

The widows of Kandhamal

Annotated version for facilitators

The following article can help participants identify many ways in which FORB and other human rights are limited, by analysing a concrete case of communal violence in India. It is designed for use with the exercise of the same name on [page 116](#).

The following annotated version can help you identify a range of rights violations together with participants. Violations of the following 13 articles of the UDHR are identified: 2,3, 4, 7, 8, 16, 17, 18, 19, 22, 23, 25, 26.

A handout of the article for participants is available at www.forb-learning.org/exercises/kandhamal-handout.

The widows of Kandhamal

Asmita's husband Rajesh was buried alive in a muddy riverbank in the remote Kandhamal district of India's Odisha (Orissa) state, just over four years ago.

He is not enumerated in the official death toll of the anti-Christian pogrom which began in August 2008, because police did not find his body. In fact, they did not look for it.

Asmita has no death certificate, because you don't get one here if the body hasn't been found and identified. She doesn't get a widow's pension since, officially, she isn't a widow. Either for want of resources or inclination, her husband's family no longer cares for her.

She has sent her two young daughters to hostels for their safety and education, but they are 300 miles apart because that is where spaces could be found for them.

Other widows of the 2008 violence have equally desolate stories. Their husbands are among over 90 killed during the wave of anti-Christian attacks that followed the assassination of local radical Hindu nationalist leader, Swami Lakshmananda Saraswati, by Maoist insurgents. One widow said her husband was cut up and burnt inside a church, and the case was never brought to trial. Another, whose husband was murdered inside the church he oversaw, said her future was simply "full of sorrow".

The widows of Kandhamal may have among the worst tales to tell, but in a way, these are a metaphor for the wider community of victim-survivors of that terrible violence four years ago: broken by tragedy, let down by the system, and struggling to cling on to any hope that their lives can be pieced together again. It is hard to escape a nagging feeling that the worst sting of the 2008 pogrom was not necessarily in the violence itself, but in the long months and years afterwards, as the unresolved suffering of its victims is gradually forgotten about.

The sting is in the miserable failure of the justice system, which lets down the victims at every turn. Catholic Archbishop Raphael Cheenath started writing letters to the state government in the 1970s, warning that sporadic episodes of targeted violence against Christians in his diocese were building up to something bigger in the future, and urging that justice be done to safeguard against this. His warnings were tragically vindicated.



ANALYSE

TIP! Article 3: Right to life, liberty and security

TIP! Article 18: Freedom of religion or belief.
Article 28: Right to peace and order.
Article 8: Right to remedy by a competent tribunal.

TIP! Article 22: Right to social security.
Article 25: Right to an adequate standard of living.
Rights denied as a result of failure of police to investigate.

TIP! Article 26: Right to education.
Article 3: Right to safety.
Article 16: Right to family life.
The family cannot live together due to the lack of security and the lack of safe access to education.

TIP! Article 3: Right to life, freedom and safety.
Article 18: Freedom of religion or belief.
Article 2: No discrimination.
The state has failed in its duty to protect citizens, despite warnings of the problems over many years.

The 2008 violence was devastating – many of the 90 who were murdered died in terrible circumstances, and over 56,000 fled from their destroyed homes.

But hundreds of complaints were never filed properly by police. Of those that were filed, many more – such as Asmita's – received cursory investigation and did not result in conviction.

The justice system has made little effort to accommodate the needs of victims and witnesses. Many are uneducated and need patient help to get their statements straight, while nearly all of them fear reprisals from the accused if they testify against them, and the state provides little or no protection. When perpetrators have been convicted, they have often been bailed in non-bailable offences, such as state assembly member Manoj Pradhan, out on bail despite receiving a seven year prison sentence for rioting and causing grievous harm in one of the fourteen cases against him.

A girl who was raped on account of her uncle's Christian faith is terrified for her life, as the rapists are on bail after a superficial investigation and continue to threaten her. She, like many, has lost all confidence in the justice system.

The sting is in the poverty of the victim-survivors, many of whom now struggle to survive. A terribly haphazard compensation programme left many in want of their basic needs, including food and shelter. The state effectively devolved its own responsibility to charities and churches to meet these needs.

