



# Dalit Women in South Asia: Access to Economic Rights

Focus on Land, Higher Education and Employable Skills for Livelihood



MAP NOT TO SCALE



Asia Dalit Rights Forum



Feminist Dalit Organization (FEDO)  
*For a just and equitable society*



FUND FOR GENDER EQUALITY

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# **Dalit Women in South Asia: Access to Economic Rights**

**Focus on Land, Higher  
Education and  
Employable Skills  
for Livelihood**





# Preface

*“I strongly believe in the movements run by women. If they are truly taken in to confidence, they may change the present picture of society which is very miserable. In the past, they have played a significant role in improving the condition of weaker sections and classes.”*

– Dr BR Ambedkar

It gives me great pleasure to present the study on *“Dalit Women in South Asia: Access to Economic Rights- Focus on Land, Higher Education and Employable Skills for Livelihood”*:

The problem of triple exclusion of Dalit Women has driven **Asia Dalit Rights Forum** to explore community based measures which will inform policy and policy makers and executive authorities as well as gender and Dalit movements across South Asia. South Asia as a sub-continent has a similar stream of issues as far as Dalit Women are concerned despite the varying systems that are peculiar to each country. Dalit women do not enjoy equitable access to resources. She is oftentimes overburdened not only by her caste location but also class and gender leading to multiple levels of discrimination. There have been concerted efforts across the 5 countries in the region to work towards a more equitable and economically viable model to ensure development of Dalit women.

Issues of Caste and Gender and their intersectionality plague all the countries in the sub-continent. However there are uneven policies across the countries as well as the region and they do not sufficiently address the issues of Dalit women. Given the prevalence of caste and its implications on the economic rights of communities where the women are placed at the bottom of the caste hierarchy, it is imperative to look at the policies that have affected the voice of the Dalit women at both the Dalit civil society as well as the gender civil society causing stifling of the not only the voice but their enjoyment of rights.

In the current scenario, there is an urgent need to remove the myths and misconceptions around Dalit women and to visibilise our concerns and demands to ensure our voice is heard. We need to empower ourselves and protect and strengthen our stake both in the society as well in the articulation of our future.

This study attempts to draw attention to the current existing policies on land, higher education and skill development for employment. The study is carried out in 4 south Asian countries of Bangladesh, India, Nepal and Sri Lanka. We have under taken this study to create an evidence base on the existing gaps in policy and budgetary frameworks on Dalit women’s economic rights at the regional and national level. After examining the gaps we have drafted recommendations to existing policies in India and Nepal. We have also made suggestions on new policies in Bangladesh and Sri Lanka which do not have specific policies with regard to the three thematic areas of land, higher education and skill development of Dalit women. The study tried to reach out and build an evidence base on policy and budgetary gaps on Dalit women’s economic rights within regional and national frameworks.

The recommendations we hope will be useful to the policy makers as well as Dalit women networks on the one hand also the regional networks of Dalit and women’s networks at SAARC. The evidence base will be used to build consensus of multiple stakeholders, including Dalit and women parliamentarians, Dalit women and men, Dalit groups and international and national solidarity networks and stakeholders on existing gaps and the need to address these in South Asia through a regional mechanism, and also nationally within policy and budgetary frameworks.

Whilst the South Asian Association for Regional Cooperation (SAARC) is currently at an emerging level it could be an opportune time to seek regional recognition, support and consensus to enhance Dalit women’s economic rights.

I believe that women have the power to challenge and change the structures of power and their own Economic Status and the communities they live in; but the systems need to take this into consideration and ensure mechanisms are in place to address the gaps and hope that these recommendations will be considered by the policy makers.

I would like to say that this study would not have been possible without the mentoring and advice of Aloysius Irudayam, the constant support and visioning of Paul Divakar, the research team of Deepak Nikarthil, Eva Buzo, Afsana Amin, RenuSijapathi and LogeswariPonniah who have

tirelessly worked and contributed to this research. Finally I would like to thank and acknowledge the research support team Suhela Khan, Nishtha Satyam, Awotash Tefera and Caroline Horekens at the UN Women. Their constant encouragement and support helped the study to sharpen the focus. Needless to say that this study would not have come out without the Fund for Gender Equality of UN Women.

I place before you that economic empowerment is a dream being chased by several Dalit women

and this report is dedicated to their strength and ability to sustain the fight despite the multiple challenges they face. I hope that development moves from notional to real for the Dalit women in the near future!

**Beena Pallical**

Executive Director

*Asia Dalit Women's Economic Empowerment  
Program*





“

I measure the progress of a community by the degree of progress which women have achieved

”

– Dr. B.R. Ambedkar



# Table of Contents

<b>CHAPTER 1: INTRODUCTION</b>	<b>7</b>
<b>CHAPTER 2: LITERATURE REVIEW</b>	<b>8</b>
Dalits	
Women in South Asia	
Land rights	
Access to higher education	
Access to employable skills for livelihood	
<b>CHAPTER 3: CONCEPTUAL FRAMEWORK</b>	<b>15</b>
Dalit women	
Economic rights	
Land rights	
Access to higher education	
Access to employable skills for livelihood	
<b>CHAPTER 4: INTERNATIONAL LEGAL STANDARDS</b>	<b>18</b>
Access to land rights	
Access to higher education	
Access to employable skills for livelihood	
<b>CHAPTER 5: METHODOLOGY</b>	<b>24</b>
Introduction	
Law and policy analysis	
Primary data collection	
<b>CHAPTER 6: FINDINGS</b>	<b>25</b>
Higher education	
Poverty	
Land rights	
Claims to land	
Employable skills for livelihood	
Cultural norms	
Social exclusion	
<b>CHAPTER 7: ANALYSIS</b>	<b>31</b>
Higher education	
Land rights	
Employable skills for livelihood	
<b>CHAPTER 8: RECOMMENDATIONS</b>	<b>35</b>
General recommendations	
Land rights	
Higher education	
<b>APPENDICES</b>	<b>37</b>
India	
Nepal	
Bangladesh	
Sri lanka	
Interview guide for key informants	
General questions	
Access to higher education	
Employable skills for livelihood	
Question guide for dalit women	
Access to higher education	
Employable skills for livelihood training	
<b>REFERENCE LIST</b>	<b>40</b>



**Dalit Women  
in South Asia:**  
Access to  
Economic Rights

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# 1. Introduction

In an era of UN Sustainable Development Goals (SDG) which focuses on the larger theme of inclusive and effective development reaching the last person in the line first is paramount. This resonates with Dalits, a community which has faced discrimination and exclusion for generations, and those who are also Discriminated based on Work and Descent (DWD) and Caste. According to draft principles and guidelines on the elimination of DWD, such discrimination amounts to:

*“... [A]ny distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life. This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability, and is deeply rooted in societies and cultures where this discrimination is practiced.”*

Dalit women are amongst the world's most marginalised groups, who are at the epicenter of intersecting forms of discrimination based on gender, class, caste and race. The result is severe social, political and economic exclusion. When people are given access to quality education, land and favourably remunerated employment—the bedrock of economic rights they are able to participate and flourish in their communities. This is also echoed in SDG Goal 5: Achieving gender equality and empower all women and girls, which provides a framework for reaching excluded populations. Sadly, for the 120 million Dalit

women across South Asia these rights are rarely ever realized and as a group they face intense insecurity and remain disenfranchised. It is for this reason that the current research focuses on the economic rights of Dalit women.

Intersectional discrimination is paramount to understanding the experience of Dalit women and the realization of their rights. When policies are implemented for women, Dalit women face the limitations imposed upon them by their caste. When policies are directed toward Dalits, Dalit women will face the limitations imposed by their gender. Not recognising the multiple forms of discrimination faced by Dalit women fails to acknowledge the barriers Dalit women are confronted with, which their counterparts do not experience when accessing the same services. Intersectional discrimination demands that Dalit women be recognized as a particular social group requiring special status with policies tapered to their specific needs.

Economic rights are a central area where Dalit women have been neglected. While throughout South Asia significant strides have been made to eliminate poverty, the benefits of development remain out of reach for Dalit women. General efforts in the region to address economic rights have produced an environment where Dalit women are still less likely to finish secondary school, own land and be engaged in income generation activities that allow them to live above the poverty line. These conditions call for an investigation into the economic rights of Dalit women.

The study will focus on three key areas of women's economic empowerment: (i). access to higher education; (ii). access to employment skills for livelihood; and (iii). access to land rights. The study will review government policies that aim to address these economic rights for Dalit women in South Asia. The research will then investigate the access to these policies for Dalit women, how these policies have been implemented and what impact they have had on the lives of Dalit women.





## 2. Literature Review

### DALITS

#### Historical Origins of the Caste System

The term 'Dalit' represents the collective of people that are labeled lower caste, or what was formerly known as the 'untouchable' caste. The idea of 'untouchability' comes from the members of the lowest caste being restricted to types of work believed to be unclean and the belief that caste members were permanently and hereditarily defiled (Mendelsohn and Vicziany, 1998, IDSN, 2010). As described by Goonesekere 'in the mind of the upper castes untouchables are polluted by their work and polluting to others by contact which must therefore be avoided at all costs' (Goonesekere, 2001). The impacts of these conditions are legally conceptualized through the term 'work and descent-based discrimination'.

The caste system is the graded-system of hierarchy rooted within Hinduism. It would be a gross under-representation of the reality of caste system to understand it through the lens of religion only. The caste systems has also seeped deep into the sociological structures of society and consequently of other religious communities found in South Asia. Dalits can also be found in Christian, Muslim and Buddhist communities. Jodhka and Shah write:

*While caste indeed has a religious dimension and it finds legitimacy in religious texts of the Hindus, it is also a socio-economic system which shaped local economies, social and cultural entitlements and political regimes. In other words, caste was much more than an ideological system (Jodhka and Shah, 2010).*

Nevertheless, there is an intrinsic relationship between caste and religion. The caste system finds articulation and rooting within Hinduism. Hinduism as a concept was founded only in recent history. The term *Hindu*, however, is an ancient word, deriving from *Sindhu*, the river Indus. The Hindu religion as we understand it today finds roots in the *Vedas* (Omvedt 2011, 1)<sup>1</sup>. *Vedas* are the poems of the *Aryans*, whose invasion into the sub-continent took place many centuries ago (Omvedt 2011, 2)<sup>2</sup>. Over the course of history there was an assimilation of the *Aryans* with the native community, and acculturation of religion, culture and customs (Omvedt 2011, 2)<sup>3</sup>.

Hinduism as we understand it today is a result of consolidation of diversity within the Indian sub-continent through the absorbing of indigenous traditions. Often this was done through violence confrontation but gained a socio-political-economic hegemony over the people and region (Omvedt 2011, 2)<sup>4</sup>.

Based on this codification, the caste system emerged as a social philosophy governing societal relations. The system can broadly be said to have six major characteristics, however these do vary regionally--

**Strict segmentation of society**, with the various groups being rigidly defined and membership of them determined by birth. The *Purusukta* hymn of *Rig Veda* that is dedicated to the cosmic being, defines the classification of society into four sections/ segments. Each of these segments comes from four different parts of the body reflecting the caste occupation. The *Brahmana* is said to come from the head, the carrier of knowledge; the *Kshatriya* is said to come from the arms and hence said to be the warriors. The *Vaishya* come from the legs and form merchant and worker caste. The *Shudra* come from the feet and perform manual work.

i. It is only with codification of *Manusmriti* that the system became rigid. Membership was determined by birth and each caste was assigned an occupation.

**Hierarchical system** that defines a ranking place for all of the castes with *Brahmana* at the top and the *Dalits* at the bottom. Principles of purity-pollution govern the relations between the different castes. With every successive caste finding stricter rules to interact with the caste above, including, governing their access and enjoyment of resources and rights.

**Limited choice of occupation**, which is enforced within a caste as well as by other castes. A caste might follow more than one traditional occupation but its members would nonetheless be constrained to that named range. These occupations are linked to the caste one is born in and determined by principles of purity-pollution.

**Endogamy** as a practice and principle that closes a caste group. Endogamy provides the frame that governs marital and property relations (since property is linked to marriage in most cases) within a caste. Endogamy encircles a group within which a group can marry. The general practice of **endogamy**, although in some situations **hypergamy** (= the act or practice of

“marrying” someone who is wealthier or of higher caste or social status than oneself) is acceptable. *Endogamy* applies to the various sub-groups within a caste itself, preventing marriage between the sub-groups and sometimes imposing an additional geographical constraint, that one can only marry a person from the same *gotraand/* or the same place.

**Restrictions on commensality and social interactions** are the other ways of keeping groups separate and distinct. These rules define who can consume what and accept from whom within the caste structure. As with marriage arrangements, these restrictions apply at sub-caste level, not merely at the caste level.

**Physical segregation**—this social segregation translates into special segregation. For example, in villages, different caste groups will be located in different areas of the village. The lower caste live away from the community well and village temple while the *Brahmana* caste live close to them. This is accompanied by limitations on movement and access, including to religious and educational areas and to basic facilities such as supplies of water. Again, this segregation applies at sub-caste level as well as at the higher level

Caste and varna are often conflated together. *Varna* is the social organisation of society into the four-fold classes mentioned above. The age-old varna system which was based on division of labour, was transformed into a more serious *Jati* system. The *Jati* system is a hereditary system where a person is expected to do the same job as that of his ancestors or the family he is born into. This system limits any personal growth of the person or community because it discourages social mobility. With over 5,000 castes in India today, this *jati* system was incorporated from the varna system. This view of caste, was based on the placing of individuals in Hindu society according to their labelled worth. It is based on the relation of master class and servant class. The principle underlying caste is fundamentally different from that of *Varna*. The penal system that maintains the varna system results in the creation of sub-castes. The systems of sanctions in the face of transgression results in the formation of newer castes (Ambedkar, *Annihilation of Caste* 1979)<sup>5</sup>.

