

Table Of Contents

About KrantiKali

I. Introduction

II. Gender-Based Violence

Recommendations

III. Access to education for women and LGBTQIA+:

Recommendations

IV. Saffronisation of NEP

Recommendations

V. Curriculum Formation and Implementation

Recommendations

About KrantiKali

Founded in 2017, Krantikali is an internationally recognized grant winning multi-platform feminist organization working towards UN SDGs 4, 5, 10, 11 and 16: Gender Equality and Peacebuilding through Education and Technovation. We promote gender equity & feminism through performance art, film, theatre, and tech innovation. Our aim is to educate, spread awareness and generate discussions to further gender equality by strengthening young feminist advocacy.

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I. Introduction

In the previous third UPR cycle of 2017, India supported a number of recommendations regarding SDG4, SDG5 and SDG10.ⁱ The recommendations made by countries and supported by India focused on eliminating discrimination among genders, castes, tribes and minorities in India and building capacities of the state and the officials involved to enable them to reduce inequalities.

India's gains in relation to recognition of right to education, gender equality and gender expression so far have been countered by persisting human rights violations, time consuming judicial procedures, exacerbation of Gender-Based Violence (GBV) particularly during the pandemic and restrictive access to education, especially for the marginalized communities.

II. Gender-Based Violence

1. Incidences of GBV have been exacerbated since the last UPR cycle during the pandemic lockdown. As per the latest National Family Health Survey (2019-'21), nearly 1.5% of young women in India by age of 18 have experienced sexual violence.ⁱⁱ The report added that at least 29.3% of married women have experienced physical, sexual or emotional violence by their spouses. Further concerns have been raised as to the exemption provided to marital rape under section 375 of the IPC.ⁱⁱⁱ For women and LGBTQIA+ communities, socio-cultural realities and legal loopholes are considered barriers in accessing justice. The situation seemingly worsened due to stringent lockdowns in the country which prohibited many from seeking help from the immediate community. Victim blaming^{iv} in investigative or judicial processes can further hinder women's access to justice. While gender sensitization programs are conducted for police personnel^v, it is crucial to involve other public officials, especially judges. Misogynistic remarks, victim blaming and stereotyping can be observed in various cases wherein women have sought justice.^{vi}
2. Moreover, incidences of GBV are often related to caste or religion-based atrocities. Recently public highlighted cases such as Sulli Deals^{vii} and Bois Locker room^{viii} highlight GBV (caste and religion based) on online platforms. Further cases of bullying and discrimination against members of LGBTQIA+ communities is also visible, indicating a significant space for improvement in

efforts of the government, especially as part of SDG5. As a signatory of CEDAW, efforts to overcome gender disparities and violence have not been effectively implemented so far. There has nonetheless been some progress in the government's efforts to address GBV. The Ministry of Women and Child Development, Government of India, announced Mission Shakti in 2021, an umbrella scheme for safety, security and empowerment of women^{ix}. While this is a significant step in the right direction, it may not be sufficient to address GBV across India. Without adequate data, it will be challenging to have a data informed intervention to address not just GBV but other gender disparities. The 2018 Economic Survey underlined this need to collect gender disaggregated data for effective interventions.^x

3. Recommendations:

- 3.1. Systematic collection of data pertaining to GBV in India is required to address violations of rights.
- 3.2. Establish a dedicated Gender Monitoring Unit that develops gender-disaggregated data systems, publishes impact evaluation studies and are independent to hold different institutions accountable.
- 3.3. Consider signing and ratifying Optional Protocol - CEDAW
- 3.4. Effective implementation of Protection of women from Domestic Violence Act, 2005.
- 3.5. Reconsider definition of rape under section 375 of the IPC to include marital rape and remove any exceptions to marital rape.^{xi} Alternatively, legislate to criminalize marital rape in accordance to human rights framework.
- 3.6. Gender sensitization should be made mandatory for public officials including police officials, district magistrates and Judges.

