

## **CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

### ***The States Parties to the present Convention,***

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

## **PART I**

### ***Article 1***

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

### ***Article 2***

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

### ***Article 3***

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

### ***Article 4***

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

**Article 5**

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

**Article 6**

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

**PART II**

**Article 7**

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

**Article 8**

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

**Article 9**

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

**PART III**

**Article 10**

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban

areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

#### **Article 11**

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

#### **Article 12**

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

#### **Article 13**

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

#### **Article 14**

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

## **PART IV**

### **Article 15**

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### **Article 16**

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - (a) The same right to enter into marriage;
  - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - (c) The same rights and responsibilities during marriage and at its dissolution;
  - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
  - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
  - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## **PART V**

### **Article 17**

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a [Committee on the Elimination of Discrimination against Women](#) (hereinafter referred to as the Committee) consisting, at the time of entry into force of the

Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

#### **Article 18**

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

#### **Article 19**

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

**Article 20**

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. ([amendment](#), [status of ratification](#))

**Article 21**

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

**Article 22**

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

**PART VI**

**Article 23**

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

(a) In the legislation of a State Party; or

(b) In any other international convention, treaty or agreement in force for that State.

**Article 24**

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

**Article 25**

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.

3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

**Article 26**

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

**Article 27**

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

**Article 28**

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

**Article 29**

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

**Article 30**

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

**Convention on the Elimination of All Forms of Discrimination against Women  
New York, 18 December 1979**

**Last update:** 15 February 2008  
**Entry into force:** 3 September 1981, in accordance with article 27 (1).  
**Registration:** 3 September 1981, No. 20378.  
**Status:** Signatories: 98 ,Parties: 185.  
**Text:** United Nations, *Treaty Series* , vol. 1249, p. 13 .

Note: The Convention was opened for signature at the United Nations Headquarters on 1 March 1980.

**Ratified by India on 9 July 1993**

**India's Declarations and Reservations:**

Declarations and reservations made upon signature and confirmed upon ratification:

**Declarations:**

"i) With regard to articles 5 (a) and 16 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any Community without its initiative and consent.

"ii) With regard to article 16 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that though in principle it fully supports the principle of compulsory registration of marriages, it is not practical in a vast country like India with its variety of customs, religions and level of literacy."

**Reservation:**

"With regard to article 29 of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it does not consider itself bound by paragraph 1 of this article."



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Thirty-seventh session

15 January-2 February 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: India

1. The Committee considered the combined second and third periodic reports of India (CEDAW/C/IND/2-3) at its 761st and 762nd meetings, on 18 January 2007 (see CEDAW/C/SR.761 and 762). The Committee's list of issues and questions is contained in CEDAW/C/IND/Q/3 and India's responses are contained in CEDAW/C/IND/Q/3/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its combined second and third periodic reports, while regretting that it was overdue, did not fully comply with the Committee's guidelines for preparation of reports or refer to the Committee's general recommendations and did not provide the information requested by the Committee on the communal violence in Gujarat. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, as well as for the additional written information provided during the consideration of the report.

3. The Committee commends the State party on its delegation, headed by the Secretary of the Ministry of Women and Child Development, which included the Solicitor General and representatives of other ministries with responsibility for implementation of the Convention. It expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in India.

#### Positive aspects

4. The Committee commends the State party on its (a) National Policy on the Empowerment of Women, 2001, which, among other things, commits to ensure that all marriages are registered by 2010; (b) Women Component Plan in the national



budget, where 30 per cent of planned development expenditure in all sectors is to be spent on women; (c) National Policy on Persons with Disabilities, 2005; and (d) National Rural Employment Guarantee Act, 2005.

5. The Committee congratulates the State party on the enactment of the Protection of Women from Domestic Violence Act, 2005, and for amendments to the Hindu Succession Act and the Indian Divorce Act.

6. The Committee commends the State party for its achievements in increasing enrolment in primary education through various programmes, such as the Sarva Shiksha Abhiyan programme.

