



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

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### Committee on the Elimination of Discrimination against Women

#### List of issues and questions in relation to the combined fourth and fifth periodic reports of India\*

##### Follow-up to the exceptional report

1. At its forty-seventh session, held from 4 to 22 October 2010, the Committee considered the State party's exceptional report on the impact on women of the communal violence that took place in Gujarat in 2002 ([CEDAW/C/IND/SP.1](#)). In its concluding observations ([CEDAW/C/IND/CO/SP.1](#)), the Committee expressed its concern at the prevalence of violence against women, in particular sexual violence, during that communal violence. Please provide information on measures taken to implement the recommendations contained in those concluding observations, as previously requested by the Committee (*ibid.*, para. 38), given that they were not addressed in the combined fourth and fifth periodic reports.

##### Communal violence

2. Please provide information on the status of the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill (2005) and whether amendments thereto have been introduced, as recommended by the Committee in its previous concluding observations ([CEDAW/C/IND/CO/3](#), para. 25). Please indicate measures in place to protect women and girls, in particular those belonging to religious or cultural minorities, from indiscriminate attacks, and the reoccurrence thereof, in the context of communal violence in the State party. Please provide information on reparation programmes in place for women victims of communal violence. Please indicate whether reconciliation processes are in place in those regions of the country where communal violence has occurred, such as in Kandhamal, district of Orissa, and whether women are participating therein.

##### Constitutional and legislative framework

3. Please provide information on measures taken and in place to guarantee the consistent implementation of the Convention throughout the territory of the State party, given that the Constitution defines the areas in which the central Government

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\* Adopted by the pre-sessional working group for the fifty-eighth session, meeting from 21 to 25 October 2013.



and the state governments have exclusive or concurrent jurisdiction, such as in health and education, social security, and marriage and divorce issues (CEDAW/C/IND/4-5/Add.1, para. 16). Please also indicate measures taken to ensure the consistent implementation of the Convention in the State of Jammu and Kashmir, which, under the Constitution of the State party, has a special status (ibid.), and to ensure that that State implements legislation on women's rights enacted by the central Government.

#### **Legal complaint mechanisms**

4. Please provide information on measures taken to eliminate the multiple barriers faced by women with regard to access to justice, such as negative stereotypes and prejudices towards women victims of gender-based violence by law enforcement officials and the judiciary, in addition to rampant corruption. Please provide further information on the number of family courts and fast-track courts for sexual offences operating in the State party, their human and financial resources and their geographical distribution. Please indicate whether an assessment has been conducted of the expertise and efficiency of fast-track courts compared with ordinary courts with regard to their ability to deal with violence against women. Please also indicate the number of registered cases of violations of women's rights, in particular violence against women, in addition to the number of investigations, prosecutions and sentences imposed on perpetrators of such violations.

#### **National machinery for the advancement of women**

5. Mention is made in the report of the adoption of the National Mission for Empowerment of Women (2010-2015). Please provide detailed information about its implementation in the State party, including the achievements and challenges, and about monitoring and evaluation mechanisms in place. Please also provide information on action taken by the Ministry of Women and Child Development to ensure efficient coordination among the various ministries and departments at the central and local levels to merge their schemes and programmes relevant to the empowerment of women (para. 14).<sup>1</sup>

#### **National human rights institutions**

6. It is indicated that the National Commission for Women has the mandate to promote and protect women's rights in the State party (CEDAW/C/IND/4-5/Add.1, para. 37). Please provide detailed information on the mandate, composition and human and financial resources of the National Commission. Please also provide information about the individual complaints procedure of the National Commission, how many complaints have been addressed and whether the commissioners have used the Convention in their investigations. Given that the National Commission and the state-level commissions for women have been established under distinct statutes, please also provide information on measures in place to ensure that the full range of women's rights are protected across state jurisdictions and indicate the extent of cooperation between the state-level commissions and the National Commission. Please provide information on the connections between the mandates

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the combined fourth and fifth periodic reports of the State party (CEDAW/C/IND/4-5).

and actions of, and the extent of cooperation between, the National Human Rights Commission and the National Commission for Women.

### **Temporary special measures**

7. The information provided suggests that the State party does not fully understand the nature and scope of temporary special measures (paras. 22-24). Please provide information on possible temporary special measures that could be taken, in line with the Committee's general recommendation No. 25 on temporary special measures, to accelerate de facto equality between men and women in all areas covered by the Convention, in particular in education, employment and participation of women in political and public life.

