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INTRODUCTORY STATEMENT

BY

**H.E. MS. DEEPA JAIN SINGH
SECRETARY AND LEADER OF THE INDIAN
DELEGATION,
MINISTRY OF WOMEN AND CHILD DEVELOPMENT,
GOVERNMENT OF INDIA**

**AT THE THIRTY SEVENTH SESSION OF THE
COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN (CEDAW)
[CONSIDERATION OF INDIA'S
COMBINED 2ND AND 3RD REPORT]**

NEW YORK

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Madam Chair and Members of the Committee,

Just before we left Delhi, there were newspaper headlines contrasting the freezing temperatures of Delhi with the warm spring-like weather in New York. How quickly things have changed as you can see from the conditions outside. If only we in India could bring about as dramatic a change in the status of our women!

The Indian delegation this time consists of many senior officers of the Government of India and representatives of Non-Governmental Organisations. In recognition of the importance of this august body, I am happy to inform you that we have with us the Solicitor General of India, and I am confident that we will all benefit from his presence.

On behalf of the Government of India, it is my privilege to present before this Committee the combined second and third periodic report of India. This Report was prepared in consultation with the Members of the Inter-Ministerial CEDAW Committee. The Report was also sent to all the State Governments for their comments and suggestions. The draft Report was placed on the Ministry's website for seeking comments of interested citizens including the NGOs. Information regarding the availability of the Report in the website was published in all the leading national newspapers.

Madam Chair,

India, as you know, is over a billion strong; it is the largest democracy in the world. There is a huge diversity in terms of culture, traditions and practices; in languages and communities. There are regional variations in natural resources and development. The Government endeavours to address these diversities and challenges through the laws, policies and programs it initiates.

Our Parliamentary system of governance is time-tested and time honoured. We have a fiercely independent judiciary; a media that not

only keeps us informed but carries development messages across the country; and civil society groups which participate in identifying issues and concerns that affect women and gender relations. Recently the Government enacted the Right to Information Act (2005) to promote transparency and accountability in the working of any public authority. This widens public knowledge of the decision-making process and establishes mechanisms for reviewing government policies. Increased decentralization and devolution to local bodies has widened the base to ensure local accountability and transparency in the implementation of the country's laws and interventionist programmes for development of women. Independently and together, the Constitutional provisions, legal pronouncements, civil society and media interventions have had, in recent years particularly, a deep impact on policy and programming issues. Our five year plans are committed to having women as equal partners and participants in development and governance.

Women constitute almost 50% of India's population. The framers of the Indian Constitution clearly bore this in mind when they guaranteed equal rights and equal protection for men and women. Women are guaranteed the right to equality, right to life, right to equal protection before the law, proactive measures for women and so on. Amendments in recent years, along with new laws, have further strengthened practical realization of rights for women in India.

Madam Chair,

Government initiatives referred above have been buttressed by the proactive role of the higher judiciary, particularly the Supreme Court of India. The right to approach the Supreme Court for enforcement of fundamental rights is itself a fundamental right and in proceedings under Article 32 of the Constitution, the Court has addressed issues of concern to women in several innovative ways. For instance by a series of proactive judgments in rape cases the Court has done away with the earlier approach which marked a reluctance to act on the testimony of a victim of sexual assault without corroboration. The concept of lack of consent has been extended to include consent obtained by deceitful means or false promises to marry. In relation to

the Gujarat riot cases the Supreme Court acted at the instance of the National Human Rights Commission and a series of orders have been passed between 2003 and 2004, acquittals have been set aside, cases have been ordered to be reinvestigated, cases have been transferred out of the State of Gujarat and over 2000 closed cases have been ordered to be reviewed. A larger concern arising out of the Gujarat cases is the aspect of witness protection, particularly women, which is pending before the Court. Other areas which have been the subject matter of judicial activism are directions for compulsory registration of marriage (Seema versus Ashwini Kumar), tackling issues of sexual harassment (Vishakha case), protection in the case of inter-caste marriages (Lata Singh versus State of U.P.) and securing the rights of maintenance of divorced Muslim women (Danial Latifi). Matters pertaining to trafficking of women are being monitored in a petition that is pending in the Supreme Court (Prajwala case).

