

IASBABA



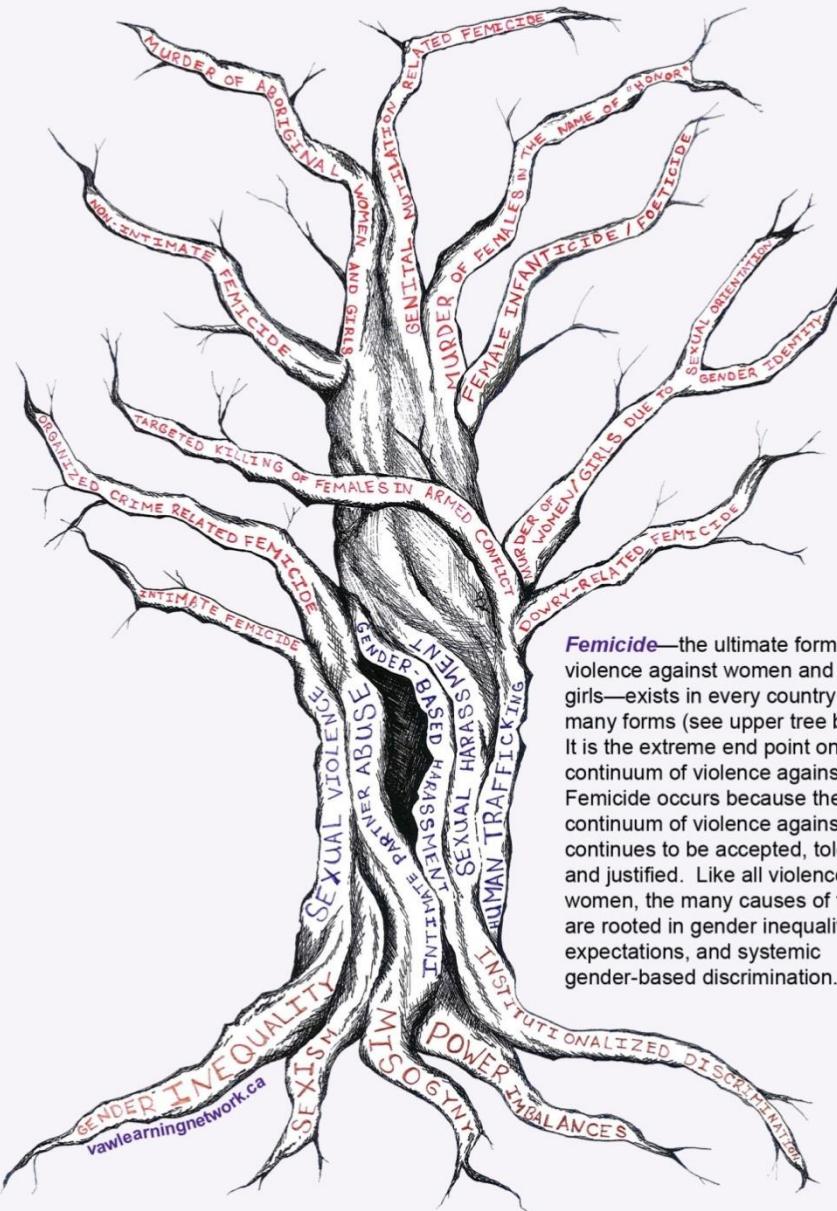
Women Issues II- GS I

Integrated Learning Programme 2018 is a step towards ‘Enabling a person located at the most remote destination a chance at cracking AIR 1 in UPSC/IAS’

Actions against Women

TRACING THE ROOTS OF FEMICIDE

We hope the following tree serves as a reminder that efforts to understand and prevent femicide cannot be separated from the broader context and root causes of violence against women.



Intimate femicide: the killing of women by current or former partners; can also include women killed by other family members.

Non-Intimate femicide: the killing of women ‘by someone without an intimate relationship with the victim’; includes femicides involving sexual aggression and serial killings motivated by misogyny/hatred of women.

Murder of women and girls in the name of ‘honour’: the killing of women because their lived experience (e.g. engaging in premarital sex) is judged as a violation of gender and/or family expectations.

Female infanticide and gender-based sex-selective foeticide: the intentional killing of female infants or foetuses because they are female.

Genital mutilation related femicide: the killing of girls resulting from complications associated with female genital mutilation.

Dowry-related femicide: the killing of a woman by the groom’s family because the dowry (e.g. money, property) provided by her family is judged as inadequate.

Organized crime related femicide: the killing of women associated with gangs, drug and/or human trafficking, and gun proliferation.

Challenges in obtaining the true number of femicide incidents include:

- Inconsistent documentation due to variation across time periods and locations (e.g. recording processes, data availability).
- Characteristics of victims not always known or recorded (e.g. sexual orientation and/or gender identity).
- The clandestine nature of particular activities (e.g. organized crime, armed conflict) makes it difficult to identify the number of women killed.
- Under-investigation of instances of femicide (e.g. deaths of Aboriginal women and girls are not always adequately investigated, resulting in the incorrect classification of these deaths as accidental).

There is a need for improved data collection to enhance data quality and comparability and generate an effective evidence base to inform programs and policy. There also needs to be improved understanding of gender oppression and how it informs femicide.

ACTIONS TO END FEMICIDE

Data and Documentation

- ◆ Strengthen data collection and analysis to generate an effective evidence base that can inform programs and policy.
- ◆ Where data on femicide is less available, raise awareness and perform advocacy work to encourage improved data collection.
- ◆ Train officials to improve documentation of femicide cases and surrounding circumstances.
- ◆ Increase research on violence against women prevention and intervention.



Prevention

- ◆ Advocate for human rights for all women and girls.
- ◆ Enhance availability of and access to services offering protection to women and girls.
- ◆ Improve early detection of severe intimate partner violence through appropriate assessment, safety planning, and risk management training to reduce the risk of femicide and other harm.
- ◆ Implement programs to break intergenerational cycles of violence and abuse.
- ◆ Support Aboriginal communities in developing community safety plans and enhance the economic independence of Aboriginal women.



Awareness

- ◆ Raise awareness about violence against women (VAW) and all forms of femicide.
- ◆ Raise awareness about the attitudes and motivations underlying VAW, including femicide.
- ◆ Develop public education campaigns to empower women and girls and to engage men and boys in preventing VAW.
- ◆ Engage in activist efforts to protest every time a woman or girl is murdered.
- ◆ Increase awareness of risk factors for victimization and perpetration of all forms of femicide.

