



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-seventh session

Summary record of the 762nd meeting (Chamber A)

Held at Headquarters, New York, on Thursday, 18 January 2007, at 3 p.m.

Chairperson: Ms. Gabr (Vice-Chairperson)

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In the absence of Ms. Šimonović, Ms. Gabr, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined second and third periodic report of India (continued) (CEDAW/C/IND/2-3, CEDAW/C/IND/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of India took places at the Committee table.*

Articles 10 to 14

2. **Ms. Pimentel** requested more information on specific schemes and programmes aimed at improving the status of women in marginalized and disadvantaged groups, in particular their access to education beyond the primary level. She also asked about legislative steps taken to implement the 86th Amendment Act to the Constitution, which granted free and compulsory education to all children from six to fourteen years of age.

3. **Ms. Schöpp-Schilling** asked what powers were available to the central Government in areas, such as education, that fell within the purview of the states. Where states were underperforming — as demonstrated by persisting inequality in levels of education across the country — the central Government needed to intervene in some way. She noted that the Government education budget was still below the 6 per cent of the gross domestic product it had committed itself to provide at Beijing. The figures on education were, furthermore, a mixture of absolute and relative or percentage data, which made it difficult to obtain a clear picture of what the situation was and what was being done. She hoped that the next report would provide data that were comparable, so that relative shares and trends could be seen. It also wasn't clear from the report whether the investment in education was strictly Government funds or included private investment as well; the target was meant to include only Government funds. She noted that one danger in the privatization of education was that public schooling could become poor people's schooling.

4. **Mr. Flinterman** asked what the impact of privatization in education had been on women and girls

from minority groups. The Committee had received a report on the social and educational status of Muslims prepared after the Gujarat disturbances. That report showed that poverty and other socio-economic factors were more significant than religious conservatism in hampering school attendance and progress among Muslims. He asked whether the Government had taken any steps to follow up on those findings. Noting that literacy rates among men and women had apparently improved in the 1990s, he requested information on the current decade, as well as information on budget allocations to reduce illiteracy, particularly among women and girls.

5. **The Chairperson**, speaking as a member of the Committee, said that education and the elimination of stereotypes were powerful means for achieving the social integration of minorities and disadvantaged groups. She urged the Government to redouble its efforts to increase investment in education.

6. **Ms. Swarup** (India) said that a model bill on expanding access to education had been prepared and circulated to the states. During the review process the central Government, working in partnership with the states, had instituted centrally sponsored programmes to improve access. Attendance in primary and upper primary schools in rural areas was over 85 per cent and the number of children not in school had been drastically reduced.

7. Ninety per cent of Muslim children attended school and of those not attending not more than half were girls. Strengthening education for disadvantaged groups was a high priority and a certain number of places were reserved for minorities. The gender gap in education was closing all over India, especially among minority groups and the dropout rate was falling faster among girls than among boys. Parents were sometimes reluctant to allow girls to walk long distances to reach school, so the Government was trying to build schools nearer to home. Her Government had initially focused efforts on the primary level by broadening the base of services available and access to them; it was now working on the transition to higher levels.

8. With regard to funding for education, she pointed out that the current level of expenditure on education did not include the funds raised by the 2 per cent levy for education. On privatization she said that 85 per cent of school enrolment was in public schools, where strict quality controls applied. More than 40 million teachers

had participated in training and retraining programmes. Curriculum review and renewal was an area where the central and state governments worked actively with civil society to promote social integration and introduce a rights-based approach.

9. **Ms. Dairiam** asked, with regard to article 11, what was being done to monitor the negative impact of the large-scale industries, which were taking over productive resources and displacing the poor and disadvantaged, so as to ensure that the latter were not further marginalized. She also requested more information on legislation aimed at combating sexual harassment, particularly in the workplace. Women's groups should be consulted for recommendations in that regard. She asked what programmes and investments were planned to deal with the extreme economic deprivation in the states of north-eastern India and what the time frame was for legislation to protect workers in the informal sector, many of whom were women. Lastly, she requested more information on programmes to ensure better access to education in urban areas, where child labour was most prevalent.