The Supreme Court under Article 142 of the Constitution has vast powers to give directions to obtain substantial justice and in several cases, for instance in the sexual harassment case (Vishakha case), relied on the Indian government's international obligations particularly under the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action to establish guidelines and norms on sexual harassment at work. These norms are being observed pending the enactment of appropriate national legislation. The Supreme Court in Madhu Kishwar's case, relying on the commitment to CEDAW, struck down the discriminatory practices of denial of property rights for tribal women.

The Court has been successfully accessed by women both individually and collectively, through Public Interest petitions. Through Public Interest Litigation the Court has transformed several aspirational and non-justiciable rights, like the right to food, health and education, into fundamental, justiciable rights under the rubric of the right to life.

Above all we have a system of Parliamentary democracy wherein the executive is accountable to Parliament which actively monitors compliance with laws and policies. As a result there is a continuous

process of reexamination and fine-tuning of legislations and policies for gender mainstreaming. The concerns of Parliament are reflected in legislations and various aspects of protection of women have been a constant feature of central legislations from 1948 till, for example, the recently enacted Protection of Women from Domestic Violence Act, 2005.

Madam Chair,

The National Common Minimum Programme (NCMP) of the present government emphasizes its commitment towards women's empowerment. A number of laws have been reviewed and new ones, such as the one on sexual harassment, are on the anvil. The newly enacted Domestic Violence Act provides civil remedies to prevent domestic violence as well as protects against such violence by providing immediate and emergency relief to women caught in such situations. Also the Hindu Succession Act has been amended to give daughters and widows equal right in ancestral property including agricultural land.

This programme also reiterates the Government's commitment to the survival and development of the girl child and this will get added emphasis with the setting up of the Commission for the Protection of Child Rights. Madam Chair, we understand and appreciate the fact that the Convention is extremely relevant in all matters relating to women's rights. Any discrimination against women is abhorrent. In our society, we have seen what our Prime Minister called—and I quote “the worst manifestation of gender discrimination is female feticide. How can we call ourselves a civilized society if we can tolerate such a barbaric crime?” This problem is being addressed through legislation and through all the measures I have outlined so far, since it is inextricably linked to women's rights and status.

Constitutional safeguards and legal provisions are significant, but they have to be translated into reality. Here we face our share of difficulty, but the country can justifiably be proud of the 73rd and 74th Constitutional Amendments, which have led to the political

empowerment of women through participation in *Panchayati Raj* institutions and municipal bodies. The *Panchayati Raj* system is one of local self governance with a view to promoting grassroots democracy. Not only has women's representation in local self-government exceeded the mandatory 33%, but studies show that this has led to the mobilization of women in rural areas across India and brought well over one million women at the grassroots level into political decision making. As a result, there is now significantly greater self knowledge and self-confidence amongst women in rural India, .

More importantly, the reservation of seats for Scheduled Caste and Scheduled Tribe women within the women's reservation, and also in posts of chairpersons of these bodies augurs well for their empowerment. For more effective participation and for building linkages with other women's organisations at the local level, such as self-help groups, training and capacity building are being focused upon. Such efforts will help in creating a movement for the rehabilitation of women scavengers, for prohibiting which legislation is already in place.

Madam Chair,

Trafficking undermines all democratic norms and violates human rights. Amendment to strengthen existing legislation is under consideration to prevent the victimization of the trafficked and to further enhance punishment of traffickers. The existing Plan of Action aims at reintegrating victims into society. We recognize that it needs updating and to be made more comprehensive. Consultations are underway to produce a comprehensive legislation. Rehabilitation of victims of trafficking, amongst whom women are especially vulnerable, is also an area of special focus. We also propose to introduce a comprehensive rehabilitation scheme in the 11th Five Year Plan. This will have a multi-pronged approach of creating awareness, rescuing, providing more shelter homes, medical care, legal aid and so on.

Efforts are also being made to address cross border trafficking of women in a humane manner and to provide for the quick repatriation of victims. The Government has requested UNICEF to initiate a rapid

assessment of the existing processes and mechanisms concerning rescue, recovery and reintegration of child victims of trafficking between India and Bangladesh. This may be extended to other countries also.