#### **Principal areas of concern and recommendations**

**7. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

8. The Committee is concerned that the State party has not taken adequate steps to implement the recommendations in regard to some concerns raised in the Committee's previous concluding comments adopted in 2000.<sup>1</sup> In particular, the Committee finds that its recommendations in paragraphs 67 (to introduce a sex discrimination act in order to make the standards of the Convention applicable to non-State action and inaction), 70 (to develop a national plan of action to address the issue of gender-based violence in a holistic manner), 75 (to enforce laws preventing discrimination against Dalit women) and 81 (to take affirmative action to increase women's participation in the judiciary) have been insufficiently addressed. The Committee is also concerned that it has not been provided with any information on the report of the committee established to review the Armed Forces Special Powers Act in response to its previous concluding comments.<sup>2</sup>

**9. The Committee reiterates the concerns and recommendations in the concluding comments adopted in 2000 and urges the State party to proceed without delay with their implementation. The Committee requests the State party to provide information on the steps being taken to abolish or reform the Armed Forces Special Powers Act and to ensure that investigation and prosecution of acts of violence against women by the military in disturbed areas and during detention or arrest is not impeded.**

10. The Committee is concerned by the State party's reluctance to review its policy of non-interference in the personal laws of communities without their initiative and consent and to withdraw its reservations to articles 5 (a) and 16 (1) of the Convention, which stand in contradiction not only to the overall spirit and aim

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<sup>1</sup> See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38)*.

<sup>2</sup> *Ibid.*, para. 72.

of the Convention but also to the State party's existing constitutional guarantees of equality and non-discrimination.

**11. The Committee urges the State party to review its reservations to articles 5 (a) and 16 (1) with a view to withdrawing them, to proactively initiate and encourage debate within the relevant communities on gender equality and the human rights of women and, in particular, work with and support women's groups as members of these communities so as to (a) modify social and cultural patterns of conduct to achieve elimination of prejudices and practices based on stereotyped roles for men and women and (b) review and reform personal laws of different ethnic and religious groups to ensure de jure gender equality and compliance with the Convention.**

12. The Committee is concerned that while de jure equality for women has been realized in many spheres, there remain many impediments to the realization of de facto equality.

**13. The Committee recommends that the State party establish viable strategies to overcome the impediments to the practical realization of women's rights. It calls upon the State party to not only carry out gender-sensitivity training and capacity-building for various stakeholders, but to also take proactive steps to remove structural barriers to women's equality.**

14. The Committee regrets that the report does not provide sufficient statistical data, disaggregated by sex, caste, minority status and ethnicity, on the practical realization of equality between women and men in all areas covered by the Convention and does not provide information on the impact of, and results achieved by, various legal and policy measures described in the report.

**15. The Committee requests the State party to set benchmarks and to include adequate, appropriate and comparative statistical data and analysis, disaggregated by sex, caste, minority status and ethnicity, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention and trends over time in the practical realization of equality between women and men. In particular, it calls upon the State party to review and monitor the fulfilment of the provisions of the Convention in respect of scheduled caste, scheduled tribe, backward class and minority women in all sectors. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next periodic report.**

16. Noting that the implementation of legislative and policy initiatives taken by the central Government is often left to the states and union territories, and that states and union territories have jurisdiction over certain areas covered in the Convention, the Committee is concerned that there are inadequate structures, mechanisms and actions being taken to ensure effective coordination and consistent application of the Convention in all states and union territories.

**17. The Committee recommends that the State party promote and guarantee the consistent implementation of the Convention throughout the country, including through increased attention in consultative forums and other mechanisms of control and partnership between the central Government and state and union territory governments. In this respect, the Committee**

**recommends that the State party create formal links between the National Commission for Women and the various State Commissions for Women. It calls upon the State party to consider using the powers under article 253 of the Constitution to establish without delay standards and coordination and monitoring mechanisms to ensure the effective harmonization and implementation of gender equality programmes and policies, as well as enforcement of legislation on women's rights, at the central, state and union territory levels.**

18. While noting that poor women are entitled to receive free legal aid under the Legal Services Authority Act and that the National Legal Service Authority aims to enhance legal literacy for women and provide access to justice, the Committee is concerned about the quality and scope of the free legal services provided and the access of women in rural and tribal areas to such services.

