

## **CEDAW discusses situation of women in Peru, India, Mauritania and Syria with civil society representatives**

Committee on Elimination of Discrimination  
Against Women

30 June 2014

### AFTERNOON

The Committee on the Elimination of Discrimination against Women this afternoon met with representatives of non-governmental organizations (NGOs) and the National Human Rights Commission of India to hear information on the situation of women in Peru, India, Mauritania and Syria, whose reports will be considered during the first week of the session.

Representatives of NGOs in Peru delivered oral reports in which they expressed concerns about the high rates of violence against women, including sexual violence, and the absence of a law guaranteeing reparations and restitution to victims. Forced sterilizations, on the increase this year, and the criminalization of abortion, including of pregnancies following rape, were cited as major issues of concern. Peru should adopt structural measures to prevent violence against women and also adopt a protocol on abortion to protect the right to health of women.

Violence against women in India remained pervasive and unchecked by the law, and was aggravated by inequalities along the lines of caste, class, sexuality, ethnicity, religion and disability. Discrimination continued to be neither recognized nor addressed holistically and the Constitutional framework of equality was limited to specific grounds that did not accommodate underlying causes of marginalization, stigma and exclusion. Speakers also took up State accountability and impunity, and pointed to the huge gap between the laws and their implementation, and the lack of operational autonomy of institutions entrusted with providing comprehensive protection and redress for women.

Speakers from NGOs in Mauritania described problems women faced in that country, including various forms of violence, such as rape, kidnapping, trafficking, domestic violence, early marriage and female genital mutilation. The high rate of maternal mortality - highest in the sub-region at 626 deaths in 1,000 live births - was of a great concern, as was slavery which was still practiced in urban areas. Mauritania, like Syria, demonstrated similar areas of inequalities between women and men, on issues related to marriage and family relations, particularly early and child marriage, and polygamy. The Committee should urge Syria and Mauritania to set effective implementation mechanisms to ensure that the marriage age

for both men and women was 18, the age of majority, and urge them to abolish polygamy in law and practice.

Non-governmental organizations pointed to the impact of the conflict in Syria on the situation of women and children, who bore the burden and suffered greater levels of violence and discrimination. Early, child and forced marriages, as well as polygamy involving young girls were on the increase due to the stress caused by the conflict. The new 2012 Constitution lacked the guarantee of gender equality, failed to prohibit gender-based discrimination or even violence and also failed to annihilate any legal opportunities to challenge and seek the amendment of discriminatory laws, while the Government continuously used the ongoing conflict to justify the failures to promote, protect, respect and fulfil the human rights of women.

Hri Balakrishnan, Chairperson of the National Human Rights Commission of India, said that the implementation of legislation was a problem area and a large number of women in India still suffered disadvantages and violence, including infanticide and denial of their rights. The legal process was unduly long before the final verdict was reached leading to a lot of harassment of women victims, especially in cases involving rape. Conviction rates were low and all this led to impunity and had a detrimental effect on the safety of women.

Speaking during the discussion were representatives from Estudio para Latin America defensa de los derechos de Latin America mujer (DEMUS), PROMSEX: Centro de Promocion y Defensa de los derechos sexuales y reproductivos, Center for Reproductive Rights, Planned Parenthood Federation of America, CLADEM: Comite de America Latina y el Caribe para Latin America Defensa e los derechos Humanos de las Mujeres (joint statement), National Alliance of Women, Interstate Adwasi Women's Network, Women with Disability India Network, Partners in Law and Development, North East Network, National Network of Sex Workers, Women's International League for Peace and Freedom, Mauritanian Association for Health to Mother and Child, Les Reseau des Femmes Journalists de Mauritania, Musawah, Islamic Intellectual Forum, IRAW Asia Pacific (on behalf of 13 Women's groups in Syria), and Women's International League for Peace and Freedom.

When the Committee reconvenes in public on Tuesday, 1 July at 10 a.m., it will begin its consideration of the combined seventh and eighth periodic report of Peru ([CEDAW/C/PER/7-8](#)).

### **Statements by Non-Governmental Organizations**

#### **Peru**

A speaker for Estudio para Latin America defensa de los derechos de Latin America mujer (DEMUS) said that there was no law guaranteeing reparations and restitution to victims of sexual violence in the country. Forced

sterilizations were being carried out in Peru, and the number of those interventions had increased this year. Until now, the executive power had done nothing to ensure reparations to victims.

