



**Minority Rights Group International (MRG)**

**Written contribution to the General Discussion on “access to justice”**

**CEDAW 54<sup>th</sup> Session**

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## Introduction

Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG has Consultative Status with ECOSOC.

MRG wishes to contribute to the deliberations of the Committee on the Elimination of Discrimination of Women leading towards a general recommendation on access to justice, by submitting this report focussing on the challenges facing Dalit women in India. Our hope is that lessons learned concerning the plight of Dalit women in India may assist and illuminate the work of the Committee.

This submission draws upon research led by MRG's partners in India: Dr. Ambedkar Sheti Vikas Va Sansodhan Sanstha, EVIDENCE and Navsarjan Trust, in an effort to contribute to the development of the general recommendations on access to justice with particular attention to the additional barriers to justice faced by women from minority groups, specifically Dalit women.

Access to justice is an essential component of the rule of law, without which discrimination and violence against women and girls of minority or majority groups cannot be addressed nor eradicated. Mere rhetorical disapproval by government institutions and legislation has none or little impact if it is not translated into practice. To be translated into practice, the reality of women's access to justice and their ability to redress discrimination and violence must be surveyed and barriers transparently exposed.

The specific manner in which minority or indigenous women and girls experience multiple forms of discrimination is a key component of MRG's work. While women face particular legal, institutional and structural challenges in accessing justice as well as distinct social barriers, and practical and economic challenges, "gender-based discrimination [is] compounded by other biases"<sup>1</sup>. Women and girls belonging to minority or indigenous communities are often doubly disadvantaged and face excessive prevalence of violence and discrimination, underscoring their urgent need for effective and efficient access to justice.

Three partner organisations of MRG have undertaken research to analyse data on cases of violence against Scheduled Caste women in three regions and their selected districts,<sup>2</sup> in order to assess the extent of their access to justice. They noted that in the case of Dalit women, impunity and lack of access to justice works to socially legitimise violence and discrimination against Dalit women, which in turn reinforces gender and caste norms. At the outset it must be noted that MRG's partners faced difficulties in collecting information. In particular, most of the data that is available is disaggregated either by gender or caste but not in both categories (or also with regard to other forms of marginalisation, such as ethnicity or religion).

## Intersectional Discrimination

Dalit women are doubly discriminated: a) they are treated as "untouchable" and as outcast due to their caste background, and b) they face gender discrimination being women. The intersection of their descendant gender impacts them in multiple ways. Economic impoverishment, for instance, is both a cause and an effect of their situation, which by propelling a vicious cycle, further reinforces their marginalisation.

The Committee's General Recommendation No. 28 explains that Intersectionality is a basic concept, without which the scope of State Parties' general obligations under Art.2 cannot be understood. The discrimination of women based on sex and gender is inextricably linked with other factors that affect them, such as their minority status. State Parties should recognize that discrimination on the basis of sex or gender may affect women

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<sup>1</sup> CEDAW (2011) Access to Justice – Concept Note for Half Day General Discussion, p. 13

<sup>2</sup> Dr. Ambedkar Sheti Vikas Va Sansodhan (DASVSS) Sanstha focused on three districts in the state of Maharashtra; EVIDENCE focused on three districts in the state of Tamil Nadu; Navsarjan Trust focused on three districts in the state of Gujarat

belonging to certain groups to a different degree or in different ways to men, and that intersectional discrimination has a compounded negative impact on women and must act to prohibit such.

