



‘The Hague Declaration on the Human Rights and Dignity of Dalit Women’

The Hague, 21 November 2006

WE, the participants of the Hague Conference on Dalit Women’s Rights, held in The Hague on 20 and 21 November 2006, after deliberating upon the issues of discrimination, violence and impunity against Dalit women, adopt this Declaration on the Human Rights and Dignity of Dalit Women.

In South Asia – that is, India, Nepal, Pakistan, Bangladesh and Sri Lanka – Dalits have endured discrimination based on work and descent for centuries, and this discrimination continues today. The Dalits – known as ‘untouchables’ or outcastes – number around two hundred and sixty million people in South Asia. On account of their caste, they experience discrimination, social exclusion and violence on a daily basis. Although economic growth in the region has been strong over the past decade, caste disparities remain and are in fact increasing. The situation of Dalit women in these countries needs urgent and special attention. They constitute one of the largest socially segregated groups anywhere in the world and face systemic and structural discrimination thrice over: *as Dalits, as women, and as poor*

Systemic Discrimination, Violence and Impunity

The caste system declares Dalit women to be intrinsically impure and ‘untouchable’, therefore socially excluded. In class terms, the vast majority of Dalit women are poor; many are landless daily wage labourers who are systematically denied access to resources. As women, they are subjugated by patriarchal structures. Due to this intersectional discrimination, Dalit women are specifically targeted for daily, egregious acts of violence, in particular for sexual violence, including the Devadasi system of forced and ritualised prostitution. On account of their ‘impure’ caste and poverty, Dalit women comprise the majority of manual scavengers, that is, labourers who clean human excrement from dry toilets. When they assert fundamental rights, Dalit women are targeted for punitive violence by dominant castes. Due to patriarchal notions of community honour residing in women, dominant caste violence against Dalit women functions to punish the entire Dalit community and teach Dalits a lesson of obedience to caste norms. Moreover, Dalit women are discriminated against not only by dominant castes on account of their caste, class and gender, but also by their own communities on account of their gender. Dalit women have less power within the Dalit community in general.

When considering discrimination and violence against Dalit women, one can state that impunity is *the key problem* Dalit women face today – not only while seeking legal and judicial redress for violence, but also while attempting to access and enjoy their fundamental rights and freedoms. Perpetrators enjoy virtual immunity from prosecution for violence against Dalit women, as the police, who themselves often harbour caste prejudices, wilfully neglect to enforce the law. Not only the police, but perpetrators and their communities use their political, social and economic power to silence Dalit women, thereby denying them access to justice. The nature of collusion between state and dominant

caste actors is such that the modern rule of law has no place in the hierarchical order of socio-economic and political power relationships, as caste-based power supersedes state-derived executive authority.

Assertion by Dalit women

Dalit women today are not simply passive victims; the current mood is not one of mere acceptance, but one of determination to 'transform their pain into power'. In fact, they have been active throughout history, though often this has not been recognised and recorded. They have been actively involved in the anti-caste and anti-untouchability movements. Today they are the strongholds of the Dalit movements in thousands of South Asian villages, and are often at the forefront of struggles for basic human rights. They continue to play a critical role in the movements for land and livelihood rights and against untouchability, pointing to the potential for their self-emancipation, given adequate support. They are making their mark as independent thinkers and writers in the literary world by critiquing dominant caste ideologies. They participate today as visionary leaders in the local governance institution by asserting their rights. While they continue to struggle against structural discrimination and exclusion, violence and impunity are systematically unleashed by dominant castes to keep them in their place.

While recognising the gendered nature of caste discrimination for Dalit women, these women have turned their 'suffering' into one of 'resistance', actively participating shoulder to shoulder with men in their communities in the anti-caste and anti-untouchability movements. They have simultaneously contributed to the welfare of their families, sustained their communities given their labour for producing food and wealth for their countries. In this regard, Dalit women build their identities on a culture of resistance against the hegemonic culture of the caste system, expressing their defiance and revolt against the caste, class and gender discrimination that oppresses them. This assertion of distinct identity and simultaneous forging of a collective identity in multiple struggles marks the Dalit women's movement in various ways.

