



2009-10

# ANNUAL REPORT

**Partners for Law in Development |**



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Partners for Law in Development (PLD), New Delhi

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**PLD** is a non profit legal resource group founded in 1998 that facilitates assertion of social justice and women's rights. We view law as an essential resource in the struggle for social justice, and gender equality as central to the attainment of social justice. We believe that human rights shape social justice goals by establishing a framework for the realisation of the rights of the disadvantaged and the marginalised. Our understanding of rights and dignity of all persons is drawn from human rights law on the one hand and the contextual realities of disadvantaged groups on the other. PLD is registered as a public charitable trust under the Indian Trusts Act, 1882 (registration no: 10514/ IV of 16-12-98).

While we work within the larger canvas of social justice, our main area of focus remains marginalised women, addressing gender justice in contexts of under-development, poverty, conflict, sexuality, caste, culture, identity politics and so on. Informed by the indivisibility of political, civil, economic, social and cultural rights, our approach to women's rights is intersectional. PLD facilitates assertion of women's rights through five streams of intervention: a) creating new knowledge through the action and grounded research, resource materials; b) development of capacities through training workshops, perspective development; c) technical assistance and conference presentations; d) web resources; e) policy advocacy at the national, regional and international arena, and through coalitions. PLD is one of the leading resource centres on CEDAW in the country, and in South Asia.

## PROGRAMME

The period of 12 months saw PLD straddle capacity building at the grassroots level alongside the South Asian inter-governmental level, reflecting the spectrum in outreach and partnerships. CEDAW remains central to the framing of all interventions on women's rights – either explicitly by way of CEDAW specific training programmes, or implicitly through thematic projects. The core principles of CEDAW have shaped our thematic approaches that consistently interrogate the boundaries of women's rights, and rights holders. The two thematic projects: on women's rights in intimate relationships, and women's equality in the context of culture, involve field work and research for advancing the parameters of rights.

### I. Capacity Development on CEDAW

Our capacity development has primarily been with reference to CEDAW, progressing from workshops to develop conceptual clarity, and moving on to application of concepts to local issues. The training programmes were organised at the grassroots, state, national and South Asia levels – reflecting the field of operation in relation to capacity building and CEDAW specifically.

## A. District and State level capacity building in Jharkhand, Bihar and Orissa

The work in these states was a continuation of the capacity development process commenced in 2008. This was planned as a 4 year process that would include training on basic concepts of CEDAW, to its application to local issues, with the objective of grounding women's human rights in concrete ways in local activism and community interventions. The trainings over the 4 year period for grassroots activists and leaders, was to be interspersed with training of trainers, production of knowledge resources in local languages, and field studies on local



issues to enable application of CEDAW to specific contexts. The availability of the Hindi version of the CEDAW resource book, '*CEDAW: Restoring Rights to Women*' (referred to as RRW), supported our CEDAW related trainings in the Hindi speaking states of Bihar and Jharkhand. It is the only resource on CEDAW in Hindi in the country, and combines textual information with illustrations on concepts of equality and non discrimination, with articles of the treaty. Both the states have the lowest development indicators in India, and have not had any significant exposure to CEDAW. Our endeavour therefore was to build local

leadership and capacities on CEDAW, influence the work and articulation of local concerns, and draw participants from the two states into national level CEDAW related activism.



There were six district level workshops held this year in the three states in collaboration with partner organisations. The aim was to provide continuing orientation and refresher trainings on CEDAW. Holding two trainings in each state

allowed us to reach out to more participants, get more representation from the districts. These trainings also provided an opportunity for state level trainers to co-facilitate.

*A tabulation of the 6 workshops conducted:*

State	No. of participants	Venue	Date	State partner
Orissa	21	Hotel Hind Plaza Bhawanipatna	July 17-19 2009	Friends Association for Rural Reconstruction (FARR)
	26	CYSD, Bhubaneswar	November 4-6 2009	FARR and Centre for Youth and Social Development (CYSD)
Bihar	30	State Institute of Health and Family Welfare Patna	July 31- August 2 2009	Koshish Trust
	30	Bihar Voluntary Health Association Patna	10-13 February 2010	East and West Education Society
Jharkhand	27	YMCA Khunti	May 15-17 2009	Association for Social and Human Awareness (ASHA)
	31	Human Potential Development Centre Ranchi	February 15-22 2010	Chotanagpur Sanskritik Sangh (CSS)

