

Statement by Hon. Christopher H. Smith

The Subcommittee will come to order, and good afternoon to everyone.

Today's hearing of the Subcommittee on Africa, Global Human Rights and International Operations will study the terrible situation facing India's Dalits and tribal peoples. Taken together, Dalits and tribal peoples constitute as many as 250 million people. The Dalits, whose name means "the oppressed," are much better known as "untouchables," although this demeaning name is not the one they choose for themselves. They are also often referred to in official documents as "Scheduled Castes, and occasionally as "Harijans (HAR ee johns)," or "Children of God," a name given them by Gandhi. The tribal peoples are often referred to as Scheduled Tribes, or Adivasis (a-di-VAH-sees), which means indigenous or aboriginal inhabitants. The Dalits and tribal peoples are treated as virtual non-humans, and suffer pervasive discrimination and violation of their human rights.

This topic has taken on a special relevance. India's reformist government has made great strides to open its economy, and improve the lot of all its citizens. It has also played a leading role in the Community of Democracies and the UN's Democracy Caucus and the UN Democracy Fund. In June and July of this year the U.S. and India announced a series of agreements that represent a quantum leap in cooperation between the world's two most populous democracies after decades of estrangement during the Cold War. On July 18th, U.S. and Indian leaders issued a joint statement resolving to establish a "global partnership" between the two nations through increased cooperation on a wide range of issues. We heartily welcome all of these actions.

However, there is still a long road to travel. Most observers have focused on the nuclear proliferation implications of our announced agreements as potential stumbling blocks to a true strategic partnership between the U.S. and India. But as we seek to develop a strategic partnership, we must not lose sight of India's serious human rights problems. These problems are amply documented in the three current State Department reports: the 2004 Human Rights Report on India, the 2005 Report on Trafficking in Persons, and the 2004 Report on Religious Freedom. All three are massive catalogues of human rights violations which the Government of India condones, ignores, and in some instances, has even promoted.

To quote the 2004 Human Rights Report on India:

Security force officials who committed human rights abuses generally enjoyed de facto legal impunity...violations included: torture and rape by police and other government agents; ...harassment and arrest of human rights monitors; ...forced prostitution; child prostitution and female infanticide; trafficking in women and children;...serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; religiously motivated violence against Muslims and Christians; and widespread exploitation of indentured, bonded, and child labor.

Further, the 2005 Report on Trafficking in Persons has this to say. Again I quote:

India is a source, transit, and destination country for women, men, and children trafficked for the purposes of sexual and labor exploitation...Internal trafficking ...for ...sexual exploitation, domestic servitude, bonded labor, and indentured servitude is widespread. ...the vast majority of females in the Indian commercial sex industry are currently victims of sexual servitude or were originally trafficked into the sex trade. India is also home to millions of victims of forced or bonded labor.

The Government of India does not fully comply with the minimum standards for the elimination of trafficking.

India was placed on Tier 2 Watch List for human trafficking a second consecutive year in 2005. Many of us believe it should be a Tier III country.

The State Department's 2004 Report on Religious Freedom also had many harsh words for India's respect for religious freedom. It noted that the Indian government, despite India's constitutional commitment to religious freedom and secular government, was often lax in protecting religious minorities from attack, and in punishing their persecutors. Religious extremists have taken such laxity as a signal that they can attack with impunity. Missionaries were often harassed, and the right to freely choose one's own religion was often violated.

Finally, there is abortion. In theory, India only allows abortions for risk to the life of the mother, or “grave risks” to her health, or for “substantial risk” of fetal impairment. Yet like so many countries where the absolute right to life of the unborn child has been disregarded in a misguided attempt to provide a so-called “limited” abortion license, the reality is that there is abortion on demand. Estimates of abortions run as high as 7 million a year. There are some estimates that 17% of maternal deaths are due to abortion: so much for “safe, legal and rare.”

And abortion is not just at the demand of the mother, but often at the demand of relatives who don't want girl babies. The incidence of “sex-selection abortions” has reached staggering proportions. As many as 50 million girls and women are missing from India's population as a result of infanticide and abortion. **In most countries in the world, there are approximately 105 female births for every 100 males. In India, there are less than 93 women for every 100 men in the population. In one wealthier area of the capital of New Delhi, the sex ratio at birth has dropped to 762 girls for every 1,000 boys, one of the lowest in the entire country.** The problem is getting worse as scientific methods of detecting the sex of a baby and of performing abortions are improving. These methods are becoming increasingly available even in rural areas.

