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ANNUAL REPORT

Partners for Law in Development |



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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 the following initiatives/ interventions: 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 indeed in South Asia.

PROGRAMME

I. THEMATIC AREAS

There are three thematic areas of programme covered under this section are Rights in Intimate Relationships; Culture, Women and Human Rights; and CEDAW. Activities related to each theme, such as knowledge production, capacity building, and advocacy are clustered under their respective sections.

A. Rights in Intimate Relationships (RIR)

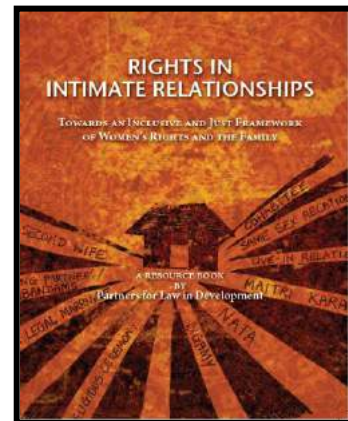
This project sought to highlight the limitations and bias in family laws and women’s rights activism – in terms of their blindness to the diversity of intimate relationships in India, and the consequent denial or rights vis-a-vis the family, to women in wide ranging conjugal (non marital) relationships. To illustrate the rights concerns for women within conjugal relationships not recognised/ or stigmatised by the law, the project began with field work to document diverse family forms in different regions, covering: *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, same sex relationships amongst women in

Kerala. Since most of these contexts involve women on the margins, the study also surfaced the economic injustice of a rights framework that hinges exclusively upon a male provider. The findings were put through small and large, local and national level consultations, peer review and inputs from an advisory body, buffered by research in domestic, comparative, and international law. The entire process took 5 years, with printing concluding this year. This resource book sets a strong foundation on which to mount advocacy for ‘new rights’ or ‘new rights holders’ - to promote core rights of women in all relationships regardless of legality or sexuality, with the long term goal of policy change. In this period several proactive steps were taken to initiate debate and dialogue on the rights framework proposed in the resource book. Several strategic platforms such as the Supreme court, television, conferences – both PLDs conferences and those organised by other organisations, academia were used to generate awareness and debate. Such conversations help raise awareness and discuss ways of addressing gaps in current support services and rights advocacy in respect of the family, and garner support for policy change. For instance, family counsellors and mediation services often blame the ‘other woman’ in cases involving male infidelity, or deny support to the second wife, or not reach out to women cohabitantes.

The following activities were accomplished this year:

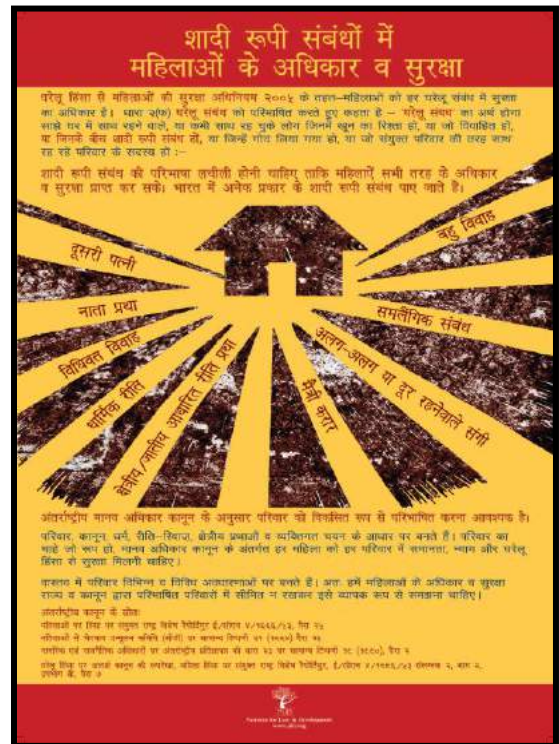
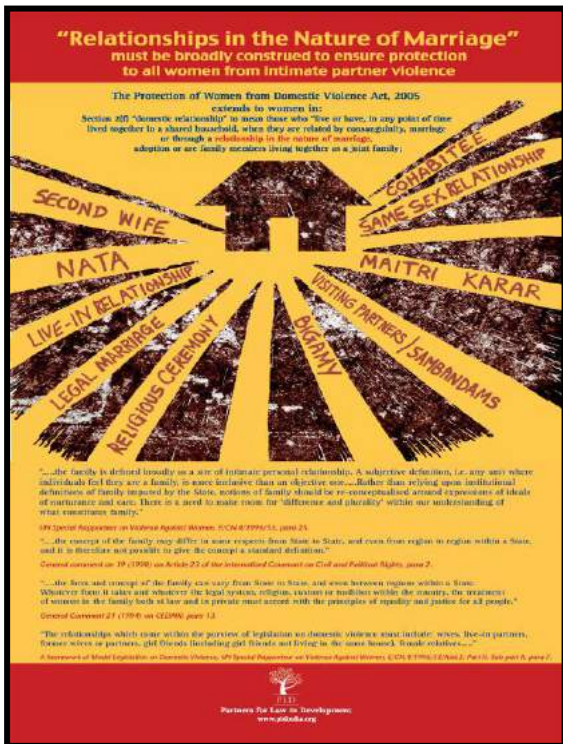
a. Publication of resource book

The resource book examines customary and contemporary non normative intimacies in rural and urban India from a feminist perspective, relies upon constitutional, comparative and human rights law, to explore a transformatory rights agenda in respect of the family. It secures core rights to all women in intimate relationships regardless of their sexuality, marital status, or legality of relationship – and goes beyond framing rights in relation to male provider. In proposing a framework based on ‘intimate relationships’ it moves beyond the boundaries of the exclusivist, marriage centric framework of conjugality in the law. The resource book was widely disseminated, in addition to receiving considerable requests for copies from within and outside the country. The feedback to it has acknowledged this as breaking new ground on rights, and been extremely encouraging.



