

STATEMENT
UPR PRE-session on India
Geneva, 29th August 2022
Delivered by: Dalit Human Rights Defenders Network (DHRDNet)

1. Presentation of the Organisation

This statement is delivered on behalf of Dalit Human Rights Defenders Network (DHRDNet) is a coalition of defenders from Scheduled Castes across India. The main objective of the network is to combat human rights violations against Scheduled Castes in India and to ensure that anti-discrimination mechanisms are properly and thoroughly implemented.

2. Plan of the Statement

The **Scheduled Castes**^[2] (SCs) and **Scheduled Tribes** (STs) are officially designated groups of people and among the most disadvantaged socio-economic groups in India. The terms are recognized in the Constitution of India. This statement addresses the following issues: (1) Crimes against Scheduled Castes and Scheduled Tribes (2) Sexual Violence against Scheduled Castes and Scheduled Tribes women and girls (3) Practice of manual scavenging.

3. Statement:

In 2017, 112 member states made a total of 250 recommendations of which the Indian government accepted 152. Out of these 15 recommendations were specific to the promotion and protection of rights of the rights of Scheduled Castes and Scheduled Tribes. 11 recommendations were accepted and 4 recommendations were noted by the government of India.

i. Crimes against Scheduled Castes and Scheduled Tribes

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been a very important law in protection of rights of the two communities. However, there are certain facts that need to be presented:

A. Facts:

According to the national crime records bureau data, there have been an increase in the caste atrocities between 2017-2020. The average conviction rate was 34.68 percent and average acquittal remained at 65.32 percent. Only 13 out of 36 states and Union territories have set up (170) exclusive special courts for speedy trial in atrocity cases. Only 10 of the 35 States/UTs have identified atrocity prone districts.

There have been some positive measures undertaken by the Government of India with important amendments in the Prevention of Atrocities Act from 2015 to 2018. For effective implementation of the Prevention of Atrocities Act, the Government of India has set up a national helpline against Atrocities (NHAA) which was launched on 13th December 2021. And there has been substantial increase in the compensation amount to the victims under the Act.

B. Recommendations:

We therefore urge that atrocities on Scheduled Castes and Scheduled Tribes is made a prominent issue in the upcoming UPR and we therefore recommend the Government of India:

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

ii. Sexual Violence against Scheduled Castes and Scheduled Tribes women and girls

Sexual violence against Scheduled Castes and Scheduled Tribes women and girls has been increasing despite an effective law to protect them. We present important facts relating to this:

A. Facts:

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 in 2019. However, most cases are unreported. Data from the National Family Health Survey shows that these communities face the highest rates of sexual violence in the country.

In 2020, the conviction rate in rape cases against Scheduled Caste women and girls was 42.5%. which is an improvement over the 32.2% conviction rate in 2019 and was the highest conviction rate recorded in the last five years.

The Criminal Law (Amendment) Act, 2018 was enacted which has increased the quantum of punishment for rape from 7 to 10 years. The amendments also prescribe 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.

B. Recommendations:

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

iii. Practice of Manual Scavenging:

Manual Scavenging is banned in India, under the Prohibition of employment of Manual Scavengers and their Rehabilitation Act, 2013, which gives effective remedy to the age-old caste-based practice. We present certain facts related to this:

A. Facts:

- a. On July 26, 2022, the Union government reported in the lower house that 347 sanitation workers died between 2017 -2021, while cleaning sewers and septic tanks
- b. The Government of India has identified 58,098 manual scavengers in the last three years.

B. Recommendations:

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