India banned sex-selection abortions in 1996, but the health minister recently admitted that not a single person has ever been convicted or otherwise punished for having carried out sex selective abortions. UNICEF has warned that unless steps are taken to address the problem, India will soon face severe social problems, not least increased trafficking of women, which is already an enormous problem. As more and more girls are aborted or murdered after birth, more and more poor women and girls will be trafficked.

All of this background will provide the context for today's hearing. India's Dalits and tribal peoples are victims of all the human rights violations prevalent in India, and to a far greater extent than most other Indians.

According to India's caste system, Dalits are impure, and even their shadow can pollute. Dalits are discriminated against, denied access to land and forced to work in degrading conditions. Dalit men, women, and

children numbering in the tens of millions work as agricultural laborers for a few pounds of rice or less than a dollar a day. Their upper-caste employers frequently use caste as a cover for exploitative economic arrangements. In India's own version of "apartheid," entire villages in many Indian states remain completely segregated by caste. Dalits dare not even walk in the part of the village occupied by higher castes. They may not use the same wells, visit the same temples, drink from the same cups in tea stalls, or lay claim to land that is legally theirs. Dalit children are frequently made to sit in the back of classrooms.

Most Dalits continue to live in extreme poverty, without land or opportunities for better employment or education. India has a policy of quotas in education and government jobs to benefit Dalits and tribal peoples. But most cannot afford primary education, so their literacy rates remain very low and only a small minority can benefit from these quotas.

Dalits are routinely abused at the hands of the police and of higher-caste groups that enjoy the state's protection. According to India's National Crime Records Bureau, in 2000, the last year for which figures are available, 25,455 crimes were committed against Dalits. Every hour two Dalits were assaulted; every day three Dalit women were raped, two Dalits were murdered, and two Dalit homes were torched. And most experts believe that these numbers are grossly underreported, since Dalits are afraid to report crimes to police, and when they do, police often refused to register or investigate their complaints. In 2001 Amnesty International estimated that only about 5 percent of sexual assaults were registered, and that police officers dismissed at least 30 percent of rape complaints as false.

Approximately eighty percent of the tribal population lives below the poverty level. Despite constitutional safeguards, the rights of indigenous groups in the eastern parts of the country are often ignored. In recent years, crime against the tribes has risen. Indigenous peoples suffer discrimination and harassment, are deprived of their land, and subjected to torture and to arbitrary arrest. Mob violence, lynching, arson, and police atrocities against tribal persons occur in many states.

Dalits and tribal peoples suffer horribly from human trafficking. Dalit girls have been forced to become temple prostitutes as *devadasis* (de-vi-DAH-sees), or "servants of god," a practice where they are "married" to a deity or temple where they are then forced to have sex with upper caste men

and are eventually sold into prostitution. In 2001, more than 40,000 tribal women were forced into situations of economic and sexual exploitation. An estimated 40 million people, most of them Dalits, are bonded workers, many working to pay off debts that were incurred generations ago, according to a 1999 report by Human Rights Watch. These people work under slave-like conditions for less than U.S. \$1 per day. 15 million are children, and according to UNICEF, the majority are from the lowest castes.

Dalits and tribal peoples are often the targets of Hindu religious extremism as well. Over the years, many Dalits and tribal groups have converted from Hinduism to other faiths to escape widespread discrimination and achieve higher social status. However, such converts often lose benefits conferred by the Government's affirmative action programs because these, according to the Constitution, are reserved only for those having scheduled caste status. Converts to Christianity are particularly targeted.

Christian missionaries have been operating schools and medical clinics for many years in tribal areas and among the very poor, and tribal peoples and Dalits have made great strides as a result. Hindu extremists resent these gains for disturbing the traditional social order, since better educated Dalits and tribals no longer accept their disadvantaged status as readily as they once did. Some Hindu groups fear that Christians may try to convert large numbers of lower-caste Hindus, using economic or social welfare incentives. Many acts of violence against Christians stem from these fears, and most go unpunished. Many states have also adopted anti-conversion laws, in violation of India's constitutional protection for religious freedom.

