Instituting rehabilitative support for former bonded labourers.



Initiating Government Action (2009)

- Government forms national and district-level Rehabilitation of Freed *Haliya* and Monitoring Task Force to identify and certify *Haliya* to receive rehabilitation and relief.
- Freed *Haliya* Problem Resolution Committee formed.



Haliya System (Prohibition) Bill (2010)

Ministry of Land Reform and Management puts forward draft *Haliya* System (Prohibition) Bill, including committees to gather information and coordinate rehabilitation programmes; a rehabilitation fund; and provision for punishment. Bill pending with Ministry of Law and Justice.



Government Guidelines, Budget and Survey (2011-15)

- **2011:** Government issues “Freed *Haliya* Rehabilitation and Monitoring Guidelines” with six-month period for district taskforces to update information and provide identity cards to eligible families. Landless and homeless *Haliya* receive first priority in rehabilitation.
- **2012:** Action Plan on *Haliya* Rehabilitation forwarded by Ministry of Land Reform and Management to Ministry of Finance seeking NPR 1.56 billion for implementation. Three-year plan seeks *Haliya* rehabilitation, livelihood and empowerment across 12 districts with a NPR 1,565,000,000 budget.
- **2013:** Ministry of Land Reform and Management reports a total 19,059 *Haliya* families. Of these families, 7,854 have been verified, 4,550 *Haliya* received identity cards and 1,205 are in verification process.
- **2014:** Rehabilitation initiatives for *Haliya*, including low cost housing, skill and income generation programmes, employment and land grants, begin to be disbursed.
- **2015:** Government allocates budget for the following number of freed *Haliyas*: purchase of land (334), repair of houses (328) and construction of houses (214).

Sanchita Sarki, a 23-year-old Dalit woman from Kanchanpur District, is a freed *Haliya*. When her father-in-law was unable to continue this bonded labour due to old age, his family was pressured to continue the work and eventually evicted from their home on the landlord's land. Sanchita Sarki, however, with support from civil society organisations, won a case filed under the Bonded Labour Abolition Act against the landlord. Based on proof of *Haliya* status, the Chief District Officer then supported Sanchita Sarki and other *Haliya* families to each receive 6 kathhas of land for their residential and agricultural purposes from the landlord .

Achieving Freedom from the *Haliya* System of Bondage

District	No. of Freed <i>Haliya</i>	No. of Persons Verified	No. of Persons Not Verified	Receiving Identity Card of <i>Haliya</i>
Darchula		413	42	413
Baitadi	4436	1187	3249	783
Dadeldhura	2576	1169	1407	529
Kanchanpur	3732	871	2861	871
Bajhang	1391	770	621	507
Bajura	1634	1439	205	473
Doti	1826	422	1404	422
Achham	242	165	77	67
Kailali	220	154	66	133
Humla	1423	967	456	217
Jajarkot	455	165	290	126
Surkhet	669	142	527	9
Total	19059	7854	11205	4550

Government of Nepal, Land Reform and Management Ministry, 2010-2011

CHALLENGES AND FUTURE DIRECTIONS

- **Ensuring adequate budget allocation and coordinated action** between the Ministries of Finance, Land Reform and Management, Law and Justice, and Peace and Reconstruction for the complete rehabilitation of *Haliyas*.
- **Current challenges in categorization of freed *Haliya* need resolution.** For example, category C (those with land) and D (those without land) are problematic where *Haliya* families live on unproductive and unregistered government land, and yet are deemed ineligible for rehabilitation.
- **Identifying suitable land** for certified *Haliya* families to ensure access to land entitlements.
- **Instituting a nation-wide reservation system** to ensure political, economic, social and cultural inclusion of *Haliya* and other marginalized Dalits.
- **Taking measures to ensure the participation of Dalits** in local, district and central-level political processes, in order for bonded, forced and child labour in their various forms to come to light and be addressed.
- **Engaging other Dalits and wider civil society on issues of forced and bonded labour** in order to promote recognition of these caste-based practices and wider calls for their swift abolition.



Bangladesh, India and Nepal recognise that everyone has the right to an adequate standard of living, including adequate food, clothing and housing.¹ The right to water is one of the most fundamental conditions for survival and includes the right to sanitation.² Protecting these basic rights includes measures to eradicate poverty, social exclusion and marginalization on the basis of caste and ensure equal access to health care and social security.³

The 2014 Bangladesh National Social Protection Strategy (NSPS) identifies the ending of social and economic discrimination—with education, health, nutrition, family planning, water supply and sanitation as fundamental objectives. Budget allocations, while not yet sufficient to meet the high levels of need in the Bede, Dalit and Harijan communities, demonstrate significant recognition of the needs of these communities by the Government of Bangladesh.

¹International Covenant on Economic, Social and Cultural Rights, 1966, Article 11. Ratified by India (1979), Bangladesh (1998) and Nepal (1991).

²CESCR General Comment No. 15: The Right to Water, UN Doc. E/C.12/2002/11 (2003), 3, 29.

³CERD General Recommendation 29 on Article 1(1): Descent, UN Doc. A/57/18 (2002) 111, 7(hh), (nn).

Photo Credit: Nagorik Uddyog

GUIDELINES ON ADEQUATE FOOD, WATER AND HOUSING

- National and local governments should take all necessary measures to eliminate discriminatory practices that cause Dalits to suffer from inadequate food, water, sanitation, clothing and housing.

Draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent (Caste)



1 Prime Minister’s Directive on Budget Allocation and Social Security for Dalits, Bangladesh



Bangladesh has social safety net programmes in place to alleviate poverty and facilitate access to basic rights. Dalit communities, however, have been functionally excluded from these protections. Since enrollment in government programmes requires engagement with service providers, Dalits are unable to access support due to lack of knowledge about their rights and stigma that prevents them from seeking and gaining enrollment. As a result, Hindu and Muslim Dalits in Bangladesh typically live in segregated areas or colonies, secluded from mainstream communities. In urban areas, they live in slum-like tenancies without adequate water, electricity or sanitation. In rural areas, Dalits face discrimination in accessing ponds and lakes. They also face significant food insecurity.⁴

The issue

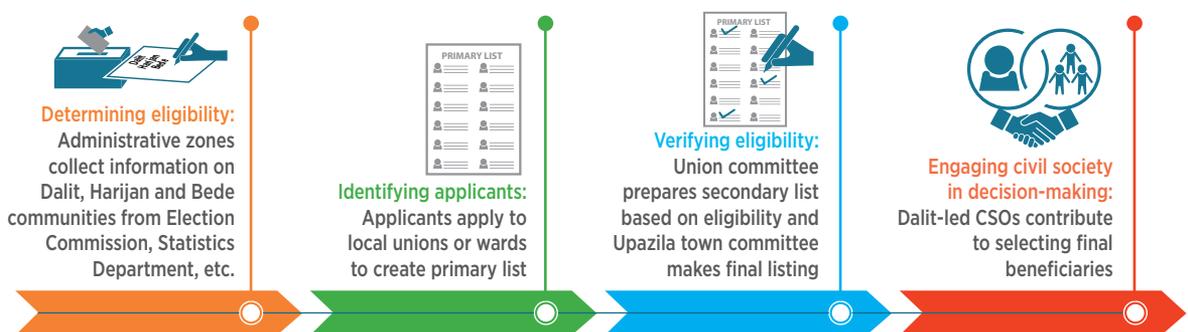
Dalit, Harijan and Bede communities lack access to social security programmes, food security and adequate housing.

The practice

In 2012, the Prime Minister of Bangladesh issued a directive aimed at including Dalit, Bede and Harijan communities in social safety net programmes. The Directive includes:

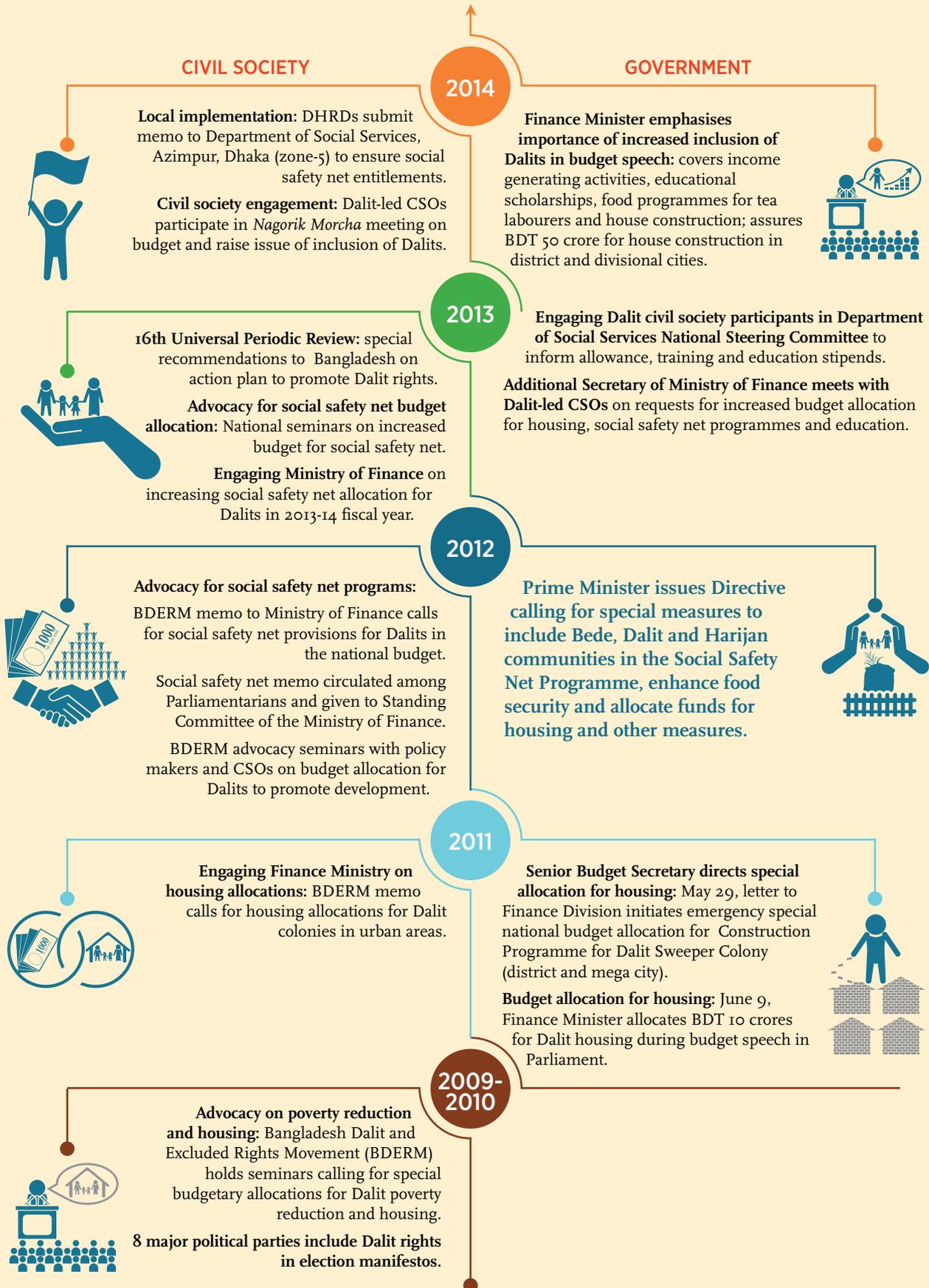
- special measures to include Harijans and Dalits in government-run social safety net programmes, including maternity benefits, Vulnerable Group Feeding (VGF) and Vulnerable Group Development (VGD) cards and allowances for the elderly, widows and persons with disabilities
- fair price cards for Bedes, Dalits and Harijans providing subsidies on rice and wheat
- housing for Dalit and Harijan families
- women as majority of beneficiaries
- implementation supervised by Ministries of Social Welfare and Finance, assisted by a national steering committee and sub-district and town level administrations.