Human rights of Dalit women

The countries where caste discrimination persists are party to most of the relevant human rights instruments: the Universal Declaration on Human Rights and treaties such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). These treaties provide equal rights for men and women. As these countries are also party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), governments have a specific obligation to make sure that women can realise their human rights. It is generally accepted in international legal standards that governments have to do more than just pass laws to protect human rights. Governments have an obligation to take all measures, including policy and budgetary measures, to make sure that women can fulfil and enjoy their fundamental rights. Equally importantly, governments must *implement* these laws, policy measures and programmes to fully discharge their obligations under international law. This includes an obligation to exercise due diligence in punishing those who engage in caste-based discrimination and violence.

Millennium Development Goals and Dalit women

In 2000, one hundred and eighty-nine countries accepted the Millennium Declaration and agreed to take the necessary action in order to attain eight specific goals: the Millennium Development Goals (MDGs)¹. The realisation of human rights of Dalit women will have a substantial positive effect on the realisation of the MDGs. This is because Dalit women are extremely poor, and make up two percent of the world's population. In India, for example, 60 million children do not attend primary school; a disproportionate number of these children are Dalit girls.

¹ The MDGs are: 1) reduction of extreme poverty and hunger by half; 2) primary education for all boys and girls; 3) gender equality and empowerment of women; 4) reduction of child mortality by two-thirds; 5) reduction of maternal mortality by three-quarters; 6) combat HIV/aids, malaria and other diseases; 7) clean drinking water and 100 million slum dwellers above the poverty line; 8) more aid, fair trade, less debt.

International Conference on Dalit Women's Rights

Over the years Dalit women's organisations and movements have increasingly voiced their specific concerns and asserted their separate identity, calling for solidarity from the International Community. The Fourth World Conference on Women in Beijing in 1995 saw for the first time international recognition given to the discrimination faced by Dalit women. Dalit women also played a crucial role in the World Conference Against Racism in South Africa in 2001, where Dalit issues were brought to the fore of the international attention. Following the National Conference on Violence against Dalit Women in Delhi on 7 and 8 March 2006, Justitia et Pax Netherlands, Cordaid, and CMC as members of the Dalit Network Netherlands (DNN), in collaboration with the National Campaign on Dalit Human Rights (NCDHR, India), the National Federation of Dalit Women (India), the ALL India Dalit Women's Rights Forum (India), Feminist Dalit Organisation (FEDO, Nepal), the International Dalit Solidarity Network (IDSN) and other Dalit and Women's rights organizations, responded to the request of Dalit women and organised the International Conference on the Human Rights of Dalit Women on 20 and 21 November 2006 in The Hague, The Netherlands.

Focus of international conference

Caste, class and gender discrimination prevents Dalit women from enjoying their basic human rights, particularly to dignity, equality and development. Atrocities and violence against Dalit women are both a means of sustaining systemic discrimination, as well as a reaction when particularly untouchability practices and caste norms are challenged or not adhered to. Impunity for this discrimination and violence is then used as a means to preserve the existing caste and gender disparities. Before Dalit women can enjoy their human rights, and before the Millennium Development Goals can be achieved, discrimination, violence and impunity must stop.

Therefore we, the participants of The Hague Conference on Dalit Women's Rights, call upon the respective governments in Nepal, India, Pakistan, Bangladesh and Sri Lanka to take seriously the voices of Dalit women as they explain their specific situation, to support them in asserting their rights and to ensure Dalit women and girls are brought on par with the general population in terms of overall development (e.g. poverty reduction) within a period of five years. We call upon the international community to undertake and support every possible measure to fight the widespread discrimination, violence and impunity committed against Dalit women.