Caste is the social system with graded structure of social groups positioned one above the other in a hierarchical manner. The graded division of these groups is based on birth linked with their traditional occupation and their exclusion from each other is determined by the purity-impurity polarity, some considered as pure while others as impure in proportion to their proximity to the deity worshipped and in relation to the purity or impurity of their traditional occupations (Omvedt 2011, 1)<sup>6</sup>.

Untouchables in the caste structure of hierarchy fall outside the Hindu fold. They fall outside the caste system, i.e. even below the non-Brahman *Shudras*. The principles of purity and pollution holds govern in the social interaction of these groups, who are relegated to perform menial jobs. The form of history that emerged in the colonial period had a disastrous effect on lower castes. ‘Untouchables’ emerged as a subject of legal exception in the process of law-making.

## MODERN IMPLICATIONS OF THE CASTE SYSTEM

The Caste system and untouchability has seriously affected the social status of Dalits within South Asian societies, which has spilled over into the socio-economic conditions of Dalits, resulting in their vulnerability and marginalisation. The multitude of religious and social contexts in which Dalits exist makes viewing Dalits as a single, cohesive groups sociologically problematic, which conflicts existing within the Dalit communities based on occupational hierarchies (Clifford, 2007). It is for these reasons it is necessary to identify the variables that exist within different Dalit communities, or groups that experience work and descent based discrimination.

To further explore the conceptual framework of the term ‘Dalit’ it is useful to examine the characteristics of the different communities across South Asia that consider themselves, or are seen as Dalits. Within South Asia, the term ‘Dalit’ is not used consistently, nor is the parameters and characteristics static which define them. As Jodhka and Shah write:

Even when meanings of untouchability or even its sources (religion or tradition) vary across regions, as also its forms, from physical touch and residential segregation to taboos and restrictions on inter-dining, physical movement or pursuing occupations of one’s choice, its effects on those placed at the bottom are quite similar, viz. economic deprivation, discrimination and a life full of humiliation (Jodhka and Shah, 2010).

As predominantly Hindu nations, both India and Nepal have recognized the caste systems. Although ‘untouchability’ has been outlawed in India since 1947, the caste system remains a prevalent part of the social structure. In India

1 Omvedt, Gail. *Understanding Caste: From Buddha to Ambedkar and Beyond*. Delhi: Orient Blackswan Private Limited, 2011.

2 Ibid

3 Ibid

4 Ibid

5 Ambedkar, Dr. B.R. *Annihilation of Caste*. Vol. 1, in *Dr. Babasaheb Ambedkar: Writing and Speeches*, Bombay: Government of Maharashtra, 1979.

6 Omvedt, Gail. *Understanding Caste: From Buddha to Ambedkar and Beyond*. Delhi: Orient Blackswan Private Limited, 2011.

Dalits are legally recognized as group with the nomenclature Scheduled Caste (SC). In Nepal the term Dalit is used for official and legal purposes, such as in the Constitution.

In Sri Lanka the caste system is a less influential social structure but it remains within the Indian Tamil population, the Sri Lankan Tamil population and to a lesser extent the Sinhalese-Buddhist population and is largely detached from religion (International Dalit Solidarity Network (IDSN), 2008). Research from the IDSN indicates that between 20 and 30 per cent of the Sri Lanka population are people of “lower caste” (IDSN, 2008).<sup>7</sup> The discrimination experienced by “lower caste” members in Sri Lanka includes exclusion from particular buildings and religious sites, decent and/or work based discrimination and ‘inheriting’ jobs considered unclean, such as, cleaning toilets or garbage collection.

The political systems of South Asia have segregated the Dalit community either by not recognizing it as a specific community or by adopting a *lassiez-faire* attitude toward the socio-economic development of the community.

Caste-based discrimination and its impact on human rights have been legally recognized by the United Nations Human Rights Council (UNHRC) as ‘discrimination based on work and descent’ (DWD). The legal recognition is driven by the type of discrimination faced by the group members. After appointing two Special Rapporteurs to investigate the prevalence of global DWD, the following definition was included in the report:

Discrimination based on work and descent is any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community, or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life. This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability, and is deeply rooted in societies and cultures where this discrimination is practiced (Yokota and Chung, 2009).

DWD is recognized as a form of discrimination prohibited by international human rights law including the International Convention on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The discrimination can take the form of restricting access to public places, religious

locations, streets, eating places, educational institutions, forced segregation in villages, denial of land rights, low wages for manual work, denial of access to healthcare and education (Goonesekere, 2001).

Economic subjugation can take the form of being limited to only low-paying jobs, denial of access to education and skills training to allow for increased employment opportunities and denial of access to land ownership or use. The outcome of this subjugation has been severe economic oppression for Dalits, typically resulting in Dalit communities suffering from extreme levels of poverty (Goonesekere, 2001, Jodhka and Shah, 2010). It is for this reason that economic rights are a pivotal tool in alleviating the poverty and oppression experienced by Dalits.

## WOMEN IN SOUTH ASIA

As a group, Dalit women face multiple forms of discrimination, known as intersectional discrimination. Stewart notes that women in deprived groups typically form the most deprived category (Stewart, 2014) demonstrating the need to focus on the intersecting identities of Dalit women. Dalit women are subjected to intersectional discrimination, both DWD and discrimination based on their gender, as well as class. For example, in Marthuvapuram Dalitawada, India, it was found that the Dalit agricultural workers were earning less than the legislated minimum wage of Rs. 60 per day. and Dalit women were earning Rs. 25 per day compared to Rs. 30 per day for Dalit men (Rajani, 2009). Furthermore, Dalit women are at high risk of gender-based violence including trafficking, forced sex work, sexual and physical violence, rape, mutilation and murder (Goonesekere, 2001). Thus, gender is central to the conceptual framework of the current research.

The term ‘gender’ as will be used here refers to the social identity and relations that emanate from beliefs surrounding what constitutes a man and what constitutes a woman. The term ‘gender relations’ is intended to refer to the relations of power between men and women which operate through a range of practices, ideas, and representations (Agarwal, 1994). The patriarchal attitudes that dominate South Asia mean that these power relations between men and women often results in the subjugation of women (Dunn, 1993, Jayasuriya et al., 2011, Agarwal, 1994). As Guhathakurta describes, patriarchal structures and ideology in Bangladesh have

<sup>7</sup> The term Dalit is not used in Sri Lanka with the term “lower caste” being a preferred, but problematic term

created conditions that promote male privilege in social institutions (Guhathakurta, 2004). The subjugation of women can result in an array of political, social or economic oppression: high rates of sexual and physical violence, murder, trafficking, denial of access to education or health care, forced or early marriage, attempts to exert control over women's bodies and reproductive capacities, denial of land rights, limited or no political representation, and restrictions to women's involvement in public life. Economic unfreedom can breed social unfreedom, just as social or political unfreedom can also foster economic unfreedom (Sen, 1999).

The subjugation faced by Dalit women is triple if not manifold to that experienced by Dalit men and other women. The caste status further segregates them to the lowest position within the social hierarchy. The intersection of caste, class and gender identities has resulted in Dalit women facing a disproportionate burden of discrimination and violence in Bangladesh, India and Nepal (Pal, 2015). Violence and atrocities committed on Dalit women and girls have increased in recent times and they make up a large proportion of victims of trafficking and sexual exploitation. As a result of their vulnerability, some Dalit women and girls are expected to adopt religious or ritualistic (traditional) violence and sexual exploitation in the form of the *devadas*<sup>8</sup> and *jogini* system (Pal, 2015).

Similarly women from subgroups are more susceptible to discrimination and violence. In India and Nepal, women from Dalit subgroups, such as the Madhesi Dalits in Nepal and various other groups in India face discrimination from other Dalit communities who are perceived to be higher up the social ladder. Likewise, in Bangladesh and Sri Lanka, Hindu Dalit women face discrimination based on their religion, as well as their ethnicity. Dalit women's status has resulted in their vulnerability, as well as, their lack of access to basic services and economic rights (Pal, 2015).

Concepts of gender relations inform practices which can legitimize oppression, particularly in terms of economic power. The current research has chosen to focus specifically on economic rights, as these if realized can provide significant political and social empowerment. However, economic rights are often denied to Dalit women leading to significant inequality and oppression. For example, while women perform 66 percent of the world's work, and produce 50 percent of the food they face significant exclusion when it comes to economic power earning only 10 percent of the income and owning 1 percent of the property (OECD DAC Network on Gender Equality, 2011). As Törnqvist and Schmitz have noted:

*Economic stability increases an individual's options and choices in life. Economic*

*empowerment puts women in a stronger position and gives them the power to participate, together with men, in the shaping of society, to influence development at all levels of society, and to make decisions that promote their family's and their own wellbeing. Economic empowerment of women is a matter of human rights and social justice (Törnqvist and Schmitz, 2009).*

In patriarchal societies when the collective family or household is viewed as a single economic unit, resources are typically in the hands of the head male family member, such as land rights and access to recognized, paid labor. These patriarchal practices are often entrenched in law or cultural customs and norms. For example, patrilineal property rights or the practice of women being responsible for unpaid domestic duties, while men are responsible for being the breadwinner and therefore have access to the wider economy. These practices also influence the type of education and skills women and men are encouraged to develop- education can be viewed as more important for men who are expected to compete in the wider economy for employment leading to reluctance to invest in education and skills training for women.

## LAND RIGHTS

Access to land is contested into two strategic spheres: ownership of land and secondly the ability to control and use the land for livelihood purposes. The ability to use is viewed separately, as the question of ownership is generally not relevant to Dalit members as many are barred from owning and using land of non Dalit communities for their livelihood. The inter-generational segregation and alienation of Dalit communities from land ownership and general usage of land has resulted in their socio-economic dependence on dominant caste communities. This holistic dependence has hindered their socio-economic development and lack of political participation.

*The impact of historical subjugation and exclusion of Dalits from landownership is clearly visible in the data presented in Table 1 (p 13). At the all-India level, 58.4% of rural Dalit households are landless, much higher than households in any other social group.*

8 *Devadasi* system or *Jogini* system is a religious practice in parts of India and Nepal, whereby parents marry a daughter to a deity or a temple. The marriage usually occurs before the girl reaches puberty and requires the girl to become a prostitute for upper-caste community members

*Landlessness is particularly severe among Dalits in Haryana, Punjab and Bihar, where more than 85% of Dalit households do not own any land other than homestead land. More than 60% of Dalit households are landless in Tamil Nadu, Gujarat, Kerala, West Bengal, Maharashtra, Andhra Pradesh, and Odisha. (Anand, 2016)*

According to Ishan Anand (2016), the (Indian) society has always been unequal, with Dalits being at the bottom of this unequal distribution. Dalits are often ignored in this distribution and not entitled to receive any rights and entitlements. In the case of land distribution, while land ownerships is high amongst other caste communities, it is low amongst the Dalit community. According to Irudayam (2011) Government of India (GoI), over 60 percent of Dalit and over 80 percent of Dalit Women are landless.

The unequal distribution of land has given rise to conflict and has created serious law and order problems in many parts of the country. The division of the rural society along caste line has further worsened the situation in the scheduled caste.<sup>9</sup>

Dalit women, as well as, the Dalit community itself have low levels of land ownership, which is reflected in their low economic conditions, including standard of living, low educational level and lack of skills, and which forces Dalits to engage in wage-labor or daily labor occupations in the unorganized sector. This results in further stagnation in their socio-economic conditions with related low wages, lack of assets as a buffer against risk factors and economic dependence on dominant caste communities. (Irudayam & et al, 2011)

Landlessness and violence is interconnected. As discussed earlier, the traditional nature of landlessness amongst the Dalit community is the consequence of discrimination and violence inflicted on the Dalit community, which in turn forces them into vulnerable work where they are exposed to further violence in public spaces (Irudayam & et al, 2011). Dalit women's contribution to the workforce is significantly larger than the non Dalit women. Within India almost 30 percent of Dalit women are engaged in the workforce as compared to 26 percent of non-Dalit women. This does not include the unpaid work that Dalit women are forced to do, such as cattle rearing, laboring on marginal plots of land and other traditionally/culturally unpaid labor expected of them because of their lower caste status.

Limitation to Dalit women's access to own and control land is directly linked to the demand for them to maintain their position as daily wage labourers for other dominant caste communities. In rural India, 61.8 percent of the Dalit women

are agricultural labourers, while only 19.9 percentages are cultivators (Irudayam & et al, 2011). Kelka notes:

*India too has passed legislation protecting women's property rights, including rights to agricultural land. However, social practices based on traditions and customs work to women's disadvantage and further act to influence the social ideology of women's economic dependence on men and general reluctance to implement legal measures or use the courts to enforce women's rights to land (Kelkar, 2013).*

There is evidence to support the case that women owning immovable property dramatically lowers spousal violence: 49 percent of property-less women reported long-term physical violence compared with 18 percent and 10 percent respectively of those who owned either land or a house and 7 percent if they owned both (Agarwal, 2007). Thus, land and asset ownership can be a huge stepping stone for Dalit women to combat violence.

## ACCESS TO HIGHER EDUCATION

The benefits of education to all areas of personal and public life are plentiful and well established. An educated individual not only experiences great personal benefit and empowerment, but the benefits proliferate into the community and beyond. It is no surprise that the most marginalized groups in the world are those with the least access to quality education at all stages. Access to higher education is seen as one key pathway to employment. Employment skills training can provide a supplement to education but cannot fill the voids of illiteracy.