Legislative and Policy Reform

- ◆ Implement policies and programs aimed at improving gender equality in education, government, labour force participation, and earnings.
- ◆ Advocate for an international zero tolerance policy on violence against women and girls.
- ◆ Implement policies increasing support and reparation for woman/girl survivors of violence.
- ◆ Advocate for the implementation of legislation to investigate and adequately prosecute femicide.

vawlearningnetwork.ca

There is absolutely no difference between men and women in India. That's what the law says. But the real, dark picture is hidden from no one: increasing violence against women, everyday stories of female foeticide and infanticide, dowry deaths... the list is endless. A status check

CRIME AGAINST WOMEN (Cases Registered Per Day, Average)

RAPES



KIDNAPPINGS & ABDUCTIONS

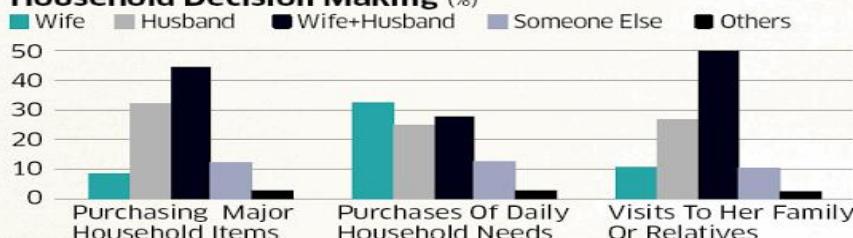


DOWRY DEATHS



HOW INDEPENDENT ARE INDIAN WOMEN#

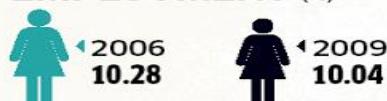
Household Decision Making (%)



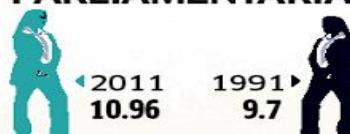
21.9%
Worker Participation Rate for women* in FY12

20.4%
Women workers in organised sector in 2010; 17.9% in public sector & 24.5% in private sector

SHARE OF WOMEN IN CENTRAL GOVT EMPLOYMENT (%)



SHARE OF WOMEN PARLIAMENTARIANS (%)



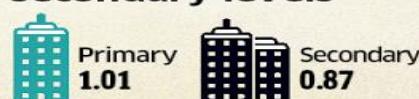
MATERNAL MORTALITY RATIO** (%)



SEX RATIO AT BIRTH (%)



Gender Parity Index (GPI)^ in enrolment at primary and secondary levels



LITERACY RATE (15+)



* Usual status (principal and subsidiary)

National Family Health Survey-III, FY06

^ GPI less than 1 means disparity in favour of males

** Per 100,000 live births

Facts on Female Foeticide in India

Growing imbalance in child sex ratio between 1981 to 2011

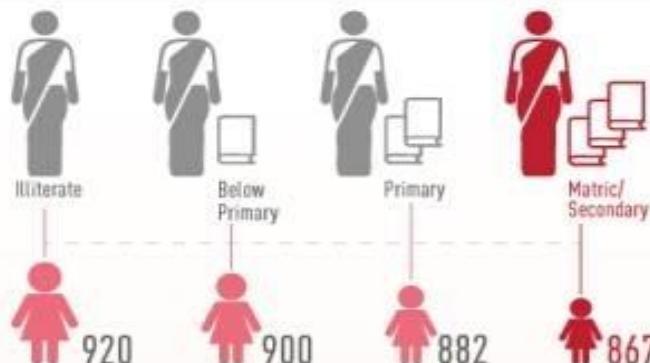


Child Sex Ratio 0-6 yrs between 1981 to 2011

Source: Census of India.



Literacy Levels among Mothers & Child Sex Ratio



Results indicate an alarming fact of families with well-educated mothers, have the least ratio of girls vs boys.
Source: United Nations Population Fund.

Comparative Sex Ratio in Urban & Rural areas between 1981 to 2001



Decline in the urban areas is currently a bigger problem.
Source: Census of India.

14 yr old girl raped by neighbor in even as the
victims family members were sleeping just a few
feet away.

⌚ 04:30 Oct 24 2011 ○ Punagam, Surat

Uttar Pradesh: SONAM, 14, Raped and murdered

⌚ 01:04 Jun 10 2011 ○ Nighasan, Uttar Pradesh

Bangalore : A man allegedly murdered his wife
suspecting her fidelity

⌚ 01:36 Jul 28 2011 ○ Kaverinagar, Bangalore

Crime/Murder Rape

Crime/Murder Abuse

Rape accused rapes again : 14 yr old orphan
raped by rape,murder accused. MP

VERIFIED

⌚ 01:00 Oct 13 2011 ○ Gittikhadan, Nagpur

STOP

Mumbai: Woman gangraped by 3 men in moving
rickshaw for 2 hours

⌚ 10:48 Sep 28 2011 ○ Chembur

Bangalore : A 33-year-old housewife was robbed
and gang-raped at her residence

⌚ 14:30 Jul 22 2011 ○ HAL 2nd stage, Bangalore

Rape

In 2010, Bangalore Youth sets his 7 month
pregnant wife on fire. Gets Life Sentence

⌚ 06:14 Oct 22 2011 ○ Ambedkar Nagar, Bangalore

Abuse Crime/Murder Dowry

9 yr old girl raped and murde
west delhi. NCR

⌚ 07:56 Oct 13 2011 ○ Mayapuri, We

Crime/Murder Rape

Action Taken

Summary: "The post-mortem examina
prima facie it seems she might have been
VERIFIED"

Mumbai: Monster dad lets man rape, kill
daughter #abuse #rape #murder

⌚ 01:46 Jul 17 2011 ○ Mumbai

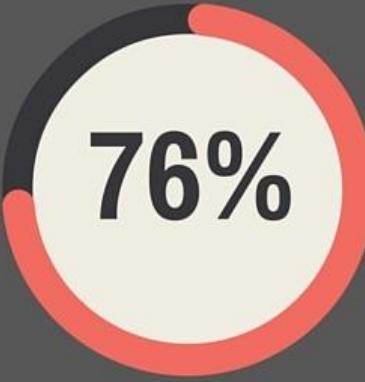
Crime/Murder Rape Abuse

MAPS4AID



HUMAN TRAFFICKING IN INDIA

Stats from National Crime Records Bureau



76%

TRAFFICKING OF
MINOR GIRLS AND
WOMEN CONSTITUTED
ABOUT 76% OF
HUMAN TRAFFICKING
CASES IN INDIA OVER
THE PAST DECADE.

