# Beijing Declaration and Platform for Action and Women's rights in India

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## Contents

2
4
6
7
8
8
9
10
12

#### Context

Beijing Declaration and Platform for Action (BPfA) \completed 25 years milestone this year. 189 countries adopted the Fourth World Conference on Women in September 1995. It was the first time there was a global agreement on the necessity to address years of gender discrimination and for working towards achieving equality for women and girls (Sandler and Goetz, 2020: 241). Adoption of BPfA was a significant effort in developing a 'comprehensive policy framework' in promoting women's human rights and eradicating violence against women (OHCHR). BPfA aimed at developing priority actions to be carried out in the coming years while upholding the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW). They were building upon the Nairobi Forward-Looking Strategies for the Advancement of women, along with various relevant resolutions adopted by the Economic and Social Council and the General Assembly.

For the successful implementation of the Platform Action, the declaration seeks the commitment of the international organisations and the governments at all institutional levels. The declaration lays out that the states under their sovereign responsibility, through their national laws, strategies and policies ensure the full realisation of women's human rights. It also recognises the efforts of the non-governmental sector - women's organisations and feminist. It appreciated their advocacy work which has enabled legislations and mechanisms to ensure the promotion of women rights and identifies them as a strong force of change. The Platform for Action calls such civil society, including non-governmental organisations to take strategic actions in the outlined areas of concern. These twelve critical areas of concern in relation to women were identified by the BPfA, as listed by the UN women, focus upon poverty, education, health, violence against women, health, armed conflict, economy, power and leadership, institutional mechanism for women's Advancement, human rights, media, environment and issues related to girl child.

In March 2020, on the occasion of the twenty-fifth anniversary of the Fourth World Conference on Women, Political Declaration was adopted at the 64th session on a commission of women. The declaration acknowledged the progress made towards implementation for Platform for Action by the efforts of organisations and policy implementations at the global, regional and local levels. It, however, expressed concern regarding unevenness in the progress of the platform for action. It referred to various obstacles such as the feminisation of poverty, various structural barriers and discriminatory practice which have created gaps in the commitment to and implementation of Beijing Platform for Action. No country has been able to complete empowerment of women and girls and achieve gender equality. Women and girls still face challenges in exercising their rights, and in almost all countries, they remain constantly vulnerable in terms of their safety and security. Barriers to women's access to leadership and decision making still prevail. It also recognises that these further marginalises women from rural, indigenous, African descent, indigenous background migrant and older women (ECOSOC, 2020). United Nations Secretary-General Antonio Guterres in his remarks to the 64<sup>th</sup> commission on the status of women appreciated the work of the young generation of activists and women's movement across the globe which have called for urgent systemic change. They are working towards gender equality and holding government accountable. They have also entered into coalition and working across different political boundaries for advancing the rights of women and girls.

However, he also expressed dismay regarding the partial realisation of the 'Beijing Vision' as women remain outnumbered by men in the political leadership, and they still are dominant in unpaid care and domestic work. In urging the commissions to push back, he also pointed out how some countries had rolled back laws for the protection of women and civic space for activism to promote rights of women is also shrinking in these countries. Women in many places still lack access to sexual and reproductive services (United Nations, 2020). Hence, the progress towards implementation of the Beijing declaration Platform for action as anticipated in 1995 has been slow and different. One of the countries where the improvement is unequal and progressed slowly is in India. Government of India has repeatedly expressed commitment towards the Beijing Platform of Action. At the international platform, the government highlights putting in place various policies and laws for preserving the rights of women and promoting gender equality and women's empowerment. However, the rights of women in India are still violated every day, especially in areas of armed conflict. In 2020, India ranked 112<sup>th</sup> out of 153 countries on the Global Gender Gap Index (Mehra and Kaur, 2020).

The paper examines the Indian government's domestic commitment to the Beijing Declaration and Platform for Action (BPfA), particularly in areas of armed conflict. The consistent strategy of the government is to term 'ethnic minority and tribal land rights movements' as well as 'independence struggles' as 'disturbances' by the anti-national groups. In line with this strategy, the GoI has adopted a militarised response which has had a distinct gendered impact evidenced through women's experiences of violence and motivations for joining militant groups or becoming peacemakers. In such an environment of violation of women's rights in militarised zones, it is essential to revisit GoI's commitments to BPfA in addressing WPS concerns.

Guided by a postcolonial and critical feminist approach, the paper examines the relationship contextualises the 25 years history of the BPfA in India's government's response to issues faced by women in bringing gender equality. The policy and discourse analysis will be conducted for understanding the attitudes and political culture, guiding India's policies relating to women and state's efforts in achieving goals of critical areas of concern under the declaration.

