

UNITED NATIONS

**Convention on the Elimination of All Forms of
Discrimination against women(CEDAW)**

**Concluding Comments of the Committee on the
Elimination of Discrimination against Women: INDIA**

Thirty-seventh session
15 January – 2 February 2007

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Frequently Asked Questions about CEDAW

What is CEDAW?

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a United Nations Convention designed to protect the Human Rights of Women. This came into force as an International Treaty in September 1981. This Convention is also known as the Women's Convention.

Is India bound by this Convention?

Yes. India ratified the Convention in 1993 and is bound by the provisions of this Convention.

One hundred and eighty five countries¹, including India have ratified this important Convention. This is one of the most widely ratified Conventions among all the UN Conventions and also one with the largest number of Reservations.

What is meant by Reservations?

UN Conventions permit State parties to make a Reservation to an article of the Convention on the basis that the States party is unable to comply with the provisions of that article. However, this is meant to be a temporary measure so that States can take steps to remove obstacles to the implementation of the articles it has reserved.

India has ratified CEDAW with certain Reservations².

What is the significance and main features of CEDAW?

Many human rights Treaties recognised the importance of rights of persons, including women. However, it was generally felt that the general human rights regime was not working very well to protect and promote the rights of women. CEDAW is the only human rights Treaty which specifically focuses on the human rights of women.

The following are some of the important features of CEDAW:

The Convention is a comprehensive bill of rights for women.

The Convention is based on three interrelated core principles namely 1) Principle of equality 2) Principle of non-discrimination 3) Principle of State obligation

Through its principle of equality between men and women the Convention extends the coverage of human rights to women.

1. As on October 23, 2006.

2. Article 16(1) - elimination of discrimination against women in marriage and family relations;
Article 16(2) - unlawful status of child marriage and compulsory registration of marriage;
Article 29(1) - procedures of dispute settlement between two or more State parties concerning the interpretation or application of the CEDAW Convention.

The Convention draws a distinction between de jure and de facto rights. In this regard, it recognises not only current discrimination but also past discrimination and introduces the concept of corrective measures to overcome the effect of past discrimination.

Temporary Special Measures are special provisions under the Convention to bring about equality.

The Convention goes beyond law and obligates governments to implement extra legal measures.

It addresses the need to tackle power relations between women and men at all levels, including family, community, market and state.

What is Discrimination against Women?

The Convention not only defines discrimination as the unequal treatment on the basis of sex but also provides a broader more comprehensive definition of "discrimination". According to Article 1 of the Convention, the term "discrimination against women" shall mean any distinction, exclusion or restricting made on the basis of sex, irrespective of marital status, in political, economic, social, cultural, civil or any other field.

How does the CEDAW Committee function?

There are 23 members in the CEDAW Committee including experts on women's issues from around the world. The Committee watches over the progress for women made in those countries that are the States parties to the CEDAW and makes recommendations on any issue affecting women to which it believes the States parties should devote more attention.

The States parties that have ratified the Convention are obligated to present periodic reports before the Committee within one year of ratification, and thereafter every four years. These reports are presented by the government representatives.

The Committee welcomes country-specific information from NGOs in the form of Shadow or Alternative Reports, which help identify issues of women's rights which may not be presented by the State parties.

Following consideration of each States party report, the CEDAW Committee formulates Concluding Comments/Observations, which outline factors and difficulties affecting the implementation of the Convention for that country including positive aspects, principal areas of concern and recommendations to enhance implementation of the Convention. Implementation of Concluding Observations is the responsibility of the State and the Civil Society of State parties.

What are General recommendations?

The CEDAW Committee makes general recommendations that are interpretative comments on specific articles of the Convention based on the examination of reports and information received

from States parties. General recommendations are elaborations of the articles, which need to be considered while preparing reports by the States parties.

Has India reported to the CEDAW Committee?

Yes, India had submitted its initial report in 1999 and a combined second and third periodic report in 2007. Both times there were considerable delays in report submission by Government of India.

