

National Human Rights Commission
SRO Unit-PRP&P

Minutes of the meeting of the Core Group on Women held on 02 November 2018 at 11:00 am in Room No. 508, Manav Adhikar Bhawan, C-Block, GPO Complex, INA, New Delhi

1. The meeting of the reconstituted Core Group on Women was held in the Commission on 02 November 2018 at 11:00 a.m. to discuss the issues relating to the rights of women, enabling women for decision making roles, sexual and reproductive health rights of women, surrogacy, child sex ratio and the status of implementation of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013'. The meeting also provided a platform for the Core Group Members to review the existing government policies, laws, rules, orders, etc, relating to women from the perspective of human rights and make suggestions/recommendations for changes or for their better implementation in light of the relevant provisions of the Protection of the Human Right Act, 1993. The meeting was chaired by Hon'ble Member, Smt. Jyotika Kalra, and co-chaired by Shri.Ambuj Sharma, Secretary General, NHRC. The list of the participants who attended the meeting is at **Annexure I**.

2. Shri Dilip Kumar, Joint Secretary (Training & Research), NHRC, welcomed all the participants and expressed gratitude towards all the members for attending the meeting on the crucial issues related to Women. He elucidated that this is the first meeting of the reconstituted Core Group on Women, while earlier there was a Core group on Trafficking, Women and Children; which has now been bifurcated into two separate Core Groups one on Women and the other on Children. He also introduced the agenda of the meeting before requesting the Chair to preside over the meeting.

3. Shri Ambuj Sharma, Secretary General, NHRC, apprised all the participants that the agenda of the meeting is focused on the multifarious struggles and negotiations of women in their everyday lives. The meeting seeks to have meaningful suggestions/recommendations, which can then further be sent to concerned Union Ministry and State Departments. NHRC had conducted a one-day workshop on Sexual Harassment at Workplace on 28th March 2018. The recommendations emanated out of the said workshop have been sent to the States/UTs, seeking the Action Taken Report. The said

recommendations were presented in the meeting for further discussion and suggestions, if any. Shri Sharma concluded by stating that the meeting aims to bring a cohesive platform for women to bring forth the desired changes for their betterment.

4. Smt. Jyotika Kalra, Hon'ble Member, NHRC, in her opening remarks quoted Simone De Beauvoir and stated, '*one is not born a woman but rather becomes a woman*'. Customs, age old prejudices, religion, culture have put Indian women in a subservient position in almost all domains of life. She further stated that to enable women for decision making roles, men must be included in the debate of gender equality. The status of women in India is improving day by day and a lot of it is due to the rapid increase of women's participation, however, much needs to be done for their empowerment. She quoted that there are 62 MPs in Lok Sabha out of total 543, i.e., 11 %. There are 28 women out of 244 in Rajya Sabha (11%). The representation of women in the judiciary is even less than 10%. The economic contribution of Indian Women is 17 % of GDP, which is less than half of the global average. We need more women in workforce to achieve gender parity. The issues regarding safe private and public spaces for women, better decision making roles, reproductive & sexual health, etc are some of the major concerns in the present discourse. Gender equality and empowerment of women as well as the active participation of women in political, social and cultural life must be promoted. For women to be able to enjoy their human rights, gender perspective has to be mainstreamed at the policy level.

Smt. Kalra further stated that, while we have moved ahead from the social evils of sati and child marriage, we must not forget that, to enable political democracy, women's participation in the decision making process is pivotal. Smt. Kalra concluded by welcoming all the participants to the meeting and hoped to have fruitful deliberations.

5. Smt. Chhaya Sharma, DIG (Investigation), NHRC, emphasized on the inclusivity of men in the debates of women's empowerment. Men have an important role in promoting women's economic rights and independence including access to employment, appropriate working conditions, control of economic resources, and full participation in decision-making. While there are many great leaders who have promoted the rights of women, there is evident resistance also which needs wider attention, if we are to achieve inclusivity in the debates of women's empowerment.

6. Smt. Anuradha S. Chagti, Joint Secretary, Ministry of Women and Child Development, stated that the Ministry gives utmost importance to enable women in decision making roles and have commenced various programs and training at Panchayat level for

the same. Specialized training modules have been prepared to train mahila pradhans. The trainings are being conducted state-wise. Apart from that, the Ministry has also launched E-‘Samvad’ portal, which is an interactive portal allowing NGOs to contact the Ministry and share their feedback, suggestions, grievances and their best practices. Smt. Chagti informed that the Ministry has recently launched e-portal NARI- National Portal of information for women, a website which provides comprehensive information on government schemes and initiatives for women. Both Central and State Government has implemented a number of schemes & legislations for women to provide equal rights, economic opportunities, social support, legal aid, housing etc. However, there is often a lack of awareness of these provisions and difficulties in accessing their benefits. NARI portal summarizes over 350 government schemes and other important information for the benefit of women.