200,000



WOMEN AND CHILDREN CURRENTLY MISSING

73,242



WENT MISSING BETWEEN JAN AND SEPT 2015

PREPARED BY THE HUMANITARIAN AID RELIEF TRUST

SOURCE: [HTTP://QZ.COM/569456/CHARTED-EVERYDAY-400-WOMEN-AND-CHILDREN-GO-MISSING-IN-INDIA-AND-MANY-REMAIN-UNTRACED/](http://QZ.COM/569456/CHARTED-EVERYDAY-400-WOMEN-AND-CHILDREN-GO-MISSING-IN-INDIA-AND-MANY-REMAIN-UNTRACED/)

CHILD MARRIAGE

A global problem too long ignored

➤ Child marriage robs girls of every opportunity to thrive. A human rights violation, child marriage denies girls their *health, education* and the *choice* of when and whom to marry.



15 MILLION GIRLS
are married every year before they reach 18 years

➤ Child marriage directly hinders progress on 6 of the 8 Millennium Development Goals. Unless the international community tackles child marriage, it will not fulfil its commitments to reduce global poverty.



1 IN 3 GIRLS
in the developing world are married
BY AGE 18



1 IN 9 GIRLS
in the developing world are married
BY AGE 15

What does child marriage mean for girls?



POVERTY

Child brides do not receive the educational and economic opportunities that help lift them and their family out of poverty.
THEY ARE MORE LIKELY TO BE POOR AND REMAIN POOR.



EDUCATION

Child brides are likely to **DROP OUT OF SCHOOL**, hindering their personal development, preparation for adulthood and their ability to contribute to their family and community.





INEQUALITY

Child brides normally have **LITTLE SAY IN WHEN OR WHOM THEY WILL MARRY.**

Marriage often ends girls' opportunities for education, better paid work outside the home and decision making roles in their communities.



HEALTH

Child brides face high risk of death or injury: girls who give birth before the age of 15 are **5 TIMES MORE LIKELY TO DIE IN CHILDBIRTH** than girls in their early 20s. Their children are less likely to live beyond their 1st birthday.



HIV/AIDS

Child brides lack the knowledge or power to abstain from sex or negotiate safe sexual practices, leaving them at increased **RISK OF HIV/AIDS AND OTHER SEXUALLY TRANSMITTED DISEASES.**



VIOLENCE

Child marriage puts women and girls at increased risk of violence throughout their lives. Child brides are **MORE LIKELY TO DESCRIBE THEIR FIRST SEXUAL EXPERIENCE AS FORCED.**



TOGETHER WE CAN END CHILD MARRIAGE. JOIN THE MOVEMENT.

www.GirlsNotBrides.org

#EndChildMarriage



GIRLS NOT BRIDES

The Global Partnership
to End Child Marriage

When it comes to preventing child marriage,

What makes a strong legal and policy framework?

Set the legal minimum age of marriage at 18



No exception for marriage under 18 with either parental consent or court's authorization

Criminalise child marriage and provide for clear sanctions

Establish an effective birth and marriage registration system

Adopt a consolidated law on children

Establish institutional framework and enforcement mechanisms

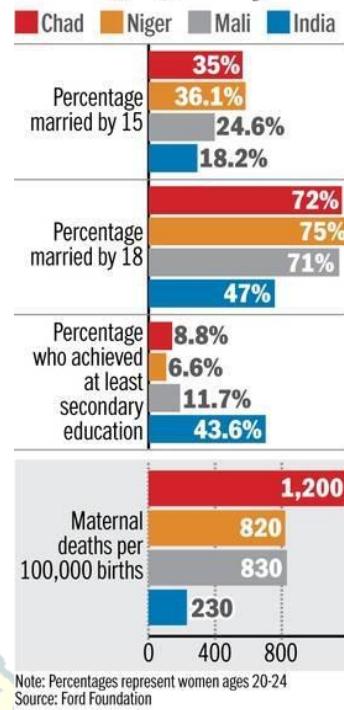
Including

Specialised Children's Courts

Children's Protection Polices Units

Other institutions responsible for coordinating the implementation of children's rights should be established and operational.

Effects of child marriage globally



Establish a strong holistic child protection system across:

Education sector



Health sector



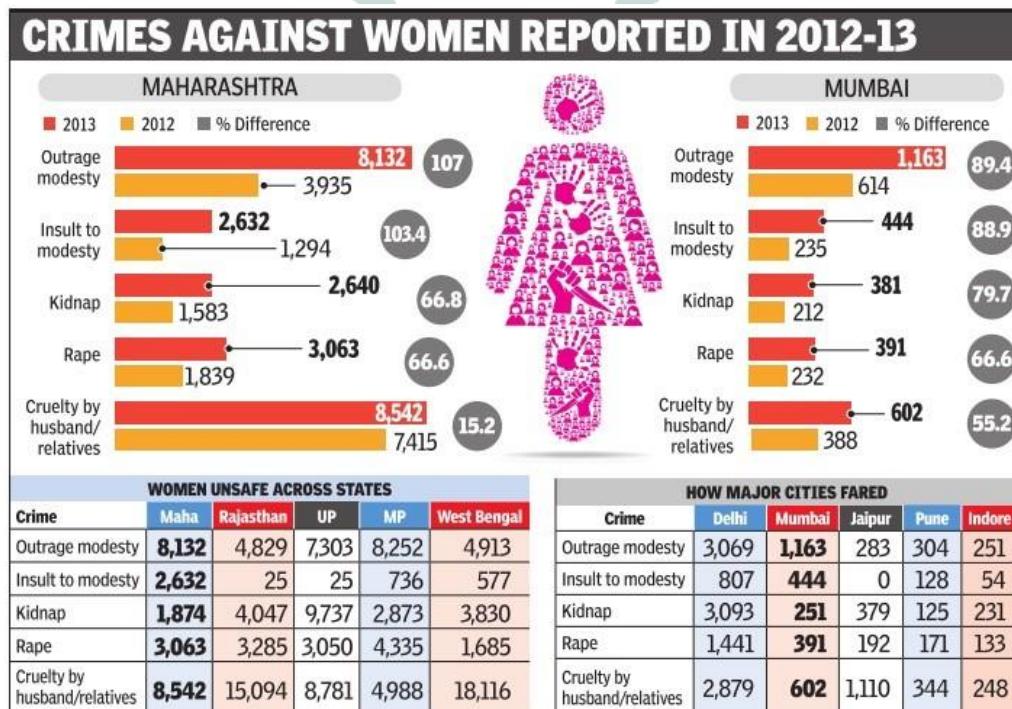
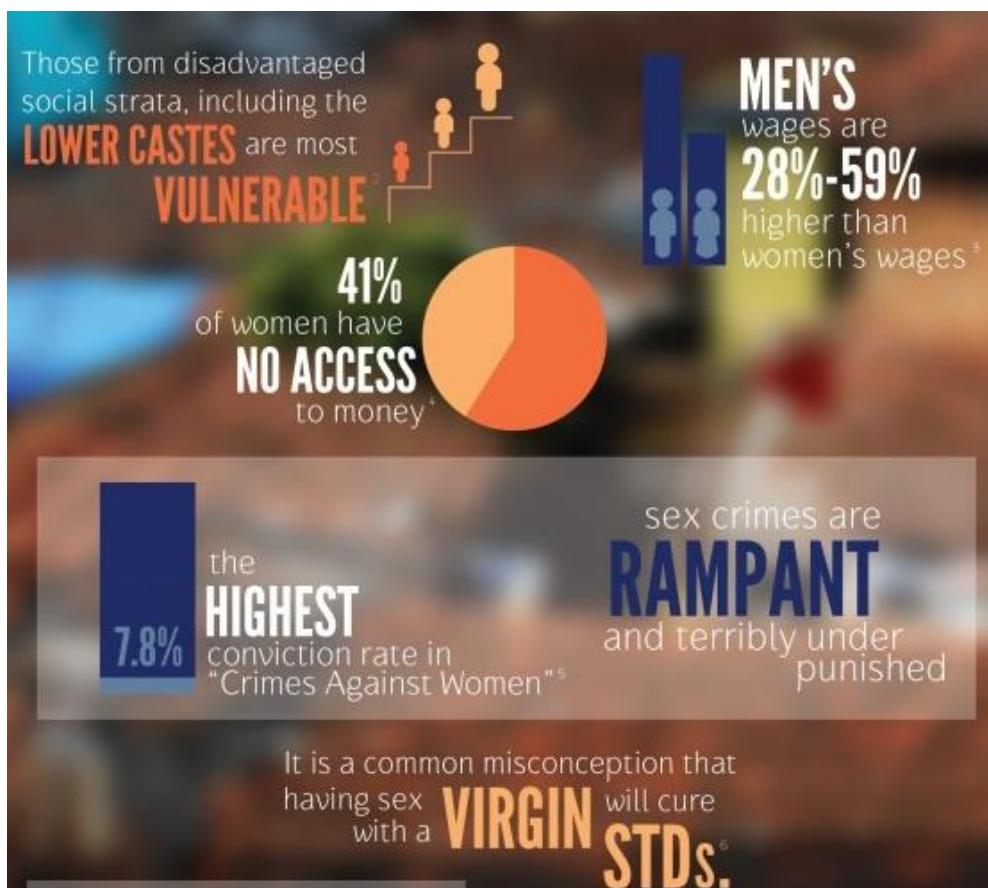
Social protection programmes

