Home Office

Country Information and Guidance

India: Women fearing gender-based harm/violence

April 2015

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – India. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please e-mail us.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Section 1: Guidance

Updated: 13 February 2015

1.1 Basis of Claim

1.1.1 Fear of gender-based harm by the state and/or non-state actors because the person is a woman.

1.1.2 For the purposes of this instruction, gender-based harm includes domestic violence, sexual violence including rape, acid attacks, so-called 'honour crimes', forced and child marriage and trafficking and other related offences.

1.1.3 A person's gender may also be a contributory factor in relation to other risk categories. Decision makers must therefore also refer to relevant India Country Information and Guidance on the category concerned.

1.2 Summary of Issues

- Is the person's account a credible one?
- Do women in India constitute a particular social group (PSG)?
- Are women in India at risk of gender-based harm?
- Is there effective protection for women?
- Is a woman able to internally relocate within India to escape that risk?

1.3 Consideration of Issues

Is the person's account a credible one?

1.3.1 Decision makers must consider whether the material facts relating to the person's account of the risk of gender based harm and of their experiences as such are reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the country information). Decision makers should take into account the possible underlying factors as to why a person may be inconsistent or unable to provide details of material facts.

1.3.2 Where the person claims to be a victim of trafficking, decision makers must note that only trained specialists in the UK's designated competent authorities can decide whether or not there are reasonable grounds to accept the person as a victim of trafficking. Therefore, if it has not already been done, decision makers dealing with the claim must make an appropriate referral to the National Referral Mechanism (NRM). The case will then be routed to a 'competent authority'.

1.3.3 For further information and advice on this, see the Country Information section and the relevant sections of the Asylum Instructions on Assessing credibility and refugee status, Gender issues in the asylum claim and Victims of human trafficking: competent authority guidance

Do women in India constitute a particular social group (PSG)?

1.3.4 Women in India are considered to form a particular social group (PSG) within the meaning of the 1951 UN Refugee Convention. This is because they share an immutable (or innate) characteristic – their gender – and are perceived as being different by

surrounding society. They are subject to widespread and deep-rooted discrimination in the exercise of their rights.

1.3.5 Although women in India form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case will be whether the particular person will face a real risk of persecution on account of their gender.

1.3.6 For further information on particular social groups, see section 7.6 of the Asylum Instruction on Assessing Credibility and Refugee Status

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Are women in India at risk of gender-based persecution/harm?

1.3.7 India is multicultural and diverse. In general however, and especially in rural areas where most people live, communities tend to be patriarchal, with deep-rooted stereotypes relating to gender roles. Although the Indian government has launched various campaigns to raise awareness and to change people's attitudes, women continue to experience widespread discrimination and violence, which is manifest in several ways.

1.3.8 Gender based violence at the hands of family or community members is a serious and widespread problem in India. A study published in 2014 found that 52 per cent of the women surveyed, in the 18-49 age group, had experienced some form of violence at least once in their lifetime. (See Violence against women in the country information section).

1.3.9 In 2013 the National Crime Records Bureau recorded 33,707 cases of rape and 309,546 other crimes against women, including domestic violence, sexual harassment, trafficking, etc. (See Police and judicial attitudes and responses to violence against women in the country information section). While the crime rate is likely to be significantly under-reported, these figures should also be seen in the context that India is a country with a population of 1.2 billion, including some 430 million women aged 15 and over. (See Socio-economic indicators in the country information section)

1.3.10 Customary practices such as forced and child marriage, violence and killings linked to dowry payments and sex-selective abortion, honour killings, witch-hunting of women, and communal violence perpetrated against cultural and religious minorities continue to be practiced despite laws prohibiting them. Certain minority groups, including Dalits (who are at the bottom of the caste system) and Adivasi (indigenous tribal) women, and women with disabilities, often face multiple and intersecting forms of discrimination and violence. (See Violence against women in the country information section) In certain conflict areas, where the armed forces are deployed against armed insurgent groups, women may face violence and abuse from either non-state or state actors, who are reportedly able to act with impunity. (See the SATP website for a map showing the current location of conflict areas in India.)

1.3.11 The general level of discrimination against women and girls in India does not in itself amount to persecution or a real risk of serious harm. Some women may, however, be able to demonstrate a real risk of gender based persecution/harm on return to India. Each case must be determined on its own facts. Decision makers must take particular account of any past persecution or ill-treatment, the likelihood and ability of the actors of persecution to pursue the person on return to India. All relevant factors should be taken into account, including the age, health, educational and economic status, job skills, religion, caste, ethnicity, and the individual circumstances of the person.

1.3.12 For further information and advice on this, see the Country Information section and the relevant section(s) of the Asylum Instructions on Assessing credibility and refugee status and on Gender issues in the asylum claim

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Is there effective protection for women?

1.3.13 There are specific statutory laws in place which provide tough penalties for domestic violence, rape, acid attacks, sexual harassment, trafficking and other related offences. Furthermore, new legislation was adopted in 2013, including a Criminal Law (Amendment) Act which – according to the United Nations Special Rapporteur on violence against women – has improved the legislative framework significantly, introducing new criminal offences and stronger sanctions. The Special Rapporteur did, however, note in a report of April 2014 that effective implementation of these laws, and the allocation of financial resources to support their execution adequately, was reportedly lacking in many instances. (See Violence against women in the country information section)

1.3.14 The Protection of Women from Domestic Violence Act 2005 (PWDVA) came into force in October 2006. It enables victims of domestic violence to seek interim protection and residence orders, as well as compensation and maintenance. The Act protects women not only from abuse by a spouse, but also members of the spouse's family. Its definition of violence against women encompasses physical, sexual, psychological, verbal, and economic abuse. Evidence proving abuse is tested on a balance of probabilities; proof beyond reasonable doubt is not required. A victim of domestic violence deals primarily with a Protection Officer and has a right to legal aid, shelter and access to medical care, although there have reportedly been limitations in the effectiveness of the law due to restricted implementation, as well as corruption. Women facing imminent and life-threatening violence have often had to rely solely on police aid. (See Violence against women in the country information section)

1.3.15 It has been reported that, despite provisions intended to offer legal, social and financial assistance to victims, many women victims were reluctant to report incidents to the police due, for example, to fear of reprisals or lack of guarantees of adequate shelter and access to livelihoods. Informal dispute settlement alternatives were often sought by police, family members or community leaders. Nevertheless, data from the National Crime Records Bureau shows that there has been a substantial increase in the number of criminal incidents reported to the police since 2008, particularly in respect of rape and other crimes against women. The figures also indicate that a high percentage of police investigations into criminal offences against women have resulted in suspects being formally charged and cases proceeding to court. Furthermore, the Criminal Law (Amendment) Act 2013 has made it a criminal offence for a public servant (including a police officer) to fail to record – and then to investigate as prescribed – specified offences in the Penal Code. (See Police and judicial attitudes and responses to violence against women in the country information section).

1.3.16 In addition to the legislative framework criminalising discrimination and violence against women, the state, through the Ministry of Women and Child Development, runs over 600 shelter homes for women. Among these, 'Swadhar' Shelter Homes provide food, clothing, counselling and services, in addition to accommodation. There are also non-government-run shelters, some of which receive international funding. The government, in partnership with NGOs, has established 86 rehabilitative homes specifically for victims of trafficking. There are over 800 hostels, mainly in cities, where working women can live for up to three years; some hostels have day care centres for children. The government offers programs designed to help 'marginalised' women gain access to the labour market, such as the Support to Training and Employment Programme (STEP), which conducts skills training. There are 14,059 training centres across the country. (see Single women and Assistance available to women in the country information section)

1.3.17 In general, a person is likely to be able to access effective protection from the state. However, an assessment of whether a person would be able to access assistance and protection must be carefully considered on the facts of the case. Decision makers must take particular account of past persecution (if any) and past lack of effective protection. In each case, decision makers must identify whether attempts were made to seek protection and what the response of the authorities was, while taking into account that in some cases there may be good reason why a woman was unable or unwilling to seek protection from the authorities.

1.3.18 For further information, see Country Information and Guidance. India: Background information, including actors of protection and internal relocation

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Is a woman able to internally relocate within India to escape that risk?

1.3.19 In general it will not be unduly harsh for a woman, especially if single and without children to support, who is able to access accommodation or is educated or skilled or wealthy enough to be able to support herself, to relocate. However, careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis, taking full account of the individual circumstances of the particular person.

1.3.20 Decision makers need to consider the ability of the persecutor to pursue the person in the proposed site of relocation, whether effective protection is available in that area and any previous attempts to internally relocate.

1.3.21 In the Country Guidance case of MD India CG [2014] UKUT 00065 (IAC) (12 February 2014), the Upper Tribunal, considered that the possibility of the police, or any other person or body, being able to locate, at the behest of an individual's family, a person who has fled to another state or union territory in India, to be remote.' (paragraph 154).

1.3.22 Factors such as the social positioning in terms of class, ethnicity, religion, education, economic independence, region and location (urban or rural), cultural and traditional values, caste, educational profile, marital status, number of children of the person, should all be considered when determining whether relocation is an option, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including support networks and the person's ability to secure access to a livelihood.

1.3.23 For further information on this also the Asylum Instruction(s) on Internal Relocation, Gender issues in the asylum claim and the Country Information and Guidance: India: Background information including actors of protection and internal relocation

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1.4 Policy Summary

- **The general level of discrimination against women in India does not in itself amount to persecution.**
- **However, a woman may be able to demonstrate a real risk of persecution/harm; each case must be carefully considered on its facts.**
- **Although there have been a number of legislative and other measures undertaken to improve the situation of women in India in recent years, gender based violence against women remains a serious problem.**
- **Victims of gender based violence may in some circumstances be unable to obtain effective state protection.**

- **Internal relocation to avoid risk of gender based persecution will be viable in many cases but internal relocation may, in some cases, be unduly harsh for women with dependent children, if they are unable to access accommodation, have no support networks and have no real prospect of securing access to a livelihood.**
- **Where a claim falls to be refused, it must be considered for certification as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002, since India is listed as a designated state, but not all claims of this type are likely to be certifiable as 'clearly unfounded'; each claim must be carefully considered on its own facts.**

For further information on making asylum decisions, see Asylum Instructions on Assessing credibility and refugee status, Humanitarian Protection, Discretionary Leaveand Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002.

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Section 2: Information

Updated: 23 January 2015

2.1 Legal rights

2.1.1 The Constitution provides:

Article 14: 'Equality before law.—The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.'

Article 15: 'Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them ...'

Article 15(3) leaves scope for affirmative action for women: 'Nothing in this article shall prevent the State from making any special provision for women and children.'

Article 16: 'Equality of opportunity in matters of public employment ... (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against, in respect of any employment or office under the State.'[1]

2.1.2 The United Nations Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo (referred to below as the UN Special Rapporteur), undertook a mission to India from 22 April to 1 May 2013 and commented in her report:

'At the national level, laws and policies have been put in place to prevent and respond to violence against women. These include the Penal Code, the Criminal Law (Amendment) Act 2013, the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act, 2013, the Protection of Women from Domestic Violence Act, 2005, the Indecent Representation of Women (Prohibition) Act, 1986, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Dowry Prohibition Act, 1961, the Commission of Sati (Prevention) Act, 1961, the Immoral Traffic (Prevention) Act, 1956 and the Bonded Labour System (Prohibition) Act of 1976, among others. Despite those positive developments, effective implementation of those laws and the allocation of financial resources to support their execution adequately is reportedly lacking in many instances.'[2]

2.1.3 Below are some of the other constitutional and statutory provisions cited by the 2012 State Party report to CEDAW as being intended to end discriminatory practices:

The Constitution (86th Amendment, 2002) made free and compulsory education for all children in the 6-14 year age group a fundamental right. (The Right of Children to Free and Compulsory Education Act, 2009 qualified this right as being to the completion of elementary education.)

The Hindu Succession (Amendment) Act, 2005 removed gender discriminatory provisions in the Hindu Succession Act 1956 and gave daughters the same right as sons to inherit coparcenary property (ancestral property of the Hindu undivided family).

[1] The Constitution of India: Amended to (Ninety-Eighth Amendment) Act, 2012, http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm, accessed 21 January 2015

[2] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paragraphs 31, 57 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

(Note that Muslim personal law continues to determine land inheritance for Muslim women, allotting them less than men.[3])

The Maternity Benefit (Amendment) Act, 2008 regulates maternity benefits available to women in factories, mines, circuses, plantations and shops or establishments employing 10 or more persons.

The Senior Citizens (Maintenance, Protection and Welfare) Act, 2007 has made it mandatory for people to maintain their aged parents; there are penalties for failure to do so.[4]

2.1.4 The Canadian Immigration and Refugee Board quoted the Habitat International Coalition (HIC), an NGO, as stating in 2009 that '...although the law on Hindu women's property rights was amended in 2005 to mandate "equal inheritance rights for men and women in agricultural land and family property," the law does not apply to non-Hindu women ... The HIC also state[d] that...the prevalence of the dowry system made it uncertain as to what extent Hindu women would benefit, in practice, from the legislation...'[5]

2.1.5 India ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women on 9 July 1993.[6] In its most recent 'Concluding Comments' on India, dated 2 February 2007, the UN Committee on the Elimination of Discrimination against Women (CEDAW) observed, '[W]hile de jure equality for women has been realized in many spheres, there remain many impediments to the realization of de facto equality.'[7]

2.1.6 The National Commission for Women (NCW India), according to its website, 'was set up as statutory body in January 1992 under the National Commission for Women Act, 1990 (Act No. 20 of 1990 of Govt.of India) to: review the Constitutional and Legal safeguards for women; recommend remedial legislative measures; facilitate redressal of grievances and advise the Government on all policy matters affecting women.'[8]

(See the section Violence against women for legal remedies available to women victims of violence.)