A representative of PROMSEX: Centro de Promocion y Defensa de los derechos sexuales y reproductivos spoke about the access of women to abortion in Peru and said that the criminalization of abortion following rape was an issue of concern, particularly because the incidence of rape in Peru was the highest on the continent. The Congress was debating a criminal code which called for punishment of self-abortion following rape. The State should adopt the protocol on abortion to protect the right to health of women.

Centre for Reproductive Rights took the floor and spoke about the case of KL and CL which had been reviewed by Committee on the Elimination of Discrimination against Women in 2005 and 2011 respectively, which had ruled that the State should provide reparations. Peru had failed to fulfil its obligations to provide individual reparations. The Committee should recommend that Peru comply with all recommendations made in the cited cases and adopt structural measures to prevent those violations.

A representative of Planned Parenthood Federation of America called the Committee's attention to the prohibition of the free distribution of emergency contraceptives in public health institutions; however, it did not prohibit their purchase. This presented a huge problem for poor women who suffered the highest rates of sexual violence in Latin America. In 2010, 34 per cent of the girls and adolescents who had been raped got pregnant.

CLADEM: Comite de America Latina y el Caraibe para Latin America Defensa e los derechos Humanos de las Mujeres took the floor and spoke in a joint statement about high rates of violence against women in Peru and said that 62.9 per cent of women in the country suffered from some form of violence. Laws and policies were needed to prevent this form of discrimination. Approximately ten women were killed every month, but femicide was not criminalized. Particularly worrying was the situation and special vulnerability to violence of indigenous and Amazonian women and girls, while violence, including sexual violence prevented women from participating in political life.

## **India**

A speaker from National Alliance of Women expressed concern about the freedoms and rights of women which were being put at risk from the adoption of an economic agenda bereft of social justice, and containing threats to freedom of speech, expression, dissent and association. The large scale neo-liberal development agenda threatened women's livelihood security and access and control over resources, leading to dispossession, displacement and impoverishment. Violence against women remained

pervasive, unchecked by the law. Inequalities along the lines of caste, class, sexuality, ethnicity, religion and disability aggravated the violence and heightened impunity.

Interstate Adwasi Women's Network said that global capitalist practices, human development and social policy and rising fundamentalism were part of the broader social structures that had the potential to have a negative impact on access to resources and services, resulting in the greater marginalization of groups and individuals from the Dalits, adivasis, religious minorities, those with various sexual orientation, persons with disabilities and others. The multiple deprivations in terms of access to health, education, sanitation, water, housing decent work, and wages and personal security faced by the marginalized groups needed to be addressed by the State.

Women with Disability India Network said that discrimination continued to be neither recognized nor addressed holistically and the Constitutional framework of equality was limited to specific grounds that did not accommodate underlying grounds of marginalization, stigma and exclusion. Non-discrimination remedies were only applicable against State actors, leaving the entire private sector and non-state actors out of its ambit. It was imperative that the Government recognized and responded to discrimination arising from disability, sexuality, sexual orientation and gender identity, in addition to the grounds of sex, caste, religion, and minorities that were covered by the Constitution.

Partners in Law and Development spoke about violence against women, which was widespread. Structures of inequality created conditions for systemic cyclical violence, heightening the vulnerability of women on account of caste, tribal, minority status, sexuality and disability. Due diligence demanded that the State addressed not just the manifestation of different forms of violence, but also the root causes embedded in entrenched social inequalities, economic marginalization, impoverishment and sexual stigma. Equally, the State must address the consequences of violence on individuals and communities, to heal, compensate, provide reparations and secure them against the recurrence of violence.

North East Network said that the north eastern states of India, Kashmir and parts of central India had been in the grip of violence conflicts for several decades which ranged between political and civil struggles for self-determination. Women's bodies were targeted and sexual violence was perpetuated with impunity by men of the dominant aggressor community. Impunity was reinforced by laws such as the Armed Forces Special Powers Act which continued without review of its operations and impact.

National Network of Sex Workers spoke about State accountability and impunity and said that while India's laws were protecting vulnerable groups, including women from discrimination and violence, there was a gap between laws and their effective implementation to deliver protection to vulnerable

groups. The State institutions entrusted with providing comprehensive protection and redress for women were hampered by the lack of operational autonomy and were thus unable to hold both State and non-State actors accountable in order to protect the rights of Indian women.

