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ANNUAL REPORT



Partners for Law in Development |



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Cover Photo: Workshop on Gender Based Violence and the Law, Ranchi, September
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Administrative and Finance

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 women's 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 women is drawn from human rights law on the one hand and the contextual realities of disadvantaged groups of women 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 overlapping contexts of under-development, poverty, conflict, sexuality, caste, culture and identity politics. 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 four streams of intervention: a) creating new knowledge through the grounded research, and production of resource materials, newsletter and online resources; b) development of capacities through training workshops, perspective development; c) technical assistance and conference presentations; d) 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

We approach CEDAW as international law that facilitates processes of monitoring, reporting and review; and as a conceptual framework that when applied to thematic areas helps contextualise ways in which discrimination manifests in specific situations, opening possibilities for finding local and national solutions. The thematic areas of focus for PLD include: gender based violence and law, the targeting of women as witches, a phenomenon described as 'witch hunting',

cultural discourses that justify inequality, rights of women in non-marital conjugality and in the rural livelihood guarantee scheme, MNREGA. While most of these themes are a continuation of earlier work – the focus on witch hunting is new.

I. CEDAW

The capacity development on CEDAW undertaken this year combines conceptual, technical, legal with thematic aspects. The training programmes were organised at the grassroots, state, national and South Asia levels reflecting the fields of PLD's operations in relation to capacity development on CEDAW.

a) CAPACITY DEVELOPMENT

(i) Two regional trainings on CEDAW: 'Regional Training of Trainers on Strengthening Application of CEDAW in South Asia'

Since 2006, PLD has periodically conducted South Asia regional trainings of trainers on CEDAW to boost capacities and expand human resources in the region



on the women's treaty. CEDAW's relevance to women's empowerment and gender justice for the region cannot be over-emphasised. All the eight countries in the region have ratified CEDAW, and four of these have also ratified the Optional Protocol to the CEDAW; many have submitted

their fourth periodic reports, and shadow reports have been regularly submitted by women's groups to make the country reviews by the CEDAW more effective. In this context, there was a pressing need for capacity development of a second line of trainers, programmers, advocates, government officials and aid agency staff in the region on the treaty. PLD's conducted two trainings of trainers in this backdrop,



reaching out to stakeholders from all these sectors. The set of resources created to back the capacity development included a resource package with readings to compliment the

training agenda, and an online knowledge portal: www.cedawsouthasia.org

There were two trainings conducted this year, the first one in Nepal from 8th to 12th April 2011 and the second in New Delhi from 14th to 21st July 2011. The trainings sought to refresh and deepen understandings of concepts, and facilitate implementation in key contexts of gender inequality in South Asia, these being discrimination arising from gender identity and sexual orientation; cultural relativism, and conflict/ post conflict situations. In addition, the workshop covered functions of the Committee and mechanisms for review and accountability. The participants were drawn from all 8 countries of the region: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. Of the nearly 200 applications received for both trainings, a total of 69 participants were selected and trained, the breakup of which is as below. Of these, five participants were selected as master trainers and participated in both trainings.



South Asia Regional Training of Trainers on strengthening application of CEDAW in South Asia	Number of Paxs.
Nepal, 8 th – 12 th April 2011	30
New Delhi, 14 th – 21 st July 2011	39

The resource persons for the two trainings were Mary Shanthi Dairiam (former member of the CEDAW committee and the founder member of International Women’s Rights Action Watch-Asia Pacific), Deepika Udagama (Member, Board of Trustees of UN Voluntary Fund for Technical Cooperation in the Field of Human Rights, and professor of law, Srilanka) and Madhu Mehra (founding member and Executive Director of PLD). Two guest trainers conducted the session on Muslim family law and CEDAW, Zainah Anwar and Cassandra Balchin, both founding members of Musawah, a global movement for equality and justice in the Muslim family. The feedback from the workshop was very positive, with requests for regular regional platforms of learning and exchange, and trainings of longer duration.

