

41st UPR Pre Session - India

By Dalit Human Rights Defenders Network (DHRDNet) – India

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Crimes against Scheduled Castes and Scheduled Tribes - Facts:

- In 2020, Crimes against Scheduled Castes rose by 9.4% and against Scheduled Tribes rose by 9.3%, compared to 2019.
- Average conviction was 34.68 percent and average acquittal remained at 65.32 percent.
- 13 out of 36 states and Union Territories have set up (170) Exclusive Special Courts.
- 10 of the 35 States/UTs have identified atrocity prone districts.

Atrocities on Scheduled Castes and Scheduled Tribes - Facts:

- Important amendments in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act
- National Helpline Against Atrocities (NHAA) launched on 13th Dec 2021
- Substantial Increase in the compensation amount to the victims under the Act.

Atrocities on Scheduled Castes and Scheduled Tribes - Recommendations:

- Develop and implement a National Action Plan aiming to eliminate all forms of discrimination against Scheduled Castes and Scheduled Tribes
- Integrate human rights education and training at all levels, prioritising the implementation of the recommendations of UN Treaty Bodies and Special Rapporteurs
- Ensure active coordination of concerned ministries, National and State institutions, and CSOs for effective monitoring of the Act

Sexual Violence against Scheduled Castes and Scheduled Tribes women and girls – Facts:

- In 2019, there were 3486 cases of rape registered against women and girls from the Scheduled Castes and 1,137 cases of rape against women and girls from the Scheduled Tribes.
- Data from the National Family Health Survey shows that Scheduled Castes and Scheduled Tribes face the highest rates of sexual violence in the country.

Sexual Violence against Scheduled Castes and Scheduled Tribes women and girls – Facts:

- In 2020, the conviction rate in rape cases against Scheduled Caste women and girls was 42.5%. It was the highest conviction rate recorded in the last five years.
- The Criminal Law (Amendment) Act, 2018 increased the quantum of punishment for rape from 7 to 10 years.
- A prison sentence of 20 years to life or death sentence, for the rape of a girl under 12 years while perpetrators involved in the gang rape of a girl below 12 years of age will get life imprisonment or death.

Sexual Violence against Scheduled Castes and Scheduled Tribes women and girls - Recommendations

- Undertake police reforms to ensure sensitivity and prompt action in cases of sexual violence on Scheduled Caste /Scheduled Tribe women
- Correlate the data to map out violence prone areas and build a comprehensive system for prevention and assistance to victims and survivors
- Grant powers to relevant national human rights institutions to enable them to make legally binding recommendations
- Establish an independent complaints and monitoring mechanism to redress the discrimination and violence inflicted against Scheduled Caste /Scheduled Tribe women
- Ensure full and strict implementation of the Scheduled Castes and & Scheduled Tribes (Prevention of Atrocities). Act with timely investigation and disposal of cases

Practice of Manual Scavenging - Status

- Manual scavenging is banned in India, under the Prohibition of employment of Manual Scavengers and their Rehabilitation Act, 2013
- On July 26, 2022, the Union government stated in the lower house that 347 sanitation workers died between 2017 -2021, while cleaning sewers and septic tanks
- The Government of India has identified 58,098 manual scavengers in the last three years

Practice of Manual Scavenging – Recommendations

- Undertake a detailed survey and release a white paper on the status of the sewage worker's death
- Based on the survey findings ensure effective legal action and adequate compensation is provided to the families of the deceased.
- Develop and adopt sewage workers policy guidelines and regulations to safe-guard the health, safety and dignity of sewage workers.