Access to higher education affects a woman's participation in the labor market and opens up a wider range of employment opportunities. Education is also important for self-esteem, knowledge, assertion of rights, and participation in community and household decision-making, making access to higher education central to the overall economic empowerment of Dalit women. There are however many factors that restrict Dalit women's access to higher education. The most significant barrier is DWD which is a culturally legitimized form of discrimination which defines what a person should do for work. A

<sup>9</sup> Government of India, Rural Labour Inquiry, Report of General Characteristics of Rural Labour Households, 1993-94

second significant barrier is customary beliefs regarding gender, particularly the perception that higher education is not necessary for women nor a good investment, As Kabeer points out, access to education for women is linked to the results it yields:

*...there is nothing in custom or law that requires girls to be given less education than boys but if women face poorer job prospects in the labor market relative to men, it is understandable that parents will invest more resources in their sons' health and education than their daughters' particularly among poorer households with severe resource constraints. Feedback mechanisms thus reinforce and perpetuate gender inequality over time (Kabeer, 2012).*

These are two key factors relating to the identity of Dalit women that ensure they experience specific and unique barriers to higher education. Secondary barriers include finances and completion of primary and secondary schooling. Allowing and increasing access to higher education for Dalit women requires a dynamic approach that addresses cultural beliefs, economic conditions and market forces that influence decisions to support Dalit women to pursue higher education.

Access to primary and secondary education is pivotal in accessing to higher education. Primary and secondary education should provide the literacy and study skills that equip girls and women to qualify for enrolment in higher education institutions. Furthermore, entry into higher education institutions is typically contingent upon the successful completion of secondary education at a particular standard. Efforts to ensure access to higher education for Dalit women need to begin with a focus on supporting Dalit girls through primary and secondary education, and ensuring the education is of a reasonable quality that will enable them to develop the skills that will meet the necessary standard required to be admitted to higher education institutions. In addition to ensuring Dalit girls and women are able to qualify for entry into higher education, it is necessary to provide continued support throughout higher education study to ensure completion. This includes financial, study and residential support.

## ACCESS TO EMPLOYABLE SKILLS FOR LIVELIHOOD

**L**ike land and education, employment is crucial for sustainable and positive development of

everyone. This is a contested argument as the Dalit population faces various hurdles in achieving decent working conditions both professionally and skill wise. Being lowest in the caste hierarchy has inversely affected their status for ensuring quality and decent employment. As per the caste hierarchy, Dalit man and women are expected to serve the other castes and are culturally placed in a submissive position which restricts any positive welfare and development. Unemployment is high among Dalits, especially Dalit women as they often are engaged in agricultural daily labor or wage labor. This has led to poverty, landlessness, low human dignity and poor living conditions for Dalit women (Jodka and Shah, 2010).

Since more than 60 per cent of the Dalit workers in rural areas and more than 30 per cent in urban areas depend on wage employment, their earnings are determined by the level of employment and wage rates. In 1977-78, 1983-84 and 1993-94 the unemployment rates based on daily status for SC male workers were at 6.73 per cent, 7.16 per cent and 4.30 respectively, significantly higher than 3.90 per cent, 4.03 per cent and 2.70 for others. A similar gap exists for female labor too. The unemployment rate for SC females on daily status basis was 1.90 in 1977-87, 2.16 per cent in 1983, and 2.00 1993-94 which was again higher than the 0.97 per cent, 0.91 and 1.10 per cent respectively for other females. The higher unemployment rate based on current weekly status and current daily status clearly shows that under-employment among SC workers is much higher than among other workers (Thorat, 2008).

Caste barriers can be subtle as well as direct. Employers recognize the surnames of Dalits and Dalit students are asked questions at interviews that non-Dalits are never asked. In particular, when private sector employers raise unnecessary questions about the legitimacy of the reservation policy itself, a policy that presently does not apply to these firms, students are placed on the defensive. This is a common experience for Dalit students (Deshpandey and Newman, 2007).

In South Asian countries, women are often limited to their households, across all ethnic groups and castes. The patrimonial nature of the social system, inheritance rules, and the traditional gender-based division of labor severely restricts women's access to education, skill development, employment opportunities outside the home, and decision-making processes (Pradhan and Shreshta, 2005).

Historically there has been a trade-off inherent in the gender-caste overlap in that, while Dalits and Adivasi women have been subject to greater material deprivation and oppression, they have experienced more egalitarian gender relations within the family, as well as fewer taboos on public mobility. Upper-caste women, on the other

hand, have enjoyed relative material prosperity in comparison, but have been subject to greater immurement and constraints on public visibility, with the taboos being sharper, the higher the caste in the hierarchy (Deshpande 2007; Liddle and Joshi 1986).

Skill creation has always eluded the Dalit communities as they have traditionally been expected to provide services to the higher castes.

Thus, they often engage in menial and unsanitary/ indecent works which are considered unskilled and degrading. With them moving away from such hereditary occupations, they are left without any major skills for other work. Dalit women in the rural India are mostly engage in agricultural (daily) wage labourers and in lack of any skill preparation often live on a day-to-day wage basis. (Irudayam& et al, 2011)







### 3. Conceptual framework

The conceptual framework of the current research will focus on two areas: first, it will outline the group in question, Dalit women, and the attributes of this group that lead to their marginalization namely descent and work based discrimination, and gender-based discrimination. Outlining these frameworks is central to understanding what factors lead to denial of economic rights. As Stewart writes:

*People have multiple identities and are thus members of a number of groups simultaneously. Where each of the several groups of which they are members face adverse horizontal inequalities<sup>10</sup>, then as individuals they are particularly likely to be deprived (Stewart, 2014).*

The current research adopts the approach that as Dalit women, the group possesses identities that lead to multiple forms of deprivation, and it is necessary to acknowledge intersectional discrimination as a key barrier in fulfilling the economic rights of this group.

The second area of focus will be the concept of economic rights, and what aspects of the economic rights framework the current research will focus on. Economic rights are particularly broad, and sometimes a vague, area of study therefore it is necessary to outline the key rights that are relevant to the experience of Dalit women that will guide the current study.

#### DALITS

Dalit woman is a vernacular term for the women in South Asia who are faced by discrimination based on work, descent and caste. Dalits, Harijan, SC are various names given to people who are discriminated based on their caste. Dalit women faces multidimensional forms of discrimination, as women they face discrimination based on their gender, as Dalit they face discrimination based on caste, as poor they face discrimination based on their class and in some counties they face religious/ethnic discrimination based on their religion and ethnicity. The concept has been defined differently in various countries; the negotiating space of their socio-economic existence is similar in all South Asian countries.

The social position of Dalit Women is lowest in the socio-economic hierarchy in the South Asian countries. According to Aloysius Irudayam,

Jayshree Mangubhai and Joel Lee in their book *Dalit Women Speak Out* (2011), Dalit women face discrimination which separates them from other women. Among these the major issues are pervasive violence and its consequent effect on Dalit women's ability to access economic development.

Dalit women are inflicted with all forms of violence and atrocities due to the structure of caste norms, which perpetuates violence in society. The process of Dalit women's empowerment is a challenge to caste and patriarchal structures, which further results in punitive violence. According to Regional People's Tribunal Report (2016)<sup>11</sup>, the trend of caste based violence results in an upsurge of backlash violence from dominant communities. The first to be targeted are Dalit women and Dalit children. This backlash remains a challenge and hindrance for the community to reclaim rights and access justice.

Lack of policing and enforcements mechanisms to tackle discrimination experienced by Dalits means perpetrators often go unpunished.

The United Nation Special Rapporteur on Violence against Women recently reported:

*...face targeted violence, even rape and death from state actors and powerful members of dominant castes, used to inflict political lessons and crush dissent within the community, or the women are used as pawns to capture their men folk. These women are gang raped forced into prostitution, stripped, and paraded naked, made to eat excrement or murdered for no crime of theirs... Young Dalit girls are married off at an early age mainly as protection against sexual assault from dominant caste men.<sup>12</sup>*

Violence against the Dalit women has a spillover effect with vast consequences in their socio-economic development and rights. The long history of violence and atrocities has resulted in Dalit women's submissiveness which constrains them from accessing economic rights

10 Horizontal inequalities are inequalities between groups, where the groups are defined by some salient aspect of identity e.g. ethnicity, race, religion or gender

11 Regional Peoples Tribunal was organized by Swadhikar, Samata Foundation and NagorikUddyog in March 2016; The report was released on September 2016.

12 UN Special Rapporteur on Violence against Women, Cultural Practices in the Family that are Violent against Women (2002), Para 53

and developmental programs which would bring positive socio-economic changes for themselves and for the community.

## ECONOMIC RIGHTS

The centrality of economic subjugation to the condition of Dalit women stresses the need to examine the economic rights of Dalit women: *what rights exist, how economic rights function and how economic rights are being denied to Dalit women*. The current section will consider these questions and discuss what economic rights mean for Dalit women.

Providing a conceptual framework for economic rights is a complex task. To begin with, economic rights must be broken into two components. First, what constitutes a right; and second, what characterizes a right as being an 'economic' one. To address the first component, the language of rights is at its core grounded in legal discourse. As rights, economic rights are derived from hard law, or in some cases soft law,<sup>13</sup> that outline specific legal entitlements of an economic nature. This provides them with the characteristic of being *actionable* i.e. giving rise to a cause of action, and *justiciable* i.e. eligible to be settled before a court. There are multiple sources of law that outline economic rights, including international, domestic and customary law. An objective of the current research is to identify national and international standards that have been created to improve the socio-economic status of women who face DWD. For international standards to be most effective they must be adopted by national standards, which provide the jurisdiction to make rights justiciable.

However, despite being characterized as 'rights', there have been significant barriers to bringing actions before courts for the enforcement of economic rights making economic rights a relatively weak body of rights. The weakness of economic rights is largely due to their characterization. Economic rights are often described as being positive rights, in contrast to civil and political rights which are considered to be negative rights. A positive right is seen as a 'freedom to' right, identifying an entitlement to something; while a negative right is defined as a 'freedom from' right, identifying the entitlement to be free from interference. This distinction has often been the core of making economic rights justiciable. As Hertel and Minkler describe:

*Negative rights merely require governments and others to refrain from interfering with an individual's plans, but positive rights obligate government and others to actually provide something to an individual (Hertel*

*and Minkler, 2007).*

This obligation to act entrenched in economic rights has led some academics and governments to claim that economic rights are not enforceable and therefore do not recognize them and integrate them into their national standards (Amnesty International, 2010). Cranston is one academic that opposes the inclusion of economic rights in the wider body of international law claiming, among other flaws, that while political rights are largely rights against government interference, for economic rights to be enforced a government would require substantial wealth which most governments do not have access to (Cranston, 1983). Consequently, there can be an implementation gap between the international conceptualization of economic rights, which states may have agreed to through treaty ratification, and national frameworks.

The denial of the positive obligations enforced on governments is opposed by some groups of academics and activists that point out that the positive/negative distinction is not as clear as the Cranston proponents suggest, as both economic rights and political rights have positive and negative components, for example, governments are obliged to provide the resources and infrastructure to conduct trials as a means of fulfilling an individual's political rights (Hertel and Minkler, 2007, Amnesty International, 2010, Shue, 1980). As the current research is advocacy research, it adopts the approach that economic rights are actionable, justiciable rights. The objective of this research is to offer concrete recommendations on how Dalit women in the focus countries can better access their rights with the expectation that governments have a positive obligation to act upon these rights.

Economic rights have numerous definitions. Hertel and Minkler provide a seemingly simple measure to explain what economic rights are:

*Because economic rights are human rights, they are rights belonging to all human beings by virtue of our humanity. That means all humans have an inherent right to the resources necessary for a minimally decent life...Anyone anywhere who suffers from severe poverty not of their own choosing is having their economic rights violated (Hertel and Minkler, 2007)*

Hertel and Minkler provide a clear image of what the denial of economic rights looks like- 'suffering from poverty, not of their own choosing', one that

13 For example, the Universal Declaration of Human Rights contains economic rights in articles 23, 25 and 26, and is considered customary law international law

is not dissimilar to the experience of the average Dalit women. What is notable here though is the measure provided 'the resources necessary for a minimally decent life.' A great deal of literature focuses on attempting to quantify the aim of economic development, indeed this is one of the most problematic aspects of economic rights as a positive right- what precisely are all human beings entitled to? It is not the purpose of the current discussion to address this topic in great depth, however it is necessary to provide some key measures to inform the conceptual framework.

A more specific definition comes from Gorga who writes, 'economic rights are rights of access to resources- such as land, labor, physical and financial capital- that are essential for the creation, legal appropriation, and market exchange of goods and services' (Gorga, 1999). Gorga's definition provides practical measures that are necessary in order to see the fulfillment of economic rights. While Hertel and Minkler focus on the right to employment and the right to a 'basic income guarantee' as being the necessary components that fulfill the right to an adequate standard of living (Hertel and Minkler, 2007).

It is evident from this definition that with the political, social and economic marginalization of Dalit women, they commonly experience a denial of these rights on multiple fronts. For example, denial of property ownership through patrilineal inheritance practices, or restrictions on education and employment opportunities due to DWD. A particularly relevant point for Dalit women is their economic rights can have both a positive and a negative side to their realization. The severe poverty they often live in reflects lack of resources necessary for a 'minimally decent life.' Compounding this, there is also interference with their ability to access resources through the marginalization they face as women and Dalits. Consequently in addressing the research objectives 3, 4 and 5 that involve exploring and analyzing the existing policies and budget allocations the analysis will consider two angles:

- i. What positive entitlements are owed to Dalit women?*
- ii. What interference do Dalit women face in realizing their economic rights?*

While there are a myriad of possible resources that can allow an individual to live a 'minimally decent life' for example, employment, health, family life, security, it would be impossible to effectively analyze all potential areas. It is therefore necessary to limit the scope of the current research to specific economic rights which are measurable. Informed by a combination of Gorga's definition and the work of Hertel and Minkler, the current research has elected to focus on three key areas that are relevant to the right

for Dalit women to engage independently in the exchange of goods and services in order to obtain a minimally decent life. The three key components of the study are:

- i. Access to land rights*
- ii. Access to higher education*
- iii. Access to employment skills training*

Central to the study is the focus on Dalit women as independent agents, rather than household or community members. This is due to the fact that disaggregated data frequently shows that disparities can exist within marginalized groups, particularly when group members experience intersectional discrimination.