Process for implementing directive on social safety nets



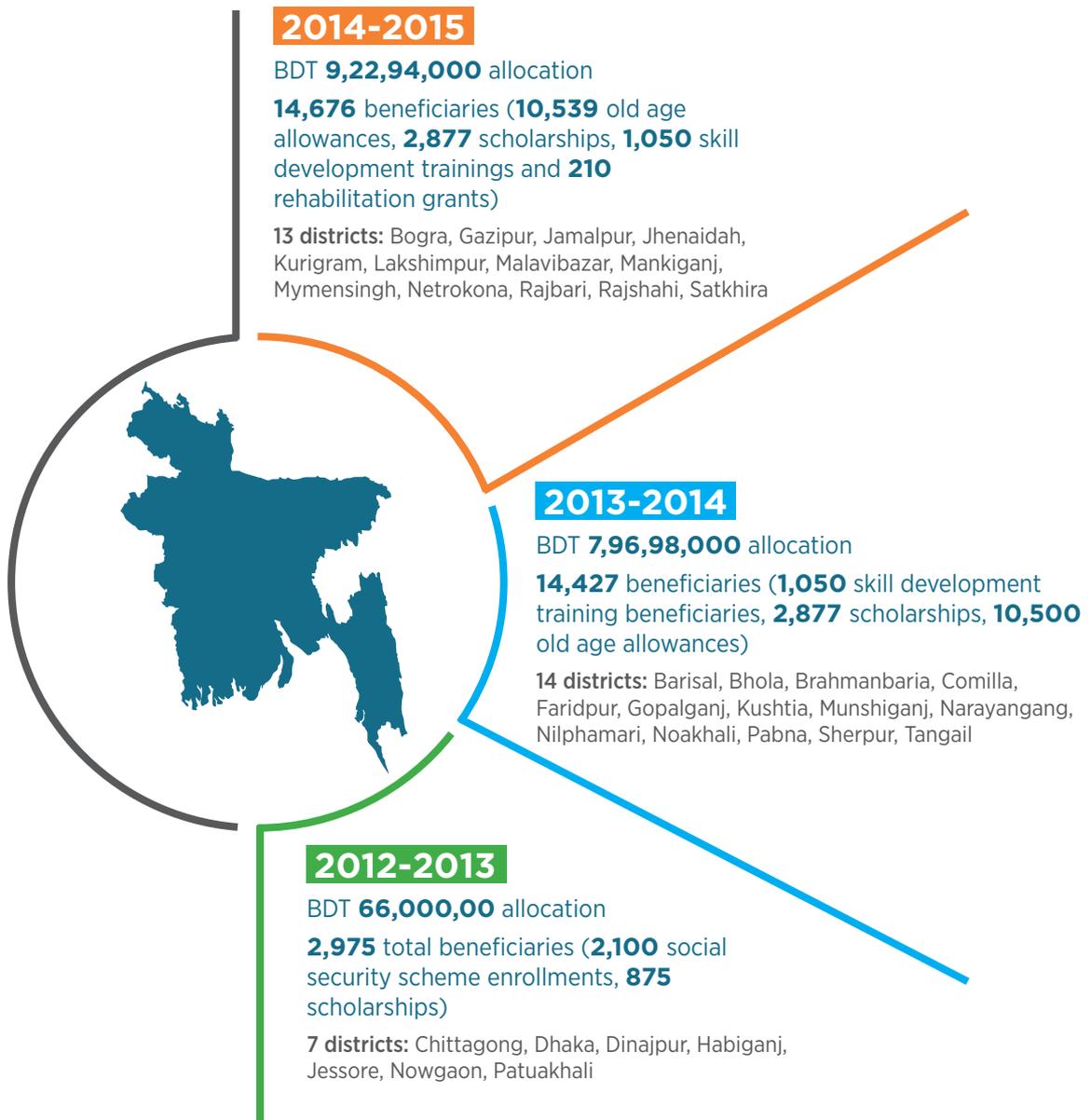
⁴Mohammad Nasir Uddin, *Benchmarking the Draft UN Principles and Guidelines on the Elimination of (Caste) Discrimination Based on Work and Descent: Bangladesh (Nagorik Uddyog: Dhaka, 2014)*, p. 89.

Advancing social protection for Dalit, Bede and Harijan communities



Adequate food, water and housing

Progressive implementation of Prime Minister's directive, 2012-2015



CHALLENGES

AND FUTURE DIRECTIONS:

- Information dissemination** on available social safety net programmes and housing allocations to potential Dalit beneficiaries is essential. Particularly, Ministries of Social Welfare and Finance publicising the target areas and number of beneficiaries would help inform communities about the government programmes.
- Monitoring access to social safety nets by Bede, Dalit and Harijan communities** through continued engagement of Dalit-led CSOs. An official listing of Dalit communities and disaggregated data collection on their basic demographics through the Bangladesh Census would support this process.
- Improved implementation of housing schemes for Dalits and streamlined processes for housing construction in Dalit colonies** are required. This involves ensuring transparency in funding allocation, project budgets and monitoring of construction.

Photo Credit: Oliver O'Hanlon



Bangladesh, India and Nepal have committed to uphold the right to education.¹ Education must be of acceptable quality and eliminate caste-based discriminatory disparities in the quality of education.² They have also committed to adopt special measures to ensure access to education for communities that face caste-based discrimination. These include ensuring that education systems do not exclude children on the basis of caste, reducing school dropout rates, especially for girls, combating caste-based discrimination and harassment of students, and conducting public education on non-discrimination.³

In Bangladesh and India government officials and civil society organisations (CSOs) have undertaken measures to secure equal access to non-discriminatory education for Dalits, showing the importance of combining policy level with civil society initiatives.

In 2012, the Prime Minister of Bangladesh issued a directive calling for quotas for Dalit students in higher education. Following this directive, CSOs, the National Human Rights Commission and several universities took coordinated action to make these quotas a reality for Dalit students. Recognising the particular challenges Dalit girls face in accessing education, CSO Dhruba engages parents and their daughters to ensure access to quality education that meets the needs of Dalit girls in Khulna District of Bangladesh.

In the Indian state of Odisha, the School and Education Department declared schools to be discrimination free zones and directed changes in the names of schools bearing prejudicial caste names.

GUIDELINES ON ACCESS TO EDUCATION

- Guideline 46 articulates the responsibility of national and local governments to take all necessary measures to ensure equal access to free quality primary and secondary education, as well as equal opportunity to receive tertiary education for Dalit children.
- Guideline 47 details specific measures that should be taken to increase enrollment and decrease dropout rates by addressing significant barriers to accessing education.
- Guideline 48 calls upon national and local governments to review and eliminate language in school textbooks that conveys or encourages stereotypical and prejudicial beliefs, attitudes and action.

Draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent (Caste)

¹ Convention on the Rights of the Child, 1989, Articles 28-29. Ratified by Bangladesh (1990), India (1992) and Nepal (1990).

² CESCR General Comment No. 13: The Right to Education, E/C.12/1999/10 (1999), 6(c), 6(d).

³ CERD General Recommendation 29 on Article 1(1): Descent, A/57/18 (2002) 111, 1(f), 8(rr),(ss),(tt),(uu).

Photo Credit: Swadhikar – NCDHR (India Practice) & Nagorik Uddyog (Bangladesh Practice)

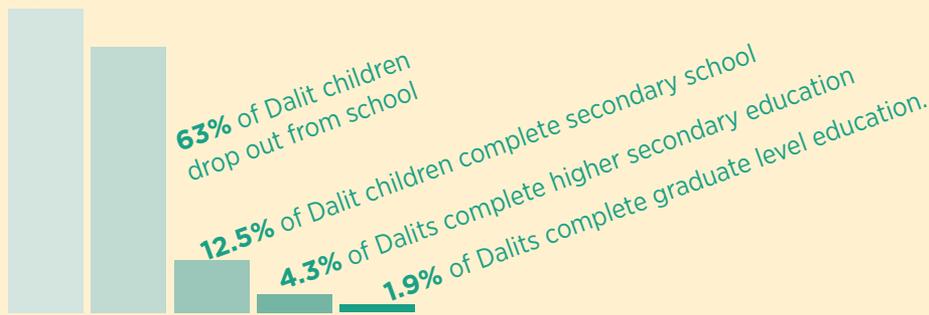
1 Quotas for Dalits in higher education, Bangladesh



The Government of Bangladesh has made significant progress in advancing the right to education. However, literacy and access to quality education remain significant concerns. Though primary education is compulsory, school enrollment has not yet reached a satisfactory level, especially among Dalit children. School dropout rates are also very high, with few Dalit boys and girls continuing their education beyond primary school.

72% of Dalit children enroll in school compared to 96.7% enrollment nationally

In Bangladesh a recent study⁴ among 632 Dalits from 16 different communities across 21 districts found:



Caste-based discrimination is a significant cause for the low admission and retention among Dalit children. Dalit parents report being actively discouraged by teachers from sending their children to school. Dalit students report discrimination in selection for scholarships and sport teams; and bullying, teasing and harassment from teachers and non-Dalit students. As a result, many Dalits do not complete their primary and secondary education and admission in higher education institutions is rare.