A total of 165 men and women took part in the workshops – the participants included community workers, trainers, lawyers, journalists, survivors of domestic violence, transgender persons, PRI members, political leaders at the local level, officials, ward members, lecturers and NGO staff. Members of the State Human Rights Commission and PUCL members participated in Bihar while in Jharkhand the Chairperson of the Jharkhand Centre Social Welfare Board were part of the workshops. The participants highlighted the following examples of women’s rights violations in the three states:



- Most discrimination takes place against single women, especially widows with property. The targeting of such women as witches is a common social practice to justify their eviction from the land, home and village, sometimes accompanied by torture. It occurs amongst both Hindus and Muslims and tribal communities.

- Customary laws for Adivasi women are discriminatory in terms of women not being able to inherit property.
- While women contribute to all agricultural work, they are forbidden from ploughing land.
- Marriages between Adivasis and non Adivasis are strictly prohibited as land cannot go to a non Adivasi.
- Lesbian Gays Bisexual Transgender persons face challenges from across the society and are subjected to discrimination not only by the society but at several instances by the state actors.
- Trafficking of women and girls is on rise in Bihar and Jharkhand on account of poverty, under-development, lack of employment opportunities and displacement.

## **B. South Asia Inter Governmental Peer Learning on CEDAW implementation**

We were selected to provide technical assistance for the inter- governmental workshop on CEDAW organised by UNIFEM South Asia Regional office, and hosted by the Ministry of Women, Children and Social welfare Government of Nepal in Kathmandu from August 26-28, 2009. The inter-governmental peer learning on CEDAW is an initiative of South Asian governments to exchange information, refresh their knowledge on CEDAW, and share ways of advancing



implementation at the domestic level. While this was not the first such initiative for South Asian governments, this event was distinctive in that it drew participants from different ministries, rather than being limited to the line ministry tasked with women's development. Apart from the staple topics such as the core concepts of CEDAW and reporting obligations, the agenda included sessions on Security Council Resolution 1325 and 1820 read with CEDAW in post conflict settings and the Optional Protocol. PLD contributed primarily in the preparation of agenda, resource package, provided co-facilitation at the workshop, and

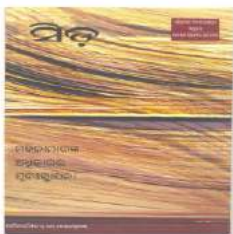


produced the workshop report. The resource pool included CEDAW former and current experts: Shanthi Diariam, Savitri Goonesekere, Ferdous Ara Begum; in addition to Madhu Mehra, Malini Ghose, Lee Waldorf. This experience highlighted the need for sustained and continuous orientations for those in the government in view of the frequent transfers within ministries. Some of the common challenges identified related to inter-ministerial coordination and participation in the preparation of country reports. One of the strengths of such forums is the opportunity it offers for cross pollination of ideas and approaches, and there were several such examples of that in the region. Request for special country focus and thematic focus was highlighted as necessary – as for example, on application of CEDAW in conflict situations and family law/ culture. Given the different positions

adopted by South Asian countries in respect of culture, especially in the context of Islam, it was felt that that availability of comparative material on family law would offer diverse options and approaches to advance equality. This experience highlighted that even as terms like gender equality and human rights have become part of the general vocabulary, the meanings attributed to these may differ making continuous learning vital part of the obligation of CEDAW implementation.

### C. Creation of New Resources on CEDAW

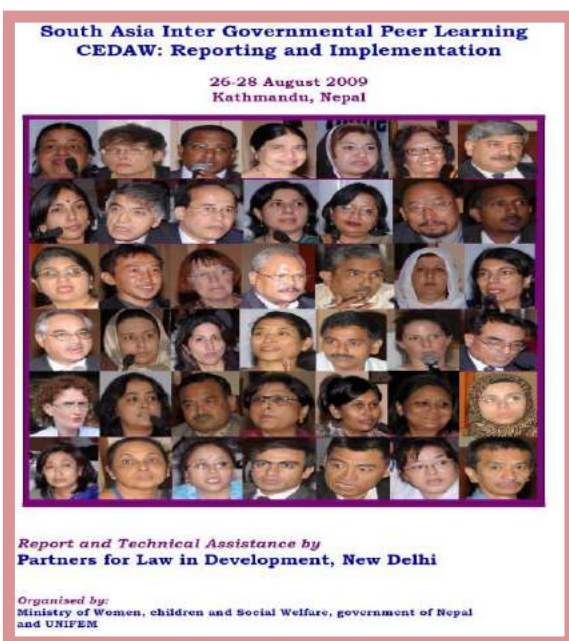
- **Oriya version of Restoring Rights to Women (RRW):** PLD's popular and widely acclaimed resource book on CEDAW, was transcreated into Oriya and published, titled as: *CEDAW Mahila Mananka Adhikara Punhsthapana*. Oriya RRW was used in the 2<sup>nd</sup> workshop held in Bhubaneswar at the CYSD, and it was appreciated by the participants as it was the first comprehensive material on the subject in their language, could be used at local levels, and the illustrations made the content interesting and easy to comprehend.



