



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

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

1. The Committee considered the combined fourth and fifth periodic reports of India ([CEDAW/C/IND/4-5](#) and Corr.1 and Add.1) at its 1219th and 1220th meetings, on 2 July 2014 (see [CEDAW/C/SR.1219](#) and 1220). The Committee's list of issues and questions is contained in [CEDAW/C/IND/Q/4-5](#) and the responses of India are contained in [CEDAW/C/IND/Q/4-5/Add.1](#).

#### A. Introduction

2. The Committee appreciates that the State party submitted its combined fourth and fifth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided during the dialogue. The Committee regrets, however, that the delegation did not provide responses to some questions posed orally by the Committee.

3. The Committee notes the State party's delegation, which was headed by the Secretary of the Ministry of Women and Child Development, Shankar Aggarwal, and included representatives of the ministries responsible for home affairs, external affairs, health and family welfare, social justice and empowerment and human resource development.

#### B. Positive aspects

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

- (a) Criminal Law (Amendment) Act, in 2013;

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\* Adopted by the Committee at its fifty-eighth session (30 June-18 July 2014).



(b) Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, in 2013;

(c) National Food Security Act, in 2013;

(d) Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, in 2013;

(e) Protection of Children from Sexual Offences Act, in 2012;

(f) Right of Children to Free and Compulsory Education Act, in 2009.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the:

(a) Establishment of a financial services banking company for women in 2013, intended to advance the economic empowerment of women;

(b) Creation of a national mission for empowerment of women in 2010 to address women's issues in a coordinated manner at the central and state levels;

(c) Introduction of the Indira Gandhi Matritva Sahyog Yojana maternity benefit scheme in 2010.

6. The Committee welcomes the fact that, in the period since the consideration of the previous reports, the State party has ratified or acceded to the following international instruments:

(a) Convention on the Rights of Persons with Disabilities, in 2007;

(b) United Nations Convention against Transnational Organized Crime; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air, in 2011.

## **C. Principal areas of concern and recommendations**

### **Parliament**

**7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Parliament to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

### **Equality and non-discrimination**

8. The Committee notes that article 15 of the Constitution guarantees equal protection under the law for women and men and prohibits discrimination on the ground of sex. The Committee is concerned, however, at the absence of a comprehensive anti-discrimination law addressing all aspects of direct and indirect discrimination against women and all the forms of intersectional discrimination, as explicitly listed in paragraph 18 of the Committee's general recommendation No. 28 on the core obligations of States parties under article 2 of the Convention.

9. **The Committee recommends that the State party:**

- (a) **Adopt comprehensive anti-discrimination legislation that prohibits discrimination on all grounds referred to in general recommendation No. 28;**
- (b) **Protect women from multiple or intersectional forms of discrimination and other grounds referred to in general recommendation No. 28;**
- (c) **Include a comprehensive definition of discrimination against women, in accordance with articles 1 and 2 of the Convention and the principle of equality between women and men.**

**Violence against women**

10. The Committee notes the State party's efforts to enact a legal framework to prevent and respond to violence against women, including women from the marginalized castes and communities, such as Dalit and Adivasi women, and the establishment in 2013 of the Justice Verma Committee on Amendments to Criminal Law to review existing normative gaps. The Committee is concerned, however, about the:

- (a) Stark increase in violent crimes against women, especially rape and abduction, and the high number of cases of rape reported by the National Crime Records Bureau in 2012, indicating an increase by 902.1 per cent since 1971, and continuing impunity for such acts;
- (b) Retention in the Penal Code of an exemption from punishment when a rape is committed by the victim's husband if the wife is above 15 years of age;
- (c) Escalation of caste-based violence, including rape, against women and girls and the downplaying by key State officials of the grave criminal nature of sexual violence against women and girls;
- (d) Poor implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and the impunity of perpetrators of serious crimes against women;
- (e) High number of dowry-related deaths since 2008;
- (f) Persistence of so-called "honour crimes" perpetrated by family members against women and girls;
- (g) Declining girl child sex ratio from 962 per 1,000 in 1981 to 914 per 1,000 in 2011;
- (h) Criminalization of same-sex relationships, as referred to in the ruling of the Supreme Court (*Suresh Kumar Koushal and another v. NAZ Foundation, 2013*);
- (i) Increasing number of acid attacks against women since 2002, the underreporting of such crimes notwithstanding.