The issue

Admission in higher education institutions is rare for Dalit students.

The practice

On May 29, 2012, the Prime Minister of Bangladesh issued a directive memo introducing quotas for Dalits and Harijans in schools and higher educational institutions. Civil society organizations (CSOs), the National Human Rights Commission (NHRC) and public and private universities took coordinated action to implement these quotas for Dalits students. Initiatives included:

- coordination between CSOs, NHRC and university officials to institute and activate quotas
- support to prospective Dalit students to meet administrative requirements for registration.

⁴ Parvez, Altaf and Mazharul Islam, *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprishhota [Dalits in Bangladesh: Discrimination, Exclusion and Untouchability]*. (Dhaka: Nagorik Uddyog and BDERM, 2013).

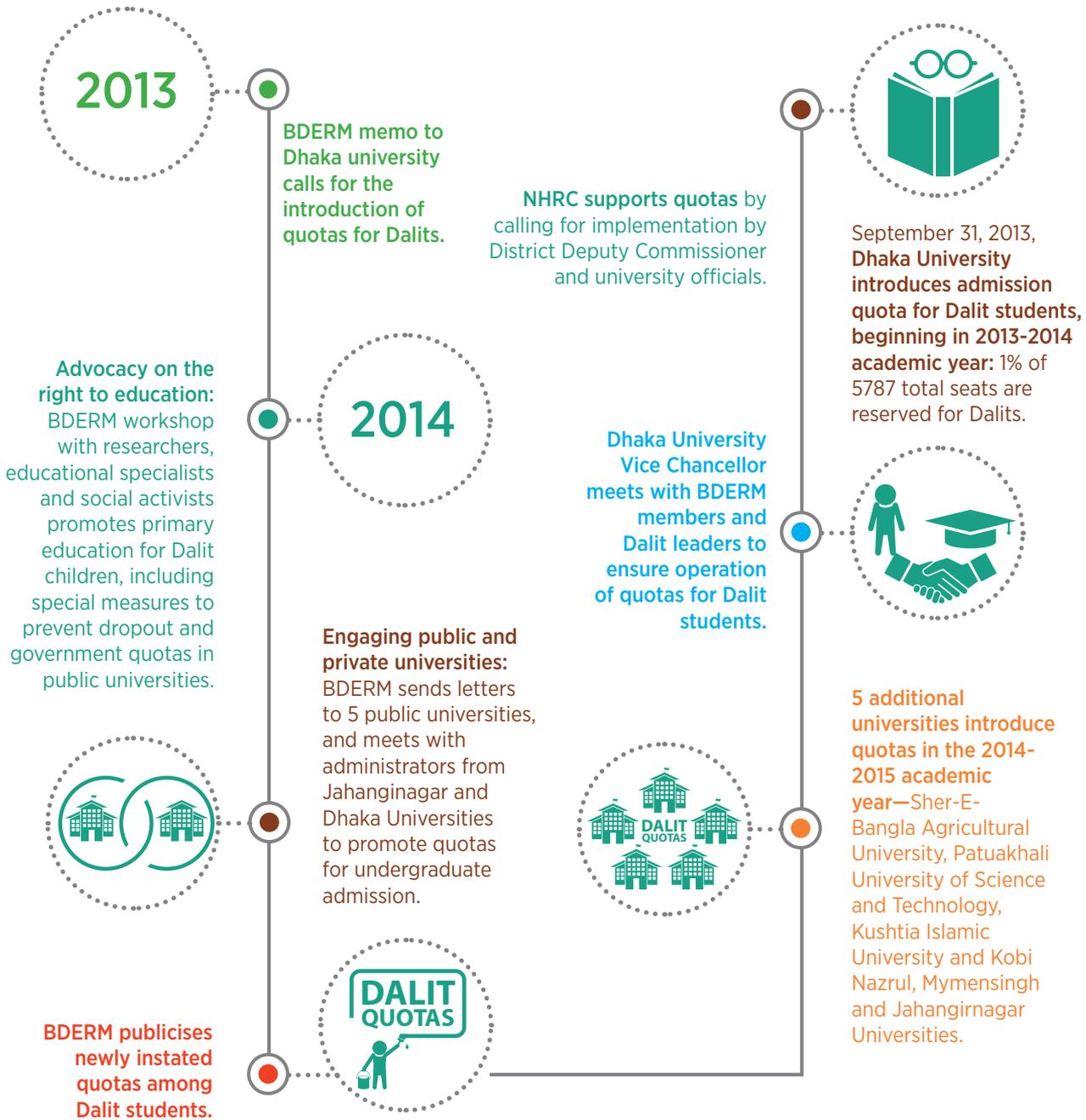
Immediate impact of educational quotas

- **Academic year 2013-2014:** 2 Dalit students admitted to University of Dhaka. Success used to generate enthusiasm among Dalit students.
- **Academic year 2014-2015:** 84 Dalit students appear for public university admission test that for the first time introduces quota for Dalits.

Activating Quotas in Universities

Civil Society Initiatives

University Initiatives



Access to education

বন্ধুঃ সবশেষে দলিত
 বনে বসিত জনগোষ্ঠীর
 উন্নয়নে নির্বাচিত
 ঐতিহাসিক সর্বাঙ্গীণ
 শ্রমিক শক্তিবিন্যাসের
 সফলতা। দলিত সংগঠন
 উদ্যোগে শনিবার সকল
 শ্রমিকের মিলনসভায়
 সভা অনুষ্ঠিত হয়েছে।
 শ্রমিক অতিথি পৌর মেয়র
 ইসলাম মাসুদ বসন্ত
 বসন্তবন্ধুতা থেকে পিছিয়ে
 পড়ার মান উন্নয়নে সু
 পক্ষে আসতে হবে।
 অসুস্থতার কারণে
 শ্রমিকের কল্যাণ
 সর্বাঙ্গীণ হওয়া
 উদ্দেশ্য। বিশেষ স্বত্ব
 বিহীন উদ্যোগের স্বাক্ষর
 না-অভিযেটের আক্ষয়
 ন। সর্বত্র সুল প্রবাহ পা
 রেবেতি চকসিলী
 কল্যাণ সংস্থা
 পাদক বিকৃতের রায়
 করেন যশোর সেমিনার
 সভাপতি মির্জা সুলতান
 হুসাইন নেতা রহমতুল
 লী, এড. শানিসুর রহমান,
 শিকর এড. হাজী-আনিস
 রশিদ, রহমান, সুবিন
 মাদিক ও সাংস্কৃতিক ক
 কেল্লা পুঁজা উদ্বোধন
 যুগ্ম সাধারণ সম্পাদক
 হরিজন এক পরিষদের
 পাদক বিকৃতের রায়
 প্রতিদিনের মতো
 গাঠিত পদে মান শিক্ষ
 ক রূপে, সর্বত্র-দা
 বি কর্মকর্তা-রাজন-প
 র এইভাবে পদ-ক
 গ্রহণ।
 ক ও সামাজিক উন্নয়
 মানবিক উন্নয়
 শ্রমিকের সামাজিক
 উপর প্রভাব দি
 ন। বসন্তবন্ধুতা
 আবেশমান ধরে চ
 তি পাছ অনেক কেরে
 ও পরিমাণে। এ ধা
 ক করতে
 কলাতন এলাকা তা
 মার শিক্ষার সংগঠ
 নিজেদের গঠিতকতা
 করতে হবে
 কিতর সামাজিক সংগঠনে
 এ দলিত জনগোষ্ঠী
 এ যত্নের সত্য
 সেন।

Access to education

Establishing caste identity to facilitate admission for Dalit students: A Continuing Challenge

Admissions require caste certification from Deputy Commissioners (DC)

➤ DCs refuse certification due to inadequate documentation in government gazette.

- Dalit Human Rights Defenders and government stakeholders take action**
- Submit memoranda to Prime Minister and Education Ministry calling for gazette notification on Dalits
 - Support Dalit students in securing identity proof
 - Work with university administrations, NHRC and Deputy Commissioners to institute special measures and certify students.



“I thought my education would come to an end after college. My father showed me the admission circular for Dhaka University that now includes quotas for Dalit students. I am now a proud student of the Dhaka University Science Faculty. I dream that I will also study abroad one day. The quota for Dalit students has changed my world.”

– Snigha Rani, Ganaktuli, Dhaka

“I had never been out of my district—so how could I imagine being a student at Dhaka University? My family and neighbours inspired me to go for admission. Even though I was selected through the quota, I could not get my admission because the Deputy Commissioner refused my Dalit certification. After a long struggle, I was admitted. Once, I thought it would be my destiny to be a tea garden labourer. The quota for Dalits has changed my entire life.”

– Akash Nunja, Shoshernagar Tea Garden, Sreemangal, Maulavi Bazar



“The University of Dhaka has a significant contribution to make to liberation and building this nation. We cannot be a worthy nation if we continue to live with millions of Dalits deprived of their right to education. It is with this perspective that University of Dhaka has introduced a quota for Dalit students. I hope they will use this privilege to develop themselves.”

