



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-seventh session

15 January-2 February 2007

List of issues and questions with regard to the consideration of periodic reports

India

The pre-session working group examined the combined second and third periodic report of India (CEDAW/C/IND/2-3).

General

1. The Committee addressed a first request, at its twenty-ninth session, to the State party to indicate the anticipated date of submission of the combined second and third periodic report, including information on the events in Gujarat and their impact on women. Similar requests were submitted to the State party at several subsequent sessions of the Committee (see A/58/38, part two, para. 459, and A/59/38, part I, para. 425, and part II, para. 442). The second and third periodic report does not provide the requested information on the events in Gujarat and their impact on women. The Special Rapporteur on violence against women reported that extensive violence against women took place in Gujarat in 2002, and that following the Gujarat riots, a culture of impunity was created where sexual violence was allowed to continue and that women victims of violence were denied access to justice (E/CN.4/2003/75/Add.1, para. 988). Please provide information on the events in Gujarat and their impact on women. This should indicate in particular the steps the Government has taken to ensure access to justice and rehabilitation for women victims of violence in conjunction with the Gujarat events. It should also include information on the steps taken to investigate and prosecute perpetrators of violence against women committed during the events; what provisions the accused have been charged under; the status of arrests, if any; the status of trials and the status of convictions; and punishments given. State what victim protection measures were put in place during the trials, as well as the nature of legal aid and support given to victims. What were the obstacles in bringing perpetrators to justice, and what measures were put in place to overcome them, and with what results? In addition, please give details of steps taken by the central and state Governments to

put in place gender-specific rehabilitation plans, and the number of women who have benefited from these plans. Also explain the steps taken by the Government to enable economic rehabilitation of the communities and rebuilding of basic infrastructures destroyed during the riots. Also explain what confidence-building measures have been taken for the reintegration of the society.

2. Please inform the Committee about how Security Council resolution 1325 (2000) is being implemented in India and how gender perspectives are being mainstreamed in military operations in “disturbed areas” and conflict areas. Please give further details (scale, number of persons trained, etc.) on the gender-sensitization training given to armed forces operating in conflict areas mentioned in paragraph 18 of the report. In its concluding comments, the Committee recommended a review of the prevention of terrorism legislation and the Armed Forces Special Powers Act, in consultation with the National Human Rights Commission, the National Commission on Women and civil society. Please indicate whether such a review was conducted, and if so, what actions were taken to implement the recommendations of the review. Please give details of military personnel prosecuted under the Army Act mentioned in paragraph 17 of the report.

3. In the light of recent natural disasters such as the tsunami in India, please indicate whether the Government has assessed the effectiveness of humanitarian assistance given to victims from a gender perspective and whether the Government has developed a framework for delivery of gender-sensitive humanitarian assistance.

Constitution, legislation and national machinery for the advancement of women

4. Please provide information on the process of preparing the combined second and third periodic report. This information should indicate which Government departments were involved and the nature and extent of their participation, whether consultations were held with non-governmental organizations (NGOs) and whether the report was presented to Parliament.

5. The report notes in paragraph 36 that the National Commission of Women has reviewed and suggested amendments to discriminatory measures in 32 Acts, that proposals to amend other laws that are discriminatory to women have also been made by other bodies and that an inter-ministerial Committee has been constituted to “review existing laws and to address discrimination and ensure equality to women”. Please specify what concrete strategies, plans and timetable are in place for the repeal of all laws that discriminate against women. Explain what steps are being taken to have consultations with the relevant communities, including women, on this matter.

6. In its previous concluding comments, the Committee expressed its concern that constitutional guarantees of equality and non-discrimination do not apply in the private sphere. In response, the report observes in paragraph 14 that “implementation of the standard of the CEDAW Convention at the domestic/private sphere is still a challenge to be addressed”. Please indicate what steps and strategies are being contemplated to fully address discrimination in the domestic/private sphere, including whether the enactment of a Sex Discrimination Act in line with the Committee’s recommendations is being considered.

7. The report states in paragraph 29 that recommendations made by the Parliamentary Committee on the Empowerment of Women and by the Committee on

the Elimination of Discrimination against Women in its previous concluding comments to strengthen the powers of the National Commission of Women (NCW) are receiving “active consideration of the Government”. Please provide full details of the recommendations of the Parliamentary Committee in this regard and indicate the concrete plans and time frame to ensure the full implementation of all recommendations to strengthen the powers, including provisions for complaint mechanisms and resources of NCW, and to establish links with the state women’s commissions. Also indicate whether the recommendations include provisions for the representation of NGOs in the Commission.