## LAND RIGHTS

Land rights are particularly important to Dalit women who commonly work in agricultural labor making the right to own and use land a key economic right that affects their livelihood. Both Dalits and women face discrimination in accessing land rights. These barriers come from legal and cultural norms that restrict or prohibit land ownership under property law on the basis of certain identities and beliefs that these identities are not equal members of society.

Land rights refer to the ownership and use of land. Land is the key to security and survival: it provides access to food, livelihoods, housing and can provide a vital source of capital. For women in particular, land ownership brings empowerment by reducing their dependency on husbands or family members and provides them with their own economic identity. Women can use land to generate their own food or an income and when women own land they are less susceptible to domestic violence, and are more likely to be included in household and community decision-making (Kelkar et al., 2016).

Access to land plays a significant role in determining the socioeconomic status of an individual, particularly for rural populations.

The current research is interested in the aspects of land rights that have the potential to improve the economic status of Dalit women namely ownership and use of land. Agarwal discusses the impact of land ownership on women in South Asia, stating:

*For a significant majority of rural households, arable land...is likely to remain for a long time yet, the single most important source of security against poverty in rural South Asia...Land defines social status and political power in the village, and it structures relationships both within and outside the household (Agarwal, 1994).*



## 4. International Legal Standards

Ownership of land is a significant economic right not only because of its role in livelihood support, but also providing women with status and decision-making power. Therefore it is an objective to the current research to investigate what policies and standards exist that addresses Dalit women's rights regarding land ownership. Ownership of land for Dalit women can be influenced by such factors as inheritance customs and laws, marriage customs and laws, access to credit and access to capital. These are the types of policies that will be drawn upon in addressing research objectives 3 and 4.

Land use is another factor that is influenced by land rights. If individuals cannot afford to buy land outright, they may use land owned by others as their means of support. As Dalit women often face difficulties accessing land ownership, then alternative land use practices and rights associated with these alternatives are equally as relevant to improving the economic rights of Dalit women. Alternatives could in practices such as land leasing, or bonded labor. Research objectives 3 and 4 will also consider rights associated with land usage.

education, rather the focus is on what policies and standards are in place that either assist or hinder Dalit women's access to higher education institutions (objectives 2 and 3). The policies of interest can include the use of quotas for university admission, financial support to attend higher education institutions, polices to assist Dalit women completing secondary school and travel support to assist rural populations access higher education institutes.

### ACCESS TO EMPLOYABLE SKILLS FOR LIVELIHOOD

Employment skills training shares many similar characteristics with access to higher education in that it is an investment that provides greater opportunity for employment. Employment skills training can be a more affordable method of increasing employment opportunities and often focus on a specific skill or trade. Employment skills training are typically not dependent on completion of secondary school and therefore not considered 'third level education' as higher education would be. Employment skills training could be offered by a specialist institution or through an employer providing an apprenticeship or 'on the job' training. Furthermore, in some cases employment skills training may be offered in conjunction with higher education such as in the form of internships.

Successful vocational training programs produce such economic benefits as granting women access to training that does not reinforce occupational segregation or concentrate women in low-skill and low-wage work. Furthermore, vocational training can lead to better paid work, career advancement and overall increase in the number of women in occupations outside the traditional female fields (Törnqvist and Schmitz, 2009). Dalit women experience similar barriers accessing employment skills training as they do in accessing higher education. These barriers are a result of DWD and gender-based discrimination, which are informed by social and cultural expectations about what persons holding those identities should do.

18

Dalit Women  
in South Asia:  
Access to  
Economic Rights

Chapter 4

### ACCESS TO HIGHER EDUCATION

For the purpose of the current research, 'higher education' will be defined as academic education post-secondary school that is distinct from vocational or employment skills training. The difference between the two types of education sees higher education as developing 'generic and transferable skills' rather than specific competencies necessary for a first job (Brennan, 2014). Higher education is delivered by specialist institutions such as universities, academies, colleges, seminaries and institutes of technology and is considered 'third level education'. Goal 4<sup>14</sup> of the SDGs states: 'By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university'.

The overall aim of the current research is to provide a comprehensive analysis of the efforts to address Dalit women's economic rights. Therefore the current research will not focus on the social and cultural barriers to women accessing higher

14. Goal 4: 'Ensure inclusive and quality education for all and promote lifelong learning'

For the purposes of this research, five key areas have been identified. First, entrepreneurial skills such as trading, manufacturing, business, marketing and distribution, industries; second, service skills such as those required for trading, hospitality, health care, tourism; third, technical skills such as mechanics, electronics, plumbing, carpentry; fourth, professional skills such as medicine, engineering, law and teaching; and fifth administrative skills such as those required for public service, police force and financial sector. Research objectives 3 and 4 are aimed at investigating specific efforts made by the government to assist Dalit women accessing employment skill training in these areas. Furthermore, research objective 5 is specifically aimed at the budget allocations made towards supporting programs and initiatives in each country of focus. The current research will look at such programs and initiatives as Start Up India and the National Skill Development Mission in India; key initiatives of the Vocational Training Authority of Sri Lanka; the Skills Development Project in Nepal; and policies such as the National Skills Development policy, the Education Policy of 2009 and the non-Formal Education Policy of 2006 for Bangladesh; as well as any other specific skills training initiatives implemented by the government that will assist in the employment skills training. While each country has specific government programs and policies directed at skills training, the current research is interested in how these programs were directed at Dalit women, how they assisted Dalit women and what, if any, efforts were made to target such programs to address the key barriers that persons experiencing DWD and gender-discrimination face.

## ACCESS TO LAND RIGHTS

The CEDAW Committee has noted in their General Recommendations no 21 (1994):

*The right to own, manage, enjoy and dispose of property is central to a woman's right to enjoy financial independence, and in many countries will be critical to her ability to earn a livelihood and to provide adequate housing and nutrition for herself and for her family*

Notably, while the ICESCR does not address land rights the Committee for ESCR has recognized land rights as part of the realization of other fundamental rights including the right to food and the right to water. In light of this, international legal norms prohibit discrimination

against both Dalits and women accessing their land rights particularly by restrictions on their ability to own, manage, access credit to purchase, and acquire land through inheritance. The result of this is while there may not be a specific right to land, Dalit women are entitled to access the same land rights as everybody else without discrimination. The obligations placed on states are both positive and negative in that states are required to refrain from discriminating against these groups, as well as the obligation to enact measures to address discrimination.

International legal standards prohibit discrimination against women as a specific group when accessing property rights. Article 15 of CEDAW declares that women are to be equal before the law, including in the administration of property. Following this provision in Article 16, signatory states are obliged to take *all appropriate measures* to eliminate discrimination against women in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration (Article 16(1)(h)).<sup>15</sup> According to CEDAW General Recommendation no. 21, Article 16 is intended to complement Article 15, thereby underlining the obligation of states to provide women with equal rights to administer property. Consequently, states have a positive obligation to take action to ensure the *de facto* implementation of this right. In this respect, to be noted here is that CEDAW General Recommendation No. 29 on Article 16 which further explains the nature of the state obligations:

*State parties should provide for equal access by both spouses to the marital property and equal legal capacity to manage it. They should ensure that the right of women to own, acquire, manage, administer and enjoy separate or non-marital property is equal to that of men (CEDAW, 2013).*

The comment from CEDAW highlights that Article 16 identifies a series of components that constitute property ownership. The legal obligation is not limited to acquisition and title; it further includes management, administration, enjoyment and disposition of property.

A particular area of concern is how marriage impacts a woman's property rights. CEDAW General Recommendation 21 notes that 'there are countries that do not acknowledge that right of women to own an equal share of the property with the husband during a marriage or de facto relationship and when that marriage or relationships ends' and 'many countries recognize that right, but the practical ability of women to

15. Valuable consideration means in an exchange of value.

exercise it [the right to own an equal share] may be limited by legal precedent or custom' (CEDAW, 1994). The same recommendation raises concerns about women's rights with regards to inheritance:

There are many countries where the law and practice concerning inheritance and property result in serious discrimination against women. As a result of this uneven treatment, women may receive a smaller share of the husband or father's property at his death than would widowers and sons. In some instances, women are granted limited and controlled rights and receive income only from the deceased's property. Often inheritance rights for widows do not reflect the principles of equal ownership of property acquired during marriage. Such provisions contravene the Convention and should be abolished (CEDAW, 1994).

ICERD bestows upon State parties the obligation to guarantee the right of everyone to own property (Article 5(d)(v)). The negative obligation here is to 'prohibit and eliminate' racial discrimination in all its forms. Article 5 does not come with explicit positive obligations; however, when read with Article 2(1), it is clear that States have positive obligations:

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization.

Consequently, States have an obligation to both avoid discrimination and take active steps to address racial discrimination, which can be applied to property rights.

## ACCESS TO HIGHER EDUCATION

Unlike land rights, the right to education finds explicit articulation and recognition in international law. ICESCR General Comment No. 13 describes education as 'both a human right in itself and an indispensable means of realizing other human rights' (ICESCR, para 1). The right to education is in essence a positive obligation that requires states to provide education services. Article 26(1) of the Universal Declaration of Human Rights (UDHR) states:

*Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.*

*Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (Article 26).*

The different obligations of States, according to the level of education, are further repeated in the CADE and the ICESCR.

The principle of non-discrimination is dominantly featured in legal standards regarding education. Article 3 of CADE<sup>16</sup> places the obligation upon States to 'ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions'. The same Convention defines discrimination in Article 1 as 'any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion' and the term 'education' applies to 'all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given' (Article 1 (2), CADE). When reading Article 3 with Article 1, it is evident that states party to CADE are subject to the positive obligation to take measures ensuring both Dalits and women are protected against discrimination at all education levels.

These obligations are echoed in CEDAW, where states have the positive obligation to take 'all appropriate measures to eliminate discrimination against women in the field of education' (Article 10, CEDAW); and Article 5(e)(v) of CERD provides a specific provision that states will undertake to guarantee the enjoyment of economic, social and cultural rights 'in particular- the right to education and training' (CERD). These provisions all apply generally to the right to education. It is clear that, first, there is a right to education, and second, that Dalit women are protected from discrimination.

The nature of the positive obligations of States to deliver education differs depending on the level of education. While the current research is focused on higher education, primary and secondary education is necessary steps to complete in order to access higher education, making their legal status an integral component to understanding access to higher education. The different levels of education and positive obligations of states with regards to the right to education and non-discrimination require closer investigation. The ICESCR illuminates the obligations of each level in more detail in Article 13:

*(a) Primary education shall be compulsory and available free to all;*

16. The Convention Against Discrimination in Education has not been ratified by Nepal, India or Bangladesh and, therefore, is not the focus of the current discussion.

*(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;*

*(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.*

Dalit women are therefore not only entitled to free primary education, but it is also compulsory for them. The inclusion of the term 'compulsory' suggests that states are obliged to introduce measures to ensure students attend primary school and other options, such as work, are prohibited by child labor laws, and that families are informed and disincentivized from holding their children, particularly daughters, back from primary education.

The language on state obligations softens on secondary education. The ICESCR states that secondary education shall be made 'generally available and accessible' and also obliges states to progressively introduce free education. According to CESCR General Comment No. 13, this also applies to Higher Education (para 6). Based on the language used, the threshold of the access is lower than that for primary education and the positive obligations are less clear. Without a timeline for implementation or a standard measure, how to hold states accountable for this is unclear. General Comment No. 13 notes this stating 'the precise and appropriate application of the terms will depend upon the conditions prevailing in a particular State party' (para 6).

Aside from the characteristics shared with secondary education, higher education is referred to separately in a number of documents. Article 13 of the ICESCR states that higher education 'shall be made equally accessible to all on the basis of capacity, by appropriate means' (ICESCR). The provision reflects the non-universality of higher education- but the need for it to be accessible to all who would want to pursue higher education. Higher education plays a significant role in upward mobility in terms of enhancing information and knowledge acquisition, accessing and exercising leadership positions, gaining social status and achieving economic self-reliance; however, it can be out of reach for groups and classes with limited resources or those who have been historically excluded. Consequently, the provision that makes higher education 'equally accessible to all' is an important obligation for states to ensure that access to higher education is not merely based on class or wealth.

CESCR General Comment No. 13 on the Right to Education states that the adoption of temporary special measures 'intended to bring about de facto equality for men and women and for disadvantaged groups is not a violation of the right to non-discrimination with regard to education, so long as such measures do not lead to the maintenance of unequal or separate standards for different groups, and provided they are not continued after the objectives for which they were taken have been achieved.

CEDAW General Recommendation No. 5 recommends that states make more use of 'temporary special measures such as positive action, preferential treatment or quota systems to advance women's integration into education...'. CESCR General Comment No 13 notes that the adoption of temporary special measures 'intended to bring about de facto equality for men and women and for disadvantaged groups is not a violation of the right to non-discrimination with regard to education, so long as such measures do not lead to the maintenance of unequal or separate standards for different groups... (para 32.). Finally, states are recommended to 'take all measures necessary in order to eliminate multiple discrimination including descent-based discrimination against women, particularly in the area of...education' (para I).