– Vice Chancellor, University of Dhaka

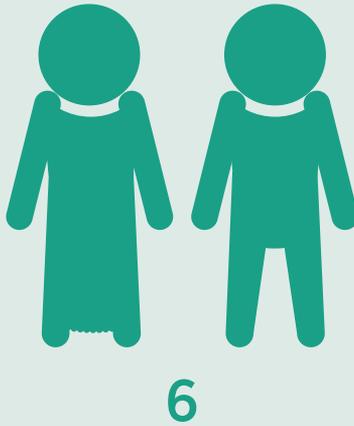
Creating better opportunities for the next generation of Dalit youth: profiling university admission, 2014-2015

Public Institute-wise distribution of Quota admissions

- Dhaka University: 14
- Patuakhali University of Science and Technology: 2
- Jahangirnagar University: 3



Merit



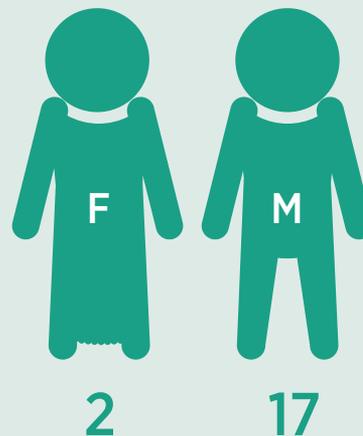
Districts where Quota implemented (no. of quota admissions)



Courses chosen by Dalit students entering through quotas and merit

- Agriculture
- Accounting
- Geography
- Marketing
- Tourism, hospitality and management
- Sanskrit
- Zoology
- Psychology
- Footwear engineering
- Finance
- Management Information System
- International business
- Management
- Banking and insurance
- Botany
- Veterinary

Quota + Merit



Access to education

2 Educating Dalit girls, Khulna, Bangladesh



Compounding difficulties in completing secondary education and pursuing higher education, literacy rates are particularly low among Dalit women and girls and 76% of Dalit girls are married before they are 18 years old.⁵

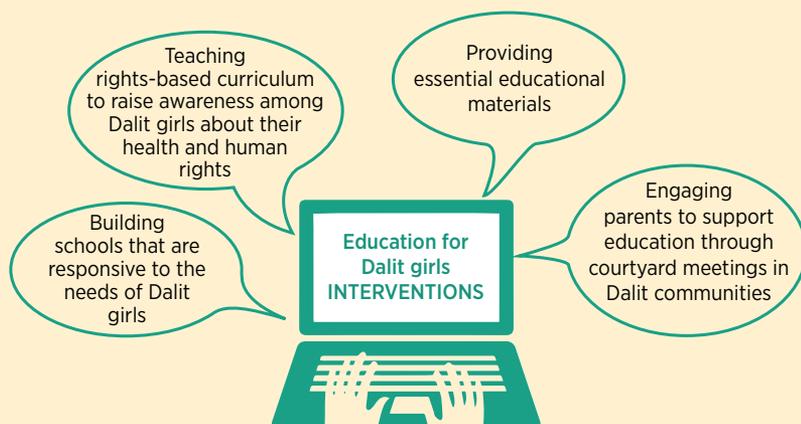
The issue

Dalit girls continue to have low literacy levels and high dropout rates.

The practice

Dhruba—a Dalit-led civil society organization based in Khulna District—engages parents and their children to improve access to education:

- operates 26 independently funded schools for Dalit girls
- works with Dalits at the village level to acquire land and raise funds to build schools
- provides administrative support and teachers, and ensures a rights-based curriculum designed to meet the needs of Dalit girls.



Content of parent-engagement meetings

- Reproductive health, prenatal and postnatal care
- Dangers of child marriage
- Importance of investing in girls' education
- Access to government services

Impact since 2013

- High quality education to 154 Dalit girl children to date
- 15 students of Dhruba schools have achieved admission into graduate and professional institutions.

⁵ Parvez Parvez, Altaf and Mazharul Islam, *Bangladesher Dalit Somaj: Boishommyo, Bonchona o Osprishshota (Dalit Communities in Bangladesh: Situation of Discrimination, Exclusion and Untouchability)*. (Dhaka: Nagorik Uddyog & BDERM, 2013).

3 Projecting Children's Voices to Challenge Caste Discrimination in Odisha Schools, India



Article 46 of the Constitution of India mandates the promotion of education for scheduled castes. Article 15 prohibits discrimination on the basis of caste, sex, race, religion or place of birth. Consistent with these principles, the Right of Children to Free and Compulsory Education Act, 2009 protects the rights of all children aged 6-14 years to free and compulsory elementary education (Classes 1-8). Section 8(c) of the Act directs the government to ensure that children from disadvantaged social groups are not discriminated against and prevented from pursuing and completing elementary education.

Various education measures have had some impact. Programmes to build schools and provide free midday meals have contributed to increasing attendance among Dalit students. State funds for quotas and special scholarships have encouraged more Dalit students to pursue secondary schooling. In 2009, 1-in-15 graduates and 1-in-10 secondary school students were Dalits—up from previous decades.⁶

Discrimination in schools, however, remains a significant barrier to accessing education for Dalit children. A government study captured various forms of caste-based discrimination in schools, including discrimination in access to drinking water and midday meals, Dalit students made to do cleaning and other menial tasks and caste-based verbal abuse.⁷

The issue

Dalit children face discrimination and segregation in schools in Odisha.

The practice

Secretary-Commissioner of the School and Mass Education Department issues a directive aimed at ending harassment and discrimination against Dalit students by:

- ▶ declaring schools to be discrimination free zones
- ▶ changing the names of schools bearing prejudicial caste names.

Strategic action by civil society organizations to end discrimination in Odisha schools



At the Dalit Children's Convention in 2014, Dalit children testified to the persistent untouchability practices they face, including being made to sit in the last row of the classroom, eat separately during midday meals, served from plates reserved for them and restricted from attending pujas and festivals held in school.

⁶ "Affirmative Action: Indian Reservations", *THE ECONOMIST*, June 29, 2013.

⁷ Ministry of Human Resource Development, *Inclusion and Exclusion of Students in the School and in the Classroom in Primary and Upper Primary Schools* (New Delhi: MHRD, 2012).



Government and civil society engagement to end caste-based discrimination in schools (2014):

Dalit Children's Convention in Bhubaneswar brings together Secretary and Commissioner of the State Mass Education Department and 250 children to strengthen state and civil society alliance to stop discrimination in schools.



Secretary-Commissioner's directives, reaching across the state, have the potential to impact one million Dalit and Adivasi children across the state.



Immediate action to implement directives: DHRDs from Odisha took immediate action to ensure that these orders were upheld in the areas where they lived and worked. For instance, DHRDs from Cuttack District worked with the District Magistrate and District Level School Authorities to change the name of the Bhimrajpur village school from Harijan Sahi Prathamik Bidyalaya to Ambedkar Prathamik Vidyalaya and prominently display the "Discrimination-Free Zone" slogan in prominent areas of the school.



Secretary and Commissioner of the State Mass Education Department notifies all District Magistrates and District Level School Authorities in Odisha to immediately rename schools with caste names and display their commitment to "Discrimination-Free Schools" in prominent places.



"Some of the schools of the State are named in the name of the caste, which is contrary to the preamble of the Indian Constitution as well as creates disharmony among the people of the community."

– Secretary and Commissioner of State Mass Education Department

CHALLENGES AND FUTURE DIRECTIONS

- **Ongoing monitoring to ensure implementation of the Secretary-Commissioner's order.** Monitoring initiatives include filing Right to Information petitions and tracking implementation in select districts.
- **Inclusion activities among students of all communities** within schools to change discriminatory mindsets and promote inclusion.
- **Curriculum on non-discrimination, equity and inclusion** that is integrated into teacher training and classroom teaching in order to build perspectives on discrimination-free education.
- **Sanctions for schools who do not take action to end discrimination** occurring within the school grounds from any person, including through the formulation of appropriate grievance redress mechanisms.



Bangladesh, India and Nepal have committed to enact legislation to outlaw all forms of discrimination based on caste, formulate a comprehensive national strategy with the participation of Dalits to eliminate caste-based discrimination¹ and take immediate action through cultural means and information dissemination to combat prejudice and caste-based discrimination.²

Several practices exemplify the significant roles government and civil society actors can play—in collaboration—to raise awareness and advance legislative and other measures to end all forms of discrimination. In Bangladesh, government officials, political leaders and civil society organisations (CSOs) have taken joint strategic action to advance anti-discrimination legislation. During this process, the National Human Rights and Law Commissions involved Dalit CSOs at all stages.

The *Ten-year Strategic Plan to end Caste-based Discrimination and Untouchability in Nepal*, initiated by Dalit CSOs and incorporated by the Government of Nepal into its *National Action Plan*, builds a collaborative platform for action between the government and CSOs. Within the government, Constituent Assembly members have also formed a *Joint Dalit Political Sister Organization Struggle Committee* to combat caste atrocities and other injustices and advance a political agenda for Dalit human rights.

¹CERD General Recommendation 29 on Article 1(1): Descent, UN Doc. A/57/18 (2002) 111, 1(c), (e).

²International Convention on the Elimination of All Forms of Racial Discrimination, 1965, Article 7. Ratified by India (1968), Nepal (1971) and Bangladesh (1979).

Photo Credit: SAMATA foundation (Nepal Practice) & Nagorik Uddyog (Bangladesh Practice)

GUIDELINES ON PUBLIC AWARENESS RAISING AND ELIMINATION OF DISCRIMINATORY CUSTOMS

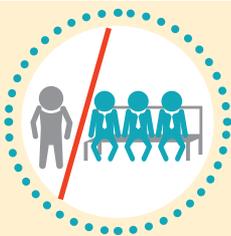
- Guideline 49 calls for national and local governments to take specific measures to raise awareness among the public and government officials, teachers and media practitioners on caste discrimination through internal training and public campaigns.
- Guideline 52 calls for the media, religious, educational and cultural institutions and other parts of civil society and international organizations to contribute to correcting the spread of negative images of Dalit communities, and endeavor to build the capacity of those communities, as well as recognize the contributions of Dalits to the development of society.

*Draft UN Principles and Guidelines
for the Effective Elimination of
Discrimination Based on
Work and Descent (Caste)*

1 Promoting discrimination-free Bangladesh through anti-discrimination legislation



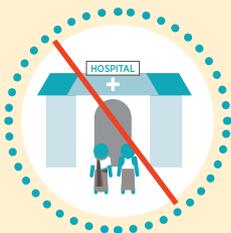
Article 28(1) of the Constitution of Bangladesh mandates equal rights for all citizens and prohibits discrimination on the grounds of religion, race, caste, sex or place of birth. Despite this constitutional guarantee, Bangladesh has no laws in place to address untouchability and caste-based discrimination. Without sufficient protection, 5.5-6.5 million Dalits in Bangladesh continue to face discrimination and untouchability practices including: discrimination in housing, exclusion from community religious and cultural functions, denial of access to restaurants and communal water sources, untouchability in schools, difficulties in accessing legal protections and limitation to some of the most menial, low wage and dangerous jobs.



In Bangladesh a study among **632 Dalits across 21 districts** found:

- **38%** of Dalits surveyed reported that they experienced ‘untouchability’ in their daily lives
- **38%** said that they are not allowed to sit along with other guests in social events such as wedding ceremonies.

(Parvez, Altar and Mazharul Islam, *Dalits in Bangladesh: Discrimination, Exclusion and Untouchability*, Dhaka: Nagorik Uddyog and BDERM, 2014)



Another study among **674 Dalits in 35 districts** of Bangladesh found:

- **25%** faced discrimination in access to common ground water sources
- **22%** did not get proper treatment in the hospital
- **43%** said that they are not allowed to rent a house out of their segregated colony.

(‘Untouchability Practices in Bangladesh in 2015’, presented at *Untouchability and Dalit Human Rights: Obligations of State and Society* workshop, Dhaka, 6/8/2015)

The issue

Persistent and widespread discrimination against Dalits in Bangladesh.