What are the recommendations of the CEDAW Committee for India?

There are several recommendations made by the Committee in 2000 and 2007. The next few pages give you the latest recommendations of the CEDAW Committee to the Government of India. As a signatory to the Convention, the Government is obligated to work towards implementing these recommendations.

CEDAW concluding comments 2007

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**Committee on the Elimination of
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Thirty-seventh session

15 January-2 February 2007

**Concluding comments of the Committee on the
Elimination of Discrimination against Women: India**

1. The Committee considered the combined second and third periodic reports of India CEDAW/C/IND/2-3) at its 761st and 762nd meetings, on 18 January 2007 (see CEDAW/C/SR.761 and 762). The Committee's list of issues and questions is contained in CEDAW/C/IND/Q/3 and India's responses are contained in CEDAW/C/IND/Q/3/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its combined second and third periodic reports, while regretting that it was overdue, did not fully comply with the Committee's guidelines for preparation of reports or refer to the Committee's general recommendations and did not provide the information requested by the Committee on the communal violence in Gujarat. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, as well as for the additional written information provided during the consideration of the report.

3. The Committee commends the State party on its delegation, headed by the Secretary of the Ministry of Women and Child Development, which included the Solicitor General and representatives of other ministries with responsibility for implementation of the Convention. It expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in India.

Positive aspects

4. The Committee commends the State party on its (a) National Policy on the Empowerment of Women, 2001, which, among other things, commits to ensure that all

marriages are registered by 2010; (b) Women Component Plan in the national budget, where 30 per cent of planned development expenditure in all sectors is to be spent on women; (c) National Policy on Persons with Disabilities, 2005; and (d) National Rural Employment Guarantee Act, 2005.

5. The Committee congratulates the State party on the enactment of the Protection of Women from Domestic Violence Act, 2005, and for amendments to the Hindu Succession Act and the Indian Divorce Act.

6. The Committee commends the State party for its achievements in increasing enrolment in primary education through various programmes, such as the Sarva Shiksha Abhiyan programme.

Principal areas of concern and recommendations

7. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

8. The Committee is concerned that the State party has not taken adequate steps to implement the recommendations in regard to some concerns raised in the Committee's previous concluding comments adopted in 2000¹. In particular, the Committee finds that its recommendations in paragraphs 67 (to introduce a sex discrimination act in order to make the standards of the Convention applicable to non-State action and inaction), 70 (to develop a national plan of action to address the issue of gender-based violence in a holistic manner), 75 (to enforce laws preventing discrimination against Dalit women) and 81 (to take affirmative action to increase women's participation in the judiciary) have been insufficiently addressed. The Committee is also concerned that it has not been provided with any information on the report of the committee established to review the Armed Forces Special Powers Act in response to its previous concluding comments².

9. The Committee reiterates the concerns and recommendations in the concluding comments adopted in 2000 and urges the State party to proceed without delay with their implementation. The Committee requests the State party to provide information

1. See Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38).

2. Ibid., para. 72.

on the steps being taken to abolish or reform the Armed Forces Special Powers Act and to ensure that investigation and prosecution of acts of violence against women by the military in disturbed areas and during detention or arrest is not impeded.

10. The Committee is concerned by the State party's reluctance to review its policy of non-interference in the personal laws of communities without their initiative and consent and to withdraw its reservations to articles 5 (a) and 16 (1) of the Convention, which stand in contradiction not only to the overall spirit and aim of the Convention but also to the State party's existing constitutional guarantees of equality and non-discrimination.

11. The Committee urges the State party to review its reservations to articles 5 (a) and 16 (1) with a view to withdrawing them, to proactively initiate and encourage debate within the relevant communities on gender equality and the human rights of women and, in particular, work with and support women's groups as members of these communities so as to (a) modify social and cultural patterns of conduct to achieve elimination of prejudices and practices based on stereotyped roles for men and women and (b) review and reform personal laws of different ethnic and religious groups to ensure de jure gender equality and compliance with the Convention.