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2.2 Discrimination against women

2.2.1 The Bertelsmann Foundation observed in their BTI Transformation Index 2014 report:

'Discrimination [against] women remains a major issue in India. Especially in the still extremely patriarchal north of India, women tend to be discriminated against from the very beginning within their families. With poor families, this means worse access to food

[3] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, date accessed 8 January 2015

[4] UN Committee on the Elimination of Discrimination Against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention, Combined fourth and fifth periodic reports of States parties : India, 23 October 2012, CEDAW/C/IND/4-5, available at: http://www.refworld.org/docid/525bd8184.html

[5] Canada: Immigration and Refugee Board, 'India: Whether women who head their own households without male support can obtain housing and employment in Delhi, Mumbai and Chandigarh; government support services available to female-headed households in these cities; violence against women in these cities (2008-2011)', 16 May 2013, IND104430.E http://www.refworld.org/docid/51ab41204.html Date accessed 18 January 2015

[6] UN Women: Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): States Parties http://www.un.org/womenwatch/daw/cedaw/states.htm, date accessed 5 January 2015

[7] UN Committee on the Elimination of Discrimination Against Women (CEDAW): Concluding Comments: India, 2 February 2007, CEDAW/C/IND/CO/3http://www.refworld.org/country,COI,CEDAW,CONCOBSERVATIONS,IND,,45f90a982,0.html paragraph 12

[8] National Commission for Women – 'About' http://ncw.nic.in/frmAboutUS.aspx, date accessed 22 January 2015

and sanitation. As far as access to education is concerned, some substantial progress has been made in primary and secondary education, but the ratio of female-to-male enrollment in tertiary education is still 72.6%. According to a 2011 report by the National Statistical Organization, the worker population ratio in rural areas was 55% for men and 26% for women; in urban areas it was 54% for men and 14% for women.

See also Section 2.4 Political participation

2.2.2 According to a report published in 2014 by the International Center for Research on Women (ICRW) in partnership with the United Nations Population Fund (UNFPA):

'Son preference and daughter discrimination on the basis of gender are widespread in India, and they manifest in varying degrees across the socio-cultural and geographic spread of the country. It is the most powerful and fundamental manifestation of gender inequality in the Indian context. The preference for sons is deeply rooted in the Indian socio-cultural context: male children in India hold a central identity in the familial structure, for they inherit property, carry forward family lineage and perform specific family rituals. Meanwhile, daughters are seen as socioeconomic burdens owing to the cost of marriage including dowry during marriage, often followed by severing of economic dependence with the natal family. This discrimination towards the girl child is demonstrated at the prenatal stage through gender biased sex selection in order to ensure daughters are not born. At the post-natal stage, discrimination is palpable in terms of neglect of daughters and preferential treatment towards sons.

'Indeed, the societal importance given to boys in India has translated into deep-rooted discriminatory practices against girls and women, with devastating effects on their status, health and development and an enormous pressure to produce sons. In the context of declining family size, restrictive policies on reproduction and limited access to unregulated health services, this pressure can have severe consequences on women's psychological and physical health.'[9]

2.2.3 The same report noted:

'[C]entral to the problem of gender-based violence in India is that Indian men and women have been socialized to believe that men's dominance over women is normal and acts of violence against women are justified. The causes of intimate partner violence against women are thus rooted in India's social, cultural and economic context.

'In the past decade, a range of efforts have aimed to address [Intimate Partner Violence] in India. Other than the Protection of Women from Domestic Violence Act 2004 several campaigns have been launched to raise awareness to change people's mindset and attitudes towards girls. The Government of India has taken action in a number of ways, with varying degrees of success, from which many lessons can be learnt.'[10]

2.2.4 The UN Special Rapporteur stated in her report of 1 April 2014:

'Research has documented a trend of declining girl-child sex ratio from 962 per 1,000 males in 1981, to 945 in 1991, to 927 in 2001, to 914 in 2011. Patriarchal norms and socioeconomic factors have reportedly fuelled the decline. The desire for sons has led to a "policing" of pregnancies by spouses and families through prenatal monitoring

[9] International Center for Research on Women (ICRW) in partnership with the United Nations Population Fund (UNFPA): 'Masculinity, intimate partner violence and son preference in India', 2014: 1.1 Background http://www.icrw.org/sites/default/files/publications/Masculinity%20Book_Inside_final_6th%20Nov.pdf, date accessed 20 January 2015

[10] International Center for Research on Women (ICRW) in partnership with the United Nations Population Fund (UNFPA): 'Masculinity, intimate partner violence and son preference in India', 2014: 1.2 The context: Intimate Partner Violence http://www.icrw.org/sites/default/files/publications/Masculinity%20Book_Inside_final_6th%20Nov.pdf, date accessed 20 January 2015

systems [such as ultrasound scans]. The results can lead to sex-selective abortions, which are often forced on women in violation of their sexual and reproductive rights. Despite specific legislation to address this problem [the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, amended in 2003], including stringent measures in case of contravention, there is a continuing prevalence of sex-selection practices in some states. Furthermore, some of those measures are perceived as the State policing pregnancies broadly and violating women's sexual and reproductive choices.'[11]

2.2.5 It was noted in the USSD 2013 Report:

'The Prenatal Diagnostic Technical Act prohibits prenatal sex selection, but it was rarely enforced. Numerous NGOs throughout the country and some states attempted to increase awareness about the problem of prenatal sex selection, promote female children, and prevent female infanticide and abandonment.

'Some states in India have introduced "girl child promotion" schemes, intended to counter gender-based sex selection...'[12]

See also Womens Health: Reproductive rights

2.2.6 The Indian Government ['State Party'] noted in a report of October 2012 to CEDAW:

'The Government have undertaken various measures to address the gender stereotyping and sex roles that have been highlighted in the earlier two [CEDAW] reports, through different modes such as the National Policy on Education, National Policy on Empowerment of Women etc. All forms of media have been utilised to communicate these special messages. Customary practices such as dowry, child marriage, sati[13], sex selective abortion etc. are addressed through legislation, programmes and community interactions. These actions and measures are an ongoing process which the Government continues to carry on every year to eliminate discriminatory process. A major effort of Government has been to attack the stereotypes about women's role through gender sensitive text book development across the country in different languages ... Many State Boards for School Education have taken proactive steps to include messages about common responsibility of men and women in [the] family.'[14]

See also Economic participation, Political participation and Violence against women

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2.3 Social and economic rights

Socio-economic indicators

2.3.1 According to various statistical sources:

- The population of India was estimated to be 1.24 billion in July 2014.

[11] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paragraph 11 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[12] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[13] Sati is the suicide by a widow on her husband's funeral pyre, now illegal and very rarely done: BBC News, 'India wife dies on husband's pyre', 22 August 2006 http://news.bbc.co.uk/1/hi/world/south_asia/5273336.stm accessed 18 February 2015

[14] UN Committee on the Elimination of Discrimination Against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention, Combined fourth and fifth periodic reports of States parties : India, 23 October 2012, CEDAW/C/IND/4-5, paragraph 25 http://www.refworld.org/docid/525bd8184.html

The gender/age profile was estimated in 2014 as follows:

0-14 years: 28.5% (female 165,048,695 / male 187,016,401)

15-24 years: 18.1% (female 105,342,764 / male 118,696,540)

25-54 years: 40.6% (female 243,293,143 / male 258,202,535)

55-64 years: 7.0% (female 43,175,111 / male 43,625,668)

65 years plus: 5.7% (female 37,810,599 / male 34,133,175)

(See paragraphs 2.2.4 - 2.2.5 for information on gender imbalance and sex-selective abortions)

- 31.3 per cent of the population resided in urban areas, according to 2011 estimates. The 2001 Census profiled claimed religious adherence as: Hindu 80.5%, Muslim 13.4%, Christian 2.3%, Sikh 1.9%, other 1.8%, unspecified 0.1% [15]
- Life expectancy at birth was estimated, in 2012, to be 69.1 years for females and 66.7 years for males.[16]
- The 1991, 2001 and 2011 Censuses gave literacy rates for people aged 7 years and over:

	Total	Female	Male	Difference
1991	52.2%	39.3%	64.1%	24.8% [17]
2001	64.8%	53.7%	75.3%	21.6% [18]
2011	74.0%	65.5%	82.1%	16.6% [19]

- Literacy rates in the 15-24 age group (2008-2012 ave.estimates):

  Female: 74.4% Male: 88.4% [20]
- Primary school participation, net attendance ratio (2008-2012 ave.estimates):

  Female: 81.4% Male: 85.2% [21]
- In 2004-05, 20.2 per cent of the waged workforce – excluding in agriculture – were female (National Sample Survey). Just over 50 per cent of employed women worked in the formal sector. According to the 2001 Census, 51.9 of all males and 25.7 per cent of females were in employment. However, the majority of job seekers (registered with employment exchanges) were male.[22]
- A National Sample Survey (NSSO), for which fieldwork was done in 2009-10, showed that the average earnings per day for male workers was Rs 249, as against

[15] CIA World Factbook: India, updated 22 June 2014: 'People and society' https://www.cia.gov/library/publications/the-world-factbook/geos/in.html, date accessed 17 January 2015
[16] CIA World Factbook: India: Field listing: Life expectancy at birth, 2014estimates https://www.cia.gov/library/publications/the-world-factbook/fields/2102.html#138, date accessed 17 January 2015
[17] Ministry of Women and Child Development: A Handbook of Statistical Indicators on Indian Women 2007, November 2007, 6. Literacy & Education, http://wcd.nic.in/stat.pdf, date accessed 12 January
[18] Ministry of Women and Child Development: A Handbook of Statistical Indicators on Indian Women 2007, November 2007, 6. Literacy & Education, http://wcd.nic.in/stat.pdf, date accessed 12 January
[19] Ministry of Home Affairs: Census of India website: 2011 Census: Provisional data: Literates and literacy rates by sex http://www.censusindia.gov.in/2011-prov-results/data_files/india/Table-2(3)_literacy.pdf, date accessed 12 January 2015
[20] UNICEF: India: Statistics, updated 27 December 2013 http://www.unicef.org/infobycountry/india_statistics.html date accessed 14 February 2015
[21] UNICEF: India: Statistics, updated 27 December 2013 http://www.unicef.org/infobycountry/india_statistics.html date accessed 14 February 2015
[22] Ministry of Women and Child Development: A Handbook of Statistical Indicators on Indian Women 2007, November 2007, Female-headed households – Census 2011, http://wcd.nic.in/stat.pdf , date accessed 12 January 2015

Rs 156 for women, indicating a female-male wage ratio of 0.63. Among casual workers, other than those in public works projects, respective daily earnings were as follows:

Urban: Rs 132 for men; Rs 77 for women

Rural: Rs 102 for men; Rs 69 for women [23]

For comparison, the female-male wage ratio for full time workers in the United States was 0.77 in 2012, according to the U.S. Census Bureau.[24]

- According to the 2001 Census, there were just under 20 million female-headed households in India, representing 10.4 per cent of all households.[25]
- With regard to nutrition and health, a survey of 2005-06 showed that 56.2 per cent of married women the 15-49 age group were anaemic – 51.5 per cent of women in urban areas and 58.2 per cent in rural areas. 57.9 per cent of pregnant women in this age group were anaemic. 33 per cent of the women surveyed had a below-normal body mass index, compared with 28 per cent of men. Again, the incidence of under-nutrition was much higher in rural areas.[26]

See Women's health.

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Marriage and divorce

2.3.2 As noted in the US Department of State 2013 report on Religious Freedom:

'There are different state laws only applicable to certain religious communities (known as "personal laws") in matters of marriage, divorce, adoption, and inheritance. The government grants a significant amount of autonomy to personal status law boards in crafting these laws. Hindu law, Christian law, Parsi law, and Islamic law are legally recognized and judicially enforceable. None is exempt from national and state level legislative powers or social reform obligations as stated in the constitution.

'The law provides Sikhs partial recognition and permits them to register marriages under specific legislation governing such marriages rather than under legislation governing Hindu marriages. There are no divorce provisions for Sikhs, however, and other Sikh matters still fall under Hindu codes.

'The Special Marriage Act (SMA) grants interreligious couples the right to marry without a religious conversion.[27]

See also Forced and child marriage and Domestic violence

Economic participation

2.3.3 The Immigration and Refugee Board of Canada (IRB) noted in a response dated16 May 2013:

[23] The Times of India: The Economic Times: Over half of India's workforce self-employed: NSSO, 25 June 2011 http://articles.economictimes.indiatimes.com/2011-06-25/news/29747818_1_rural-areas-casual-labourers-urban-areas , date accessed 13 January 2015

[24] U.S. Census Bureau. 'Income, Poverty, and Health Insurance Coverage in the United States: 2012' Current, U.S. Government Printing Office, Washington, DC, 2013, page 11. http://www.census.gov/prod/2013pubs/p60-245.pdf

[25] Ministry of Women and Child Development: A Handbook of Statistical Indicators on Indian Women 2007, November 2007, Female-headed households – Census 2011, http://wcd.nic.in/stat.pdf, date accessed 12 January 2015

[26] Ministry of Women and Child Development: A Handbook of Statistical Indicators on Indian Women 2007, November 2007, 9. Health & Nutrition, http://wcd.nic.in/stat.pdf, date accessed 12 January

[27] US Department of State, 2013 Report on International Religious Freedom - India, 28 July 2014, available at: http://www.refworld.org/docid/53d907685.html, date accessed 21 January 2015

‘According to The New York Times, the number of women in the Indian workforce has nearly doubled between 1996 and 2011 ... Yet sources indicate that women in India earn less money than their male counterparts... In a 2008 report submitted to the United Nations (UN), the People's Collective for Economic, Social and Cultural Rights (PCESCR) – an umbrella organization of over 100 non-governmental organizations (NGOs) in India – indicates that women in India earn approximately 38 percent of the “average male wage” despite the existence of a law providing for equal remuneration...