The strategy for combating HIV/AIDS is to target high risk groups for prevention and provide them access to care, support and treatment. One of the interventions targets pregnant women who are HIV positive. Such women are being provided counseling, testing and prophylactic treatment.

A recent initiative in the health sector was the launching of the National Rural Health Mission to restructure the health delivery system in rural areas by integrating the different disease control programmes and creating a single district health community which would work on a pooled budget of central funds and co-ordinate activities with the active involvement of *Panchayati Raj* Institutions. The major objectives of the NRHM are to protect the health of pregnant women; to ensure safe delivery; the well being of the newborn and to improve the general health status of rural women. Accredited Social Health Activists (ASHA) are being appointed at the grass roots level to carry out the programme and as of now there are 250, 000 such workers.

Madam Chair,

India clearly recognizes education as an important agent of social change and empowerment. Elementary education is a fundamental right. A major success story in this sector is the *SARVA SHIKSHA ABHIYAN*, along with the midday meal scheme. To promote girls' enrolment and retention at this level, more schools have been opened near habitations, girls' toilets are being provided and other incentives such as free textbooks, scholarships and stationary, and uniforms, particularly for scheduled caste, scheduled tribe, minority girls and girls with special needs, are available. Above all, to ensure attendance and retention of children in school, a mid-day meal programme to feed upto 120 million children in the 6 – 11 year age group is showing success. Positive reflection of women in text books and sensitization of all

teachers has been taken up. Girl child centred educational campaigns through media are carried out with regularity.

These efforts are clearly paying off. The female literacy rate recorded the highest decadal growth rate in educationally backward states such as Rajasthan, Madhya Pradesh, Chattisgarh and UP.

Employment generation is seen as a key to poverty alleviation in India. A flagship program under the National Rural Employment Guarantee Act, 2005 introduced by the Government seeks to provide livelihood security to households in the rural areas by providing at least 100 days of guaranteed wage employment in a year. Every household whose adult members volunteer to do unskilled manual work are eligible. At least one-third of the jobs are reserved for women who seek work and, in the current year, it is expected that 40% of beneficiaries under this program will be women.

Improving the status of women workers in unorganised employment is paramount to the government. Welfare Funds have been constituted for the unorganized sector (like workers in the beedi rolling and non-coal mine sector). Developmental measures including health & medical care, insurance, housing, education, recreation, water supply, maternity benefits have been provided in the organized sector. The Government is in the process of drafting a Bill on Social Security to provide similar measures for the unorganised sector. With a view to empowering women and enhancing their employability in high-end vocations, strong emphasis is being laid by the Government on skill building through exclusive institutes of vocational training.

The Government of India is actively encouraging and supporting group initiatives in livelihood security especially for women. The major tool in this respect is the formation of women's self-help groups. Today there are more than 2.2 million self-help groups in the country and of these 90% are women Self-Help Groups. Starting with small thrift and credit initiatives, these groups have become an important tool in women's economic advancement as also in promoting self-improvement and self-confidence through skill development and

income security. Moreover, the number of women entrepreneurs in India has grown from 2% in 1971 to over 11% at present.

Another crucial step taken towards gender mainstreaming is in the budgetary process. So far 50 Ministries have set up gender cells in order to mainstream gender concerns in their policies and programmes. All Ministries in the Government are required to prepare outcome budgets. This will ensure effective utilisation of the amount allocated for women in the budget.

The Government publishes 'Women and Men in India' with an improved database on gender issues following which statistics are now available on a number of new indicators of concern. Further, the task of compiling gender disaggregated data has been put in motion by advising Ministries to ensure that for every scheme there is an inbuilt mechanism for collecting such data. With this initiative, it is proposed to have a Gender Development and Empowerment Index.

Madam Chair,

I am happy to inform you that the Convention has been translated into the official language, Hindi; moreover, some Indian States like Gujarat, Maharashtra, Andhra Pradesh have already translated it into their respective regional languages. We are preparing an easy-to-understand people-friendly version in different Indian languages and will ensure its widest possible dissemination. Efforts are also on to customize the CEDAW indicators developed by UNIFEM to make them more in tune with our needs.