12. The Committee is concerned that while de jure equality for women has been realized in many spheres, there remain many impediments to the realization of de facto equality.

13. The Committee recommends that the State party establish viable strategies to overcome the impediments to the practical realization of women's rights. It calls upon the State party to not only carry out gender-sensitivity training and capacity-building for various stakeholders, but to also take proactive steps to remove structural barriers to women's equality.

14. The Committee regrets that the report does not provide sufficient statistical data, disaggregated by sex, caste, minority status and ethnicity, on the practical realization of equality between women and men in all areas covered by the Convention and does not provide information on the impact of, and results achieved by, various legal and policy measures described in the report.

15. The Committee requests the State party to set benchmarks and to include adequate, appropriate and comparative statistical data and analysis, disaggregated by sex, caste, minority status and ethnicity, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention and trends over time in the practical realization of equality between women and men. In particular, it calls upon the State party to review and monitor the fulfilment of the provisions of the Convention in respect of scheduled caste, scheduled tribe, backward class and minority women in all sectors. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to

ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next periodic report.

16. Noting that the implementation of legislative and policy initiatives taken by the central Government is often left to the states and union territories, and that states and union territories have jurisdiction over certain areas covered in the Convention, the Committee is concerned that there are inadequate structures, mechanisms and actions being taken to ensure effective coordination and consistent application of the Convention in all states and union territories.

17. The Committee recommends that the State party promote and guarantee the consistent implementation of the Convention throughout the country, including through increased attention in consultative forums and other mechanisms of control and partnership between the central Government and state and union territory governments. In this respect, the Committee recommends that the State party create formal links between the National Commission for Women and the various State Commissions for Women. It calls upon the State party to consider using the powers under article 253 of the Constitution to establish without delay standards and coordination and monitoring mechanisms to ensure the effective harmonization and implementation of gender equality programmes and policies, as well as enforcement of legislation on women's rights, at the central, state and union territory levels.

18. While noting that poor women are entitled to receive free legal aid under the Legal Services Authority Act and that the National Legal Service Authority aims to enhance legal literacy for women and provide access to justice, the Committee is concerned about the quality and scope of the free legal services provided and the access of women in rural and tribal areas to such services.

19. The Committee urges the State party to provide free legal services to poor and marginalized women in rural and tribal areas in addition to urban areas and to monitor the quality and impact of such services in regard to ensuring women's access to justice. It requests the State party to provide information about access of women, including scheduled caste, scheduled tribe, backward class and minority women, to free legal services and the scope and effectiveness of such services in its next periodic report.

20. The Committee continues to be concerned about the absence of a comprehensive plan to address all forms of violence against women. While appreciating the enactment of the Domestic Violence Act, 2005, the Committee is concerned that the various states and union territories have not put into place mechanisms to effectively enforce this Act.

21. The Committee calls upon the State party to develop, in consultation with women's groups, a coordinated and comprehensive plan to combat all forms of

violence against women taking a life cycle approach. It urges the State party to take steps in partnership with states and union territories to fully and consistently implement and enforce the Domestic Violence Act and to ensure that all women victims of domestic violence, including scheduled caste, scheduled tribe, backward class and minority women, are able to benefit from the legislative framework and support systems in place and that perpetrators are effectively prosecuted under the Penal Code and adequately punished. It recommends that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women, including domestic violence. It requests that adequate statistics on all forms of violence against women be collected in a consistent manner. In particular, it requests the State party to provide information, disaggregated by caste, minority status and ethnicity, in its next periodic report, on the number of cases of domestic violence reported to the police and other relevant authorities, the number of protection and other orders granted under the Domestic Violence Act and the number of convictions of perpetrators of domestic violence under the Penal Code.

22. While noting that consultations are under way to amend relevant legislation relating to rape, the Committee is concerned about the narrow definition of rape in the current Penal Code and its failure to criminalize marital rape and other forms of sexual assault, including child sexual abuse.