7. Smt. Shipra Roy, Deputy Secretary, Ministry of Women and Child Development, stated that the Government has been vehemently working to improve the status of women in India and to achieve that goal, Government of India has approved a new scheme namely ‘Mahila Shakti Kendra’ during 2017-18 upto 2019-20 to empower rural women through community participation. The scheme is envisaged to work at various levels, and at the National level (domain based knowledge support) and State level (State Resource Centre for Women) technical support to the respective governments on issues related to women is provided. Community engagement through College Student Volunteers is envisioned in 115 most backward districts as part of the Block Level initiatives. Student volunteers will play an instrumental role in awareness generation regarding various important government schemes/ programmes as well as on those social issues. Smt. Roy also informed the gathering that the Ministry has also set up an electronic platform and Complaint Management System namely; Sexual Harassment electronic – Box Portal (She-Box) to provide a single window access to every woman, irrespective of her work status, whether working in organized or unorganized, private or public sector, to facilitate the registration of complaint related to sexual harassment. Any woman facing sexual harassment at workplace can register their complaint through this portal. To process the complaints in a time bound manner, 653 nodal officers have been appointed in 33 states/UTs.

8. SAMA- Resource Group for Women and Health and Partners in Law and Development (PLD) presented their findings and recommendations of the Research Study commissioned by the NHRC on the project titled, **‘Country Assessment on Human**

Rights in the Context of Sexual Health and Reproductive Health Rights’. The objective of the study was to document existing international framework and language on human rights relating to sexual and reproductive health and well-being, and to analyze the compliance of the legislative and policy framework in India against it. It was also intended to map and analyze legal and policy framework, demographic data on sexual and reproductive health and rights in India towards identifying compliance, gaps and making recommendations for reform in law, policy and praxis.

9. Dr. Arathi P.M., Assistant Professor, Council for Social Development, presented her findings and recommendations of the Research Study commissioned by NHRC on the project titled, **‘Legal Rights and Challenges of Surrogates from Mumbai and Delhi’.** The objective of the study was to understand the impact of new law proposed on surrogacy practices in two cities, i.e. New Delhi and Mumbai while also attempting to explore the challenges and difficulties in seeking justice by surrogate mothers due to violation of their rights. Further, the objective was also to develop best practices in the domain of surrogacy to minimize the exploitation involved in both commercial and altruistic surrogacy.

10. A presentation was made by the team consisting of Shri. O.P. Vyas, Assistant Registrar (Law) and Shri. Nishith, Assistant, NHRC, that had visited Jhunjhunu district of Rajasthan on 6-8 June 2018. The objective of the visit was to understand the best practices/schemes adopted by the district administration to increase their child sex ratio which was among the lowest in the country, according to 2001 and 2011 Census. However owing to convergence of efforts by various departments at district level the child sex ratio in the district has reached to 955 girls against 1000 boys in the year 2017.

11. Smt. Bina Jain, Patron, All India Women’s Conference insisted that to achieve the goal of women’s empowerment, quality education such as skill development and leadership training must be imparted to young girls in schools/colleges.

12. Smt. Charuwali Khanna, Senior Advocate, Supreme Court of India stressed the need for inclusivity of men in the debates of women’s empowerment. She further noted that, to enable women in decision making roles and their voices to be heard, it is crucial to have mandatory 33 percent reservation of women in Parliament and legislative assemblies.

13. Dr. Jyoti Chauthaiwale, Bhartiya Stree Shakti informed the practice of proxy administration in the villages, which is being run by the son/spouses of Mahila Pradhans.

She insisted that the Mahila Pradhans must be given training/orientation about their responsibilities and leadership roles.

14. The major recommendations emanating out of the meeting are as follows:

Agenda Item I: *Enabling decision making role for women*

- I. Political participation is a major component of empowerment. The continuing under-representation of women prevents their proper participation in the decision making process in the country. Women must be involved in the decision making process. Political consensus needs to evolve to facilitate early, the 33 percent reservation of women in positions of public representation officers at all levels.
- II. Mahila Pradhans have been working as proxy administrators, where their spouses/son carries on their roles. Thus, Mahila Pradhans must be provided with training/orientation program on leadership roles, skill development and must also be made aware of their duties and responsibilities towards their village as Pradhans.
- III. Involvement of women at community level in decision making roles is pivotal towards improving local governance and social justice. It is thus, essential to engage both men and women to work together through community mobilization process. Community women collective or Mahila Sabha must be formed and promoted to participate in the welfare of the community and conduct social audits such as safety audits.
- IV. Research on Women's Voices must be promoted to analyze and explore their struggles and negotiations of everyday lives for a better perspective on the status of women in India.
- V. Effective implementation of Ministry's guidelines must be ensured through regular monitoring and evaluation. Vernacular translation of guidance and guidelines must be prepared focusing on the target population, so that they are easily understandable and are provided with simple procedural formalities to enabling access to the System.
- VI. Awareness programs of Government policies must be in coherent with the technological advancement. WhatsApp messages and facebook must also be

used to ensure the awareness of government policies, programs and schemes.