#### Militarisation in India

The South Asian region has witnessed many conflicts in the past decade. It has experienced unprecedented violence impacting human lives in unimaginable ways. In terms of their national security policies, these postcolonial states pursue traditional realist approaches to international relations and remain highly militarised (Chenoy, 2002, p. 59). Militarisation is an essential aspect of these societies which have experienced and are currently experiencing armed conflict.

In India, militarisation is part of the state response to the resistance movement against coercive integration of people into its territory in Kashmir (North), and Manipur and Nagaland (North East) (Kazi 2008:54). Since its birth, India has faced challenges to its nationhood. In addition to the violence in Kashmir, in the North East of India, there exist insurgent contestations related to the suppression of ethnic groups. In various parts of Central India, the Left-Wing Maoist groups have been fighting against the government over tribal land rights for over four decades. It is considered the most significant security and development challenge faced by the Indian government (Parashar & Shah, 2016, p. 448). The reason for this left-wing insurgency is inequality of wealth, social discrimination of oppressed classes, lack of justice, violation of rights and exploitation of agricultural workers (Planning Commission, 2008: 50). All of these security and political challenges the Indian state is facing has roots in colonial and postcolonial India. These insurgent contestations precede India's independence and have been detrimental to the Indian state's pursuit of its post-independence nation-building agenda (Rehman, 2014, p. 102).

The Indian state's response to these rebellions is military-backed suppression of any different 'ethnic identity or political expressions' (Kazi, 2019, p. 2). It has conceptualised these movements as 'threats to national unity', 'law and order problems', 'works of foreign hands' and 'terrorist activities' (Chenoy, 2002, p.136). As a military response to North-East insurgencies, the region has witnessed the increased deployment of troops, military operations, and the pursuit of strict national security laws such as the Armed Forces Special Powers Act (AFSPA) 1948, resulting in gross human rights violations in the region. The Indian state has also put forward a militaristic response to the Maoist armed movement (Fazal 2015: 41). It has deployed Central Armed Reserve Police forces (CRPF) and Indian Reserve Battalions in the region. There have been attempts to modernise and upgrade the state police and intelligence apparatus.<sup>1</sup> Scrutiny of national security laws such as AFSPA (in Kashmir, Nagaland and Manipur) and the Unlawful Activities Prevention Act (UAPA) (in Maoist bases) by many scholars has revealed the creation of a securitisation network. A gendered analysis of security laws by authors such as Roy and Singh (2015) and Patel (2016) reveals that these laws are built upon a masculinist ideology of impunity and are influenced by the state-centric and patriarchal ideologies. Biswas (2014), Parashar & Shah (2016), Chenoy & Chenoy (2010) Ahuja & Bhardwaj (2016) have demonstrated that the state's attempt to curb the insurgency in Maoist operated areas has led to increased militarisation.

Kashmir has become one of the most highly militarised zones of the world. It suffered from a continuous rise in deployment of the security forces resulting in civilian massacres, illegal detentions, extrajudicial killings, enforced disappearances, custodial deaths, and gendered violence (Kazi, 2019). Scholars such as Parashar (2018), Kanjwal (2019), Chenoy & Chenoy (2010), Kazi (2014), Chenoy (2002) highlight that this was part of the Indian government's postcolonial anxiety and cannot be reduced to an inter-state security concern.

In Nagaland and Manipur, Goswami (2016), Chenoy (2002), Kinon (2016) articulate the Indian state's militarised response to diverse ethnic issues. They argue that the Indian state has used military force to suppress political and civil struggles for self-determination and control the use of natural resources of land and water. The AFSPA has been applied in both states as a necessity to curb the armed groups and their movement. It provides absolute impunity to the armed forces and allows the use of excessive forces to impede insurgent operations (Goswami,

<sup>&</sup>lt;sup>1</sup> Webpage of Government of India, Ministry of Home Affairs, Left-Wing-Extremism Division <u>https://www.mha.gov.in/division\_of\_mha/left-wing-extremism-division</u>

2016, p. 43). In short, the postcolonial Indian state has adopted, implemented and reinforced a militarised imagining of both its national identity and its national security.