23. **The Committee urges the State party to widen the definition of rape in its Penal Code to reflect the realities of sexual abuse experienced by women and to remove the exception for marital rape from the definition of rape. It also calls upon the State party to criminalize all other forms of sexual abuse, including child sexual abuse. It recommends that the State party consult widely with women's groups in its process of reform of laws and procedures relating to rape and sexual abuse.**

24. The Committee is concerned that the proposed Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005, does not include sexual and gender-based crimes against women perpetrated during communal violence or create a system of reparations for victims of such crimes, as these elements are not covered effectively by the Indian Penal Code or other relevant legislation. In addition, the Committee remains concerned that this Bill does not adequately address abuse of power by State officials in failing to take action or being complicit in communal violence.

25. **The Committee welcomes the State party's statement that recommendations from this Committee will be considered for inclusion in the proposed Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005, and recommends the incorporation into the Bill of: sexual and gender-based crimes, including mass crimes against women perpetrated during communal violence; a comprehensive system of**

reparations for victims of such crimes; and gender-sensitive victim-centred procedural and evidentiary rules. The Committee further recommends that inaction or complicity of State officials in communal violence be urgently addressed under this legislation.

26. In addition to previously expressed concerns about customary practices, such as dowry, sati and the devadasi system³, the Committee is concerned about the practice of witch-hunting which constitutes an extreme form of violence against women.

27. The Committee recommends that the State party adopt appropriate measures to eliminate the practice of witch-hunting, prosecute and punish those involved, and provide for rehabilitation of, and compensation to, victimized women. It recommends that such measures be based on an analysis of its causes, including control over land. The Committee calls upon the State party to create public awareness of forms of violence against women rooted in custom as an infringement of women's human rights.

28. The Committee is concerned about the ongoing atrocities committed against Dalit women and the culture of impunity for perpetrators of such atrocities. The Committee is concerned that, despite a law banning manual scavenging, this degrading practice continues with grave implications for the dignity and health of the Dalit women who are engaged in this activity.

29. The Committee recommends that the State party put in place a mechanism to monitor effective enforcement of the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act in order to ensure accountability and end impunity for crimes committed against Dalit women. It calls upon the State party to increase Dalit women's legal literacy and improve their access to justice in bringing claims of discrimination and violation of rights. It requests the State party to report specifically on the impact of such initiatives in its next periodic report. The Committee also urges the State party to study the health implications of manual scavenging on Dalits engaged in this profession and on the community as a whole, and to address all the impediments to eradicating this practice, including by putting in place modern sanitation facilities and providing the Dalit women engaged in this practice with vocational training and alternative means of livelihood.

30. While appreciating the important advances made with respect to women's education, the Committee is concerned that the fundamental right to education guaranteed in 2002 by a Constitutional amendment, has not been made operational, despite the central Government's circulation of a model bill to states and union territories for consideration.

31. The Committee calls upon the State party to take the lead, as it has done with regard to other educational schemes, including by considering using its powers under

3. Ibid., paras. 68-69.

article 253 of the Constitution, to enable the passing of legislation to operationalize the fundamental Constitutional right to education. It calls upon the State party to set a time frame for speedy enactment of such legislation and to allocate required resources for the same in its eleventh fiveyear plan, which is currently being considered.

32. While appreciating the additional data provided by the State party during its dialogue with the Committee, which indicates improvements in enrolment rates of women in primary education, and while commending the State party's future plans of focusing efforts on education of marginalized sections of the population, the Committee is concerned about the continuing disparities in the educational status of scheduled caste, scheduled tribe and Muslim women and the limited access of these groups of women to higher education. It is also concerned about the educational performance disparities among regions and states, the continuing gap in literacy rates between men and women and the lack of information on the budgetary allocation to adult literacy programmes.