b. Posters

A poster explaining the term ‘relationship in the nature of marriage’ in the context of Indian realities was printed in Hindi and English. It explains why the term must be broadly construed, illustrating the kinds of women/ conjugal relationships this term includes - supporting this interpretation with references to the PWDVA, 2005, and international human rights standards. These were widely distributed at the state and national levels.



c. Legal Advocacy

A review petition and intervention application was filed in Supreme Court, against the *Velusamy* judgement and in the full bench referral in *Chanmuniya* case, respectively. Two Supreme Court cases presented an opportunity for us to initiate legal advocacy. In both these matters, PLD initiated the intervention, but garnered support of community organisations with outreach in rural areas as well as academic activists with expertise on the subject, to collectively file the petitions. The partner organisations and individuals joined with PLD are Chotanagpur Sanskritik Sangh (Ranchi), Academy for Socio-Legal Studies (Jaipur), Mahila Jan Adhikar Samiti (Ajmer), Friends Association for Rural Reconstruction (Kalahandi), Navjeevan Development Centre (Rohtas, Bihar), Mary John, and Uma Chakravarti.

- (i) ***Velusamy vs. Patchiammal***: This was an appeal matter where the appellant challenged successive orders of the Sessions and High courts directing him to pay maintenance to his deserted wife. In his appeal he claimed that the respondent was not his wife – as he was married prior to his cohabitation with her. Accepting his contention, the Supreme Court referred the matter back to the lower courts for determination of the respondent’s status as wife, and reversed the maintenance order. Further, the Court defined the term ‘relationship in the nature of marriage’ under the PWDVA, 2005, setting very stringent conditions that are not even applicable for legal marriage, greatly limiting the scope of protection available under the PWDVA. PLD and its partner organisations filed a review to inform the courts of

the diverse family forms in India, submitted its resource book on RIR, and sought a review of the judgement.

- (ii) *Chanmuniya vs. V.K Singh* involved maintenance for a woman who married her younger brother in law upon the death of her husband, as per the customs of the Kushwaha community. Here the court took a liberal view, rejecting the husband's contention that the marriage was not legally valid, but merely a customary ceremony, to uphold the appellant's claim for maintenance. The court however, referred to a larger bench of the Supreme Court, for clarification on the definition of the term 'wife'. This referral is on a larger question of law, that PLD's resource book has a direct bearing on. Accordingly, we have placed the resource book before the court, to argue for an expanded definition of 'wife' for the purposes of maintenance.

d. Discussions and outreach through PLD's events

- **Presentation made at PLD's 'Consultation on Culture, Women and Human Rights', September 2-3, 2010:** The presentation illustrated the role of law in constructing and shaping culture, reinforcing dominant cultural norms and hegemonic power relations. The selectivity of the law in what it codifies and what it demotes, coupled with the non-recognition of sexual rights, privileges the institution of marriage, making it the only legitimate channel of expressing desire. An effective way to challenge such hegemonic cultural interpretations that exclude some women from claiming rights and dignity in the family is to promote them as 'rights holders'. Human rights being inherent and universal must apply to women in diverse family forms, rather than be limited to the officially recognised one. The feedback received from this presentation was that it filled a gap in women's rights activism in relation to family.
- **Discussion on 'Revisiting Women's Rights and the Family', at SNTD University, Mumbai, organised by PLD in collaboration with Research Centre for Women's Studies (RCWS), Akshara and Awaz-e-Niswan on October 7, 2010:** The discussion reflected critically on the exclusion/ blindness within women's rights activism, and its implications for women on the social, cultural and economic margins. The discussion introduced the issues through PLD's publication with the objective of forging alliances and identifying specific points of action to facilitate security in relation to housing, health, insurance, finances, for women in conjugal relationships that lack legal status. Areas such as joint bank accounts, insurance and medical policies, were identified as necessary areas of engagement.
- **State Level Consultations in Jharkhand, Bihar and Orissa:** The state level consultations held by PLD in February 2011 provided a platform to hold discussions on the theme of rights in intimate relationships, and an opportunity to garner support from partner organisations to join PLD in the Supreme Court intervention seeking an expanded definition of wife (in the case of *Chanmuniya vs. V.K Singh*). The interaction with

organisations and activists from across the state, as well as the State Women's Commissions and the State Human Rights Commissions, gave an opportunity to address challenges and anxieties, and learn of relevant cases and contexts within the state to support the transformatory rights framework.

e. Discussions and outreach through other Events and Forums

- Panel presentation on 'The Specific ways to make the Law of Maintenance & Marital Property Inclusive for Sexual Minorities' at the seminar on 'Economic Rights and Entitlements of Separated and Divorced Women in India including Right to Spousal Support and Child Support and Right to Marital Property' organised by the Economic Research Foundation, New Delhi, at IIC on December 21, 2010: The presentation argued the need for language that is free from references to marital status, in advocacy on rights in the family - to be inclusive of sexual minorities and second wives/ cohabitees.
- Discussion by PLD on 'Revisiting the Family – Transcending Boundaries' at the Law and Social Sciences Research Network (LASSnet) Conference in Pune on December 29, 2010.
- Panel at the National Conference of the Indian Association for Women's Studies (IAWS), Wardha on January 21st and 22nd 2011: The panel presentation under sub-theme 'Sites of Justice' elaborated upon the relevance of RIR findings and rights framework – in light of the Supreme Court judgements - *D. Velusamy v. D. Patchaiammal* and *Chanmuniya vs. V.K Singh*. We also held a side session to rally support for PLD's intervention in the matter of *Chanmuniya vs. V.K Singh* before a larger bench of the Supreme Court to review the definition of wife, and consider its expansion.
- Panellist in the NDTV Programme 'We the People' on *Alimony and the Modern Woman* on October 31, 2010 to discuss the impact of *D. Velusamy v. D. Patchaiammal* judgement, in respect of the rights of cohabitees to maintenance.
- Centre for the Study of Law and Governance, Centre for Studies in Science Policy and Centre for International Legal Studies, JNU and University of Warwick 'Changing Paradigms of Governance, Law and Rights', New Delhi, February 14-15 2011. Presentation made on the panel on Engendering Legal Reforms, on the topic 'Revisiting the Family, Transcending Boundaries', pertaining to our work on RIR.