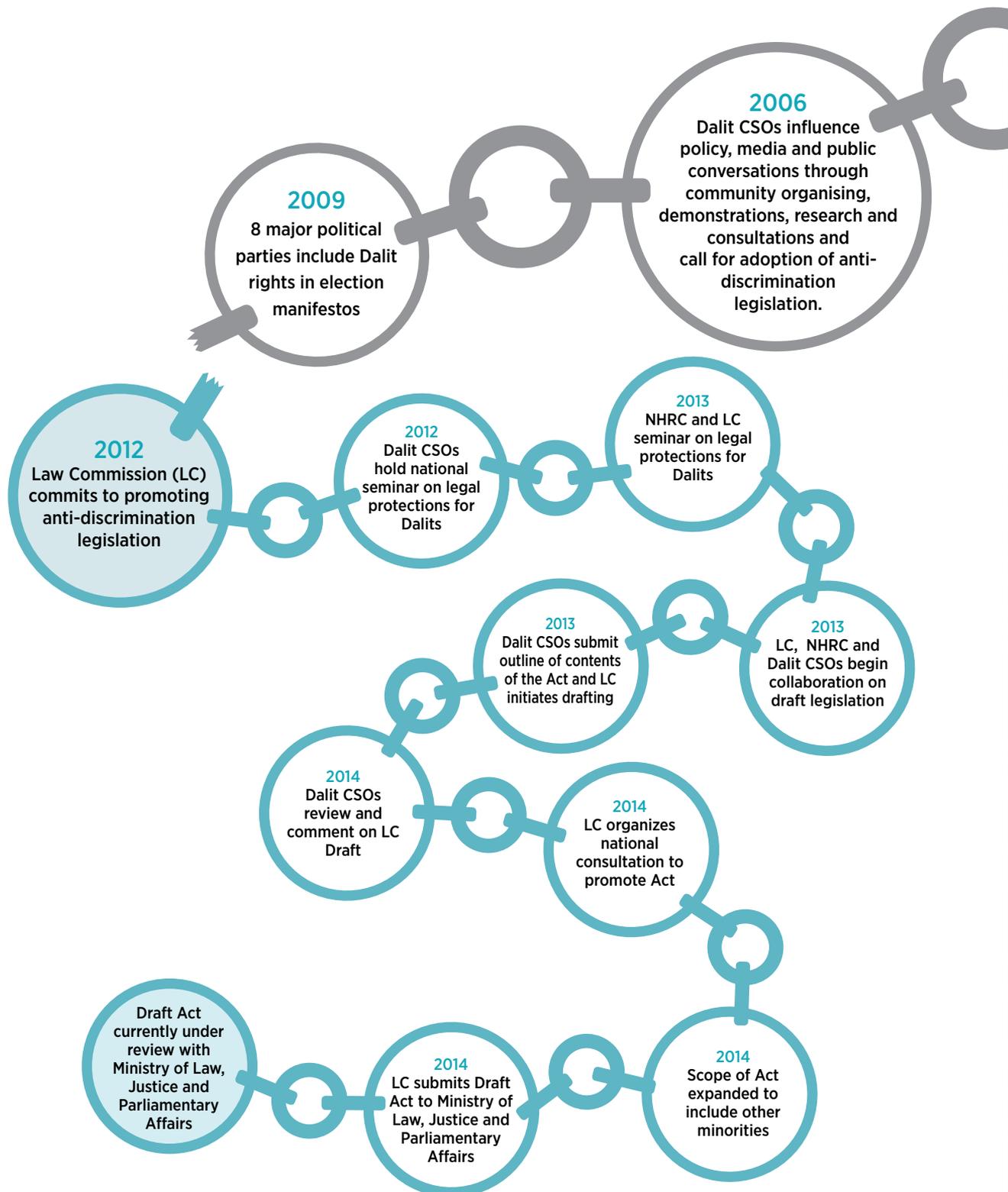
The practice

Government stakeholders and political leaders took joint strategic action to advance anti-discrimination legislation in consultation with CSOs:

- National Human Rights Commission and Law Commission involved Dalit and other CSOs at all stages of developing anti-discrimination legislation
- proposed anti-discrimination legislation advances protection for Dalits and other communities facing discrimination.

“ For legal protection of Dalits, a draft act should be made based on the act of India, Nepal and other international standards and human rights mechanisms. Media and other stakeholders also should be involved to raise the issue of legal protection of Dalits.”

—Joint Secretary, Ministry of Law, Justice and Parliamentary Affairs, February 2, 2013



Awareness raising and ending discriminatory customs



PROTECTING DALIT RIGHTS: DRAFT ANTI-DISCRIMINATION LEGISLATION FEATURES

Punitive action for any of the following forms of discrimination:

- deprivation of buying, renting, temporary or permanent handover of properties, including inheritance of properties
- impediments in access to government services
- impediments in access to education, medical treatment or employment
- impediments to accessing any religious place, public place or public festival due to caste, work and descent, sex, profession or language
- impediments to participation in social, political and cultural activities
- discrimination against individuals working in the government and non-government sector with respect to salary, wages, bonus, leave and other privileges
- practices of untouchability or other forms of discrimination based on work and descent, profession, birth, religion, caste and creed.

CHALLENGES AND FUTURE DIRECTIONS:

- **Further initiatives to ensure passage of anti-discrimination legislation in parliament**, including mobilising Dalit and wider social opinion in favour of passage of this law and CSO engagement with Members of Parliament and Minister of Law, Justice and Parliamentary Affairs.
- **Engagement with the NHRC** to ensure follow up and implementation of Ministry commitments to promulgate an anti-discrimination law at the earliest.
- **Taking the law to the people:** The Anti-Discrimination law will only be a successful measure if the Dalit community knows about this law and feels empowered to use this law to protect their rights. This requires concerted and coordinated efforts by both government and civil society actors to prepare measures such as a communication strategy and awareness raising sessions to ensure information on the law reaches the community.

2 Ten-year Strategic Plan to end Caste-based Discrimination and Untouchability, Nepal

In 2006, the Government of Nepal took the bold step of committing to make the country an ‘Untouchability Free Nation’. The 2015 Constitution of Nepal prohibits caste-based discrimination and untouchability, considered a grave social crime, in both the public and private spheres (Article 24). The Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011 criminalises caste discrimination and untouchability.

While the government has to be acknowledged for its initiatives towards equality for Dalits, significant hurdles remain in the face of inadequate budget allocation, political instability and vulnerability to natural disasters. Caste discrimination, untouchability and other crimes against Dalits are still widely perpetrated.

The issue

Significant social, cultural, economic and political hurdles remain in the implementation of initiatives to promote Dalit rights and ensure an ‘untouchability free nation’.

The practice

Dalit civil society organisations (CSOs), with a collective presence in 45 districts across the country, have adopted a national strategic plan of action on 31 December 2013 that engages government actors, with the National Dalit Commission as a nodal point. The objectives of the plan include:

- ▶ enhancing knowledge and skills to tackle caste-based discrimination and untouchability within government and civil society
- ▶ developing knowledge and skill among Dalit communities to facilitate government accountability for rights violations
- ▶ social and economic empowerment for Dalit communities.

Phases of Ten-year Strategic Plan

PHASE 1: Strengthening Dalit institutions

Dalit CSOs build capacity for advocacy, policy planning, networking, research and raising awareness. This phase lays a foundation for long term growth and sustainability of the Dalit rights movement.

PHASE 2: Building partnerships and evaluating government policies

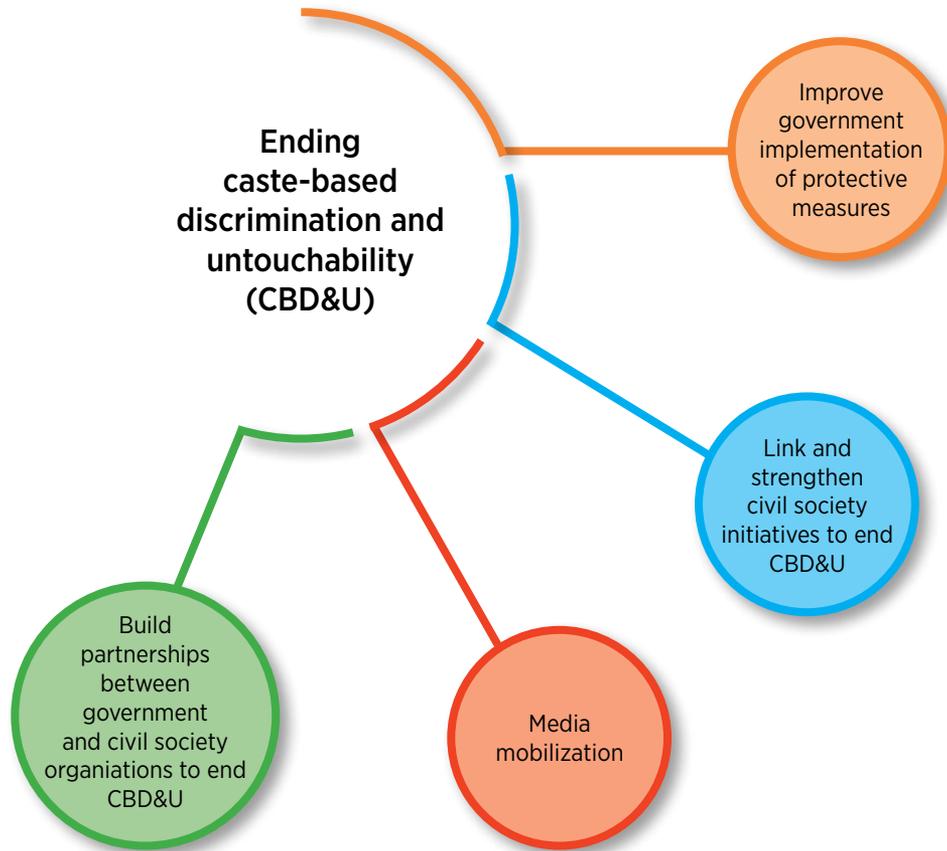
Dalit CSOs conduct research, engage national and international networks, build partnerships to promote Dalit human rights, and link Dalit rights networks to public institutions and actors.

PHASE 3: Advocacy to inform the content and implementation of legislation and policy

Dalit CSOs activate grassroots and other networks developed during Phase I and Phase II to fill gaps in existing protections.

Awareness raising and ending discriminatory customs

Elements of Ten-year Strategic Plan



“The practice of caste-based untouchability is one of the worst and unjustifiable customs. We must change the mind-sets of the so-called upper castes and ensure the elimination of caste-based untouchability. This is the duty of the Government of Nepal.”