- **Preparation of *Kuch Zarrori Baatein*:** This booklet in Hindi has been designed to complement the CEDAW trainings at the grassroots level, particularly for the trainings in Jharkhand, Bihar and Orissa. They provide the summary of learning points corresponding to each topic/ session of the workshop, to enable participants recall the main messages, and adapt these in their own trainings at the community level.



- **Thematic application of CEDAW to issues:** A collection of thematic papers that contextualise local issues that emerged from the state level workshops, within the framework of CEDAW were prepared for perspective building. The themes are: domestic violence; trafficking; sex selection; witch hunting; compulsory registration of marriage. These papers critically examine state policy/ law as well as activist campaigns and approaches on each of the identified issues, from the standpoint of CEDAW principles and the standards of universality, inalienability and indivisibility of human rights. It probes areas of exclusion, marginalisation, conflict of rights, and the outcomes of the approaches on different groups of women. The papers were created to inform trainers on thematic approaches that best advance CEDAW.



- **Summary of concluding observations to India** by CEDAW in 2007 was created in English and in Hindi.
- **A draft primer on Gender and Discrimination** – a guide for trainers to the ideological and structural basis of sex discrimination was created – with a view to integrating issues of sexual orientation and gender identity within CEDAW.
- **Report of the South Asia Inter-governmental Peer learning on CEDAW:** The report of the workshop covers the presentation on the CEDAW topics that are succinct and updated to include new procedures related to review. It addresses queries raised under different subject headings, that answer many practical concerns related to implementation and contains domestic developments within each of the South Asian countries

that seek to advance implementation of CEDAW.

## II. Knowledge Creation

The work on knowledge production essentially seeks to advance the boundaries of women's rights, and rights holders, in specific thematic areas. The two themes: rights of women in the conjugal relationships, and women's equality in the context of culture, were selected on account of the additional challenges they pose to women's equality - the former for women without marital status, and the latter, on account of the widespread acceptance that culture trumps women's equality. These themes have been areas of longstanding engagement for us – in capacity development, our collaborations with community groups, in activism and in debates. The need for thematic studies assumed importance as a foundation for future policy

advocacy. Both projects involved field work, inter-disciplinary research, and consultations – to fully understand the context and the possibilities of advancing rights.

## **Theme A: Rights in Intimate Relationships**

This grounded research grew from our experience of working with community groups offering mediation and crisis support to women, noting how fragile and judgemental the support systems were in relation to women without a valid marital status, and those in same sex relationships. The law offered no recognition or rights protection. In addition, attitudes and approaches of activists and community workers often reinforce the stigmatisation of women in non normative relationships. The responses of community groups do vary – progressive ones find innovative ways of support despite the lack of legal protection; but many decline support. This project sought to understand the realities of women in non normative intimate relationships: customary, contemporary, same sex desiring, to understand their concerns as the starting point to re-conceptualising a framework of rights in the family. The objective has been to address gender inequality and injustice regardless of legality, sexual preference of the woman, or indeed, the male partner's bigamy. The research methods involved field work, brainstorming with a resource pool, literature review of feminist sources, comparative and human rights law research and wider consultations in the sector – to argue for an inclusive framework of core rights for women in all family forms.

In the preceding year, field work was concluded - on *Maitri karar* (contract based cohabitation practiced by upper caste Hindu communities in Gujarat), *Nata* (a customary second marriage forged through bride price, practiced by lower caste communities in Rajasthan), male bigamy in Himachal Pradesh, and same sex relationships amongst women in Kerala. This year the work continued on this project, covering the following - collation of different research components and production of draft reports that were successively revised over rounds of feedback from the resource pool. The peer reviews and refinement was vital aspect of due diligence, since the proposed framework of rights was breaking new ground in respect of women's rights across diverse family forms.