**19. The Committee urges the State party to provide free legal services to poor and marginalized women in rural and tribal areas in addition to urban areas and to monitor the quality and impact of such services in regard to ensuring women's access to justice. It requests the State party to provide information about access of women, including scheduled caste, scheduled tribe, backward class and minority women, to free legal services and the scope and effectiveness of such services in its next periodic report.**

20. The Committee continues to be concerned about the absence of a comprehensive plan to address all forms of violence against women. While appreciating the enactment of the Domestic Violence Act, 2005, the Committee is concerned that the various states and union territories have not put into place mechanisms to effectively enforce this Act.

**21. The Committee calls upon the State party to develop, in consultation with women's groups, a coordinated and comprehensive plan to combat all forms of violence against women taking a life cycle approach. It urges the State party to take steps in partnership with states and union territories to fully and consistently implement and enforce the Domestic Violence Act and to ensure that all women victims of domestic violence, including scheduled caste, scheduled tribe, backward class and minority women, are able to benefit from the legislative framework and support systems in place and that perpetrators are effectively prosecuted under the Penal Code and adequately punished. It recommends that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women, including domestic violence. It requests that adequate statistics on all forms of violence against women be collected in a consistent manner. In particular, it requests the State party to provide information, disaggregated by caste, minority status and ethnicity, in its next periodic report, on the number of cases of domestic violence reported to the police and other relevant authorities, the number of protection and other orders granted under the Domestic Violence Act and the number of convictions of perpetrators of domestic violence under the Penal Code.**

22. While noting that consultations are under way to amend relevant legislation relating to rape, the Committee is concerned about the narrow definition of rape in the current Penal Code and its failure to criminalize marital rape and other forms of sexual assault, including child sexual abuse.

23. **The Committee urges the State party to widen the definition of rape in its Penal Code to reflect the realities of sexual abuse experienced by women and to remove the exception for marital rape from the definition of rape. It also calls upon the State party to criminalize all other forms of sexual abuse, including child sexual abuse. It recommends that the State party consult widely with women's groups in its process of reform of laws and procedures relating to rape and sexual abuse.**

24. The Committee is concerned that the proposed Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005, does not include sexual and gender-based crimes against women perpetrated during communal violence or create a system of reparations for victims of such crimes, as these elements are not covered effectively by the Indian Penal Code or other relevant legislation. In addition, the Committee remains concerned that this Bill does not adequately address abuse of power by State officials in failing to take action or being complicit in communal violence.

25. **The Committee welcomes the State party's statement that recommendations from this Committee will be considered for inclusion in the proposed Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005, and recommends the incorporation into the Bill of: sexual and gender-based crimes, including mass crimes against women perpetrated during communal violence; a comprehensive system of reparations for victims of such crimes; and gender-sensitive victim-centred procedural and evidentiary rules. The Committee further recommends that inaction or complicity of State officials in communal violence be urgently addressed under this legislation.**

26. In addition to previously expressed concerns about customary practices, such as dowry, sati and the devadasi system,<sup>3</sup> the Committee is concerned about the practice of witch-hunting which constitutes an extreme form of violence against women.

27. **The Committee recommends that the State party adopt appropriate measures to eliminate the practice of witch-hunting, prosecute and punish those involved, and provide for rehabilitation of, and compensation to, victimized women. It recommends that such measures be based on an analysis of its causes, including control over land. The Committee calls upon the State party to create public awareness of forms of violence against women rooted in custom as an infringement of women's human rights.**

28. The Committee is concerned about the ongoing atrocities committed against Dalit women and the culture of impunity for perpetrators of such atrocities. The Committee is concerned that, despite a law banning manual scavenging, this degrading practice continues with grave implications for the dignity and health of the Dalit women who are engaged in this activity.

