

**Mandates of the Working Group on the issue of discrimination against women in law and in practice; the Special Rapporteur on minority issues; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on violence against women, its causes and consequences; and the Special Rapporteur on the human right to safe drinking water and sanitation.**

REFERENCE: AL  
IND 4/2014:

1 July 2014

Excellency,

We have the honour to address you in our capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on minority issues; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on violence against women, its causes and consequences; and Special Rapporteur on the human right to safe drinking water and sanitation pursuant to Human Rights Council resolutions 23/7, 25/5, 17/5, 25/13, 23/25, and 24/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the reported abduction, gang-rape and murder of Ms. [REDACTED] and Ms. [REDACTED], two teenage Maurya girls in the village of Saadatganj (Badaun District of Uttar Pradesh).

According to information received:

During the night of 27 May 2014, Ms. [REDACTED] and Ms. [REDACTED] went to a field to relieve themselves because they had no access to sanitation at home. A relative reportedly heard them screaming and went out to look for them and assist them. It is reported that he encountered a group of men who severely beat him, as he attempted to rescue the girls, and who then dragged Ms. [REDACTED] and Ms. [REDACTED] into the forest.

After being made aware of this incident, the girls' fathers reportedly went to the police station in the village to report their daughters as missing. However, the policemen on duty asked about the fathers' caste identity, insulted them and initially refused to help.

There were concerns that the police were protecting the alleged perpetrators. It is reported that many village police officers are members of the Yadav caste and

often intimidate members of lower castes. The alleged perpetrators are also members of the Yadav caste, while the girls and their families are from the lower Maurya caste.

The police eventually stated they knew where the girls were and told the fathers to wait for their daughters to be returned. Because the girls' families did not hear from the police, they hired a jeep to go to the district police headquarters. A policeman on a bike reportedly chased the jeep away from the police station, and said to look for the girls in a nearby mango orchard. The girls' fathers then went to this location, where they found their daughters hanging dead from a tree. It is reported that the two girls had been gang-raped, before they were killed.

Grave concern is expressed at allegations of the brutal rape and killing of Ms. [REDACTED] and Ms. [REDACTED] and at information indicating the failure of local police officers to respond quickly and effectively after the above-mentioned incidents were reported, as the young women allegedly belonged to a less powerful caste. Concern is also expressed at reports and information indicating that this is not an isolated event, and that reported cases of violence against women from scheduled or lower castes are commonly rebuffed by police officers, public representatives and community members, who fail to investigate, or allow victims' access to support services. We further wish to stress that under international law, India has the legal obligation to ensure the right to life by effectively punishing those who commit murder.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify the facts in all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators and/or the authorities who allegedly failed to respond?
4. Please indicate if any remedial action taken vis à vis the victims' families.
5. Which concrete measures are being taken to combat caste discrimination, as well as stigma affecting persons belonging to lower casts?

6. Which measures are being taken to ensure safe access to sanitation for people affected by caste-based discrimination?

We would appreciate a response within 60 days.

While awaiting a reply, we urge that all necessary measures be taken to prevent the recurrence of these acts and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Frances Raday  
Chairperson-Rapporteur of the Working Group on the issue of  
discrimination against women in law and in practice

IZSÁK Rita  
Special Rapporteur on minority issues

Christof Heyns  
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Juan E. Méndez  
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Rashida Manjoo  
Special Rapporteur on violence against women, its causes and consequences

Ms. Catarina de Albuquerque  
Special Rapporteur on the human right to safe drinking water and sanitation

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to recall that the International Covenant on Civil and Political Rights (ICCPR), acceded to on 10 April 1979, provides that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life (article 6). Additionally in its General Comment No. 31, the Human Rights Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities. States Parties permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by private persons or entities could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

In addition, we would like to refer your Excellency's Government to article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes, inter alia, the responsibility of States to exercise due diligence to prevent, investigate and, [...] punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. In this sense, we also refer to general recommendation No. 19 (1992) by the Committee on the Elimination of Discrimination against Women.

We would like to draw your Excellency's Government attention to the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, in particular to article 1.1 of the Declaration, which refers to the obligation of States to protect the existence and identity of national or ethnic, cultural, religious and linguistic minorities within their territories., article 1.2, which further calls on States to "adopt appropriate legislative and other measures to achieve those ends", and article 4.1, which notes the obligation of States to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law.

We also take this opportunity to make reference to the recommendations by the Special Rapporteur on violence against women, following her country visit to India (A/HRC/26/38/Add.1). These include a call to take effective measures to ensure access to justice and effective redress for all victims of violence against women, in particular by ensuring that all allegations are adequately investigated by the police, and that perpetrators are punished. The Special Rapporteur also recommended that police stations are equipped with sufficient and trained human and financial resources to handle all cases of violence against women and establish specific gender mechanisms, where possible; and to design and launch a comprehensive training and awareness-raising programme for police officers charged with the responsibility of filing complaints of violence against women, including First Information Reports and domestic incident reports.

We would like to draw the attention of your Excellency's Government to paragraph 2 of General Comment No. 20 of the Human Rights Committee, which provides that, "The aim of the provisions of article 7 [on the prohibition of torture and

other cruel, inhuman and degrading treatment or punishment] of the International Covenant on Civil and Political Rights is to protect both the dignity and the physical and mental integrity of the individual. It is the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity.” (adopted at the 44th session of the Human Rights Committee, 1992).

We would also wish to refer your Excellency’s Government to the relevant provisions of the Convention on All Forms of Discrimination against Women (hereinafter “CEDAW”), ratified by India on 9 July 1993, including article 2, which condemns all forms of discrimination against women; and article 5, which requests the modification of social and cultural patterns of conduct in order to eliminate the prejudices based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women.

We would further take this opportunity to recall the recommendation of the CEDAW Committee from its 2007 Concluding Observations (CEDAW/C/IND/CO/3), that India take steps to “ensure that all women victims of domestic violence, including scheduled caste, scheduled tribe, backward class and minority women, are able to benefit from the legislative framework and support systems in place and that perpetrators are effectively prosecuted under the Penal Code and adequately punished” (para.21). The CEDAW Committee further recommended that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers in India are fully sensitized to all forms of violence against women.

Finally the human right to water and sanitation derives from the right to an adequate standard of living which is protected under, inter alia, article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The human right to water and sanitation entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use and to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure and acceptable and that provides privacy and ensure dignity (A/HRC/24/41). This human right was explicitly recognized by the United Nations General Assembly on 28 July 2010, which enjoyed your Government’s support, and again reaffirmed by the United Nations Human Rights Council on 30 September 2010 by consensus.