

NGO PRESENTATION CEDAW: INDIA

MADAME CHAIR,

We thank you for this opportunity. The Indian NGO Delegation comprises 14 members from different states. The Second and Third Alternative Report on CEDAW is the culmination of a three-year consultative process and involved over a thousand groups and networks from across the country. The printed report gives details of the discrimination faced by women under various articles of CEDAW. Three of us here will present the statement. I, Ruth Manorama, will outline the context briefly and speak on discrimination against women from vulnerable groups, Sheba George will speak on the situation in Gujarat and internal conflict, and Jarjum Ete will cover the section on Equality and Non-discrimination, Political Participation, Education and Health.

Efforts of the Government of India notwithstanding, several gaps persist in the elimination of discrimination against women in public and private life. We will attempt to identify these gaps briefly.

Despite the year 2001 being declared the Year for Empowerment of Women, the status of women in India causes concern, with socio-economic indicators showing a disturbing trend - a falling child sex ratio, rising poverty and unemployment, starvation deaths linked to the denial of right to life and livelihood and displacement of tribal peoples. These are not isolated trends but needs to be seen in the light of globalization and rising caste and religious intolerance, which have increased varied forms of violence against women. Women as a group have faced adverse impacts owing to globalisation and the pursuit of neo-liberal policies by governments. The problem persists despite the vibrant resistance by the women's movement to this over the past several decades.

WOMEN FROM VULNERABLE SOCIAL GROUPS

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| <ul style="list-style-type: none">• CHAPTERS 7, 9, 13,15, 16, 18 OF THE SECOND AND THIRD NGO ALTERNATIVE REPORT• CEDAW PROVISIONS: Arts. 1-4 and 14 |
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The absence of land reforms has resulted in the dispossession of rural and tribal women and the denial of land rights.

Caste discrimination impedes effective political participation by elected dalit women representatives and heightens violence.

The majority of girls and women being trafficked for prostitution are from Dalit and tribal communities. We recommend that states have a **specific monitoring mechanism** to track missing girls and women in rural areas.

The majority of workers in the unorganized sector are women. The speedy enactment of the **Unorganized Workers Bill 2003** and the **provision of social security** will protect labour/employment rights of women in the unorganized sector.

In the **Tsunami relief and rehabilitation process** women's livelihood concerns have not been addressed adequately, further aggravated by caste and religious discrimination.

GUJARAT 2002 and CONFLICT IN THE NORTH EAST

- CHAPTERS 12 (1), 12 (2), 14 OF THE SECOND AND THIRD NGO ALTERNATIVE REPORT
- CEDAW PROVISIONS: General Recommendation 19
- QUERIES BY CEDAW COMMITTEE: 1 [Gujarat 2002], 2 [Conflict Areas], 8 [Violence against Women of Minority Communities]

The government responses on Gujarat and Conflict areas fails to fully address the concerns raised by the Committee.

The Gujarat Carnage resulted in 2000 dead as per the National Human Rights Commission [NHRC] and other bodies, not 1054 as claimed by the state. Contrary to official estimates, data collated from the various relief camps indicates that nearly 300 women were assaulted. No special mechanisms for the access to justice and compensation were provided to women survivors of grave sexual assault till date. Women continue to be under threat in the absence of adequate witness/victim protection. **The proposed law to combat communal violence is silent on gender based crimes and state accountability, a cause of grave concern for securing ensuring justice in such contexts in the future.**

Even today, over 5000 families of Muslim survivors of the 2002 carnage live in temporary colonies without basic civic amenities, social security, health care, livelihood access and education. Justice and restorative rights elude victims even five years down the line, while the perpetrators of mass crimes walk free.

Long term presence of armed forces in conflict areas in North East India, termed by the government as "Disturbed Areas" is governed by the Armed Forces Special Powers Act. Several non-State armed groups operate in the region. The situation in these areas is akin to that covered under UN resolution 1325. The Armed Forces have been responsible for a number of arbitrary killings, torture, disappearances and rapes. Civil society organizations demand the unconditional repeal of the Act.

EQUALITY and NON DISCRIMINATION

- CHAPTERS 2, 10, 16 OF THE SECOND AND THIRD NGO ALTERNATIVE REPORT
- CEDAW PROVISIONS: Art 1,2, 3,4
- QUERIES BY CEDAW COMMITTEE: 5 [Review & Repeal of Discriminatory Legislations], 6 [Equality and Non Discrimination], 21 [Sex Pre Determination and Sex Selective Abortions] 28 [Equality in Marriage]

The Declaration and Reservation to Articles 5 and 16 of CEDAW should be withdrawn.

The judiciary in various jurisdictions has failed to bring justice to dalit survivors of atrocities. The state itself is a violator of Article 17 of the Constitution of India that bans untouchability, by being the biggest employer of manual scavengers.

Convictions under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are about 1% for ALL crimes committed against Scheduled Caste/Scheduled Tribes people. A culture of impunity protects perpetrators of grave caste violence.

Section 377 of the Indian Penal Code criminalizes homosexuality, and must be repealed forthwith.

Marital rape as an exception to rape under Section 375 of the Indian Penal Code contradicts the government's stated concerns on domestic violence and must be repealed. The definition of rape is too narrow to cover all forms of sexual violence that are perpetrated against women.

Each year, an estimated 200 women are killed as witches in rural India. Some states have enacted special legislations to protect women from witch-hunting, but a concerted effort to address the root cause - control over land - is lacking.

Sex Selective Abortions and sex determination tests continue to be a major hurdle in the realization of women's rights.

Beneficial enactment, like the Domestic Violence Prevention Act do not yet have mechanisms and resources for full and effective implementation.

POLITICAL PARTICIPATION and PUBLIC LIFE, EDUCATION, HEALTH

- CHAPTERS 2, 10, 16 OF THE SECOND AND THIRD NGO ALTERNATIVE REPORT
- CEDAW PROVISIONS: Art 7
- QUERIES BY CEDAW COMMITTEE: 7 12 [Participation in Public and Political Life], 13 [Reservation for Women in Parliament], 15 [Education], 16 [National Literacy Mission] 22 [HIV/AIDS], 23 [Maternal Health], 24 [Public Health], 28 [Political Participation by Dalit Women]

One third reservation for women in state legislatures and Parliament must be implemented forthwith. Women cannot enter mainstream politics in significant numbers without affirmative action.

The judiciary, the civil services and the armed forces reflect abysmally low numbers of women. There must be a mandatory and proportionate inclusion of women in these services/institutions to make them more gender sensitive.

EDUCATION (Art 10)

The 86th Constitutional Amendment of 2002 making education a Fundamental Right has not yet been translated into legislation.

Despite several schemes, the disparities in literacy rates, educational access and attainment between dalits, tribals and minorities and others is still glaring.

A recent high level committee report counters the idea that 'culturally dictated' practices necessarily impede Muslim girls' education. Instead, poverty, low perceived returns from education, poor access to schools, and an anti-minority bias in textbooks are impediments. This is also true for girl children from other marginalized communities, the privatization of education being another major issue.

**HEALTH/HIV/AIDS
(Art 12)**

The impact of HIV/AIDS on women continues to cause grave concern. Sexual violence and rape place women particularly at risk of infection. Fear of stigma and victimization obstructs positive women from accessing any kind of health care.

Privatization of health care, the lack of adequate sanitation and the complete collapse of the public health system has put any manner of healthcare out of reach of women of vulnerable communities. The prioritisation of health care access to poor and marginalised communities is an urgent need.

These in brief are the concerns women in India face today. We thank you once again for this opportunity.