III. Access to education for women and LGBTQIA+:

1. Access to education for women and LGBTQIA+ has been a hurdle given the socio-cultural perceptions in Indian society. While the government made strides to expand rights of women and LGBTQIA+ communities, the intended impact has been limited. Case in point, the government saw encouraging but limited success with its flagship campaign of Beti Bachao Beti Padhao.^{xii} The effects of pandemic lockdown disproportionately affected girls' access to education since the last UPR cycle. Largely, the time spent on domestic chores and other unpaid labor largely fell on women and girls. Compounded with their limited access to digital resources required to continue education,

the deepening of unequal access to education for girls counteracted the gains made by the Beti Bachao Beti Padhao campaign. Additionally, recent hijab bans in schools ^{xiii} have violated the right to education, equality and right to freedom of religion under the Indian constitution and internationally recognized human rights^{xiv}. This has a direct impact on access to education by excluding women of religious minorities from education.

2. Decriminalization of section 377 in 2018 furthered the rights of LGBTQIA+ communities but with caveats. India still does not recognize same sex unions and has no definitive policy in place to address discrimination, bullying and violence against the LGBTQIA+ members in workplace, schools or public sphere. There have been incidences^{xv} of teenagers facing bullying and harassment pertaining to their sexuality.^{xvi} Marginalization of gender and sexual identities and hostility faced by them in institutions can trigger suicidal tendencies among LGBTQIA+.

3. Recommendations

- 3.1. Take immediate steps to eliminate abuse and harassment in forms of discrimination, hate speech against women, religious minorities and LGBTQIA+ in schools and colleges by specifically legislating on the subject.
- 3.2. Implement an anti-bullying policy in schools and colleges with special attention to LGBTQIA+ and religious minorities.
- 3.3. Expand access to digital resources and digital literacy for especially for girls and women to arrest their school dropout rates.

IV. Saffronisation of NEP

1. The Ministry of Human Resources Development in 2020 released the National Education Policy (NEP) to help achieve goals of SDG4 and SDG5. While the NEP 2019 mentions its objectives of inclusive and equitable education (notably, recognizing transgender persons as a socio-economically disadvantaged group), concerns about saffronisation of education systems to further Hindu nationalist ideology have been expressed by stakeholders^{xvii}. Rising incidences of communal violence, hate speeches and harassment of minorities can be directly linked to indoctrination of Hindu nationalistic principles that further marginalizes communities from their right to education.

2. Recommendations:

- 2.1. Publicly condemn crimes against religious minorities and take immediate steps to prosecute the perpetrators of such crimes.

V. Curriculum Formation and Implementation

1. With the recent issues in the country related to education for the marginalized such as the Hijab Ban and teen suicides due to bullying over sexuality, effective curriculum setting can be useful in tackling homophobia and communalism. The National Council for Education Research and Training (NCERT)^{xviii} published a manual “Inclusion of Transgender Children in School Education: Concerns and Roadmap” which recognized the sensitization required by teachers to effectively create an inclusive educational atmosphere in schools and explained several terms and issues pertaining to gender and sexual identity other than cisgender-heterosexual gender expressions. This manual was withdrawn after severe backlash while several studies testify that the NCERT manual is scientifically sound.^{xix} Unfavorable receptance of the manual indicates that a substantial demographic, especially educators, need to be involved in gender education to affect the changes envisioned under SDG4 and SDG5.
2. **Recommendations:**
 - 2.1. Effectively implement the consultation process mentioned as a mechanism to formulate the New Education Policy in a time-bound manner and take cognizance of inputs provided by the stakeholders.
 - 2.2. Take concrete steps to conduct gender sensitization programs in schools for faculty, administrators and students.
 - 2.3. Criminalize conversion therapy through legislation or using existing provisions of the Indian Penal Code.

