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# MISCARRIAGE of JUSTICE in KANDHAMAL



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The targeted violence against the Adivasi and Dalit Christian community in Orissa violates the fundamental right to life, liberty and equality guaranteed by the Indian Constitution. Hindu communal forces have used religious conversions as a 'ploy' for political mobilization and incited horrific forms of violence and discrimination against Adivasi and Dalit Christians in Orissa in general and Kandhamal district in particular.

The 2008 attacks in Kandhamal were widespread,

and were executed with substantial planning and preparation. The violence meets all the elements of crime against humanity as defined in applicable international law. Christians who refused to abandon their faith and convert to Hinduism were brutally killed or injured. Burning and destruction of property (residential, official, religious and charitable institutions) was also a predominant form of violence.

Human rights defenders have been deliberately targeted for their role in assisting victim-survivors in Orissa. Moveable property, valuable documents and certificates were looted/destroyed to economically impoverish and lower the socio-economic status of the victim-survivors. Evidence of the attacks was systematically

and meticulously destroyed in order to scuttle the processes of justice and accountability. The violence had great impact on women, children, socio-economic and cultural rights of the Dalit and Adivasi Christians.

Threats of sexual violence against women and their daughters continue, heightening women's sense of vulnerability. The silence prevails in matters of sexual assault at various levels including documenting, reporting, investigating, charging and prosecuting cases. There is no implementation of government schemes by which widows, single women and women survivors of violence can be restored to a life with dignity and true freedom.

The impoverishment of the victim-survivor community in

## REALITY CHECK

Kandhamal after the violence has had an adverse impact on the children jeopardizing their physical, religious, psychological and intellectual development. Many children have witnessed horrific violence to their close family members and suffer from acute trauma with no access to services of socio-psycho support and healing. Many children have dropped out of schools due to the financial inability of the families to bear the expenses, due to fear or discrimination by the school authority and local Hindus. Children have been forced into labour force, in hazardous conditions, in order to supplement the family income, and have also been trafficked for the purpose of forced labour, sexual exploitation and abuse.

The violence against Christians has caused large-scale displacement, leaving the victim-survivors with a sense of rootlessness. The destruction of many churches, prayer halls, church-run institutions, and the failure to reconstruct them has deprived the victim-survivors of their right to religious practice against their will and fundamental rights. In many places the Christian community is unable to freely practice its faith and is thereby reduced to a state of secondary citizenship.

The violence has had an adverse impact on the livelihood and economic well-being of the affected people. Socio-economic boycott of the Christian community continues to be implemented in a variety of ways. The provisions of National Rural Employment

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Guarantee Act too do not benefit them as it is implemented in manner that discriminates against persons on grounds of religion, caste and gender.

The criminal justice system had been rendered ineffective in protecting victim-survivors and witnesses, providing justice and ensuring accountability for the crimes perpetrated. The complicity of the police and their collusion with the perpetrators during the phase of investigation and prosecution, indicate an institutional bias against the



targeted Christian tribal and dalit community. Victims and witnesses engaged in the justice process have been threatened and intimidated as there is no guarantee of safe passage to and from the courts. Guidelines on witness protection, issued by the Supreme Court and High Courts, are not followed by the fast track courts. 