11. **The Committee urges the State party:**

- (a) **To implement the recommendations of the Justice Verma Committee regarding violence against women;**
- (b) **To promptly enact the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill and to ensure that it provides for a**

**comprehensive system of reparations for victims and for gender-sensitive, victim-centred procedural and evidentiary rules;**

(c) **To amend the Criminal Law (Amendment) Act, ensuring that marital rape is defined as a criminal offence, as requested by the Committee in its previous concluding observations (CEDAW/C/IND/CO/3, para. 23), expanding the scope of protection of the law to cover all prohibited grounds of discrimination and defining gang rape as constituting an aggravating factor meriting a more severe punishment;**

(d) **To enact specific legislation to introduce heavier sentences for perpetrators of acid attacks, to regulate the sale and distribution of acid substances and to conduct large-scale campaigns to raise public awareness of the criminal nature of such attacks;**

(e) **To strengthen the efficiency of the police, to ensure that police officers fulfil their duty to protect women and girls against violence and are held accountable, to adopt standard procedures for the police in each state on gender-sensitive investigations and treatment of victims and of witnesses and to ensure that first information reports are duly filed;**

(f) **To establish, without delay, one-stop crisis centres providing women and girls who are victims of violence and rape with free and immediate access to medical attention, psychological counselling, legal aid, shelters and other support services;**

(g) **To provide systematic training on women's rights to all law enforcement personnel, medical staff and judicial officials;**

(h) **To put in place an effective system to monitor and evaluate the implementation, effectiveness and impact of legislation to combat sexual violence;**

(i) **To make efforts to eliminate any criminalization of same-sex relations by studying the possibility, as accepted by the State party during its universal periodic review (see A/HRC/21/10/Add.1), and to take note of the ruling of the Supreme Court (*Suresh Kumar Koushal and another v. NAZ Foundation*, 2013) in this regard;**

(j) **To take urgent measures to adopt a national plan of action for improving the girl child sex ratio;**

(k) **To allocate sufficient resources for the immediate enforcement of legislation on violence against women and for the establishment of special courts, complaints procedures and support services envisaged under that legislation in a time-bound manner.**

#### **Violence against women in border areas and conflict zones**

12. The Committee is deeply concerned about the reported high level of violence, 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;

(c) Continued marginalization and poverty of the women and girls who survived the Gujarat riots and are living in the relief colonies and their precarious living conditions with limited access to education, health care, employment and security and poor infrastructure in terms of sanitation, water, transportation and housing;

(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;

(e) Limited regulation of the arms trade and the proliferation of small arms and light weapons and their impact on the security of women;

(f) Restrictions imposed on women human rights defenders, in particular those operating in conflict areas, including restrictions on international funding and the surveillance under which they are placed;

(g) Absence of women in peace negotiations in the north-eastern states.

### 13. **The Committee calls upon the State party:**

(a) **To, in accordance with the recommendations of the Justice Verma Committee, promptly review the continued application of the Armed Forces (Special Powers) Act and related legal protocols and to enforce special powers protocols in conflict areas and assess the appropriateness of their application in those areas;**

(b) **To amend and/or repeal the Armed Forces (Special Powers) Act so that sexual violence against women perpetrated by members of the armed forces or uniformed personnel is brought under the purview of ordinary criminal law and, pending such amendment or repeal, to remove the requirement for government permission to prosecute members of the armed forces or uniformed personnel accused of crimes of violence against women or other abuses of the human rights of women and to grant permission to enable prosecution in all pending cases;**

(c) **To amend section 19 of the Protection of Human Rights Act and confer powers to the National Human Rights Commission to investigate cases against armed forces personnel, in particular cases of violence against women;**

(d) **To ensure that the security sector is subject to effective oversight and that accountability mechanisms, with adequate sanctions, are in place, to provide systematic training on women's rights to the military and other armed forces involved in security operations and to adopt and enforce a code of conduct for members of the armed forces to effectively guarantee respect for women's rights;**

(e) **To ensure the full and effective implementation of the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, as soon as it has been enacted;**

(f) **To adopt an integrated policy to enhance the living conditions of women and girls who survived the Gujarat riots, including by adopting appropriate economic recovery measures, allocating below-poverty-line cards and providing other benefits under government schemes, and to step up witness protection and security measures, especially for women and girls living in relief colonies;**

(g) **To ensure that women in the north-eastern states participate in peace negotiations and in the prevention, management and resolution of conflicts in line with Security Council resolution 1325 (2000) and the Committee's general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations;**

(h) **To remove restrictions on the work of human rights defenders, such as restrictions on their funding and by not placing them under surveillance.**

#### **Extraterritorial State obligations**

14. While commending the State party's cooperation programme in post-conflict areas such as a housing project in the north-east of Sri Lanka, the Committee expresses concern at the lack of a gender perspective in and consultations with women on this project. The Committee is also concerned about the impact on women, including in Nepal, of infrastructure projects such as the Lakshmanpur dam project, including with regard to displacement and loss of livelihood, housing and food security as a result of the subsequent floods.