II. CULTURE, WOMEN AND HUMAN RIGHTS

This project involved field work to map diverse initiatives that engage with culture, challenging patriarchal assertions that seek to justify women's oppression and muffle debate/ dissent. Initiated in 2007, field work was undertaken in comparative contexts in India, Nepal, Bangladesh and Indonesia to understand the interface between political contexts, customs, social movements and the law, and the strategies adopted to advance women's rights. The rich documentation aimed at understanding ways in which culture is transformed and re-shaped everyday in different contexts, the strategies, tools and spaces available for such transformation. This project assumed value in the backdrop of culture being used routinely in national and international levels to claim immunity from gender equality - evident in the high number of reservations to CEDAW on grounds of culture/ religion, and the use of religion and custom as the basis for family law in domestic settings. The project assumed additional significance with the creation of a new mandate of cultural rights within the UN human rights system in 2009. Following the field trip, the documentation of the work was published and a resource book on women's cultural rights, culminating in a regional consultation that brought together all leading practitioners, lawyers, activists, and UN experts mandated to address these themes, to dialogue on various aspects of this work.

a. **Field work:** Most of the field work was completed in 2009, this year it was fully concluded with the following activities.

- **Arunachal Pradesh:** Field visit was undertaken from April 2-10, 2010, to learn about status of women in the Tani tribes (comprising of Adi/Galo, Apatani, Nyishi and Tagin).



Discussions were held with individuals, writers, tribal leaders, women's groups/ activists, and the state administration, to learn about legal, social and customary norms impacting women amongst the Adi and Galo tribes in Itanagar and Pasighat; Nyishi and Tagin tribes in Daporijo; and Apatani tribe in Ziro. Despite considerable diversity amongst the tribes, women played a prominent role in economic life, exercised mobility freely, and were free of stringent sexual controls and stigma (at least prior to marriage) across all groups. Nonetheless, patriarchal control over women's bodies, autonomy and labour remained strong. Women had no right to succession of natal or matrimonial property, they were excluded from membership in customary adjudication bodies that operate with legal sanction. The legal remedies under the central



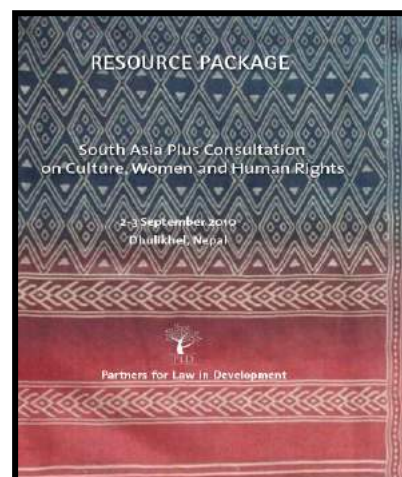
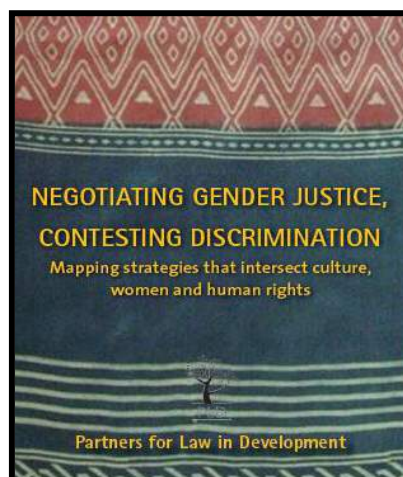


laws, such as in respect of domestic violence, were mediated quite unsuccessfully through the customary mechanisms of justice. While polygamy existed under customary law, the first wife was more privileged than others, and in general, women's right to domicile was conditional upon her husbands' Arunachali status. The customary norms remained unchanged, even as economic, and social changes ushered by big development projects and dams were re-shaping the relationship of the communities with land and environment.

Follow up discussions: with the two major Muslim women's networks continued through meeting with members and senior functionaries of, of the Bharatiya Muslim Mahila Andolan. A second visit to Indonesia was made possible on invitation to participate in the 10th anniversary of the Indonesia women's commission on violence against women (Komnas Perempuan) on November 29-30, 2010 in Jakarta, on the theme: 'Four decades of VAW in Indonesia – Building public knowledge and a collective responsibility to end Impunity and Rebuild a Just Nation.'

b. Publications

Two publications were produced – the first, was a consolidated account of the field trips and its findings, titled: *Negotiating Culture, Contesting Discrimination - Mapping strategies intersecting culture, women and human rights*. The second was a resource package, compiling critical readings, international human rights law/ resolutions that construct the human rights framework in relation to culture and women's equality. The publications were circulated at the regional consultation (discussed below) and were very well received.