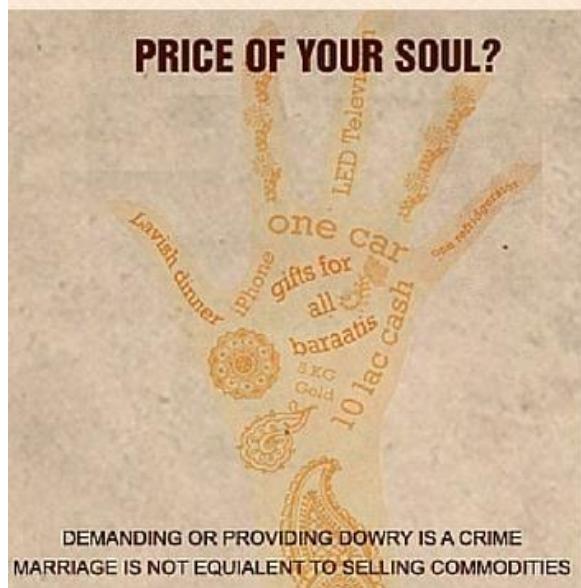


Remain accountable to treaty bodies by submitting reports explaining measures put in place to prevent child marriage and protect children.

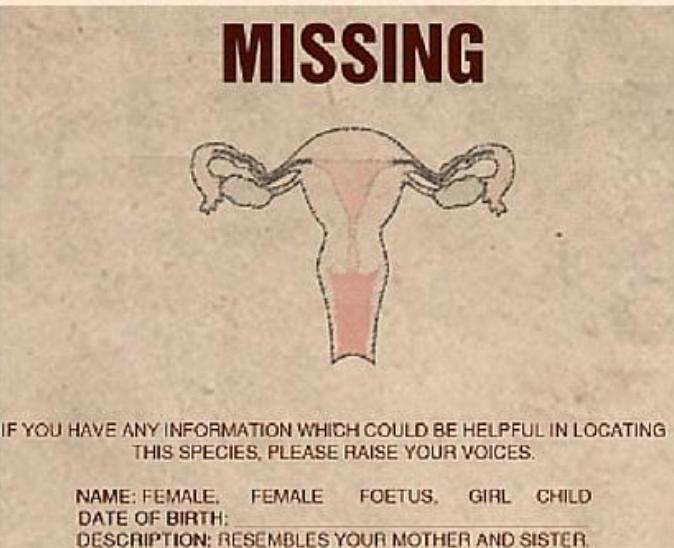
STRUCTURE OF OPPRESSION AGAINST WOMEN







Being a Woman...