29. **The Committee recommends that the State party put in place a mechanism to monitor effective enforcement of the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act in order to ensure accountability and end impunity for crimes committed against Dalit women. It calls upon the State party to increase Dalit women's legal literacy and improve their access to**

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<sup>3</sup> Ibid., paras. 68-69.

**justice in bringing claims of discrimination and violation of rights. It requests the State party to report specifically on the impact of such initiatives in its next periodic report. The Committee also urges the State party to study the health implications of manual scavenging on Dalits engaged in this profession and on the community as a whole, and to address all the impediments to eradicating this practice, including by putting in place modern sanitation facilities and providing the Dalit women engaged in this practice with vocational training and alternative means of livelihood.**

30. While appreciating the important advances made with respect to women's education, the Committee is concerned that the fundamental right to education guaranteed in 2002 by a Constitutional amendment, has not been made operational, despite the central Government's circulation of a model bill to states and union territories for consideration.

**31. The Committee calls upon the State party to take the lead, as it has done with regard to other educational schemes, including by considering using its powers under article 253 of the Constitution, to enable the passing of legislation to operationalize the fundamental Constitutional right to education. It calls upon the State party to set a time frame for speedy enactment of such legislation and to allocate required resources for the same in its eleventh five-year plan, which is currently being considered.**

32. While appreciating the additional data provided by the State party during its dialogue with the Committee, which indicates improvements in enrolment rates of women in primary education, and while commending the State party's future plans of focusing efforts on education of marginalized sections of the population, the Committee is concerned about the continuing disparities in the educational status of scheduled caste, scheduled tribe and Muslim women and the limited access of these groups of women to higher education. It is also concerned about the educational performance disparities among regions and states, the continuing gap in literacy rates between men and women and the lack of information on the budgetary allocation to adult literacy programmes.

**33. The Committee recommends that the State party provide, in its next periodic report, comparable data disaggregated by sex, caste, minority status and ethnicity, on the enrolment and retention rates of girls and women at all levels of education, and trends over time. Given the particularly disadvantaged situation of Muslim women and girls, the Committee requests the State party to provide information in its next periodic report about the action taken on the recommendations of the Sachar Committee with regard to the education of Muslim women and girls. It urges the State party to increase efforts to enable scheduled caste, scheduled tribe and Muslim women to access higher education. The Committee calls upon the State party to strengthen its efforts, at the national, state and union territory levels, to close the gap in literacy rates between men and women, establish benchmarks in this regard and create mechanisms to monitor the achievement of such benchmarks. It also urges the State party to provide, in its next periodic report, information on the budgetary allocation to adult education programmes and the impact, and trends over time, of such programmes. Moreover, it calls upon the State party to meet its commitment of allocating 6 per cent of its gross domestic product to education in its eleventh five-year plan.**

34. While welcoming the State party's efforts to eliminate gender-based stereotypes through the review and revision of textbooks at the national level, the Committee is concerned that such review and revision has not taken place at the state level in most states. The Committee is also concerned that teachers in schools are not gender-sensitized, to the detriment of female students.

**35. The Committee calls upon the State party to initiate and monitor the reform of textbooks at the state level to eliminate all gender-based stereotypes and to strengthen its efforts, at the national, state and union territory levels, to combat the widespread acceptance of stereotypical roles of men and women. It recommends that gender issues and sensitivity training be made an integral and substantive component of all teacher training.**

36. While appreciating the enactment of the National Rural Employment Guarantee Act, 2005, and the Government-supported scheme of women's self-help groups that provide women access to microcredit, the Committee is concerned that these initiatives may not benefit most poor and marginalized women and that the objective of poverty alleviation of self-help groups may not have the desired impact on individual women. The Committee is further concerned by the absence of mechanisms to regulate financial institutions and protect the interests of poor women.