**15. The Committee reaffirms that the State party must ensure that the acts of persons under its effective control, including those of national corporations operating extraterritorially, do not result in violations of the Convention and that its extraterritorial obligations extend to actions affecting human rights, regardless of whether the affected persons are located on its territory, as indicated in the Committee's general recommendation Nos. 28 and 30. Accordingly, it recommends that the State party:**

(a) **Immediately review the impact of the housing project in Sri Lanka, adopt a consultative and gender-sensitive approach in implementing the current and future phases of the project and address the needs and concerns of the most disadvantaged and marginalized groups of women;**

(b) **Adopt all necessary measures, including an assessment of the impact of the Lakshmanpur dam project on women in Nepal, so as to, among other things, prevent or remedy women's loss of livelihood, housing and food security, and provide adequate compensation whenever their rights have been violated.**

#### **National machinery for the advancement of women**

16. While the Committee welcomes measures taken to strengthen the government strategy and the national machinery for the advancement of women, including the Ministry of Women and Child Development, such as the adoption of the National Mission for Empowerment of Women (2010-2015) and the proposed amendment to

the National Commission for Women Act, it continues to be concerned at the limited operational and financial independence of the National Commission for Women and the state commissions and at the lack of a transparent system for nominating the members and Chair of the Commission, which undermines its independence and capacity to fulfil its broad mandate effectively. The Committee is also concerned that budgets allocated for women's empowerment in the Ministry of Women and Child Development and under the gender budget statements of ministries are insufficient.

**17. The Committee encourages the State party to strengthen the independent status, capacity and resources of the National Commission for Women in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), ensure that the composition and activities of the Commission are gender sensitive and increase the budget for the empowerment of women in the Ministry of Women and Child Development and under the gender budget statements.**

#### **Temporary special measures**

18. The Committee is concerned that the State party may not have full understanding of the purpose of temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on the subject. It is also concerned that no temporary special measures have been or are being applied as part of a necessary strategy to accelerate the achievement of substantive equality of women and men in areas in which women are disadvantaged, such as education or in the judiciary, and for promoting the participation of women from religious minorities and scheduled castes and scheduled tribes in various areas under the Convention.

**19. The Committee calls upon the State party to ensure that all relevant officials are familiar with the concept of temporary special measures and to encourage their application in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, especially measures aimed at increasing the:**

(a) **Number of girls, including from disadvantaged groups, enrolled in secondary and tertiary education in all states;**

(b) **Number of women in the judiciary, through a quota system for the recruitment of women judges and special scholarships and other support schemes for female law students.**

#### **Stereotypes and harmful practices**

20. The Committee notes with concern that the State party has maintained its declarations regarding articles 5 (a) and 16 (1) and (2) of the Convention and reiterates its view that this is incompatible with the State party's constitutional guarantees of equality and non-discrimination. It is also concerned at the persistence of patriarchal attitudes and deep-rooted stereotypes entrenched in the social, cultural, economic and political institutions and structures of Indian society and in the media that discriminate against women. It is further concerned about the persistence of harmful traditional practices in the State party, such as child marriage, the dowry system, so-called "honour killings", sex-selective abortion, sati, devadasi

and accusing women of witchcraft. The Committee is particularly concerned that the State party has not taken sufficient sustained and systematic action to modify or eliminate stereotypes and harmful practices.

