

Fifty-Eighth Session of the UN Committee on Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Review of India's Combined Fourth and Fifth Periodic Report

[2 July 2014; Geneva]

Opening Statement by Mr. Shankar Aggarwal, Secretary (WCD) & Leader of Delegation of India

Madam Chair and

Distinguished Members of the Committee,

1. It is indeed a privilege for me, as the Leader of the Indian delegation and also for other members of my delegation, to participate in the proceedings of the 58th session of the Committee on the Elimination of Discrimination against Women (CEDAW), which is considering India's Fourth and Fifth Combined Periodic Report.

2. Before I proceed further, allow me to congratulate recently elected Members of the Committee.

Madam Chair,

3. India's Combined Fourth and Fifth Periodic report was prepared in consultation with various stakeholders including State Governments, NGOs, Civil Society organizations and UN organizations, and was submitted to the Committee in 2012.

4. According to the Census 2011, India's total population as on March 1, 2011 was 1.21 billion, with women constituting 48.5 % of the population. While diversity is strength, at the same time diverse socio-economic, cultural backgrounds, different geographies within the country, continue to pose challenges to the policy-makers.

Madam Chair,

5. India is a multi-ethnic, multi-lingual and multi-religious country. We are proud of our diversity and it is one of the core strengths of our nation. India is the largest democracy with a federal structure, where provincial Governments have considerable autonomy. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres.

6. Respect for women and their rights flow from the ancient traditions of the Indian civilization and are now enshrined into the constitution and laws of modern India that is a young and diverse nation.

7. Considerable work has been done and continues to be done by the Government to ensure women's empowerment. Women in India play an important role in all walks of life. India is one of the few countries where women have occupied the positions of Head of State and Head of Government.

8. This is, however, not to deny that we have challenges, including in the sphere of women's empowerment in various fields. Our strength is that we are an open society and a polity that has built several checks and balances. An independent judiciary, free and vibrant media and civil society supplement these checks and balances.

9. Recently national and international attention was drawn to incidents of violence against women. At the outset I would like to submit that these incidents are condemnable in all possible manner and have no place in a civilized society. However, these are certainly not wide spread. The people of India, the civil society and the media have very strongly come out to reject such crimes and to call for urgent actions to punish the guilty and to see how societal reforms can be pursued. The Government and the judiciary have been alert to these challenges and have been working to put in place measures to ensure that such crimes are controlled.

Madam Chair,

10. India is currently a State Party to six of the core international human rights conventions. India also ratified in May 2011 the UN Convention against Transnational Organized Crime and its three Protocols, of which two of them, namely the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, have a direct bearing on implementation of the provisions of this Convention. It has been our endeavour to expand the coverage of international normative framework with a view to not only secure equal rights for women but also to work towards elimination of all forms of discrimination against women in the country.

11. Over the last few years, significant steps have been taken by the Government to improve transparency and efficiency in governance leading to a rights-based approach impacting our policies and programmes. Some of these legislations are the Right to Information Act, Right to Public Services Act, Citizens Charter and E-governance. As far as protection of rights of women is concerned, new policies, laws as well as targeted programmes for their advancement are under different phases of implementation.

12. The Government of India's key developmental goal for women is gender equality and empowerment. Towards realization of this objective, we have paid special emphasis on six key strategies, namely: (i) Economic Empowerment; (ii) Social and Physical Infrastructure; (iii) Enabling Legislations; (iv) Women's Participation in Governance; (v) Inclusion of all vulnerable and marginalised women, (vi) Gender sensitive Policies and Programmes. These strategies bring out the crucial challenges posed by traditional determinants of women's status and empowerment. These include issues such as asset ownership, skill development, and financial inclusion. We are also sensitive to new and emerging challenges posed by urbanisation, climate change, energy security, migration etc.

13. Now, please allow me to describe some of the key initiatives taken by the Government of India to improve the overall well-being of our women since we last reported to the Committee.

Madam Chairperson,

14. The Government enacted a landmark legislation - **the National Food Security Act, 2013**. This is a historic initiative to ensure food and nutritional security to identified eligible households, with specific provisions for women and children. It gives right to receive adequate quantity of food grains at subsidized prices to about two thirds of our 1.2 billion population, covering up to 75% of rural population and up to 50% of urban population. Women above eighteen years of age are to be treated as the head of household for the purpose of issuance of food grains under the Public Distribution System. It, inter-alia, provides for age appropriate meal, free of charge, to meet the nutritional needs of pregnant and lactating women. For effective implementation of the Act, there is also a provision for redressal mechanisms at State, as well as at district levels.

