

SUGGESTIONS AND COMMENTS ON THE DRAFT WOMEN’S POLICY, 2016

Introduction

WomenPowerConnect (WPC), with support from Population Services International (PSI) hosted a consultation on 2nd June 2016 with approximately 20 Delhi based NGO’s, CSO’s and women’s rights activists on the ‘Draft National Policy for Women – 2016’ (*“The Policy”*). The Policy was released by the Ministry of Women and Child Development (MoWCD) on May 18, 2016. The MoWCD has invited inputs on the draft policy from civil society, experts in the field and critical policy stakeholders.

The list of participants and organizations represented at the WPC-PSI consultation are listed in *Annexure 1.*

In addition, WPC circulated the Policy to its member organizations all over India for suggestions and comments. Inputs were received from:

- Ms. KapilaGureja, Member, WPC
- Dr. Meeta Mohini, Member, WPC
- North East Network, Assam

Dialogue with women’s rights groups and key individuals is an essential democratic process that increases the likelihood of implementation of policies into successful programmes. For this reason, we appreciate the opportunity given to CSO’s, individuals working on women’s rights and NGO’s to express their suggestions and comments on the Draft National Policy.

The suggestions and comments received at the consultation have been consolidated in this document. While every effort has been made to incorporate all suggestions and inputs, for the sake of brevity, micro level suggestions and minute details recommended on key issues have not been included.

We welcome the opportunity to provide our feedback on this very important policy. Since this policy will have far reaching impact on the women of this country, we look forward to the

government organizing widespread consultations with women and men across the states of India, and especially with those from poor and marginalized communities. We would be very happy to facilitate such consultations if requested.

The key suggestions and comments have been consolidated into eleven main sub-headings for the sake of easy reading.

Based on the objectives of the Policy, the key recommendations received at the consultation are as follows:

I. GENERAL SUGGESTIONS / COMMENTS

- i. ***Preamble:*** A preamble needs to be added to the Policy clearly outlining the purpose of the Policy. The preamble should mention that the National Policy is in accordance with the Constitutional rights guaranteed to women. A set of principles or overarching framework guiding the Policy would be helpful in placing the Policy in perspective.

A few suggestions for the preamble are:

- The fundamental rights of women as constitutionally guaranteed must find mention in the preamble. The ‘right to dignity’ is an overarching principle which should be mentioned in the preamble, particularly in the context of exploitation and violence against women (VAW).
- The preamble should clarify whether the Policy deals with women only or women and girls both. Presently, the Policy deals with girls only under health and education, thereby leaving out serious issues such as child marriage.
- The Preamble should clarify that the Policy extends to the private sector, and is not limited to the role of the Government in creating an enabling environment for women and girls.
- The Policy needs to articulate that this policy is overarching and will guide all sectoral initiatives.
- The overall vision of the Policy must be in accordance with the gender components of the Sustainable Development Goals.

- ii. ***Gender mainstreaming:*** Gender needs to be incorporated as a component in each development goal. Gender needs to be integrated as a core component in school curriculum. Mainstreaming gender in overall development process calls for multi-sectoral and multi-departmental coordination, planning and implementation. In its present form, there is minimal reference on the same in the document.
- iii. ***Non discrimination:*** The Policy, though talks about rights and entitlements of women and girls, does not go beyond the government. This is especially true as the informal as well as service sectors are almost all in the private sector. The duties of the market actors and other stakeholders in ‘creating an enabling environment’ must be mentioned.
- Trans-women, queer women, persons who have gone through sex change experience discrimination in employment, education and the health sector. A non discrimination law prohibiting discrimination on the basis of sex and gender needs to be made applicable to the private sector as well.
 - There is a need to review norms and rules in women’s hostels (private and public) which hinder their mobility and hamper their all round development.
 - The Policy should emphasis the need to promote CEDAW and educate all stakeholders and the public, particularly women, to understand the elimination of discrimination as a human right.
- iv. ***Monitoring and Evaluation:*** Holding the government(including the judiciary and the executive) accountable for implementing mechanisms set up is critical.
- Yearly review of NREGA, ICDS, National Health Mission and Skill Development Mission must be undertaken from a woman’s empowerment perspective.
 - A monitoring mechanism for The Sexual Harassment (Prevention, Prohibition and Redressal) Act, 2013 needs to be put in place – not just in Delhi, but all over India.
 - A district level analysis of all development programmes through the women’s empowerment perspective will encourage accountability. All gender disaggregated data compiled by the government should be made available in the public domain.

- The Policy needs to set up mechanisms for interdepartmental coordination and monitoring for effective implementation of schemes and programmes in accordance with the Policy.
 - *Gender budgeting:* No specific mention has been made in the Policy on the budget allocation for women's development in the indicators to be rectified.
 - *Gender audits:* As part of effective monitoring and evaluation, the assistance of civil society organizations and NGO's can be taken for supporting the government in conducting gender audits. For example, assistance can be taken from FICCI for conducting a gender audit on skill development centers. Mapping, assessment and gender audit of all service, which includes, shelter homes, one stop crisis centres and so on must be conducted.
 - Impact assessment and monitoring of gender sensitization programmes conducted in various institutions is important.
- v. ***Access to Justice:*** Increasing the legal awareness of stakeholders on laws concerning women, strengthening paralegal services, strengthening the access and knowledge of women to the legal system and providing a budget for the same purpose should be incorporated in the Policy.
- Developing a gender sensitive judicial system should be a priority for the government.

