

International Dalit Solidarity Network with input from Center for Law and Justice on Pakistan

To inform the Special Rapporteur on toxics and human rights' 2024 thematic report on **Gender and Toxics** to the United Nations General Assembly

The International Dalit Solidarity Network (IDSN) was founded in March 2000 to advocate for Dalit human rights and to raise awareness of Dalit issues nationally and internationally. IDSN is a network of international human rights groups, development agencies, national Dalit solidarity networks from Europe, and national platforms in caste-affected countries.

The Center for Law and Justice (CLJ) is a minority women led organization based in Pakistan and dedicated to unceasingly advocating for the rights of underprivileged and marginalized communities. Through rigorous research, strategic litigation, and unwavering advocacy, they strive to secure the fundamental human rights of those often left on the fringes of society. CLJ is a member of IDSN.

This submission will focus on India and Pakistan's practice of manual scavenging, which is the removal of human excreta from dry latrines, railroad tracks and sewers by hand. This term can also be used to refer to the lowering of sanitation workers into sewers to manually remove blockages. This is a caste-based and hereditary occupation "reserved exclusively" for Dalits/Scheduled castes. It is among the worst forms of caste discrimination, trapping Dalits in conditions of modern slavery and making them targets for trafficking. This submission focuses on India and Pakistan; however, manual scavenging is practiced in other countries in South Asia where caste discrimination is prevalent. The practice can manifest in different ways, due to the specific circumstances of the country.

Are toxics and harmful substances harming the health and/or wellbeing of women, girls, men and boys and other people in gendered ways?

A report by the National Campaign for Dalit Human Rights published in 2022, estimated that in India 1.5 million people are still engaged in sanitation work. 98% of these workers are Dalits¹ and the majority are Dalit women, earning just one rupee a day. They come in contact with human excrement on a daily basis and are given little to no protection. Manual scavenging also involves cleaning up hospital toilets and hazardous medical waste, exposing Dalit women to a multitude of diseases. Dalit men are forced to take on deadly sanitation work, descending into blocked sewers with no protective equipment to unblock drains by hand.

In India, the Union Minister of State for Social Justice and Empowerment stated that only nine people died in sewers and septic tanks in 2023. However, Safai Karmachari Andolan

¹ https://www.ncdhr.org.in/wp-content/uploads/2023/07/India-Report_new-1.pdf

(SKA), an Indian NGO, has stated that 58 Dalits died during this time.² It is difficult to get an exact figure of the deaths caused by manual scavenging, but from January 2017 and September 2018, it is estimated that 123 persons died as result.³ As of 2022, India recognised only 58,098 manual scavengers for rehabilitation and compensation across the country. However, NGO groups estimate this number to be significantly higher and the survey undertaken by the Rehabilitation Research Initiative (RRI India) and South Asian Labour Network (SASLN), found that the number is increasing.

In Pakistan, the economic and cultural well-being of individuals engaged in high-risk occupations, such as sanitation work, is also profoundly affected. Sanitation work, often performed under hazardous conditions, poses serious health risks. Despite the involvement of both genders in this sector, men are predominantly subjected to these risks, often due to entrenched societal norms and structural violence. This is not only a health concern but also a matter of economic and cultural well-being, as the profession is not only poorly remunerated but also carries a cultural stigma, further marginalizing those who perform this essential service. CLJ's report "Shame and Stigma in Sanitation" underscores the need for systemic changes to address these challenges and improve the conditions for those in the sanitation sector.⁴

Examples of how governments have increased gendered harms of toxics and harmful substances by failing to meet their human rights obligations.