‘The PCESCR report states that 93 percent of female workers are employed in the unorganized and informal sector...which is defined by India's National Commission for Enterprises in the Unorganised Sector as "unincorporated private enterprises" that are owned by individuals or households, have less than 10 workers and sell or produce goods and services... As a result, the women experience job insecurity and poor work conditions and lack social security... A report published by the United Nations Development Programme (UNDP), which was authored by the Director of the Centre for Urban and Regional Excellence in New Delhi, similarly states that women in India are “largely employed at the bottom of the livelihood chain, in unprotected conditions of the unorganized sector”.

‘The PCESCR report also notes that the new opportunities opening up for women in India's urban areas are generally poorly paid since they rely “primarily” on “self-employment, home-based work at piece rates [and] part-time work in the informal sector”...

‘In addition, the PCESCR reports that India's 66 million Dalit or “untouchable” women face particular “discrimination” in accessing employment... The PCESCR states that Dalit women, who work primarily as agricultural labourers and cultivators, but also in households and in the unorganized sector of urban areas, are “denied just and equal wages, a fair share in economic distribution, and maternity benefits”...

‘However...other sources indicate that women in India have greater employment opportunities than in the past... According to the Chandigarh-based Tribune, modern Indian women are filling positions in new industries and in some previously male-dominated industries such as banking, human resource management, the computer industry, animation, multimedia, catering, corporate communications, psychology and counselling... The Tribune also notes an increasing number of female doctors, scientists and professors in India... The article indicates that despite India's traditional background, these new opportunities have allowed some women to live and earn money independently, and to defer marriage...

‘Media and academics provide more specific examples of career and financial opportunities becoming available to women... Inter Press Service (IPS) reports that a high number of young women are joining the New Delhi workforce as a result of the growing economy and increased job opportunities... The Mumbai-based Daily News and Analysis (DNA) notes that the expanding information technology (IT) and education sectors in Navi Mumbai, twin-city to Mumbai, is attracting working women from across India...’[28]

2.3.4 According to the UN Special Rapporteur’s report of 1 April 2014:

‘India recently underwent a significant wave of reforms to liberalize its economy, which has resulted in unprecedented growth and prosperity ... Unfortunately, the economic development focus for women remains one of subsistence and does not necessarily

[28] Canada: Immigration and Refugee Board ‘ India: Whether women who head their own households without male support can obtain housing and employment in Delhi, Mumbai and Chandigarh; government support services available to female-headed households in these cities; violence against women in these cities (2008-2011)’, 16 May 2013, IND104430.E, http://www.refworld.org/docid/51ab41204.html

take into account, or address sufficiently, the gendered and class nature of systemic and structural inequality and discrimination.

'Women are also found in precarious jobs requiring low skills and offering low and unequal wages. According to official statistics, the general trend of daily earnings for women in recent decades has been comparatively lower than those of men in virtually all sectors, including manufacturing, mining and service sectors.

'Labour legislation in India provides for safeguards to ensure respect for the rights of women at work, and schemes are in place to help women improve their skills in specific occupations, thus moving beyond subsistence labour skills. For example, there are training institutes to help women gain access to the labour market, including industrial training institutes, with 14,059 centres across the country.'[29]

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2.4 Political participation

2.4.1 The CEDAW report of October 2012 by the Indian Government noted that 'There has been an increase in the number of women contesting and being elected to Parliament (Lok Sabha and Rajya Sabha).'[30] In the 2014 general election 61 women were elected to the Lok Sabha (the lower house), representing 11 per cent of elected candidates.[31]

2.4.2 The Constitution, under Article 243, provides for 33 per cent of the posts in panchayats (local self governance councils) to be reserved for women; the constitutionality of this provision was upheld by the Supreme Court in K. Krishnamurthy vs. Union of India (2010).[32]

2.4.3 The USSD 2013 Report added:

'Religious, cultural, and traditional practices and ideas as well as structural barriers prevented women from participating in political life on the same basis as men. Nonetheless, women held many high-level political offices, including positions as ministers (12), members of parliament... members of the Supreme Court (two), and state chief ministers (three – Delhi, Tamil Nadu, and West Bengal). Women participated in politics throughout the country at all levels.'[33]

2.4.4 The UN Special Rapporteur stated in her report of 1 April 2014:

'In terms of women's participation in political and public affairs, significant challenges remain at both the national and local levels. According to the InterParliamentary Union, India ranks 111th of 188 States in terms of women's participation in parliaments. The Special Rapporteur was informed that a bill aimed at reserving one third of all seats for women in the lower house of the Parliament (the Lok Sabha) and the State legislative

[29] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paragraphs 37-39 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[30] UN Committee on the Elimination of Discrimination Against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention, Combined fourth and fifth periodic reports of States parties : India, 23 October 2012, CEDAW/C/IND/4-5, para.35 http://www.refworld.org/docid/525bd8184.html

[31] NDTV: 'Election Results 2014: 61 Women Elected to Lok Sabha', 17 May 2014 http://www.ndtv.com/elections/article/election-2014/election-results-2014-61-women-elected-to-lok-sabha-525990

[32] UN Committee on the Elimination of Discrimination Against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention, Combined fourth and fifth periodic reports of States parties : India, 23 October 2012, CEDAW/C/IND/4-5,: http://www.refworld.org/docid/525bd8184.html

[33] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 3, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

assemblies was still outstanding. In terms of the judiciary, the proportion of female judges is very low.'[34]

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2.5 Violence against women

2.5.1 The United Nations Special Rapporteur on violence against women, its causes and consequences (the UN Special Rapporteur) undertook a mission to India from 22 April to 1 May 2013. In her report dated 1 April 2014, she observed:

'Violence against women became a priority political issue following the brutal gang rape, on 16 December 2012, and tragic death of a young student in New Delhi. The outrage and condemnation that followed in India, and beyond, was accompanied by widespread social mobilization of citizens demanding justice, accountability and more protection for women and girls.'[35]

2.5.2 The UN Special Rapporteur's report continued:

'[T]he Verma Committee was established by the Government to review existing normative gaps. The committee's January 2013 report included observations and recommendations on addressing sexual violence in the country, with respect to, inter alia, reforms to the police, judiciary, political institutions and education; improvement of security in public spaces; and protection in the family. The recommendations led to the adoption of new legislation, notably the new Criminal Law (Amendment) Act, which recognizes acid attacks as a [specific] criminal offence; provides for penalties for sexual harassment, assault against or use of criminal force on a woman with the intent to disrobe, voyeurism and stalking; introduces the crime of trafficking; and criminalizes rape and gang rape. The Act improved the legislative framework significantly, introducing new criminal offences and stronger sanctions.

'However, the laws that were adopted did not fully reflect the recommendations of the Verma Committee. The opportunity to adopt a holistic approach to violence against women, including addressing the root causes and consequences of such violence, was lost.'[36]

(The Verma Committee submitted its report on 23 January 2013, the full text of which can be accessed here.[37])

2.5.3 The UN Special Rapporteur had noted in concluding her visit to India on 1 May 2013:

'The discrepancy between the provisions of the laws and the effective implementation thereof, whether through the use of the police generally or the Protection Officers in particular, was a recurrent complaint which I heard. Despite provisions intended to offer legal, social and financial assistance to victims, many women are unable to register their complaints ... As a result, the vulnerability of women increases, and further, they are also deprived of the benefits prescribed in the law – as proof of registration of cases is required for access to many benefits. Furthermore, prevention of violence, as a core due diligence obligation of the State, does not feature in the implementation of this law.

[34] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paragraph 33 http://www.refworld.org/docid/53982c3e4.html , date accessed 18 February 2015

[35] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paragraphs 49-50 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[36] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paragraphs 49-50 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[37] PRS Legislative Research: Justice Verma Committee Report Summary, undated http://www.prsindia.org/parliamenttrack/report-summaries/justice-verma-committee-report-summary-2628/ , date accessed 15 January 2015

‘Despite numerous positive developments, the unfortunate reality is that the rights of many women in India continue to be violated, with impunity as the norm, according to many submissions received. Mediation and compensation measures are often used as redress mechanisms to address cases of violence against women, thus eroding accountability imperatives, and further fostering norms of impunity.

‘Numerous experiences of violence, whether direct or indirect, in different spheres including the home, the community, and in institutions, whether perpetrated by state actors or condoned by the State, was shared with me during the mission. Violence is being experienced in situations of peace, conflict, post-conflict, and displacement among others. The denial of constitutional rights in general, and the violation of the rights of equality, dignity, bodily integrity, life and access to justice in particular, was a theme that was common in many testimonies. Violence against women as a cause and consequence of de facto inequality and discrimination was also a common theme in numerous submissions received.

‘Violence against women and girls in India manifests in numerous ways and varies in prevalence and forms based on numerous factors including geographic location. Some manifestations include: sexual violence, domestic violence, caste-based discrimination and violence, dowry related deaths, crimes in the name of honour, witch-hunting, sati, sexual harassment, violence against lesbian, bisexual, and transgender people, forced and/or early marriages, deprivation of access to water and basic sanitation, violence against women with disabilities, sexual and reproductive rights violations, sex selection practices, violence in custodial settings and violence in conflict situations, among others. These manifestations of violence are rooted in multiple and intersecting forms of discrimination and inequalities faced by women, and are strongly linked to their social and economic situation.

‘On the issue of conflict-related sexual violence, it is crucial to acknowledge that these violations are occurring at the hands of both state and non-state actors. The Armed Forces (Special Powers) Act and the Armed Forces (Jammu and Kashmir) Special Powers Act (AFSPA) has mostly resulted in impunity for human rights violations broadly, according to information received. The law protects the armed forces from effective prosecution in non-military courts for human rights violations committed against civilian women among others, and it allows for the overriding of due process rights.

‘In India, women from the Dalit, Adivasi, other Scheduled castes, tribal and indigenous minorities, are often victims of a multiplicity of forms of discrimination and violence. Despite protective legislative and affirmative action laws and policies, their reality is one where they exist at the bottom of the political, economic and social systems, and they experience some of the worst forms of discrimination and oppression – thereby perpetuating their socio-economic vulnerability across generations. They are often forced to live in displacement settings, experience forced labour practices, prostitution and trafficking, and also experience intra-community violations of rights.

‘Customary and religious practices such as child marriages and dowry-related practices, sorcery, honour killings, witch-hunting of women, and communal violence perpetrated against cultural and religious minorities, were highlighted in numerous testimonies.

‘I am also concerned about the declining female sex ratio in India.

I have also been informed that women with disabilities experience numerous forms of violence, including sexual violence, forced sterilization and/or abortions and forced

medication without their consent. In addition, their experience of discrimination, exclusion and marginalisation reinforces the need for greater attention and specificity.'[38]

2.5.4 The UN Special Rapporteur then commented in her Mission report dated 1 April 2014:

'Violence against women in India is systematic and occurs in the public and private spheres. It is underpinned by the persistence of patriarchal social norms and inter- and intragender hierarchies. Women are discriminated against and subordinated not only on the basis of sex, but on other grounds, such as caste, class, ability, sexual orientation, tradition and other realities. That exposes many to a continuum of violence throughout the life cycle, commonly referred to as existing "from the womb to the tomb". The manifestations of violence against women are a reflection of the structural and institutional inequality that is a reality for most women in India.'[39]

(Further specific findings in the UN Special Rapporteur's report are referred to under the sub-headings below.)

2.5.5 On 6 June 2014 the Indian Government reacted to the UN Special Rapporteur's report of 1 April, commenting in a statement to the UN Human Rights Council: '...there are too many instances in the Report that lead a conclusion that the Report lacks full objectivity and exhibits a tendency to over-simplify the issues at hand ... The proclivity for making unsubstantiated yet sweeping generalizations is very high in the Report, which tends to point to either a lack of understanding of issues or a high degree of prejudice playing a predominant role while arriving at such conclusions.'

The Government expressed disagreement with, inter alia, the labeling of violence against women in India as "systematic"; that "physical, sexual and psychological abuse of women in the private sphere was widely tolerated by the State and the community"; that "sexual violence, including rape and sexual harassment, are widespread across the country"; that there "is a consistent failure in implementation of laws; that the "criminal justice system does not fully operate on the basis of the rule of law in accordance with international standards"; and that "the lack of effective redress provided to victim[s] is a "factor that contributes to a culture of normalization of violence against women".'[40]

2.5.6 In 2013 the National Crime Records Bureau (NCRB) registered 309,546 crimes against women, plus 33,707 cases of rape.[41] (See paragraph 2.6.5) The NCRB has noted that underreporting of such crimes was likely.[42]

2.5.7 Amnesty International stated in a report of September 2013: 'Crimes against women are still under-reported. Authorities are yet to fully implement several progressive recommendations made by the Justice Verma Committee, including around police

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[38] UN Human Rights Council: Statement dated 1 May 2013: 'Special Rapporteur on Violence against women, its causes and consequences finalises country mission to India.' http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13282& , date accessed 6 January 2015

[39] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paragraph 7 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[40] UN Human Rights Council: Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Addendum: Mission to India: comments by the State on the report of the Special Rapporteur', 6 June 2014 A/HRC/26/38/Add.4 http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-38-Add4.doc accessed 15 January 2015

[41] National Crime Records Bureau: Crime in India 2013: Figures at a glance http://ncrb.gov.in/, accessed 20 January 2015

[42] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, date accessed 8 January 2015

training and reform, and changing how reports of sexual violence are registered and investigated.'[43]

2.5.8 The Criminal Law (Amendment) Act, 2013, which came into force on the 3 February 2013, made it a criminal offence for a public servant (including a police officer) to fail to record – and then to investigate as prescribed – specified offences covered in the Penal Code.[44]

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Domestic violence

2.5.9 The UN Special Rapporteur reported on 1 May 2013:

'During my visit, I heard numerous testimonies of many women who are survivors of domestic violence, whether at the hands of their husbands or other family members. Many of these women live in family settings with deeply entrenched norms of patriarchy and cultural practices linked to notions of male superiority and female inferiority. The lack of effective remedies, the failure of the State to protect and prevent violence against women, the economic dependence of many women on the men in their lives, and the social realities of exclusion and marginalization when speaking out, often results in women accepting violence as part of their reality. The current focus by state actors on preserving the unity of the family is manifested in the welfare/social approach and not in the human rights based approach. It does not take into consideration the nature of relationships based on power and powerlessness; of economic and emotional dependency; and also the use of culture, tradition and religion as a defence for abusive behaviour.'[45]

2.5.10 The 2005-06 National Family Health Survey (NFHS-3) found that 37.2% of ever-married women had experienced spousal violence at some point in their married lives.[46] (NFHS-3 remains the most recent, nationally-based survey of its type; NFHS-4 is being conducted in 2014-15.)