**37. The Committee calls upon the State party to ensure that rural women benefit de facto from the National Rural Employment Guarantee Act, 2005. It requests the State party to provide data disaggregated by sex, caste, minority status and ethnicity of the beneficiaries under this Act. The Committee recommends that the State party take proactive measures to bring financial institutions on board with the agenda of development and empowerment of women through issuance of microcredit. It urges the State party to establish, after consultation with women's groups, appropriate mechanisms to regulate the functioning of microcredit finance institutions that protect interests of poor women. The Committee also urges the State party to establish programmes, with goals and timelines, to issue credit to poor women who are not able to participate in the self-help groups and do not otherwise have access to credit.**

38. The Committee is concerned about the continuing deterioration in the ratio of females to males despite the Pre-conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act, as amended in 2003. The Committee is further concerned that this Act may result in criminalization of women who are pressured into seeking sex-selective abortions.

**39. The Committee calls upon the State party to ensure that adequate mechanisms and procedures for effective implementation and monitoring of the Pre-conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act be established, including safeguards to prevent criminalization of women who are pressurized into seeking sex-selective abortions.**

40. The Committee continues to be concerned about the status of women's health, including the maternal mortality rate in rural areas, which is among the highest in the world; the high prevalence of infectious diseases, especially food and water-borne diseases; malnutrition; anaemia; unsafe abortions; HIV infections; and inadequacy of services relating to obstetrics and family planning. While noting the programmes outlined in the report to improve women's access to health care and to

decrease maternal mortality, the Committee is concerned that it has not been provided information about the impact of such programmes and measures. It is also concerned that the State party lacks reliable data on women's health status, including on pregnancy and non-pregnancy-related morbidity and mortality and HIV infections, owing to which it is unable to establish benchmarks and monitor progress. In addition, the Committee is concerned that the privatization of health services has an adverse impact on women's capacity to access such services.

**41. The Committee urges the State party to pay increased attention to female health throughout the life cycle, including in key areas of pregnancy and non-pregnancy-related morbidity and mortality, in light of general recommendations 24 and 25. It calls upon the State party to strengthen food security, primary health care and adequate sanitation, especially in rural areas; establish mechanisms to monitor women's access to health care and health-delivery systems; and increase the allocation of resources to health care. The Committee urges the State party to prioritize decreasing maternal mortality rates by establishing adequate obstetric delivery services and ensuring women access to health services, including safe abortion and gender-sensitive comprehensive contraceptive services. It recommends that the State party provide detailed information in its next periodic report about the impact, and trends over time, of programmes to improve women's access to health care and decrease maternal mortality. It calls upon the State party to balance the roles of public and private health providers in order to maximize resources and the reach of health services. It calls upon the State party to monitor the privatization of health care and its impact on the health of poor women and provide such information in its next periodic report.**

42. While appreciating the reservation of one third of seats in local government bodies for women through the use of temporary special measures, the Committee is concerned about the continuing low representation of women in Parliament and state legislatures and in government service. The Committee notes with concern the low numbers of women judges in the high courts and the total absence of women judges in the Supreme Court.

**43. The Committee calls upon the State party to speed up its efforts to forge consensus on the constitutional amendment reserving one third of the seats in Parliament and state legislatures for women and undertake awareness-raising about the importance of women's participation in decision-making for society as a whole. The Committee also calls upon the State party to take sustained measures, including temporary special measures contemplated by the tenth five-year plan, to increase the number of women in government service, including in higher political, administrative and judicial posts, and to establish concrete goals and timetables. The Committee invites the State party to provide information in its next periodic report about the number and ranking of women in government service and the impact, and trends over time, of measures taken to increase the representation of women in public and political life.**

44. The Committee is concerned that 93 per cent of the workforce that is in the unorganized sector is facing job insecurity and unfavourable conditions of work while the Unorganized Sector Workers Social Security Bill (2003) is pending. It is also concerned about the persistence of the wage gap between women and men. In addition, it is concerned about the increase in the population of poor urban women

engaged in unskilled labour with poor work conditions and lack of access to basic amenities and health care.