Women's International League for Peace and Freedom said that structural inequalities manifested themselves in all spheres of life in India and the State had failed to recognize the role of women in peace building. India needed to develop a comprehensive National Action Plan on women and peace and security. India was the largest importer of firearms in the world and there was an increase of gun ownership and armed violence in the civilian spheres of life.

## **Mauritania**

Mauritanian Association for Health to Mother and Child said that Mauritanian women were subject to various forms of violence, including rape, kidnapping, trafficking, domestic violence, early marriage, and female genital mutilation. Mauritania had the highest maternal mortality rates in the sub-region, with 626 deaths in 1,000 live births; this was a consequence of the inaccessibility of health facilities and emergency treatment in case of complications.

Les Reseau des Femmes Journalists de Mauritania said that the status of women, especially in rural areas was below the required standards. The non-governmental organization called upon the international community to provide school, shelter and nutrition for poor women and on the authorities to take measures so that women were treated equally. The high rate of maternal mortality was a great concern and pointed to the underlying discrimination against women. Slavery was still practiced, particularly in the form of domestic workers in cities.

Musawah took up the implementation of Article 16 in Mauritania and Syria, specifically with regards to Muslim family laws and practices, and said that the two countries, although distinct, demonstrated similar areas of inequalities between women and men, on issues related to marriage and family relations. Musawah highlighted two areas of discrimination in marriage and family relations, namely early and child marriage, and polygamy, and said that 35 per cent of marriages in Mauritania were child marriages and were often linked to the practice of force-feeding young girls. Early marriages were on the increase in Syria due to the stress and uncertainty in the region. The Committee should urge Syria and Mauritania to set effective implementation mechanisms to ensure that the marriage age for both men and women was 18, the age of majority. Both Governments allowed men to marry up to four women and in Mauritania, legal restrictions limiting polygamy were rarely enforced, particularly in rural areas, while in Syria the conflict had led to an increase in polygamous marriage, particularly among refugees and often involving young girls. The two Governments

should abolish polygamy in law and practice.

## **Syria**

Islamic Intellectual Forum said that because of the conflict, many people had been forced to leave their homes and live in camps, both in Syria and abroad. Women and children bore the burden and in the absence of husbands and fathers were victims of violence and discrimination, including early and child marriage. The Committee should call for humanitarian assistance to the Syrian people and for the legalization of the transfer of citizenship from Syrian mothers to their children.

IWRAW Asia Pacific spoke on behalf of 13 Women's groups in Syria and said that the Government had not implemented a single recommendation made by the Committee and had not paid any attention to any of its obligations under the Convention. The new 2012 Constitution lacked guarantee of gender equality, failed to prohibit gender-based discrimination or even violence and also failed to annihilate any legal opportunities to challenge and seek amendment of discriminatory laws. The Government continuously stated that the failures to promote, protect, respect and fulfil human rights of women were due to the ongoing crisis in the country.

Women's International League for Peace and Freedom said that their statement was rather similar to the one read out by the previous speaker and abstained from taking the floor.

## **Questions by Committee Members**

An Expert took up the issue of social conflicts still underway in **Peru**, particularly in the Andes region, and asked about their impact on women, and whether sexual harassment would be criminalized in the reform of the Criminal Code. Another Expert asked about the underlying causes of the culture of impunity and the causes of the socio-economic inequality between women and men in the country.

On the situation of women in **India**, an Expert asked whether there was an obvious policy shift by the new Government and what were the key obstacles and challenges to the functioning of civil society in the country. On forced displacement, the Expert asked for additional information on peace committees in which women were not involved. Another Expert asked about ownership laws and practices in the country.

A Committee Expert asked whether women were involved in the drafting of the new Constitution in **Syria**, and another Expert said that the Committee indeed noticed its failure to address gender equality and asked about data on women detainees and the situation of women human rights defenders.

Concerning child marriages in **Mauritania**, an Expert noted the practice of force feeding the girls so that they would conform to the beauty types and

asked whether this practice still continued. Concerning maternal mortality rates, a Committee Expert noted that the Government claimed that they were decreasing, and asked for clarification on the figures and also what recommendations the Committee should make.