As a rough comparison, according to Office of National Statistics data for 2012-13, 30% of the adult female population in England and Wales had experienced some form of domestic abuse since age 16.[47]

2.5.11 A study published in 2014 by the International Center for Research on Women (ICRW) and United Nations Population Fund (UNFPA), which surveyed 3,158 women and 9,205 men aged 18-49 in seven states, found that

- 52% of the women surveyed reported that they had experienced some form of violence during their lifetime;
- 60% of the male respondents said that they had acted violently towards their wife/partner at least once;
- Men who did exert control through violence were diverse in age, educational status, place of residence and caste status. Educated men and women aged 35+ years were less likely to perpetrate or experience violence.[48]

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[43] Amnesty International, India: Death penalty will not end violence against women, 13 September 2013, available at: http://www.refworld.org/docid/5238011b4.html, date accessed 22 January 2015
[44] Criminal Law (Amendment) Act, 2013 (Article 3) http://indiacode.nic.in/acts-in-pdf/132013.pdf , date accessed 15 January 2015
[45] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015
[46] National Family Health Survey, India: NFHS-3 http://www.rchiips.org/nfhs/nfhs3.shtml Key Indicators http://www.rchiips.org/nfhs/pdf/India.pdf date accessed 22 January 2015
[47] The Guardian: 'Domestic violence experienced by 30% of female population, survey shows', 13 February 2014 http://www.theguardian.com/society/2014/feb/13/domestic-abuse-violence-victims-crime-survey-figures

2.5.12 The Protection of Women from Domestic Violence Act 2005 (PWDVA) came into force in October 2006. It enables victims of domestic violence to seek interim protection and residence orders, as well as compensation and maintenance. The Act protects women not only from abuse by a spouse, but also members of the spouse's family. Its definition of violence against women encompasses physical, sexual, psychological, verbal, and economic abuse.[49] Evidence proving abuse is tested on a balance of probabilities; proof beyond reasonable doubt is not required.[50] In the absence of eye witnesses, circumstantial evidence is considered.[51] The victim of domestic violence deals primarily with a Protection Officer, rather than the police. The implementation of the PWDVA is monitored and evaluated annually by the Lawyers Collective Women's Rights Initiative (in collaboration with the International Centre for Research on Women).[52]

2.5.13 The USSD 2013 Report quoted the Ministry of Women and Child Development as reporting that there were 6,483 protection officers appointed across the country.[53] Protection Officers report to magistrates.[54]

2.5.14 According to the USSD 2013 Report:

'The law provides for protection from some forms of abuse against women in the home, including verbal, emotional, and economic abuse, as well as the threat of abuse. The law recognizes the right of a woman to reside in a shared household with her spouse or partner while the dispute continues, although a woman may seek alternative accommodations at the partner's expense. Although the law also provides women with the right to police assistance, legal aid, shelter, and medical care, domestic abuse remained a serious problem. Lack of law enforcement safeguards and pervasive corruption limited the effectiveness of the law.'[55]

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Dowry-related domestic violence

2.5.15 The UN Special Rapporteur's report observed:

'Violence and killings linked to dowry payments are alarming across the country ... Marriage is often used by the husband and/or his family to obtain property or other

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[48] International Center for Research on Women (ICRW) in partnership with the United Nations Population Fund (UNFPA): 'Masculinity, intimate partner violence and son preference in India', 2014: Key findings http://www.icrw.org/sites/default/files/publications/Masculinity Book_Inside_final_6th Nov.pdf, date accessed 20 January 2015

[49] VakilNo1.com: Protection of Women from Domestic Violence Act 2005 http://www.vakilno1.com/bareacts/Domestic-Violence/Domestic-Violence-Act-2005.htm , date accessed 21 January 2015

[50] Lawyers Collective: 'Ending Domestic Violence Through Non-Violence: A Manual for PWDVA Protection Officers', 2009, page 14 http://www.unwomensouthasia.org/assets/A_Manual_For_PWDVA-POs-Book.pdf , accessed 20 February 2015

[51] VakilNo1.com: Protection of Women from Domestic Violence Act 2005 http://www.vakilno1.com/bareacts/Domestic-Violence/Domestic-Violence-Act-2005.htm , date accessed 21 January 2015

[52] UNIFEM South Asia, Staying Alive: Evaluating Court Orders Sixth Monitoring & Evaluation Report 2013 on the Protection of Women from Domestic Violence Act, 2005, January 2013 http://www.endvawnow.org/uploads/browser/files/staying_alive_-_6th_monitoring_report.pdf date accessed 20 February 2015, date accessed 23 January 2015

[53] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[54] VakilNo1.com: Protection of Women from Domestic Violence Act 2005 http://www.vakilno1.com/bareacts/Domestic-Violence/Domestic-Violence-Act-2005.htm , date accessed 21 January 2015

[55] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

assets from the wife and/or her family, either directly or indirectly. While its practice has evolved through time, the payment of dowry today is based on the idea that women are a burden. It is also commonly considered to be crucial to ensure the safety of the bride, especially within poor communities. Despite the payment of dowry, many women and girls find themselves forced into a life of servitude and experience repeated acts of harassment, intimidation, sexual abuse and violence by their husbands and other family members as part of demands for more dowry.'[56]

2.5.16 The USSD 2013 Report stated:

'The law forbids the provision or acceptance of a dowry, but families continued to offer and accept dowries, and dowry disputes remained a serious problem. The law also bans harassment in the form of dowry demands and empowers magistrates to issue protection orders. According to the NCRB [National Crime Records Bureau], in 2012 there were 8,233 reported dowry deaths, mostly bridal deaths at the hands of in-laws for failure to produce a dowry. Uttar Pradesh had the highest number of dowry deaths with 2,244 cases, followed by 1,275 cases in Bihar. Since many cases were not reported or monitored, however, statistics were incomplete. The NCRB reported that authorities arrested 33,240 persons and convicted 4,296 persons for dowry death in 2012.

'Most states have dowry prohibition officers, but Mizoram and Nagaland do not, since there is traditionally no dowry system in these states, and cases rarely were registered. The Dowry Prohibition Act does not apply to Jammu and Kashmir. In 2010 the Supreme Court made it mandatory for all trial courts nationwide to add the charge of murder against persons accused in dowry-death cases.'[57]

2.5.17 The UN Special Rapporteur added, 'The Dowry Prohibition Act [2015] prohibits the giving of, taking of and demand for dowry, and establishes dowry prohibition officers to ensure the implementation of the law ... Concerns about the lack of effective implementation of the law were noted.'[58]

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Rape

2.5.18 The UN Special Rapporteur, in her report of 1 April 2014, stated:

'Sexual violence, including rape and sexual harassment, is widespread across the country and perpetrated in public and private spaces ... Many interlocutors stated that there was a general sense of insecurity for women in public spaces, especially in urban settings. Women are easy targets of attacks, including sexual violence, whether while using public transportation or sanitation facilities or on the way to collect wood and water. Many victims of sexual violence carry a deep sense of shame, which is further exacerbated by the stigma and exclusion they experience, especially from family members and the community, and which may result in suicide.'[59]

2.5.19 The USSD 2013 Report noted:

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[56] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.9 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[57] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[58] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.55 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[59] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.12 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

‘The law criminalizes rape, except spousal rape when the woman is over age 15. Punishment ranges from prison terms of two years to life, a fine of 20,418 rupees ($333), or both. Official statistics pointed to rape as the country’s fastest growing crime. The NCRB [National Crime Records Bureau] reported 24,923 cases of rape nationwide in 2012... Observers considered rape an underreported crime. Law enforcement and legal avenues for rape victims were inadequate, overtaxed, and unable to address the problem effectively. Law enforcement officers sometimes worked to reconcile rape victims and their attackers, in some cases encouraging female rape victims to marry their attackers. Doctors sometimes further abused rape victims who reported the crimes by using the “two-finger test” to speculate on their sexual history. The Supreme Court ruled in May [2013] that this practice violated the rape victim’s right to privacy and asked the government to provide better alternatives.

‘The Criminal Law Amendment bill, passed in February [2013], revised the Penal Code to introduce more stringent punishments for rape and other gender-based violence.

‘Women in conflict situations, such as in Jammu and Kashmir, and vulnerable women, including lower-caste or tribal women, were often victims of rape or threats of rape. National crime statistics indicated that, compared with other caste affiliations, rape was most highly reported among Dalit women.’[60]

2.5.20 The Criminal Law (Amendment) Act, 2013 provides that a victim’s character or past sexual experience cannot be accepted in court as evidence that she gave consent (Article 25) and that, if she states in her evidence that she did not consent, the court shall presume that she did not consent (Article 26). The Act also introduced marital rape as an offence, but only where the spouses are living separately or the wife is under 15 years old. (Article 9)[61]

2.5.21 According to the State Party report of October 2012 to CEDAW:

‘The Criminal Procedure Code (Amendment) Act, 2008, which came into effect on 31st December, 2009 strengthen[ed] the procedural safeguards for victims of rape and other crimes against women. In a significant change from the existing law, a victim of rape has been statutorily empowered, with the permission of the court, to engage an advocate of her own choice to assist the prosecution initiated by the state and at the same time, ensure that her interests are protected. The Amendment Act also provides for safeguards relating to recording of statements of women victims, in camera trials and protection of her identity. Trial for offence of rape and aggravated rape is required to be conducted as far as practicable by women judges. The Act of 2008 also mandates a three-month time limit for the completion of investigation of cases of rape and child sexual abuse. A new section 357A has been inserted in the Criminal Procedure Code ..., which provides for compensation to victims of crime.’[62]

2.5.22 Amnesty International has quoted a 2012 study which showed that, in over 98 per cent of reported rape cases, the alleged perpetrator(s) was known to the victim.[63]

See also Women in police custody and prisons

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[60] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[61] Criminal Law (Amendment) Act, 2013, http://indiacode.nic.in/acts-in-pdf/132013.pdf , date accessed 15 January 2015

[62] UN Committee on the Elimination of Discrimination Against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention, Combined fourth and fifth periodic reports of States parties : India, 23 October 2012, CEDAW/C/IND/4-5, para.8 http://www.refworld.org/docid/525bd8184.html

[63] Amnesty International, India: Submission to the UN Committee on the Elimination of Discrimination against Women, 58th session, June 2014, ASA 20/020/2014, available at: http://www.refworld.org/docid/53c7cae34.html, date accessed 22 January 2015

Acid attacks

2.5.23 It was recorded in the USSD 2013 Report:

> 'Acid attacks against women caused death and permanent disfigurement. For example, on July 21, a 28-year-old woman died, and three others sustained injuries, following an acid attack by a former romantic interest in Morena District, Madhya Pradesh. Although the government maintained statistics on gender-based violence and general assaults, it did not disaggregate acid attacks.
>
> 'Acid was commonly used as a household cleaner and was widely available at local markets. The Supreme Court issued an order on July 18 [2013] to regulate the sale of acid across the country. The government issued guidelines in August [2013] aimed at preventing attacks and also moved to oblige states to implement guidelines requiring dilution and licensing of acid sold in retail shops. Those who purchase acid are required to show identification and proof of residence. The guidelines also direct states to pay 300,000 rupees ($4,880) to victims of acid attacks and treat victims free of cost at government hospitals. Individuals convicted of acid attacks face a minimum of 10 years and a maximum of life in prison. The new regulations were not fully implemented in all states by year's end and were inconsistently enforced where implemented.'[64]

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Forced and child marriage

2.5.24 The USSD 2013 Report stated:

> 'The law [Prohibition of Child Marriage Act, 2006] sets the legal age of marriage for women at 18 and men at 21, and it empowers courts to annul child marriages. It also sets penalties for persons who perform, arrange, or participate in such marriages. The law was not consistently enforced. Personal laws allow marriages at an age earlier than the general law, leaving a legal regime that one international observer characterized as cumbersome and inconsistent. The law does not characterize a marriage between a girl below age 18 and a boy below age 21 as "illegal" but recognizes such unions as voidable, providing grounds for challenging such unions in court. Only the party who was a minor at the time of marriage may seek nullification. If the party is still a minor, his or her guardian must file a petition for nullification. A party may also file upon becoming an adult, but must file within two years after reaching the age of majority. According to international and local NGOs, these limitations effectively left married minors with no legal remedy in most situations.
>
> 'UNICEF's State of the World's Children 2013 report noted that 47 percent of women in India were married before age 18. According to the UNICEF report, women married as children contributed to the country's high infant and maternal mortality rates, and observers suspected that early motherhood contributed to the deaths of 6,000 adolescent mothers each year.
>
> 'The Karnataka High Court in February [2013] ruled that the Prohibition of Child Marriage Act (PCMA) overrode provisions of the Muslim Personal Law allowing the marriage of a female child when she attained puberty. The ruling responded to a petition filed by the father of a 17-year-old girl who sought a declaration that the PCMA was not applicable to Muslims.'[65]

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[64] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[65] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6 (Children),

2.5.25 The UN Special Rapporteur observed in her report:

'With regard to early and/or forced marriages, the implementation of the Prohibition of Child Marriage Act, 2006 has resulted in some reduction in the overall percentage of early marriages. However, the high prevalence of such marriages continues to endanger the lives of girls, whether in respect of domestic violence, marital rape or early pregnancies. It also deprives them of numerous human rights, including the right to education and the enjoyment of their childhood.'[66]

'Despite some positive developments, there are significant gaps in the legislation, particularly in the Penal Code, whereby child marriages are allowed through the practice of declaring them voidable, not void, despite the protection provided in the Prohibition of Child Marriage Act, 2006.'[67]

2.5.26 According to a report of August 2014 from the Inter Press Service news agency:

'[T]he legislation has not been adequately enforced due to its heavy reliance on community reporting, which rarely happens.