**21. The Committee reiterates its previous concluding observations (CEDAW/C/IND/CO/3, para. 11) and urges the State party:**

**(a) To review its declarations regarding articles 5 (a) and 16 (1) and (2) with a view to withdrawing them;**

**(b) To put in place without delay a comprehensive national campaign and strategy, with specific goals and timelines, to eliminate patriarchal attitudes and stereotypes that discriminate against women, in accordance with article 2 (f) of the Convention;**

**(c) To strengthen its awareness-raising and educational efforts, targeting both women and men, with the involvement of civil society and community leaders, to eliminate all harmful traditional practices and to collaborate with the media to enhance a positive, non-stereotypical and non-discriminatory portrayal of women.**

#### **Trafficking in women and exploitation of prostitution**

22. The Committee takes note of the establishment of anti-trafficking units, awareness-raising programmes and a task force on human trafficking. It remains concerned, however, at the alarming persistence of trafficking, both internal and cross-border, the lack of protection and services available to women and girls who are victims of trafficking and sexual exploitation and the lack of efforts to tackle the root causes. The Committee is also concerned at the persecution of women in prostitution as a result of measures taken to address trafficking, such as raid and rescue operations.

**23. The Committee recommends that the State party:**

**(a) Review the Immoral Traffic (Prevention) Act and include provisions addressing the prevention of trafficking in women and girls and the economic and emotional rehabilitation of victims;**

**(b) Address the root causes of trafficking by promoting alternative income-generating activities developing the economic potential of women and raise awareness among the population in rural areas of the risks of trafficking and the way in which traffickers operate;**

**(c) Ensure that traffickers are effectively investigated, prosecuted and punished and collect data and establish appropriate mechanisms aimed at the early identification and referral of, and assistance and support for, victims of trafficking, including foreign women, and provide them with remedies;**

**(d) Ensure that trafficked women and girls have access to victim and witness protection shelters, high-quality medical care, counselling and support programmes for alternative income-generation activities and for their reintegration into the education system and labour market, in addition to access to adequate housing and free legal aid, regardless of their ability or willingness to testify against traffickers.**

### **Participation in political and public life**

24. While noting that there are six women ministers in the 23-member Cabinet, the Committee remains concerned about the low representation of women in political and public life, for example in the lower house of Parliament, where only 62 of the 543 parliamentarians are women, or on the Supreme Court, where only 1 of the 26 sitting judges is a woman. The Committee is also concerned about the delay in the adoption of the Constitution (108th Amendment) Bill, intended to ensure a 33 per cent quota for women in Parliament and in the state legislatures, which has been pending before Parliament since 2010.

25. **The Committee recommends that the State party:**

(a) **Enact the Constitution (108th Amendment) Bill to reserve at least 33 per cent of the seats in the State and central legislative bodies for women candidates, as recommended in its previous concluding observations (CEDAW/C/IND/CO/3, para. 43), and ensure that political parties increase the representation of women in their decision-making bodies at all levels;**

(b) **Create an enabling environment for women to participate in all democratic processes, including elections, and in particular strengthen the participation of women in *gram sabhas*, *mahila sabhas* and other formal and informal governance forums at the local level.**

### **Education**

26. The Committee takes note of the Right of Children to Free and Compulsory Education Act, which guarantees free and compulsory education for all children between 6 and 14 years of age. It remains concerned, however, that only 4 per cent of the gross domestic product is spent on education, that girls with disabilities and minorities continue to register low enrolment rates and that the dropout rate among adolescent girls is as high as 64 per cent, making them particularly vulnerable to child marriage. The Committee is also concerned about the low retention and completion rates of girls at the secondary level owing to early marriage, harmful practices and poverty, especially in rural areas. The Committee is equally concerned that girls are subjected to sexual harassment and violence, including in conflict-affected regions where the reported occupations of schools by the security forces contribute to girls dropping out of school.

27. **The Committee reiterates its previous concluding observations (CEDAW/C/IND/CO/3, para. 31) and calls upon the State party to allocate increased resources for the implementation of the Right of Children to Free and Compulsory Education Act and to take measures:**

(a) **To ensure that schools are girl-friendly, within a reasonable distance of communities, and have supplies of potable water and separate hygienic toilets for girls;**

(b) **To address safety issues for girls in and out of school, including escorts to schools for girls in unsafe areas and effective investigation and prosecution of acts of corporal punishment, harassment or gender-based violence against girls at school;**

(c) **To adopt a life-cycle approach to girls' education and ensure that the special needs of disadvantaged and marginalized girls are integrated into policymaking;**

(d) **To improve the literacy rate of women and girls and organize programmes for girls affected by conflict who leave school or university prematurely;**