#### Impact of militarisation and women in India

Such a militarised response by the Indian government has had a severely gendered impact on women. This includes women's experiences of violence, along with their motivations for becoming resisters, militants and peacemakers. Women and girls in India are constantly facing challenges in accessing their rights. This is particularly visible in areas where there is heavy deployment of armed conflict and can be identified as areas with armed conflict. Women and young girls face sexual and gendered based violence (SGBV) in regions where there is a massive deployment of armed forces and the implementation of strict national security laws such as AFSPA. SGBV is used as a strategy by the state officials and perpetuated by the armed forces to curb ethnic minority movements and independence struggles in North East India and Kashmir. Communities in these regions are highly patriarchal, and women carry the honour of the whole community. Rape constitutes a violation of the female honour and is a tactic used by the state and security personnel to impose majoritarian dominance of the Indian state on the minority ethnic communities (Kazi, 2019, p. 30). In Chhattisgarh (central India), the state government created a militia to fight the left-wing insurgent movement. As part of their operation, the militia committed grave sexual and gendered based crimes against women and young girls. To curb the Left-Wing Maoist movement, they raided villages and, in the process, sexually assaulted the women who were on the run. Once arrested, women face sexual abuse and torture in police custody (Ahuja & Bhardwaj, 2016, p. 234). Presence of security forces in all these areas of the country are a constant source of anxiety and pose a threat to women's physical security. These women navigate everyday life, always struggling for their physical safety and security.

In areas where armed forces are absent, the situation is not any different. According to the National Crime Records Bureau crimes against women has increased to 378, 000 cases in 2018 as compared to 359, 000 in 2017 (The Hindu, 2020). Continuous rising gender and caste-based violence in India is exhausting and frustrating. India has not implemented United Nations Security Council Resolution 1325 international framework to address issues related to Women, Peace and Security within its domestic territory. Beijing Declaration and Platform for Action

is one area where the government has engaged with an international framework to protect rights of women. Along with examining the usefulness of Beijing Declaration and Platform for Action for creating gender equality in the Indian society, the paper will also identify specific goals under the critical concern 'women in armed conflict' which will be able to assist in addressing the issues of peace and security faced by women within India.

## India and its engagement with Beijing declaration and Platform for Action

The Indian government has expressed a strong commitment for the Beijing Platform of Action. As part of governments commitment, it highlights various policies, schemes as part of its initiative to preserve women's right and promote gender equality and women's empowerment. Most recently, on the occasion of 25<sup>th</sup> anniversary of the Beijing Platform for Action, in its address to the high-Level meeting on Beijing 25+ at the General Assembly and 75<sup>th</sup> session of UN, Smriti Irani, Minister for Women and Child Development of India expressed India's strong commitment towards the implementation of the Beijing Platform for Action and creating opportunities for increased civil society engagement with the Beijing platform (United Nations: 2020). In 2018, at the 73rd UNGA Third Committee, Indian diplomatic representatives on the Agenda of Advancement of women underlined India's leadership in multilateral efforts in implementation of Beijing Platform for Action. They emphasised on the importance of women in leadership positions for the full realisation of women's rights (Government of India, 2018). In 2000, at the negotiation session for the outcome document of the Beijing +5 Process at New York, the Minister of Women and Child in India at the time, Smt. Sumitra Mahajan highlighted India's commitment by pointing towards India being part of International mechanisms working towards gender equality and protecting women's rights such as the Convention on Elimination of Violence against women and the Convention on Child Rights. She asserted that "India will not allow for dilution for commitments made towards Beijing Platform for Action". Not only she assured that there will be full implementation of Beijing Platform for action goals, but she also guaranteed sustained engagement with the civil society and women's organisation in India in achieving goals of Beijing Platform (Government of India, 2019). However, in spite of such commitment expressed on international platforms and review processes, India remains one of the most gender- unequal countries in the world. Behl (2019) points out that instead of legal

mechanisms available and the constitutional guarantee of gender equality, women are still not able fully access their rights.

A highly patriarchal society deeply divided on caste, class, religious and gender lines has significantly deprived women of their rights. Some of the prominent areas responsible for partial realisation of the Beijing platform for Action in India have been pointed out by civil society members and activists as follows:

#### Participation

The General Assembly High-level meeting on Beijing 25+ Minister for Women and Child development have emphasised upon the seats reserved for women in local governance. The aim is to ensure a rise in the number of women in a local authority which will ensure successful implementation of gender-sensitive public policies at the community level. However, to this speech Ruth Manorama, a Dalit women's rights activists from India who formed the National Federation of Dalit Women, pointed out that lack of women in decision making roles and leadership positions (Chandra: 2020). Reserving one-third of seats for women has increased their share of participation in local political bodies (Government of India). Although, Women, Peace, and Security Index show that women representation in the Indian Parliament has only increased from 11.6% in 2017 to 12.2% in 2019. The Constitutional Amendment Bill is proposing a 33% reservation for women in Parliament and state assemblies is still pending after over a decade. Women political candidates contesting in elections face sexist scrutiny and offensive public remarks requiring them to fight more than just a political battle (Bamjai, 2019). The Prime Minister of India appointed the second female Defence Minister in 2017. Shortly after, in 2018, a new defence planning committee was created, which divested her powers as Defence Minister (Bamjai, 2019).