(ii) Two state level workshops on: Gender based Violence and the Law



These two residential workshops were sub-regional/ state level; the first in Ranchi (Jharkhand) and the second in Puri (Orissa), conducted in collaboration with
Chhattisgarh
Sanskritik
Sanghatan (CSS)
in Ranchi and
Friends



Association for Rural Reconstruction in Orissa (FARR) respectively. The purpose of the workshop was to familiarise activists and lawyers with laws relating to universal

and specific forms of gender based violence, including atrocities against SC/ST women, targeting of women as witches, in addition to domestic violence; the workshop covered basic concepts of criminal law, and drafting exercises'. The participants for the workshop were senior activists, lawyer within each state. The resource persons for the workshops were Saumya Uma and Purnima Upadhaya. There were 59 participants from Bihar, Chhattisgarh and Jharkhand and Orissa.

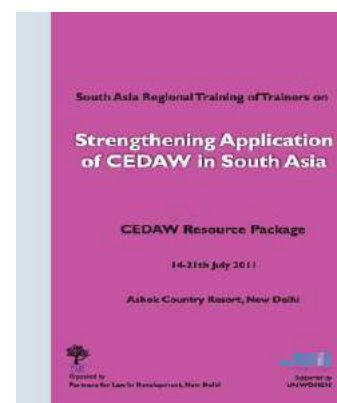
Workshops on Gender based Violence and the Law	No. of Pax
Ranchi, 27 th – 29 th , September 2011	39
Puri, 15 th – 18 th , December 2011	20

A resource pack with comprehensive information on the agenda topics was created, with materials in Hindi and English. Most of the participants stated in their feedback that while they were aware about the PWDVA, all the other topics were entirely new, and emphasised the need for greater familiarity with laws relating to specific forms of violence and workshops of longer duration.

b) KNOWLEDGE PRODUCTION

There were four resources created on CEDAW to complement the capacity development initiatives organised this year. Two of these were hard copies of readings compiled as course curriculum for the two workshops mentioned above (the South Asian workshops on CEDAW and the state level workshops on gender based violence and the law); the third, a CD of additional readings for the South Asian workshop was prepared; the fourth was the online knowledge portal on CEDAW for South Asia.

- (i) **Resource Package on CEDAW:** The resource package covers information conceptual and technical information related to CEDAW, and its reporting and review procedures; papers contextualising thematic issues of focus in the context of South Asia, and the latest concluding comments issued by the CEDAW to

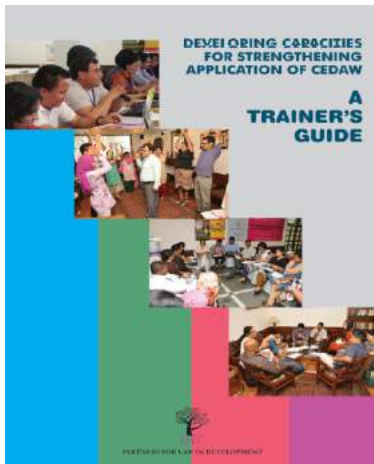


the South Asian countries. This is accompanied by companion readings in a CD.

(ii) Developing Capacities for Strengthening Application of CEDAW: A Trainers Guide:

A consistent demand in our South Asian regional trainings on CEDAW has been

for a trainer's guide that combines information on CEDAW concepts and its review mechanisms, with communication and learning tools such as flow charts, case studies and guidelines for group work for trainers to selectively adapt. This trainers guide was created in response to this demand. This guide draws upon the South Asia trainings of trainers on CEDAW conducted in 2011. In addition to covering concepts, technical aspects related to the



functioning of the Committee, information on shadow reports, the guide discusses CEDAW in the context of three thematic areas relating to gender identity and sexual orientation, cultural relativism and identity politics, and to conflict/ post conflict situations. While the guide was finalised by March 2012, its layout and uploading was completed after March.

(iii) CEDAW South Asia web portal: The purpose of the online knowledge portal on CEDAW is to provide information and knowledge resources to a wide range of audience to facilitate the implementation of CEDAW in the region. The website covers a range of information including:

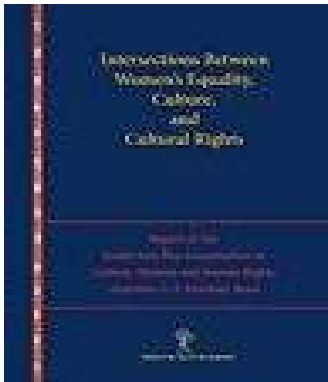


- Technical and conceptual information about CEDAW and its Optional Protocol.
- The reporting and ratification status of South Asian countries.