- VII. Inclusion of men in the debate of women's empowerment is essential to achieve holistic development. Women's empowerment as a movement must not be a movement for women and by women; the support of men is crucial and must be promoted.

Agenda Item II: *Safe spaces for women at workplace and public spaces*

- VIII. Awareness with regards to the Internal Complaints Committee must be ensured. Thus, it is suggested that quarterly meetings of the committee must be conducted in office spaces, to spread awareness including the legal provisions of the sexual harassment at workplace.
- IX. Sex education must be comprehensive and should be compulsory to be a part of the school curriculum, according to age appropriateness.
- X. School curriculum must also deconstruct the notion of masculinity; as it manifests in our society and in our lives.
- XI. Gender sensitization trainings must be conducted in office spaces by trained professionals regularly. Civil Society Organizations may be collaborated to provide gender sensitization trainings to women/men working in unorganized sector.
- XII. **Pledge/ Undertaking:** To generate awareness and accountability, the employees/employers should undertake a pledge/undertaking for protection, preservation and promotion of woman's rights in the work place at the time of their joining the organization (both private and public sector).

Agenda Item III: *Reproductive health rights and other issues related to Women*

Discussion on the findings and recommendations of the Research Study commissioned by NHRC on '**Country Assessment on Human Rights in the Context of Sexual Health and Reproductive Health Rights**' conducted by SAMA-Resource Group for Women and Health, New Delhi and Partners for Law in Development (PLD), New Delhi. The final research study report is available on the website of NHRC.

The discussion focused on the efficiency of a public health system. Public health system is an essential enabler of a social democracy. There is a significant need to understand and explore health from a gender viewpoint. Inclusion of gender related

variables consists of incorporations of sex and gender-based analysis in the planning and preparation of health policies, for a greater understanding regarding epidemiology, illness and treatments.

Public Health is a comprehensive discourse; which is inclusive of several indicators. However, there is a lack of coherence of health indicators in highlighting problems, identifying trends, and contributing to the process of priority setting, policy formulation and evaluation and monitoring of progress.

The research study reported, while the indicators of maternal health, access to information and utilization of contraceptive services have gained importance, other health issues such as reproductive morbidities, two-child norm, access to abortion care and services have taken a backseat. It is thus essential, that health indicators must be prioritized with respect to their management in accordance with the contemporary issues. This will eventually help develop an overall policy and planning with context to relevance and practical application.

Significant efforts needs to be carried out by the Government, through its different ministries, must adopt consistent approaches and converge their efforts towards providing scientific and quality information services on sexual health to all population groups. For example, while it must be incorporated as life skills education within formal school curricular, it needs to be made available and accessible to those outside from schooling, to adults and to vulnerable population groups through community health workers, local health centres and peer educators.

Agenda Item IV: Legal Rights and Challenges of Surrogates

Discussion on the findings and recommendations of the Research study commissioned by NHRC on '**Legal Rights and Challenges of Surrogates in Mumbai and Delhi**' undertaken Dr. Arathi PM, Assistant Professor, Centre for Social Development, New Delhi. The final research study report is available on the website of NHRC.

The discussion stressed on the limit on the number of embryos that could be transferred during one ET session. It will help to avoid the process of foetal reduction in surrogacy, which in the Indian context might end up in sex selection. Take appropriate measures by NHRC with ICMR to address this issue. PCPNDT act must be applicable to the surro-

pregnancies as the chances of foetal reductions based on sex are higher, if the surviving embryos are more than one.

The report has focused on the rights of the surrogates and informed, that regarding the number of children- surrogate has to get equal right to information at the moment of diagnosis about number of babies. Barring surrogates from knowing if it is twins or triplet and letting them to know just before delivery is injustice and it might develop anxiety and other physical and emotional issues. Many of the past surrogates under this study reported their own and their fellow surrogates experiences where they got to know the number of babies just before they go to the labour room. Surroga te's right to information about every single risk on their progress of pregnancy has to be ensured. The information about the medicines they get prescribed, each technological and medical process they undergo need to be explained properly in an understandable language. Legal literacy programmes among surrogates to enhance their understanding about their rights and duties in a commercial surrogacy arrangement.

Agenda Item V: Best practices adopted in the Jhunjhunu District, (Rajasthan) to improve the Child Sex Ratio.