The significance of intersectional discrimination is key to understanding Dalit women's access to justice. Partners emphasised that:

“The consequences of the interaction of multiple forms of subordination, including gender and race discrimination, are often considered to be separate and mutually exclusive forms of discrimination. As a result, victims of multiple forms of discrimination may not have access to effective remedies for redress....”<sup>3</sup>

“...perceiving Dalit women generally through a Dalit only or women only lens will not allow anyone to understand their status in a true sense. This will also hamper the effective implementation of the policies and programs in protecting the rights of Dalit women.”<sup>4</sup>

Dalit women face violence not only by non-Dalits but also by members of their own communities and households. They “remain vulnerable to violence that pervades their village, their homes and their most intimate relationships.”<sup>5</sup> The research undertaken shows that intertwined layers of violence pervade Dalit women's lives, they not only face violence from the general community and their own community, but also from state and non-state actors. In Gujarat, it was found that violence against Dalit women by Dalits (704 recorded crimes) is much more prevalent than violence against Dalit women by non-Dalits (185 recorded crimes).<sup>6</sup> However, it should be noted that this may well be due to under-reporting, when it comes to violent acts committed by non-Dalit perpetrators. While in Maharashtra, the report notes that of the 121 recorded cases of violence against Dalit women by non-Dalits, 72% were grievous cases.<sup>7</sup> In Tamil Nadu, a majority of the recorded cases of assaults against Dalit women by non-Dalits (107 out of 150) were of a grievous nature.<sup>8</sup>

Research shows that violence against Dalit women is on the rise, yet the lesser number of reported and registered cases and the low level of conviction rates reassert that Dalit women are denied access to justice when faced with violence.<sup>9</sup> Data covering four states of India, published by the National Campaign on Dalit Human Rights in 2006, revealed that out of 500 Dalit women surveyed who had experienced violence:

- 40.2% did not attempt to seek any type of legal redress;
- 26.5% were blocked in their attempt to seek redress before they reached the police;
- 1.6% of women obtained informal redress; and
- 17.4% of women were blocked from obtaining legal redress by the police or state actors.

### Data collection problems

A crucial problem pertaining to intersectional discrimination, faced poignantly by our partner organisation in their research on Dalit women's access to justice, is the lack of data collected by descent and gender. Where governments do not collect and disaggregate data by both sex and descent (and other minority status, such as ethnicity or religion), it is impossible to get a full understanding of the situation of women from those groups, which are frequently the most marginalised in society. Data disaggregated by gender and descent, in the case of Dalit women, is critical to ensuring that the situation of Dalit women is fully understood and for designing and monitoring the impact of efforts to remove barriers to justice.

As noted above, a large fraction of Dalit women who have experienced violence do not attempt to seek any kind of legal redress. Consequently, under-reporting remains a challenge to the collection of data and research as well as a symptom of the lack of access to justice. Even when Dalit women take the strenuous step of approaching the

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<sup>3</sup> EVIDENCE (2011) *Atrocities against Dalit women and Access to Justice*. Tamil Nadu, p. 5

<sup>4</sup> *Ibid*, p. 5

<sup>5</sup> Navsarjan Trust (2011) *Gender Violence and Access to Justice for Dalit Women*, Gujarat, p. 2

<sup>6</sup> *Ibid*, p. 8

<sup>7</sup> DASVSS (2011) *Barriers to Justice and Scheduled Caste Women*, Maharashtra, p. 19

<sup>8</sup> EVIDENCE (2011), *op. cit.*, p. 19

<sup>9</sup> EVIDENCE (2011), *op. cit.*, p. 4

formal legal system, the lack of care exemplified by the agencies with which they come into initial contact often defeats their efforts and endurance. This is shown by the low percentage of police stations that actually have records of cases of assault against Dalit women and their frequent disregard for recording accurate details about the victim, her minority status or gender. Crucially, in some cases it was found that not even the contact details of the victim or her parents were noted in order to be able to inform her of the progress of her case.<sup>10</sup>

The unwillingness of many police stations to agree to submit data for review, despite the existence of a legal mandate for compliance under the Right to Information Act 2005, was likewise an obstacle to full and transparent investigation. In Gujarat, only 50% of the police stations approached in the district submitted data for review.<sup>11</sup> This failure by police stations to comply with the request for data, signifies that the total number of the crimes cited is almost certainly not the total number of reported crimes.<sup>12</sup>

The collection of accurate data poses a large challenge to the assessment of the true severity of the lack of access to justice for Dalit women, and therefore also to the crafting of solutions.