## **Theme B: Negotiating Women's Rights in Diverse Cultural Contexts**

This initiative sought to explore ways in which cultural rights and women's rights could be understood and developed to reinforce rather than oppose each other. In the backdrop of human rights in respect of culture being largely gender blind, and inadequately developed, in combination with the widespread use of culture to gain immunity from gender equality – this project sought to explore a new terrain. The overlap of culture and women's human rights has been rife with conflict and contentious debates, at the international and domestic spheres, exemplified with the high number of reservations to CEDAW on grounds of culture and religion. Likewise, family law across countries are framed with reference to religion/

custom rather than the constitutional guarantees. Being a frontline yet under-developed area in women's human rights, this project sought to explore ways in which this conflict has been surmounted, addressed, and overcome. A grounded understanding required examining strategies, approaches and debates in diverse contexts, to learn of concrete ways of addressing challenges. This was done through field work in comparative contexts in India, Nepal, Bangladesh and Indonesia to understand the different ways in which political history shapes culture, transformatory opportunities, and strategies.

This period involved field work as well as desk research. Field work in Indonesia was concluded in the previous year, along with some field work in India. The focus was on documenting different voices contesting inequalities and subjectivities within cultural groups, while simultaneously contesting domination from the outside. Three field visits were undertaken in this year – in Pudukkottai in Tamil Nadu; Mymensingh and Dhaka in Bangladesh; and Kathmandu in Nepal, each discussed below.

- ◆ **STEPS; Sixth State Level Muslim Women's Conference; Quarterly State Level Meeting of All women's Jamaat, from March 6-8 in Pudukkottai, Tamil Nadu.** This visit provided an opportunity to understand the context and the rationale behind the development of all women's *jamaat* movement in Tamil Nadu. The women's *jamaat* movement emerged in response to the refusal of the traditional male *jamaat* to allow women's participation as *jamaat* members (even when adjudicating



cases concerning women), or allow women to be heard in cases involving them. The movement has grown to a 15000 strong membership and *jamaat's* function in about 10 districts of Tamil Nadu, gaining enormous social legitimacy as a fair and just body for dispute resolution. During our visit, we met with STEPS, the organisation that initiated the women's *jamaat* movement, participated in a state level function organised by the Tamil Nadu women's *jamaat*, and observed the proceedings of a monthly session of the state level *jamaat*. We learnt of the approaches of the women's *jamaat* in dispute resolution and its astute political positioning in the larger context of the Muslims as a minority community. For mediation they rely upon a mix of Constitutional values, feminist principles, law combined with Koranic values, prioritising common sense to ensure gender justice in a given case. In relation to the state, they ensure that the systems respond to women fairly and help negotiate this for the women. At the level of the community, they feel that challenging patriarchal monopoly of religious space is important, to ensure that justice and leadership are not in the hands of elite, unelected interest groups. Beyond mediation, they run

savings and livelihood schemes to mobilise women and involve them in community action and advocacy.

- ◆ **Dhaka and Mymensingh: July 4-10, 2009.** The visit involved discussions with several types of organisations and individuals – legal aid and resource groups, women’s groups, rights activists and lawyers working with minority women and indigenous peoples, as well as land rights groups. We were able to observe and understand the strategies adopted for law reform at the de jure level; and the ways in which gender justice was adopted in mediation mechanisms, drawing upon the tradition of the ‘*shalish*’ but adapting it to meet contemporary standards of social justice. The modified *shalish* have been replicated through NGO interventions, to ensure leadership of community women amongst others, by training them as para-legals and setting systems of fair hearing in place. The law organisations mentoring *shalishes* (mediation) on various issues including family/ women’s rights, have extensive outreach in large parts of the country, owing to the post-independence years when some of them evolved to provide relief and rehabilitation. The trajectory of law reform and advocacy have evolved differently for the Hindu minority and indigenous communities, mediated by politics of identity, and contestations over land and resources.