...not easy

Image: satyamevajayate



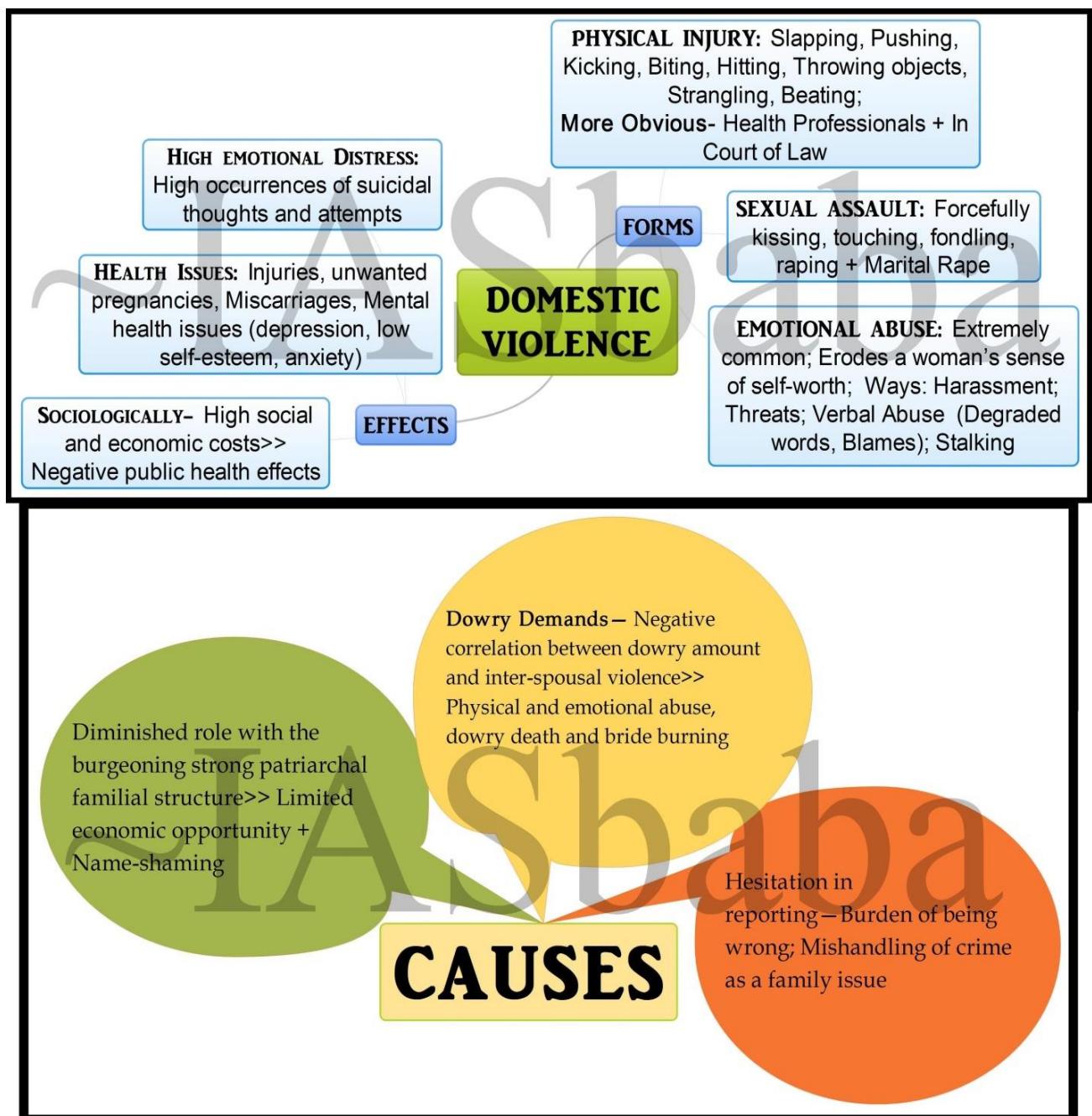
Domestic Violence



UN Declaration on the Elimination of Violence against Women (2003)—

“any act of gender based violence that results in or likely to result in, physical, sexual or psychological harm or suffering to women including threats of such acts, or deprivation of liberty whether occurring in public or in private life”

Recognised as a criminal offence in India— 1983



Trend:

Women continue to be blamed—

- Misusing the law
- For not wanting to approach the courts because the justice delivery system is tardy

So, the crux of the matter should be—

- The support network that the victim of domestic violence needs
- Spectacular failure of the implementation of the domestic violence law

'Dowry Deaths' of early 1980s

Stove Burst Cases— In urban areas and in middle to lower middle class families

Dowry: A metaphor for describing the violence suffered by women in their marital homes

Urban India was divided into two sets of mutually exclusive households:

The bride givers and the bride takers or the dowry givers and the dowry takers

Hope: Stringent laws against dowry would prevent wife murders/accidental deaths

Focus of the public protests:

- State culpability
- Police apathy

Critical concerns blanketed under an external 'dowry' sessions

- Subordinate status of women within their natal and marital homes
- Property ownership
- Control of women's sexuality
- Stigma attached to divorce
- Lack of support for the girl in her natal home after she is ***married off***

→ Focus more upon identifying the culprit and not address the main reasons behind the issues at large (Irony!)

Window for Alternative Solutions

'Counselling' as a Remedy— Provisioning psycho-social support, referrals to services such as medical or legal aid, shelter, skill training, job referrals, etc, and where required, joint counselling

Special Cell for Women and Children, 1984 by TISS—

- To make the law enforcement system both more accessible to and attuned to the needs of women
- Later started negotiating settlements on behalf of women with their husbands and family members

Was this informal settlement working—

Approaching the Police—

- The police refused to register the complaint if the violence was not linked to a dowry demand
- Or merely register a simple non-cognisable (NC) complaint and send the woman back
- At times, they would call the husband and chastise him or even lock him up for a night or two for causing a disturbance. When he returned, the intensity of the violence escalated and, in some cases, the woman would be thrown out of her matrimonial home, with or without her children

Protection of Women from Domestic Violence Act (PWDVA), 2005

- Expanded the definition of domestic violence to include not just physical, but also verbal, emotional, sexual and economic violence (departure from the penal provisions)
- Protection officer (PO) to assist women to approach the courts and other support services (within the Department of Women and Child Development (DWCD))
- Aimed to protect all women through a one-window remedy, encompassing within it:
 - Pre-litigation support services
 - Expeditious civil reliefs through court orders
 - Scope for urgent, protective injunctions against violence,
 - Dispossession from the matrimonial home or alternate residence
 - Economic rights, including maintenance and compensation

Major barrier for victims to access their rights in courts: Difficulties faced by the very NGOs campaigning for the act as they were designated as **service providers** and thus, have driven them back to offering ***pre-litigation joint settlements***

Reasons behind the Failures

- Budgetary constraints
- Failure of state governments to evolve holistic and long term support services for victims
- Lack of a convergent model and clear directions to all stakeholders about their roles and responsibilities
- Ill-conceived mechanisms for monitoring (major roadblock) in effective implementation
- Delays in passing orders
- Lack of sensitivity of judges
- Narrowing of the scope of the acts by judicial pronouncements

Table 2: Dowry Deaths and Murders of Women, 2006–14

Year	National		Maharashtra	
	S 302 (Women)	S 304B	S 302 (Women)	S 304B
2006	7,686	7,618	995	387
2007	8,106	8,093	1,014	436
2008	8,186	8,172	1,049	390
2009	8,718	8,383	1,000	341
2010	8,742	8,391	1,047	393
2011	9,377	8,618	1,034	339
2012	9,457	8,233	1,013	329
2013	9,180	8,083	895	320
2014	9,224	8,455	899	279

Source: *Crime in India*, Reports for 2006–14, published by the National Crime Records Bureau, Ministry of Home Affairs, Government of India.

Lack of Budgetary Allocations:

- Complete new machinery had to be put in place and a convergent model between stakeholders had to be evolved but there existed no allocations for the same.
- Both the centre and the states were not ready to take on this additional expenditure and the meagre budgets that were allocated by other states were spent on training and awareness about it rather than guiding stakeholders about their role and functioning.