Some of the salient findings from the field work are:

- Cultural diversity is not just about a collection of distinct religious and linguistic communities, but includes diversity within communities and is about belonging to multiple cultural communities simultaneously.
- Culture cannot be conflated with religion alone. Culture is shaped by many factors - religious or ethnic determinants, as well as by modes of production, environment, ecology, history, interaction and proximity with other languages/ ethnicity/ religions, amongst others.
- The construction of culture is political, enmeshed with the state, governance, and power structures. Contestations therefore involve a challenge to status quo, which explains the strong backlash and silencing.
- Identity projects that put closure on the way an individual or sub group relates to community, food, faith or dress infringes the right to cultural diversity.
- The interventions by women's groups draw upon religious, ethnic and secular resources – including legal, constitutional, historical resources to advance equality. These strategies are shaped by the interaction of the local context with the external (including global) political and economic environment; as much they are by the political origins of the group initiating change.

c. Consultation on Culture, Women and Human Rights (September 2-3, 2010)

The above two publications and one resource package comprised the resource kit at the consultation. The 39 participants included activists from South/ South East Asia (mostly those visited during field trips) presented the diverse strategies at community, public advocacy, legal levels – so as to inform the work of the two special procedures present: Rashida Manjoo, the Special Rapporteur on Violence Against Women and Farida Shaheed, the Independent Expert in the field of Cultural Rights (UN IECR). Apart from giving content to the newly created 'cultural rights' mandate, the forum facilitated individual communications (of complaints) by participants to the special procedures, for which special meetings were set up. Also present were 3 CEDAW



committee members from Mauritius, Afghanistan and Turkey – who were invited with the aim

of creating synergy between the treaty body and the special mechanisms, and informing the CEDAW of the work and potential of integrating cultural rights within the treaty.

The consultation was the first for civil society activists on the theme of women and cultural rights in South Asia. The consensus amongst all participants and the UN experts was that it was extremely timely, strategic and useful. In this period, we began work on draft report of the deliberations in the consultation.

d. Advocacy

Towards contributing to the development of cultural rights with reference to women's equality, PLD participated in several forums. Given the emerging nature of the field, and PLD's work on it, collaborations were actively sought with PLD to raise the concerns at national and international levels.

- Questionnaire on 'Access to Cultural Heritage': The office of the UN IECR circulated a questionnaire on 'access to cultural heritage' by way of initiating a constructive dialogue with NHRIs, NGOs, human rights and cultural institutes on the recognition, access and protection of cultural heritage in their contexts. PLD filled up this questionnaire.
- We were panellist at the discussion on 'Cultures, Traditions and VAW', and chaired a another panel discussion on 'Zina Laws, Human Rights and State Accountability' on March 7 and March 11, 2011 respectively, at the UN, parallel to the HRC session in Geneva. PLD was a co-organiser of the first panel along with, Violence is not Our Culture/ VNC [a campaign of Women Living Under Muslim Law (WLUML)], IWRAW and Asia Pacific. The panelists were: Farida Shaheed, IE on Cultural Rights; Madhu Mehra (PLD/ IWRAW-AP); Karmen Ramirez Boscán, (Leader, Epinayu clan, Wayúu community, Colombia); Fahima AbdelHafiz Hashim (Salmah Resource Center, Sudan); moderated by, Lydia Alpizar (AWID). The discussion sought to distinguish between culture and dominant constructions of culture in different contexts they represented, discussing the human rights challenges posed by the latter with reference to women. The second panel was on, organised by Women Living Under Muslim Laws, Shirkat Gah, and VNC.
- Oral statement: Human Rights Council, 16th Session/ Item 8 General Debate: PLD contributed to the writing of the statement and endorsed it, in collaboration with IWRAW A.P. The statement was challenging a resolution on 'respect for traditional values' that sought to introduce new standards for human rights, while ignoring the linkages of traditional values with torture and discrimination perpetrated on women and girls worldwide.
- Presentation for Gay McDougall, UN Independent Expert on Minority Issues, December 17, 2010: PLD at a roundtable discussion organised by the Working Group on Human

Rights. PLD's presentation highlighted the culturally relativist approaches to state policy on multiculturalism that have legalised discriminatory family laws in respect of minorities, while making it very difficult for women to initiate reform.

- CEDAW and Cultural Rights: Inputs to the resource book by Musawah on CEDAW and Muslim family law 'CEDAW and Muslim Family Laws: In Search of Common Ground' (2011).
- We designed two sessions on 'Culture and Women's Human Rights' and Islamic feminism/ Muslim family law and CEDAW, for inclusion in PLD's training of trainers for South Asia on CEDAW (April and July 2011). The session on Muslim law was planned in collaboration with Musawah and Sisters in Islam.

III. CEDAW RELATED

CEDAW continues to be core focus of our capacity development work, ranging from workshops at the community, state, national and South Asia levels. This year, web resource on CEDAW was created for wider outreach to stakeholders and practitioners. Projects involving application of CEDAW concepts to context specific concerns at the state level were undertaken through field studies and thematic consultations.

a. State Level Capacity Development:

The three state level workshops, one each in Jharkhand, Bihar and Orissa, and one central level training of trainers in Delhi was organized in this period. A rich but varied pool of trainers from diverse backgrounds was identified during the course of the state level trainings, who were invited to the ToT in Delhi. Following this, interested participants were asked to apply their understanding of CEDAW concepts to local issues, through small sample studies, for qualitative analysis. Since all the participants were involved/ familiar with NREGA, they undertook field work relating to this subsequent to the training.



The calendar of activities is follows:

b. Application of CEDAW to local issues

State	Activity	No. of part.	Venue	Date	Local Partners
2010					
New Delhi	Strategic Planning: Taking Stock, Mapping Future Directions with Partners	15	India Islamic Centre, New Delhi	27 th -28 th Oct	Partners present: FARR and CYSD (Orissa), NDC (Bihar), CSS and Prerna Bharati (Jharkhand), Academy of Socio Legal Studies and Mahila Jan Adhikar Samiti (Rajasthan),SAFAR (Gujarat)
Orissa	MNREGA Advocacy Meeting	41	Panthanivas, Kendujhar	22 nd Dec	Friends for Rural Reconstruction (FARR) and Centre for Youth and Social and Development (CYSD)
		66	ETC, Bhawanipatna, Kalahandi	27 th Dec	FARR
2011					
Jharkhand	State Consultation on Advancing Women's Rights in the Family and Community	47	Hotel Ashoka Ranchi, Ranchi	11 th -12 th Feb	Chotanagpur Sanskritik Sangh (CSS)
	MNREGA Advocacy Meeting	160	Panchayat Office, Itki Block, Ranchi District	13 th Feb	
Bihar	State Consultation on Advancing Women's Rights in the Family and Community	20	BSTDC, Bodhgaya	17 th -18 th Feb	Navjeevan Development Centre (NDC)
	Training on Gender Based Violence and CEDAW	21	BSTDC, Bodhgaya	15 th - 16 th Feb	
	NREGA Advocacy Meeting		District Collector Office, Muzaffarpur	30 th March	Mahila Samakhya, Bihar
Orissa	State Consultation on Advancing Women's Rights in the Family and Community	30	Hotel Suryansh, Bhubaneswar	21 st -22 nd Feb	FARR

