

# CEDAW Final Strategy Paper

## The National Alliance of Women (NAWO)

### Final Strategy Paper to take forward the Implementation of the CEDAW Concluding Comments (2007- 2009)

#### **Background:**

After having successfully lead a 14 member team of women activists, lawyers and academics from different NGOs and a few independent subject matter experts, from India, the National Alliance of Women (NAWO) looks back with satisfaction at the inputs it was able to give as NGOs in assisting the UN CEDAW Committee at its 37<sup>th</sup> Session at New York in January 2007. The Concluding Comments on the Government of India's II and III periodic CEDAW report, to a large extent testify that the UN CEDAW Committee gives considerable attention to issues and concerns raised by NGOs.

#### **Concerns of the NGO Alternative report -India 2006**

To quickly recall, the 225-page second and third NGO Alternative report on CEDAW 2006, touched upon the following critical issues and these were addressed under 3 different heads

##### **(A) Equality and Non Discrimination, Human rights and Fundamental Freedoms, Special Measures**

- 1) Sex role and Stereotyping and prejudice
- 2) Political and public life
- 3) Education
- 4) Employment
- 5) Health
- 6) Rural women
- 7) Equality before Law
- 8) Marriage and Family Life

##### **(B) Special Concerns**

- 1) Status of Minority women in Gujarat
- 2) State responses and the present situation in Gujarat
- 3) Tsunami and its Impact on Women
- 4) Women in Armed Conflict: The Experience of the North East
- 5) Dalit Women
- 6) Situation of Tribal Women in India
- 7) Violence against Women on the basis of Sexual Orientation
- 8) Women in Urban Settlements

##### **(C) General Recommendations**

- 1) Violence against Women (VAW)

The compilation of the alternative report of the Indian NGOs was a 3-year drawn out process involving several state and national level consultations with subject matter

experts and other women's groups. This consultative process yielded positive results as can be seen by the impact of the NGO CEDAW report 2006.

The National Alliance of Women is proud that it was able to satisfactorily bring out the second alternative CEDAW report, thereby honoring the mandate and fulfilling the commitment it gave to the numerous women's groups and the women's movement in general. The success of this exercise has given us a responsibility to carry forward this momentum and continue to steer the CEDAW NGO Process in India for the next coming two years. This period is crucial as there is need for NGOs to monitor and work along with the Government in implementation the Concluding comments of the UN CEDAW Committee. Of course the Government is due to submit its next periodic report only in 2010, so technically speaking NAWO would also be simultaneously working towards the preparation of the next alternative NGO report.

The Government of India is due to report on CEDAW in 2010 and there are four intervening years to fulfill the many State obligations on which no action has been taken by the GOI. The Concluding Comments come through clear and precise on the gaps in CEDAW reporting and the onus is on the Government to ensure that it takes these international obligations seriously. The NGOs on the other hand can play the role of a pressure group and at best work in cooperation and assist the Government in planning out the execution of these unfulfilled State obligations. At NAWO we plan to follow up closely with the Government the Concluding Comments and also do state-level dissemination of the Concluding Comments to different Government departments and women's groups and others including the regional and vernacular media.

The 68-point Concluding Comments dated 2 February 2007, will remain the take off point for NAWO to put in place a national and state level strategy to take forward the implementation of these Concluding Comments.

### **How do we propose to move on this agenda?**

We examine here the Concluding Comments and place side by side the manner in which NAWO plans to address these issues of unfulfilled State obligations at the NGO level. We will be working in alliance with different women's groups dealing in various sectoral concerns as this will give us the strength of a valuable resource generated by women's organizations/NGOs that have both the mass base and the expertise on the issue.

### **Concluding Comments- Point number 7**

CEDAW committee called upon India to disseminate the present Concluding Comments (2007), to all relevant ministries and to members of Parliament so as to ensure its full implementation.

#### **NAWO Strategy**

- In this regard NAWO plans to raise funds-governmental and from other donors to disseminate information on the Concluding Comments to state governments and members of state legislative assemblies as well as all members of local governments bodies- *panchayats*.

- We would also be translating into as many Indian languages as possible the Concluding Comments. This will be done with the view to spreading knowledge on not only on the Concluding Comments but also on the principles of the CEDAW Convention itself.

### **Concluding Comments- Point number 8**

With regards to the Concluding Comments of 2000, the UN CEDAW Committee noted that in paragraph 67, the Government of India had failed to introduce the sex discrimination act in order to make the standards of the Convention applicable to non state action and inaction.