The extremist Hindu nationalists who stoked the violence in the first place have worked hard to manufacture antipathy between people along religious lines, and now the Christian survivors, many of whom worked as daily wage labourers, do not get any work from Hindus.

Charities have built houses for many victims, giving the impression they live in reasonable conditions - but when you go inside, you find they are boiling pumpkin leaves to survive, because they can't afford rice. Some collect leaves from sal trees in the forests and sew them together into plates; they need to work for eight hours to make 120 plates, which would earn enough (15 rupees, about 17p) to buy a kilogram of the lowest-quality rice.

It is in the way the local administration has bowed to the hard-line Hindu nationalist groups, the Sangh Parivar. Their infrastructure in this region surpasses that of any other institution, including the state itself, particularly through a network of formal and informal schools which covers almost every village, and they have an immense influence over the local administration.

This is the result of its decades of activity in the area, creating a strong Hindu nationalist mindset among local people, while promulgating hate against Christians (the largest religious minority here), positioning themselves as a bulwark against violent Maoists, and putting about propaganda to the effect that Christians and Maoists are in cahoots with each other and pose a common threat.

Now the local administration seems to have outsourced some of its welfare provision to the Sangh Parivar. The configuration of welfare benefits here is complicated, but anyone (of any religion) who belongs to a "Scheduled Tribe" is eligible for a range of benefits, including school scholarships, jobs, and land ownership. However, the local administration is routinely telling tribal (Adivasi) Christians that they must obtain Scheduled Tribe certification from the Sangh Parivar groups; and these groups insist the Christians convert to Hinduism first.

TIP! Article 3: Right to life, liberty and security
Article 17: Right to own property.

TIP! Article 8: Right to remedy by a competent tribunal.

TIP! Article 7: Right to equality before the law
Victims are not assisted, whilst influential convicted perpetrators are freed.

TIP! Article 5: No cruel or degrading treatment.
Article 3: Right to security.
Article 8: Right to remedy by a competent tribunal.

TIP! Article 8: Right to remedy by a competent tribunal.
Article 25: Right to an adequate standard of living.

TIP! Article 2: No discrimination.
Article 23: Right to work.

TIP! Article 25: Right to an adequate standard of living.

TIP! Article 19: Freedom of expression
Failure of the state to implement the required limitations to freedom of expression – namely the ban on the advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence. Note that these limitations are expressed in the ICCPR article 20.2, rather than the UDHR so it is unlikely participants will identify this. Inform participants of these limitations.

TIP! Article 2: No discrimination
Article 22: The right to social security.
Article 18: Freedom of religion or belief.
Right to social security denied based on religion.
Access to social security used to coerce people to convert.

This is against the law, but it continues, and it locks the Christian community into a spiral of ever-worsening poverty.

It is in the way community has been shattered. Efforts to address the material needs of all the impoverished people in this region have been seriously hampered: a tribal welfare centre in Paburia village was burnt down because it was run by a Christian, and with no compensation and continued opposition, it has now been swallowed up by the jungle.

Thousands of victim-survivors have simply migrated elsewhere, some of them falling into the hands of traffickers along the way.

TIP! Article 4: No slavery or servitude. Trafficking.

Hope has not flickered away entirely, thanks in large measure to bold human rights activists who help keep it alive among the victims. An appeal to the Supreme Court is being prepared, to reopen over 30 murder cases which were dismissed without proper investigation.

The National Human Rights Commission has been approached to secure a comprehensive package of compensation more in line with that which victims of 1984 anti-Sikh violence and 2002 anti-Muslim violence eventually received. And on 30 August, around 5,000 victim-survivors held a rally in the district town to build solidarity among themselves, and to march for justice, security and livelihood.

TIP! Article 2: No discrimination
Differences in levels of compensation given to different groups of victim. (Although other groups also had to struggle to get that compensation.)

Nobody, though, has a deeper resolve than the widows on behalf of their children - that they will live lives of freedom and security, and honour the memory of their fathers. But for that to happen, they will need all the help they can get. Is anyone listening?

Sources

David Griffiths, The Huffington Post UK, November 2012. Used with permission.