'"Since reporting a child marriage could mean imprisonment and stigma for the family, immense financial loss and unknown repercussions for the girl, few come forward to report the event," Khanna said ... "Adding to the problem is corruption among the implementers, or the police, who are insensitive to the need [to] stop child marriages." [Sonvi Khanna is advisory research associate for Dasra, a philanthropic organisation that works with UNICEF.]

'Small wonder, then, that convictions under PCMA [Prohibition of Child Marriage Act, 2006] have been few and far between.

'According to the [National Crime Records Bureau], only 222 cases were registered under the Act during the year 2013, compared to 169 in 2012 and 113 in 2011. Out of these, only 40 persons were convicted in 2012, while in 2011, action was taken against 76 people.'[68]

2.5.27 UN Committee on the Elimination of Discrimination against Women, in its Concluding Statements of 24 July 2014, expressed concern at reports that 'judges often authorize marriages of underage girls based on Muslim personal laws and that no legislation ensuring the registration of all marriages in [India] has been adopted.'[69]

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'Honour' crimes

2.5.28 The USSD 2013 Report stated:

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http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[66] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.13 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[67] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.54 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[68] Inter Press Service, 'India: Home to One in Three Child Brides', 20 August 2014 http://www.ipsnews.net/2014/08/india-home-to-one-in-three-child-brides/?utm_source=rss&utm_medium=rss&utm_campaign=india-home-to-one-in-three-child-brides Date accessed 20 February 2015

[69] UN Committee on the Elimination of Discrimination against Women, Concluding observations on the combines fourth and fifth periodic reports of India, 24 July 2014, paragraph 38 http://www.ecoi.net/file_upload/1930_1411564239_n1448221.pdf, date accessed 19 February 2015

‘So-called honor killings continued to be a problem, especially in Punjab, Uttar Pradesh, and Haryana, where as many as 10 percent of all killings were honor killings. These states also had low female birth ratios due to gender-selective abortions. In some cases the killings resulted from extrajudicial decisions by traditional community elders, such as “khap panchayats,” unelected caste-based village assemblies that have no legal authority. Statistics for honor killings were difficult to verify, since many killings were unreported or passed off as suicide or natural deaths by family members. NGOs estimated that at least 900 such killings occurred annually in Haryana, Punjab, and Uttar Pradesh alone. The most common justification for the killings offered by those accused or by their relatives was that the victim married against her family’s wishes.’[70]

2.5.29 The UN Special Rapporteur noted in her report of 1 April 2014:

‘“Honour crimes” are usually perpetrated by family members, often with the complicity of community leaders. Reasons range from a woman’s refusal to be forced into marriage and retaliation for marrying the man of her choice, to refusal to follow prescribed and expected dress codes. Women and girls suffer a wide range of physical and psychological abuse and the denial of basic freedom of movement and expression, and are sometimes killed in the name of “honour”.’[71]

2.5.30 It was reported in April 2011 that India's Supreme Court had described ‘honour’ killings as “barbaric and shameful murder” and had instructed state governments to "ruthlessly stamp out" this practice, warning that senior officials who failed to act against offenders would be prosecuted.[72]

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Abuses against women with disabilities

2.5.31 According to the UN Special Rapporteur:

‘Women with disabilities face multiple challenges, including, for example, the lack of adequate access to public spaces, utilities and buildings, and often experience harassment in public ... She was also informed of violence perpetrated against women with disabilities in state-sponsored shelters.

‘The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 lists the entitlements for persons with disabilities and the obligations of the central and state Governments and local bodies. The Act contains no provisions to address the specific needs of women with disabilities who are victims of violence.’ [73]

2.5.32 Human Rights Watch, in a report of December 2014, which focused on abuses against institutionalised women and girls with psychosocial or intellectual disabilities, stated:

‘Human Rights Watch found that stigma, the dearth of appropriate government community-based services, and a lack of awareness about disability and available services among family members and individuals with disabilities make those with psychosocial or intellectual disabilities especially vulnerable to institutionalization.

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[70] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[71] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.10 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[72] BBC News: ‘India court calls for 'stamping out honour killing', 20 April 2011 http://www.bbc.co.uk/news/world-south-asia-13139482, date accessed 22 January 2015

[73] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paras.18, 72 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

‘Once they are in institutions, women with psychosocial or intellectual disabilities face a range of abuses, including prolonged detention, unsanitary conditions, neglect, involuntary treatment and violence.

‘Human Rights Watch documented cases of 20 women and 11 girls who had undergone electroconvulsive therapy (ECT) without their consent ... In February 2013, the UN Special Rapporteur on torture called on all states to impose an absolute ban on forced electroconvulsive therapy.

‘Women and girls living in residential care institutions lack access to appropriate and adequate general healthcare. For even minor ailments, staff has to take women and girls with disabilities to the closest government hospital for treatment.

‘Human Rights Watch documented cases of women and girls who had faced physical, sexual and verbal abuse at the hands of caretakers in institutions, many of whom are not adequately trained.

‘While access to justice continues to be a concern for many in India, particularly disadvantaged groups, women and girls with disabilities face unique barriers. Among the 128 cases of institutional abuse that Human Rights Watch documented, none of the women or girls had successfully filed a First Information Report (FIR) or accessed redress mechanisms for being institutionalized against their will or facing abuse within the institution. Most of the women and girls with psychosocial or intellectual disabilities interviewed were not even aware of mechanisms for redress. One major factor that hinders their access to justice is dependency on caretakers.’[74]

2.5.33 The UN Committee on the Elimination of Discrimination against Women concluded in July 2014:

‘[The Committee] is particularly concerned that women with intellectual disabilities can be sterilized without their consent. The Committee is further concerned that women with disabilities experience a high rate of poverty, lack access to education, employment and health services, especially in rural areas, face multiple challenges, including the lack of adequate access to public spaces and utilities, often experience harassment in public and are excluded from decision-making processes.’[75]

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Violence against Dalit and Adivasi women

2.5.34 The UN Special Rapporteur stated In her report of 1 April 2014:

‘Dalit[76] and Adivasi[77] women, and women from other scheduled castes and tribes and other “backward classes”, are frequent victims of multiple and intersecting forms of discrimination, as well as violence. Caste-based discrimination, which also includes intra-caste hierarchies, continues to be pervasive and widespread. The intergenerational nature of caste-based discrimination condemns women to a life of exclusion, marginalization and disadvantage in every sphere of life. Many of those women are denied an education and economic opportunities, and perform dangerous and unprotected work, including bonded labour (debt bondage) and manual

[74] Human Rights Watch, "Treated Worse than Animals" Abuses against Women and Girls with Psychosocial or Intellectual Disabilities in Institutions in India , 3 December 2014, ISBN: 978-1-6231-32088: Summary and key recommendations http://www.hrw.org/reports/2014/12/03/treated-worse-animals-0 , date accessed 21 January 2015

[75] UN Committee on the Elimination of Discrimination against Women, Concluding observations on the combines fourth and fifth periodic reports of India, 24 July 2014, paragraph 36 http://www.ecoi.net/file_upload/1930_1411564239_n1448221.pdf, Date accessed 24 February 2015

[76] The term 'Dalit,” derived from the Sanskrit for ‘oppressed’ or ‘crushed’, refers to people traditionally regarded as being at the bottom of the Hindu caste system. Dalits are also referred to as ‘untouchables’

[77] Indigenous tribal groups

scavenging, which are both widely regarded as forms of forced labour and modern forms of slavery. Women represent the vast majority of manual scavengers in the country, and are commonly from scheduled castes and minority groups. While legislation has been adopted to eradicate bonded labour and manual scavenging, reports and interlocutors indicate that there is a consistent failure in the implementation of such laws and a tendency to minimize the significance of the problem.[78]

2.5.35 The UN Committee on the Elimination of Discrimination against Women concluded in July 2014:

'The Committee is concerned that Dalit women and women from scheduled tribes face multiple barriers in gaining access to justice, owing to legal illiteracy, lack of awareness of their rights and limited accessibility of legal aid. It notes with concern the financial, cultural and physical barriers faced by Dalit women and women from scheduled tribes in gaining access to gynaecological and maternal health services, their limited knowledge of birth registration procedures and the existence of bureaucratic obstacles and financial barriers that prevent them from registering births and obtaining birth certificates for their children.'[79]

2.5.36 As noted in the section on Rape, national crime statistics have indicated that, compared with other caste affiliations, rape was most highly reported among Dalit women.[80] Freedom House has reported that 'Dalits are often denied access to land and other public amenities, abused by landlords and police, and forced to work in miserable conditions.'[81]

2.5.37 Human Rights Watch, in its August 2014 report on "Manual Scavenging", Caste, and Discrimination in India, noted:

'The practice of manually cleaning excrement from private and public dry toilets and open drains persists in several parts of South Asia. Across much of India, consistent with centuries-old feudal and caste-based custom, women from communities that traditionally worked as "manual scavengers," still collect human waste on a daily basis, load it into cane baskets or metal troughs, and carry it away on their heads for disposal at the outskirts of the settlement.

'These communities [people engaged in manual scavenging]...face significant barriers to entering the labor market, including social boycotts and economic boycotts in retaliation for refusing to clean toilets in the village, gender- and caste-based discrimination in access to employment, and corruption, such as being asking to pay bribes in order to be appointed to reserved government positions. For many, these obstacles are exacerbated by low education levels and an absence of marketable skills.'[82]

2.5.38 Amnesty International stated in a report of June 2014:

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[78] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paragraph 15 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[79] UN Committee on the Elimination of Discrimination against Women, Concluding observations on the combines fourth and fifth periodic reports of India, 24 July 2014, paragraph 34 http://www.ecoi.net/file_upload/1930_1411564239_n1448221.pdf , date accessed 19 February 2015

[80] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392 , accessed 20 February 2015

[81] Freedom House: Freedom in the World 2014: India, F. Rule of Law: 9/16 (+1) and G. Personal Autonomy and Individual Rights: 10/16, 19 May 2014 http://www.freedomhouse.org/report/freedom-world/2014/india-0 , date accessed 20 January 2015

[82] Human Rights Watch, "Manual Scavenging", Caste and Discrimination in India, Lack of Alternative Employment Opportunities, August 2014, http://www.hrw.org/reports/2014/08/25/cleaning-human-waste-0, date accessed 20 January 2015

‘[A] major concern for authorities is the widespread incidence of violence against women from marginalised castes and communities, including Dalits...and Adivasis... The figures for total number of reported cases of violence against women is not disaggregated by caste, ethnicity or religion, so full figures of the extent to which women from these groups report violence is not known. However, there is special legislation relating to crimes committed against Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis) and when specific crimes are registered under that legislation as well as the Indian Penal Code then separate figures are available. The National Crime Records Bureau recorded 1,576 cases of rape reported against Dalit women and 729 cases against Adivasi women in 2012.

‘This figure is likely to be a significant underestimate. Activist groups say that systemic bias against Dalits and Adivasis make it less likely that crimes against women will be reported, investigated and prosecuted effectively. A 2005 study on 500 cases of violence against Dalit women in four states found that two out of five women who had experienced violence did not seek legal remedies, primarily out of fear of the perpetrators or social stigma, ignorance of the law, or the belief that they would not get justice.

‘Members of dominant castes are known to use sexual violence against Dalit women and girls as a political tool for punishment, humiliation and assertion of power. Police are also known to collude with perpetrators from dominant castes in covering up crimes by not registering or investigating offences against Dalits.