#### **NAWO Strategy**

- In this regard NAWO proposes to start a campaign to promote advocacy efforts on the need to have a separate law on discrimination in place. We will be holding state level and national level consultations with legal activists, members of the judiciary, the National Commission for Women, the State Women's Commissions, the Law Commission and different networks working on women's rights issues. This will be done with the view to eventually producing a draft an anti discriminatory law.

**Para 70:** Committee observed that India had not been able to develop a national plan of action to address the issue of gender base violence in a holistic manner.

#### **NAWO Strategy**

- In this regard we at NAWO will create a pressure group consisting of all those women's groups and civil society organisations which have worked in situations of conflict/communal strife and have documented extensively gender based crimes. We will take this issue forward and have it integrated into laws which are under way to address communal violence etc.

**Para 75:** The UN CEDAW Committee called upon India to enforce laws preventing discrimination against Dalit Women.

#### **NAWO Strategy**

- Since NAWO has within its network, the National Federation of Dalit Women (NFDW), we propose to use this organisation to document and monitor and specifically look into crimes against Dalit women.

**Para 81:** Committee asked GOI to take affirmative action to increase women's participation in judiciary.

#### **NAWO Strategy**

- NAWO agrees that there are very few women in the forefronts of the central and state judicial bodies / courts / committees etc., since NAWO has in the past 10 years been working along with peer groups of the legal system, we propose now to campaign with the same groups to place women in critical and important key positions of the judiciary. This will involve campaign work with different political parties too.

### **Concluding Comments- Point number 9:**

The Committee was concerned that report on the review of the Armed Forces Special Power Act was not placed before the Committee.

#### **NAWO Strategy**

- The North East Network (NEN) an active member of NAWO working on the above issue will be involved by NAWO to take forward the campaign for the abolition of the above act with the full support of NAWO network.

### **Concluding Comments- Point number 10:**

The Committee was not pleased with India's stand on its policy of non interference in the personal laws of communities, without their consent and initiative to withdraw reservation on Article 5 (a) and 16 (1) of the Convention.

#### **NAWO Strategy**

- NAWO proposes to hold state-wise and nationwide consultation with minority women and tribal women's groups on the discriminatory personal laws that govern them and are also gender unjust. Since we have many Muslim women's groups and tribal women's networks we will be mobilizing the support of these groups to create a mass based movement for the review of such laws.
- Simultaneous to this agenda, NAWO (in its next phase of taking forward CEDAW), will now be campaigning for the removal of the Reservations placed by the Government of India on Article 5 (a) and 16 (1) . This will involve intense advocacy work with parliamentarians, state governments, local government bodies and women's groups and organisations at large.

### **Concluding Comments- Point number 14:**

The Committee asked State party to set benchmarks and to include appropriate and comparative statistical data and analysis, disaggregated by sex, caste , minority status and ethnic status and report the same in its next periodical CEDAW report.

#### **NAWO Strategy:**

- NAWO will follow up with appropriate Governmental bodies on this issue at state and central level.

### **Concluding Comments- Point number 16:**

Committee observed that central policies, laws, initiatives are not taken up by State governments since there is inadequate provision of financial resources, structures and mechanism for its implementation.

#### **NAWO Strategy**

- NAWO will continue to link up with central and state level women's commissions and other governmental bodies and fill in the gaps that exist in information dissemination on CEDAW and the Concluding Comments. In this effort we will try do advocacy to ensure that the respective government ministries and departments earmark some funds for this task and make it part of their annual financial budgets.

### **Concluding Comments- Point number 20:**

With regard to the Domestic Violence Act (2005), the Committee was concerned that financial and other provisions have not been provided to different states to effectively enforce this Act.

#### **NAWO Strategy**

- Since there are already groups like the Lawyer's Collective and others with whom we have linkages, NAWO will be working in conjunction with these groups to promote DVA implementation.
- However, the task of approaching the Central government to earmark (annually) funds for provision of infrastructure and mechanisms for implementing the DVA, will be taken up by NAWO directly with concerned authorities, since we are a national NGO and it is our mandate to interact and intervene on policy matters on women. We will be approaching the Ministry of Women and Child and the Planning Commission in this regard.

### **Concluding Comments- Point number 24:**

Committee observed that proposed Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005 does not include sexual and gender based crime against women and has no system of reparation for victims of such crimes.