10. **Ms. Singh** (India) confirmed that the bill dealing with sexual harassment at the workplace was moving forward, adding that various organizations, including women's groups, had been consulted and that one recommendation had been that the bill should apply also to the informal sector. The draft bill would be posted on a website so that the public could comment on it. One major issue revolved around the extent to which allegations about sexual harassment should be in the public domain, accessible to anyone who enquired.

11. Turning to the issue of microcredit, she recalled that under the previous cooperative movement, the purposes for which credit could be obtained had been largely regulated by the Government. Now with the self-help groups, women met regularly in groups of 10 or 20 to learn about running a small business. Finally, she agreed that poverty alleviation at the national level was a different issue altogether and required a whole set of other inputs.

12. **Mr. S. K. Srivastava** (India) replying to the question regarding states in the north-east, explained that the north-east was treated as a special zone and that most of the schemes sponsored by the central Government were fully funded by it. Much of the capacity-building and technical training in the region was directed towards women. It was not possible as yet

to give firm information on how long major economic support to the region would be needed.

13. With regard to child labour, he explained that, according to the 2001 census, there were about 12 million children working in India, of whom 1.2 million were employed in hazardous occupations. The Government had set up special schools for the latter and would continue doing so and planned to open residential schools for child workers in urban centres and to provide vocational training for such workers.

14. With regard to working women, especially in rural areas, displaced by the emergence of major industries, he said that the Government was focusing on providing vocational training confident that such training, combined with the increased literacy rates, would significantly increase women's participation in employment.

15. Finally, turning to the issue of the timeline for the bill on social security referred to in paragraph 233 of the report he said that an announcement might be expected soon. There had been intensive inter-ministerial consultations centred around issues such as the financial implications of providing social security for nearly 370 million people, whether coverage should be confined to agricultural workers, or even to agricultural workers living below the poverty line and the legal basis on which the scheme would be administered.

16. **Ms. Dairiam** expressed concern regarding the rates of maternal mortality, the leading cause of death among women. In absolute numbers, India had the highest number of maternal deaths in the whole world — 130,000 a year. According to other sources the real figure might be even higher. It was necessary therefore to look at the various contributory factors, one of which, she believed, was the 4 to 6 million illegal abortions performed per year. She asked whether data were available on the contribution of illegal abortions to maternal mortality, and whether that aspect was being monitored.

17. A further contributory factor concerned limited access to contraceptives. She had heard that in some states delivery of contraceptives was sometimes linked, for instance, to public benefits. She asked whether that was, in fact, the case and, if so, what plans the Government had for changing the situation. Other factors included high rates of water-borne and food-borne infectious diseases, lack of food and poor

sanitation, all of which impact maternal health. She asked about the Government's plans for dealing with such factors.

18. She had heard that public expenditure on public health was decreasing while expenditure on private health care was increasing. Since that would have a very serious effect on women's access to health services, she asked how the Government planned to rectify the situation.

19. **Ms. Simms** said that discrimination against certain peoples was deeply rooted in history. Even women who were now in positions of power had to recognize that they, too, benefited from the discrimination against other groups of women. Thus it was up to women leaders everywhere to insist that structural discrimination be eliminated in a very structured way. Women could not wait for change to occur; they must be proactive in bringing it about.

20. **Ms. Shin** stressed the need to address the specific situation of rural women in India, who were often displaced owing to large-scale development projects. In addition, while land reforms had provided for the redistribution of surplus land to tribal peoples, the land in question tended to be barren and unfit for cultivation. She would be grateful for further information about the steps taken by the Government to assist rural and tribal women, and, in that connection, drew particular attention to article 14 (2) (a) of the Convention, which called on States parties to ensure that rural women had the right to participate in the elaboration and implementation of development planning at all levels.

21. The microcredit self-help schemes described in the report operated on the basis of rotating loans: participants had to save a certain amount of money before being granted access to credit; the country's poorest women were excluded from such schemes. In the final analysis, the lending institutions seemed to be the main beneficiaries. The State party should introduce additional capacity-building and literacy programmes for women entrepreneurs and should diversify the mechanisms designed to support them. Funds earmarked for the advancement of women under the Women Component Plan could be used for that purpose.