In India, the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act criminalised manual scavenging in 1993. The Act sought to redress the "historical injustice and indignity suffered by the manual scavengers".⁵ Despite these purported goals, the definition of manual scavenger severely curtailed the application of the law. Manual scavenging excluded work done on the streets, around hospitals and public toilets under urban public sectors. In addition, if safety equipment or cleaning devices are used while undertaking the work, it would not be classed as 'hazardous scavenging' which was outlawed. Much of this work is carried out by Dalit women – who face threefold discrimination, at the bottom of patriarchal, caste and economic structures. Many workers are sub-contracted through 'service providers' - private agencies, who give them little to no safety equipment and have complete control over their working conditions.⁶ These service providers keep the workers in cycles of debt, with little to no hope of escaping the profession.⁷

² <https://www.newsclick.in/govt-faces-accusations-fudging-data-sewer-and-septic-tank-deaths>

³ Follow-up report on the visit of the Special Rapporteur on the human rights to safe drinking water and sanitation to India, A/HRC/45/10/Add.2, pp. 11-12. (2020). Mr Heller also mentioned that on his country visit "I heard from several family members, during meetings in Delhi and Lucknow, a number of relatives (husbands, brothers, and sons) that died during the hard work of emptying latrines or cleaning sewer lines, without receiving adequate compensations from the State and having faced much difficulties in filing cases for compensation."

⁴ <https://cli.org.pk/wp-content/uploads/2023/08/Shame-and-Stigma-in-Sanitation-New-Edition-2021.pdf>

⁵ https://www.theindiaforum.in/forum/workers-left-out-law-end-manual-scavenging?utm_source=newsletter&utm_medium=organic&utm_campaign=newsletter

⁶ *Ibid.*

⁷ <https://thewire.in/rights/manual-scavenging-is-continuing-unabated-in-india-and-even-children-are-forced-into-it>

In 2013, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act was passed. The new legislation made penalties worse and obliged local authorities to provide sanitary latrines. Despite this expansion, the 2013 Act keeps the same definition as the 1993 Act, outlawing hazardous cleaning only when workers are not provided with protective gear. As there is no definition of protective gear, employers can just give their workers gloves to satisfy the requirement. In addition, the Act has been poorly implemented and no authority has been assigned the work of rehabilitating the manual scavengers.⁸

In Pakistan, there is a real need to end discriminatory employment practices that disproportionately assign non-Muslims to sanitation roles, that without adequate safety measures can lead to increased health risks. The lack of provision of necessary safety equipment, coupled with inadequate trainings, inadequate remuneration, no pension benefits and insufficient enforcement of social security entitlements, further compounds the vulnerability of these workers.

If and how gender creates greater exposure or vulnerability to toxics or harmful substances.

In India, Dalit women are often trapped in highly patriarchal societies and are forced into this labour by marriage into a so-called 'manual scavenging family'. The severe discrimination they face from being both a Dalit and a woman, makes them a key target of violence and systematically denies them choices and freedoms in all spheres of life. This intersection of gender and caste discrimination is the outcome of imbalanced social, economic and political power equations. The Dalit women who undertake manual scavenging are often trapped in this profession, and even with assistance, struggle to escape it due to a lack of alternatives.⁹

In Pakistan, gender can significantly influence the degree of exposure and vulnerability to toxic substances due to various societal and political factors. In many contexts, gendered norms and restrictions limit access to protective measures, information and education, which can exacerbate the risks associated with hazardous substances. For example, in Pakistan, societal expectations and structural inequities often result in men being compelled to undertake high-risk occupations such as sanitation work. The impact of such forced labor is profound, affecting not just the physical health of the workers through increased risk of diseases and accidents, but also their mental well-being and social status.¹⁰

⁸ <https://lawschoolpolicyreview.com/2020/04/13/manual-scavenging-an-endless-cycle-of-false-promises-failed-policies/>

The Special Rapporteur on Water and Sanitation visited India in 2017 and said in his end of mission statement that "Through the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013, the Government has made efforts to identify and rehabilitate manual scavengers into different occupations. Having done this exercise, it is widely believed that manual scavenging no longer exists." Despite this perception, manual scavenging is still extensively practiced in India.

⁹ <https://idsn.org/key-issues/dalit-women/>

¹⁰ <https://clj.org.pk/wp-content/uploads/2023/08/Shame-and-Stigma-in-Sanitation-New-Edition-2021.pdf>.

Is uncertainty about potential harms or a lack of information about the impacts of a particular industry or producer of toxics or harmful substances causing harms? If so, how?

In Pakistan, this uncertainty and a lack of information can cause significant harm. When industries or producers of harmful substances do not provide clear and accessible information about the risks associated with their products, it can lead to inadequate safety measures and exposure to dangerous chemicals. This lack of awareness can prevent individuals and communities from taking necessary precautions to protect their health and environment. The absence of information can also hinder the ability of workers and consumers to make informed decisions about the use and handling of these substances.