Court Procedures

- The social workers could not grasp the court procedures and thus, could not effectively defend women especially if the opposite side was represented by a criminal lawyer who was well-versed with court procedures
- Therefore, the magistrates insisted that women must only be represented by lawyers, leaving women to the mercy of private lawyers who charged exorbitant fees

Difficulties Faced by Magistrates

- The magistrates were confused about their role and, instead of passing orders of protection, were sending the parties for reconciliation and this approach prioritising conciliation adversely affected the safety and security of the woman facing violence
- The lack of clarity regarding the role of the protection officers; of mediating between the parties in a dispute, rather than to prevent violence from occurring and safeguarding the interests of the aggrieved women
- Difficulty in passing orders based on the DIRs which were callously filled with several internal inconsistencies

Lacunae in Training and Awareness Programmes

To spread awareness, innovative programme had to be devised and the POs and service providers were to be provided with materials to conduct these programmes in the communities but time was spent in

- Explaining the wide definition of domestic violence to a violated woman herself
- Basics to develop gender sensitivity among the participants

No technical sessions were held to:

- Address the roles and responsibilities of each stakeholder, and the convergent models
- Reporting formats to monitor its implementation

Way Ahead:

- If the litigation process is tardy, the challenge is to remove the obstacles and transform it to a gender friendly space, rather than abandoning it
- **Psychological Support:**
 - An emergency safe shelter home which caters to the specific needs of victims of domestic violence,
 - A confidante who helps her chalk out a plan on how to make the transition keeping in mind her own limitations, to clear her doubts, allay her fears, build up her confidence, and be present with her to help her access services she needs
 - To be with her and help her walk the legal journey so that the justice system does not seem daunting

Experiences of Dalit Women

Prevalence of violence is much higher against women belonging to the scheduled castes and tribes (SC/ST)

Dalit Women:

Works outside family to support her house (crucial for survival)

Urban—Domestic servants + Construction labourers + Casual workers

Rural— Procuring food + fuel and water; Agricultural labourers

Exploitations suffered—

- Subjected to severe exploitation by the dominant-caste landlords (Zamindari system)
- Distress sale of women following the new land settlements
- Violence from their alcoholic husbands & other family members
- Burden of household work + Child care + Outside work
- Burdened to take loans from 'women-empowerment' agencies for their husband or in-laws leading to the entire burden of repayment falling on the woman herself
- Displacement from the labour force (new agri. technology)

Causes—

- Male alcoholism
- Man's suspicious nature
- Dowry demands (increasing materialism)
- Husband's illicit relations
- Complex social relations (Cheating cases by dominant-caste men)

Women-During times of Violence

Marginalisation—

- Immigration + Securitisation of the area
- Increased trafficking of women + children + narcotics + arms
- Diseases such as AIDS

Mother Activists:

Equal involvement of women in peace-building is a prerequisite for successful conflict resolution

Employing 'gender lens' to the socially constructed 'conflict'—

- Reconstruction of gendered power relations
- May have unintended positive effects on the status & role of women (affecting the gendered division-of-labour)
Has it happened before—Maybe during World Wars!
- Contribution towards establishment of a more egalitarian post-conflict gender order:
Gender inequality + Promoting women's equal rights + Advancing women's political participation

UNSC Resolution 1325 (2000)—Promotes the increased representation of women in decision-making & mechanisms for conflict prevention, management & resolution

UN—

- Enhanced its architecture for women, peace and security by appointing Special Representatives and Special Envoys

- Established the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)
- Reaffirmed its commitment with UNSC resolutions

Does the 73rd Amendment, we talked about, applies to the whole of India?

No—does not apply to the states of Nagaland + Meghalaya + Mizoram, and the hill areas of Manipur and Assam → Areas severely affected by conflicts

Is women's participation in conflict resolution a panacea against all evils?

Gang Rapes—Disturbing acts in times of disturbing events

- Preparation of a detailed report of the incidents
- Arrangements for the treatment and financial assistance of the victims on immediate basis
- Rehabilitation of women and their families-former lives (minor → priority)
- Arrest of the accused in accordance with the findings and report of the inquiry committee
- Women should be allowed the liberty to register and launch a late complaint as well (rape and molestation)
- Need to modernise the police forces—to inspire confidence & instil better channels of communication between the police and civil society

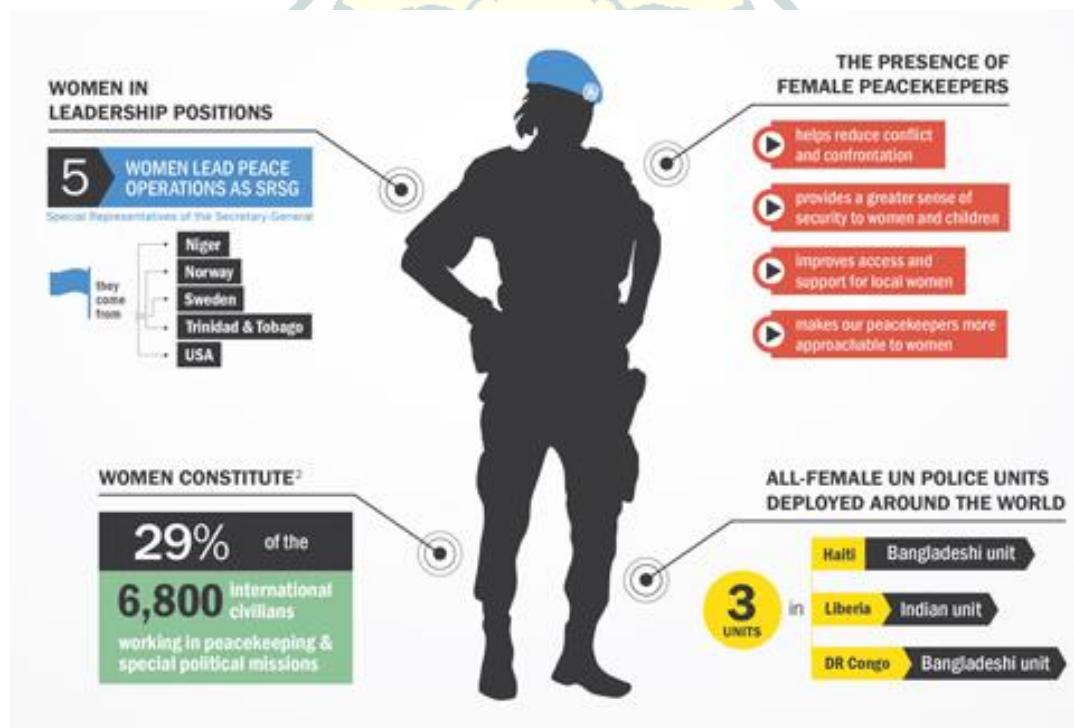


The increased recruitment of women is critical for:

- Empowering women in the host community;
- Addressing specific needs of female ex-combatants during the process of demobilizing and reintegration into civilian life;
- Helping make the peacekeeping force approachable to women in the community;
- Interviewing survivors of gender-based violence;
- Mentoring female cadets at police and military academies;
- Interacting with women in societies where women are prohibited from speaking to men.