### **Legal Framework**

A clear legal framework to combat discrimination, even intersectional discrimination, and violence against Dalit women in India exists. Yet a legal framework that is not consistently implemented will in practice not be effective ensuring access to justice.

The Indian Constitution makes safeguards to ensure equality before the law and equal protection of law (Art. 14), it affirms the right to non-discrimination on the basis of sex and caste (Art. 15), it abolishes the practice of untouchability (Art. 17), and it ensures the right to life and personal liberty to all its citizens (Art. 21).

Upon witnessing an increase in violence against members of marginalised communities, a special law for their protection was enacted known as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 to provide for strong punitive measures which could serve as a deterrence. The Act defines the term “atrocities”. Certain “shockingly cruel and inhuman” offences committed against Scheduled Castes and Tribes are termed atrocities, and the Act ensures stringent punishment to persons found guilty of committing these crimes, as well as relief and rehabilitation for affected victims. A key factor in the atrocity definition is that violations can only be committed by persons not belonging to Scheduled Castes or Tribes upon victims who do belong to Scheduled Castes or Tribes. The Act makes provisions for Special Courts to assist in the speeding up of cases being tried under this Act.

The National Commission for Scheduled Castes is the constitutionally mandated commission to investigate and monitor the safeguards provided under various arrangements, including the constitutional safeguards provided through the 1989 Atrocities Act. The Commission has to submit reports annually to the Indian Parliament. It also acts as an advisory body for evolving programmes and policies for development programmes supporting Scheduled Castes.

### **Institutional and Procedural Obstacles**

“Though there is legal protection, still there is a gap between the legal framework and the accessibility to justice and law enforcement.”<sup>13</sup>

Additionally, the legal process established under the Code of Criminal Procedure must be followed whenever a violent assault on a Dalit woman is brought to the attention of the legal system. It is at this junction that Dalit women face various and grave institutional and procedural obstacles to access to justice.

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<sup>10</sup> DASVSS (2011), *op. cit.*, p. 36

<sup>11</sup> Navsarjan Trust (2011), *op. cit.*, p. 7

<sup>12</sup> DASVSS (2011), *op. cit.*, p. 16

<sup>13</sup> EVIDENCE (2011), *op. cit.*, p. 22

The Code has various components and requirements, namely briefly:

- a. The immediate filing of the First Information Report (FIR), upon learning of the alleged crime;
- b. Classification of the offense, leading to either a warrant or a summons;
- c. Arrest of the accused;
- d. Decision concerning bail and whether the offense is bailable or not;
- e. Filing of Charge Sheet or Summary - within 30 days of the FIR being filed in 1989 Atrocities Act cases and due 90 days from filing the FIR in all other cases; and
- f. Court proceedings to determine conviction or acquittal.

The initial step that sets the justice system in motion is the filing of the FIR. The police is the agency that ultimately decides which complaints to register or not. It is the first government authority with which a Dalit woman comes into contact, after having jumped many hurdles to even be able to approach the formal justice system. These include the effects of life-long discrimination, fear of reprisals, plus possible stigma especially if the assault was sexual. Due to prevailing caste and gender prejudices, this creates a clear intrinsic obstacle to Dalit women's complaints being registered appropriately and effectively. In Tamil Nadu, it was found that unless pressured by court direction or NGO intervention, "the police frequently try not to register an FIR in cases of atrocities against Dalit women."<sup>14</sup> This is evident from looking at how many police stations in a region actually registered cases of assaults against Dalit women, within the 5 year period analysed. In Tamil Nadu, only 50% of the police stations registered such complaints.