15. Another major initiative taken by the Government is the enactment of **Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013** to provide a safe and secure environment to women at the workplace. The Act provides for creation of an enabling and safe environment at the workplace. This will also encourage more and more women to join the workforce. This Act caters to women working both in organized and unorganized sector and establishes a redressal mechanism in the form of Internal Complaints Committee (ICC) and Local Complaints Committee (LCC) for addressing their grievances and concerns.

16. To include the varied nature of sexual offences committed against women, India has enacted the **Criminal law Amendment Act, 2013** introducing comprehensive amendments in the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act. Specific offences like acid attack, sexual harassment, voyeurism, disrobing a woman,

stalking, naked parade have been incorporated in the Indian Penal Code. Moreover, the definition of rape has been widened to include non-penetrative sex. Provisions for aggravated rape has been expanded to include rape committed by a person in a position of dominance, by a member of the armed forces, rape committed during communal or sectarian violence or on a woman incapable of giving consent. In addition, increased penalty including capital punishment, has been provided for gang rape and for causing serious injury to the victim resulting in her being in a vegetative state. These amendments have made punishments relating to offences against women more stringent.

17. The Amendment also provides for penalty for a public servant who fails to record any information given to him in relation to offences under acid attack, outraging the modesty of a woman and rape. It has been made mandatory for all hospitals, whether public or private, to provide first aid or medical treatment, free of cost to the victims of sexual assault including acid attack. I would also like to inform the Committee that the recent Criminal Law Amendment Act, 2013, defines trafficking and prescribes stringent punishment of life imprisonment in case of offences involving trafficking of children.

18. I am pleased to inform the Committee that **The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013** has been enacted by the Indian Parliament in September 2013. The Act prohibits the employment of individuals as manual scavengers, the construction and maintenance of insanitary latrines and manual cleaning of sewers and septic tanks without protective equipment. The Act also provides for identification of manual scavengers and their comprehensive rehabilitation. Moreover, stringent penal provisions for contravention have been incorporated in the Act.

19. In a significant move and taking into account the lessons learnt from independent studies, a new law titled - **the Protection of Children from Sexual Offences Act** was enacted in 2012 to protect children from sexual offences including offences against girls. The Act is a major shift from the

usual criminal law as it shifts the burden of proof on the accused in case of serious offences. This provision has been made keeping in view the greater vulnerability and innocence of children, especially girl child. It covers sexual assault, sexual harassment and use of child for pornography. The Act also provides for Special Courts for speedy trial to be completed within one year of taking cognizance of the offence.

Madam Chair,

20. Now let me provide the Committee an overview of some of the programmes the Government is implementing for advancement of women.

21. The Government of India in its 2013 Union Budget announced setting up a corpus called '**Nirbhaya Fund**'. This Fund supports initiatives by the Government and NGOs working towards protecting the dignity and ensuring safety of women in India.

22. A **comprehensive scheme of establishing Anti-Human Trafficking Units** and massive sensitization programme of all stakeholders including judiciary and police is under implementation. A web Portal on Anti-Human Trafficking has been launched in 2014 and serves as a vital IT tool for implementing its objectives and promoting best practices. As mentioned earlier, India also ratified the UN Convention on Transnational Organized Crime in 2011, and its three Protocols. The Government of India, along with UNICEF, has prepared a draft protocol and SOP for dealing with cross border trafficking. A Task Force on Human Trafficking has been established with neighboring countries to address trans-border aspects of this problem. A certificate course on Human Trafficking has been launched by Indira Gandhi National Open University (IGNOU) in partnership with Ministry of Home Affairs. The said course has been made mandatory for the Officers/Officials who are dealing with the subject of human trafficking.

23. The **Victim Compensation Scheme** under section 357 A of Code of Criminal Procedure 1973 providing compensation to victims of crime on the principle of restorative justice is being implemented by the State Governments. I am happy to inform the Committee that, as of now, 22 States and all Seven (7) UTs have notified such schemes and the remaining States are at various stages of notification.

24. Presently, the Government is planning to set up **One Stop Crisis Centres** in each district of the country for supporting and handholding women affected by sexual violence. These centres will be linked with a Women Helpline and will provide medical aid, police assistance, legal aid and counseling, court case management, psycho-social counseling, temporary shelter and video conferencing facility to facilitate participation of the victim in police/court proceedings.

Madam Chair,

25. I may mention that there has been an increase in literacy amongst women from 53.67 % (Census 2001) to 65.46% (Census 2011). The challenge, however, remains in bridging the gender gap, which stands at 16.68%. The gender differential in education is declining, particularly at the primary level. However, there is a need to address the issue of retention of girls in school at secondary level.