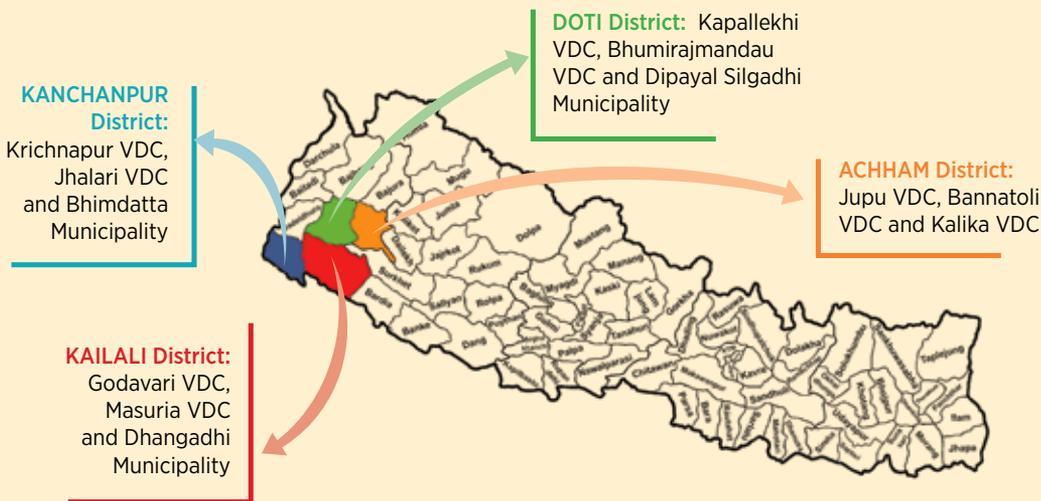
—Minister of Home Affairs, Madhav Prasad Ghimire, 2013

ACHIEVEMENTS OF TEN-YEAR STRATEGIC PLAN

1. Declaring discrimination and untouchability-free VDCs and Municipalities

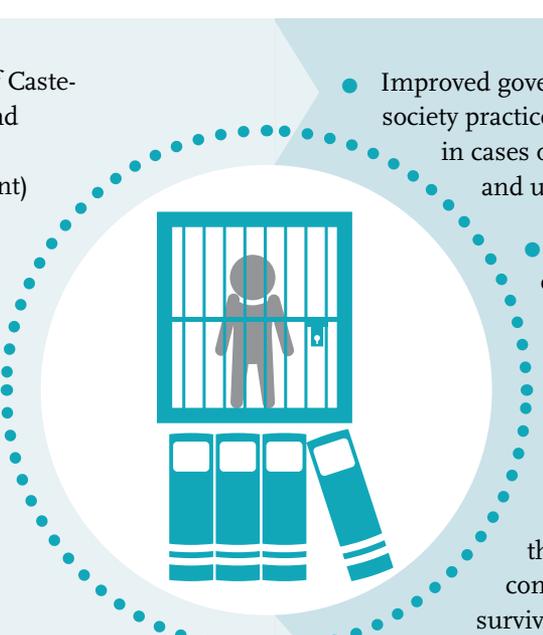
- 9000 posters and 4500 pamphlets have been distributed to raise awareness on caste based discrimination and untouchability.
- Around 9500 people have participated in the declaration of caste-based discrimination and untouchability free zones.

Village development committees (VDCs) and municipalities declare themselves as discrimination-free zones :



2. More effective implementation of Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011

- Distribution of copies of Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011 as well as strategies to implement the Act
- Internet-based monitoring system to document rights violations
- Public Service Announcements (48 episode radio broadcast)
- Citizens Watch Committees
- Improved government and civil society practices for registering FIRs in cases of caste discrimination and untouchability
- Collaboration between civil society and police in initial investigation of cases and other phases of accessing justice
- Access to justice for Dalits through the courts, including compensation to victim/survivors and fines levied against perpetrators



Awareness raising and ending discriminatory customs

3. Stronger Dalit organizations and networks

- ▶ Meetings between Dalit CSOs to collectively develop action strategies
- ▶ Exposure visits to Dalit CSOs in India to understand different strategies
- ▶ Study of good practices and challenges among state and non-state actors at village and district level



- Development and dissemination of Dalit Human Rights Defender Policy Implementation Guidelines and Directives
- Development of Dalit Vigilance Centre guidelines and Centres at village and block levels



4. Collaboration between Dalit CSOs and government actors



- ▶ Consultation between Dalit CSOs and National Human Rights, Women's, Dalit Rights and Information Commissions (2013)
- ▶ Engagement with local government actors

- Government integrates Ten Year Plan into National Plan of Action
 - Joint fact finding initiatives in legal cases of CBD&U
 - Joint commitment to ensuring Dalit rights in new Constitution of Nepal

5. Engaging new partners



- ▶ 3 day investigative journalism training to national-level journalists on issues of caste discrimination and untouchability
- ▶ Solidarity initiatives with political leaders, donors, diplomatic agencies and international organisations

- Increased awareness about Dalit rights
 - Increased sensitization of law enforcement officials
 - Hindu religious priests and teachers engaged in advocacy against caste discrimination that challenges traditional roots of social discrimination and untouchability

CHALLENGES AND FUTURE DIRECTIONS:

- **Revision of Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011** is required to increase penalties for violations of the Act (currently capped at 5-year imprisonment and NPR 1,000,000 in fines and compensation).
- **Allocation of adequate resources** by Ministry of Finance to support the Ten-Year Strategic Plan would ensure that systematic and thorough efforts to end caste discrimination and untouchability are able to achieve the government's goal of an untouchability-free nation.
- **Increasing government and civil society collaboration** to cover all village development committees and municipalities and encourage all to openly commit and work towards untouchability and discrimination-free spaces in all areas of life in their localities.

Awareness raising and ending discriminatory customs

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3 Joint Dalit Political Struggle Committee, Nepal

The issue

Need for national political platform to promote inclusion of Dalit rights in Constitution of Nepal, combat atrocities and advance a political agenda for Dalit rights.

The practice

Dalit sister organisations of major political parties form and endorse common agenda for Dalit rights:

- ▶ encompasses 10 parties and 40 members of Constituent Assembly
- ▶ facilitates collective action within the Nepali Parliament to promote Dalit issues and demands in the formulation of the new constitution
- ▶ responds in cases of caste-based atrocities against Dalits.

Achievements of Joint struggle Committee in influencing 2015 Constitution:

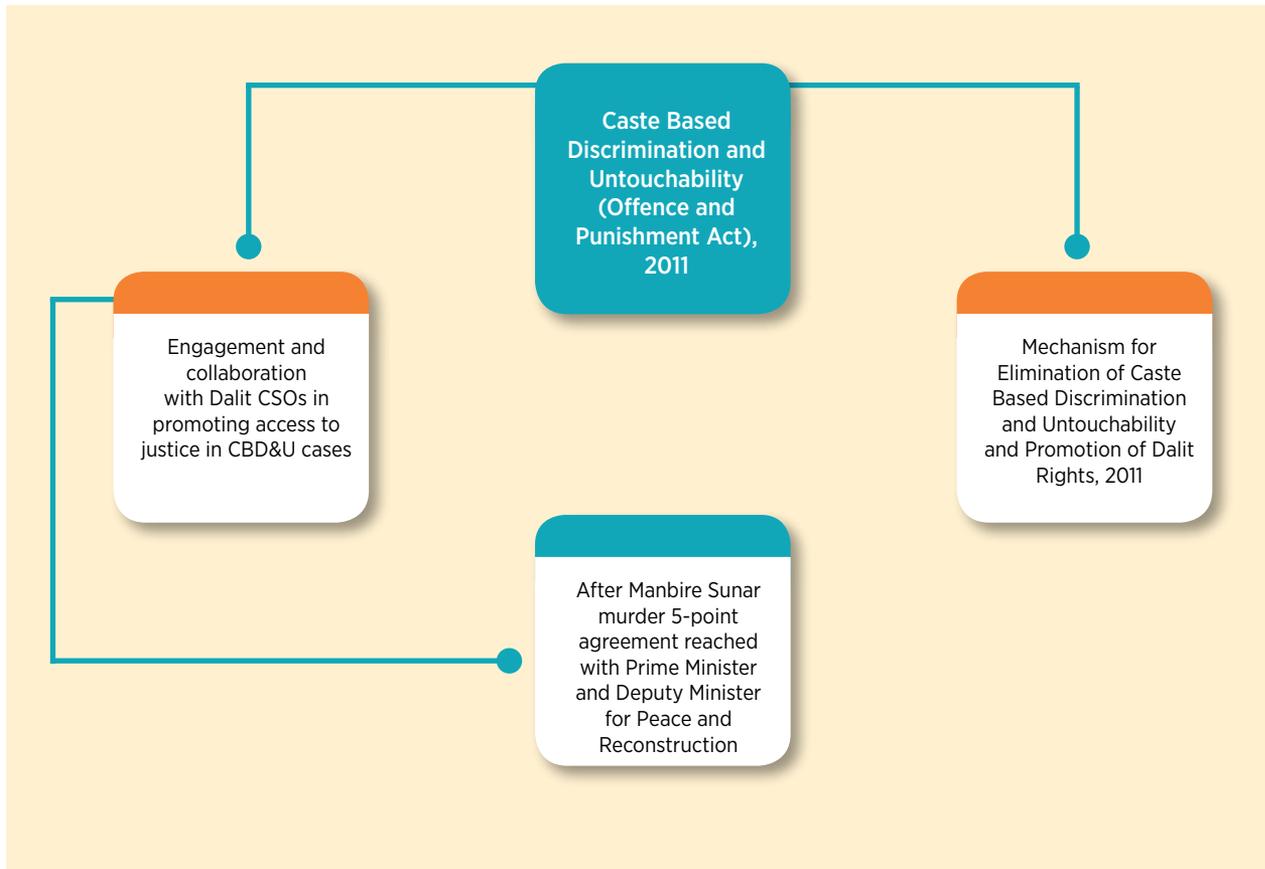
The Joint Dalit Political Struggle Committee, along with the Dalit Parliamentarian Coordination Committee, Dalit civil society and Unified Dalit Struggle Committee played a crucial role in ensuring Dalit rights in the new constitution. Together, these four groups formed the “Unified Dalit Movement of Nepal 2015”, a forum that struggled persistently to ensure inclusion of Dalit rights in the 2015 Constitution of Nepal.