One of the main pervasive obstacles to justice for Dalit women is the delay at every stage of the justice chain. Delay in the handling of cases obstructs justice: delay is a denial of justice.<sup>15</sup> The immediate filing of the FIR is crucial if a case is to be investigated seriously and perpetrator is to be held accountable. If the FIR is not filed as soon as the crime is discovered or suspected, evidence can be destroyed and medical evidence may especially become unavailable. Especially in relation to gender-based violence, physical evidence cannot be preserved permanently. Delays also provide the time and opportunity to pressure the victim's family to settle or drop the complaint - pressures that can be all the more compelling due to their caste status. In Tamil Nadu, it was noted that out of all the cases of reported assault against Dalit women, there was a delay in filing the FIR in 68.2% of them. While in Gujarat, our partner's report indicated that delays in filing the FIR happened in 62% of cases of assaults against Dalit women by Dalits and in 54% of cases of crimes against Dalit women by non-Dalits. In Maharashtra there were delays in the filing of the FIR in 65.5% of all cases of grievous assault Dalit women by non-Dalits, and in one particular district of the region the percentage was as high at 85%. The research concludes that there is a clear relationship between the delay in filing the FIR and the police's ability to secure evidence and witnesses.

Not only do Dalit women face excruciating and purpose-defeating delays in the registration of their cases and the filing of the FIRs, they also face ill-treatment and insensitivity to their complaints and particular predicament. Often when Dalit women approach the police, they are made to wait long hours or are advised and indirectly pressured not to pursue their case against the perpetrators. The research conducted by MRG's partners showed that almost all the women who took part in the studies encountered such responses from the police. Below is an example from Tamil Nadu:

"Andal from Madurai district, who had approached the police for seeking justice against her dominant caste neighbour, was sent back for days by the police saying that they would enquire the matter. When she continued to go to the police station, she was abused as filthy woman, and threatened by the Inspector of police that if she continue to come to the police station he would register false case against her. Fearing police threatening and abuses, she decided not to take further action."<sup>16</sup>

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<sup>14</sup> EVIDENCE (2011), *op. cit.*, p. 22

<sup>15</sup> DASVSS (2011), *op. cit.*, p. 36

<sup>16</sup> EVIDENCE (2011), *op. cit.*, p. 25

Notably when Dalit women insisted on pursuing their cases, the police would give them a receipt of acknowledgement of their complaint and send them away with a false assurance that they would file an FIR and initiate an investigation. The report on Maharashtra noted that a Dalit woman victim of gender violence is often unversed in legal procedure and unfamiliar with the process of filing a complaint, as a result the police often pressures victims into filing their complaints as an Application<sup>17</sup>, deceiving them into believing that their Application is the same as an FIR.<sup>18</sup>

The lack of seriousness and sensibility with which the police seems to deal with cases brought by Dalit women victims of violence can also be deduced from the lack of information that police stations seem to be able to provide when asked and the small number of cases about which data is available. In Tamil Nadu, it was noted that out of the 144 police stations in the 3 districts surveyed by them, only 50% had reported cases of violent assaults against Dalit women in a five year period. Remaining police stations did not register a single case in the five years. Keeping in mind that the NCDHR found that 54.8% of Dalit women in that area had been subjected to some form of physical violence and 46.8% had suffered sexual assault or harassment, it is highly unlikely that 50% of police stations there have had no incidents of violence against Dalit women.<sup>19</sup>

Once the FIR was filed, the research showed pervasive delay in arresting the accused. Timely arrest of the accused has an impact on the victim's access to justice: if the perpetrator of the violence is walking free in the community, the victim and her family are more likely to be pressured by the community not to take the case further or settle it by compensation. In one region, out of the 107 grievous cases of assaults registered against Dalit women, in 26 no arrests were made, and in 43 cases the arrest was delayed.<sup>20</sup> In another region, in 47% of the grievous cases of violence against Dalit women by Dalits there was a delay in arresting the accused.<sup>21</sup>