- Country specific information on key legal and institutional mechanisms relating to CEDAW in South Asia; the reporting status, shadow reports, and Concluding Observations.
- Human rights standards complementing CEDAW in thematic areas of health; migration; conflict and post conflict; culture; and violence against women.
- Announcements of training opportunities, conferences and new resources with respect to women’s rights – that is regularly updated.

Our tracking (through Google analytics) shows a total of 4298 visitors to the site, of which 2974 are unique visitors over the year; 67% are new visitors, while 31% are returning visitors. The visitor feedback from a survey monkey confirmed that majority of the visitors to the website found information much beyond what they were looking for, while serving their search needs. All visitors reported that the purpose of their visit was to enhance their personal knowledge; of these, 54.6% said they are likely to return for more information. Notably, 90% of the respondents said they would recommend the website to the others. With regard to the overall structure, layout and design of the website – majority of the respondents rated it ‘well above average’; the quality of content and ease of navigation were rated ‘above average.’

(iv) Intersections between Women’s Equality, Culture and Cultural Rights



The South Asia Plus consultation on ‘Culture, Women and Human Rights’ held on September 2-3, 2010 in Nepal by PLD brought together UN special procedures, CEDAW experts and activists to discuss diverse strategies used to resist and contest cultural discourses that tighten controls over women’s freedoms, and justify discrimination in the family and the community.

Drawing upon the rich discussions at the Consultation, the resource book, Intersections between Women’s Equality, Culture and Cultural

Rights was published. The report discusses discursive strategies that aim to transform culture to promote principles of equality and dignity, grounding these in local and national level activism in diverse contexts of South and Southeast Asia.

c) CEDAW RELATED ADVOCACY/ CONSULTATIONS

- (I) PLD through its executive director served as member of the working group on Women's Agency and Empowerment for the 12th Plan, within the sub-group on 'legal framework for women' (from June to September). We submitted a paper highlighting concerns arising from compulsory registration of marriage, inadequacy of law relating to sexual assault, institutional weaknesses and access to justice; and recommended ratification of the Optional Protocol to CEDAW and the International Criminal Court.
- (II) Participated at the national consultation organised by the Ministry of Women and Child Development on November 25, 2011, to comment on the government's draft 4th and 5th periodic report to the CEDAW.
- (III) Participated in meeting for finalization of the United Nations Development Assistance Framework (UNDAF) 2012 on October 3, 2011. We emphasised the need for continued support to capacity building on CEDAW.
- (IV) Presentations at the Asia Pacific Consultation on CEDAW for the proposed General Recommendation on human rights of women in situations of conflict and post conflict organised by IWRAW-AP, UN Women and the UN OHCHR on March 26-28, 2012 in Bangkok.

II. VIOLATIONS ARISING FROM THE TARGETING OF WOMEN AS WITCHES

Our work in Jharkhand, Bihar and Orissa brought us closer to specific forms of gender discrimination prevailing in these states. Of these issues, witch hunting or

the targeting of single elderly women from tribal, OBC and Dalit communities, to divest them of their property and productive resources, became an area of focus for us. Although widely acknowledged as a form of gender based violence, there is little knowledge base or concerted activism at the national level on the issue. Being single/ elderly women as they mostly are, from tribal or backward castes in rural contexts – they are the social bottom of the patriarchal/ caste/ development hierarchy. These reasons were decisive for PLD taking up this issue and preparatory steps were undertaken with long term goals to address witch hunting. Preliminary steps had already been undertaken in the previous year, with consolidation of data from crime records, printing and dissemination of posters at the state level in February 2011. From April 2011 onwards, preparatory steps were undertaken for investigating prevalence, patterns and legal gaps in relation to the practice of witch hunting, including the following:



- A consultation was organised on August 31, 2011, with participation from 7 states for developing a strategy towards addressing witch hunting. State level accounts of the practice from Jharkhand, Bihar, Orissa, Gujarat, Rajasthan, Uttar Pradesh and Chhattisgarh were shared to understand trends, commonalities, divergences. A plan to undertake multi-state initiatives to address the issue, including through primary data collection to create a knowledge base was highlighted as necessary for mounting future actions. The NCW was invited to secure their interest and commitment on witch hunting.
- Steps towards identifying organisations working on witch hunting were taken for creation of a national broad based platform that would undertake advocacy on the basis of findings, including for law reform, efforts were

made to involve more states. We were able to secure interest from Assam, Andhra Pradesh. Activists and organisations were also approached in Haryana which reports high number of witchcraft murders. Unfortunately, the groups in Haryana are unfamiliar with the issue and further efforts are needed to understand the practice in the state.