## ACCESS TO EMPLOYABLE SKILLS FOR LIVELIHOOD

Access to employable skills for livelihood is a fundamental component of accessing employment and, therefore, laws targeting skills training are inextricably linked to employment rights.<sup>17</sup> Article 6 of the CESCR outlines the right to work, and the obligations associated with the fulfillment of that right including:

*(2) The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.*

Article 6 connects training to the right to work, which is particularly important for Dalits as a result

17. The UNESCO Convention on Technical and Vocational Training was not discussed here as none of the study countries are signatories to the Convention.

of the work-based discrimination they experience and the opportunities they are given access to. CESCR General Comment No. 18 makes a specific note of the obligations of states to 'respect the right of women and young person's to have access to decent work and thus to take measures to combat discrimination and promote equal access and opportunities' (para 23). The same comment notes the importance of training and access to employment as a key step to escaping poverty:

*Access to a first job constitutes an opportunity for economic self-reliance and in many cases a means to escape poverty. Young persons, particularly young women, generally have great difficulties in finding initial employment. National policies relating to adequate education and vocational training should be adopted and implemented to promote and support access to employment opportunities for young persons, in particular women (para 14).*

The relationship between training and access to employment implies that many of the standards that apply to employable skills for livelihood also apply to the standards for education. The key difference between employable skills for livelihood and higher education is access to skills training is not dependent upon the completion of primary and secondary education, and can either be a part of secondary or higher education, or a part of employment such as 'on-the-job-training'. Technical and vocational training is referenced in the previously discussed Article 13(b) of CESCR as being included in secondary education:

*Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.*

The inclusion of technical and vocational secondary training in this provision is further discussed in CESCR General Comment No. 13, raising a number of key points. Most notably the Committee states that technical and vocational education form part of the right to education and the right to work (para 15). Therefore, this economic right has the same status as access to higher education as a fundamental right, but not access to land rights. The consequence of this status is that the State has positive obligations to provide access to all, including Dalit women.

A further point made by the Committee in General Comment No. 13 clarifies the inclusion of specific reference to technical and vocational

training in Article 13(b) of CESCR and not (c). The Committee states that its omission reflects only a difference of emphasis between article 13(2) (b) and (c), and that technical and vocational education 'forms an integral component of all levels of education, including higher education' (para 18). There is therefore an obligation of State parties to include employment training at all levels of education, which also includes primary.

As a part of right to education, employable skills for livelihood are subject to the same provisions regarding the obligation to ensure access and protection against discrimination as discussed above under access to higher education. The obligations include the need to adopt temporary special measures intended to bring about de facto equality between men and women and disadvantaged groups. The ESCR Committee's General Comment No. 13 elaborates on the aspects that are included in the right to technical and vocational training:

*(e) It consists, in the context of the Covenant's non-discrimination and equality provisions, of programmes which promote the TVE of women, girls, out-of-school youth, unemployed youth, the children of migrant workers, refugees, persons with disabilities and other disadvantaged groups (para 9).*

The CESCR further elaborates on the role of accessibility in the right to work. The state therefore has a positive obligation to ensure that employable skills for livelihood training are accessible and available to Dalit women, and to take measures to ensure that their intersectional discrimination is addressed in its efforts.

The second legal components to employable skills for livelihood training are those laws applying to employment. First, the Discrimination (Employment and Occupation) Convention (1958) states in Article 2:

*Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.*

The central components of this Article are, first, the inherent positive obligation to pursue an intentional national policy, and second, the obligation for that policy to provide equality of opportunity and treatment. The result of Article 2 is that Dalit women are entitled to national policies providing them access to **all** forms of employment available to other citizens, and



not simply the stereotyped concepts of what is a suitable occupation. This is echoed in Article 11 of CEDAW which calls upon states to take measure to eliminate discrimination for employment, once again issuing states with a positive obligation to adopt measures to rectify discrimination.

The obligations of states to Dalit women for employable skills for livelihood are, therefore,

to include technical and vocational training at **all** levels of education; to ensure Dalit women have access to **all** levels of education, free from discrimination; to ensure employment opportunities are available to **all** reflected in national policies. Furthermore, they are obliged to take temporary special measures to ensure de facto equality with men, women and disadvantaged groups.





# 5. Methodology

## INTRODUCTION

The research consists of two components. The first component requires identifying existing government laws and policies aimed at addressing the economic rights of Dalit women. The second component is to find out from Dalit women and key informants how laws and policies affected their well-being and economic rights.

## LAW AND POLICY ANALYSIS

The research focuses on centrally funded policies and does not include state initiatives. A systematic review was conducted in order to select the policies for investigation. The most recent reports to CEDAW, ICERD, Convention of the Rights of the Child, ICESCR and HRC from each country were reviewed to identify policies and laws the government was using to demonstrate their efforts to meet their international obligations pertaining to Dalits, women and/or economic rights. This list was cross-referenced with the reports from the Committees to each of the countries and the policies referenced in the reports (See Appendix A). Country teams were at liberty to add to the list if they knew of programs that did not arise through the systematic review.

From this list of policies and laws the country partners investigated the contents, objective and scope of each of the policies to determine the suitability for the research and selected between one and two policies to form the basis of the study. Due to the different status of Dalits in each of the focus countries, policies were not framed consistently enabling a single selection criterion. Furthermore, in India and Nepal where caste is legally recognised, government initiatives that specifically targeted Dalit women followed. However in the cases of Bangladesh and Sri Lanka where there is a smaller Dalit population without legal recognition, there were no specific policies aimed at benefiting this group. In this event, the next most relevant policy was identified.

## PRIMARY DATA COLLECTION

The research was conducted across Sri Lanka, India, Bangladesh and Nepal by the in-country

partner organization. The objective of the research was to obtain both quantitative and qualitative data. Quantitative data was of interest as the research aimed to survey the economic rights of Dalit women across South Asia and produce generalized comments regarding Dalit women's access to economic rights. Qualitative data was also of interest in order to obtain analysis and insight

Country teams were supplied with an interview guide for key informant interviews and a question guide for the focus group discussions and questionnaires designed by the regional team. The country teams were empowered to adjust research tools according to their area of focus, but were instructed to develop their tools without changing the original framework. A member of the regional team visited data collection sites in Nepal, Sri Lanka and India to ensure data collection was consistent.

As multiple research tools were used different sampling techniques were adopted according to the tool. For the key informant interview purposive sampling was used. The objective of the key informant interviews was to obtain specialist information from an individual with accepted authority on the subject matter. Due to the scope of the research, a key informant was included on the basis of their authority of one or more of the three areas of focus: higher education, skills training and land rights.

The research aimed to collect data from 3,000 participants across South Asia. The total amount was divided according to the Dalit population in each country. Due to logistical challenges the dataset was 1,700 participants. Consequently the data was unusable for quantitative analysis as sample sizes were not proportional. However data saturation was achieved with key themes being raised consistently across the four data sets with minimal conflict.

Country	Key Informant	FGD/ Questionnaire
India	5	600
Bangladesh	12	500
Nepal	8	400
Sri Lanka	5	400
<b>Total</b>	<b>30</b>	<b>1700</b>



# 6. Findings

## HIGHER EDUCATION

The Indian government provides post-metric scholarships for SC children for their higher education. In Sri Lanka, aside from a particular higher education scholarship which the government provides to all students, there is no special assistance available to Dalit and/or marginalized students. Public higher education institutions in Bangladesh have a quota for Dalits, however this is not specified for women. The Constitution of Nepal specifies that education facilities should be provided for Dalits, however there is no law to implement this.

Overall, access to higher education was extremely low amongst Dalit women in South Asia. Despite the existence of policies intended to support Dalit women accessing higher education, fundamental to accessing higher education is the ability to complete primary and secondary school in order to be eligible for higher education. Therefore, in communities with low rates of completion of primary and secondary school, there were only a small number of girls eligible for higher education with fewer than 5 percent of research participants having attended a higher education institution. The relationship between access to higher education and access to primary and secondary education is intractable. Results of the Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs) demonstrate three key themes that participants cited as impacting access to higher education: cultural norms, social exclusion, and poverty.

Social exclusion was defined as factors that established barriers to information or spaces. In order of occurrence four such factors were raised in the FGDs:

- **Awareness** ● **Accessibility** ● **Availability**
- **Violence and protection**

Awareness that government policies and support programs existed was extremely low. Participants either had not heard of the policies that were intended to support them, or they did not know how to access such programs.

A further factor relating to awareness were the beliefs people held about education. One FGD report from Sri Lanka made the following observation:

*However, when we ask about their access to university education many people in the estate stated that university education is only for the privileged family children not for the children of the estate workers. Thus, it is clear from the fact that the awareness of*

*higher education is also a major drawback in terms of achievement of higher education among the plantation community.*

Similar results were found in Bangladesh: in a FGD of 20 adolescent girls who were asked about higher education, “they seemed to be a little confused when they were asked whether they want to complete higher education, only 5 of them said they wanted to complete higher education”.

### Case study: Importance of Parental Support

Ananthi and Shivani were both born and raised on a tea plantation. Both parents believed that education was very important for their daughters, although neither of them completed school themselves. The parents of Ananthi and Shivani supported their daughters through to the end secondary school and insisted they stay in school to complete their studies. Following graduation both attended teacher’s college and became English teachers. After working as an English teacher for a few years, Ananthi decided she wanted to study law. She received a scholarship from an Australian NGO that supports Tamil women wishing to pursue higher education and completed her studies in 2016. She is now working as an apprentice lawyer in Colombo. Despite her success, Ananthi said that as a 30 year old woman she is unable to find a man who will marry her due to caste-based discrimination. There are very few men of her caste with her level of education and men of other castes do not want to marry her because of her low caste.

Research participants also noted low parental awareness of the value of education was a key reason for not allowing their daughters to continue with education. A FGD in Jessore district noted that they were all committed to provide minimum education and not higher education to their girl child. This was particularly prevalent when discussing the trade-off between educating a girl child and how this would impact her marriage prospects. It was consistent across all four countries that marriage prospects were a greater priority than education for parents. A FGD in Naogaon District, Bangladesh of Dalit men reported that they think that spending a long time for education might delay or stop their marriage, so they didn’t seem to be interested in providing higher education to girls. Notably, a group in India expressed that if the state was able to provide better job opportunities, then they might be able to send their girl children to school.

Research participants reported that the location of higher education institutions often prevented access. Parents also expressed concern about the security of their daughters when travelling to and from school. Accessibility was reported as being less of a problem for research participants living in urban areas, although safety concerns were higher. Tea plantation workers in Sri Lanka also reported that most government information was not in Tamil and therefore they were unable to access information relating to higher education. Furthermore, higher education courses were inaccessible due to the language of instruction being Sinhala and not in Tamil.

Participants from Bangladesh, Nepal and India reported facing descent and work based discrimination throughout their experience of education. Participants reported incidents of bullying, being denied use of eating utensils and being denied access to particular areas. Two key informants interviewed in Odisha, India, reported that Dalit higher education students receiving the post matriculation scholarship often faced discrimination when attempting to access their scholarship as poor administration of the funds by scholarship distributors meant payments were delivered irregularly, or withheld completely.

On the aspect of Post Matric Scholarship in India, Abhay Xaxa states, "when it comes to implementation of educational entitlements of Dalit and Adivasi, it is unfortunate that notional allocations are made on a large scale despite all efforts to meaningful planning and allocation for the educational development of SC and Scheduled Tribe (ST) students. The trends of Scheduled Caste Sub-Plan (SCSP) and Tribal Sub-Plan (TSP) allocation by the Ministry of Human Resource Development (MHRD) for the Department of Higher Education indicates that the allocations are mostly stagnant in schemes meant for the SC & ST students." While there was no empirical evidence of the frequency of irregular payments, one key informant working at Cuttack University to support Dalit students said as many as 25 percent of students experienced problems accessing their payments with 10 percent dropping out as a result. Participants from Sri Lanka reported experiencing ethnic bias, rather than relating bullying or exclusion to descent and work based discrimination.

Cultural norms were a fundamental factor shaping the access and completion of higher education for women. Most significantly were the norms relating to gender and marriage. Parents largely perceived their responsibility to their daughter as providing a dowry and arranging a marriage, rather than education.

Early marriage, defined as marriage before the age of 15, was a common reason cited for girls dropping out of secondary school and/or not

pursuing higher education. It was particularly common in Bangladesh where 80 percent of research participants had been married before the age of 15. In Nepal, India and Sri Lanka early marriage was not reported as commonly as in Bangladesh, however marriage while the girl was of school-age was still a frequent occurrence.

*Most of the male members of the family don't want them to get admitted to higher education since they are afraid of not finding an educated man in their own caste to get them married to*

**-FDG, Joypurhat District, Bangladesh**

It was reported in each setting that higher education was a hindrance to marriage. In Bangladesh it was reported that higher education posed a 'risk' as it decreased the likelihood that their daughter would get a suitable groom as she would be perceived as being 'over aged' by the time she completed her education. A similar sentiment was expressed in India and Sri Lanka where women reported that because men also had low levels of education, attaining a high level of education would make it more difficult for them to find a husband. One group of 35 Dalit men from the Pal community expressed that they did not have time to think about higher education for their girl children because they need to save money to pay as a dowry. Furthermore, in Bangladesh it was reported that dowry becomes higher with the age of the bride.

The practice of marriage also led to the belief that educating daughters was a poor investment. One participant in the district of Cuttack, India noted:

*There is a conscious discouragement of education of girls within the family. The elders say that since after getting an education girls are to be married to another family, so they are often asked to drop school in favour of learning cooking and home making.*

Due to the practice of the daughter moving families the benefits of education would not be imparted onto their own family. As a result, research participants unanimously reported that given the choice between educating a girl child or a boy child the boy would be the priority.

#### **i. Poverty**

Across South Asia poverty-related causes was

overwhelmingly cited as a barrier for Dalit women to accessing higher education. Most prominently was how poverty interacted with many of the other factors. While positive attitudes towards education were widely reported, with participants noting education leads to better opportunities, when funds are limited, it is seen as a better investment for a family to educate a boy child than a girl child.

Practically speaking, families reported not having enough money to send their daughters to school. Research participants frequently reported that they dropped out of secondary school so they could work and support their family, or because education was too expensive.

