

SECOND CONSULTATION ON BEIJING +10

February 7th to 8th 2005, New Delhi



**Testimonials, Recommendations on the Platform For Action
and Recommendations on Land Rights.
Beijing**

By

Utthan
36, Chitrakut Twins,
Nr. Management Enclave
Nehru Park, Vastrapur,
Ahmedabad 380 015
Phone: 91-79-26742559
Email: Utthan@icenet.net

PFA: Violence Against Women

Category 1

From: Utthan, Ahmedabad

Beijing Platform For Action, Strategic objective DI, No.124, Actions to be taken by governments

1. “Enact national legislation to implement the Convention On the Prevention and Punishment of the Crime of Genocide ratified by national governments (including the Government of India) Under this legislation, prosecute all constitutionally responsible public servants (including elected representatives as well as ministers), public or private individuals for acts which fall under the Convention.”
2. “ All States consider signing and ratifying the Rome Statute of the International Criminal Court and implement its provisions through domestic laws applicable to crisis and non-crisis situations”
3. “ Reference is made to religion in the Global Framework and Strategic Objectives but less in the Strategic Actions to be taken by specific parties. States and international community need to specially address the use of sexual violence as a strategy and where it is linked to violation of other kinds of rights. It needs a special focus and to be specifically condemned as a strategy.”
- 4.” States to take special measures to facilitate visits by relevant UN Special Rapporteur On Violence against Women to regions to monitor the use of *sexual violence as a strategy* and state responsibility. Confidentiality and protection of women’s identity need to be considered as part of effective documentation and witness protection program”
- 5.” Broaden the understanding of rape in national legislations to include circumstances of coercion recognized by international law”.

Platform For Action, ChpI, Res.1, Annex II- Environment

Category 2

Outcome Document-23rd Special Session of the General Assembly 2000 as follow up on the implementation of the Platform For Action called for greater investigation to develop a more visible *policy* on environmental & disaster management.

Include

“ There was a need to base such policy on gender sensitive responses and from lessons learnt from the ground. While gender perspective has mainly been discussed in the context of vulnerability, the perspective should consider risk assessment and management and role of women in preventive and coping strategies. Increased risk and gender based violence, including rape, kidnapping and insecurity while living in camps or female headed households, require special consideration”.

Strategic Objective K 2,3 Natural Resource Management

Category 2

By government

Include

1. Women have played a very minor role in water resource planning and management although historically women have a primary interest in domestic water management, have a key role in agriculture and are main users of common water. This needs to be reflected in institutional arrangements for the development and management of water resources. Acceptance of these principles need concrete policies by governments to address women specific needs and to empower and equip women to participate at all levels in water resource programs, in decision-making and implementation.
2. The delegation of water resource management and planning to the grassroots level necessitates educating and training water management staff at all levels and ensuring women have equal participation in the education and training programs. Emphasis should be placed on participatory techniques, including enhanced role for women.
3. Initiate institutional reforms which includes changes in procedures, attitudes and behaviour and full participation of women at all levels in sector institutions.

Recommendations on Land Rights

Platform for Action Ch. IV, Strategic Objectives A19 Actions to be taken.
(indigenous communities)

Incorporate:

- National efforts to implement environmentally sound and sustainable development should strengthen the role of women from indigenous communities through rights and entitlements in land, both individual and collective, access to forests and other common property resources, and respect their traditional knowledge of land, natural resources and their environment.
- Adoption of / Strengthen appropriate policies, legal instruments that accord women greater control over their lands, self-management of resources, participation in development decisions affecting them including participation in the establishment and management of protected areas.

Platform for Action: Natural Resource Management

1. Ratification of the CEDAW by India without reservations. India have qualified their obligations under CEDAW through statements of the interpretation and implementation of its provisions by stating that in implementing Art.5(a)-customary practices- and 16 (1)- family relations- it would follow “ a policy of non-interference in personal affairs of any community without its initiative and consent”. This restricts the possibility of government reform of discriminatory customary laws and practices that have a bearing on women’s land ownership and entitlements in land based assets.
2. State policies on land tenure incorporate provisions of
 - CEDAW art.15 which give women the right to own and administer property without discrimination
 - CEDAW Art. 16 within which, in a family, both spouses have equal rights in the “ownership, acquisition, management, administration, enjoyment and disposition of property
 - Art. 14 (2)g of CEDAW which calls for “equal treatment in land and agrarian reform”.
3. Women and unequal entitlements to land ownership is an important mechanism through which poverty among women, discrimination and subordination is sustained and reproduced.
4. Appropriate national policy measures be enacted to enhance justice in the area of land related resource allocation for rural women-both as wives, daughters and widows within households as well as members of vulnerable social class and communities that face erosion or lack entitlements in specific models of development.
5. For intra-household bargaining power for women with land ownership and entitlements need to consider the legal regime , both the civil law on family ,

property and succession on the one hand and on the other, agrarian and natural resource laws.