Recommendations

Recommendations to the respective governments of Nepal, India, Pakistan, Bangladesh and Sri Lanka:

- Disaggregate all criminal, economic, social and political data on the grounds of gender *and* caste.
- Evolve and implement a comprehensive strategy to address impunity and ensure criminal justice for Dalit women.
- Grant powers to make legally binding recommendations to relevant National Human Rights Institutions to establish an independent complaints and monitoring mechanism to address the discrimination and violence against Dalit women.
- Enact domestic violence (prevention and protection) laws that acknowledge the unique vulnerability of Dalit women, allocate adequate resources and ensure a comprehensive monitoring mechanism with representation of Dalit women for effective implementation of these laws.
- Provide support to establish informal organisations for Dalit women to freely discuss the social, domestic and development issues in their own community and to strengthen leadership within local governance structures.
- Mandate proportional representation of Dalit women elected into parliaments, legislatures and local governance systems, including equal distribution of other minority groups, such as Joginis / Badis (India/Nepal) irrespective of their faith, and provide adequate budget allocations in this regard.

- Restore lands earmarked by governments for Dalits and register them in the name of Dalit women or jointly with men, and also acquire and distribute surplus lands by implementing and Reform Acts and distribute lands to Dalits in proportion to their populations in each country.
- Issue legal title to lands possessed and enjoyed by Dalit women and men, in the name of Dalit women or jointly with men; grant each Dalit family five acres of land registered in the name of Dalit women; allocate and distribute sufficient budget for the purchase of land and distribute to Dalit women; ensure payment of equal and living wage to Dalit women without discrimination;
- Ensure Dalit women enjoy equal access to and share of common property resources, in particular water resources, and provide budgetary support to create common property for their own.
- Enact appropriate legislation to prevent displacement of Dalits and alienation of their lands in the name of development projects and schemes in the context of economic globalisation.
- Eradicate the practice of manual scavenging and the jogini system and enforce rehabilitation policies and programmes for their alternative livelihood and sustenance.
- Implement laws that prohibit bonded or forced labour.
- Allocate sufficient budget for full primary and secondary level education of all Dalit girls, including funds for staff in schools and infrastructure, and vocational institutions
- Ensure reduction of pre-natal mortality, infant mortality and maternal mortality among Dalit women on a time-bound basis.
- Provide assistance to launch a national campaign of caste sensitisation and elimination of caste, class and gender discrimination.

Recommendations to the International Community, to the United Nations and the European Union:

Recalling the Universal Declaration of Human Rights;

Having regard to the UN Convention on the Elimination of All Forms of Discrimination Against Women and all other relevant UN Conventions;

Having regard to General Recommendation XXIX of the UN Committee on the Elimination of Racial Discrimination, in particular to paragraphs 11-13;

Having regard to and reinforcing the urgency of the ongoing UN study on “Discrimination based on Work and Descent” and the development of Principles and Guidelines for the effective elimination of this form of discrimination, we call upon:

- The international community to ensure that the large gap is closed, at the latest by 2015, by achieving targets of the Millennium Development Goals for the population in general and Dalit women and girls in particular, through providing additional measures for Dalit women and girls to realise their right to development on par with others.
- The United Nations Human Rights bodies and mechanisms, the United Nations organizations, intergovernmental institutions and organizations, the European Union, bilateral aid agencies and international non-governmental organizations to give full recognition and effect to the content and the recommendations of The Hague Conference on the Rights of Dalit Women;
- The international community to express its outrage against the caste-induced, systematic practice of untouchability and atrocities against Dalits in South Asia in general and against Dalit women in particular.
- These institutions and bodies to raise the issues and concerns of Dalit women at all levels and to involve and introduce all necessary measures, and to support and secure the implementation of the recommendations of this Declaration with a sense of great urgency.
- The Human Rights Council to address the issue of untouchability and violence against Dalit women and men and the impunity related to caste practices and discrimination.
- The ILO in its annual Global Reports on fundamental labour rights (no child and no forced labour, non-discrimination in employment and the right to association and collective bargaining) to highlight and propose measures to fight the systematic violation of these fundamental rights as far as Dalit women and girls are concerned.