Poverty also intersected with cultural norms regarding marriage. Marrying off a daughter was seen as way to alleviate poverty and in some cases the earlier the girl was married the lower the dowry price would be. Education therefore provided a triple expense: the cost of the education, the missed earning opportunity, and the increased price of a dowry.

## LAND RIGHTS

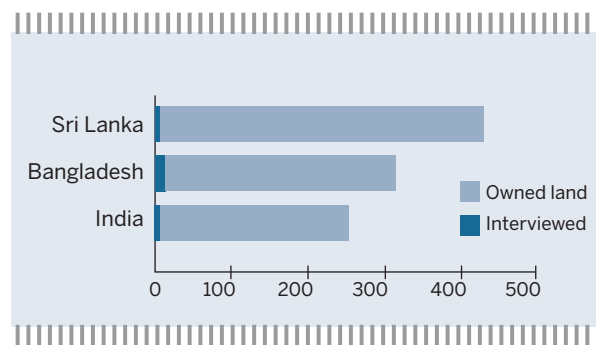
Property and land rights in India are governed by state law and therefore few centralized schemes exist. For this reason no policy was available for the current investigation in India. The most recent constitution in Nepal specified that Dalits would have land rights. The government also has issued the Financial Act 2072, which is an incentive scheme to encourage families to transfer the land title in the name of the woman whereby if the land registration takes place in the name of the woman, the state gives a 25 percent discount on the amount payable to the state. Tea plantation land in Sri Lanka is owned by the plantation management and therefore tea workers are not entitled to own the land on which they live and work.

Nepal was the only country with a centrally-funded policy aimed at encouraging land ownership for women. Consequently, this section will focus on the status of land ownership for women in South Asia, and the responses to the policies in Nepal. It was evident that while land ownership was very low amongst Dalits in general, in the event that a family did own land, customary practices that exclude women from inheritance and ownership were followed. The results of the FGDs and KII on land rights for women produced four common themes: claims to land, cultural norms; poverty and social exclusion.

Almost no Dalit women were found to own land, either on their own or through joint title. As key informant from Nepal Bhakta Bishwakarma stated, 'if you go with the majority, Dalit women are not holding the land even though morning to evening they are working the land, they do not own the

land.' The most common methods of securing land title for Dalit women who did own land was through inheritance from their family or through purchase. In India it was found that in one village 7 Dalit women owned land because they were widows or unmarried. In Bangladesh 12 women were found to own land through inheritance. See Case Study 2 below for greater details on the process involved in transferring property to daughters. Aside from this finding, Dalit women did not own land. It was also reported in the few occurrences of land ownership, property was not large enough to use for income generating activities.

It was reported by both women and men that land ownership would be good for women. However it was also reported that there was a common expectation that husbands and sons would look after their wives and mothers and that women would still benefit from the land ownership even if it was not in their own name.



Access to land was reported in other ways aside from ownership. In Bangladesh, the urban group reported that while they worked as a cleaners or sweepers under the City Corporation they were given access to a living space. However, if they left the job then they would have to vacate the living space. This was reported as being a form of bonded labor as 'the Dalits in the colony have to be involved in their ancestral job to keep the right to live in a small room of a colony in Dhaka city'.

In Sri Lanka tea plantation workers live in the accommodation provided to them by the plantation management. The accommodation provided is 'lines' where rooms are connected to each other by a sharing wall. For the majority of research participants, the property provided for them was too small for any income generation activities, although 5 reported using the land for chickens or growing vegetables.

Land leasing was also included in the inquiry. While there was no land leasing laws in Nepal, it was reported that land leasing occurred where landless people cultivated the crops and paid a set amount to the landowner. Without laws however, the leasing system can be problematic, as reported by key informant Bhakta Bishwakarma:

*It is a form of exploitation sometimes. It depends on where or how the Dalit people are influencing enough, then they can bargain and provide a genuine amount of crops to the landlord. If they don't have the capacity to make a good deal, they have to provide whatever the landlord is asking. 50 or 60 percent or a fixed deal, it depends on the two parties. But there is no specific law for cultivating the lands.*

In India it was reported by one FGD that they were not able to rent land because they had no security.

Overwhelmingly the research participants reported poverty-related barriers to land ownership. Lack of capital to purchase land was a frequently cited reason. The low incomes being earned by Dalit women meant they were unable to save money to accumulate any capital. Without capital or a form of security to attract financing, research participants were unable to purchase land.

Where Dalit women did not possess the financial capacity to purchase land, the remaining method of land ownership was inheritance. It was very rare that Dalit women obtained land title through inheritance, largely because even if she came from a landowning family, laws and customs prevent women from inheriting land. All four countries have patriarchal inheritance customs. A key informant in Bangladesh stated:

*As a man of the Hindu community, he knows that the Hindu women in Bangladesh don't have rights on the ancestor's land but they can inherit their ancestral land only if they don't have any brother or if their parents willingly give it to them.*

It was reported that land was inherited by male family members unless families elected to give land to their daughter. In Nepal if a woman is over 35 years old an unmarried she will receive land from her parents. If a woman marries, she loses the claim to her parents land.

Girls who participated in the research overwhelmingly expressed that girls should have equal rights to their ancestor's property as the boys because it might provide financial security, liberty of decision making, contribute to their economic empowerment and help them to live in society with dignity.

The key informants consulted in Nepal stated that there was very low awareness of the joint title incentive scheme at a village level which was why it had not been taken advantage of. Dalit lawyer and activist Bhakta Bishwakarma stated:

*We need to have awareness raising programs*

*in the communities where [sic] Dalit women can hold properties in their name and they can legally manage the property the land... if legislative provisions or policy provisions are there, and they are not aware of it, then it is not effective.*

Key informants in Nepal reported consistently that awareness raising was key to implementation so that women knew how to take advantage of the new laws. This included awareness-raising with local officials who were the ones responsible for implementing the laws on local levels.

Mr. Ganesh BK, a politician and land rights activist identified four key barriers to women accessing their right to land and property:

- i. Deeply rooted patriarchal and consequential customary practices in Nepalese society
- ii. Lack of legal awareness among women
- iii. Lack of access to court and legal remedies; and
- iv. Lack of legal provisions made for women and the failure to enact binding law and bi-laws to ensure the implementation of the orders and constitutional provisions.

A point raised by four key informants in Nepal was the difficulty women faced when interacting with officials on matters of land rights. First, women were required to travel to administration offices which could sometimes be far from their homes. Second, the administrative process was long and could sometimes involve having to stay away overnight. Third, women would face resistance from officials when attempting to undergo land title transfer.

## EMPLOYABLE SKILLS FOR LIVELIHOOD

India was the only country with skills training programs that were specifically for Dalits. The central government of India is currently rolling out its national Skill India campaign in an effort to train 400 million citizens in employable skills over the next five years. The Ministry for Social Justice and Empowerment is primarily responsible for the delivery of skills training programs for Dalit women

*If you go to the practice, the people who are making decisions, they are not Dalits and they are not women, they are privileged people making the decision. Sometimes they are not making good decisions.*

**- Bhakta Bishwakarma,**  
*Key informant*

Article 40 of the Constitution of Nepal on the rights of Dalits specifies Dalits have the right to access to education and technical training. Most recently, the EVENTS program was a centrally sponsored effort to expand skills training around Nepal and has some places allocated for Dalits and women. The government of Nepal also operates CTVET institutions around the country providing vocational training for the wider population, particularly young people. The school has a small quota for Dalits and for women. Key informants noted however that the CTEVT schools had a very low quota for Dalit students and a 'constructive dialogue' was required with the CTEVT people to make it more accessible for Dalits:

*There is no representative on the Board of CTVET from the Dalit community. In every sector there is the lack of representation from the Dalit community, mostly they are in the name of a party, community or caste. They are always giving priority to their own people. If you go in the large scale, Dalit people and women are still neglected accessing the resources and opportunities.*

Bangladesh did not have a skills training program that was specifically for Dalit women. Key Informant AbdurRazzak Hawadar from the Department of Social Welfare, Dhaka stated there was allowance in his department's budget for skills training for Dalits, however expressed concern for the capacity of government departments to implement such projects:

*The main challenge to implement the program is lack of disaggregated data for Dalits. The policy for the upliftment of the community mentioned that the need assessment for training and stipend should be done by the local government authority. But the local government does not have any knowledge of Dalits, and the government also does not provide any document to identify Dalits.*

Ms Ayesha Siddique was a key informant interviewed in Bangladesh as a representative of the District Women's Affairs officer. Ms Siddique stated that the Ministry of Women and Children Affairs did not have a separate allocation for Dalits, and that she did not have a good understanding of Dalit needs. Ms Siddique did note however that Dalit women were entitled to take advantage of the Ministry of Women's and Children's Affairs programs.

There was no centrally-funded skill training program specifically for tea plantation workers in Sri Lanka. Plantation women do have access to a privately run vocational training centre aimed at

*Some of the Dalit girl respondents said that they had given up their dream of doing something like their classmates from mainstream. But after knowing the services of government for Dalits, they became hopeful that they will work in the future and build their own identity.*

**- Jessore District, Bangladesh**

providing skills training in Tamil language which has places for 200 places.

Very few women had received any form of formal training. Difficulty accessing employable skills for livelihood overlapped with the issues preventing access to higher education. A key difference however was the lack of dependence on the completion of primary or secondary school, and the inclusion of vocational skills in secondary education. Although it is worth noting that many women were still involved in some form of income generating activities.

Participants widely expressed interest in undertaking skills training. However, there is a need for this skills training to be meaningfully connected to income generation or employment following training. Women from Khulna District in Bangladesh were the only group that expressed doubt that skills training would provide a good job for them though, as they had observed the men in their community struggle to get work. In Nepal a key informant commented:

*It is very difficult to get a job [after skill training]...the government are just providing training without relevance to the market. If they did market research, then that would be better.*

Similar results were found in Cuttack, India where women had received tailoring training but were unable to find work.

Cultural norms were found to be influential in decisions regarding skills training for women. There were mixed results as to whether or not families would permit women to undergo skills training outside the home or whether it was good for women to do such training. Participants recommended sensitizing parents to the idea of girls undergoing skills training. From those who agreed that it was good for women to undergo skills training, there was a high level of interest expressed in undergoing some form of training. Early marriage was cited as a barrier to skills training as Dalit girls were rarely given the

opportunity to study after marriage.

Participants largely cited traditional female activities as being of interest to them, such as, nursing and tailoring, and some participants rejected the idea of undergoing training for activities perceived as traditionally male activities, such as mechanics and driving. This was also supported by a key informant in Nepal responsible for the delivery of the national EVENTS skills training program. The key informant reported women showed little interest in activities outside traditional female jobs. At the same time, there were mixed answers in response to questions regarding what type of trainings women should engage in. One FGD in India reported that any trainings provided should be associated with the current labor they were engaged with, such as, food processing, cultivation or fisheries. While other groups expressed interest in training for new activities such as tailoring, pickle/jam making, food processing and marketing.

The data also demonstrated that cultural norms around the traditional jobs of Dalits were an influential factor in making decisions about skills training. In Bangladesh, one FGD reported that they felt skills training was important because they wanted good jobs for their children and didn't want their children to remain in the family profession. A key informant in Nepal discussed the complexities facing Dalits and the choice of work:

*By birth, Dalit people have their one skill. If the CTVET can help them educationally by teaching them or giving the training to make a new dimension, then they have a process and they should get a certificate. Mostly the government tries to just give them traditional jobs. But some people want to change that profession. In such cases, they should be given the chance to do other training.*

A key informant in Nepal, Mr. PadamSundas stated that when providing skills training, caste-wise professions should be given priority and if they do not want to continue those traditional professions they should be given vocational

training so they could find other work. However, in Bangladesh it was reported that there was no longer demand for their ancestral occupation but they did not have any other skills to generate income from.

Social exclusion played a key role in restricting access to skills training for Dalit women. Despite the interest in skills training opportunities, there was very low awareness about the available opportunities. In the event that participants knew skills training opportunities existed, many participants expressed not know how to access the service. It was reported in Sri Lanka that most government messages were written in Sinhala and therefore they could not understand what opportunities were available.

A key informant in Nepal pointed out that while the Nepali government provided tuition scholarships for Dalit women, in many cases the students needed to leave their home to go to the institution and the scholarship did not cover these costs. The FGDs in Bangladesh also reported that they were unable to attend the skills training provided as the training centers were located too far from their homes.

Dalit women in Bangladesh reported that they were often unable to qualify for the skills training courses as they required a particular level of education. Similar circumstances were reported in Nepal where the EVENTS skill training program had a prerequisite of completing secondary school education to a particular level.

Key informants reported that the absence of earmarked funds for Dalit communities meant resources went to more powerful and influential members of society. In Nepal it was reported that Dalit women were amongst the last to enjoy skills training due to the programs not being advertised to Dalit communities and places being filled by non Dalits. In addition to this, caste-based discrimination restricted accessibility of skills training as Dalits were restricted from working in the hotel and restaurant sector. Women from a FGD in Bangladesh reported that despite having received tailoring training, they only received orders from women of their own community as higher caste women would not order from Dalits.







# 7. Analysis

## HIGHER EDUCATION

**M**easuring the benefits of existing policies which gave Dalit women access to higher education in South Asia was hampered for two key reasons. First, there were few existing policies on higher education for Dalit women from the study countries. The law and policy analysis found that policies existed to support Dalit women to access higher education in Bangladesh and India. In Sri Lanka a more general policy exists to help students' access higher education, but it is not targeted at Dalit women. However, while policies existed, the second limitation was there was an overall low rate of access and completion of higher education in the sample group. The data showed there were multiple obstacles facing Dalit women in accessing which must be addressed if benefits are to be enjoyed.