‘This problem is also exacerbated by the widespread presence of “khap panchayats”, unelected village councils usually composed entirely of men from a so-called ‘high’ caste who prescribe rules for social behaviour and interaction in villages. In 2011, the Indian Supreme Court described these panchayats as ‘kangaroo courts’ and said their decrees were illegal; however, these bodies continue to exist and flout the law.’[83]

2.5.39 Further information on the situation of women in Adivasi communities can be found in a ‘Shadow Report’ prepared by three NGOs in 2014 for CEDAW.[84]

See also the Country Information and Guidance report India: Background information, including actors of protection, and internal relocation: Section 2.9, ‘Scheduled Castes’ and ‘Scheduled Tribes’

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Domestic workers

2.5.40 The UN Special Rapporteur observed in May 2013:

‘With regard to domestic workers, I am dismayed by the prevalence of numerous violations faced by these women and girls. Many of them, often migrant and unregistered women, work in servitude and even bondage, in frequently hostile environments; performing work that is undervalued, poorly regulated and low-paid. According to testimonies, they are also denied access to essential services and resources provided by the State, as they lack proper identification, and view this as a

[83] Amnesty International, India: Submission to the UN Committee on the Elimination of Discrimination against Women, 58th session, June 2014, ASA 20/020/2014, available at: http://www.refworld.org/docid/53c7cae34.html, date accessed 8 January 2014

[84] Inter State Adivasi Women’s Network, Indigenous Women’s Forum of North East India, Asia Indigenous Peoples Pact: ‘India NGO CEDAW Shadow Report And status of Adivasi/Tribal Women in India’, June 2014 http://www.ecoi.net/file_upload/1930_1406558243_int-cedaw-ngo-ind-17414-e.pdf, date accessed 28 February 2015

barrier to access. They are often the victims of various acts of violence, including sexual harassment and victimization by their employers and others.'[85]

2.5.41 The UN Special Rapporteur further noted in her April 2014 report:

'Women employed as domestic workers…operate in a poorly regulated labour market...become easy targets for abusive employers, who force them to work long hours in return for low salaries and often deduct amounts for leave days taken. Many are prevented from using the employer's sanitary facilities and are forced to defecate and bathe in public, and are subjected to various forms of harassment and violence.'[86]

2.5.42 The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act adopted in 2013 covers domestic workers employed in homes, and sets out complaint mechanisms and the obligations of employers to provide a safe working environment.[87]

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Women in police custody and prisons

2.5.43 According to the USSD 2013 Report:

'There were continued reports that police raped women, including while in police custody. NGOs stated that the NHRC [National Human Rights Commission] underestimated the number of rapes that police committed. Some rape victims were afraid to come forward and report the crime due to social stigma and possible acts of retribution, compounded by lack of oversight and accountability, especially if the perpetrator was a police officer or other official. The NHRC has the power to investigate rape cases involving police officers.'[88]

2.5.44 Regarding prison conditions, the UN Special Rapporteur noted:

'Violence against women in custodial settings remains a concern. In 2012 there were 20 women's prisons and 21 centres for the rehabilitation of juvenile offenders. Furthermore there are rehabilitation centres for sex workers. Women account for 4.4 per cent of all inmates in the country. Women prisoners are scattered across the country, often in violation of international standards aimed at ensuring that those wishing to maintain family relationships during custody can do so. Concerns were raised about a lack of adequate protective measures to ensure the safety of inmates, including from gender-related killings. In 2012, 55 deaths of female inmates were registered, of which eight were suicides. There was also a reported lack of access to essential services, including medical care, for inmates due to limited resources.'[89]

2.5.45 The USSD 2013 Report noted that the National Commission of Women visited prisons to assess the living conditions of women. The National Human Rights Commission

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[85] UN Human Rights Council: Statement dated 1 May 2013: 'Special Rapporteur on Violence against women, its causes and consequences finalises country mission to India.' http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13282& , date accessed 6 January 2015

[86] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para 17 http://www.refworld.org/docid/53982c3e4.html, date accessed 6 January 2015

[87] Human Rights Watch, World Report 2014 - India, 21 January 2014, http://www.refworld.org/docid/52dfddd8b.html, date accessed 14 January 2015

[88] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 1c, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[89] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.24 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

made unannounced visits to state prisons and the International Committee of the Red Cross (ICRC) visited detainees in judicial custody in prisons in Jammu and Kashmir.[90]

See the Country Information and Guidance report: India: Prison conditions

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Women in areas of military conflict

2.5.46 The UN Special Rapporteur noted in her report of 1 April 2014:

'Women living in militarized [conflict] regions, such as Jammu and Kashmir and the northeastern states, live in a constant state of siege and surveillance, whether in their homes or in public. Information received through both written and oral testimonies highlighted the use of mass rape, allegedly by members of the State security forces, as well as acts of enforced disappearance, killings and acts of torture and ill-treatment, which were used to intimidate and to counteract political opposition and insurgency. Testimonies also highlight the impact of that situation on women's health, including psychological disorders such as post traumatic stress disorder, fear psychosis and severe anxiety, with such conditions having a negative impact on women's physical well-being. Additionally, the freedoms of movement, association and peaceful assembly are frequently restricted. The specific legal framework that governs those areas, namely, the Armed Forces (Special Powers) Act and its variations, allows for the overriding of due process rights and nurtures a climate of impunity and a culture of both fear and resistance by citizens.'

See Country Information and Guidance report India: Background information including actors of protection and internal relocation for details on the current location and status of the various internal conflict areas in India, where armed insurgents are active.[91]

2.5.47 The UN Committee on the Elimination of Discrimination against Women concluded in July 2014:

'The Committee is deeply concerned about the reported high level of violence [from non-state or state actors], including rape and other forms of sexual violence, enforced disappearance, killings and acts of torture and ill-treatment, against women in conflict-affected regions (Kashmir, the north-east, Chhattisgarh, Odisha and Andhra Pradesh). It is particularly concerned about the:

'(a) Provisions of the Armed Forces (Special Powers) Act requiring prior authorization by the Government to prosecute a member of the security forces and the reportedly high risk of reprisals against women who complain about the conduct of the security forces;

'(b) Significant number of displaced women and girls, in particular in the north-east, including 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; …

'(d) Lack of centres providing medical, psychological, legal and socioeconomic support to women and girls who are victims of sexual violence in conflict-affected areas.'[92]

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[90] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 1c, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[91] Note: Reference to the sources referred to in the CIG 'Background information' report will show that conditions vary considerably from one conflict zone to another, and even within the two regions mentioned by the Special Rapporteur (Jammu & Kashmir and the Northeastern states).

[92] UN Committee on the Elimination of Discrimination against Women, Concluding observations on the combines fourth and fifth periodic reports of India, 24 July 2014, paragraph 12 http://www.ecoi.net/file_upload/1930_1411564239_n1448221.pdf Date accessed 19 February 2015

Communal (religiously motivated) violence

2.5.48 Women are particularly vulnerable in instances of communal violence or rioting. Minority Rights Group International stated in July 2014, 'In [the state of] Uttar Pradesh, riots broke out in September [2013] after a violent altercation that killed two Hindus and a Muslim. As the riots spread throughout the area, 60 people were killed and thousands, mostly Muslims, were left homeless. There were also reports of Muslim women subjected to gang rapes and sexual assault. Four politicians were arrested for their role in inciting the violence, including two legislators from the Bharatiya Janata Party (BJP).'[93] According to the UN Special Rapporteur:

'Numerous testimonies shared on recurrent episodes of communal violence against religious minorities, including Muslims and Christians, reflect a deep sense of insecurity and trauma of women living in those communities. Experiences included women being stripped, burned, attacked with objects inserted into their vaginas and sexually assaulted in myriad ways because of their religious identity. It was reported that perpetrators of those crimes usually held positions of authority and often went unpunished.'[94]

See the Country Information and Guidance report, India: Religious minority groups for further infomation on religiously motivated violence in India.

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Other forms of violence, abuse and harassment

Sexual harassment in the workplace

2.5.49 Concerning sexual harassment in the workplace, the UN Special Rapporteur noted:

'Legal measures have been instituted to address sexual harassment in the workplace. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 defines sexual harassment comprehensively ... It provides for complaints committees in all workplaces employing at least 10 persons. Moreover, while penalties are prescribed in the event of a false or malicious complaint, the Act seeks to prevent the revictimization of victims who are unable to provide adequate proof or substantiate a complaint.'[95]

2.5.50 The USSD 2013 Report observed:

'In February [2013] parliament passed the Sexual Harassment at the Workplace Act which is based on guidelines issued by the Supreme Court in 1997 to prevent harassment of women in workplaces. The law applies to domestic workers and agricultural labor in both the formal and informal sectors. All state departments and institutions with more than 50 employees are required to have committees to deal with matters of sexual harassment. By law sexual harassment includes one or more unwelcome acts or behavior, such as physical contact and advances, a demand or request for sexual favors, making sexually colored remarks, or showing pornography. Punishment is a fine of up to 50,000 rupees ($813).

'According to the NCRB, 9,173 cases of sexual harassment were reported in 2012, a 7 percent increase from 8,570 cases in 2011. There were 45,351 cases of molestation in

[93] Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2014 - India, 3 July 2014, http://www.refworld.org/docid/53ba8decb.html, date accessed 6 January 2015
[94] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.16 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015
[95] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.40 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

2012, nearly a 6 percent increase from 42,968 cases in 2011. Cases of rape and molestation remained largely unreported due to social pressure.'[96]

Abuse of sex workers

2.5.51 The UN Special Rapporteur further noted that 'Sex workers are exposed to a range of abuse, including physical attacks, and harassment by clients, family members, the community and State authorities. Many sex workers are forcibly detained and rehabilitated, and they also face a consistent lack of legal protection. Many face challenges in gaining access to essential health services, including for treatment for HIV/AIDS and sexually transmitted diseases.'[97]

Female genital mutilation (FGM)

2.5.52 The USSD 2013 Report quoted a uman rights group as saying that the practice of female genital mutilation (FGM) was prevalent among the Dawoodi Bohra Muslims, a community located in the west of India.[98] CPIT is not aware of evidence to show that there is a significant incidence of FGM within any other population groups in India.

Other unlawful traditional practices

2.5.53 The Special Rapporteur was informed of brutal acts of violence against women labelled "witches", including executions. She stated that 'The stigma attached to these women, and the rejection they experience within their communities, leads to various violations and is an obstacle to gaining access to justice. Such labelling affects family members across generations.'[99]

2.5.54 Sati, or the practice of a widow immolating herself on her husband's funeral pyre, is now illegal under the Commission of Sati (Prevention) Act 1961[100] and has only rarely occurred in recent years.[101]

2.5.55 The USSD 2013 Report noted that in some areas of India women and girls, dedicated in symbolic marriages to Hindu deities, reportedly were subjected to instances of rape or sexual abuse at the hands of priests and temple patrons.[102]

'Sumangali schemes'

2.5.56 According to the USSD 2013 Report:

'"Sumangali schemes" affected an estimated 120,000 young women. These plans, named after the Tamil word for "happily married woman," were a form of societal abuse and bonded labor in which young women or girls worked to earn money for a dowry,

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[96] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[97] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.20 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[98] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[99] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.22 http://www.refworld.org/docid/53982c3e4.html , accessed 6 January 2015

[100] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paragraphs 31, 57 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[101] BBC News: 'India wife dies on husband's pyre', 22 August 2006 http://news.bbc.co.uk/1/hi/world/south_asia/5273336.stm accessed 6 January 2015

[102] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

without which they would not be able to marry. The promised lump-sum compensation, ranging from 30,000 to 56,000 rupees ($488 to $910), was withheld until the end of three to five years of employment, although such compensation sometimes went partially or entirely unpaid at the end of that term. During their years of bonded labor, the women were subjected to serious workplace abuses, severe restrictions on freedom of movement and communication, sexual abuse, sexual exploitation, sex trafficking, and death. The majority of sumangali-bonded laborers came from the SCs, and of those, Dalits...were subjected to additional abuse. Trade unions were not allowed in sumangali factories, and most sumangali workers did not report abuses due to fear of retribution.'[103]

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2.6 Police and judicial attitudes and responses to violence against women

For general information on actors of protection, see the Country Information and Guidance report India: Background information including actors of protection and internal relocation.

2.6.1 Each of the 29 states and 7 union territories of India has its own separate police force, high courts and subordinate courts. Consequently police training, conduct and competencies vary from one state to another. The US Department of State 2013 Human Rights Report for India confirmed, 'The effectiveness of law enforcement and security forces varied widely throughout the country.'[104]

2.6.2 The USSD 2013 Report noted that 'Police officials, especially in smaller towns, were reluctant to register cases of crimes against women, especially if the cases were against influential persons.'

2.6.3 The UN Special Rapporteur stated in April 2014:

'Fair trial rights, equality before the law and equal protection of the law were affected by numerous challenges, beginning with the reporting of cases of violence against women to the police. Many interlocutors said that victims were often discouraged from reporting to the police and that many women did not file a complaint owing to fear of reprisals or lack of guarantees of adequate shelter and access to livelihoods. Informal dispute settlement alternatives are often sought, allegedly by police, family members or community leaders. Many interlocutors described the complete or partial absence of legal, housing, security and financial assistance measures for victims. To be able to officially report complaints and continue throughout the often lengthy judicial process in safety and with an adequate standard of living is not an option for many women.'[105]

2.6.4 Data from the National Crime Records Bureau[106] shows that there has been a substantial increase in the number of criminal incidents reported to the police (and recorded in a First Information Report – FIR) since 2008, particularly in respect of rape and other crimes against women. The figures below also indicate that a high percentage

[103] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[104] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 1d, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392 , accessed 21 January 2015

[105] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.35 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[106] National Crime Records Bureau, accessed 28 October 2014 http://ncrb.gov.in/, date accessed 20 January 2015

of investigations into violent and other serious offences result in suspects being formally charged ('chargesheeted') and cases proceeding to court. (Once a suspect is charged by the police, it is for court prosecutors to determine whether there is sufficient prima facie evidence for the case to go to trial.)

	Cases reported 2008[107]	**Cases reported 2013**[108]	**% Charge-sheeted (2013)**	**Conviction rate (2013) %**
Murder	32,766	33,201	87.1	36.5
Rape	21,467	33,707	95.4	27.1
All Violent crimes*	228,663	300,357	83.3	25.4
Crimes against women*	195,856	309,546	90.5	22.4

*Note: Murder and rape are included in 'All violent crimes'. The figures for 'Crimes against women' exclude rape, murder and certain other violent crimes, but include domestic violence, sexual harassment, trafficking, etc

In comparison, 31 per cent of rape cases reported to the police in England and Wales during 2012-13 were sent to the Crown Prosecution Service; 63.2 per cent of the rape cases brought to trial that year resulted in a conviction.[109]

2.6.5 The UN Special Rapporteur's report of April 2014 stated:

'The proportion of women in the police and in the judiciary is seriously low, which contributes to a lack of attention to women's issues. Deeply entrenched patriarchal attitudes of police officers, prosecutors, judicial officers and other relevant civil servants, with regard to the handling of cases, further contribute to victims not reporting, withdrawing complaints and not testifying. Also, the attitudes and prejudices of many village leaders in Khap Panchayats ["village courts"], who act as informal judicial officers, often lead to a pre-arranged settlement between the families, thus failing to provide effective redress for victims. Few police stations have specialized women's mechanisms to address the concerns of women, including violence cases, and to provide the assistance and protection that is required during the investigation phase. Impunity for abuses committed by police officers and the need for civilian oversight was highlighted.