- **MNREGA and Indirect Gender Discrimination**

PLD through its partners conducted field studies to identify areas of indirect discrimination in MNREGA. The researchers covered two to three districts in each of the three states, conducted FGD's and PI's based on a uniform questionnaire designed by PLD. The results of the field action studies were then collated and presented to Reetika Khera (Member, National Drafting and Monitoring Committee, National Rural Employment Guarantee Scheme), who was invited at the Strategic Planning Meeting to discuss findings of the studies and input into our action plan. The results of the study confirmed our hypothesis that while MNREGA in its design guarantees gender equality yet the findings in each state surfaced the disparity between men and women in terms of availability of work, difference in wages, nature of work available, no special provisions for single women and widows etc. It was decided to take back the findings of the studies to the districts where data had been collected through public hearing with the local government functionaries (details of advocacy meetings above).

District Level public hearings were organised in Keonjhar and Kalahandi in Orissa; Ranchi District (Itki Block) in Jharkhand and Muzaffarpur in Bihar. District magistrates were part of the advocacy meetings and addressed queries and responded to testimonials by affected workers. At the end of each meeting memorandums were submitted to District Magistrates with a list of demands. The hearings were well attended (participation going upto 200 in Jharkhand) and recognised by the women as being the first time where a focussed interaction on MNREGA was organised. In Bihar, the DM offered his office as the venue for the advocacy meeting.

- **State Consultations on Advancing Women's Rights in the Family and Community**



The State Consultations sought to focus on two thematic areas selected for their local relevance and marginalisation, for application of CEDAW. In respect of the family, the focus was on rights for women in customary conjugality not recognised by the law; and the second issue, was

that of witch hunting. These state consultations brought in stakeholders, policy makers of different levels, such as senior activists, lawyers, heads of organisations, serving as forum for perspective building, advocacy, and culminated in creation of task forces for field study on witch hunting. Posters on witch-hunting were 'unveiled' in each of the states to enthusiastic responses and demand for wider dissemination.

The presence of representatives of State governments and statutory bodies present were: In Jharkhand, the Minister for Women and Child, Vimla Pradhan and the Chairperson Women Rights Commission, Hemlata S Mohan, addressed witch hunting, sharing their plans. The women's groups from Jharkhand took the opportunity to demand their participation in drafting of the new women's policy. In Bihar, the Chairperson of the State Human Rights Commission, SN Jha participated. The major demands placed before him was the creation of a State Women' Commission; training for protection officers appointed under PWDVA and demand for action against the perpetrators in the Roopam Pathak case. In Orissa, the Chairperson of the Women's Commission, Jyoti Panigrahi participated.



PLD created and designed (Hindi and English) posters as IEC material on "relationships in the nature of marriage" or *shaadi rupi rishten* and "witch hunting" or *dayan utpidan* frame the issue in a new perspective, thereby communicating a perspective. The posters were released at the Consultations and enthusiastically received. Many observed that it was the first information tool on the issues, and although text heavy, it adequately communicated the different dimensions of the themes covered.

WITCH HUNTING

or the label 'dakan', 'dayan', 'tonbi', 'banamati', 'chatahedi', 'chillangi', 'hawa', 'dahani', targets mostly middle-aged or elderly women, who are single (deserted, unmarried, divorced, widowed), who own productive resources, and belong to adverse, dalit or the lower caste communities.

WHAT DOES WITCH HUNTING INVOLVE ?

- Identifying and branding a woman.
- Stigma, taunts, psychological torture, social and economic boycotts, loss of livelihoods.
- It is often accompanied by extreme brutality – including forcible stripping and parading naked in public, burning oil/ tar on the face, blackening the face, cutting off nose, pulling out teeth to 'defang', gouging out the eyes, whipping, gang-rapes, forcible consumption of human excreta or cow dung.
- And sometimes killing – by hanging, hacking, lynching or burying alive.

The survivors typically flee their village to survive, forced as a result to abandon their land, livelihood and home.

THE ROLE OF LAW

The map of India shows the 13 states where witch hunting is prevalent. The figure in each state reflects the aggregate murders recorded between the years 2009-08 (National Crimes Record Bureau), where suspicion of being a witch was the motive for murder. This number is severely under-reported, as unofficial data suggests that in 2008 alone, 700 women were killed in the country for this reason.

The Indian Penal Code is operational throughout the country, and covers most acts of violence related to witch hunting. While special laws on witch hunting exist in Bihar, Jharkhand and Chhattisgarh, they do not view the offences seriously, and provide minor punishments. Witch hunting is severely underreported, poorly investigated and prosecuted, with negligible rates of conviction.

Witch hunting is not about superstition, but is a form of gender based violence. It is an outcome of patriarchy, severe underdevelopment, denial of education, neglect by the law enforcement machinery and the absence of access to justice. Prevention must accompany penal laws to effectively eliminate witch hunting. State responsibility must include empowerment of women, education, livelihood, support services for women from marginalized communities.