**45. The Committee recommends the speedy enactment of the Unorganized Sector Workers Social Security Bill. It also recommends that the State party take proactive measures to monitor and close the wage gap between women and men. The Committee urges the State party to pay specific attention, and adopt a comprehensive approach, to address the problems of poor women in the urban areas.**

46. The Committee expresses grave concern about the displacement of tribal women owing to the implementation of megaprojects and the influence of global economic trends. While the Committee appreciates the need for economic growth, it is concerned that the human rights of vulnerable groups such as tribal populations may be adversely affected by large-scale economic projects.

**47. The Committee urges the State party to study the impact of megaprojects on tribal and rural women and to institute safeguards against their displacement and violation of their human rights. It also urges the State party to ensure that surplus land given to displaced rural and tribal women is cultivable. Moreover, the Committee recommends that efforts be made to ensure that tribal and rural women have individual rights to inherit and own land and property.**

48. The Committee is concerned by the State party's assertion that it is making efforts to eradicate child labour only in certain occupations classified as "hazardous" by the Child Labour Technical Advisory Committee. In particular, the Committee is concerned that the employment of children — the majority of whom are girls — as domestic help in private homes where children are exposed to all forms of abuse, including sexual abuse, is not being targeted.

**49. The Committee recommends the establishment of mechanisms to monitor child labour and the elimination of child labour in compliance with international obligations. It calls upon the State party to study the abuse of children, particularly girl children, employed as domestic help, enforce the Child Labour (Prohibition and Regulation) Act, 1986, for their benefit, and devise strategies for their rehabilitation, including their inclusion in the formal educational system.**

50. The Committee is concerned that the State party has not enacted any laws or regulations relating to the status of asylum-seekers and refugees, which adversely impacts women refugees and asylum-seekers.

**51. The Committee urges the State party to adopt laws and regulations relating to the status of asylum-seekers and refugees in India, in line with international standards, in order to ensure protection also for asylum-seeking and refugee women and their children. It recommends that the State party consider accession to international instruments to address the situation of refugees and stateless persons, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status.**

52. While noting that the State party has allocated 10 per cent of the Central Plan Gross Budget for the benefit of the North-eastern Region and Sikkim, the Committee has no way of assessing whether women from the North-east and Sikkim are realizing proportional benefits of budgetary allocation.

**53. The Committee requests the State party to provide information in its next periodic report on the percentage of this budgetary allocation that is being used for the benefit of women and the impact of any such measures on enhancing the equality and well-being of women of the North-east and Sikkim.**

54. The Committee is concerned that the civil Special Marriage Act fails to ensure equality for women in marriage and its dissolution by not giving women equal rights to property accumulated during marriage.

**55. The Committee recommends that the State party amend the Special Marriage Act, in the light of article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations, to give women equal rights to property accumulated during the marriage.**

56. The Committee is concerned about the State party's assertion that the social acceptability of early marriages has negated the implementation of the Child Marriage Restraint Act. In addition, it is concerned that this Act penalizes the offender but does not render the marriage void, purportedly to avoid illegitimacy of any offspring of such union, which stands in contradiction to the purpose of the Act and is a violation of the rights of the married child.

**57. The Committee urges the State party to take proactive measures to effectively implement the Child Marriage Restraint Act with a view to eradicating child marriages. It recommends that the State party take comprehensive, effective and stringent measures aimed at deterrence of those engaged in child marriages, the elimination of such practices and the protection of the human rights of the girl child.**

58. While appreciating that some states have enacted laws to make the registration of marriages compulsory and that the National Commission of Women is in the process of drafting national legislation to this effect, the Committee is concerned that the State party has not established a timeline for enactment of such legislation.