(e) **To address the causes of the low enrolment rate of girls from minorities and girls with disabilities and the high dropout rates of adolescent girls, including those living in conflict areas, such as gender stereotypes, poverty and sexual harassment in school and early marriage, and formulate re-entry policies enabling young women to return to school after pregnancy;**

(f) **To prohibit the occupation of schools by security forces in conflict-affected regions in compliance with international humanitarian and human rights law;**

(g) **To improve the quality of education by providing teachers with systematic and gender-sensitive training and by revising the curriculum and textbooks to remove gender stereotypes.**

### **Employment**

28. The Committee notes with concern the declining participation of women in the labour force, both in rural and urban areas, and at the situation of women working in the informal economy (agriculture, domestic and home-based work) not covered by labour laws and other social protection measures. It is concerned at the gender wage gap indicating that women earn only 50 to 75 per cent of the wages earned by men and statistical data showing that women only own 9 per cent of land. The Committee is further concerned that the newly enacted Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act includes clauses that could undermine its efficiency, such as prescribing conciliation as a preliminary step, that it includes no effective complaints mechanism for domestic workers and that the State party has not ratified the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

29. **The Committee urges the State party:**

(a) **To adopt effective measures in the formal labour market, including temporary special measures, to increase female participation, to narrow and close the wage gap between women and men and to ensure the application of the principle of equal pay for work of equal value, in addition to equal opportunities at work;**

(b) **To adopt the draft national policy on domestic workers and to ensure that the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act are reviewed and applied to domestic workers;**

(c) **To ratify the Home Work Convention, 1996 (No. 177), and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization and to amend the relevant national legislation accordingly.**

## Health

30. While noting efforts by the State party to achieve greater coverage of maternal health services, the Committee is concerned about the persistently high rate of maternal mortality in some states and the high rate of deaths resulting from unsafe abortion, lack of access to safe abortion, post-abortion care and high-quality services for the management of complications arising from unsafe abortion. The Committee is also concerned at the scant budgetary resources allocated to health services, the disparities in maternal health care, including between urban and rural areas, the limited availability and accessibility of modern forms of contraception, including emergency contraception to prevent unwanted pregnancy, the lack of information and education on reproductive and sexual health, conditional maternity benefits that exclude some women and the lack of a mechanism for universal and accurate reporting of maternal deaths.

31. **The Committee urges the State party:**

(a) **To review reproductive health policies to make them more inclusive, with a view to increasing high-quality maternal health services in the states in which they are lacking, removing conditions from maternal benefits, ensuring adequate funding for reproductive health services, including provision of reproductive health information and education, and that they effectively cover urban and rural areas;**

(b) **To provide women with access to high-quality and safe abortion services, including to manage complications arising from unsafe abortion, and to increase access to and use of effective and affordable methods of contraception, including by subsidizing them, in order to reduce the use of abortion as a method of family planning;**

(c) **To adopt a policy for mandatory and accurate reporting of maternal deaths, irrespective of whether the deaths occur in public or private health facilities, homes or on the way to a health facility, and to establish a system to monitor the delivery of transparent health-care services effectively.**

## Rural women

32. The Committee is concerned at the prevalence of customs and traditional practices that prevent rural women, especially women from scheduled castes and scheduled tribes, from inheriting or acquiring land and other property. It is also concerned at the difficulties faced by rural women and women living in remote areas in gaining access to health and social services and in participating in decision-making processes at the community level, in addition to the fact that rural women are particularly affected by poverty and food insecurity, lack of access to natural resources, safe water and credit facilities.

33. **The Committee recommends that the State party:**

(a) **Abolish traditional practices and customs that prevent rural women from inheriting and acquiring land and from fully enjoying their rights and guarantee land ownership rights to women;**

(b) **Strengthen its efforts to address the needs of rural women and provide them with enhanced access to health services, education, safe water and**

**sanitation services, fertile land, natural resources, credit and income-generating opportunities.**

**Women from scheduled castes and scheduled tribes**

34. 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.