33. **The Committee recommends that the State party provide, in its next periodic report, comparable data disaggregated by sex, caste, minority status and ethnicity, on the enrolment and retention rates of girls and women at all levels of education, and trends over time. Given the particularly disadvantaged situation of Muslim women and girls, the Committee requests the State party to provide information in its next periodic report about the action taken on the recommendations of the Sachar Committee with regard to the education of Muslim women and girls. It urges the State party to increase efforts to enable scheduled caste, scheduled tribe and Muslim women to access higher education. The Committee calls upon the State party to strengthen its efforts, at the national, state and union territory levels, to close the gap in literacy rates between men and women, establish benchmarks in this regard and create mechanisms to monitor the achievement of such benchmarks. It also urges the State party to provide, in its next periodic report, information on the budgetary allocation to adult education programmes and the impact, and trends over time, of such programmes. Moreover, it calls upon the State party to meet its commitment of allocating 6 per cent of its gross domestic product to education in its eleventh five-year plan.**

34. While welcoming the State party's efforts to eliminate gender-based stereotypes through the review and revision of textbooks at the national level, the Committee is concerned that such review and revision has not taken place at the state level in most states. The Committee is also concerned that teachers in schools are not gender-sensitized, to the detriment of female students.

35. **The Committee calls upon the State party to initiate and monitor the reform of textbooks at the state level to eliminate all gender-based stereotypes and to strengthen its efforts, at the national, state and union territory levels, to combat the widespread acceptance of stereotypical roles of men and women. It recommends that gender**

issues and sensitivity training be made an integral and substantive component of all teacher training.

36. While appreciating the enactment of the National Rural Employment Guarantee Act, 2005, and the Government-supported scheme of women's self-help groups that provide women access to microcredit, the Committee is concerned that these initiatives may not benefit most poor and marginalized women and that the objective of poverty alleviation of self-help groups may not have the desired impact on individual women. The Committee is further concerned by the absence of mechanisms to regulate financial institutions and protect the interests of poor women.

37. The Committee calls upon the State party to ensure that rural women benefit de facto from the National Rural Employment Guarantee Act, 2005. It requests the State party to provide data disaggregated by sex, caste, minority status and ethnicity of the beneficiaries under this Act. The Committee recommends that the State party take proactive measures to bring financial institutions on board with the agenda of development and empowerment of women through issuance of microcredit. It urges the State party to establish, after consultation with women's groups, appropriate mechanisms to regulate the functioning of microcredit finance institutions that protect interests of poor women. The Committee also urges the State party to establish programmes, with goals and timelines, to issue credit to poor women who are not able to participate in the self-help groups and do not otherwise have access to credit.

38. The Committee is concerned about the continuing deterioration in the ratio of females to males despite the Pre-conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act, as amended in 2003. The Committee is further concerned that this Act may result in criminalization of women who are pressured into seeking sex-selective abortions.

39. The Committee calls upon the State party to ensure that adequate mechanisms and procedures for effective implementation and monitoring of the Pre-conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act be established, including safeguards to prevent criminalization of women who are pressurized into seeking sex-selective abortions.

40. The Committee continues to be concerned about the status of women's health, including the maternal mortality rate in rural areas, which is among the highest in the world; the high prevalence of infectious diseases, especially food and waterborne diseases; malnutrition; anaemia; unsafe abortions; HIV infections; and inadequacy of services relating to obstetrics and family planning. While noting the programmes outlined in the report to improve women's access to health care and to decrease maternal mortality, the Committee is concerned that it has not been provided information about the impact of such programmes and measures. It is also concerned that the State party lacks reliable data on

women's health status, including on pregnancy and non-pregnancy-related morbidity and mortality and HIV infections, owing to which it is unable to establish benchmarks and monitor progress. In addition, the Committee is concerned that the privatization of health services has an adverse impact on women's capacity to access such services.