**59. The Committee recommends that the State party take proactive measures to speedily enact legislation to require compulsory registration of all marriages, work with states and union territories to effectively implement such legislation and to consider withdrawing its reservation to article 16 (2).**

**60. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

**61. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**

62. The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

63. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

64. The Committee notes that States' adherence to the seven major international human rights instruments<sup>4</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of India to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

65. The Committee requests the wide dissemination in India of the present concluding comments in order to make the people of India, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

66. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. It invites the State party to submit its fourth periodic report, which was due in August 2006, and its fifth periodic report, which is due in August 2010, in a combined report in 2010.

#### **Request for a follow-up report**

67. The Committee expresses its dissatisfaction with the lack of information provided by the State party in its report and in its answers to issues and questions posed by the Committee, on the impact of the Gujarat massacre on women, which negatively affected implementation of the Convention. While appreciating that some additional information on this issue was provided during the constructive dialogue and subsequently, the Committee did not find this information sufficient.

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<sup>4</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Consequently, it requests the State party, in conformity with article 18, paragraph 1 (b), of the Convention, to submit a follow-up report in January 2008 for consideration by the Committee later in 2008. This follow-up report will not replace the submission of a combined fourth and fifth periodic report.

68. The follow-up report should include information on the impact of the Gujarat massacres on women. In particular, the report should provide information (a) disaggregated by sex, on the 2,000 or so cases relating to the massacres that have been reopened and the resolution of these cases; (b) on the number of cases of sexual assault and violence against women that have been reported and the resolution of such cases; (c) on victim protection measures and other measures to support victims that have been put in place and the impact of such measures; (d) on arrests made and punishments imposed, including on state officials who were found to be complicit in such crimes; (e) on the gender-specific measures taken by the State party to rehabilitate and compensate women victims of such crimes and the number of women who have benefited from such measures; (f) on compensation awarded to women victims, especially of violence against women; (g) disaggregated by sex, on the 5,000 or so Muslim families displaced by the violence and measures taken by the Government for their resettlement and rehabilitation; and (h) on measures taken to enable economic rehabilitation of the affected communities and rebuilding of basic infrastructures destroyed during the riots.

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# Committee on the Elimination of Discrimination against Women

## Membership

Name	Nationality	Term expires
Ms. Ayse Feride Acar	(Turkey)	31.12.2014
Ms. Nicole Ameline (Vice-Chairperson)	(France)	31.12.2012
Ms. Olinda Bareiro-Bobadilla	(Paraguay)	31.12.2014
Ms. Magalys Arocha Dominguez	(Cuba)	31.12.2012
Ms. Violet Tsisiga Awori (Rapporteur)	(Kenya)	31.12.2012
Ms. Barbara Evelyn Bailey	(Jamaica)	31.12.2012
Ms. Meriem Belmihoub-Zerdani	(Algeria)	31.12.2014
Mr. Niklas Bruun	(Finland)	31.12.2012
Ms. Naela Mohamed Gabr	(Egypt)	31.12.2014
Ms. Ruth Halperin-Kaddari	(Israel)	31.12.2014
Ms. Yoko Hayashi	(Japan)	31.12.2014
Ms. Ismat Jahan	(Bangladesh)	31.12.2014
<b>Ms. Indira Jaising</b>	<b>(India)</b>	<b>31.12.2012</b>
Ms. Soledad Murillo de la Vega	(Spain)	31.12.2012
Ms. Violeta Neubauer	(Slovenia)	31.12.2014
Ms. Pramila Patten	(Mauritius)	31.12.2014
Ms. Silvia Pimentel (Chairperson)	(Brazil)	31.12.2012
Ms. Maria Helena Lopes de Jesus Pires	(Timor Leste)	31.12.2014
Ms. Victoria Popescu (Vice-Chairperson)	(Romania)	31.12.2012
Ms. Zohra Rasekh (Vice-Chairperson)	(Afghanistan)	31.12.2012
Ms. Patricia Schulz	(Switzerland)	31.12.2014
Ms. Dubravka Šimonović	(Croatia)	31.12.2014
Ms. Zou Xiaoqiao	(China)	31.12.2012