- By November 2011, an 8 member multi-disciplinary resource pool comprising of (activist) academics, drawn from history, anthropology, women's studies, and law to guide and review the progress of the field study was established.
- Field investigation tools, questionnaires and templates were prepared, and finalised in a meeting of resource persons and field partners on March 23, 2012. The field work planned was three pronged – i) collation of case stories; ii) data from block level police thanas; iii) community interventions to mobilise local action.
- A literature review and legal research on witch hunting was planned and preliminary sourcing of material began in this period.
- Discussions with the Ministry of Women and Child Development and the National Commission on Women were initiated to secure their support and commitment, with the goal of influencing policy. The support from the MWCD for a pilot study in three states was secured: Jharkhand, Bihar and Chhattisgarh, the only states where special laws relating to witch craft exist. Discussions to include Assam with support of state partners were also initiated. (The project commenced later in May 2012).
- Discussions with NCW were positive and soon after March 2012, led to commitment of financial support for consultations in four regions: the Eastern region, the North East, the Northern and Western region. For the time being, the Southern region was not included.



III. WORKING WITHIN COALITIONS

Working collectively with other civil society groups towards advancing human rights remains integral to PLD's work and time allocation. Coalitions are largely non-funded mechanism that allows pooling together varied strengths for advocacy and accountability. Even as PLD brings its thematic strengths into the collective, it enriches its programme with the understandings gained from such collective endeavours. Two such coalitions have been Voices against 377 (Voices) and the Working Group on Human Rights (WGHR).

- **Voices Against 377:** the coalition was formed to support the petition of Naz Foundation in the Delhi High Court, challenging criminalisation of homosexuality under section 377 of the IPC. With several appeals filed against the landmark High Court judgment de-criminalised homosexuality, Voices coalition decided to defend the judgment in the Supreme Court. This year PLD played a lead role in consolidating the legal papers related to the Supreme Court appeal, summarising and indexing documents to assist the coalition plan its strategy. From December 2011 to March 2012 when the hearings for the appeal were held, PLD actively contributed towards the Voices position in Court hearings; we continue to house the Voices documentation and legal records. The arguments in the Supreme Court have concluded and the judgment is awaited.
- As a member of the Working Group on Human Rights or the WGHR (in India and at the UN), PLD contributed to the preparatory processes leading to India's second Universal Periodic Review (UPR) to be held by the UN Human Rights Council in May, 2012. The WGHR commenced its preparations for the UPR in August 2011. PLD's role included contributing towards preparation of background papers, printing of background documents for orientation and participation of the civil society, helping with some of the regional consultations held across the country, and contributing towards sections on women and the LGBTI in the multi stakeholder report for the UPR.

IV. ADVOCACY

Our advocacy initiatives are sometimes initiated by us, and at other times, in response to external impulse. In this spirit, we undertook the following initiatives:

- **Submissions to the Rajya Sabha Select Committee and the Law Commission of India with regard to Section 498A IPC:** In the backdrop of a growing backlash against the sole penal provision for redress of cruelty to a woman by her matrimonial family, the Rajya Sabha Select Committee called for a review of s. 498A. The review was triggered by a petition that sought to dilute the penal provision by proposing it be made bailable, compoundable and gender neutral. PLD sent its submissions asserting the relevance and value of the provision to caution against any change – and made submissions before the select committee. The Law Commission of India similarly initiated a review of the provision through a questionnaire to various stakeholders, to which PLD responded.
- **Petition to reform sexual assault laws:** The news report of the rape and murder of 16 year old tribal girl, Meena Khalko, allegedly by the Chhattisgarh police, highlighted the continued use of two finger medical test in rape investigation that serves to discredit the victim for being ‘habituated to sex’. PLD drafted and initiated a petition endorsed by 116 organisations and individuals pressing for reform of criminal laws and medico forensic procedures relating to sexual assault. The petitions were submitted to ministries of Home Affairs, Law, Women and Child Development, and Health in December 2011, pressing for reviving discussions relating to the Criminal Law Amendment Bill of 2010. Likewise, a letter to the national daily, Indian Express, was sent to protest the news report for playing up the aspect of ‘habitual to sex’ rather than critiquing it.
- **Petition to press for on expansive definition of the term ‘wife’:** In September 2011, we sent petitions to Ministries of Women and Child

