

UN Committee on the Elimination of Discrimination Against Women (CEDAW) review of India (2, July 2014) in the 58th session of the Committee

IDSN July 2014 – caste references in the CEDAW review of India

The Committee on the Elimination of Discrimination against Women (CEDAW) considered India's [4th and 5th periodic reports](#) in the 58th session of the committee (2, July 2014 10.00-13.00 and 15.00-17.00)

Participants in the review

Delegation of India

Permanent Mission of India to the UN Office and other International Organizations in Geneva

Ambassador H.E. Mr. Dilip Sinha, Deputy Permanent Representative of India Mr. B.N. Reddy, Counsellor Mrs. Gloria Gangte, Counsellor Mrs. Uma Sekhar, Second Secretary (human rights) Dr. Visnuvardhan Reddy, Second Secretary Ms. Nabanita Chakrabarti

Government of India

Secretary and Leader of the Delegation H.E. Mr. Shankar Aggarwal (Ministry of Women and Child Development), Joint Secretary Ms. Rashmi Goel (Ministry of Home Affairs), Joint Secretary Dr. Neery Chadha (Ministry of External Affairs), Joint Secretary (UNES) Shri Tanmaya Lal (Ministry of External Affairs), Joint Secretary Mr. Manjoj Jahlani (Ministry of Health and Family Welfare), Joint Secretary Mr. Sanjeev Kumar (Ministry of Social Justice and Empowerment), Director Dr. Maninder Kaur Dwivedi (Deptt of School Education and Literacy – Ministry of Human Resources Development)

Expert committee members

Ms. Noor Al Jehani, Ms. Nicole Ameline, Mr. Niklas Bruun, Ms. Hilary Gbedemah, Ms. Nihla Haidar, Ms. Ismat Jahan, Ms. Dalia Lemarte, Ms. Theodora Oby Nwankwo, Ms. Pramila Patten, Ms. Maria Helena Lopes de Jesus Pires, Ms. Dubravka Šimonović, Ms. Xiaoqiao Zou, Ms. Meriem Belmihoub-Zerdani, Ms. Biancamaria Pomeranzi, Ruth Halperin-Kaddari

Introduction by the Indian delegation

Please find a link to the full [Opening Statement by Secretary \(WCD\) and Leader of the Delegation of India H.E. Mr. Shankar Aggarwal](#)

H.E. Mr. Shankar Aggarwal

- A **Manual Scavenging act** was enacted by the government in December 2013 prohibiting the employment of manual Scavengers, insanitary latrines and manual cleaning of septic tanks without protective gear. The Act provides for the identification of manual scavengers and their rehabilitation with stringent penalties for violations.

Article 4 on temporary special measures

Expert members of the Committee

Ms. Xiaoqiao Zou noted that there are many disadvantaged groups of women such as **Dalits** who face systematic and structural discrimination in all areas such as education and health and even in the judiciary

and women are underrepresented. Ms. Xiaoqiao Zou asked whether the government intends to apply temporary special measures in this area.

Article 5 on prejudices and customary practices

Expert members of the Committee

Ms. Pramila Patten noted violence against women from disadvantaged groups and further noted that women from marginalised **castes** including **Dalits** are a matter of serious concern. She noted reports of violence from dominant **castes** who use violence as political tools for their assertion. She noted that reports of police covering up crimes by not registering cases have been brought to light and reference was made to the incidence of the minister responding to the rape of two **Dalit** girls. She noted reports of village heads ordering the gang-rape of an Adivasi woman for falling in love with a man of a different **caste**. Ms. Pramila Patten asked what measures have been taken to address the violence against women from these marginalised groups. And further, what targeted measures have been taken to sensitise disadvantaged groups on their rights and to enhance their access to justice.

Reponses of the Indian delegation

- Mr. Sanjeev Kumar: In terms of violence against disadvantaged groups, the **SC/ST** Prevention of Atrocities Act was enacted and brought to force in 1990. Structures and mechanisms have been implemented for monitoring this act. Special courts have been set up in districts of the country. Special prosecutors have been provided to defend cases and officers have been appointed. Relief to victims is provided. Various advisories are ensued for the police to take appropriate action. Sensitisation and training of police officers is undertaken to minimise delays and improve investigations. Awareness raising is undertaken in vulnerable sections of society. After wide consultations with NGOs, Civil Society and states, the act was further strengthened through an amendment in 2014 strengthening preventative measures.
- Mr. Gloria Gangte: Question regarding access to justice, NALSA was set up for free legal services for weaker sections of society. In every state, NALSA has been constituted to give effect to policies. Currently the government is implementing a project with UNDP for marginalised people focused on strengthening access to justice for scheduled **castes** and creating legal awareness to strengthen capacities of intermediaries.

