**India: Concluding observations on the combined fourth and fifth periodic reports of India**

CEDAW/C/IND/CO/4-5

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Issues raised:

**Legal reform:**

The Committee welcomes the progress achieved since the consideration in 2007 of the State party’s combined second and third periodic reports (CEDAW/C/IND/2-3) in undertaking legislative reforms, in particular the adoption of:

The Protection of Children from Sexual Offences Act, 2012; and

The Right of Children to Free and Compulsory Education Act, 2009 (para.4).

**Ratification:**

The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments, the Convention against Transnational Organized Crime; 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, in 2011 (para.6).

**Violence:**

The Committee is concerned about the retention in the Penal Code of an exemption from punishment of rape when committed by the victim’s husband if the wife is above 15 years of age;

The escalation of caste-based violence, including rape, against women and girls, and the downplaying by key State officials of the grave criminal nature of sexual violence against women and girls; The persistence of so-called “honour” crimes perpetrated by family members against women and girls;The declining girl-child sex ratio from 962 per 1000 in 1981, to 914 per 1000 in 2011; (para.10).

The Committee urges the State party to strengthen the efficiency of the police, ensure that police officers fulfil their duty to protect women and girls against violence and are held accountable, adopt Standard Procedures for the police in each State on gender-sensitive investigations and treatment of victims and of witnesses, and to ensure that FIR (First Information Reports) are duly filed;Establish, without delay, one-stop crisis centres providing women and girls victims of violence and rape with free and immediate access to medical attention, psychological counselling, legal aid, shelters and other support services; Take urgent measure to adopt its National Plan of action for improving the girl child sex ratio; (para.11).

The Committee is deeply concerned about the significant number of displaced women and girl, particularly in the North Eastern region, as well as a result of sporadic communal violence, their precarious living conditions and exposure to serious human rights violations and the lack of gender sensitive interventions at all stages of the displacement cycle; the continued marginalization and poverty of women and girls survivors of the Gujarat riots living in the relief colonies and their precarious living conditions with limited access to education, health care, employment and security, and poor infrastructure in terms of sanitation, water, transportation and housing; The lack of centres providing medical, psychological, legal and socioeconomic support to women and girls who are victims of sexual violence in conflict-affected areas; (para.12).

The Committee calls upon the State party to adopt an integrated policy to enhance the living conditions of women and girls survivors of the Gujarat riots including by adopting appropriate economic recovery measures, the allocation of Below Poverty Line (BPL) cards and the provision of other available government Scheme benefits; intensify witness protection and security measures especially for women and girls living in relief colonies (para.13).

**Education:**

The Committee calls upon the State party to ensure all relevant officials are familiar with the concept of temporary special measures, and encourage their application in accordance with article 4 (1) of the Convention and the Committee’s General Recommendation No. 25 (2004), especially measures aimed at increasing the number of girls, including from disadvantaged groups, enrolled at the secondary and tertiary levels of education in all states (para.19).

The Committee takes note of the Right of Children to Free and Compulsory Education Act, 2009, guaranteeing free and compulsory education for all children aged 6 to 14. However, it remains concerned that only 4 per cent of the GDP is spent on education, that girls with disability and minorities still register low enrolment rates, and that the dropout rate among adolescent girls is as high as 64 percent, making them particularly vulnerable to child marriage. The Committee is also concerned about girls’ low retention and completion rates at the secondary level due to early marriage, harmful practices and poverty, especially in rural areas. The Committee is equally concerned that girls are subjected to sexual harassment and violence including in conflict-affected regions where the reported occupations of schools by the security forces contributes to school drop-out (para.26).