Is a lack of (scientific or community-created) information, generally and in specific locations, holding back progress in protecting people from gendered harms from toxics or harmful substances? If so, how?

In Pakistan, the absence of comprehensive research and data can significantly impede progress in safeguarding individuals from the gendered harms of toxic and harmful substances. In the context of sanitation work, the dearth of scientific and community-based studies limits our understanding of the full extent of the risks and challenges faced by workers. This lack of information hinders the development of effective policies and practices that could mitigate these risks. The research conducted by organizations such as the Center for Law and Justice, highlights the urgent need for more extensive studies. The report “Shame and Stigma in Sanitation: Competing Faiths, and Compromised Dignity, Safety, and Employment Security of Sanitation Workers in Pakistan”¹¹ is a valuable contribution to this field. However, with only one prior research report from 2008 addressing the lives and challenges of sanitation workers, more work is needed. To make meaningful progress, it is essential to conduct further research that can inform policy makers and the community about the realities of sanitation work. This research should aim to provide a deeper understanding of the occupational hazards, social stigma and economic insecurities faced by sanitation workers, and offer evidence-based recommendations for improving their working conditions and health outcomes.¹²

Are there examples of how the status of individuals of particular assigned or identified gender intersect with other factors such as income, race, caste... may make them more vulnerable to toxics and harmful substances?

Due to the informal nature of manual scavenging and sanitation work in India, it is difficult to get exact numbers, however it is estimated that nearly 95% men and 99% women scavengers engaged in this occupation are Dalit.¹³ Any managerial or higher-level positions are often held by people from the ‘dominant’ castes. Dalit manual scavengers are rarely able to take up another occupation due to discrimination related to their caste and occupational status. They are paid less than minimum wages and are often forced to borrow money from dominant

¹¹ Aqeel & Gill, 2021

¹² <https://clj.org.pk/wp-content/uploads/2023/08/Shame-and-Stigma-in-Sanitation-New-Edition-2021.pdf>.

¹³ https://www.theindiaforum.in/forum/workers-left-out-law-end-manual-scavenging?utm_source=newsletter&utm_medium=organic&utm_campaign=newsletter

caste individuals to survive, maintaining the relationship of bondage.¹⁴ In addition, according to the RRI India and SASLN survey, over 3,189 women working as manual scavengers have reported violence, beatings and rape threats. Around 260 women stated that they were raped or molested by service providers.¹⁵ People who have left manual scavenging, even those who had the support of community-based civil society initiatives, report significant barriers to accessing housing, employment and support from existing government programmes. Under the 2013 Act, rehabilitation provisions are left to be implemented under existing central and state government schemes – but they have been ineffective.

In Pakistan, Christian and Hindu minorities who are already vulnerable, are targeted for hazardous work, such as sanitation work, and not provided any safety equipment. On March 17, 2024, in Faisalabad, Punjab two Christian men died from inhaling the poisonous gas while cleaning a sewer near a market.¹⁶

Is the climate crisis worsening gendered harms from toxics and harmful substances? If so, how?

In India, manual scavengers are encountering life-threatening heat strokes on account of rising heat levels, worsening long-term health conditions and fatal accidents.¹⁷ In addition, as climate change makes rainfall more uncertain and temperatures soar, Dalit women will have to walk longer distances in worsening conditions to gather water.¹⁸

Is industry action, such as advertising campaigns, lobbying, or corruption worsening gendered harms from toxics and harmful substances? If so, how?

In Pakistan, industry actions, including advertising campaigns, lobbying and corruption, exacerbate gendered harms from toxic and harmful substances. These practices can lead to situations where sanitation workers, often already vulnerable, are subjected to unfair labour practices. For example, when organizations send sanitation workers to companies that pay them less than their due remuneration and/or assign them work without their consent, it not only violates their rights but also exposes them to harmful substances without proper compensation or the ability to refuse unsafe conditions. This undermines the efforts to protect workers from the risks associated with their jobs and can perpetuate a cycle of poverty and health issues.