FORWARD BY L. K. DEBBARMA
SECRETARY

डायन उत्पीड़न

दखन, दाहन, टोन्बी, बानमती, चताहदी, चिलंगी, हवा, दाहनी। ये आरोप लगाकर दौरे या तुलुंग दहन आदिवासी या किसानों की भूमिदाओं पर लाये जाते हैं। इसमें फलक भूमिदाओं (मिया, तलाकगुला, अविवाहित) को निशाना बनाया जाता है जिसके पास पत्त सम्पत्ति एवं फलक उत्पादन की सामग्री होती है।

डायन उत्पीड़न में क्या शामिल होता है ?

- महिला की पहचान करके उसे डायन घोषित करना।
- डायन, लोभ, आर्थिक-उत्पीड़न, सामाजिक एवं आर्थिक अछिछेद, आश्रमिता की शक्ति करना।
- इसमें अक्सर बुरे दिवस को चोरी के, याता करने का आरोप लगाकर उसे घुमाने, शान कराने, नदाना, शर पूरना, दूध काढना करना, नाक काटना, निचलने चढाने के नाम पर दहन निशाना, बाँधे निशाना, कोड़े मारना, सामाजिक बहिष्कार करना, मारना या पथु का मुंह/आंखों में डालना।
- कभी-कभी फाँसी देकर, चुड़े से मार कर, जिंदा जलाने कर या पत्थरों से मारकर हत्या की जाती है।

उत्पीड़ित महिलाएं जान बचाते के लिए घर, खेती-बाड़ी एवं पत्त सम्पत्तियों को छोड़कर भागने से मजबूर हो जाती हैं।

मामलों की भूमिका

भारत के इस पक्षों पर जहाँ मरदा रप किया गया है, वहाँ 13 राज्यों में डायन उत्पीड़न होता है। हर राज्य में दिवस बना आकर 2009-2008 तक कुल डायन दृष्टियों की संख्या 13 राज्यों में (संघीय अख्यक रिपोर्टों मुताबिक) 1000 से अधिक है। इनमें से 700 महिलाओं की डायन उत्पीड़न के मामले दर्ज हुए हैं। इनमें से 500-700 महिलाओं को डायन के रूप में चिन्हित कर मार दिया गया है।

भारतीय राज, समाज, अर्थशास्त्र से जुड़ी विद्या की, अधिकांश मामलों पर देश में जमाने, टोन्बी है। इसके अलावा बिहार, उत्तर प्रदेश और उत्तरांचल में डायन उत्पीड़न पर विशेष ध्यान दे रहे हैं। अन्य राज्यों को भी डायन से न जोड़ें हुए लेकिन मामलों बना रहे हैं। डायन उत्पीड़न के मामले भारती राज, समाज में डायन उत्पीड़न को रोकने के लिए, इसलिए बहुत कम मामलों में सजा की जाती है।

डायन उत्पीड़न जिन्हें अविवाचित या माला मुहुरी हैं। यह जेल/उत्पीड़न आदिवासी दहन का अन्त है। यह विवाहसम्बन्धी उत्पीड़न, अशर विकलता, जिंदा जी घसी, चण्डाल लक्ष्म मारने का भी संस्कारों का उत्पीड़न है। यह उत्पीड़न के अन्त का उत्पीड़न है।

इस दिना को जहाँ डायन के लिए कानून की अन्त का उत्पीड़न समाप्त करवाया है। जहाँ इसलिए पर उत्पीड़न के अन्त का उत्पीड़न, विद्या, आश्रमिता, मरदा रपे का भी उत्पीड़न आदि, सुनिश्चित करना।

FORWARD BY L. K. DEBBARMA
SECRETARY

c. Web resources and Regional Training of Trainers

- Knowledge Portal on CEDAW



PLD launched the first CEDAW South Asia website: www.cedawsouthasia.org, with support of UN Women. This site has been developed as a comprehensive resource for the South Asia region to facilitate regional

sharing and to strengthen implementation of CEDAW. It contains general, thematic and treaty body related knowledge resources on CEDAW, country updates, announcements of capacity building and learning opportunities. It provides links to additional information and carries CEDAW text in 11 languages: Bangla, Dari, Dhivehi, English, Hindi, Malayalam, Nepali, Oriya, Pashto, Tamil and Urdu.

The website was launched on the 100th Anniversary of International Women's Day and has received about 2000 visitors (by May 2011) with an average user spending 30 minutes on the website. Reproduced below are some of the congratulatory messages received:

Very good initiative. Congratulations.
Please add CEDAW text in Bangla.

Ferdous Ara Begum, Former Member of the UN CEDAW Committee (from Bangladesh)

Many thanks for this truly useful resource.

Uendra Baxi, Emeritus Professor of Law, University of Warwick

Thanks for this useful initiative

Farida Shaheed, Independent Expert on Cultural Rights

Many Congratulations PLD Team!!

Sudha Varghese, Director, Nari Gunjan

Very impressive. A good resource, like your newsletter. Thank you.

SK Priya, Advocate, Chennai

Congratulations and thank you. A much needed website which I am sure will be used heavily by many. I will be personally very benefitted for my lectures on the subject particularly for the special programmes organised by Women's studies Calcutta University.

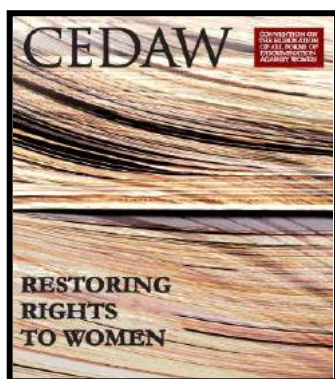
Koely Roy, Executive Member, NAWO West Bengal

Amazing, well done! Will be a great resource.