22. **Ms. Coker-Appiah** recalled that nearly 70 per cent of India's female population lived in rural areas. While the Government had adopted a number of

policies and programmes designed to alleviate poverty, further efforts should be made to ensure that such policies and programmes took account of the multiple layers of discrimination faced by rural women. In that connection, she would be grateful for additional data on the situation of rural women, disaggregated by caste, tribe and religion.

23. Noting that a significant proportion of India's natural resources, as well as its forests, were located in tribal districts, she expressed concern that commercial interests would take precedence over the rights of the inhabitants of those areas. She therefore wished to know whether the draft national tribal policy referred to on page 40 of the responses to the list of issues and questions (CEDAW/C/IND/Q/3/Add.1) had been adopted and, if it had, how the Government planned to monitor its implementation.

24. **The Chairperson**, speaking as a member of the Committee, recalled the State party's earlier comments concerning the effects of globalization on rural communities and the related issue of rural women's access to microcredit. In her own country, Egypt, women had shown that they could use such credit effectively and repay their lenders. In India, however, more men than women benefited from microfinance initiatives, and further efforts must be made to ensure that women enjoyed equal rights in that area. In that connection, she wondered why the Government had not taken measures to provide financial assistance to the poorest women.

25. **Ms. Singh** (India), responding to the questions posed, agreed that further efforts were needed to safeguard women's health. While maternal mortality rates had dropped considerably, much remained to be done. The eleventh five-year plan set out a number of proposals designed to address particular areas of concern and emphasizing, inter alia, the need to ensure that health-care services were accessible, female-friendly and based on a life-cycle approach; the importance of recognizing violence against women as a public health issue and the need to allocate adequate resources for training. The plan also contained a series of recommendations on reproductive health care, HIV/AIDS prevention and the situation of internally displaced women and children. She did not have any data on the number of illegal abortions performed in India. However, efforts were under way to ensure that the Pre-Conception and Prenatal Diagnostic

Techniques (Prohibition of Sex Selection) Act was implemented effectively.

26. India was currently grappling with the double-edged swords of globalization and liberalization, which, while necessary to sustain economic growth, had negative consequences for vulnerable segments of the population. The relationship of those phenomena to displacement must be closely examined. In order to ensure that rural and tribal women were able to exercise their land rights, the Government had been issuing joint *pattas* (title deeds) to husbands and wives. It had also prohibited the transfer of granted and inherited lands from tribal to non-tribal peoples and agreed to restore alienated lands to the tribal peoples.

27. Reverting to the issue of microcredit, she said that there was a growing awareness of the need to assist women who did not have access to such schemes and efforts were being made to ensure that the advancement and empowerment of women took precedence over other concerns.

28. **Mr. Khanna** (India) said that the employment of manual scavengers and the construction of dry latrines had been prohibited since 1993. With a view to eradicating the practice of manual scavenging, the Government had introduced a number of measures designed to convert dry latrines into wet latrines. In addition, programmes had been set up to provide former scavengers with alternative employment.

29. While tribal peoples tended to inhabit remote areas of the country, Dalits could be found in every town and village. They were therefore no more vulnerable to displacement than other groups. A government committee chaired by the Secretary of the Ministry of Social Justice and Empowerment was responsible for overseeing relief and rehabilitation programmes for displaced communities.

30. The Government had enacted a national policy for persons with disabilities, and India would soon be signing the United Nations Convention on the Rights of Persons with Disabilities. Lastly, the national policy for older persons paid due attention to the rights of older women, and legislation to protect those rights was currently under consideration.

Article 15 and 16

31. **Ms. Coker-Appiah** said that, although, traditionally, women's rights had been sacrificed in an

effort to uphold the institutions of marriage and the family, Governments and international organizations were increasingly intervening in the private sphere in order to protect women's rights. Regrettably, it seemed unlikely that the Government of India was prepared to follow their example, for, according to paragraph 329 of the report, child marriages continued to take place in many parts of India, even though under all but Mohammedan Law, the age of marriage was 18 and 21 for girls and boys respectively. She wondered whether the Government would consider amending the Child Marriages Restraint Act so as to nullify child marriages instead of just punishing offenders. In that connection, she urged the Government to reconsider its reservations to articles 5 and 16 of the Convention.