### **Stereotypes and harmful practices**

8. It is indicated that various measures have been taken to tackle harmful practices and gender stereotypes with regard to the roles of women and men in society in the State party (para. 25). It is also indicated that the National Commission for Women has studied the efficacy of legislation prohibiting harmful practices against women and girls such as dowry, child marriage, sex-selective abortions, sati, devadasi, witch hunting, acid attacks and what are termed "honour killings" (CEDAW/C/IND/4-5/Add.1, para. 38). Please provide information on the findings of the studies, giving specific examples of such legislation and other measures taken and results achieved to eliminate harmful practices against women and girls. Please also provide information on measures taken to modify gender stereotypes and cultural beliefs that portray women in a subordinate role in society, including in textbooks and the media.

### **Violence against women**

9. Given the high prevalence of violence against women in the State party, please provide information on measures taken or envisaged to comprehensively address violence against women and girls in the private and public spheres, as recommended in the Committee's previous concluding observations (CEDAW/C/IND/CO/3, para. 21). Please also provide detailed information on the legislative and other measures that have been taken to fully implement the recommendations of the Justice Verma Committee on Amendments to Criminal Law, which was set up in response to the gang rape on a bus of a 23-year-old woman on 16 December 2012. Please provide information on measures taken to widen the definition of rape in the Penal Code so as to include marital rape, as recommended by the Committee in its previous concluding observations (ibid., para. 23). Please provide further information on other measures taken to adequately respond to the needs of women victims of violence, other than the establishment of short-stay homes for women at risk (para. 31).

10. Please provide information on measures taken to prevent and protect women and girls from violence, including sexual violence, during military operations in what are termed "disturbed areas" in the State party, in particular in Jammu and Kashmir and in the north-eastern states. Please also indicate how many of the 1,429 registered complaints of human rights violations allegedly committed by military and paramilitary forces correspond to violence against women, including sexual violence, and provide information on the basis for deciding that 1,332 of those

complaints were false ([CEDAW/C/IND/4-5/Add.1](#), para. 65). Please provide information on measures taken to repeal the Armed Forces Special Powers Act (1958), the interpretation and implementation of which have resulted in impunity for human rights violations.

### **Trafficking and exploitation of prostitution**

11. It is indicated in the report that article 23 of the Constitution prohibits trafficking in human beings and that the legal framework to address this phenomenon is embodied in various pieces of legislation (para. 29). Please indicate whether the State party envisages adopting comprehensive legislation on trafficking in human beings in line with international standards. Please also provide information on the prevalence of internal and external trafficking in women and girls, as well as on the reasons why such trafficking takes place (e.g. sexual exploitation, labour exploitation, servitude, organ removal). Please also provide information on the mandate and achievements of the anti-human trafficking units and the “Ujjawala” scheme, established since 2006 and 2007, respectively (para. 30). Please provide information on the integrated plan of action to prevent and combat human trafficking with special focus on children and women developed by the National Human Rights Commission ([CEDAW/C/IND/4-5/Add.1](#), para. 41). Please provide information on exploitation of prostitution in the State party, including whether prostitution is criminalized, and on measures taken to guarantee the rights of women engaged in prostitution.

### **Participation in political and public life**

12. Please provide information on the status of the Constitution (108th Amendment) Bill, which is intended to ensure a 33 per cent quota for women in the Parliament and in the state legislatures (para. 34). Please also provide information on the status of the Women (Reservation in Services) Bill (2012), which aims at reserving 33 per cent of all appointments and posts in the public sector for women. Please provide information on steps taken to tackle barriers to the participation of women in political and public life, such as what is termed the “two-child norm”, in some regions of the country. Please provide information on measures taken to increase the number of female judges in the Supreme Court, the high courts and the criminal courts. Please also provide updated information with regard to the implementation of the decision of the Supreme Court of September 2012 regarding the number of women commissioners to be appointed to the National Human Rights Commission.

### **Education**

13. Please provide detailed information on the provisions intended to guarantee girls access to education contained in the Right of Children to Free and Compulsory Education Act (2009) and on their implementation throughout the country (para. 10). Please also provide information on the achievements and challenges in reducing the elementary school gender gap within the scheduled castes and scheduled tribes through programmes in place such as the national programme for education of girls at the elementary level (para. 48). Please indicate actions taken to implement the recommendations of the high-level committee for the preparation of a report on the social, economic and educational status of the Muslim community of India (Sachar Committee) with regard to access to education by Muslim girls

(CEDAW/C/IND/CO/3, para. 33). Please provide information on how the programmes in place aimed at making secondary education available, accessible and affordable to all adolescents (paras. 51-52) integrate a gender perspective and take into account the specific needs of adolescent girls, such as hygienic sanitation facilities, so as to increase the enrolment rate of girls and prevent them from dropping out of school. Please indicate measures envisaged or in place to ensure access to secondary and higher education for Muslim girls and girls belonging to the scheduled castes and scheduled tribes. Please also indicate measures in place to encourage young women to enrol in non-traditional fields of education at university (para. 57).