¹⁴ <https://idsn.org/key-issues/manual-scavenging/>

¹⁵ <https://thewire.in/rights/manual-scavenging-is-continuing-unabated-in-india-and-even-children-are-forced-into-it>

¹⁶ <https://twitter.com/atullthakur/status/1771191765422231851?s=43&t=TB4wa9EoHAuXiti4zqgHQA>

¹⁷ <https://article-14.com/post/as-temperatures-rise-men-descending-into-hot-noxious-sewers-are-in-greater-danger-than-ever-630ebc8720968>

¹⁸ <https://www.article-14.com/post/-climate-change-makes-the-hard-life-of-india-s-invisible-women-farmers-harder--61f0c2328a5be>

Examples of how community-based organizations or solidarity movements have successfully worked to reduce gendered harms from toxics or harmful substances.

In India, several national and international campaigns have been launched to eliminate manual scavenging. In 2007, the 'Liberation movement of those employed as scavengers' ([Safari Karamchari Andolan-SKA](#)) launched an international campaign – 'Action 2010' demanding an end to manual scavenging by the October 2010 Commonwealth Games, in Delhi.

The same year, the International Labour Organisation (ILO) Committee of Experts urged the Government of India to, "take decisive action to eradicate manual scavenging and to report on nation and state-wide action taken to put an end to this practice and on the progress made in the identification, liberation and rehabilitation of scavengers."

DSN-UK's FOUL PLAY campaign was launched in solidarity with the SKA and made several recommendations to the Indian and the UK Governments, as well as the Commonwealth Secretariat which they were expected to fulfil before hosting the 2010 games. DSN-UK supported SKA in its demands including the release of over Rs. 800 crores for the rehabilitation of Manual Scavengers.

Rashtriya Garima Abhiyan – Jan Sahas is a national level movement which works for the total eradication of manual scavenging and the empowerment of Dalits and other vulnerable section of society. It is a partner of the ILO in India.¹⁹

The living and working conditions of sanitation workers and manual scavengers are being taken up by more research, policy and best practice agendas. In 2021, links between caste and hazardous forms of sanitation work were highlighted by speakers at the Sanitation Workers Forum. Participants urged that immediate steps are taken to ensure the safety and dignity of millions of sanitation workers worldwide – and ensure social protections. However, despite this recognition, dangerous and demeaning types of sanitation work continue to be practiced.²⁰

Sweepers Are Superheroes is Pakistan's first ever digital advocacy campaign started in 2019 by Mary James Gill, Executive Director of Center for Law & Justice (CLJ), to outline horrific attitudes and working conditions of sanitation workers with the prime objective of bringing dignity, safety, and social protection to the sanitation workforce in Pakistan. Through the strategic use of social media, CLJ has succeeded in shedding light on the significant challenges sanitation workers face. Their efforts have gained international recognition, with major media outlets like the New York Times, BBC Urdu, Al-Jazeera, and DW Urdu covering their work. Notably, the cause has received endorsements from respected organizations such as UN-water, USAID water, WaterAid international, and End Water Poverty.

¹⁹ <https://idsn.org/key-issues/manual-scavenging/>

²⁰ <https://idsn.org/bhim-yatra-gives-hope-manual-scavengers/>

Examples of how governments have addressed gendered harms of toxics and harmful substances, through regulations, training of medical and/or other public health practitioners or grantmaking, for example.

As stated earlier in this submission – in India, the 2013 Prohibition of Employment as Manual Scavengers and their Rehabilitation Act was passed to focus on rehabilitation. However, the Act itself is not gender sensitive, despite the prevalence of Dalit women as manual scavengers.^{21 22}

²¹ <https://lawschoolpolicyreview.com/2020/04/13/manual-scavenging-an-endless-cycle-of-false-promises-failed-policies/>

²² “From a human rights perspective, whether individuals are engaged in manual cleaning of open pits, septic tanks or sewer lines, with or without protective gear, in direct contact with excreta—as per the definition in the Act— is not a relevant factor to ascertaining that manual scavenging is a caste-based discrimination.” Special Rapporteur on Water and Sanitation 2017 country visit to India [end of mission statement](#).