I would like to take this opportunity to respond to issues that have been specifically raised by the Committee.

The first pertains to the Armed Forces (Special Powers) Act, 1958. Only last month, on a visit to Manipur, the Prime Minister of India acknowledged the need for a review of the existing provisions or inserting new provisions to make the Act more humane with emphasis on protection of human rights. In this regard, a Committee headed by a

retired judge of the Supreme Court of India has submitted a Report, which is being examined by the Government.

Madam Chair,

Incidents in Gujarat some years ago were an aberration that should never have happened. Subsequent events have shown that the nation, the people of India, have learnt some important lessons from those unfortunate events. I refer specifically to the beauty of the human spirit that was displayed after a few incidents took place in Varanasi some time ago. This and other ill-disguised attempts at flaming passions in Mumbai and Malegaon were transformed by the people from different communities of the cities into an affirmation of peace and love between different religions and also reflected the alertness of the response of the administration. It was India's spirit at its highest and best and as a nation we could take pride in those events just as much as the happenings in Gujarat distressed us. I have dealt with above the proactive role of Supreme Court in matters pertaining to Gujarat riots which reflect the strength and spirit of the Indian Constitution and its federal character.

There have been important government and civil society efforts in Gujarat, which have effectively contributed to the rehabilitation process. The situation of women and children is being specifically addressed and a number of important confidence building measures have been put in place. The State Government has also set up a Commission of Inquiry headed by a retired judge of the Supreme Court judge.

The last few years have witnessed devastating natural disasters that have affected India. The Tsunami of 2004 struck five coastal States in south India. The Government, while declining international aid, approved a relief package and a Tsunami Rehabilitation Program for the reconstruction of damaged physical & social infrastructure and the revival of impaired livelihoods. The Program's emphasis is on improving the quality of life, and in the Prime Minister's words

“convert[...]the disaster into an opportunity to rebuild and modernize the fishing and coastal economy.”

The government has developed a detailed set of guidelines under the program. In the light of the fact that disasters are often far more debilitating for women, the guidelines include ‘gender sensitivity’ as one of the overarching principles that should govern its implementation. The concerned State Governments have also adopted measures, such as the following, for rehabilitation. Orphanages and shelter homes have been opened, Orphaned children and adolescent girls rendered homeless have received fixed deposits that will be available to them when they attain the age of 18 years and so on

A National Disaster Management Authority, under the chairpersonship of the Prime Minister, was set up after the Tsunami. The Authority seeks to take appropriate measures for the prevention of further natural disasters, for the mitigation of their effects, and for preparedness and capacity building for dealing with them. In 2005, a Disaster Management Act has been introduced. This provides for the setting up of National and State level Disaster Management Authorities for the effective management of disasters. The Act recognizes the vulnerabilities of women and children.

We would like to mention, with some pride, that we were the first to extend our help to a number of affected neighbouring countries. In fact, our navy was in Sri Lanka within a few hours’ of the Tsunami. We also feel particularly honoured to provide the UN with its first ever Female Formed Police Unit, which shortly joins the UN Mission in Liberia, and would assist the UN in more effectively reaching out to vulnerable sections, especially women and children, in conflict and post-conflict societies.

Madam Chair,

In the next 5 Year Plan special attention will be paid to gender equity and the creation of an even more enabling environment for the

social, economic and political empowerment of women. There will be special focus on mainstreaming gender concerns.

We are confident, Madam Chair, of continuing our efforts for realization of women's rights in the 11th Plan knowing what we have to achieve in the face of our complex cultural, social and economic conditions. While doing so we will continue to work closely with our civil society organizations, including NGOs, whose cooperation has been crucial and invaluable in helping us further advance the position of women in India.

We know we are on the right track. We also know that sometimes things do not move as fast as we would like them to. We have, however, much to be proud of and you have our assurance that our efforts will continue. We seek your guidance and your support as we take steps to further improve the status of women in India.

Thank you very much for this opportunity and for the patience with which you have heard me. We would be happy to respond to any questions or clarifications that Members may have.