Violence against women and trafficking in women

8. In its previous concluding comments, the Committee recommended the development of a national plan of action to address the issue of gender-based violence in a holistic manner in line with its general recommendations 19 and 24. Since then, however, violence against women has increased (see paras. 15 and 83 of the report). Please provide reasons for this development, and as requested by the Committee in its previous concluding comments, provide statistics and information on violence against women, disaggregated according to caste, ethnic and religious groupings, including the incidence of customary practices such as dowry deaths and dowry harassment, sati and devadasi. Also please give full information on steps taken, or planned, to address the problem of violence against women in a comprehensive, coordinated and concerted manner, including details of the Programme of Action set out in the Government’s 10th Plan in this regard, as referred to in paragraph 83 of the report and the content of the proposed legislation to address domestic violence.

9. In its previous concluding comments, the Committee called upon the Government to review existing legislation on forced prostitution and trafficking. The report notes in paragraph 142 that proposals have been made to amend the Immoral Traffic (Prevention) Act 1956. Please give details on the proposed amendments to the law, including the definition of trafficking, as well as the provisions dealing with rescue, rehabilitation and reintegration, and indicate how the proposed amendments will respond to the Committee’s concern about the HIV and other health-related risks for women victims of forced prostitution and trafficking. Please provide data on prevalence of trafficking, cases brought to court under this law and who has been prosecuted. Is there a comprehensive national plan to combat trafficking, with a time frame? Does this Plan include programmes for rehabilitation of trafficked women and children, with an adequate budget?

Stereotypes and discriminatory cultural practices

10. Throughout the report, the persistence of stereotypical attitudes and certain cultural and traditional practices and customs are cited as the major obstacles to achieving de facto equality for women (see, for example, paras. 86, 122 and 182). The report also acknowledges, in paragraph 122, that legislative reform to eradicate customary practices which discriminate against women has “not brought about the desired changes in the role and position of women in India”. Please provide information on whether a comprehensive strategy exists, including enforcement of all laws to prohibit customary practices which discriminate against women, to develop a sociocultural climate to the benefit of women, including education and awareness-raising targeted at members of the public, any collaboration with NGOs

in this regard and the measures in place or anticipated to eliminate discriminatory cultural practices and harmful stereotypes across all sectors and spheres. Also provide information on steps taken to end discriminatory cultural practices through the formal education system, including the details of the National Policy on Education in this regard.

11. The report states in paragraph 129 that Government has “provided paternity leave for men” in order to encourage them to participate in caring for children. Please provide details on this initiative, including its scope of application, and on what is being done to encourage men to take paternity leave.

Participation in political and public life

12. Women’s participation in the national Parliament has not exceeded 9 per cent, as mentioned in paragraph 161 of the report, and in state legislatures their representation is “abysmally low” (para. 163). Their participation in other decision-making bodies, and specifically in the judiciary and Lokadalat, also continues to be low (para. 181). The report states in paragraph 183 that the 10th Plan will take the “necessary steps to guarantee equal access to and full participation of women in decision-making bodies”. Please provide details of the steps envisaged in the Plan, including the measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, to increase the number of women, including women from backward classes and scheduled castes and tribes, rural women and minority women, in all public and decision-making bodies.

13. Please provide information as to whether there is a strategy and a time frame in place for the introduction of the reservation of one third of seats in the Parliament and state legislatures for women, as referred to in paragraph 183 of the report.

14. The report states that a no-confidence motion was passed by elected representatives against women chairpersons in local government. The report ascribes this occurrence to “socio-cultural barriers against women leaders” (para. 171). Please describe the steps that the Government has taken to remove the barriers to the effective participation of women in political and public life, including women leaders, and indicate whether awareness-raising and education programmes are in place for elected representatives at all levels.

Education

15. The report notes several hurdles which impede girls’ education, including “culturally dictated” practices such as son preference and patriarchal values (para. 218). Please describe the specific steps that are being taken or envisaged to overcome these hurdles, including what is being done to tackle cultural practices and obstacles faced by female students and to encourage their enrolment and retention in schools, particularly in rural areas and in states where there are low enrolment and high dropout rates. In addition, please indicate what strategies and steps have been taken to implement article 21A of the 86th Amendment Act to the Constitution (2002), which provides for free compulsory primary education and its impact on girls’ enrolment and retention at schools, including in the rural areas. What strategies are in place to ensure the enrolment of girls from marginalized communities, such as Dalits, tribals, Muslims, etc.? Please indicate the percentage of GDP that constitutes the budget of the Government allocated to education for the period 2004 to 2005.