'Concerns were also raised about evidence gathering, including the practice of degrading medical and forensic examinations, such as the "two-finger test" for victims of sexual violence. The test is often carried out without the victim's consent, and despite the practice being officially discontinued by the Director General of Health Services in 2011, and a Supreme Court decision of 2013 branding it as a violation of the victims' right to privacy.

'The Special Rapporteur heard complaints about the failure by the justice system in some states to ensure that women victims and witnesses of acts of violence benefit from adequate safety measures and judicial safeguards. Numerous allegations were received of women being subjected to acts of coercion and duress in a deliberate attempt to prevent the investigation of cases and punishment of perpetrators.

[107] National Crime Records Bureau: Publications: Crime in India 2008: Figures at a glance http://ncrb.gov.in/, accessed 20 January 2015
[108] National Crime Records Bureau: Crime in India 2013: Figures at a glance http://ncrb.gov.in/, accessed 20 January 2015
[109] BBC News: 'Measures aimed at addressing drop in rape convictions launched', 6 June 2014 http://www.bbc.co.uk/news/uk-27726280

'The Special Rapporteur was informed of cases in which courts have criminalized women victims of violence, including victims of sexual and communal violence. Also repeatedly raised was the concern that legal aid, a right guaranteed in article 39A of the Constitution, was not equally granted to women in practice, and in particular to poor and marginalized women.'[110]

'Responses to violence against women with disabilities often fail to adapt to the type of impairment, whether psychological, physical, sensory or intellectual.'[111]

2.6.6 The Criminal Law (Amendment) Act, 2013, which came into force on the 3 February 2013, made it a criminal offence for a public servant (including a police officer) to fail to record – and then to investigate in the prescribed manner – certain specified offences in the Penal Code.[112]

2.6.7 The USSD 2013 Report recorded:

'State governments took action to prevent violence against women. For example, in December 2012 West Bengal Chief Minister Mamata Banerjee announced that her government would create 65 all-female police stations across the state to help tackle crimes against women. Ten of these stations were operational by year's [2013] end. On January 2 [2013], the West Bengal state cabinet met to identify steps to provide for swifter justice in cases of violence against women and decided to set up 88 permanent "fast-track" courts focused on timely hearings. No information was available as to how many of these courts existed by year's end.

'In January [2013] the chief justice of the Kolkata High Court inaugurated the country's first women's court (where female judges and staff deal exclusively with crimes against women) in Malda, West Bengal, a district with the highest reported rate of crimes against women in the state.'[113]

2.6.8 The Verma Committee, which delivered its report in January 2013, recommended certain reforms in the management of cases related to crimes against women. These included the setting up of a Rape Crisis Cell, that all police stations have CCTVs at the entrance and in the interview room, that a complainant should be able to file a FIR online, that police officers be duty bound to assist victims of sexual offences irrespective of the crime's jurisdiction, and that police be trained to deal with sexual offences appropriately.[114]

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2.7 Single women

2.7.1 The Immigration and Refugee Board of Canada (IRB), in a 2013 report covering the period 2008-2011, quoted various external sources as follows:

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[110] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paras.61-65 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[111] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.72 http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

[112] Criminal Law (Amendment) Act, 2013, Article 3 http://indiacode.nic.in/acts-in-pdf/132013.pdf , date accessed 15 January 2015

[113] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

[114] PRS Justice Verma Committe Report Summary, undated http://www.prsindia.org/parliamenttrack/report-summaries/justice-verma-committee-report-summary-2628/ , date accessed 15 January 2015

‘Media sources report that, according to India's census of 2001, there are approximately 36 million women in India who are widowed, divorced or separated from their husbands ... The National Forum for Single Women's Rights indicates that these single women are rejected by society and treated with indifference by the federal government... For example, widows are said to face “deep social stigma”...,”social marginalisation”...and “cruel” treatment by in-laws.

‘Women's eNews, a non-profit Internet-based news service reporting on women's issues... explains that women who are unmarried or who were left by their husbands generally “live invisibly, often at the mercy of callous family customs”.

‘However, media sources also indicate that India's economy is booming, leading to an increase in the number of young, single women working in cities ...These women have greater freedoms and opportunities than in the past...’[115]

See also Economic participation

2.7.2 The Canadian IRB report continued:

‘Sources indicate that, traditionally, women in India go from living with their parents to getting married and living with their husband...and his...family. Single women who live away from their families face “social and family stigma,” writes [author Reena Patel in 2010], particularly if their families live in the same city... She adds that the suspicion with which single women are regarded makes accessing housing difficult...

‘According to India's Ministry of Women and Child Development, finding safe housing is one of the “main” problems for women who move to larger cities in search of employment... Media and academic sources also report on the difficulties single women face trying to rent apartments in metropolitan areas... [A professor of women's studies and political science at University of Michigan in 2011] said that while access to housing is “significantly improving” for middle-class and high-income single women (including divorced and widowed women), there continue to be significant social and cultural barriers around women's sexuality. Women residing alone may be viewed as having suspect reputations and may have to have family members vouch for them in order to gain access to housing ... Women from lower caste backgrounds or lower income groups may have additional burdens of caste discrimination and may not have the financial means to gain access to housing. This may also be true for Muslim women who may face additional barriers of discrimination that intersect with gender obstacles...

‘In Delhi, where 60 percent of residents live in slums...women who are arriving from other areas of India for an education or employment reportedly lack proper housing ... Access to adequate housing is also an issue in Mumbai, where 50 percent of residents live in slums ... The Global Post, a Boston-based Internet news agency, reports that single women in Mumbai have a difficult time finding landlords willing to rent them apartments ... Patel...notes that some landlords suspect that single women are prostitutes or bar dancers... Media sources also indicate that such perceptions result in single women who live on their own being subject to scrutiny by neighbours...

‘[T]he Director of the New Delhi-based Lawyer's Collective Women's Rights Initiative said that “victims of domestic violence...have difficulty in accessing housing options as many of them lose their financial independence after marriage and sometimes as a result of being in a violent relationship”... She noted that such women are often dispossessed by their husbands and forced to rely on their parents, who may not be willing to support them.

[115] Canada: Immigration and Refugee Board, ‘India: Whether women who head their own households without male support can obtain housing and employment in Delhi, Mumbai and Chandigarh; government support services available to female-headed households in these cities; violence against women in these cities (2008-2011)’, 16 May 2013, IND104430.E, http://www.refworld.org/docid/51ab41204.html date accessed 18 January 2015

‘According to India's Ministry of Women and Child Development, since 1972, the government has funded NGOs and other organizations engaged in women's welfare or education to build hostels for working women... The hostels are intended to provide safe and affordable housing to single working women; widowed, separated or divorced women; working women living outside their home towns or living without their out-of-town husbands; women undergoing employment training; and women studying in professional programs...

‘There are reportedly 887 working women's hostels throughout India providing accommodation for approximately 65,000 women... Women can stay in the hostels for up to three years, with the possibility of an extension in exceptional circumstances... According to the Ministry, the hostels have day care centres for residents with children ... In contrast, the professor of women's studies and political science stated that hostels for middle-class working women “generally do not have accommodations for children”...

‘According to the [Indian] Planning Commission, working women's hostels are primarily located in cities, but are not found in every district... There is reportedly a demand for more of these hostels, particularly in smaller towns... The Planning Commission characterized the basic facilities in the hostels as being of “inferior quality,” and noted that the sanitary conditions in most hostels are “very bad”... The Commission added that the hostels do not provide the women residents with adequate access to health care ... The professor of women's studies and political science stated that working women's hostels are “generally accessible to single employed women, particularly of middle class background”...

‘India's Ministry of Women and Child Development also funds Swadhar Shelter Homes, which aim to provide accommodation, food, clothing, counselling and services for “marginalized” women and girls who are in “difficult circumstances,” but who do not have support from their families ... The government also offers other programs for women, such as the Support to Training and Employment Programme (STEP), which provides skills training to marginalized women...’[116]

2.7.3 UN Women reported in June 2013 that ‘Certain categories of single women were found to be extremely vulnerable to poverty, such as elderly women, widows, abandoned or destitute women, homeless and women with disabilities, HIV and AIDs or other health conditions associated with stigma and discrimination.’[117]

2.7.4 A study among single mothers in India, published in the Journal of Social Sciences (India) in 2009 found, among other things:

‘Fifty-two per cent of the respondents interviewed [single mothers] were working and 48 per cent did not have jobs; 98 per cent of the respondents had never worked outside the home before marriage.

‘Financial crises is a standing situation with most of the single parent families. It becomes difficult in meeting the basic needs of children such as food, clothing, school fees, maintaining the previous standard of living and meet[ing] personal expense[s]...

‘...36% of single mothers took the help of their relatives at the time of financial crises, 22% of them did not approach anybody for help because they thought that it might hurt their self-respect ... 20% of them approached their parents, 16% their neighbours, 6%

[116] Canada: Immigration and Refugee Board, ‘India: Whether women who head their own households without male support can obtain housing and employment in Delhi, Mumbai and Chandigarh; government support services available to female-headed households in these cities; violence against women in these cities (2008-2011)’, 16 May 2013, IND104430.E, http://www.refworld.org/docid/51ab41204.html, date accessed 18 January 2015

[117] UN Women, Hearts & Minds; Women of India Speak; Shaping the Post-2015 Development Discourse & Agenda, June 2013, Poverty, Deprivation and Social Security p.9 http://www.ecoi.net/file_upload/1930_1419862547_hearts-and-minds-8-august-2013-final-pdf.pdf date accessed 20 February 2015

their friends and 6% took help of Non-Governmental Organisations. Only 2% approached their in-laws during financial crises.'[118]

2.7.5 It was observed in an article entitled 'Single Moms' by Choice, on the website I-Love-India.com: 'Government and private employers have also started extending maternity benefits to single moms. They have been provided day-care facilities and tax concessions. Even their work hours can also be minimized, if they demand.' The same website provides practical advice to single mothers in India in its 'Single parenting' section.[119]

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2.8 Lesbians, bisexual women and trangender people

Please refer to the Country Information and Guidance report: India: Sexual Orientation and gender identity.

2.9 Assistance available to women

2.9.1 The South Asian Women's Network[120] lists some of the organisations in India which provide advice and support to women, as does the Delhi Directory.[121]

2.9.2 The State Party report of October 2012 to CEDAW recorded:

'[The Ministry of Women and Child Development] runs Short Stay Homes and Swadhar Homes...to support women in difficult circumstances. These cater to trafficked women/girl rescued or runaways from brothels or other places, to women/girls victims of sexual crimes who are disowned by their families or who do not want to go back to respective families for various reasons. 331 Swadhar Homes and more than 342 Short Stay Homes are being run in different parts of the country.'[122] (See also the section Single women)

2.9.3 UN Women, in a December 2012 report on 'Shelter Services for Women', expressed concern about eligibility norms:

'Most homes do not allow women with children to stay, and those which do, permit children only up to the age of 8 years and two children at the most. In case of children above 8 years, only girls are permitted to stay on with their mothers. However, the reality is that many women are accompanied by their children and therefore it is important to ensure safe shelter for both women and their children, irrespective of their number, sex and age. Further, an order from the Social Welfare Department is required for a woman to access the home. However, in times of emergency, particularly in cases of violence against women, it may not be possible to wait for the bureaucratic system of issuing orders to respond. … Field level experiences suggest that many SSH [Short Stay Homes] and Swadhar homes lack proper infrastructure. There are also concerns

[118] Kotwal N. and Prabhakar B: 'Problems Faced by Single Mothers', 2009 Journal of Social Sciences, 21(3): 197-204 (2009), Kamla-Raj Publications. http://www.krepublishers.com/02-Journals/JSS/JSS-21-0-000-09-Web/JSS-21-3-000-09-Abst-PDF/JSS-21-3-197-09-814-Kotwal-N/JSS-21-3-197-09-814-Kotwal-N-Tt.pdf, date accessed 18 January 2015

[119] I-Love-India.com http://www.iloveindia.com/index.html (a) Single Parenting section page http://www.iloveindia.com/parenting/single-parenting/index.html (b) 'Single Moms' by Choice, undated http://www.iloveindia.com/parenting/single-parenting/choosing-to-be-single-mom.html

[120] The South Asian Women's Network: South Asian women's organisations: India http://www.sawnet.org/orgns/#India, date accessed 10 January 2015

[121] Delhi Directory: Voluntary Agencies http://www.delhidirectory.org/volunteer_agencies.htm, date accessed 10 January 2015

[122] UN Committee on the Elimination of Discrimination Against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention, Combined fourth and fifth periodic reports of States parties : India, 23 October 2012, CEDAW/C/IND/4-5, para. 31 http://www.refworld.org/docid/525bd8184.html

related to the quality of services provided to residents such as clothing, food, medical facilities etc.'[123]

2.9.4 There are also non-government-run shelters, some of which also provide job training and work. Some receive international funding. For example, the Work+Shelter centres[124] and the Sambhali Trust[125] and Shelter Trust, which is primarily for Muslim women.[126]

2.9.5 The UN Special Rapporteur pointed out that 'Although telephone hotlines are available, the police are usually the first point of contact for many women.'[127]

2.9.6 The USSD 2013 Report added, 'While the Ministry of Women and Child Development has guidelines for the establishment of these social services, lack of funding, personnel, and proper training resulted in limited services, primarily available only in metropolitan areas. The Ministry reported that there were 6,483 protection officers appointed in police forces across the country.'[128]

See also Trafficking, below, for information on assistance available to victims of trafficking.