**35. The Committee recommends that the State party:**

(a) **Monitor the availability and efficiency of the legal services authorities, implement legal literacy programmes, raise the awareness of Dalit women and women and girls from scheduled tribes of all legal remedies available to them and monitor the results of such efforts;**

(b) **Strengthen public awareness-raising campaigns and take specific measures to ensure that Dalit women and women from scheduled tribes are aware of the procedures for registering births and obtaining birth certificates and ensure their access to those facilities;**

(c) **Provide training to medical and health professionals in order to ensure that Dalit women and women from scheduled tribes are attended by trained health-care personnel.**

**Women with disabilities**

36. The Committee, noting that a bill on the rights of persons with disabilities is pending before Parliament, is concerned that women with intellectual or psychosocial disabilities can be denied legal capacity and committed to institutions without their consent and without recourse to any meaningful remedy or review. It 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. It is equally concerned at the lack of disaggregated data on persons with disabilities and that responses to violence against women with disabilities fail to take account of the type of impairment, whether physical, sensory or intellectual.

**37. The Committee urges the State party:**

(a) **To enact the bill on the rights of persons with disabilities without delay and incorporate a specific section to protect women and girls with intellectual disabilities from forced sterilization and to repeal laws regarding and prohibit disability-based detention of women, including involuntary hospitalization and forced institutionalization;**

(b) **To ensure that the rights of women with disabilities are mainstreamed within the national strategies and action plans for women, to develop support services in the community in consultation with organizations of persons with disabilities and to intensify efforts to provide social and health services support to families with girls and women with disabilities;**

(c) **To facilitate advocacy by and on behalf of women and girls with disabilities;**

(d) **To create a database and ensure regular collection of data on persons with disabilities, disaggregated by sex, age, type of disability and region, and to promote the regular analysis and dissemination of such data and develop capacity to do so.**

### **Marriage and family relations**

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

39. **The Committee urges the State party:**

(a) **To speedily enact legislation to require compulsory registration of all marriages and to consider withdrawing its declaration regarding article 16 (2) of the Convention;**

(b) **To ensure that the Prohibition of Child Marriage Act is implemented without exception;**

(c) **To automatically void all child marriages and ensure that the Protection of Children from Sexual Offences Act applies also to child brides;**

(d) **To strengthen efforts to raise awareness about the prohibition of child marriage and the harmful effects of the practice on the health and education of girls and to effectively investigate, prosecute and punish cases of forced and early marriage.**

40. The Committee is also concerned about the coexistence of multiple legal systems with regard to marriage and family relations in the State party, applying to the various religious groups, which results in deep and persistent discrimination against women, and notes with concern the State party's continuing reluctance to review its policy of non-interference in the personal affairs of communities without their initiative and consent and withdraw its declarations regarding articles 5 (a) and 16 (1) of the Convention. It is further concerned about the procedural requests of the Special Marriage Act, which de facto hamper couples, especially women, from seeking permission to marry and register marriages. The Committee is particularly concerned that spousal property is overall governed by a regime of separate property so that women are not awarded their share in the property accumulated during marriage and that the proposed amendments to the Special Marriage Act and Hindu

Marriage Act provide only a limited and discretionary possibility for distribution of marital property.

41. The Committee reiterates its previous concluding observations (CEDAW/C/IND/CO/3, para. 55), recalls article 16 of the Convention and calls upon the State party to ensure equality between women and men in marriage and family relations by:

(a) Ensuring that all the laws on marriage and family relations governing the various religious groups, in addition to their further amendment, are in full compliance with articles 15 and 16 of the Convention and the Committee's general recommendation No. 21 on equality in marriage and family relations and general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution;

(b) Reviewing the application of the Special Marriage Act to remove procedural barriers regarding the application for permission to marry and the registration of marriages;

(c) Reviewing the existing legal framework on spousal property relations so as to ensure that women are provided with their share in the marital property in the light of the Committee's general recommendations Nos. 21 and 29.

#### **Optional Protocol and amendment to article 20 (1) of the Convention**

42. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

#### **Beijing Declaration and Platform for Action**

43. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

#### **Millennium Development Goals and the post-2015 development framework**

44. The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.

#### **Dissemination**

45. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities, research

institutions and the media. It recommends that the present concluding observations be disseminated in an appropriate form at the local community level to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee's general recommendations, to all stakeholders.

#### Technical assistance

46. The Committee recommends that the State party consider seeking international assistance and avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system.

#### Ratification of other treaties

47. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the following instruments to which it is not yet a party: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the International Convention for the Protection of All Persons from Enforced Disappearance.

#### Follow-up to the concluding observations

48. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 11 (a) and (e)-(h) and 13 (a), (d) and (f)-(h) above.

#### Preparation of the next report

49. The Committee invites the State party to submit its sixth periodic report in July 2018.

50. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/MC/2006/3](#) and Corr.1).

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.