The results of the data collection show that Dalit women face multiple obstacles at every stage of their educational development. It is only those women that have the resources to overcome the obstacles that were able to succeed in accessing higher education. The results showed three key themes that impacted the ability of Dalit women to access to higher education: social exclusion, cultural norms and poverty. At each stage a girl and her family have to confront social exclusion, cultural norms and poverty in order to progress to the next stage.

to be made to promote the benefits and availability of higher education to Dalit women, and to make higher education institutions Dalit and women-friendly spaces. This includes ensuring that higher education institutions are established in areas accessible to Dalit women and close to Dalit communities so the added expense and challenge of travel does not exclude Dalit women from accessing higher education institutions.

In India, where Dalit woman had qualified for university and taken up the scholarship, they still encountered difficulties with the distribution of funds, which in some cases leading to drop out. Key informants interpreted this as a form of caste-based discrimination and stated there was no accountability in place for students to seek advice from when they encountered difficulties with accessing their payments.

A key accessibility factor was the low completion rate of secondary school. Increasing enrolment in higher education for Dalit women is not simply a matter of making education available to Dalit girls, but it needs to be education of a particular standard that enables girls to successfully complete secondary school so they can qualify for higher education. Quality education is necessary for Article 13 of ICESCR to come into effect, as the right to access to higher education is caveated 'on the basis of capacity'. Quality secondary education must be provided to ensure



Social exclusion leads to low awareness, low accessibility and the threat of violence. In cases where policies do exist, awareness of policies amongst Dalit women is very low. Intended beneficiaries did not know such policies existed, nor how to avail them. The conclusion which can be drawn is that, firstly, there was not an adequate supply of services that were reaching Dalit women, and secondly, in the event that there were services, Dalit women were not being communicated this in ways that would reach out to them.

Research participants also showed evidence of self-exclusion through beliefs that higher education was for privileged people and not for them. Consequently, they would be unlikely to seek out information on support for higher education. These results suggest that a targeted effort needs

that completing secondary education equips girls with the skills necessary to qualify for and complete higher education.

These components of social exclusion experienced by Dalit women are entrenched by poverty and cultural norms, factors which are inextricably linked. Understanding the school dropout rate is an economic question as much as it is a question of gender and cultural norms. Higher education is a long-term investment and returns may not be seen for upwards of five to seven years, and even then it is not guaranteed. Within that time, the family must forgo the potential income earned by the girl at the same time as her dowry price is increasing with her age and the pool of potential husbands is shrinking. A study conducted by Robert Jensen

in the Dominican Republic found that the returns *perceived* by students and their parents will influence actual schooling decisions and that more students will attend school if they believe there will be a good return on doing so. Furthermore, Jensen's study found that the ability to perceive the benefits of education was more effective than cash incentives (Jensen, 2010), which were being offered in many of the study countries.

There needs to be an observable benefit to Dalit women and their families after attending higher education to ensure it is a long-term investment that pays off. Female Dalit graduates need access to better, higher paying jobs when they graduate, and this benefit needs to be communicated to parents and students. However, it is problematic when female graduates are excluded from better, higher paying jobs as a result of caste-based discrimination.

Another key cultural norm that influenced decision-making was the role of a woman in the family. Particularly when the focus is on a woman to get married and have children, higher education can be seen as delaying this fundamental component of family life. This is then compounded with the lost income when a woman takes time out from her job to give birth and raise children. In instances, such as these where gender norms still ultimately place pressure on women as the primary career for children, higher education for women will not be seen in the same value as that of higher education for men.

The most significant benefit identified to women came from the positive influence of their parents. Parents were consistently identified as agents of influence over the outcome of a girl child's education. The data collected showed that parents could have a positive or a negative influence over the education of their child depending on the decisions made. In some cases parents were the force that caused dropout, while in other cases they took measures to ensure their daughters could complete high school and in the case of Shivani and Ananthi, attend university.

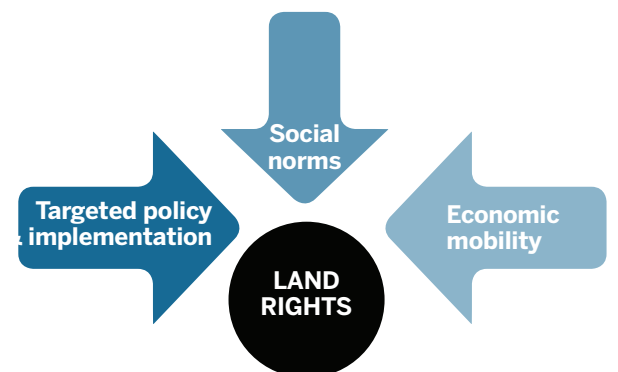
## LAND RIGHTS

The relationship between poverty and access to land is intractable. The research demonstrated that Dalit women are confronted on multiple fronts by insurmountable barriers. Aside from land ownership amongst Dalits already being low, there is shortage of political commitment for transformative policies and its implementations.

Social norms and cultural practices are significant barriers which have emerged throughout the study. The data demonstrates that Dalit women face significant disadvantage as a result of social norms which prevent access to purchasing or inheriting land. Most women in South Asia believe

that land should be owned by men as has been the case traditionally, thus they are content with the cultural practices of not owning land. In a study on Bangladesh, land ownership in urban areas is less than 1 per cent amongst the Dalit community, whereas it is 61 per cent in rural areas, however not even 1 per cent of land is owned by Dalit women in either rural and urban areas. Similarly, in India, Dalit women's ownership of land is less than 1 per cent of 27 per cent<sup>18</sup> of land ownership among Dalit communities. In our study we found that about 0.3 percent of women own land in India. In Sri Lanka, land ownership among Dalit women is close to 0 per cent. The major causes of the lack of land ownership are social norms and caste-based discrimination which limits the community from owning or buying land. Social structures have led to the low status of Dalit Women making them dependent for their livelihood and survival on various actors, from upper caste members to Dalit men. This has inversely affected their claim for accessing basic rights including economic rights. Land is the main determinant of poverty, and thus landlessness amongst Dalit women keeps them locked in extreme poverty. Dependence on others significantly contributes towards the discrimination and segregation of Dalit women, which also forces them to dismiss welfare policies and programs.

Social norms are not stagnant. Whilst many research participants demonstrated strong adherence to social norms, in some cases individuals demonstrated efforts to challenge social norms, such as where families gave land title to daughters. This is especially the case in Nepal, where positive steps towards encouraging land ownership for women is being done. The new Constitution also provides entitlements for landless people which should also benefit Dalit women.



Nepal is the only country that had a clear legal and policy framework aimed at increasing women's land ownership. The land registration for Dalit

18 The statistics taken from Socio Economic and Caste Census 2011, Ministry of Statistics and Programme Implementation, Government of India

women in Nepal has been encouraged with 25 percent reduction in the registration. Whilst our study demonstrated that this is a positive move, respondents also showed low awareness and access of this initiative. National policies must be connected with an implementation plan that focuses on delivery to all intended beneficiaries. Findings from key informants and the report study shows that there are 36.7 per cent and 41.6 per cent of Nepal's Hill and Madeshi Dalits respectively are landless. Whilst the field studies see a dichotomized situation as the maximum respondents are landless workers, Dalit women in these communities land ownership is considerably lower.

This is not limited to Nepal. In India, land ownership for Dalit women is legally provided through the *Hindu Succession Act 1956*, which made amendments in 2005 to provide women and men equal right to inherit their parent's property (land). Our study, however reveals that less than 1 percent of women own land, with the majority of land ownership resulting from inheritance from their husband after their death or from parents after their death if they are the only child.

In Bangladesh, our study shows that land ownership amongst Dalit women area little higher than the other countries. Land was inherited as a result of more relaxesin rules among the community. However as in the other countries, most Dalit women are landless or have no ownership to the land they reside or work on. Similarly in Sri Lanka, plantation workers are restricted from owning any land within the plantation area. They are often limited to the plantation for their life time, thus they often end up being landless, even though they work their entire life in the plantation. According to the Plantation agreement with the government of Sri Lanka, plantation workers are totally dependent on the plantation management for their welfare, thus they are not able to take advantage of the provisions of the National land acts like *Land Grants (Special Provisions) Act – No. 43 of 1979, Land Settlement Ordinance – No. 20 of 1931 and Title Registration Act – No. 21 of 1998*. The policies for ensuring land ownership among Dalit women have been limited in all the countries. Laws and policies in India and Nepal whilst promote land ownership for women have not been effectively implemented. There is no specific or targeted law which allows Dalit women's accessibility to land for leasing or renting for occupational purposes in any of the countries.

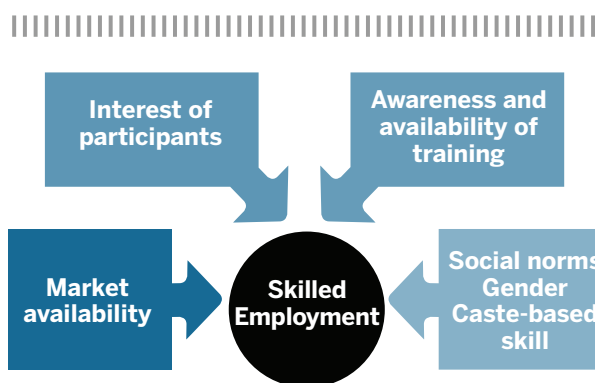
Socio-economic conditions and socio-cultural status of Dalit women in South Asia trumps over national progressive policies. Equality under law and certain policies have been established in all of the countries, with Dalit women provided equal access in legal terms to land ownership and land usage for development. However, this is hindered by lack of access which is determined by their

low socio-economic status. Therefore, there is hesitation from landowners to lease or rent land to Dalit women. The legal process in South Asia is influenced heavily by socio-cultural factors which infiltrate the legal system and process and does not provide for equal access to Dalit women. Thus, creating inclusive policies with exclusive social structures does nothing to change the reality for Dalit women.

In Bangladesh, distinct recognition of Dalit women is a barrier to Dalit women's land ownership. In Sri Lanka, ethnic categorization exacerbates caste realities which keeps Dalit women in work similar to bondage labor in the plantations. With no policies directly impacting their claim, their right to own or loan land for their empowerment has completely been negated.

## EMPLOYABLE SKILLS FOR LIVELIHOOD

The data demonstrates a collection of intersecting forces preventing Dalit women from enjoying the benefits of skills training. These forces include awareness and availability of training, social norms, market availability and interest of participants.



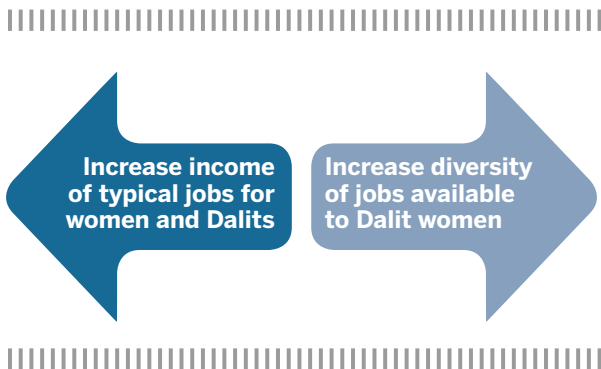
Social exclusion played a significant role in limited awareness and availability of skills training. Participants were not aware of what opportunities were available and programs were not provided in a language they could speak, and/or training was delivered in a location that was inaccessible. In addition, skills training courses that had an education level requirement were often off-limits to Dalit women who had not completed school. These results demonstrate the need for implementation plans to have a 'top to bottom' roll out plan whereby policy development at the top level is followed through to the ground-level implementation, including a strategy to deliver programs to Dalit women as a particular social group.

Social norms are a powerful force in dictating access to skills training for Dalit women. The data

collected demonstrated that there was significant resistance to women being involved in activities outside the house. The norms around the spaces that women and Dalits are allowed to inhabit play a significant role in the employment they have access to, as illustrated by the anecdote from Mr. Bhakta regarding the Dalit women who was prevented from working at a bank.

The data showed that social norms were extremely influential in shaping the types of income-generating activities Dalit women were likely to engage in. The data showed that there was a strong preference for skills training in traditional activities however in the case of women and Dalits, these jobs are typically low-income jobs

The difficulty of connecting skills trainings to economic empowerment is fundamental. Dalit women do have employment opportunities that will generate a higher income. Generating higher income than what was previously accessible involves change in one or both of two fronts: first, increase the income of jobs that Dalit women currently have access to; and second, increase the diversity of jobs available to Dalit women. The data collection demonstrated that some members of the communities were willing to challenge social norms therefore it is not necessary for programs to only conform to traditional jobs for Dalit women. However, it needs to be understood that while some people will be interested in challenging social norms, some will not and only offering atypical training may result in a lack of interest or permission required from male members for the women to attend trainings.



Generating interest of participants is particularly necessary. Participants will not take advantage of a program if the benefit of such training is not understood. As was noted under the section on higher education, perceived benefits play a significant role in decision-making around education and cultivating a demand for services. Consequently the benefits of skills training need

to be observable and communicated to potential participants. In accordance with this, the research demonstrated that Dalit women are expected to be responsible for household duties and any income-generating activities are a subordinate interest to that. Skills training programs need to be provided with consideration for the other responsibilities of the participants.

Market availability is central to a successful skills training scheme. The research showed that there was a general interest in participating in skills training, however participants who had benefitted from skills training failed to secure employment and were out of investing further time. Skills training will yield no benefit unless it is connected to the ability to generate an income. Providing skills training requires a purposeful approach that connects skill development with accessible employment opportunities.

The data collection showed that in some situations accessing employment opportunities was not as simple as women who had been trained in tailoring skills also required access to a sewing machine following a course. Participants also reported that even local travel was difficult. Women in Cuttack, India, said they were unable to access jobs in the nearby town of Bhubaneswar due to security concerns. In other situations the problem was more complex where skills training were not matched to local employment opportunities.