The insensitivity of the police to the situation of Dalit women who have faced violence is manifested and exacerbated by the frequent practice of granting the accused bail. Although cases of atrocities that fall under the 1989 Atrocities Act are clearly non-bailable, research has found that insensitivity to the particular situation of Dalit women makes it more likely than not that bail will be granted to the accused. In one region, it was noted that in 70% of rape cases classified as atrocities (under the 1989 Atrocities Act), the accused was granted bail. In the same region, in 25% of the rape cases classified under gender violence, the accused was also granted bail. This paints a bleak picture for Dalit women. Often victims who file the complaint have been found to be unaware of the granting of bail. The reality is therefore, that when bail is granted, a Dalit woman victim of rape will have to see the accused every day in her village. In Maharashtra, bail was granted in 20 out of 35 of the cases of rape reported by Dalit women committed by non-Dalits.

Lack of proper investigation into the complaints of violence brought by or on behalf of Dalit women is shown by the phenomenon of 'unnatural/accidental deaths'. Many deaths of Dalit women are categorised as 'unnatural/accidental deaths', because no one is accused of direct responsibility for causing their deaths. In Tamil Nadu, 'unnatural/accidental deaths' accounted for 29% of all filed acts of violence against Dalit women.<sup>22</sup> In Maharashtra, out of 126 cases categorised as 'unnatural/accidental deaths' of Dalit women, there was no information whatsoever available on 42.<sup>23</sup> For such cases, the police responded that they could not provide data or information. "Yet, historic precedent and anecdotal evidence link many of these suspicious or 'unnatural/accidental deaths' to ongoing harassment which, in time, leads the victim to take her own life."<sup>24</sup> The following excerpt of a case is an example:

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<sup>17</sup> Non-grievous crimes of violence registered through the use of an Application filing is forwarded to the sub-district magistrate under criminal procedure code section 107 which calls upon both parties to settle amicably the part of the complaint which relates to breach of peace between the parties. These are not accounted into the registered criminal complaint data.

<sup>18</sup> DASVSS (2011), *op. cit.*, p. 16

<sup>19</sup> EVIDENCE (2011), *op. cit.*, p. 23

<sup>20</sup> EVIDENCE (2011), *op. cit.*, p. 28

<sup>21</sup> DASVSS (2011), *op. cit.*, p. 28

<sup>22</sup> Navsarjan Trust (2011), *op. cit.*, p. 14

<sup>23</sup> DASVSS (2011), *op. cit.*, p. 21

<sup>24</sup> Navsarjan Trust (2011), *op. cit.*, p. 5

“In Bhavnagar a 21 year old Hindu Vankar (SC) woman dies from a self-inflicted gun shot wound after a lengthy period of harassment by her husband and in-laws. Her sense of hopelessness and despondency reaches a low when her husband does not permit her to travel to her parents' home for the Rakhi festival.”<sup>25</sup>

MRG's partner EVIDENCE notes that in many 'unnatural/accidental death' cases, the police fails to record the relevant caste of the victim, thereby making it hard to collect data. Significantly, there seems to be a lack of willingness to investigate further the criminal activities linked to such unnatural or accidental deaths.<sup>26</sup>

The dismal conviction rates for cases of violence against Dalit women paints the most discouraging picture of all throughout the justice chain. In Tamil Nadu, there was only one conviction out of 107 assault cases filed in 5 years.<sup>27</sup> In Maharashtra, out of 87 grievous cases at the Session Court, there has been only 2 convictions.<sup>28</sup> In the same region, there was no information available on the progress of 51.7% of the grievous assault cases. Out of all the cases of violence against Dalit women in 5 years, the conviction rate in that region turns out to be 1.1%.<sup>29</sup> This is a discouraging rate if one considers the growth and prevalence of violence against Dalit women in these regions particularly. In Gujarat, out of 889 registered cases of violence against Dalit women only 6 convictions ensued (0.7%). The bleak prospects of attaining a conviction is in itself no incentive to Dalit women to pursue justice through the formal system.

