

Indigenous Peoples and the right to freedom of religion or belief

GA report of the Special Rapporteur on freedom of religion or belief – UNGA77

Contribution from the International Dalit Solidarity Network – IDSN

Q2.1) Are there laws, policies and practices that discriminate against indigenous peoples in enjoying their spiritual and religious traditions, customs and ceremonies, use and control of ceremonial objects including through repatriation, religious and cultural sites, contrary to a human right-based approach? They may include but are not limited to undue restrictions on the above; forced assimilation, forced conversion and forced removal of children; discriminatory and compulsory registration requirements; restrictions on the freedoms of association and movement; or restrictions on parents teaching their children. Are there reports of impunity for these practices?

Dalits, or ‘Scheduled Caste’ communities, and those who have experienced extreme social, educational and economic backwardness arising out of the traditional practice of untouchability, have protections under the national laws of the following countries. However, they continue to be blocked from enjoying spiritual and religious traditions, customs and ceremonies. Perpetrators often enjoy high rates of impunity due to fear of reporting, police discrimination or intimidation, police negligence and lack of resources to pursue a legal case.

Bangladesh

Most Dalits in Bangladesh today are part of the Hindu minority community, descendants of those brought to the region from India as menial servants to the British Colonial regime and those who chose to stay in the hope of escaping caste discrimination and ‘untouchability’ practices. The reality is that they are still considered ‘unclean’ in society and live separately in their own neighbourhoods. It is estimated that there are around 6.5 million Dalits in Bangladesh, and most are poor and have extremely limited access to education, employment, housing, health and public services. Despite the Constitution guaranteeing that equal status and equal rights are awarded in the practice of Hindu, Buddhist, Christian and other religions,¹ Dalits are regularly denied entry to the temples and religious activities of non-Dalits, as well as other public spaces.

Women and girls from the Dalit communities are especially vulnerable to violence, as they face the intersectional discrimination that comes from being positioned at the bottom of both the caste and gender hierarchies. It is considered almost legitimate to attack women from a

¹ Article 2A, <http://bdlaws.minlaw.gov.bd/act-367/section-24549.html>

religious minority, such as Dalits. Cases of rape or sexual assault often fail to reach a courtroom, either due to police negligence or threats by the perpetrators.

In October 2021, there were several attacks against the Hindu minority community, who was celebrating an annual festival, the Durga Puja. The attacks were in response to a video on social media that apparently showed the Qur'an being placed on the knee of a statue of the Hindu god Hanuman. 'These attacks are an inevitable result of nationalist and exclusionary rhetoric by politicians in Bangladesh and denial of the benefits of fostering religious and ethnic diversity in the country.'²

India

In India, Dalit communities have special protections under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The 1950 Constitution (Scheduled Castes) Order ensures Dalit communities can enjoy the rights protected under the Constitution of India. However, this legislation only covers Scheduled Caste Hindus, Sikhs and Buddhists, leaving out Dalits who converted to Islam or Christianity, despite evidence that they face similar hardships.³

Despite this legislation, Dalit Hindus are often refused entry into temples of worship and forced to watch religious ceremonies from a distance. If they are allowed access to the temple, they are forced to go through the back entrances. Even Dalits who hold positions in local politics, such as Congress leader and former Karnataka Deputy Chief Minister G. Parameshwara, are refused access to temples, and forced to perform the daily predawn worship ceremony, called *mangala-arati*, outside.⁴

Pakistan

Forced marriage

Despite being prohibited in Pakistan, women and girls are still subject to forced marriages and forced conversions. Forced conversions and forced marriages are an ongoing violation that perpetuates caste-based discrimination, violating not only the right to freedom of religion and conscience, but also the right to education, life, privacy, freedom of expression, sexual and reproductive rights and right to redress. Reports from IDSN's members state that girls and women from this community are kidnapped and subjugated to physical and emotional abuse involving threats of violence.⁵ Many of the victims are forced to convert under the guise of marriage of choice.⁶

² <https://minorityrights.org/2021/10/19/hindu-attacks-bangladesh/>

³ <https://scroll.in/article/970613/for-70-years-dalits-have-been-denied-freedom-of-religion-through-a-presidential-order>

⁴ <https://www.hindustantimes.com/cities/bengaluru-news/i-was-denied-entry-into-temple-for-being-dalit-cong-leader-parameshwara-alleges-101649997215484.html>

⁵ Scheduled Caste Children in Pakistan - Committee on the Rights of the Child (CRC) 72nd PSWG 5 - 9 October 2015 – [Pakistan Joint alternative NGO report](#), p. 9. See also: IDSN "[Dalit women in Pakistan](#)"

⁶ Alternative report CEDAW "[Scheduled Caste Women in Pakistan](#) - Denied a life in dignity and respect." para. 74.

Those disproportionately affected are those from Hindu and Christian minorities, who are often Dalits or Scheduled Caste. Scheduled caste Hindu girls are the most severely affected, due to their low social status and the impunity that perpetrators enjoy. It is estimated that every year around 1000 Dalit girls are kidnapped and forcibly converted.⁷ There are many obstacles to pursuing remedies, most of the crimes committed against Dalit women go unreported due to fear of reprisal or intimidation of the police, the inability of the Dalit community to pursue the lengthy process of court or pay bribes demanded by police to pursue the case. Occasionally the parents of girls who have been abducted are considered suspects and put under pressure by the police.

Sanitation work

In Pakistan, hiring staff for low grade jobs in sanitation work such as sweepers, *Jamandars*, *Khakroob* or *Sewer men* is based purely on religion. Government advertisements specifically mention that the role is “only for non-Muslims” when announcing such vacancies. The result is that sanitation work is largely carried out by Hindu Scheduled Castes and Christians, who are descendants of Dalit Hindus. After the huge outcry from minority right activists and written complaints sent to concerned departments regarding these biased job advertisements, some State institutions issued a ‘correction’ by removing the words ‘non-Muslim’, ‘Christian’, or ‘Hindus’ for these positions. Although the specific language has been removed, in practice only Dalit Hindus and Christians were being hired and several government departments continue to advertise for such low-grade posts.

In addition, it should be noted that in India and Bangladesh sanitation work is always a designated job for Dalits. In Bangladesh the areas in which Dalits live are known as ‘sweeper colonies’. In India, Dalits are routinely forced to enter the sewers to unblock drains a job without dignity, compounded by the complete lack of any protective equipment.

⁷ <https://appgfreedomofreligionorbelief.org/appg-for-the-pakistani-minorities-abductions-forced-conversions-and-forced-marriages-of-religious-minority-women-and-girls-in-pakistan/>