Sara Hossain, Human Rights Activist and Advocate Bangladesh Supreme Court

- Preparations for South Asia Training of Trainers:

This period also saw hectic preparations to hold the South Asian Regional Training of Trainers on 'Strengthening Application of CEDAW in South Asia' from April 8-12, 2011. Training announcement, application processing and selection, printing of selected readings as resource packages, transfer of training materials to Nepal the venue of the workshop, and coordination with resource persons and participants were undertaken in this period.



d. Second Re-print of CEDAW resource book, Restoring Rights to Women (RRW) The illustrated resource book first published in 2004 with support from UNIFEM South Asia Regional Office, remains the only substantial resource material on the subject in the region, covering the background to the thematic treaty, its concepts, articles and general recommendations. The first English re-print became necessary in 2006, and the second in October 2010, with exhaustion of all copies. The book is used within India and regionally for government and NGO trainings. It has been widely appreciated and is also available in Hindi, Malayalam and Oriya.

Advocacy, Activism, Coalition Activities

a. Integration of Sexual Orientation and Gender Identity (SOGI) concerns

Our approach to discrimination has always been intersectional, integrating concerns arising from SOGI consistently into knowledge production, capacity building, activism and coalition work. The resource book on 'Rights in Intimate Relationships' is one example. Likewise, the approach to sex discrimination in our CEDAW trainings, and our efforts to nominate/ facilitate participation of LGBTI organisations and activists to strategic human rights forums have endeavoured towards inclusion of SOGI concerns. In this period, we nominated Lesbit, an organisation working with lesbian, bisexual and transgender (female to male) persons from poor and working class backgrounds in Bangalore, to participate in APWLD's consultation in Kuala Lumpur with the Special Rapporteur on Violence Against Women in November 2010. Lesbit was also nominated to take part in a meeting with the Special Rapporteur on Human Rights Defenders in December 2011 in New Delhi, along with Sangama, an organisation working for sexual minorities in Bangalore. A representative from Voices against 377 – was nominated to present at the roundtable for the UN Independent Expert on Minority Issues on December 17, 2010. We also participated in an informal commemoration of IDAHO day (International day against Homophobia and Transphobia) on May 19, 2010.

b. Mid review prior to India's UPR II

As a member of the Working Group on Human Rights (WGHR), PLD integrates women's human rights concerns into all its initiatives. For the mid term review report prepared by the WGHR in October 2010, PLD responded to two recommendations (no. 16-17, related to women's rights) made to India during the Universal Periodic Review, relating to integration of gender perspective into all aspects of work, and in relation to equal rights to women to property accumulated during marriage, respectively.

c. Comprehensive reform of criminal law relating to sexual assault

This period from April to June 2010 witnessed considerable investment into the coalition work and advocacy related to the Criminal Law Amendments on sexual assault. With the government bill on the website, a coalition of autonomous women's groups came together to discuss recommendations and comprehensive reform. PLD's specific contribution involved the following – (a) consolidating archives relating to advocacy by women's groups on sexual assault law for uploading on the Centre for Women's Development Studies (CWDS) website, (b) participating in the national consultations in Mumbai and Delhi (PLD helped coordinate the Delhi meeting), as well those relating to the bill related to offences against children; (c) we contributed towards provisions relating to targeted mass violence; and on a distinct provision relating to sexual assault against persons other than women (with reference to gay, bisexuals, transgender and intersex populations); (d) submitted recommendations/revisions on the draft bill to the Ministry of Women and Child Development.

Technical assistance/ conferences

- Invited as a panellist by the OHCHR to present on 'cross cutting issues' related to the 'right to sexual and reproductive health', subject of forthcoming general comment, at the day of general discussion of the UN Committee of Economic Social and Cultural Rights on November 15, 2010.
- Presentation on CEDAW and sex selection at the 'Addressing Sex-Selection: Continued Challenges and Emerging Concerns' on December 4, 2010 at India Islamic Centre organised by SAMA.
- Presentation on 'Mechanism for access to Courts and Discussion on Appointment and Role of POs' at the National Conference: *Staying Alive*, Protection of Women from Domestic Violence Act, 2005, on December 19, 2010 at India Habitat Centre organised by Lawyers Collective.
- Presentation on "The Specific ways to make the Law of Maintenance & Marital Property Inclusive for Sexual Minorities". Final Meeting and Consultation on the Economic Rights and Entitlements of Separated and Divorced Women in India, on December 20-21, 2010 at India International Centre organised by Economic Research Foundation.
- Invited to chair the National Consultation on Amendments in 498A on December 23, 2010 at India International Centre organised by Women Power Connect and Oxfam India.
- PLD responded to a survey conducted by the office of the UN Special Rapporteur on Violence Against Women, Rashida Manjoo for a forthcoming report entitled

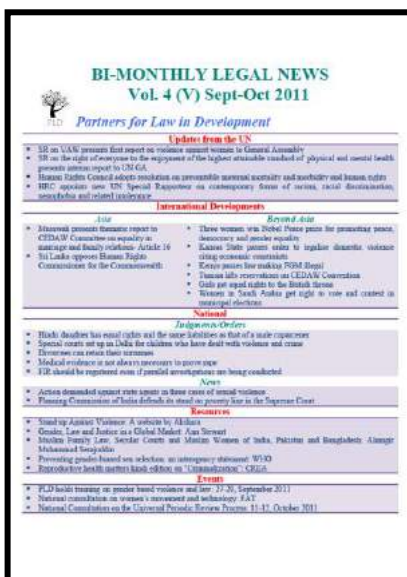
"Intersectional and multiple forms of discrimination in the context of violence against women." PLD sent its response to the questions on December 2010.

- Conducted a session on human rights for the programme team of The Hunger Project in New Delhi on their request on January 14, 2011.
- Conducted a session for newly recruited judges on Gender and the Law for the National Judicial Academy, Bhopal, on January 16, 2011
- Participated in Consultation on UN Women’s Global Strategic Plan for 2011-2014 on 15 March, 2011 at the India International Centre: organised by UN Women.
- Keynote speech on CEDAW and migrant women at the UNIFEM national consultation on ‘Empowering Women Migrant Workers’ held on August 28, 2010.
- Participated at the launch of ANNI report (Asian NGOs network on National Human Rights Institutions) organised by the WGHR (Working Group on Human Rights) in respect of the review of the NHRC that is due for accreditation next year with the OHCHR on August 26, 2010.

