

NATIONAL HUMAN RIGHTS COMMISSION

A report on the visit of Justice Shri K.G. Balakrishnan, Chairperson and Shri J.S. Kochher, Joint Secretary, National Human Rights Commission to Geneva during 29.06.2014 to 03.07.2014.

The above visit was made in connection with the 58th Session of the UN Committee on the Elimination of Discrimination Against Women. The Committee had invited the NHRC, India to submit country's specific information on the implementation of the Convention on the Elimination of Discrimination Against Women (CEDAW) in India. Accordingly, the NHRC had submitted a written statement to the OHCHR prior to the visit.

During the visit to Geneva, the Chairperson, NHRC assisted by Joint Secretary, NHRC made an oral statement before the Committee during the Session meant for this purpose on 30.06.2014 from 4.30 – 5.00 p.m. They also circulated 35 copies of the oral statement to the Members of the Committee during the day. The copies of the written as well as oral statements made by NHRC before the CEDAW Committee are enclosed. Annexure-I & II.

Earlier, during the day, the Chairperson, NHRC and Joint Secretary, NHRC also attended the Session in which the NGOs from India made presentations before the Committee. The important issues raised by the NGOs were as under :

- Stand of new Government on the AFSPA.

- Representation of women in the Peace Committees in Kandamal in Odisha.
- The autonomy of National Commission for Women as well as its inability to play a pro-active role.
- Inheritance Laws and the low percentage of women holding property in their names.
- Gender violence including communal violence as well as caste based sexual violence.
- The restrictions on the functioning of civil society imposed by MHA, especially through the law relating to foreign contribution.

The Chairperson NHRC assisted by Joint Secretary also answered several questions put by the Members of the Committee on the issues relating to status and discrimination against women. The important issues among them were as under :

- On being asked about any proposal for a National level anti-discriminatory legislation for women, the Chairperson, NHRC responded that the Constitutional provisions under Article 14 & 15 were supplemented by several legislations which were in place in the country and hence, there was no need for a separate anti-discriminatory legislation for women. The Constitutional provisions as per Article 14 provided that the State shall not deny to any person, equality before law and Article 15 provided for prohibition on discrimination on grounds of religion, race, caste, sex or place of birth.

- On being asked regarding the work done by the NHRC for assisting in the implementation of the CEDAW provisions, the Chairperson, NHRC replied that the NHRC had been conducting a large number of awareness generation programmes on human rights including gender sensitization programmes. The Commission had also organized in recent past, National Conferences on the Rights of Women. He also informed that the NHRC had organized a National Conference on Violence Against Women and had also made recommendations to the Justice Verma Committee on the need for amendment in the Laws for better protection of women.
- The Chairperson, NHRC also informed the Committee Members regarding the status of the Women's Reservation Bill. He also mentioned about the reservation already available at the Panchayat level as per the 73rd & 74th Constitutional Amendments. However, proper implementation was a problem area.
- There was also discussion on the Armed Forces Special Power Act (AFSPA) with the Committee Members asking if NHRC had recommended its repeal. The Chairperson, NHRC replied that the NHRC cannot make such recommendations because it is for Government to assess the ground situation and take such a decision. Without such assessment, a wrong decision could be taken, which may lead to law and order problem.

- The Chairperson, NHRC also conveyed the statistics available with NHRC on the basis of complaints registered with it on the situation of violence against women. However, on being asked on the number of prosecutions made by NHRC under Section 166 A of IPC, it was conveyed that NHRC was a recommendatory body.

The NHRC delegation also attended the day long proceedings of the Session on 2nd July, 2014 when the Government of India delegation made a presentation before the CEDAW Committee.