Discussion on the report presented by Shri. O.P. Vyas, Assistant Registrar (Law) and Shri. Nishith, Assistant, NHRC, who visited Jhunjhunu district on 6-8 June 2018. The objective of the visit was to understand the best practices/schemes adopted by the district administration to increase their child sex ratio which was among the lowest in the country, according to 2001 and 2011 Census. The best practices adopted by the Jhunjhunu District (Rajasthan), which could be replicated to improve the child sex ratio are as follows-

Jhunjhunu has adopted various community engagement programs such as **Ratri Chaupal**, naming and shaming techniques to curb the child sex ratio. These techniques were instigated to strike at the pride of villagers and encourage them to stop female foeticide. **Decoy Operations/Mukhbir Yozana**, decoy operation are regularly being conducted to nab the doctors who are conducting pre-natal sex selection test. An amount of ₹ 2.5 lakhs is paid to 3 persons namely volunteer pregnant women (₹ 1lakh), Mukhbir (₹1lakh) and Sahaika (₹50,000). These operations have immensely helped in closure of sex determination centres in the district. The participants of the operations are the PCPNDT Cell, WCD official and local police. **Nari ki Chaupal**, it is being organised by village Sathin (an employee of government) in one of the Friday every month. In this, Chaupal issues concerning girl & women are discussed.

Other programs to spread awareness in JhunuJunu District included; **IEC Material** to create awareness about the girl child. A large no. of awareness programme are being organised in the district, out of which some of them have been given special attention such as; Collector ki Kursi, Lunch with Ladli, Kannon ka Path, Ek Sham Betio ke Naam, Wall Paintings, Rallies of Children at village & district level, Painting competition in collaboration with a leading local newspaper.

Aganwadi Workers have played an essential role in motivating the women to oppose the sex determination test. Sanitary Napkin production unit is established in the WCD department. These Napkins are freely distributed to all village women by Sathin during their visit to each home. Government of Rajasthan has also formulated a scheme namely Chief Minister **Rajshree Yozana** for Girl child. Under this scheme a total amount of ₹ 50,000 is paid to a girl child in a phased manner till she passes class 12th. ₹ 2500 is paid immediately after birth, ₹ 2500 after 1 year & vaccination, ₹ 4000 on admission to class 1, ₹ 5000 at class VI, ₹ 11,000 when admitted in class 10th and ₹ 25,000/- when she passed class 12th.

List of Participants

1. Ms. Bina Jain, Patron, All India Women's Conference, New Delhi
2. Ms. Charu Wali Khanna, Senior Advocate, Supreme Court of India, New Delhi
3. Dr. Jyoti Chauthaiwale, Bharatiya Stree Shakti, New Delhi
4. Ms. Geeta Nambisan, Jagori, New Delhi
5. Dr. Manju Kak, Treasurer, All India Women's Conference, New Delhi
6. Ms. Shubhra Mendiratha, Member, All India Women's Conference, New Delhi
7. Dr. PM Arathi, Assistant Professor, Council for Social Development, New Delhi
8. Ms. Deepa SAMA, New Delhi
9. Ms. Adsa, SAMA, New Delhi
10. Ms. Madhu Mehra, PLD, New Delhi
11. Ms. Saumya Maheshwari, PLD, New Delhi

Special Invitees

12. Ms. Kumud Lata Das, Advocate on Record, Supreme Court of India, New Delhi
13. Ms. Archana Pathak Dave, Advocate on Record, Supreme Court of India, New Delhi
14. Dr. Gowri Nambiar Sengupta, Assistant Director General, Ministry of Health and Family Welfare, New Delhi

Representatives of the Union Ministries/Government Bodies

15. Smt. Anuradha Chagti, Joint Secretary, Ministry of Women and Child Development, New Delhi
16. Smt. Shipra Roy, Deputy Ministry of Women and Child Development, New Delhi
17. Smt. Firdos Khan, Member, Delhi Commission for Women, New Delhi
18. Smt. Neelam Narang, Addl PP/Incharge- Rape Crisis Cell, Delhi Commission for Women, New Delhi

NHRC

19. Smt. Jyotika Kalra, Hon'ble Member, NHRC
20. Shri Ambuj Sharma, Secretary General, NHRC
21. Shri Dilip Kumar, Joint Secretary (T&R), NHRC
22. Smt. Chhaya Sharma, DIG, NHRC
23. Dr. M.D.S. Tyagi, Joint Director (Research), NHRC
24. Shri. O.P. Vyas, Assistant Registrar, NHRC
25. Shri. Nishith, Assistant, NHRC
26. Shri. Sasidharan C.P. Nair, Research Officer (Consultant), NHRC
27. Ms. Surabhi Awasthi, Junior Research Consultant, NHRC
28. Ms. Ridhima Puri, Junior Research Consultant, NHRC
29. Mr. Akshay Sinha, Junior Research Consultant, NHRC