The Committee reiterates its previous concluding observations (CEDAW/C/IND/CO/3, 2007), and calls upon the State party to allocate increased resources for the implementation of the Free and Compulsory Education Act and to take measures to: Ensure that schools are girl-friendly, within reasonable distance from communities, have supplies of potable water and separate hygienic toilets for girls. Address safety issues for girls in and out of schools, including escort to schools for girls in unsafe areas and effective investigation and prosecution of acts of corporal punishment, harassment or gender-based violence against girls at school. Adopt a life cycle approach to girls’ education, and ensure that the special needs of disadvantaged and marginalized girls are integrated into policy making; Improve the literacy rate of women and girls and organize programmes for girls affected by conflict who leave school/university prematurely; Address causes of the low enrolment rate of girls from minorities and girls with disability, and the high dropout rates of adolescent girls from school, including those living in conflict areas, such as gender stereotypes, poverty and sexual harassment in school, and early marriages and formulate re-entry policies enabling young women to return to school after pregnancy; Prohibit the occupation of schools by security forces in conflict-affected regions in compliance with international humanitarian and human rights law standards; and improve the quality of education by providing teachers with systematic and gender-sensitive training and by conducting a revision of the curriculum and textbooks to remove gender stereotypes (para.27).

**Harmful practices:**

The Committee is concerned about the persistence of harmful traditional practices in the State party, such as child marriage, the dowry system, so-called “honour” killings, sex-selective abortion, Sati, Devadasi, and women accused of witchcraft. The Committee is particularly concerned that the State party has not taken sufficient sustained and systematic action to modify or eliminate stereotypes and harmful practices (para.20).

The Committee urges the State party to put in place without delay a comprehensive national campaign and strategy, with concrete goals and timelines, to eliminate patriarchal attitudes and stereotypes that discriminate against women, in accordance with article 2 (f) of the Convention (para.21).

The Committee urges the State party to: Enact the Rights of Persons with Disabilities Bill (2014) without delay and incorporate a specific section to protect women and girls with intellectual disabilities from forced sterilization, and to repeal laws and prohibit disability-based detention of women, including involuntary hospitalization and forced institutionalization;Facilitate advocacy by and on behalf of women and girls with disabilities;(para.37).

While noting that the implementation of the Prohibition of Child Marriage Act (2006) has led to a certain decrease in the number of early and forced marriages of girls, the Committee is concerned that the State party’s declaration on article 16 (2) has not been withdrawn. The Committee also notes with concern the high prevalence of such marriages and that victims of child marriages must file a petition with a court to void the marriage within two years after reaching the age of majority. The Committee is equally concerned at reports that judges often authorize marriages of under-age girls based on Muslim Personal Laws, and that no legislation ensuring the registration of all marriages in the State party has been adopted (para.38).

The Committee urges the State party to: Speedily enact legislation to require compulsory registration of all marriages and to consider withdrawing its declaration to article 16 (2) of the Convention; Ensure that the Prohibition of Child Marriage Act (2006) is implemented without exception; Automatically void all child marriages and ensure that the Protection of Children from Sexual Offences Act (2012) also applies to child brides; and strengthen efforts to raise awareness about the prohibition of child marriages, as well as on their harmful effects on girls’ health and education, and to effectively investigate, prosecute and punish cases of forced and early marriage (para.39).

**Trafficking and sexual exploitation:** The Committee remains concerned at the alarming persistence of trafficking in the country, both internal and cross-border, at the lack of protection and services available to women and girls victims of trafficking and sexual exploitation and at the lack of efforts to address their root causes (para.22).

The Committee recommends that the State party review the Immoral Traffic Prevention Act (1986) and include provisions addressing the prevention of trafficking in women and girls and the economic and emotional rehabilitation of victims; Ensure that trafficked women and girls have access to victim and witness protection shelters, quality medical care, counselling, support programmes for alternative income-generation programmes, for their reintegration in the education system and labour market, as well as access to adequate housing and free legal aid regardless of their availability or willingness to testify against traffickers (para.23).

**Disability:** The Committee urges the State party to Facilitate advocacy by and on behalf of women and girls with disabilities (para.37).

**Birth registration:**

The Committee is concerned that Dalit women and women’s limited knowledge of birth registration procedures, as well as the existence of bureaucratic obstacles and financial barriers which prevent them from registering births and obtaining birth certificates for their children (para.34).

The Committee recommends that the State party: Monitor the availability and efficiency of the Legal Services Authorities, implement legal literacy programmes, increase the awareness of Dalit women and women and girls from scheduled tribes of all legal remedies available to them, and to monitor the results of such efforts. Strengthen public awareness-raising campaigns and take concrete measures to ensure that Dalit and women from schedule tribes are aware of the procedures for registration of births and obtaining birth certificates, and ensure their access to these facilities (para.35).