A key problem with providing trainings to a localized community is the need to diversify skill sets and create trade opportunities in order to ensure a demand for the skills. Trade infrastructure is particularly important where Dalit communities are remote. Skill training programs must focus on generating a diverse collection of marketable skills that will generate trade for a community. Diversifying skill sets in a community must avoid stereotyping groups and limiting their access to only low-income jobs. Dalit women are at the greatest risk of being restricted to low income jobs as a result of their intersecting forms of discrimination: they only have access to jobs for women or Dalits. Dalit women need to be effectively integrated into the marketplace by being equipped with skills that are in demand.

Finally, the research demonstrated the need to have robust state protection from descent and work based discrimination to ensure Dalit women are not excluded from common spaces. Key informants recommended that the state should make special efforts to prioritize promoting utilizing the work of Dalits when there is a need, as high caste people will not make use of the products produced by Dalits.





# 8. Recommendations

## GENERAL RECOMMENDATIONS

1. The results of the study have produced the following recommendations:
  2. Recognize communities facing descent and work based discrimination in countries where they have not been identified as such, so as to enable them to enjoy the benefits that are due to them.
  3. Develop a common human rights framework with strategies to end untouchability and caste-based discrimination in South Asian countries
  4. Affirmative action, including employment quotas in both private and public sectors, with penalties attached for non-compliance by the concerned officers in the government administration
  5. Establish legal mechanisms with reporting and monitoring measures in all South Asian countries with a view to monitor caste and gender-based atrocities committed against Dalit women and girls
  6. Develop a common legal policy framework to promote women's economic empowerment through access to land resources, education and skill development
  7. Ensure all policies intended to support economic rights of Dalit women are supported by adequate funding in proportion to the population
  8. Establish monitoring mechanisms for reviewing the implementation of the laws and policies, budgets and schemes, where these are in place, with penalties for non-compliance, negligence and dereliction of duty
5. To provide sufficient cultivable land in the name of Dalit women for socio-economic well-being, pursuing all possible measures including the distribution of surplus land and government revenue lands within a specific timeframe
  6. Enact legislation on Dalit women's access to land for leasing and renting
  7. Appoint special courts to initiate proceedings against all illegal occupants of government and surplus lands, and to take punitive measures against them for violating the land rights of Dalits
  8. Enact legislation and enforce the right of Dalit women agricultural labourers to living wages, to gender parity in wages, to job security, to better working conditions and welfare measures, and ensure punitive measures against offenders.

## LAND RIGHTS

1. Introduce special/targeted policies for benefiting Dalit women in acquiring, owning and sustaining resources, such as, land for housing, agriculture and commercial purposes
2. All targeted plans to earmark at least 25 per cent of the total budget towards ensuring and building Dalit women's ownership of land resources and capital assets
3. Put in place a rule of no displacement on Dalit women and Dalit families from their land or habitations, and in case of any displacement, state has to ensure proper compensation is provided to the family in form of land.
4. Put in place review and monitoring mechanisms for the implementation of policies for Dalit

women's land ownership and provide legal services to ensure remedies are available

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## HIGHER EDUCATION

1. Introduce, establish, enable and sustain scholarships for Dalit girls in higher education from admission to completion with regular payment of the scholarship amount to the students
2. Ensure that Dalit girls complete secondary and higher secondary or tertiary education, with provision of scholarship and other incentives like hostels and trainings for their quest to acquire knowledge and employment
3. The states should enforce law, policy and its implementation against the child marriage and other forms of cultural factors which withheld Dalit girls from acquiring education.
4. Provide awareness to families for the encouraging Dalit girls and women for accessing education and especially higher education
5. Ensure opportunities for employment for all Dalit women who have completed Higher education for a time period, in order to encourage others to take up education/ higher education
6. Provide special classes/ tuitions for Dalit children/ girls for attaining equal standards with the other community children
7. Develop a mechanism to ensure proper career guidance is provided to the Dalit women, with them choosing various streams of interest like professional courses, science degrees etc.
8. Earmark adequate funds for ensuring the scholarships which include living and academic

- (tuition) costs are delivered on time for the students to access
9. Provide opportunities for Dalit women/girls for acquiring overseas exposure studies by developing quality curriculum and holistic support through finance and academic services.
  10. Develop a monitoring and mapping mechanism for the assessing the timely progress of Dalit women in the higher education

## SKILL DEVELOPMENT

1. Introduce, establish, enable and sustain adequate skill development programs for Dalit women
2. Spread awareness through decentralized platforms like through people's representatives
3. Develop special and targeted skill development programmes with certain progressive traditional occupations like leather and puppetry making, while also providing techniques for effective marketing of their products.
4. Ensure Dalit women and girls access to employment post skill development trainings with special attention provided to single women and women headed households
5. Ensure adequate budgetary allocation for targeted skill development programs
6. Special attention to be given to the entrepreneurial skill development for Dalit women who possess other skills, such as, service and technical skills





# Appendices

## Appendix A: Policies Identified in Committee Reports

### INDIA

- 2002 Constitution (86th Amendment) Act, making education free and compulsory for all children aged 6 to 14
- 2004 Amendments to Indian Divorce Act and Hindu Succession Act, widening the scope for women to exercise their right to divorce, ownership and inheritance
- 2005 National Rural Employment Guarantee Act recognizing employment as a matter of right
- Creation of national mission for empowerment of women in 2010 to address women's issues in a coordinated manner
- Establishment of financial services banking company for women in 2013 intended to advance the economic empowerment of women
- National Commissions on Scheduled Castes and on Scheduled Tribes
- National Food Security Act, 2013
- Prevention of Atrocities Act, 1989
- Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, 2013
- Protection of Children from Sexual Offences Act, 2012
- Protection of Civil Rights Acts (1955)
- Right of Children to Free and Compulsory Education Act, 2009
- Sarva Shiksha Abhiyan (Education for All) Program, 2005
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

### NEPAL

- Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011
- Constitution of Nepal, 2015
- Domestic Violence (Crime and Punishment) Act, 2009
- Gender Equality Act, 2006
- Human Rights Action Plan, 2014-2019

- National Committee for the Upliftment of the Depressed
- National Dalit Commission
- National Human Rights Commission
  - National Human Rights Commission Act, 2012
- National Inclusion Commission
- National Plan of Action Against Child Bonded Labour, 2009
- National Plan of Action for the implementation of CEDAW, 2004
- National Strategy and Action Plan on Gender Empowerment and the Elimination of Gender-Based Violence 2012-2017
- National Woman's Commission Act, 2007
- National Women's Commission 5 Year Strategic Plan (2009-2014)
- Oppressed and Dalits Community
- The Act Amending Some Nepali Acts to Maintain Gender Equality and End Gender-Based Violence, 2015
- The Multi-sector Nutrition Plan, 2013
- Women's Development Program

### BANGLADESH

- Bangladesh Labour Act (2006)
- Domestic Violence Act (2010)
- Gender Responsive Budget 2009-2011
- National Council for Women and Child Development, 2009
- National Human Rights Act (2009)
- Policy for the Advancement of Women
- Vision 2021 – aimed at mainstreaming gender issues
- National Women Development Policy (2011)
- National Labour Policy
- National Women's Advancement Development Policy

### SRI LANKA

- Citizenship Act No. 18, 1948 – deprives Tamils of Indian origin of citizenship
- National Action Plan for the Protection and Promotion of Human Rights, including a Thematic Action Plan on Women
- National Development Agenda



## Appendix A: Research tools

# INTERVIEW GUIDE FOR KEY INFORMANTS

## ii. General Questions

### 1. What economic and fiscal policies, programs, legislation or other efforts have been initiated for Dalit Women in India to facilitate access to:

- a. Land rights
  - i. Land title reform?
  - ii. Land leasing permitted/banned?
  - iii. Education programs to discuss inheritance customs/traditions?
- b. Higher education
  - i. Scholarship programs?
  - ii. Incentive programs for girls to finish school?
- c. Employable skills for livelihood
  - i. Skill India?

### 2. How did implementation of the existing policies, programs, legislation or other efforts benefit Dalit women?

- a. Accessing land rights?
- b. Higher education?
- c. Employable skill for livelihood based on their social context?

### 3. What are the gaps in existing policy or implementation in existing efforts or lack of targeted policies to support the economic rights of Dalit women?

### 4. What are the policies which could be recommended for the recognition of Dalits and catalyzing in accessing of land rights, higher education and employable skills for livelihood for Dalit Women?

### 5. How can the current efforts to support the economic rights of Dalit women be improved and how can key actors support these efforts?

- a. Land rights?
  - i. Traditions/Customs?
- b. Higher education?
- c. Employable skills for livelihood?

## iii. Access to Higher Education

### 1. What is your expertise in the area?

### 2. Dalit women have some of the lowest

enrolment rates in higher education of any social category. What do you attribute this to?

- a. Reservation should have played a significant role in reversing this rates

### 3. What types of support are available for Dalit women accessing higher education?

- a. Is this support sufficient?
- b. How has the support benefited Dalit women?

### 4. What is your knowledge of the schemes provided by the Ministry of Social Justice and Empowerment?

- a. Are these schemes sufficient?
- b. If no, why are they not sufficient?
- c. How could the schemes be improved?

### 5. Why is there a huge trend in dropout among Dalit students?

- a. Who are these students who drop out?
- b. How has the college/state response to this high dropout ratio among Dalits?
- c. Is there any methods/policies adopted towards halting this trend?

## iv. Employable Skills for Livelihood

### 1. What centrally-funded government training programs are provided in this district?

- a. Anganwadi Centres?
- b. Training Institutes?
- c. Centrally-sponsored ministry-specific schemes?

### 2. Are those who complete the skills training programs being adequately trained?

### 3. Are those who complete the skill training programs

### 4. Are employers hiring Dalit women who complete the skills training programs?

- a. If yes:
  - i. Are the employers paying the Dalit women compensation commensurate with their skills?
- b. If no:
  - i. Why not?

### 5. What is required to improve the skills training opportunities for Dalit women in this district?

# QUESTION GUIDE FOR DALIT WOMEN

## v. Access to Higher Education

### 1. Please provide the following information:

- a. What is your district/village?
- b. How many people are in your family? Males/  
Females
- c. What is your current occupation?
- d. What are the levels of education achieved by each family member?
- e. What level of education have you achieved?
- f. What level of education would you have liked



- to have achieved?
- g. What was your experience of education?
- h. What would have improved your experience of education?

**2. What are your feelings about education?**

**3. What are the key challenges that face Dalit women accessing higher education?**

**4. Do you know about the schemes available for accessing higher education?**

- a. If yes:
- i. How did you come to learn of the available schemes?
  - ii. What was the process of accessing the scheme?
  - iii. Did the scheme provide what it advertised?
  - iv. Did the scheme assist you in achieving your education goals?
  - v. How do you feel the scheme could be improved?
- b. If no:
- i. Did you know these schemes existed? If yes, go to next question, if no go to (5)
  - ii. Why did you not access the schemes?
  - iii. Were you eligible for accessing the scheme?
    1. If no, why were you not eligible?
    2. Was there anything you could reasonably do to become eligible?
  - iv. How would you arrange the schemes to make them more accessible?

**5. Are you satisfied with the Ministry of Social Justice and Empowerment's efforts to increase access to higher education for Dalit women?**

**6. What do you need/would you have needed in order to achieve the level of education you would have wanted?**

**vi. Employable Skills for**

## Livelihood Training

**1. What is your current source of income/employment?**

**2. What is your average income per month?**

- a. What is your household income?

**3. What level of education have you attained?**

**4. Have you accessed any training programmes?**

- a. If yes:
- i. What kind of training programmed did you attended?
  - ii. Did this programmed help you in your current work or ambitions?
  - iii. Did you have access to new opportunities after this training?
  - iv. Do you see this as a positive step?
  - v. What are your suggestions to improve this?
- b. If no:
- i. Did you hear about this programmed?
  - ii. If yes, what are the main obstacles in accessing this programmed?
  - iii. If No, Do you think this exist in your area?

**5. Did you access Skill India programs?**

- a. If yes:
- i. What program did you access? What was its duration
  - ii. Did the program achieve its outcome?
  - iii. Did you find employment following the training?
  - iv. Do you believe your employability has been enhanced as a result of the training you received?
- b. If no:
- i. Did you know programs existed?
  1. If yes:
    - a. Why did you not access the Skill India program?
  2. If no:
    - a. Would you have accessed the program if you had known about it? Why/why not?



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**A**DRF is a platform of Dalits and those working with Dalits in Bangladesh, India, Japan, Nepal, Pakistan and Sri Lanka committed to the empowerment and emancipation of communities subjected to descent and work based (caste based) discrimination and violence (DWDV). ADRF aims at addressing violations of the rights and entitlements of these communities, in particular their women and children, in the respective countries as well as collectively in Asia. It focus on supporting all those communities subjected to DWDV in any part of the world in their noble aspirations and courageous struggles to establish an inclusive society that is marked by equity and equality, dignity and self-governance, justice and freedom. ADRF is committed to collaborating with all national and international agencies - civil society organizations and human rights agencies, UN bodies and state institutions espousing the cause of eliminating DWDV and building an inclusive and egalitarian society in Asia, Africa, Europe, and elsewhere in the world.

FEDO (Feminist Dalit Organisation) is a national level Non-Governmental Organization (NGO) founded in 1994 to establish the rights of Dalit women by organizing and empowering them for their mainstreaming into national development. It has been working to promote the Dalit's rights and to eliminate caste and gender based discrimination and promote justice and equality in Nepalese society since its establishment. FEDO works at four levels (grassroots, regional, national and international level) to promote Dalit women's advancement and participation at the decision-making level and to campaign for the economic, social, civil and political rights of all Dalits and Dalit women in particular through Economic Empowerment, Political Empowerment, Justice and Human Rights, Violence against Women, Peace Process and Constitution Building, Health and Sanitation, Education, Humanitarian Support and Organizational Development to live with self-respect and dignity in society.