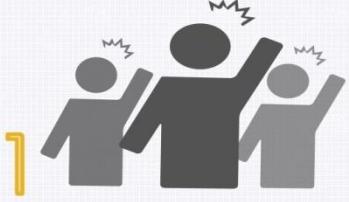
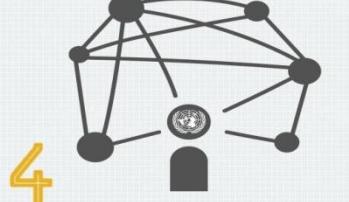
The presence of women peacekeepers can also:

- Help to reduce conflict and confrontation;
- Improve access and support for local women;
- Provide role models for women in the community;
- Provide a greater sense of security to local populations, including women and children;
- Broaden the skill set available within a peacekeeping mission



WOMEN, PEACE AND SECURITY

This infographic provides the nine strategic recommendations that emerged from the Summary Report of 47 public submissions to the Global Study on the Implementation of United Nations Security Council Resolution (UNSCR) 1325, as compiled by the PeaceWomen programme of the Women's International League for Peace and Freedom (WILPF).

INCREASE WOMEN'S FULL & MEANINGFUL PARTICIPATION	PREVENT ROOT CAUSES OF CONFLICT & MILITARIZATION	STRENGTHEN UN'S CAPACITY TO DELIVER ON WPS
 1	 2	 3
Increase women's meaningful participation and representation in peace operations, peace processes, peacebuilding movements and decision-making processes by appointing more women in decision-making positions and building women's capacity.	Prioritize long-term approaches to address and prevent the root causes of conflict and militarization through a gender analysis. Urge Member States to reduce military spending and increase investment of resources in peaceful institutions and initiatives.	Strengthen the UN's capacity to deliver on WPS and urge Member States to effectively implement and finance the WPS Agenda through Local Action Plans, National Action Plans, and Regional Action Plans.
ENSURE WPS IS A CROSS-CUTTING ISSUE	ENHANCE PROTECTION OF WOMEN & GIRLS	ADDRESS GRAVE VIOLATIONS OF HUMAN RIGHTS
 4	 5	 6
Ensure that the Security Council considers WPS a cross-cutting issue across all areas of its work and in cooperation with other actors and UN entities.	Enhance the protection of women and girls and their rights in armed conflict and post-conflict situations by improving humanitarian support through capacity building, enhancing infrastructure and access to support, and ensuring accountability.	Address grave violations of human rights and humanitarian law against women and girls by holding accountable state and non-state actors by establishing adequate systems of redress and reparations and guaranteeing non-repetition for grave violations against women and girls.
ENHANCE ACCOUNTABILITY & COMBAT IMPUNITY ON VIOLENCE AGAINST WOMEN AND GIRLS	STRENGTHEN GENDER PERSPECTIVE & WOMEN'S EMPOWERMENT IN PEACEBUILDING	INTEGRATE WPS IN ADDRESSING CRITICAL ISSUES
 7	 8	 9
Combat impunity of UN Peacekeeping, private military, security companies, national security forces and non-state armed groups on violence against women and girls and strengthen capacity development through continuous, specialized and sustained training	Strengthen the gender perspective in demobilization, disarmament and reintegration and security sector reform programs. Mainstream gender equality and women's empowerment in post-conflict peacebuilding utilizing an integrated framework that addresses institutional and structural barriers to equality.	Integrate WPS in addressing critical issues by a) incorporating a more inclusive and broader approach to the WPS framework; b) including women in both peace processes and climate change negotiations; and c) supporting women's leadership, participation and rights in all efforts to prevent, reduce and counter terrorism and violent extremism.

Migration

Feminization of Migration-Trend of a higher percentage of women among voluntary migrants

On the Rise

- **Subordination to the male authority-** Determine when-how-why to migrate, and acts as a controlling factor
- **Macro characteristics of the country of origin-** Determined by the nature of interaction and the position of women in the sending society State & types of the economy + Level of displacement caused by economic changes + Land tenure laws + Other schemes

Issues:

- Denied full cooperation
- Segregation into traditional occupations (every time)
- Wage disparity
- Work conditions highly insecure and disturbing
- On the receiving end of differential treatment and sexual abuse

The international legal instruments to redress discrimination of Migrant Women:

- (a) Universal Declaration of Human Rights (UDHR), 1948
- (b) International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families, 1990
- (c) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
- (d) Convention on the Rights of the Child, 1989 and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography, 20001
- (e) Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UN Convention against Transnational Organized Crime, 2000

International Labor Organization (ILO):

- (a) All governments should recognize domestic work as an economic activity and stipulate minimum wages for domestic workers
- (b) Domestic workers should be given the right to organize themselves in associations for demanding fare treatment and protection of their rights

India: Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979

Terms like:

- Contractors must pay timely wages equal or higher than the minimum wage
- Provide suitable residential accommodation and prescribed medical facilities

Wombs for Rent: 'No-support for commercial surrogacy'

Concerning Loopholes:

Simply not enough:

- Women have been urging for increased compensation as the present figures with the increasing living standard and costs do not emerge as a real deal for the pain, sweat, the emotional trauma and the socio-economic vulnerabilities they counter.
- Sometimes surrogates do not have a uniform payment structure and aren't provided with written contracts, and some are even subjected to forced pregnancies and abortions without their knowledge
- Fair remuneration and pricing standards should be followed strictly and should not be dependent upon the doctor's varying demands.

Unifying Bond:

- The relationship between the surrogates and the commissioning parents should undergo a change as surrogacy isn't just a business deal and there exists a greater need to foster connections, at least during the time of negotiation and, the process of embryo-transfer.

- Contractual details should be between the surrogates and the commissioning parents to increase transparency and provide attention to the social relations that are embedded in the process of surrogacy.

Sociol-Emotional-Economical strands:

Easy Money: It is the single-most factor involved sometimes and the ‘need of money’ gets overshadowed with this practice. The woman involved, thus has no say w.r.t. her own body, soul and life.

Citizenship: 2014 brought with itself a case of a German Couple and their kid who was denied nationality of Germany. The long drawn legal battles thus, put the child’s life and upbringing at stake.

Unfavourable Outcome: If, unfortunately, the outcome is unfavourable, the surrogate mothers are denied money and are left out with no insurance or post-pregnancy medical or even psychiatric treatment/psychological support. Death and cases of babies born with disabilities or an unplanned twin being abandoned by the intended parents has started becoming a common concern.

Away from Home: At times like these, they are shifted to homes especially catering to the surrogate mothers and this leaves them without their own family support. It leads to mental trauma, for most of the mothers, to leave their own children in the process of giving birth to other’s child.