The Constitution of Nepal, passed on 21 September 2015, includes the following provisions to protect Dalit rights:

- ▶ Right against Caste based Discrimination and Untouchability (Article 24)
- ▶ Rights of the Dalit community endorsed as fundamental rights with the provision of proportional representation ensured in state organs, agencies and mechanisms, including for Dalit women and Madheshi Dalits; free education with scholarships from primary to higher level for Dalit students; provision of health and social security for Dalits; right to use, protect and develop traditional professions, knowledge and technique; one-time provision of land for landless Dalits; and provision of shelter for those Dalits who are without shelter. (Article 40)
- ▶ Constitutional Status of National Dalit Commission (Part 27)
- ▶ Proportional representation of Dalit community is ensured in federal upper house (Article 86(2)).



Implementation of Caste based Discrimination and Untouchability (Offence and Punishment Act), 2011 by Joint Struggle Committee



EXEMPLARY RESPONSE TO MURDER OF MANBIRE SUNAR

In response to the murder of 31-year-old Manbire Sunar, a Dalit man from Kalikot District beaten to death on the basis of his caste, the Joint Struggle Committee made five demands:

1. Take legal action against the murderers
2. Immediately provide NPR 10 lakhs to surviving family members and arrange for scholarships up to higher education for his children.
3. Declare Manbire Sunar as a martyr, as recommended by the government task force.
4. Establish National Centre Direction Committee, comprising government and civil society actors, to implement the Caste Based Discrimination and Untouchability (Offence and Punishment) Act. Establish District Action Committees to ensure adequate legal responses and publicise the Act.
5. Initiate investigation and prosecute perpetrators in particular cases of caste-based violence, discrimination and untouchability in Kaski, Tanahun, Siraha, Darchula and Baitadi.

The Joint Struggle Committee also has organised programmes to discuss the necessary amendments to the Caste based Discrimination and Untouchability (Offence and Punishment) Act. Proposed amendments include the enhancement of the currently low punishment provisions in the Act and the creation of special courts to ensure the speedy trial of these crimes.

CHALLENGES AND FUTURE DIRECTIONS:

- Maintaining unity among Joint Political Struggle Committee members:** The committee comprises 10 sister organizations of political parties with a range of ideologies. Therefore, in order to maintain this forum, they must remain aligned behind a common vision for Dalit rights. Civil society can lend support to this process by continually providing information and evidence of the ground realities of Dalits across the country.
- Ensuring support from major political parties:** Some leaders from the major political parties are not fully in favour of the Dalit rights issues supported by the Joint Struggle Committee. In particular, some are reluctant to support the demand of proportional representation of Dalits in all levels of state governance. Leaders of the Joint Struggle Committee will have to continue to tackle perspectives from within their parties that many at times be unfavorable to the Dalit rights agenda.
- Implementation of constitutional protections:** The new Constitution of Nepal, 2015 includes some good provisions for Dalit rights, but implementation of these measures will be key. In this context, the Joint Struggle Committee will need to take proactive steps to ensure formulation of laws to implement the constitutional provisions at the earliest.





Photo Credit: Oliver O'Hanlon

Dalit women face intersecting discrimination on the basis of their gender, caste and class (poor). They are therefore particularly vulnerable to human rights violations and social, economic and political exclusion. Bangladesh, Nepal and India have committed to eliminate discrimination against women by addressing laws, regulations, customs and practices that foster such discrimination.¹ This includes intersecting forms of discrimination and their compounded unique and specific negative impact on women such as Dalit women.²

Under this theme, examples from Bangladesh and India showcase how civil society organizations and government stakeholders are building the capacity of Dalit women to engage in political processes, develop professional skills, challenge discrimination and claim their rights. Their actions highlight the vital importance of ensuring Dalit women's needs and rights are given equal importance, including through special measures, in all efforts to end caste-based discrimination.

¹ Convention on the Elimination of Discrimination against Women, 1979, Article 2. Ratified by India (1993), Bangladesh (1984) and Nepal (1991).

² CEDAW, General Recommendation 28: The Core Obligations of States parties under Article 2 CEDAW. CEDAW/C/GC/28, 18; CESCR, General Comment 20: Non-discrimination in Economic, Social and Cultural Rights, E/C.12/GC/2, 9, 10, 17.

Photo Credit: Swadhikar – NCDHR (India Practice) & Nagorik Uddyog (Bangladesh Practice)

GUIDELINES ON MULTIPLE DISCRIMINATION AGAINST WOMEN

- ▶ Guideline 54 calls for national and local governments to take into account the situation of Dalit women and girls in all measures taken to address discrimination based on work and descent (caste), and explicitly create provisions tailored to ensure the rights of Dalit women and girls whenever possible.

Draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent (Caste)



1 Access to justice for Dalit women survivors of violence, Andhra Pradesh and Telangana, India

India has a strong history of laws, policies, budget and schemes to advance gender equality. The National Policy for the Empowerment of Women, 2001 recognises that the underlying causes of gender inequality are related to social and economic structures. This includes caste. Currently, the only targeted strategies for scheduled caste women are in terms of equal access to education—i.e. Ministry for Social Justice and Empowerment scheme to address low literacy among scheduled caste girls—and reservations for scheduled caste women in local governance. While the Scheduled Castes Sub Plan and the Gender Budget establish special budgeting provisions for scheduled castes and women, respectively, planning for scheduled caste women is not mandatory.³ Overall, with their particular needs frequently not addressed in state measures meant to scheduled castes or for women, Dalit women and girls continue to face discrimination and violence on the basis of both their caste and gender identities.



The issue

Caste and gender based violence against Dalit women in Andhra Pradesh and Telangana.

The practice

Civil society organisation Dalit Stree Sakthi (DSS) organises Dalit women to engage with government officials and resist discrimination, violence and social, economic and political exclusion. Strategies include:

- formation of community collectives of Dalit women capable of taking coordinated action to advance their rights and access justice
- support to collectives from Dalit Human Rights Defenders, who are trained to build the capacities of Dalit women and engage state officials with confidence
- ongoing relationships between Dalit women collectives and police and other officials to cultivate responsiveness and serve as a deterrent against negligence and misconduct
- social movement approach that has strengthened and sustained Dalit women's networks and federations.

Through their collectives, Dalit women link with legal teams, government officials and law enforcement authorities to **support victims of caste-based atrocities and domestic violence** at each stage in the process of accessing justice.

DSS engages in bi-monthly meetings with police and welfare officers to follow up on cases and seek police collaboration, beginning at the stage of fact-finding when incidents of violence occur.

DSS also hosts a two-day conference each year bringing together government authorities, the media and Dalit women victim/survivors in a round table discussion to foster a space for dialogue on access to justice for Dalit women, including in particular ongoing cases.

The presence of strong women's collectives in villages and urban centres where state and district-level agencies are located facilitates **sustained engagement with responsible officials at multiple levels** to ensure responsiveness in cases of violence.

³ Jayshree P. Mangubhai (ed.), *Benchmarking the Draft UN Principles and Guidelines on the Elimination of (Caste) Discrimination based on Work and Descent: India* (Delhi: Swadhikar-National Campaign on Dalit Human Rights, 2014).

Dalit Stree Sakthi tiered approach to protecting Dalit women's rights



Positive outcomes of tiered approach

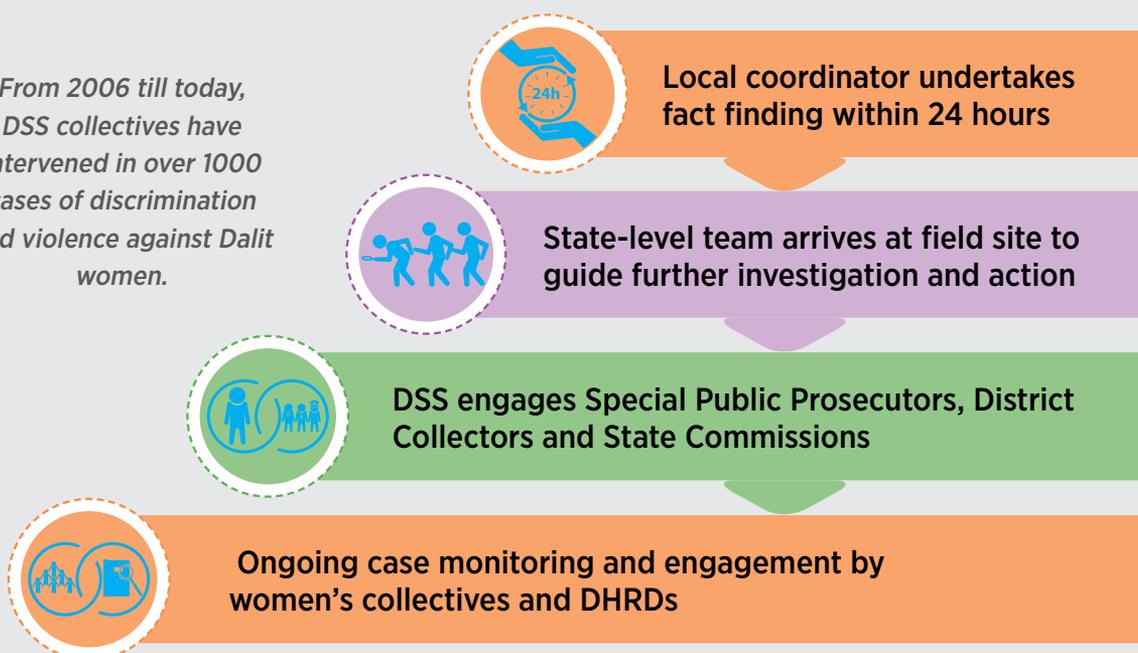
- ▶ Timely responses to atrocities against Dalit women, including accelerated investigations and registration of FIRs and charge sheets
- ▶ Enhanced access to DHRDs capable of engaging local and state-level judicial and administrative processes
- ▶ Improved case documentation and information flow between local and state-level teams
- ▶ DSS support to victims in court increases confidence and improves likelihood of conviction
- ▶ Increased accountability among state officials for addressing the needs of Dalit women
- ▶ Activation of State and National Human Rights Institutions in monitoring atrocity cases and assuring accountability from enforcement authorities through regular representations and protests to demand action as necessary.

“DSS has a strong name and a grassroots presence. They are able to reach out to victims who otherwise would not approach authorities.”

Superintendent of Police, West Godavari District, Andhra Pradesh

Four-stage approach to facilitate justice in atrocity cases

From 2006 till today, DSS collectives have intervened in over 1000 cases of discrimination and violence against Dalit women.



Multiple Discrimination against Women

2 Campaign for Women's Rights in Gujarat, India



The issue

Dalit women face multiple and intersecting forms of discrimination and violence in their homes and wider society.