41. The Committee urges the State party to pay increased attention to female health throughout the life cycle, including in key areas of pregnancy and non-pregnancy-related morbidity and mortality, in light of general recommendations 24 and 25. It calls upon the State party to strengthen food security, primary health care and adequate sanitation, especially in rural areas; establish mechanisms to monitor women's access to health care and health delivery systems; and increase the allocation of resources to health care. The Committee urges the State party to prioritize decreasing maternal mortality rates by establishing adequate obstetric delivery services and ensuring women access to health services, including safe abortion and gender-sensitive comprehensive contraceptive services. It recommends that the State party provide detailed information in its next periodic report about the impact, and trends over time, of programmes to improve women's access to health care and decrease maternal mortality. It calls upon the State party to balance the roles of public and private health providers in order to maximize resources and the reach of health services. It calls upon the State party to monitor the privatization of health care and its impact on the health of poor women and provide such information in its next periodic report.

42. While appreciating the reservation of one third of seats in local government bodies for women through the use of temporary special measures, the Committee is concerned about the continuing low representation of women in Parliament and state legislatures and in government service. The Committee notes with concern the low numbers of women judges in the high courts and the total absence of women judges in the Supreme Court.

43. The Committee calls upon the State party to speed up its efforts to forge consensus on the constitutional amendment reserving one third of the seats in Parliament and state legislatures for women and undertake awareness-raising about the importance of women's participation in decision-making for society as a whole. The Committee also calls upon the State party to take sustained measures, including temporary special measures contemplated by the tenth five-year plan, to increase the number of women in government service, including in higher political, administrative and judicial posts, and to establish concrete goals and timetables. The Committee invites the State party to provide information in its next periodic report about the number and ranking of women in government service and the impact, and trends over time, of measures taken to increase the representation of women in public and political life.

44. The Committee is concerned that 93 per cent of the workforce that is in the unorganized sector is facing job insecurity and unfavourable conditions of work while

the Unorganized Sector Workers Social Security Bill (2003) is pending. It is also concerned about the persistence of the wage gap between women and men. In addition, it is concerned about the increase in the population of poor urban women engaged in unskilled labour with poor work conditions and lack of access to basic amenities and health care.

45. The Committee recommends the speedy enactment of the Unorganized Sector Workers Social Security Bill. It also recommends that the State party take proactive measures to monitor and close the wage gap between women and men. The Committee urges the State party to pay specific attention, and adopt a comprehensive approach, to address the problems of poor women in the urban areas.

46. The Committee expresses grave concern about the displacement of tribal women owing to the implementation of megaprojects and the influence of global economic trends. While the Committee appreciates the need for economic growth, it is concerned that the human rights of vulnerable groups such as tribal populations may be adversely affected by large-scale economic projects.

47. The Committee urges the State party to study the impact of megaprojects on tribal and rural women and to institute safeguards against their displacement and violation of their human rights. It also urges the State party to ensure that surplus land given to displaced rural and tribal women is cultivable. Moreover, the Committee recommends that efforts be made to ensure that tribal and rural women have individual rights to inherit and own land and property.

48. The Committee is concerned by the State party's assertion that it is making efforts to eradicate child labour only in certain occupations classified as "hazardous" by the Child Labour Technical Advisory Committee. In particular, the Committee is concerned that the employment of children — the majority of whom are girls — as domestic help in private homes where children are exposed to all forms of abuse, including sexual abuse, is not being targeted.

49. The Committee recommends the establishment of mechanisms to monitor child labour and the elimination of child labour in compliance with international obligations. It calls upon the State party to study the abuse of children, particularly girl children, employed as domestic help, enforce the Child Labour (Prohibition and Regulation) Act, 1986, for their benefit, and devise strategies for their rehabilitation, including their inclusion in the formal educational system.

50. The Committee is concerned that the State party has not enacted any laws or regulations relating to the status of asylum-seekers and refugees, which adversely impacts women refugees and asylum-seekers.