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2.10 Trafficking

Note the guidance contained in this CIG in relation to (suspected) victims of trafficking contained in paragraph 1.3.2.

2.10.1 The UN Special Rapporteur stated in her report of 1 April 2014:

'The trafficking of women and girls from, and to, India was reported as widespread. Disadvantaged women from minority groups, scheduled castes and tribes and the "backward castes" are usually the main victims. Young unskilled women are allegedly given false work promises, resulting in forced domestic servitude in foreign countries. Women who are trafficked and forced into prostitution are left unable to defend their rights, and lack access to rehabilitation and compensation for such crimes. This lack of protection and prioritization of the problem by the State has intensified the violence perpetrated against them by criminals or those involved in trafficking practices. The complicity of State officials in human trafficking was also reported as a concern.'[129]

2.10.2 The US Department of State noted in its Trafficking in Persons Report for 2014 (TiP 2014 Report):

'India is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. The forced labor of an estimated 20 to 65 million citizens constitutes India's largest trafficking problem; men, women, and children

[123] UN Women, Shelter Services for Women: Identifying critical gender concerns, December 2012, III a. Availability and access, c. Infrastructure and Basic Services, e. Staff Role and Capacity Development http://www.unwomensouthasia.org/assets/Shelter-services.pdf date accessed 20 February 2015
[124] Work+Shelter: About, undated http://www.workshelter.org/about-us/ and https://www.facebook.com/workshelter date accessed 10 January 2015
[125] Sambhali Trust http://www.globalgiving.org/projects/shelter-for-women-in-difficult-circumstances/ , date accessed 10 January 2015
[126] Shelter Trust: About http://www.mmsheltertrust.org/about/ date accessed 10 January 2015
[127] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, para.60 http://www.refworld.org/docid/53982c3e4.html, date accessed 6 January 2015
[128] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015
[129] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, http://www.refworld.org/docid/53982c3e4.html , date accessed 6 January 2015

in debt bondage – sometimes inherited from previous generations – are forced to work in industries such as brick kilns, rice mills, agriculture, and embroidery factories. A common characteristic of bonded labor is the use of physical and sexual violence as coercive means. Ninety percent of India's trafficking problem is internal, and those from the most disadvantaged social strata – lowest caste Dalits, members of tribal communities, religious minorities, and women from excluded groups – are most vulnerable. Trafficking victims in India at times are injured or killed by their traffickers...

'Media reported instances of severe mistreatment of domestic servants in New Delhi, many of whom were victims of forced labor, including cases of rape, torture, and murder. NGOs observed that the majority of trafficking victims are recruited by agents known to them in their home villages with promises of work in urban or other rural areas ... Thousands of unregulated work placement agencies reportedly engage in sex and labor trafficking but escape prosecution; some of these agents participate in the sexual abuse that approximately 20 percent of domestic workers reportedly experience.

'Experts estimate that millions of women and children are victims of sex trafficking in India. Children continue to be subjected to sex trafficking in religious pilgrimage centers and tourist destinations ... A large number of Nepali, Afghan, and Bangladeshi females – the majority of whom are children aged nine to 14 years old – and women and girls from China, Russia, Uzbekistan, Azerbaijan, the Philippines, and Uganda are also subjected to sex trafficking in India.'[130]

2.10.3 India has ratified the United Nations Convention against Transnational Organised Crime and its two protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, in May 2011. The Constitution, under Article 23, prohibits both trafficking in human beings and forced labour. Legislation including the Indian Penal Code 1860, the Immoral Traffic (Prevention) Act 1956, the Bonded Labour System (Abolition) Act 1976, and state laws such as the Goa Children's Act 2003, provide a legal framework to combat trafficking.[131]

2.10.4 The UN Office on Drugs and Crime (UNODC), noted in its Global Report on Trafficking in Persons – South Asia, 2014:

'In the year 2013, India passed the Criminal Law (Amendment) Ordinance introducing the section 370A criminalizing Trafficking in Persons according to the UN Trafficking Protocol. Before that, the Immoral Traffic Prevention Act (ITPA) was used to prosecute some forms of trafficking for sexual exploitation. Other articles of the criminal code are also used to prosecute trafficking for sexual exploitation, including "buying girls for prostitution", "selling of girls for prostitution", "importation of girls" and "procuration of minor girls". Trafficking for forced labour is prosecuted under other offences, including the Child Labour Prohibition Act and the laws prohibiting bonded labour.

'The new legislation...foresees the penalty for the crime of trafficking is between seven years up to life imprisonment ... The penalty for the employment of a trafficked person is penalized five years which may extend to seven years and with fine.' (sic)[132]

2.10.5 The Ministry of Home Affairs recorded that 7,056 people were prosecuted under the Immoral Traffic Prevention Act (ITPA) in 2012 and 1,556 were convicted under this Act during the same year, according to UNODC. UNODC stated, 'Between 2010 and 2011

[130] US Department of State, 2014 Trafficking in Persons Report - India, published 20 June 2014 http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm (Country narratives: India), date accessed 5 January 2015
[131] UN Committee on the Elimination of Discrimination Against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention, Combined fourth and fifth periodic reports of States parties : India, 23 October 2012, CEDAW/C/IND/4-5, para.29 http://www.refworld.org/docid/525bd8184.html
[132] UN Office on Drugs and Crime (UNODC), Global Report on Trafficking in Persons - South Asia, 2014 - India: http://www.refworld.org/docid/5492a6c34.html, date accessed 5 January 2015

about 10,000 prosecutions have been conducted under [the Child Labour (Prohibition) Act, 1986], concluded with more than 4,100 convictions.'[133]

2.10.6 The US Department of State noted in the TiP 2014 Report:

'The Government of India does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Experts reported increased acknowledgement of India's trafficking problem by government officials and increased efforts to combat it. Despite these efforts, the protection of trafficking victims and the prosecution of their suspected exploiters were uneven among states and municipalities. While some courts in some states have secured serious penalties for convicted traffickers, continued complicity of government officials enabled traffickers to exploit additional men, women, and children. Officials facilitated trafficking by taking bribes, warning traffickers about raids, helping traffickers destroy evidence, handing victims back to traffickers, and physically and sexually assaulting victims.

'The Government of India did not provide adequate anti-trafficking law enforcement data; observers noted a lack of progress based on low rates of convictions, with most offenders receiving fines in lieu of imprisonment. Section 370 of the Indian Penal Code (IPC) criminalizes government officials' involvement in human trafficking, prescribing sentences up to life imprisonment. It also prohibits most forms of sex trafficking and prescribes sufficiently stringent penalties ranging from seven years' to life imprisonment ... An April 2013 change in the criminal law, Section 166A of the IPC, holds police responsible for delays in registering a First Information Report (FIR) after a victim makes a complaint ... India also prohibits many forms of forced labor through the Bonded Labor System Abolition Act (BLSA), the Child Labor (Prohibition and Regulation) Act, the Juvenile Justice Act, and other provisions of the IPC; however, these provisions were unevenly enforced, and their prescribed penalties are not sufficiently stringent. India prohibits most forms of sex trafficking under the Immoral Traffic Prevention Act (ITPA) and various provisions of the IPC. However, the ITPA also criminalizes other offenses, including prostitution, and is often used to prosecute sex trafficking victims.

'Reported incidents of inaction by law enforcement and prosecutors reflected inconsistent application of the law across jurisdictions, corruption among officials, and a lack of awareness or capacity in some parts of the country ... Government officials' complicity in human trafficking remained prevalent ... Police also reportedly accepted bribes in the form of money and sexual services in exchange for ignoring or failing to pursue trafficking charges, sexually abused trafficking victims, tipped suspected traffickers off to raids, released suspected traffickers after their arrests, and helped suspected traffickers destroy evidence.'[134]

2.10.7 The Criminal Law (Amendment) Act, 2013 made it a criminal offence for a public servant or police officer to be involved in the trafficking of any person; this carries a maximum penalty of life imprisonment.[135]

2.10.8 Regarding the protection and rehabilitation of trafficking victims in India, the TiP 2014 Report observed, 'The Government of India made some improvements in the areas of victim care, rehabilitation, and compensation; however, the implementation of these services was inconsistent and their quality was frequently substandard.' [136]

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[133] UN Office on Drugs and Crime (UNODC), Global Report on Trafficking in Persons - South Asia, 2014 - India: http://www.refworld.org/docid/5492a6c34.html, date accessed 5 January 2015

[134] US Department of State, 2014 Trafficking in Persons Report - India, published 20 June 2014 http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm (Country narratives: India), date accessed 5 January 2015

[135] Criminal Law (Amendment) Act, 2013, Article 8 http://indiacode.nic.in/acts-in-pdf/132013.pdf, date accessed 15 January 2015

[136] US Department of State, 2014 Trafficking in Persons Report - India, published 20 June 2014 http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm (Country narratives: India), date accessed 5 January 2015

2.10.9 It was noted in the State Party report of October 2012 to CEDAW:

'A comprehensive scheme for prevention of trafficking and rescue, rehabilitation, re-integration and repatriation of victims of trafficking for commercial sexual exploitation namely "Ujjawala" [has been] implemented since 2007 under which 86 rehabilitative homes have been sanctioned which can accommodate nearly 4000 women victims. It involves active partnership with civil society.

'[The Ministry of Women and Child Development] has formulated a protocol for pre-rescue, rescue and post-rescue operations of child victims of trafficking for the purpose of commercial sexual exploitation. This protocol contains guidelines for State Governments and a strategy for rescue team members.'[137]

See also Assistance available to women

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2.11 Women's health

2.11.1 The 2005-06 National Family Health Survey (NFHS-3) found that 33.0 per cent of the women interviewed (ever-married, aged 15-49) had a body mass index below normal, compared with 28.1 per cent of men in the same age group; 56.2 per cent of the women sampled were anaemic. Of the pregnant women, 57.9 per cent were anaemic.[138]

2.11.2 According to the USSD 2013 Report:

'The National AIDS Control Organization, which formulates and implements programs for the prevention and control of HIV and AIDS, reported in its 2011-12 annual report that women accounted for nearly one million of the estimated 2.39 million citizens with HIV/AIDS. Infection rates for women were highest in urban communities, and care was least available in rural areas. Traditional gender norms, such as early marriage, limited access to information and education, and poor access to health services, continued to leave women especially vulnerable to infection. The National Aids Control Organization worked actively with NGOs to train women's HIV/AIDS self-help groups.'[139]

Reproductive rights

2.11.3 The USSD 2013 Report stated:

'The government permitted health clinics and local health NGOs to operate freely in disseminating information about family planning. There were no restrictions on the right to access contraceptives. Laws penalizing families with more than two children remained in place in seven states, but authorities seldom enforced them. 'Government efforts to reduce the fertility rate were in some cases coercive. In many areas health workers were offered rewards for encouraging sterilization or given targets for quotas of female sterilizations and threatened with pay cuts or dismissal for failing to reach the set number ... National health officials noted that the central government did not have the authority to regulate state decisions on population issues. Some states also introduced schemes which required a certificate of sterilization for the parents in order to collect benefits. In some areas sterilizations were practiced in unsafe and unsanitary conditions.

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[137] UN Committee on the Elimination of Discrimination Against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention, Combined fourth and fifth periodic reports of States parties : India, 23 October 2012, CEDAW/C/IND/4-5, paras. 30-32 http://www.refworld.org/docid/525bd8184.html

[138] National Family Health Survey, India: NFHS-3 http://www.rchiips.org/nfhs/nfhs3.shtml Key Indicators: http://www.rchiips.org/nfhs/pdf/India.pdf, date accessed 22 January 2015

[139] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015

'Some women were pressured into having hysterectomies because of financial incentive structures for health-care workers, and others reported being paid approximately 615 rupees ($10), which could equal one week's wages, to undergo sterilization. This pressure often affected poor and lower-caste women disproportionately. There were reports of more than 7,000 unwarranted hysterectomies conducted on illiterate tribal women, largely by doctors in 169 hospitals in Chhattisgarh ... In April [2013] the NHRC sought a detailed report on this matter from the Chhattisgarh government covering a period of 30 months. Most of the women belonged to poor families or indigenous tribes. As a result the Chhattisgarh government suspended the licenses of nine doctors.'[140]

2.11.4 The contraceptive prevalence rate (the percentage of women aged 15-49 who are married or in 'union' and are using, or whose sexual partner is using, a method of contraception) was estimated to be 54.8 per cent in 2007-08.[141]

Maternal mortality: Anti and post natal care

2.11.5 The USSD 2013 Report continued:

'According to the most recent data from the 2012 United Nations Population Fund (UNFPA) State of World Population Report, the maternal mortality ratio was 200 deaths per 100,000 live births in 2010. The major factors influencing the high maternal mortality rate were lack of adequate nutrition, medical care, and sanitary facilities.'[142]

2.11.6 The 2005-06 National Family Health Survey (NFHS-3) reported that 50.7 per cent of mothers interviewed had at least 3 antenatal care visits for their last birth; 48.8 per cent of births were assisted by a doctor, nurse, or other health personnel; 36.8 per cent of mothers received postnatal care from a doctor, nurse or other health personnel within 2 days of delivery for their last birth.[143]

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[140] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015
[141] CIA World Factbook: India, updated 22 June 2014: 'People and society' https://www.cia.gov/library/publications/the-world-factbook/geos/in.html, date accessed 17 January 2015
[142] US Department of State: Country Reports on Human Rights Practices for 2013 – India, published 27 February 2014: section 6, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220392, accessed 8 January 2015
[143] National Family Health Survey, India: NFHS-3 http://www.rchiips.org/nfhs/nfhs3.shtml Key Indicators http://www.rchiips.org/nfhs/pdf/India.pdf, date accessed 22 January 2015

Change Record

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