Development, Law and Justice, and the Law Commission of India, urging an expansion in definition of wife, and a review of the policy promoting 'compulsory' registration of marriage backed by penalties. The petitions were endorsed by PLD partners (who are co-petitions in the Supreme Court matters). The annexes contain a tabulation of jurisprudence favouring this position. Based on our documentation of realities of women in non marital relationships in the resource book titled, Rights in Intimate Relations, we highlighting the need for an expansive definition of the term 'wife' to extend basic legal protection to women in all conjugal relationships irrespective of the legality of marital status.

- **Status of legal petitions in the Supreme Court**

A review petition and intervention application was filed in Supreme Court, to push for expanded definition of wife to secure legal protection for maintenance claims based on cohabitation (rather than being based strictly on legality of marital status). PLD's review petition relating to the *Velusamy* judgement was dismissed. However, notice was issued in its intervenor in the *Chanmuniya* case.

V. TECHNICAL ASSISTANCE/ CONSULTATIONS/MEETINGS

- We were invited by the National Judicial Academy in Bhopal to conduct gender and CEDAW related sessions for judges on August 19, 2011.
- Presentation made at the consultation on Women Victims of Crime, organised by Majlis and the NCW, on August 28, 2011 at Mumbai.
- Presentation made on the need to expand legal protections to women in non marital conjugality at 'Legal Strategies for the Enforcement of Economic and Social Rights' conference organised by the NLSIU and the Institute for International Education, at NLSIU, Bangalore on September 5-6, 2011.

- A global project, initiated and coordinated from the law school of Northeastern University, Boston, called the due diligence (DD) project was initiated in 2011 with the objective of developing indicators to measure state performance of obligations to eliminate violence against women. PLD is a member of the advisory board, for South Asia and Asia Pacific, and has contributed by way of inputs to the indicator setting, the questionnaire, and helped identify countries and NGOs that will participate.
- We participated in the National Colloquium on Right to Choice conducted by Association for Advocacy and Legal Initiatives (AALI) from 25th to 27th June 2011 in Lucknow, Uttar Pradesh.
- We participated at the consultation organized by National Commission for Women on January 19, 2012 to discuss the Centrally Sponsored Scheme (CSS) to provide matching assistance to State Governments for effective implementation of PWDVA, 2005 proposed by TISS. The scheme aims at placing protection officers at the Special Cell for women at police stations across the country.
- We made presentations on witch hunting to Christof Heyns, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions on his official visit to India at New Delhi on March 20, 2012. In his press release, he called attention to the issue of witch hunting.

VI. ORGANISATIONAL UPDATES

Our Team and Programme Partners

Executive Director: Madhu Mehra

Programme Team: Aditi Malhotra, Gayatri Sharma, Pooja Badarinath

Short-term Appointments: Runamoni Bhuyan, Prita Das Gupta

Interns/Volunteer : Christine Wahr, Dyuti Ailawadi, Parveen Kumar

Legal Consultant : Anita Abraham

Administration and Finance

Team: Bindu S, Kishore Tirkey, Vipin Kumar

Support Staff: Zeenat, Lal Bahudar

National Level Trainers : Geeta Ramaseshan, Saumya Uma, Purnima Upadhyay

State Level Trainers : Sukanta Mohapatra, Kalpana Mohapatra, Bimal K. Panda

Programme Partners

Bihar : Mahila Samakhya; Navjeevan Development Centre (NDC)

Jharkhand : Chotanagpur Sanskritik Sangh (CSS); Purna Bharati

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

Resource Pools

- ◆ **CEDAW:** Mary Shanthi Dairiam, Deepika Udagama, Madhu Mehra Zainah Anwar and Cassandra Balchin Guest Trainers
- ◆ **Access to Justice :** Mary John, Uma Chakrararty, Kamla Shankaran
- ◆ **State Level:** Aradhana Nanda, Sachi Kumari, Madhu Mehra, Sudha Varghese, Purnima Upadhyay, Saumya Uma, Kalpana Mohapatra, Sukanta Mohapatra, Aditi Malhotra

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Advisory Board: Uma Chakravarti, Sanjay Aggarwal, Malini Ghose

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