### **Employment**

14. Women's participation in paid work remains extremely low, at 26 per cent of the workforce (para. 63). Please provide information on specific measures taken to encourage and facilitate the entry of women into paid work in the public and private sectors. Please also provide information on measures taken to effectively address pay differentials for men and women engaged in casual and regular work in urban and rural areas, including ensuring compliance with the Payment of Wages (Nomination) Rules of 2009 (para. 67). Please provide information on the implementation of the Unorganized Workers' Social Security Act (2008), specifically on the formulation of social security schemes for women working in the informal sector (para. 64). Please provide detailed information about the redress mechanisms and reparations provided in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013) and about the status of implementation of the legislation.

### **Health**

15. According to the report (paras. 76 and 78), the State party has adopted programmes such as the National Rural Health Mission with the aim of improving access to and quality of health-care services, in particular for disadvantaged groups of women and girls. Please indicate whether similar initiatives are in place for women and girls living in poor urban areas. Please provide information about the impact of such programmes in providing women and girls with access to adequate and affordable health-care services, including sexual and reproductive health care. Please indicate the impact of the programmes in improving the overall health status of women and girls, in particular with regard to reducing the high rates of malnutrition and anaemia. Please also indicate measures in place to ensure food security for women and girls. Please provide information on measures in place to reduce the number of unsafe abortions performed, given that such abortions contribute to the high maternity mortality rate. Please also provide information on the achievements of the measures taken to reduce the deterioration in the ratio of girls in the State party through sex-selective abortions (para. 77). Please provide information on sanctions imposed on health professionals for not complying with the Pre-Conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act, which was amended in 2003.

### **Rural women**

16. Please provide information on the National Rural Employment Guarantee Act (2005), as previously requested (CEDAW/C/IND/CO/3, para. 37). It is indicated in

the report that the National Agriculture Policy and the National Policy for Farmers (2007) incorporate a gender perspective (para. 89). Please provide information on how they guarantee the right of women in rural areas to own land. Please also provide information on the impact of the policies and other measures in the improvement of the overall situation of women in rural areas, including those who are heads of households.

#### **Disadvantaged groups of women**

17. Please provide detailed information on the steps taken by the State party to tackle all forms of violence against Dalit women through law, policy and support services (CEDAW/C/IND/4-5/Add.1, para. 60). Please also provide information on measures taken to ensure the effective implementation of the Scheduled Castes and the Scheduled Tribes Prevention of Atrocities Act (1989). Please also provide information on the status of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill (2012) and on measures in place to eliminate the practice of engaging Dalit women in manual scavenging.

18. Please provide detailed information on specific measures taken to ensure that women belonging to religious minorities are not subjected to multiple forms of discrimination and have access to education, health services, employment and housing. Please provide information on measures taken to fully implement the recommendations of the Sachar Committee with regard to Muslim women and girls.

19. Please provide information on how the State party incorporates the specific needs of women and girls with disabilities and older women into policies and programmes aimed at the advancement and protection of women's rights in all areas covered by the Convention. Please provide information on measures taken to prevent and protect women and girls with disabilities from violence, in particular sexual violence in institutions, in the community and at home.

#### **Refugee and asylum-seeking women**

20. Please provide updated data, disaggregated by sex, on the number of refugees and asylum seekers in the State party. Please provide information on the situation of refugee and asylum-seeking women in the State party, as well as on targeted measures in place to meet the specific needs of each of those groups of women. Please also provide information on measures taken to eliminate discrimination against such groups of women, in line with the Convention. Please indicate whether the State party envisages adopting a national refugee law.

#### **Marriage and family relations**

21. Please provide information on whether registration of marriage is mandatory for all religious groups. Please also provide information on the provisions and enforcement of the Hindu Succession (Amendment) Act (2005) and the Personal Laws (Amendment) Act (2010) to complement that provided in the report (paras. 5-6). Please provide information on the barriers to the effective implementation of the Prohibition of Child Marriage Act (2006), which aims at ensuring that child marriages are void, and how they are overcome in various state jurisdictions. Taking into consideration the deep-rooted patriarchal attitudes and "social acceptability" of child marriages in the State party (CEDAW/C/IND/CO/3,

para. 56), please explain how the State party ensures the effective implementation of the Prohibition of Child Marriage Act (2006).

**Optional Protocol and amendment to article 20 (1) of the Convention**

22. Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention.

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