- ◆ **Kathmandu, August 29-31, 2009** – With Nepal re-defining itself as a nation: founding afresh its national values and the state’s relationships with its citizens and diverse communities - its debates in relation to family law, secularism, culture and women became very instructive for this project. The field visit allowed an opportunity to meet with constituent assembly members, human rights lawyers, academics, women’s groups representing diverse interests and constituencies. It also allowed discussion on debates relating to minority rights (and women’s equality agenda within that), uniform family law, and the conflicts within a de facto plural system. Even as the formal changes are debated and enacted through policy, the de facto presence of cultural norms and practices over women, manifesting in many forms of discrimination continue. Activists

struggle through the multiple challenges - engaging with policy reform, address cultural practices related to oppression of widows, child marriage, domestic violence, menstruation related stigma, and unequal property rights of daughters, in addition to dealing with post conflict and nation building challenges.

### III. Technical Assistance/ Conference Presentations

#### CEDAW related:

- ◆ Conducted the CEDAW session for the GOI Western Regional Workshop held in New Delhi on September 22, 2009.
- ◆ Presentation on Domestic Violence law and CEDAW obligations (on September 21) at a training programme organised by Action India on Domestic Violence in New Delhi for Action Aid partners, from Sept 19-24, 2009.
- ◆ Presentation on approaches towards trafficking under CEDAW at the South Asia Anti Trafficking Think Tank (Core Group GO- NGO meeting) organised by UNIFEM SARO, New Delhi on December 4, 2009.
- ◆ A paper was presented at the Oslo University Law School on implementation of CEDAW in India in March 11-12, 2010, at a conference that examined the implementation and impact of CEDAW in national and international contexts.

#### SRVAW related:

- ◆ Presented at a panel discussion parallel to the UN Human Rights Council session from June 2-5, 2009 in Geneva, the findings of the review of the mandate of the UN Special Rapporteur on Violence Against Women (UNSRVAW). PLD through its executive director conducted and drafted the review, titled: '15 Years of UN Special Rapporteur on Violence Against Women, its Causes and Consequences (1994-2009) – A Critical Review'. The findings of the review were presented at the panel discussion. [www2.ohchr.org/english/issues/women/rapporteur/docs/15YearReviewofVAWMandate.pdf](http://www2.ohchr.org/english/issues/women/rapporteur/docs/15YearReviewofVAWMandate.pdf)
- ◆ Global Consultation on VAW in South Africa organised by Amanitare (sexual rights network and Masimanyane women's support centre in East London) from October 14-16, 2009 to discuss the priorities for the SRVAW mandate. A presentation on the findings of the review of 15 years of the mandate of SRVAW, and key concerns for the Asia Pacific region was made by the Executive Director, PLD.
- ◆ Key note presentation at APWLD's regional consultation with the UNSRVAW on 'My Body, My Life, My Rights: Addressing Violations of Women's Sexual and Reproductive Rights' on December 7-8, 2009.
- ◆ Participated in a conference organised by the Indonesian Women's Commission on Violence Against Women, the Komnas Perempuan, to take stock of its work on

addressing the causes and consequences of four decades of VAW in Jakarta, on November 29-30, 2009.

## IV. Web Resources

The web offers a valuable medium of outreach of resources beyond our project parameters and our programme partners, besides enabling cost free dissemination. We see the following activities as part of being a resource centre, and contributing to ongoing debate on human rights, as well as for sharing/ dissemination of resources.

**Bi-Monthly Newsletter:** Our bi-monthly legal e-news completed one year of production in February, 2009. We produced a 2008 digest for easy reference and retrieval of issues of the previous year, and undertook a review of the newsletter. The review indicated its strengths as - reporting with a perspective; special coverage of South Asia news; updates from international on areas of our work or landmark human rights developments; announcements include information about PLD's events and new resources. We've received several congratulatory messages, and have upgraded it to a PDF format to improve the layout.

**Web:** PLD's website now carries newsletter digest (annual of former year) as well as the current year's archives. We have a link as a founding member on the website of Working Group on Human Rights [www.wghr.org](http://www.wghr.org)

## V. Advocacy and Coalition memberships

- ◆ Member of Voices Against 377, intervenors in the Delhi High Court matter: Naz Foundation vs. Govt of NCT and Others, seeking to decriminalise homosexuality. On July 2, 2009, the Delhi High Court's judgment read down s. 377 IPC to exclude consensual same sex sexual conduct from the purview of the provision, holding homosexuality to be legally valid and the LGBTI to be constitutionally protected against discrimination.