32. **Ms. Halperin-Kaddari** observed that since the Special Marriage Act did not recognize the concept of community property, if a woman divorced she could not obtain her share of property acquired during marriage or future assets such as pensions but was forced to rely on alimony and maintenance. She asked what prevented the Government from passing secular laws to improve the situation and why marital rape was not considered an offence.

33. In terms of internal reform, she asked about the role of the All India Muslim Personal Law Board and pointed out that, although it had proposed (para. 5 of the report) that "triple talaq" pronounced without any adequate reason should be considered a grave sin, the Government could still, without exceeding the bounds of the Personal Laws framework, go further and declare it to be a criminal offence. With regard to the registration of marriages, she felt that the State could differentiate between the religious validity of marriage and the administrative responsibility of registration, in order to monitor cases of child and polygamous marriages. She also noted the lack of data on the age of marriage and other concerns.

34. **Mr. Vahnavati** (India) said that voiding child marriages instead of just punishing offenders was a delicate issue because any child born of that marriage must not be penalized by being declared illegitimate. Regarding community property, he said that the family courts were being more proactive, calling not just for alimony and maintenance, but also recognizing the concept of the matrimonial home.

35. The All India Muslim Personal Law Board served in an advisory capacity. There were many different

schools of thought concerning the Muslim Personal Law in India; under the new law, divorced Muslim women were entitled to maintenance payments that allowed them to maintain the standard of living they enjoyed during marriage. Turning to the registration of marriages, he said that the Supreme Court had ruled that every State should adopt mandatory rules after submitting them to public scrutiny.

36. **Ms. Pimentel** commended the Government for all the improvements made in the area of education, especially elementary schooling, but requested more information about access for marginalized women to higher education.

37. **Mr. Flinterman** reiterated the Committee's concern about the immunity given to the military forces in case of violation of women's rights. Although a committee had apparently been set up to review the issue, no information had been provided.

38. **Ms. Schöpp-Schilling** asked whether there were any figures available regarding results of Government action on education. Despite what the Constitution said, there was a discrepancy between the right to freedom of religion, on the one hand, and the right of women to enjoy the same human rights as men, on the other. She urged the Government to find ways of engaging in discussion and dialogue to promote women's rights.

39. **Ms. Shin** asked whether the Government was willing to listen to the voices of rural and tribal women and to incorporate their concerns into its policies. She noted that the percentage given in paragraph 117 of the report concerning the total population that was disabled, seemed rather low. According to conventional wisdom, it should be between 5 and 10 per cent. Finally, she suggested that women NGOs should provide their input for the next report and that a forum should be organized in India to educate the public on the issues discussed at the present session.

40. **Ms. Halperin-Kaddari** wondered why the answer to her question concerning the Special Marriage Act and to the Committee's concerns about the Gujarat riots and human rights violations referred only to Supreme Court rulings, instead of specific legislative action by the Government.

41. **Ms. Dairiam** asked why the prospects of achieving the goal of compulsory registration of marriages seemed less promising, based on the

responses provided by members of the delegation, than they did based on the information in paragraph 9 of the report,

42. **Ms. Singh** (India), responding to the question regarding immunity of military forces, said that while it was true that a committee had been set up to consider the issue, its recommendations were not in the public domain.

43. Regarding input from women NGOs and others, she said that a draft of the report had been posted on the website for two months so that people could offer suggestions; the same process would be followed for the next report.

44. **Ms. Swarup** (India), referring to the question put by Ms. Pimentel, provided some data about the levels of school enrolment for girls in general, and those from marginalized groups, adding that most states had made education completely free for girls up to higher secondary stage. In addition, scholarships were provided for girls from marginalized groups to pursue higher levels of education. Nevertheless, she stressed the need to increase the number of girls at the primary and secondary levels in order to have greater numbers entering higher education.

45. **Mr. Vahnavati** (India) said that there was no cause to be disheartened regarding the goal of achieving registration of marriages because the Supreme Court order relating to the issue had now arrived and such orders always expedited the implementation process. The Supreme Court had a unique role in India because it had the power to pass general orders on any matter in order to achieve substantive justice and Government always accepted and enforced those orders.

46. **The Chairperson** said she was encouraged by the developments on women's rights in India and urged the delegation to inform Parliament and the public, upon its return, about the outcome of the Commission's meetings.

The meeting rose at 5.15 p.m.