Policy crippled Industry:

Background: 2008 had brought with it ‘The Manji’s case’ wherein Supreme Court had allowed commercial surrogacy. But due to the aforementioned issues, a draft ‘Assistive Reproductive Technologies (Regulation) Bill, 2013’ was put across for regulation.

Issues with the draft ‘Assistive Reproductive Technologies (Regulation) Bill, 2013’

1. No stipulation on the number of attempts to practice surrogacy
2. While ‘21’ is the minimum age, no maximum age limit has been specified
3. No attempt to understand the socio-economic family background
4. Sex-selective surrogacy is not allowed but compliance to the same is majorly in question due to overarching patriarchal values deeply entrenched in the society
5. Conduct ad operations as well as the NGO’s that are participating in the same should be regulated and be taken care under the ambit of the Government run agency

Towards a better tomorrow—

- Research has shown that increasingly poor women who rent their wombs for money--ignoring social stigma, health hazards, fear and mental stress, are more vulnerable to exploitation. Policies need to be framed by doing an ample amount of groundwork and sticking to the reality than on the basis of an abstract rules or principles assumed.
- This situation calls for an evidence-based approach that would take into account the interests of the actors involved and would try and connect with the social scientific knowledge to policy programs and practices, leading to a more balanced and effective policy that addresses the needs of surrogate mothers and egg donors.
- Proper (& binding) regulation (protection to the vulnerable in surrogacy agreements) than a complete ban as a knee-jerk reaction should be the way ahead. Heavy penalties should be imposed on couples going back on their word and the rights of the surrogate mother should be prioritised (maintenance of bargaining capacity); ensuring adequate checks and balances and adoption process to be allowed via a strict and rigorous mechanism provided by CARA.

Committee on Amendments to Criminal Law, 2013

Chairman: Justice J.S. Verma

To: Provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women

Rape:

- Rape and sexual assault are not merely crimes of passion but an expression of power
- Rape: Should be retained as a separate offence and it should not be limited to penetration of the vagina, mouth or anus. Any non-consensual penetration of a sexual nature should be included in the definition of rape
- Marriage should not be considered as an irrevocable consent to sexual acts (relationship irrelevant)

Sexual assault:

- Non-penetrative forms of sexual contact should be regarded as sexual assault
- The offence of sexual assault should be defined so as to include all forms of non-consensual, non-penetrative touching of a sexual nature
- The sexual nature of an act should be determined on the basis of the circumstances

- Offence should be punishable with 5 years of imprisonment, or fine, or both.
- Use of criminal force to disrobe a woman should be punishable with 3 to 7 years of imprisonment

Verbal sexual assault: use of words, acts or gestures that create an unwelcome threat of a sexual nature should be termed as sexual assault and be punishable for 1 year imprisonment or fine or both

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

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a legislative act in India that seeks to protect women from sexual harassment at their place of work.
- Through the Criminal Law (Amendment) Act, 2013, Section 354 was added to the Indian Penal Code that stipulates what consists of a sexual harassment offence and what the penalties shall be for a man committing such an offence. Penalties range from one to three years imprisonment and/or a fine. Additionally, with sexual harassment being a crime, employers are obligated to report offences
- The Act defines sexual harassment at the work place and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.
- The Act also covers concepts of 'quid pro quo harassment' and 'hostile work environment' as forms of sexual harassment if it occurs in connection with an act or behaviour of sexual harassment.
- The definition of "aggrieved woman", who will get protection under the Act is extremely wide to cover all women, irrespective of her age or employment status, whether in the organised or unorganised sectors, public or private and covers clients, customers and domestic workers as well.

Offences against women in conflict areas:

- Requirement of sanction for prosecution of armed forces personnel should be specifically excluded when a sexual offence is alleged.
- Complainants of sexual violence must be afforded witness protection.
- Special commissioners should be appointed in conflict areas to monitor and prosecute for sexual offences.
- Training of armed personnel should be reoriented to emphasise strict observance of orders in this regard by armed personnel.

Trafficking:

Noted that the Immoral Trafficking Prevention Act, 1956 did not define trafficking comprehensively since it only criminalised trafficking for the purpose of prostitution

Recommended that-

- The provisions of the IPC on slavery be amended to criminalise trafficking by threat, force or inducement
- Criminalising employment of a trafficked person
- The juvenile and women protective homes should be placed under the legal guardianship of High Courts and steps should be taken to reintegrate the victims into society

Child sexual abuse: the terms ‘harm’ and ‘health’ be defined under the Juvenile Justice Act, 2000 to include mental and physical harm and health, respectively, of the juvenile

Punishment for crimes against women:

- Rejected the proposal for chemical castration as it fails to treat the social foundations of rape
- Opined that death penalty should not be awarded for the offence of rape as there was considerable evidence that death penalty was not a deterrence to serious crimes
- Recommended life imprisonment for rape

Medical examination of a rape victim:

- Discontinuation of the two-finger test which is conducted to determine the laxity of the vaginal muscles
- Supreme Court has through various judgments held that the two-finger test must not be conducted and that the previous sexual experience of the victim should not be relied upon for determining the consent or quality of consent given by the victim.

Police reforms:

- Establishment of State Security Commissions to ensure that state governments do not exercise influence on the state police. Such Commissions should be headed by the Chief Minister or the Home Minister of the state
- The Commission would lay down broad policy guidelines so that the
- Police acts according to the law
- A Police Establishment Board should be established to decide all transfers, postings and promotions of officers.
- Director General of Police and Inspector General of Police should have a minimum tenure of 2 years.

Reforms in management of cases related to crime against women:

- A **Rape Crisis Cell** should be set up- The Cell should be immediately notified when an FIR in relation to sexual assault is made and it must provide legal assistance to the victim
- All police stations should have **CCTVs** at the entrance and in the questioning room.
- A complainant should be able to file FIRs online.
- Police officers should be duty bound to assist victims of sexual offences irrespective of the crime's jurisdiction.
- Members of the public who help the victims should not be treated as wrong doers.
- The police should be trained to deal with sexual offences appropriately.
- Number of police personnel should be increased. Community policing should be developed by providing training to volunteers.

Electoral reforms:

- Amendment of the Representation of People Act, 1951- filing of charge sheet and cognizance by the Court was sufficient for disqualification of a candidate under the Act
- Candidates should be disqualified for committing sexual offences

Education reforms:

- Children's experiences should not be gendered
- Sexuality education should be imparted to children
- Adult literacy programs are necessary for gender empowerment



Contemporary Issues you need to cover

Women farmers in India needs attention

Medical Termination of Pregnancy Act

Female Labour Force Participation

Women's Reservation – Nagaland

Sexual offences against women and policies to combat it

Sexual Harassment at Workplace

Women, employment and empowerment

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