16. What steps are the National Literacy Mission and the State Literacy Mission taking to systematically track women's retention of literacy, and what substantive plans (backed by resources) do they have for reviving the Continuing Education Programme?

Employment

17. The report points out in paragraph 238 that 93 per cent of women workers are in the informal sector, including in agriculture, and in low-paying jobs. The report further states, in paragraph 244, that Government plans to ensure that "women in the informal sector are given special attention with regard to improving their working conditions". In paragraph 14 of the report, it is stated that the central Government proposed to introduce the Unorganized Sector Workers Bill, which will regulate the employment and conditions of service of the informal sector. Please indicate the time frame for the introduction of this bill and whether the views of trade unions and women's groups are included in the drafting of the bill.

18. The report notes in paragraph 236 the wide disparity in the work participation rates between men and women. It also points out, in paragraph 238, that women workers constitute a small minority in the organized and formal sector (17.2 per cent and 14.5 per cent, respectively). The report states in paragraph 244 that the Government plans to "initiate affirmative action to ensure at least 30 per cent reservation for women in services in the public sector". Please provide information on the plans in place to achieve this goal, including strategies and a timetable for its implementation, and indicate whether the plan envisages the use of temporary special measures for women in backward classes and scheduled castes and tribes and rural women.

19. Please provide information on what is being done to address the persistence of wage gaps between men and women, as referred to in paragraph 238 of the report.

20. In its previous concluding comments, the Committee was concerned about the practice of debt bondage and the denial of inheritance rights in respect of land, which result in gross exploitation of women's labour and their impoverishment. Please provide an update on the steps taken to address these concerns, and their results, since the submission of the last report.

Health

21. Please provide information on what practical steps, other than monitoring, mentioned in paragraph 22 of the report, the Government has taken to ensure the enforcement and implementation of the Preconception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994, particularly in states which have a high adverse sex ratio.

22. Please provide statistical data about the incidence of HIV/AIDS, broken down by sex, rural and urban areas, caste and ethnic groupings, and indicate what national programmes are in place to prevent and combat HIV/AIDS among women, including awareness-raising and preventive measures.

23. Maternal deaths due to complications in pregnancy and childbirth continue to be the leading cause of death among women in the country. The report notes in paragraph 267 that in as many as 12 states, the rate of safe deliveries of babies is

less than 25 per cent. Please provide information on what measures are in place or planned to reduce maternal mortality, especially for women in the rural areas.

24. Please provide information on what is being done to facilitate women's access to health care, particularly in rural areas, and the integration of family planning services in primary health care.

Rural women

25. Given that rural women constitute nearly 70 per cent of the female population, please provide information about the impact of the Government's National Agriculture Policy on rural women and girls, in sectors such as health, education, employment, economic development, access to credit and participation in decision-making.

26. The report notes in paragraph 319 that 89.5 per cent of the female workforce is concentrated in the agricultural sector, yet they are landless. Please indicate how the Government intends to effectively implement land reform legislation and increase women's access to land.

27. What are the measures taken by the Government to stop the displacement of Adivasi people, especially as a result of development projects, resulting in Adivasi women's loss of control over common resources? What are the concrete steps that have been taken to formulate a policy for the advancement of Adivasi people? What is the place of Adivasi women in that policy?

28. Please illustrate how affirmative-action policy has had an impact on Dalit women as compared with other women and as compared to Dalit men, as regards education, employment, political participation and decision-making. Please provide sex-disaggregated data.

Equality in marriage and civil law

29. The Committee notes that under the National Empowerment Policy for Women, steps are being taken to make each of the personal laws gender-just by repealing discriminatory provisions, and that this is being done with the participation of all stakeholders, including community and religious leaders, as stated in paragraph 4 of the report. Please indicate the time frame for such amendments to be completed. Please indicate whether the proposed amendments are in line with the principles of the Convention. Please indicate what proactive measures have been taken by the Government to raise awareness in the diverse communities of women's rights to equality in marriage. Also inform the Committee whether consultations with the communities for the independent amendment of personal laws have started and whether women's groups are participating in these consultations.

Ratification of the Optional Protocol

30. India has not yet ratified the Optional Protocol. Please indicate what steps are being taken or considered for India to become a party to the Optional Protocol.