26. The twelfth Five Year Plan (2012-17) envisaged a major scaling up of skill development. The promotion of enterprises of home-based workers, self-employed workers and small and medium entrepreneurs is of particular relevance for women. The Twelfth Plan proposes to identify such workers and support their enterprises through setting up of common facility centres to ensure all important services including technology and skill training, entrepreneurship training, market information, access to institutional finance, power and other infrastructure are readily provided. In light of the enhanced participation of women in agriculture, the Twelfth Plan also envisages ensuring women's access to the various agriculture schemes being implemented by the government. This shall be done by providing

financial and infrastructural support to SHGs for seed production, storage, preservation and distribution.

27. Realizing the importance of mainstreaming women in the economy, Government of India has formulated several policies, schemes and training programmes. There are about 27 schemes and programs from various Ministries to encourage economic empowerment of women. For example - Trade Related Entrepreneurship Assistance & Development Scheme for Women (TREAD), Micro & Small Enterprises Cluster Development Programme (MSE-CDP) of Ministry of Labour & Employment, Support to Training and Employment Programme for Women (STEP) schemes that provides upgradation of skills and sustainable employment for women. Rashtriya Mahila Kosh (RMK) provides microcredit at the doorstep to women to start small business ventures and also provides forward and backward linkages for raw material and markets for their products.

28. The Government has established in November 2013 an exclusive Bank for Women, called **Bharatiya Mahila Bank Ltd.** It is the first of its kind in India formed with a vision of economic empowerment for women. Though catering to all segments of women, special attention is provided to economically neglected, deprived, discriminated, under banked, unbanked, rural and urban women to ensure inclusive and sustainable growth. It has designed and developed new products and services to suit the needs of women of all segments including Self Help Groups, women entrepreneurs, salaried women, High Net Worth Individuals (HNIs) and Corporates. At present, it has 23 branches across the country. It may also be mentioned that as per the new Companies Act, it is mandatory for all companies to have women directors on their boards.

29. **National Rural Livelihoods Mission (NRLM)**, one of the largest poverty eradication programs aims to bring out 70 million rural households out of poverty by focusing its efforts on uplifting the socio-economic status of women. National Rural Livelihood Mission (*Aajeevika*) was launched in 2011 with the aim of reaching out to all poor households in the country. NRLM believes that the poor women have innate capabilities to come out

of poverty. The challenge is to unleash these capabilities through creating an enabling environment for them.

30. The National Scheduled Tribes Finance and Development Corporation is an apex institution under Ministry of Tribal Affairs, Government of India for economic development of Scheduled Tribes by extending concessional financial assistance for income generating scheme(s). The Corporation is having an exclusive scheme for economic development of Scheduled Tribes women titled “*Adivasi Mahila Sashaktikaran Yojana*” (AMSY). Under AMSY, during the year, NSTFDC has sanctioned financial assistance for nine schemes having NSTFDC share of Rs. 478 billion (as on 31.12.2012), for economic development of women.

31. Under the Special Area Programme, Special Central Assistance to Tribal Sub-Plan (SCA to TSP) was launched for community-based income generating activities in agriculture, horticulture, sericulture and animal husbandry sectors for Below Poverty Level (BPL) families. An amount of Rs. 8112.9 billion was released to States in 2011-12, out of which, 30% of the funds were reserved for use for income generation activities of women beneficiaries.

Madam Chair,

32. Coming to the health issues, I may like to point out that encouraged by the surge in institutional deliveries brought about by *Janani Suraksha Yojana* (JSY), which covered over 10 million women in 2010-11, the Government of India has launched a new initiative, namely, *Janani-Shishu Suraksha Karyakram* (JSSK) on 1st June 2011. The objective of JSSK is to eliminate out of pocket expenditure of woman’s family on drugs, diet, diagnostics, user charges, referral, and transport, in respect of pregnant woman and her new born child. The scheme has further been expanded to cover the complications during Antenatal Care (ANC), Post-Natal Care (PNC) and sick infants.

33. The Government has recently strengthened and restructured **Integrated Child Development Scheme** in 2012 with an overall budget allocation of Rs.1235 billion for the 12th Five Year Plan. The revised scheme provides for special focus on pregnant and lactating mothers and children under three years of age, strengthening of services including care, nutrition and counseling. An additional *Anganwadi worker* cum nutritional counselor has been added for focus on children under 3 years of age and on pregnant and lactating mothers.