### **Social Barriers & Customary Systems**

Violence against Dalit women is used to curb the assertion of rights of Dalit women in particular and of the Dalit community in general.<sup>30</sup> As noted, Dalit women furthermore face discrimination not only from the general community due to their associated caste status and gender, but also from members of their own community and families due largely to their gender. “Violence happens on public roadways, in hospitals and in the sanctuary of one's own house. The accused include trusted physicians, village heads, strangers and family. Violence is random and also the culmination of years of abuse.”<sup>31</sup> This makes it increasingly difficult, when confronted with pressure from all sides, to have the courage to attempt to access the formal justice chain.

Within the Dalit community, the Dalit woman is victim of crimes that reflect the structure and hierarchy of power within the traditional family: “a married woman lives with and is subservient to her husband and his extended family.”<sup>32</sup> This hierarchy in itself is highly disempowering in all aspects of life, including the pursuit of formal justice even if penal laws were designed to provide married women legal protection. Reports note that Dalit women are becoming even more frequently at risk of becoming a victim of violence perpetrated by their own communities and families.

It is noteworthy that one partner found that more than 70% of the atrocities against Dalit women cases they recorded since 2005, were committed as these women tried to assert their rights and challenge caste and gender norms.<sup>33</sup> This in itself suggests that social barriers have drastic repercussions for Dalit women seeking to assert their rights, to the extent that their attempting to access justice provokes additional violence. Manjula Pradeep of Navsarjan Trust recounts supporting a brave Dalit girl in taking her rapists, who were her university professors, to court and remembers that when she went to court to listen to the judgement, she was called names and shouted at by the wives and supporters of the accused.<sup>34</sup> This illustrates the severity of social pressure faced by Dalit women even as they persevere with such strength and endurance.

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<sup>25</sup> Navsarjan Trust (2011), *op. cit.*, p. 8

<sup>26</sup> Navsarjan Trust (2011), *op. cit.*, p. 9

<sup>27</sup> EVIDENCE (2011), *op. cit.*, p. 43

<sup>28</sup> DASVSS (2011), *op. cit.*, p. 33

<sup>29</sup> DASVSS (2011), *op. cit.*, p. 35

<sup>30</sup> EVIDENCE (2011), *op. cit.*, p. 4

<sup>31</sup> Navsarjan Trust (2011), *op. cit.*, p. 8

<sup>32</sup> Navsarjan Trust (2011), *op. cit.*, p. 9

<sup>33</sup> EVIDENCE (2011), *op. cit.*, p. 4

<sup>34</sup> Ramsay, K. (2009) 'The gender dimension of minority and indigenous education' *State of the World Minorities*, London, p.72

Pradeep explains that, “To fight against caste-based violence, the affected Dalit woman has to first face the challenge within the family, then the community and the society at large.” In this particular case, the girl’s father threatened to commit suicide, and the Dalit community pressured the girl not to go to court. The girl’s father was threatened by a Bharatiya Janata (BJP) Party member and the village head, who was an upper-caste leader, and the accused’s side offered bribes through caste leaders. The girl was cut off from her family and community and obviously alone - everybody’s eyes were on her.<sup>35</sup> This is the story of one girl, who braved the path with the support of a local NGO. Such an account, that elucidates the social barriers heaped upon a victim from all directions, raises the question: how many Dalit women who have experienced violence are prevented from accessing justice due to the sheer weight of social pressures that engulf them?

A vicious cycle ensues as impunity and social sanctions towards the perpetrators of violence against Dalit women become more the norm than the exception. Consequently, Dalit women become more vulnerable to violence and less empowered to seek justice.

### **Practical and Economic Challenges**

The socio-economic condition of Dalit women, aggravated by the intersectional discrimination they face, make them increasingly dependent on their husbands, families and communities, from where violence against them is ever more prevalent. The dependence on their husbands or families for support, food and travel costs, and the prejudices of the general community towards them, often make it impossible for them to obtain access to the formal justice system, especially if the nearest police station is far from their homes.