The practice

Working in 18 districts and over 3000 villages in Gujarat, civil society organisation Navsarjan Trust focuses on a range of issues affecting Dalit women, including:

- ▶ caste and gender-based violence
- ▶ access to quality education and government schemes
- ▶ support for Dalit women's representation in statutory bodies
- ▶ engaging men in the fight for gender and caste equality.



GUIDING PRINCIPLES OF WOMEN'S RIGHTS PROGRAMME

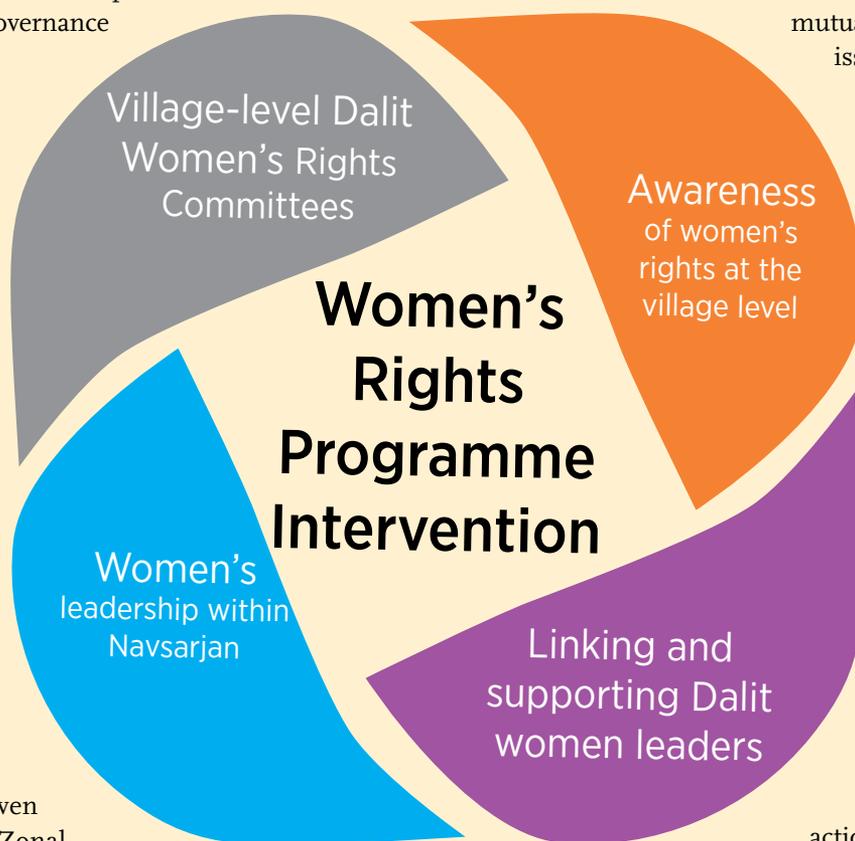
- Empower women by generating awareness of their rights so they can seek justice and dignity within their families and society
- Train and invest in women who will become leaders in the Dalit women's rights movement
 - Create space for women to better their own lives and those of their families and communities
 - Foster gender sensitivity within Navsarjan through programmes and policies
 - Challenge discriminatory patriarchal culture to make equality non-negotiable in practice
 - Uniting Dalit women from difference sub-castes to address politics and discrimination between castes through dialogue and collective action.

“ After attending a meeting of Dalit women political leaders, I gained the courage to challenge discrimination within the panchayat. I started sitting on a chair during panchayat meetings and taking up Dalit issues. Seeing my role, other Dalit women have decided to run for office in elections.”

Dalit woman Sarpanch, Sanand Taluka, Gujarat

Navsarjan has organised women to establish hundreds of Women’s Rights Committees, many led by Dalit women, in villages across Gujarat. The committees provide a forum for women leaders to take up local issues, such as domestic violence, and create spaces for women’s leadership in *panchayat* governance structures.

Through awareness camps, Navsarjan educates Dalit and non-Dalit women and men on women’s rights. Camps provide information on women’s health and laws in place to protect women from violence. By focusing on issues facing both Dalit and non-Dalit women, the camps unite women across caste and communal lines to encourage mutual engagement on issues that affect all women.



In addition to Navsarjan’s Executive Director, seven of the nine Zonal Coordinators within Navsarjan are women. Strong women leaders within the organization serve as role models for village women who are rarely exposed to women in authoritative leadership roles. The personal journeys of Navsarjan’s female leaders help them to empower women to take leadership within their own communities.

In most villages, there are few examples of Dalit women’s leadership to inspire other women to take action. Though some Dalit women hold reserved spots in local government, their roles are often limited to simply “rubber stamping” decisions taken by men, especially dominant caste men. Through statewide gatherings of all Dalit female *sarpanchs* and *panchayat* members, Navsarjan build a platform mutual learning and support for independent functioning in the panchayats.

Multiple Discrimination against Women

3 Investing in the leadership of Dalit women, Bangladesh

The Constitution of Bangladesh prohibits discrimination on the basis of caste or sex and establishes equal rights for women in all spheres of state and public life (Article 28). Activating these constitutional protections, the National Women’s Development Policy, 2011 calls for the government to pursue special programmes aimed at advancing the rights of women from marginalized communities, including on the basis of caste.

While the Government of Bangladesh has initiated programmes for the improvement of the living conditions of Dalits, there are few legal, policy, budgetary or programmatic measures designed to meet the particular needs of Dalit women. Responding to these gaps in protection, Bangladesh Dalit Women’s Federation (BDWF) works towards ensuring basic health services, scholarships for students, social safety-net programmes and political inclusion of Dalit women at the local and national level.



The issue

Dalit women are particularly vulnerable to untouchability practices and multiple forms of caste-based discrimination and violence.

The practice 1

Dalit Women’s Forum (DWF), a member organisation of BDWF, has supported Dalit women to develop professional skills, challenge discrimination and claim their rights. Initiatives include:

- linking Dalit women’s organisations with local and national government stakeholders, civil society groups, the media and international human rights forums
- building public awareness and influencing public policy to end caste and gender based discrimination and untouchability.

The practice 2

In order to increase women’s confidence and social participation, Abhijan, a CSO working for Dalit women’s empowerment in Narail District and member of BDWF:

- has started a Dalit women’s football league which holds matches between mother and daughter teams. These events challenge gender and caste-based stereotypes by presenting Dalit women and girls in non-traditional roles—as athletes worthy of attention for their sportswomanship. These sporting events have also been used to draw attention to the needs of Dalit women by inviting local elected representatives, Members of Parliament and other government officials.
- organises Dalit women to take action to secure their rights. For example, Dalit women in Alka village, Khulna District engaged government officials to call for compensation for 22 families who lost land due to the establishment of a gas pipeline that ran through the village. Dalit women took a lead in organising families from the village and presenting collective demands to local elected representatives, parliamentarians and government officials.

Advancing Dalit Women's rights

Linking Bangladeshi Dalit women to a broader regional and international initiatives for Dalit human rights

- Participation in spaces and networks such as People's SAARC, United Nations Minority Forum, and International Dalit Women's Conference
- Exposure visit for BDWF representatives to Indian Dalit rights groups
- BDWF Chair receives One World Action Award (2010)

Supporting a network of Dalit women's groups to engage local and national government stakeholders to inform policy initiatives and implementation

- Establishment of Bangladesh Dalit Women's Federation, linking 10 Dalit women-led organizations
- National Dalit Women's Rights Conference (2012) brings together 400 Dalit women from across Bangladesh
- National-level advocacy seminar on inclusion in basic services and human rights of Dalit women, with participation of Members of Parliament and Department of Social Services representatives

Strengthening Dalit women's collectives, groups and organizations

- 14 Dalit women's groups in Dhaka, Naraynganj and Jessore districts advocate for Dalit women's rights
- panchayat-level meetings to address free movement, domestic violence, women's health, sanitation, voting rights and developing Dalit women's leadership

Building the leadership and capacity of Dalit women to access decent work and claim their rights

- scholarships for Dalit girls
- training on socio-economic rights, women's leadership and access to government services
- skill development training to promote decent work

Multiple Discrimination against Women

CHALLENGES AND FUTURE DIRECTIONS

- **Preventive measures to halt violence against Dalit women:** Preventive measures are required, such as police trainings and public education campaigns on the criminal nature of acts of discrimination and violence against Dalit women, alongside legal, medical and psychological assistance as well as compensation to victim/survivors of violence. Affirmative action measures to increase Dalit women's participation in the police, judiciary and legal professions also holds potential to increase responsiveness to issues of caste and gender based violence.
- **Capacity building of women:** Regular training programmes are required to generate awareness and knowledge among Dalit women of their rights and entitlements, including through legal literacy programmes, as well as build their leadership in order to promote their ability to protect and fulfil their rights.
- **Shifting social norms and attitudes:** There is a need to challenge the discriminatory caste and patriarchal culture in order to make equality non-negotiable in practice. This requires concerted efforts by government and civil society actors to engage women and men, especially villager leaders, in joint efforts towards caste and gender equality.
- **Promoting equal employment opportunities:** Dalit women face ongoing challenges in accessing employment. An investment in improving the economic livelihoods of Dalit women is required, alongside building the capacities of women-led CSOs to create a spaces for the women in decision-making and access to education and employment.
- **Ensuring adequate representation and participation in decision making:** Dalit women continue to struggle to gain access to decision making within their families, communities and wider society. Ensuring the representation of Dalit women, for example in local governance structures, must be matched by efforts to promote their independent and informed participation free from discrimination and violence.
- **Planning and budgeting to address multiple inequalities:** The needs, perspectives and interests of women from the most disadvantaged groups, like Dalit women, must be brought to the fore in government measures to promote gender equality and development. This could include mandatory Dalit/scheduled caste development plans for each panchayat which pay specific attention to Dalit/scheduled caste women, with adequate funds allocated in proportion to their population.



This compilation of good practices from South Asia showcases some of the key strategic government and civil society initiatives to eliminate caste based discrimination and advance Dalit rights in Bangladesh, India and Nepal. It presents efforts by governments to eliminate caste-based discrimination and untouchability through the implementation of constitutional, legislative and other measures; and highlights ongoing efforts by affected communities and civil society organisations. In particular, it presents several good practices in which governments have collaborated with civil society organisations, schools and other institutions to safeguard and promote the rights of Dalits.

This compilation would be useful for policy makers and civil society organisations across South Asia to understand the wide spread of actions possible to eliminate caste based discrimination and create more equal and socially cohesive societies.



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