II. SPECIFIC SUGGESTIONS ON KEY PROVISIONS OF THE POLICY

- vi. ***Education (Page 5, Section II.):*** The Policy must ensure continuum between early stimulation, preschool, primary and secondary education for improving capabilities of women.
- Safety and security of girls within educational institutions should be recognized and addressed by using appropriate strategies. State needs to develop grievance redressal mechanisms to address safety and security issues that hamper girls' participation in schools and education especially from upper primary onwards.
- Emphasis on the issue of menstrual hygiene (access to absorbents, safe disposal, and functioning toilets) is necessary to prevent drop outs of girls from school education.

vii. ***Encouraging women's participation in the economy (Page 7, Section III.):*** Ways and means to provide initial capital for women entrepreneurs need to be identified. Crèche facilities should be made available in both the organized and unorganized sector. Ways and means of providing crèche facilities in courts, constructions sites, factories, and offices need to be thought out. Women entrepreneur's access to bank accounts and credit facilities must be encouraged.

- The Equal Remuneration Act 1976 needs to be implemented with greater political will.
- Maternity benefits need to be upto six months with pay, extendable upto two years with or without pay.
- Separate schemes must be identified for (i) domestic workers; and (ii) migrant women workers.

viii. ***Violence against women (Page 12, Section V.):*** The Policy needs to incorporate an introductory framework mentioning it will deal with intersectionalities within women particularly in the context of VAW. A National Task Force needs to be established on violence against women in conflict areas. Violence against women must go beyond the domestic to cover caste based violence (for example, honour killings) or sectarian violence.

- Directory of a list of services for survivors (both for intimate partner violence / DV and violence by strangers) must be readily available on government websites.
- Information in the form of posters and pamphlets on services a survivor can avail must be available with stakeholders under the PWDVA, 2005, that is, the Protection Officers, Service Providers, Medical Facilities, Shelter Homes, NGO's / Counselors and the Police.
- Review and harmonizing of standard operating procedures across all service providers is necessary.
- Review of law on marital rape is called for.
- Panchayats and other local level bodies must also be equipped to disseminate information on services available for a survivor of violence.

- **(Page 19, Section 7.4)** *Convergence* of the multiple stakeholders for sharing of information and collective evolution of strategies at the district level is extremely important. Stakeholders need to synergize and work collectively to provide relief for survivors of VAW. The Policy needs to establish mechanisms for effective coordination between the stakeholders mandated under PWDVA 2005
- Budget allocation for the implementation of the PWDVA must be adequate for all stakeholders to function effectively.
- Inter Ministerial co-operation between MoWCD and Labor Ministry with stringent legal backing for holding Labour Contractor's network accountable, will bring down trafficking.

ix. **Health (Page 3, Section 5):** Specific recommendations for improving women's access to health care facilities include:

- Attitudinal change in health care providers towards survivors of sexual violence / domestic violence and sexually active unmarried women and gender non conforming women is necessary.
- Provision of affordable pads and recyclable cups for menstruating women should be promoted.
- Safe birthing methods for women, including safe traditional practices such as squatting method should be promoted. Women must have control over their reproductive rights. At the same time, no compromise can be made on the illegal practice of sex selection and sex determination.
- There is a need to strengthen efforts around the passage of the Assisted Reproductive Technologies Bill and a holistic understanding of surrogacy to inform the Bill.
- A recommendation provided by a WPC Member from Bihar is that women's access to spectacles and hearing aids is difficult and considered an unnecessary expenditure by family members. This must not be trivialized by the government.

- Guidelines for the notified medical facilities under the Protection of Women from Domestic Violence Act, 2005 in filing of DIR's and providing medical aid to survivors must be drawn up.
 - The progress of the government in the '*BetiPadhao, BetiBachao*' campaign must be highlighted.
 - (**Page 4-5, sub-section xv**) While we cannot discount the importance of appropriate nutrition of the woman and (girl) child across the life-course, the scientific discourse on the critical window of opportunity for long-term benefits – (1000 days), is the period **from** pregnancy (270 days) + year 1 (365 days) and year 2 (365 days) and **not** the first 1000 days after birth as stated in the draft. It is important that this is corrected and policies and interventions be tailored to cover the period through pregnancy, lactation and first two years of life of the child, while continuing to focus on the existing nutritional supplementation programs.
- x. ***Revisiting reservations by the Indian government to the CEDAW Convention:*** Although the Policy does state "*Given the plurality of the personal laws a review is required of the personal and customary laws in accordance with the Constitutional provisions*" [**Page 16, Section 6 (ii)**] it does not offer any specific suggestions. With regard to Article 16 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, Government of India declares that it "*shall abide by and ensure these provisions in conformity with its policy of non interference in the personal affairs of any community without its initiative and consent.*" As discrimination against women is perpetuated by personal laws, for example, by triple talaq, denial of property rights, polygamy and so on, the Policy should revisit the reservations declared by the Government of India.
- In the realm of family law, there is a need to frame a law to secure woman's access to common matrimonial property.
- xi. ***Reservations for women in Parliament (Page 11, Section IV):*** The Women's Reservation Bill in its present format, i.e. providing 33% reservation of seats to be introduced, put to vote in Parliament and passed. For the future, NDA government in accordance with their manifesto should make necessary changes in Bill providing for

50% reservation seats for women in Parliament and State legislatures. As promised in the manifesto, 50% seats for women should be reserved in Parliament.

- Proportional reservation for women in the police and judicial services is a necessity.

Annexure 1

NAME OF THE PARTICIPANT	ORGANIZATION
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