PLD Newsletter

The newsletter has successfully completed three successful years with timely release of issues, and is now in its fourth year. In general, we have paid careful attention to its content, improved its format and updated its outreach periodically. It is now produced in a PDF format, with design changes and higher security. Headings have been altered to make South Asia/ Asia central to our focus – for example instead of National and International, Asia and Beyond Asia as our headings.

Many of our subscribers say that they find it to be a useful resource. The newsletter is now circulated to approx. 1000 readers across South and Southeast Asia and beyond. Despite the availability of ‘unsubscribing’, we have not had a single reader unsubscribe in the last two years. The website receives an average of 10-15 subscriptions a month.



ORGANISATIONAL UPDATE

Strategic Planning with State Partners: Taking Stock, Mapping Future Directions

A vital component of PLD's organisational design has always been its linkages with the community and state level partners, whose experiences, contexts and needs influence our programme directions. The relationship is complementary, where we offer capacity development in the field, and draw upon their field knowledge and experiences into our programme priorities. Our knowledge production projects, and thematic areas of CEDAW application have evolved from this interaction and mutual exchange. The work on Rights in Intimate Relationships is one such example. To collectively take stock of experiences from the last four years of work with our programme partners from different states and chose our strategic priorities, the 'Strategic Planning: Taking Stock, Mapping Future Directions Consultation with Partners' was held in Delhi on 27-28 October 2010. The participating partners from Orissa were Aradhana Nanda (FARR) and Kalpana Mohapatra (CYSD), Bimal Kanta Panda and Sukanta Mohapatra; from Jharkhand the members were Sachi Kumari (CSS) and Kalyani Meena (Prerna Bharati); from Bihar, Sr. Sabeena¹ from Navjeevan Development Centre (who previously coordinated the Mahila Samakhya network in Bihar); from Rajasthan were Indira Pancholi and Lekha (Mahila Jan Adhikar Samiti) and Kailash Chand (Academy of Socio Legal Studies), from Gujarat, Sophia Khan (SAFAR), and the meeting was facilitated by Gagan Sethi. This meeting objectives were – to locate the value addition PLD brought to the work of the state level organisations in terms of how the partner organisations view what PLD has to offer; and in the second part, to develop a shared understanding of our priority areas. In this context the following thematic areas of focus were discussed: i) MNREGA and indirect gender discrimination; ii) Gender based violence in the community (witch-hunting); iii) Understanding and advancing rights of women in intimate relationships.

The partners felt that many of these issues were recognized seriously for the first time. Two clear outcomes of this meeting were:

- Commitment by field partners to join PLD in legal advocacy in the two cases in the Supreme Court, with the aim of securing legal rights for women in relationships that have no legal recognition.

¹ By mid 2010, lack of effective outreach by the coordinating groups necessitated a second round of network expansion in Bihar. Our network in Bihar now includes Sister Sabeena from Navjeevan Development Centre; we are also supported by Sr. Sudha Varghese (Nari Gunjan) and Rupesh (Koshish) and Bihar Women's Network in our advocacy initiatives.

- Witch Hunting - was identified as grave issue where social and family violence was directed against marginalised women, yet little was known of the law or legal action. The issue of caste and regional variations in witch-hunting, linkages with under development, apathy of the law enforcement machinery and the absence of access to justice was rarely made. It was felt that a field study is necessary for going beyond illustrative cases of witch hunting to look at responses of those vested with the authority to respond and provide redress. In each states task forces were formed with members from across the state who would conduct socio-legal action research – covering most affected regions, mapping caste and regional variations, causes, and protection gaps in the law. Accordingly, teams were constituted with partners to take this forward: In Jharkhand, the members are, Bitya Murmu at (Santhal Pargana), Vandana Tete (Simdega) and CSS (Gumla); in Bihar the team includes Shubraja Singh, Urmila and Poonam from Mahila Samakhya, Rupesh from Koshish, Sr. Sudha Varghese from Nari Gunjan and Parineeta from Adithi; in Orissa the team includes Vishwa Ranjan Jha (Mayurbhanj), Manoj and FARR, (Keonjhar), Shafique (Jajpur) and Kalpana (Sundergarh); in Rajasthan the team was to be led by Mahila Jan Adhikar Samiti (Ajmer).

Our Team and Programme Partners:

Executive Director: Madhu Mehra

Programme Team: Aditi Malhotra, Gayatri Sharma

Short-term Appointments: Pallavi Gupta, Sunila Singh, Rashmi Beri, Renee Chartres

Administration and Finance:

Team: Bindu S, Kishore Tirkey, Vipin Kumar

Support Staff: Zeenat, Lal Bahudar

Programme Partners:

Bihar

Mahila Samakhya; Navjeevan Development Centre (NDC)

Jharkhand

Chotanagpur Sanskritik Sangh (CSS); Prerna Bharati

Orissa

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

Resource Pools

- ◆ **Women and Culture:** Farida Shaheed, Rashida Manjoo, V. Geetha, Uma Chakravarti, Kamala Chandrakirana, Sara Hossain, Madhu Mehra
- ◆ **CEDAW:** Shanthi Dairiam, Deepika Udagama, Madhu Mehra
- ◆ **State Level:** Aradhana Nanda, Sachi Kumari, Madhu Mehra, Sudha Varghese, Purnima Upadhyay, Saumya Uma, Kalpana Mohapatra, Sukanta Mohapatra, Chitrlekha Kumari, Aditi Malhotra

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, HIVOS, UNIFEM South Asia Regional Office

Direct Travel Support to participants in the South Asia Plus Consultation on Culture, Women and Human Rights: UNIFEM Pakistan and New York, UNFPA India and Indonesia