### **Response by Non-governmental Organizations**

Representatives of organizations took the floor to respond to questions posed by the Committee on **Peru** and said that sexual harassment was not criminalized in the country and the reform of the Criminal Code did not take any steps to classify it as an offence. The new draft law of domestic violence was currently stagnating before the Commission on Human Rights since 2012. Legally speaking, there were differences between men and women with regard to their family obligations, for example in the area of maternity leave; also women spent more time working at home. According to the law, a spouse wishing to obtain employment must have a written permission by the other spouse; although in law it was gender neutral, in practice it was not the case. Social conflicts were among major concerns in the country and in May 2014 over 70 active conflicts had been registered; they were mainly socio-environmental in nature and involved extractive industries; policies must be put in place to strengthen political participation for indigenous women. Concerning impunity, non-governmental organizations said that women had no public ombudsperson to fight for their rights and they were exposed to re-victimization in some public services; the Committee should ask Peru how it intended to deal with this issue.

There were several continuities between the previous and the new Government in **India**, although it was hard to say now which areas of policy would be affected. Communal violence and conflict remained of concern and there was a need for communal violence prevention legislation which had not been taken forward by the previous Government. The disability law was facing a roll back and India should make a commitment on moving it forward. The Committee should prevail on the Government to see that the lack of representation of women in political bodies and in the judiciary was addressed. The Government must pay attention and address sexual violence. On peace committees, they mainly existed on paper and the breach in relations continued; there was extensive sexual violence targeting Christian Dalit women. There was a need for more independence and autonomy in the work of the National Commission of Women to enhance its role and make it more proactive; further, as it had been constituted in 1992 before the Paris Principles, it did not have the infrastructure and independence necessary for it to guard human rights of women.

Representatives from non-governmental organizations from **Mauritania** said that the practice of early and child marriages persisted in the country because girls were assets for their families. The law set the age of marriage to 18 but there were no monitoring mechanisms to ensure that this provision was put in practice. More than one third of girls from the rural areas were married before the age of 15. Force-feeding was a traditional practice as

society saw fat women as beautiful; the practice was declining. There had been a decrease in maternal mortality in some areas, but it remained at 626 deaths per 1,000 live births, which was the highest rate in the sub-region. It was unacceptable that women died while giving life.

Some women did take part in the drafting of the new Constitution in **Syria** and NGOs noted that the Constitution was a reflection of the reversing mentality of the society. Another speaker said that written responses on this and the question of women human rights defenders would be provided to the Committee.

### **Dialogue with National Human Rights Institutions**

SHRI BALAKRISHNAN, Chairperson of the National Human Rights Commission of India, said that the implementation of legislation was a problem area and a large number of women in India still suffered disadvantages and violence, including infanticide and denial of their rights. Marginalized groups were particularly prone to such forms of violence. This was despite the laws such as the recent Criminal Law (Amendment) Act 2013, and the Dowry Prohibition Act. The legal process was unduly long before the final verdict was reached, leading to a lot of harassment of women victims, especially in cases involving rape. Conviction rates were low and all this led to impunity and had a detrimental effect on the safety of women. The total number of crimes against women had increased by almost 30 per cent between 2006 and 2010. Trafficking of women and girls still continued both for sexual exploitation and illegal labour. The protection of women human rights defenders was a particular area of concern, while the Armed Forces Special Powers Act remained in force in Jammu and Kashmir and the north eastern States, conferring impunity that often led to the violation of human rights. India continued to have a high number of child marriages despite the policy and legal framework to eliminate the practice, and the progress towards reaching the Millennium Development Goals by 2015 needed renewed efforts, particularly in the area of maternal health.

An Expert asked whether there were obstacles in the Constitution that would prevent India from withdrawing its reservations on Article 5(a) on gender stereotypes and Article 16 (1) on equality within the family, and also asked whether the Commission was able to come before the Government with an assessment of the situation and propose solutions. Another Expert asked about cases involving violations of the human rights of women and particularly violence that had been registered with the Commission and their prosecution, and also requested more information on the Women's Reservation Bill.

Responding to the questions by the Committee Experts, Mr. Balakrishnan said that there were no constitutional obstacles to the withdrawal of the reservations entered by India on the Convention on the Elimination of



Discrimination against Women. There were a large number of cases pending in criminal courts in India, and some of the cases involving rape had been fast-tracked. The draft Women's Representation Bill called for the 30 per cent representation of women in the Parliament, but because of the stiff opposition it would not be passed. Mr. Balakrishan said that in 2013, a total of 182 cases of gang rape had been registered and over 400 cases in 2012, and noted that the Commission had no power to persecute the perpetrators. The Commission did not make the recommendation to the Government to withdraw the Armed Forces Special Power Bill because it was a question of law and order, but it was providing assistance to victims of violations committed by armed forces.

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