- ◆ We successfully fundraised for an activist in Patna to pursue multiple legal remedies for domestic violence, and contest legal harassment she was facing from her abusive husband. Was secured legal aid for her from FORUM-ASIA's Human Rights Defenders Protection Plan. Information about the aid is available at [http://www.defendingwomen-defendingrights.org/solidarity\\_24dec09.php](http://www.defendingwomen-defendingrights.org/solidarity_24dec09.php).

### BI-MONTHLY LEGAL NEWS Vol. 4 (V) Sept-Oct 2011

Partners for Law in Development

#### Updates from the UN

- HR in VAW presents first report on violence against women in General Assembly
- UN on the right of women to the enjoyment of the highest attainable standard of physical and mental health, presents interim report to UN GA.
- Human Rights Council adopts resolution on prevention, protection, accountability and remediation and human rights
- HRC appoints new UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

#### International Developments

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| <p><b>Asia</b></p> <ul style="list-style-type: none"> <li>• Myanmar appoints Human Rights report to CEDAW Committee on equality of men and women</li> <li>• UN GA approves Human Rights Commission for the Commonwealth</li> </ul> | <p><b>Beyond Asia</b></p> <ul style="list-style-type: none"> <li>• Third woman wins Nobel Peace prize for promoting peace, democracy and people equality</li> <li>• Kansas State passes order to regulate domestic violence using economic sanctions</li> <li>• Kenya passes law making FGM illegal</li> <li>• Human rights resolutions on CEDAW Committee</li> <li>• Girls get equal rights to the British throne</li> <li>• Women in South Africa get right to vote and control in municipal elections</li> </ul> |
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#### National

- India: High Court has ruled against the state legislatures on that of a state's responsibility
- Special courts set up in India for citizens who have dealt with violence and crime
- Domestic violence cases in progress
- Medical evidence is not always necessary to prove rape
- FIR should be registered even if parallel investigations are being conducted

#### News

- Action demanded against rape cases in three cases of sexual violence
- Planning Commission of India defends its stand on poverty line in the Supreme Court

#### Resources

- Stand up Against Violence: A tribute to All India
- Gender, Law and Justice in a Global Market: Ann Street
- Women's Family Law: Gender Courts and Women's Movements in India, Pakistan and Bangladesh: Anand
- International Encyclopedia
- Preventing gender based on violence: an interagency statement: UNICEF
- Reproductive health women's health office in USAID/USAID/UNICEF

#### Events

- PLD held training on gender based violence and law: 27-28 September 2011
- National consultation on women's movement and technology: 1-4
- National Consultation on the Universal Periodic Review Process: 11-12 October 2011



# ORGANISATIONAL UPDATES

## Our Team and Programme Partners

**Executive Director:** Madhu Mehra

### Programme Team

Jaya Jha, Soma Dixit, Purnima Upadhyay, Aditi Malhotra, Gayatri Sharma

### National Level Trainers

Geeta Ramaseshan, Shruti Pandey

### State Level Trainers

Sukanta Mohapatra, Kalpana Mohapatra, Bimal K. Panda Chitralkha Kumari, Varsha Jawalgekar

## Programme Partners

### Bihar

Nari Gunjan; East West Educational Society

### Jharkhand

Chotanagpur Sanskritik Sangh (CSS), Prerna Bharati

### Orissa

Friends Association for Rural Reconstruction (FARR), Centre for Youth and Social Development (CYSD)

## Resource Pools

- ◆ **Rights in Intimate Relationships:** Uma Chakravarti, Mary John, Jaya Sharma, Dipta Bhog
- ◆ **Women and Culture:** V. Geetha, Geeta Ramaseshan, Uma Chakravarti, Kamala Chandrakirana, Sara Hossain
- ◆ **CEDAW:** Savitri Goonesekere, Shanthi Dairiam, Ferdous Ara Begum, Lee Waldorf, Madhu Mehra, Mailini Ghose

## Administration and Finance

**Team:** Bindu S, Kishore Tirkey, Shivani Ahuja

**Support Staff:** Zeenat, Lal Bahudar

## Governance

**Board of Trustees:** Aradhana Nanda, Jaya Sharma, Rebecca Mammen, Geeta Ramaseshan, Madhu Mehra

**Advisory Board:** Uma Chakravarti, Sanjay Aggarwal, Malini Ghose

**Funding Partners:** Ford Foundation, Diakonia, UNIFEM South Asia Regional Office