Endnotes:

ⁱ Provide systematic training on women’s rights to all law enforcement personnel, medical staff and judicial officials (Belgium); Strengthen capacity-building with regard to human rights for civil servants involved in the protection of women and girl and boy victims of violence and sexual abuse (Mexico); Strengthen the protection of women’s rights in accordance with the Protection of Women from Domestic Violence Act and other relevant laws (Republic of Korea); Prevent and pursue through the appropriate judicial means all violent acts against religious and tribal minorities, Dalits and lower castes (Holy See); Adopt measures to effectively protect transgender persons, including the implementation of the Transgender Persons (Protection of Rights) Bill (Israel); Available at https://www.upr-info.org/sites/default/files/document/india/session_27_-_may_2017/upr27_india_thematiclistofrecommendations_e.pdf

ⁱⁱ NFHS-5 survey available at http://rchiips.org/nfhs/NFHS-5_FCTS/India.pdf

ⁱⁱⁱ Section 375 of the Indian Penal Code, which prohibits rape, also includes an exception, which reads: “Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.”

^{iv} Available at: <https://www.bbc.com/news/world-asia-india-53261239>

^v Gender sensitization workshops for police personnel by National Commission for Women (NCW) with Bureau of Police Research and Development (BPR&D). Available at: <https://pib.gov.in/PressReleaseDetail.aspx?PRID=1736188>

^{vi} In *Sri Rakesh B vs State Of Karnataka, the judge* remarked that “this is not the way how an Indian woman reacts when she is ravished”. In *Vikram v State of Madhya Pradesh*, bail was granted to the accused on the condition of him tying a rakhi to the victim.

^{vii} Sulli Deals, an open source app which posted photographs and personal information about 100 muslim women online and offered them up for “sale” Available at <https://www.bbc.com/news/world-asia-india-59933029>;

^{viii} Available at: <https://www.epw.in/journal/2020/20/postscript/'bois-locker-room'.html>

^{ix}For providing speedy assistance and services to distressed and violence affected women at OSCs, the Ministry has decided to set up more OSCs in areas which are distant from district headquarters or are having high rates of crime against women, to enhance the costing provisions for OSCs, and to further enhance the synergy and coordination of OSCs with the other initiatives of the government, including those under Nirbhaya Fund and under Mission Shakti

^x Available at: <https://www.firstpost.com/india/economic-survey-2017-18-emphasises-on-women-empowerment-highlights-need-to-disaggregate-data-by-gender-4328959.html>

^{xi} Recommended by Justice Verma Committee in 2013. Currently, Delhi HC is hearing a batch of petitions currently by RIT Foundation and All India Democratic Women's Association to remove exception to Section 375 of IPC.

^{xii}The Annual Status of the Education Report (ASER), compiled by the education NGO Pratham, finds that a greater proportion of girl children are out of school compared to boys.

^{xiii}Several schools in Karnataka have prohibited Muslim girl students from entering classrooms or the premises of institutions wearing the hijab. A high court in India's Karnataka state has ruled that the hijab is not "essential" to Islam in a landmark case that could have implications across the country.

^{xiv}Article 18 of the International Covenant on Civil and Political Rights (ICCPR) reads, "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and *in public* or private, to manifest his religion or belief in worship, observance, practice and teaching."

^{xv} Anjana Harish died by suicide when subjected to conversion therapy by her parents. Available at: <https://www.thebetterindia.com/227996/lgbtqia-mental-health-conversion-therapy-ban-anjana-harish-kerala-iacp-india-nor41/>

^{xvi}Faridabad student dies by suicide due to bullying and harassment in school. Available at: <https://www.thequint.com/news/education/faridabad-student-suicide-case-academic-head-of-dps-school-arrested#read-more#read-more>

^{xvii}Teachers, students and eminent personalities campaigned for 50 days in Delhi against the NEP. Available at: <https://thewire.in/education/over-150-students-teachers-join-50-day-nationwide-campaign-against-nep-call-for-rollback>

^{xviii} The 2019 "Facilitator Guide for School Health Program" by the NCERT mentions that "At upper primary level, learners will develop basic understanding of gender identity, including transgender [identities]; question gender stereotypes and negative constructs of masculinity and femininity; and begin to promote positive gender roles and gender equity – at home, school, society and the media." In a similar vein, the [training material on school leadership development](#) has a module on the "relevance of gender dimensions in the teaching and learning process", which mentions that discrimination against women and transgender persons in schools need to be curbed.

^{xix} Available at: <https://thewire.in/lgbtqia/ncert-removes-teacher-training-manual-on-transgender-inclusive-school-education-after-backlash>