#### **NAWO Strategy**

- NAWO groups already working on this issue and we will generate a nationwide women's mandate to ensure that by all means the inclusion of gender based crimes into this Bill.

### **Concluding Comments- Point number 31:**

The Committee asked the Government India to use its powers under Article 253 of the Indian Constitution to operationalize the fundamental Right to Education.

#### **NAWO Strategy**

- NAWO strategy will be to strengthen this issue through the CEDAW group of subject experts working on "education", to campaign on this issue and also to integrate in this agenda the Sachhar Committee's recommendation on education for Minority Muslim groups. The UN Committee carries a good recommendation for state party to increase efforts to enable scheduled caste, scheduled tribe and Muslim women and girls to access higher education.
- NAWO will continue to do advocacy for raising the budget allocation on education to 6 per cent on GDP as this is also one of the five commitments made by the GOI at Beijing (1995).

### **Concluding Comments- Point number 42-43:**

Committee expressed concern on low representation in Parliament and state legislature, government service, and judiciary and absence of women judges in Supreme Court.

### **NAWO Strategy**

- NAWO Strategy in this area would be to push for the Women's Reservation Bill as a right within the CEDAW framework and lobby with women parliamentarians to ensure that the bill is tabled for debate and passage.

### **Concluding Comments- Point number 45:**

The Committee called for speedy enactment of the Unorganized sector Workers Social Security Bill.

- NAWO is going to focus especially on women's social security in this Bill and working for eliminating wage gaps between men and women workers.

### **Concluding Comments- Point number 47:**

Committee urged Government to study impact of mega projects on rural and tribal women and asked for surplus land to be given to displaced women.

### **NAWO Strategy:**

- In this regard, the NAWO Orissa network and other state focal points of NAWO who are already working on this issue will be taking up the Committee's Concluding Comments with their respective state governments and pressurizing them to recognize this as an issue of women's right to livelihood, and recognize this as a State obligation within the CEDAW framework.

### **Concluding Comments- Point number 53:**

Committee was concerned on the impact of the special policies meant for the development of the North East of India and Sikkim and on the percentage of the budgetary allocation which these policies have earmarked for the welfare of women of this region.

### **NAWO Strategy:**

- NAWO networks working in the North East are already strategizing to take forward this recommendations to their State governments and State commissions for women (NAWO members Ms.Jarjum Ete, Ms.Monisha Behal-NEN). We understand that in Manipur there have been some welcome changes in recent times in the traditional panchayats of some tribal communities; women have now been allowed entry into these tribal panchayats and this is historical and positive change and augurs well for the future of tribal women's rights. NAWO's strategy here would be to take this as a starting point for opening debates and discussions on traditional tribal customary laws and how best to go about seeking changes in these laws (especially where these laws are discriminatory and therefore not gender just)

**Concluding Comments- Point number 54 -55:** Committee showed concern over women's discrimination in marriage (even within the Special Marriages Act) with regard to sharing and distribution of property accumulated during marriage.

### **NAWO Strategy:**

- There are already several women's groups/networks working on land rights and property rights for women and NAWO will strategically link up with these

groups as and when required. An informal group of women's rights lawyers attached to NAWO are already looking into these issues in the Special Marriages Act and once there is a consolidated opinion on it we will strategically move on the matter.

**Concluding Comments- Point number 60:**

Committees was concerned on State party India not having signed the Optional Protocol to CEDAW and encouraged it to sign the same.

**NAWO Strategy:**

- As we have indicated earlier, it would be NAWO's endeavor to work with the Government and State government legal bodies, jurists and others to campaign for the signing of the Optional Protocol to CEDAW by India. Even prior to the current Concluding Comments of the UN CEDAW Committee, we at NAWO had already planned for such a campaign in the phase which begins after January 2007. The strategy would be to build up a strong public opinion involving eminent human rights advocates, women's rights activists and others to impress upon the Government on the need to sign and comply with international human rights treaties.

**Concluding Comments- Point number 61:** The Committee has requested India to involve Parliament, Ministries and public bodies in a discussion before it submits its next CEDAW report.

**NAWO Strategy:**

- NAWO endorses this request of the Committee. Strategically this will mean that apart from the Government taking forward this matter at their level, NAWO as a resource group on CEDAW will also have a critical role to play in terms of dissemination of information, updating civil society groups and government officials, capacity building of government departments etc. So we plan too utilize this opportunity to strategically interface with the Ministry of Women and Child, Parliament, and State government departments and engage in a consultative process in implementation of the Concluding Comments.

**Paper ends**