The research found that there were higher illiteracy rates and higher poverty levels for Dalit women than non-Dalit women and Dalit men. In Tamil Nadu for example, 70% of Dalit women do not own land, and so their social status is very low. Landlessness combined with dependence on wage labour results in higher poverty rates among Dalits. The poverty ratio among Dalits is very high, compared to non-Dalits, with 33%.<sup>36</sup> The percentage of Dalit households that have electricity is 30.9%, while 61.3% of non-Dalit households have electricity.<sup>37</sup> Additionally, 53% of Dalit women are illiterate in this region in comparison with 64.4% of non-Dalit women.<sup>38</sup> These factors compound to make access to justice almost a mere mirage.

Illiteracy, and the proportionally more severe lack of education suffered by Dalit women, puts them at a baseline disadvantage in any effort to approach or access formal justice systems. Stereotypes and discrimination make minority girls vulnerable to violence at school from those who are supposed to protect and educate them. In turn, such a climate encourages a vicious cycle of poverty and illiteracy that has clear impacts on Dalit women’s ability and confidence to seek access to justice and the formal legal system.

### **Specific Recommendations to the Committee based on lessons learned from the obstacles and barriers encountered by Dalit women in India at all stages of the justice system:**

- **Ensure** effective and consistent implementation of the existing legal framework in relation to all members of society. This necessitates that particular attention and research is undertaken to understand and expose how Dalit women experience the justice system and what practical prohibitive barriers they face.
- **Collect data** disaggregated by both gender AND caste (as well as other forms of marginalisation such as ethnicity and religion). This is critical to ensuring effective investigation into the reality of how Dalit women experience access to justice and to generating understanding about the particular situation of minority women.
- **Review** existing legislations to ensure that all forms of violations against Dalit women are addressed in their provisions and **amend or supplement** as necessary.

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<sup>35</sup> Ramsay, K. (2009) *op. cit.*, p. 72

<sup>36</sup> EVIDENCE (2011), *op. cit.*, p. 6

<sup>37</sup> EVIDENCE (2011), *op. cit.*, p. 7

<sup>38</sup> EVIDENCE (2011), *op. cit.*, p.7



- **Strengthen** monitoring and implementation processes and bodies, especially those which review the implementation of legislation in relation to Dalit women in particular.
- **Protect** the rights of Dalit women after the initial filing of a case; protection from pressures to drop their case from both within and outside their community is vital.
- **Limit** the granting of bail to persons accused of non-serious offenses, in order to protect Dalit women victims of more serious crimes from intimidation and harassment.
- **Establish support mechanisms** in all districts with the involvement of relevant agencies such as the police, medical department, local authorities, judiciary and Dalit rights NGOs, to facilitate Dalit women's access to justice, in particular to formal legal mechanisms.
- **Provide** safe houses for Dalit women victims of violence, where they can receive protection and care.
- **Ensure** that clear and accessible information is provided to Dalit women victims of violence about the various steps they will go through as they pursue their cases. Information should also be provided concerning complaints mechanisms, if they find cause to pursue a grievance against law enforcement personnel or judicial system staff.
- **Sensitise** law enforcement agencies and the judiciary about the importance of addressing the issue of caste and gender-based discrimination against Dalit women in accordance with national and international human rights laws.
- **Recruit and train** Dalit women law enforcement personnel and judicial system staff and ensure that Dalit women are adequately represented at all levels of the police and judiciary.
- **Investigate and penalise** officials who neglect their duty to protect the rights of the Dalit women; monitor the care and attention paid by law enforcement personnel and judicial system staff to cases concerning Dalit women victims of criminal offenses.
- **Investigate** thoroughly the underlying causes of the delays experienced by Dalit women at all stages of the justice system. Why are a vast majority of cases of violence in relation to Dalit women lingering in the justice system?
- **Work** with Dalit and non-Dalit community leaders, training and encouraging them to support Dalit women seeking justice.
- **Place** ourselves in the shoes of a Dalit woman who has experienced violence and discrimination and ask, what is the incentive to pursue justice through the formal system?