34. India has launched an innovative **Mother & Child Tracking System**, to leverage Information Technology for ensuring delivery of full spectrum of healthcare services to pregnant women and immunization services to children up to 5 years of age. The system will go a long way in ensuring quality service delivery, micro birth planning, ensuring universal immunization and will have positive impact on important health indicators like IMR and MMR.

35. **Indira Gandhi Matritva Sahyog Yojana** (IGMSY), a Conditional Cash Transfer Scheme for pregnant and lactating women, which was introduced in October, 2010 to create an enabling environment by providing cash incentives for improved health and nutrition to pregnant and nursing mothers has been revised in conformity with the National Food Security Act, 2013.

36. The Government has introduced a **Gender Budget Statement** as part of the Union Budget, which has emerged as an important tool for reporting allocations for women and provides an indication of the funds flowing to them. The number of Ministries reflecting their schemes and programmes in the Gender Budget Statement has increased from 9 in 2005-06 to 30 in 2013-14 and the magnitude of gender budget has also increased from 2.79% to 5.83% during the same period. The total allocations reported in the Gender Budget Statement in 2013-14 was Rs. 972 billion.

Madam Chair,

37. We are aware about the problems being faced by the women affected and infected with HIV/AIDS. To address their concerns, **The Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Bill, 2014** was introduced in the Parliament on February 11, 2014. The Bill seeks to prevent and control the spread of HIV and AIDS, prohibits discrimination against persons, including woman with HIV and AIDS, provide for informed consent and confidentiality with regard to their treatment. The proposed law places obligations on establishments to safeguard the rights of such persons, and creates mechanisms for redressing their complaints. The Bill lists the various grounds on which discrimination against HIV positive persons and those living with them is prohibited.

38. The Government is committed to the cause of persons with disability and has recently created a separate Department of Disability Affairs which was earlier a part of the Ministry of Social Justice & Empowerment. **The Rights of Persons with Disabilities Bill, 2014** was introduced in the Parliament on February 7, 2014. The Bill proposes to address the conditions which constitute disability, rights of the persons with disability, their access to education, skill development and employment, reservation in central and state government posts for such people, their legal rights on property, issues on guardianship, formation of National and State Commission and Central and State Advisory Boards.

Madam Chair,

39. A **High Level Committee on the Status of Women** has been set up by Government of India, in 2012, to undertake comprehensive study to understand the status of women as well as to evolve appropriate policy interventions based on a contemporary assessment of women's needs. The committee comprises representatives from civil society and other stakeholders.

40. The **National Commission for Women (NCW)**, a statutory body supported by the Ministry of Women and Child Development, has been mandated, *inter alia*, to review constitutional and legal safeguards for women, recommend remedial legislative measures, facilitate redressal of grievances and advise the Government on all policy matters affecting women.

41. The **National Mission for Empowerment of Women (NMEW)** set up in 2010 has been able to motivate 32 States/Union Territories to set up similar missions at the State level. A National Resource Centre for Women has been set up as a knowledge and technical hub for various issues related to empowerment of women & girl child.

Madam Chair,

42. The Government of India recognises and encourages the voluntary organizations and individuals in their endeavors in the area of women empowerment and gender equality, by honoring individuals, institutions and women with exceptional abilities in different fields. These honors are conferred by the President of India every year.

43. We also engage with State Governments, civil society, academia, experts and UN agencies in the formulation of our policies and laws. The new Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 is an outcome of such an approach.

44. The Government of India is fully cognizant of the enormous challenges on policy front as well as implementation of existing policies and programmes. We have adopted new path breaking legislations directly protecting women from violence, as well as amendments in the existing legislations to address the gaps.

45. The challenge now is to ensure adequate training and capacity building of personnel working with women at all levels, so that their effective implementation provides the enabling environment for gender equality. Although considerable awareness on women rights among

stakeholders has resulted in increased reporting of cases of violations of women's rights, however, keeping in view the size of the country and the wide range of disparities, these efforts need to be strengthened further.

46. Capacity building of stakeholders, including law enforcement officials, police, health officials and judiciary, has been a priority for the Government. These efforts need to be further scaled up to cover all those, who deal directly with women. The experience that has been gained in the implementation programmes, special laws for women is to be leveraged now to make decisive impact in all dimensions of women's rights. I take this opportunity to reiterate Government of India's commitment and resolve to continue working towards the realization of their rights by all women.

47. Madam Chairperson, considering the vast experience of the Members of this Committee, we look forward to a fruitful and participatory dialogue. We are hopeful that the recommendations and suggestions of the Committee will help us in realizing the vision we have for our women – **“Empowered women living with dignity and contributing as equal partners in development in an environment free from violence and discrimination.”**

I thank you, Madam Chair.