In many cases, India has very good laws to protect the human rights of its citizens, although new and tougher legislation against trafficking is clearly necessary. But the best laws in the world are useless unless there is vigorous enforcement, and all too often, enforcement of laws protecting human rights is weak or non-existent. As an American I can easily understand the difficulty in a democratic, federal system of confronting deeply ingrained social prejudices against a minority, but that difficulty must be faced and overcome in any nation which aspires to its rightful place as one of the great nations in the world. To keep nearly a quarter of one's population in subhuman status is not only a grotesque violation of human rights, but it is a formula for economic and political stagnation as well.

Once in America, we deprived African Americans of the most basic rights and opportunities. This was especially true in our Southern states, which were once a byword for poverty and backwardness among people of all races. For a long time we refused to act at a national level to stop lynchings, often arguing that it was a local problem. Yet we all suffered the consequences of shutting off a huge segment of our population from equality and justice. Now, after the civil rights movement ended all legal basis for discrimination, and lynching is only a shameful memory, the Southern states are among the most economically dynamic in America, and all regions of America enjoy unprecedented prosperity. By fulfilling its promises of equality and justice for all, India will also benefit in every way imaginable.

Today our panel of distinguished visitors will provide us first hand accounts of the situation in India, what Dalits and tribal peoples are doing for themselves to advance their cause, and I hope, they will provide suggestions as to how the U.S. can best ameliorate this terrible situation. The panel includes

Mr. Udit Raj

Mr. Raj is the National President of the Justice Party, the All India Confederation of Scheduled Castes/Scheduled Tribes Organizations, and the Lord Buddha Club, which was founded in 1996 for furthering the cause of Buddhism, implementation of reservation (India's version of affirmative action), setting up of schools and vocational centers, promoting the cause of human rights, and ensuring economic development of the Dalits. Udit possesses an M.A. in Political Science and is an LL.B, Ph.D scholar. Udit continues to fight against social injustice and contributes to the cause of effective implementation of reservation for the Dalits of India.

Professor Kancha Ilaiah

Professor Ilaiah is a Professor and currently Head of the Department of Political Science at Osmania University, Hyderabad, India. Dr. Ilaiah is the author of many works on the socio-political situation in India, notably:

Why I am Not a Hindu: A Critique of Sudra

Philosophy, Culture and Political Economy, a best seller published in 1996.

In 1985 when starvation deaths occurred in a poverty-ridden district in India, he established free feeding centers for the starving masses, started a massive campaign against caste atrocities in India, and campaigned against state repression of the Dalits and other lower caste people in India. For the last 25 years, Kancha has been campaigning against the practice of untouchability in India.

Ms. Indira Singh Athwale

Ms. Athwale is the Maharashtra State President of the All India Confederation of Scheduled Castes/Scheduled Tribes Organizations, as well as a professor in the JBD Science College, an affiliate of the University of Pune. Mrs. Athawale fights for the rights of Dalits, Dalit women in particular, in Maharashtra State and across India. She is also the National President of the Fule Shahu Ambedkar Students' Association, a college and university level organization that brings together low caste students.

Dr. Joseph D'Souza

Dr. D'Souza is the President of the All India Christian Council, one of the largest interdenominational alliances of Christians dealing with national concerns and human rights issues. Dr. D'Souza is also the International President of the Dalit Freedom Network and the Associate International Director of OM International. Dr. D'Souza has been writing articles and speaking publicly for nearly 25 years. He focuses on issues of freedom of religion, human rights, and the work among the oppressed and marginalized. He travels extensively in his campaign for the rights of the oppressed and marginalized in society, especially for the rights of the Dalits and the backward castes in India. His most recent book, a best seller, *Dalit Freedom Now and Forever*, was published in 2004. In addition, Dr. D'Souza's articles have been published in major mission journals and magazines, as well as the three compendiums, *Communication in an Asian Context*, *Perspectives on the World Christian Movement Handbook*, and *Global Missiology*.

Mr. T. Kumar

T. Kumar is the Asia Advocacy Director for Amnesty International USA. He has lived in several Asian and African countries and served as a human rights monitor throughout Asia as well as in Bosnia, Haiti, Guatemala, and South Africa. He has also served as director of several refugee ships and refugee camps. Kumar is a sought after expert on Asia. His comments frequently appear in the New York Times and Washington Post and have been interviewed by CNN, BBC, and NPR. He also frequently testifies before the U.S. Senate and House of Representatives and lectures at Foreign Service Institute where U.S. diplomats are trained.