51. **The Committee urges the State party to adopt laws and regulations relating to the status of asylum-seekers and refugees in India, in line with international standards, in order to ensure protection also for asylum-seeking and refugee women and their children. It recommends that the State party consider accession to international instruments to address the situation of refugees and stateless persons, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status.**

52. While noting that the State party has allocated 10 per cent of the Central Plan Gross Budget for the benefit of the North-eastern Region and Sikkim, the Committee has no way of assessing whether women from the North-east and Sikkim are realizing proportional benefits of budgetary allocation.

53. **The Committee requests the State party to provide information in its next periodic report on the percentage of this budgetary allocation that is being used for the benefit of women and the impact of any such measures on enhancing the equality and well-being of women of the North-east and Sikkim.**

54. The Committee is concerned that the civil Special Marriage Act fails to ensure equality for women in marriage and its dissolution by not giving women equal rights to property accumulated during marriage.

55. **The Committee recommends that the State party amend the Special Marriage Act, in the light of article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations, to give women equal rights to property accumulated during the marriage.**

56. The Committee is concerned about the State party's assertion that the social acceptability of early marriages has negated the implementation of the Child Marriage Restraint Act. In addition, it is concerned that this Act penalizes the offender but does not render the marriage void, purportedly to avoid illegitimacy of any offspring of such union, which stands in contradiction to the purpose of the Act and is a violation of the rights of the married child.

57. **The Committee urges the State party to take proactive measures to effectively implement the Child Marriage Restraint Act with a view to eradicating child marriages. It recommends that the State party take comprehensive, effective and stringent measures aimed at deterrence of those engaged in child marriages, the elimination of such practices and the protection of the human rights of the girl child.**

58. While appreciating that some states have enacted laws to make the registration of marriages compulsory and that the National Commission of Women is in the process of

drafting national legislation to this effect, the Committee is concerned that the State party has not established a timeline for enactment of such legislation.

59. The Committee recommends that the State party take proactive measures to speedily enact legislation to require compulsory registration of all marriages, work with states and union territories to effectively implement such legislation and to consider withdrawing its reservation to article 16 (2).

60. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

61. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.

62. The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

63. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

64. The Committee notes that States' adherence to the seven major international human rights instruments⁴ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of India to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

4. The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

65. The Committee requests the wide dissemination in India of the present concluding comments in order to make the people of India, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twentythird special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

66. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. It invites the State party to submit its fourth periodic report, which was due in August 2006, and its fifth periodic report, which is due in August 2010, in a combined report in 2010.

Request for a follow-up report

67. The Committee expresses its dissatisfaction with the lack of information provided by the State party in its report and in its answers to issues and questions posed by the Committee, on the impact of the Gujarat massacre on women, which negatively affected implementation of the Convention. While appreciating that some additional information on this issue was provided during the constructive dialogue and subsequently, the Committee did not find this information sufficient. Consequently, it requests the State party, in conformity with article 18, paragraph 1 (b), of the Convention, to submit a follow-up report in January 2008 for consideration by the Committee later in 2008. This follow-up report will not replace the submission of a combined fourth and fifth periodic report.

68. The follow-up report should include information on the impact of the Gujarat massacres on women. In particular, the report should provide information (a) disaggregated by sex, on the 2,000 or so cases relating to the massacres that have been reopened and the resolution of these cases; (b) on the number of cases of sexual assault and violence against women that have been reported and the resolution of such cases; (c) on victim protection measures and other measures to support victims that have been put in place and the impact of such measures; (d) on arrests made and punishments imposed, including on state officials who were found to be complicit in such crimes; (e) on the gender-specific measures taken by the State party to rehabilitate and compensate women victims of such crimes and the number of women who have benefited from such measures; (f) on compensation awarded to women victims, especially of violence against women; (g) disaggregated by sex, on the 5,000 or so Muslim families displaced by the violence and measures taken by the Government for their resettlement and rehabilitation; and (h) on measures taken to enable economic rehabilitation of the affected communities and rebuilding of basic infrastructures destroyed during the riots.