### Budget and access to services

India is one of the first countries in the world to incorporate 'Gender Budgeting'. It was considered a victory for women's movement in India as they had advocated for greater resource allocations for women in national budgets (Nakray, 2009, p. 308). Women activists stressed upon the need for prioritising gender responsive planning, budgeting and implementation. To

be more successful they need to do this from an intersectional lens, to take into account the disadvantages faced by marginalised women at the fringes of the community including such as the tribal and Dalit women, women with disabilities and people from LGBTQI + community (Madhukalya, 2020). In September 2020, a Dalit girl was allegedly raped by upper-caste men. This was a caste-based crime, creating a need for intersectionality which cannot be ignored. This implies that experience and suffering of upper caste and upper-class Indian women cannot be put together with experiences of Dalit and Tribal women and considered one homogenous oppression of oppression (Nandula, 2020). It is important to bring forward the marginalised experiences to give them representation and services needed for real gender equality and promotion of women's right in India. In relation to the Covid-19 crisis, the minister of Women and Child Development highlighted a series of measures for ensuring safety, security and wellbeing of women by providing a range of services. However, members of civil society and women's organisations have critiqued reality at the grassroots level marked by non-functional and unavailable services. Women were unable to access counselling and other services such as medical and legal aid or shelter.

#### Armed conflict

The Beijing Declaration and platform for action identifies women in armed conflict as one of the critical areas of concern. Specific strategic objectives under this critical area are: participation of women in peace processes, military expenditure, displacement in armed conflict areas. Activists from the Women's International League of Peace and Freedom, along with other organisations, have been involved in carrying out panel discussion to analyse issues related to this critical area of concern. India has constantly denied any armed conflicts within its territory. It has not adopted UN Security Council Resolution 1325 to address issues related to women, peace and Security in these zones of conflict mentioned above. In the face of continuous resistance from the government towards acknowledging the armed conflict, the Platform for Action can be an international framework to hold the government accountable in areas of rise in military spending, because large chunk of the budget for Financial Year 2020 will be spent on defence (Government of India, 2020). Efforts are made to increase the number of women in various police forces and include female officers in the Indian army which will lead to inclusion of women officers in higher command positions. This Supreme Court

judgment was a welcome change despite resistance related to women's apparent 'physiological limitations', concerns around 'motherhood' and 'childcare', and claims that 'troops recruited from a rural background [were] not ready to accept women in the command position' (Gurung, 2020).

However, reforms in police and armed forces can be inadequate due to prevailing patriarchal attitudes. According to the office of the UN High Commissioner for Human Rights report (2019) Indian armed forces face accusations related to sexual gender-based violence, and the Indian government continuously fails to hold security officers accountable. Women also complain that prevailing stereotypical patriarchal attitudes with the police and armed forces result in slow procedures of filing complaints in cases of sexual and gender-based violence.

To show commitment to Beijing Platform for Action and other international mechanism related to it, India needs to demonstrate its commitment by addressing these challenges. The Platform for Action could provide avenues for critical engagement with deep-rooted militarised masculinity in the armed forces of India. Beijing Platform for Action can address the need for the inclusion of more women in judicial and political structures, especially in areas where armed forces operate. It can also guide police reforms through a gender-sensitive institutional change and assist in composing a police force better capable of responding to the needs of women and girls. (Chandra, 2020).

#### Conclusion

Implementation of Beijing Platform for Action in India is useful during the current pandemic as it can have a serious impact on an already complex peace and security situation. As Beijing Platform for Action completes 25 years of its operation, women in India continue to fight for agency and leadership space while facing the risk of marginalisation and vulnerability in the face of ever-existing gender-based violence and discrimination. To understand India's real commitment to gender equality and protecting women's rights, we need to look beyond the policy and legislative initiatives. We must engage with the community and aim towards a mindset change towards overall equality and freedom from patriarchal social norms and customs. It is essential that we critically analyse Indian state's intention as a leader at the Beijing Platform for Action to bring real change in protecting and promoting women's rights or utilising the platform to achieve its foreign policy goal of a permanent seat at the Security council.

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