Articles 7 (political and public life), 8 (representation in government) and 9 (changing nationality)

Reponses of the Indian delegation

Ms. Gloria Gangte : With regards to the comment that there is only one woman judge in the Supreme Court. Ms. Gloria Gangte read out the rules as to appointments including the reference to **SC/ST** people.

Article 10 on education

Expert members of the Committee

Ms. Hilary Gbedemah noted the comparative data disaggregated by sex and **caste** on enrolment rates in all levels of education presented by the government. The enrolment figures are present but retention figures by which to assess the situation are non-existent. Even though the ratio is narrowing, alternative reports show that drop-out rates amounts to 64 % from mostly **Dalits**, indigenous and Muslim communities. The

reasons for this include **Dalit girls** being dedicated to temples, **Caste-based discrimination**, poor infrastructure and poor teaching especially for **Dalits**. The expert member asked what interventions are in place, and especially for these groups. Also, asked about the legal framework for those committing violence against women in schools, addressing limited availability of vocational training and addressing disabilities.

Article 11 on employment

Expert members of the Committee

Mr. Niklas Bruun noted widespread violence against women is also reflected on the labour market, there is particularly a tradition where **caste** women/**caste** girls are exploited under the Devadasi practice of forced labour. Also noted informal sector of female workers, especially sex workers and women with disabilities

Article 12 on health care

Expert members of the Committee

Ms. Theodora Oby Nwankwo noted that disparities in maternal mortality (MMR) continues. Greatest disparities can be seen in the urban/rural divide. Early marriage especially damages the health of women. In terms of maternal mortality rates, Adivasi women and **Dalit** women are especially disadvantaged in access to maternal mortality. The expert asked what the state party is doing in terms of this discrimination against vulnerable people.

Response by the Indian delegation

Health (article 12)

- Will address questions on health and backward **castes**, Adivasi etc.

Education (article 10)

- Enrolment of disadvantaged groups (**SC**, Adivasi) was 30,5% from **SC's** and other data was provided.

Article 13 on economic and social life and Article 14 on rural women

Expert members of the Committee (article 13)

Ms. Biancamaria Pomeranzi noted a need for data on vulnerable women (Selected **castes** and Selected Tribes) in order to achieve non-discriminatory sustainable development.

Response by the Indian delegation

- In terms of Indigenous populations, noted by a member. In India, there are no indigenous people, there are tribal people and people belonging to **scheduled castes** and all are taken at the same level. Those belonging to tribes have specific property/land rights.

Caste references in the [UN Press Release 2, July 2014](#)

Committee members

Experts were concerned about violence against women of disadvantaged backgrounds, such as **Dalit**, and asked what was being done to address this violence and ensure access to justice for victims.

What efforts were being taken to provide temporary special measures for the disadvantaged groups in India, who were mainly women, such as **Dalit** or disabled women who suffered multiple forms of discrimination?

Experts were concerned about violence against women of disadvantaged backgrounds, such as **Dalit**, and asked what was being done to address this violence and ensure access to justice to victims.

A Committee Expert commended India for seeing education as an essential right and for the promulgation of the Right to Education Act and asked about the achievements and lessons learned from the ongoing programme, temporary special measures to increase enrolment and retention of girls aged 14-18, interventions to address the 64 per cent drop out rate for girls, mainly from the **Dalit**, Muslim and tribes, and access to vocational training for girls.

Response of the Government

Tackling violence against women of disadvantaged backgrounds was the Government's highest priority, which had in place legislation and institutional machinery at different levels of the Government, including Monitoring and Vigilance Committees at district levels. Important strides were being made to ensure access to justice, including providing free legal services to weaker segments of the population. The Ministry of Justice was running an Access to Justice project which focused on strengthening access to justice for marginalized and poor people, particularly the poor, women, **castes** and minorities; in addition to a number of individual initiatives, the programme also had in place a dedicated fund to provide the necessary resources for the projects and also for innovative legal strategies.

Concerning the representation of women in political and public life, and notably in parliament, the head of delegation reiterated India's commitment to reserve places for women in parliament, but was unable to give a timeframe or exact percentage of representation. There was no discrimination against women in the judiciary because all appointments to the Supreme and Higher Courts were on the basis of merit, and not on the basis of sex, tribe, **caste** or class. The delegation acknowledged the gap between the legal provisions and their implementation in practice and said that the size of the country and its population and their diversity posed a particular challenge to the implementation of the laws. There were not too many instances of internal displacement in the country; when displacement did occur, women were provided with services such as housing, food or employment if relevant.