6. States develop institutional mechanisms to establish rural women's resource rights and entitlements centres by providing long term (minimum 15 years lease) for collective control of common property systems and collective user rights, thereby granting women in villages secure tenure over local collective land and resources. Additional State support may be provided for training women members, financial credit for economic activity, incorporating the centres in micro- planning processes.

Category 1: Gains made since Beijing 1995 through testimonials

Capturing the Voices of Muslim women in Gujarat: recalling violence

As soon as we got to know that girls are being raped and harassed elsewhere, we sent our daughters away to relative's homes and the same evening mobs of outsiders came in tempos and trucks, accompanied by many from our village. Initially they cut off the electricity and started shouting, "Where are your daughters, bring them out". Then they tried to get into our houses and when our men tried to protect, the women of the house were attacked and two of our relatives got hurt, one lost his hand in protecting us. We had to move out of the village early in the morning with only what we were wearing we even did not have time to take our jewellery or clothes. Men stayed back to protect the house but seeing that the mobs had surrounded them from all sides fled through the hills. We took refuge in the camps and at our relatives place. We did not have clothes to change, for days we wore the same pair of clothes, it was very painful when people used to come and give their clothes to wear, we lost everything. We can never forget what happened with us. Even after we came back, our neighbours did not talk to us for almost a year. Economically also our class has gone backward- earlier our men did not have difficulty in getting employment as driver or agricultural labourer, even income from pan shops (rented) have reduced, earlier income per day used to come up to Rs. 500 but now the earnings is only Rs. 150 per day. The Hindus have stopped coming to our shops or the number of people coming to our shops has reduced.

Muslim women in Gujarat

Sharing Experience of violence: The violence was intense and continued even after the army arrived, after six days. We had to run away with only what we were wearing. We even did not have the time to dress our children or take anything along with us. We have seen our houses burning in front of our eyes and we could not do anything. We had to hide ourselves in the forest. Adivasis (tribals) used to bring food and water for us in the forest. We stayed in the forest for five days. The police joined the violence or violence was committed in their presence. In fact, the police said” We have been ordered to kill you and not help you... we cannot stop others from killing you...” An Adivasi helped us and took us at 3 pm at night to an ex- MLA.

We sought refuge in home of a Thakur they contacted local police to help us, but they refused and so he called the police from the district head quarters. Few Christian families came forward to protect us and they were hurt. These families have not yet come back. When we reached the district head quarters, the Hindus opposed our presence so we went to another area where we were surrounded by a big mob. Two police men protected us. We contacted the police again to provide us with a van but they refused. Finally our community arranged for a van and came to pick us up.

Muslim women in Gujarat: Coping strategies

It's only when we share our inner feelings can we learn, solve our problems and teach others. If we share our pain we can go ahead other wise the pain will kill us, at this workshop I got to know that women are exploited everywhere, thus we- women have to come forward and make the difference. We should not sit back and keep crying over what has happened. After the communal violence, I was hesitant to come out, wondering what others will say. Now I am free. I was able to link up experience of communal violence with the violence that women faced within their own families. If we face domestic violence and if it is our mistake, perhaps we can take it but not other wise. In my case, my husband was not willing to share household/ economic responsibilities and when I asserted that he should do so, he was violent and hence I returned to my parent's home. I did not return to my home till my husband agreed to what I had to say. “

Muslim Women in Gujarat-concept of justice:

“Without *Nyay* (justice) we cannot have *shanti* (peace) and cannot come together (*Nyay jab tak nahi milenga jab tak hume shanti nahi melengi*). We do not hold any grudges on those who inflicted violence on us. We do not wish ill on them or that they face what we faced. Coming together is the only solution because we cannot stay with enmity. We do not want to take revenge. Justice is necessary and the one above (Allah) will do the justice.”



A fractured community comes together to build common property resources

Day to day struggle for basic needs: (Muslim Women in Gujarat) “We want a Balwadi (child care centre) for our children, we know we have to take the initiative and once we initiate it we can seek assistance from outside.” A feeling was emerging that initiatives should come from the women and community themselves and then support could be sought.”

The communal divides are evident in everyday life having an impact on women of the Muslim community in particular:

- a. As citizens
- b. Fear of sexual violence
- c. Fear of the police
- d. Fear in the ghettoized clusters of those who have been displaced
- e. Displacement and rehabilitation
- f. Compromised (conditional) return to homes
- g. Lack of alternative housing and livelihoods
- h. Continuing economic boycott/violence (rural/urban boycott)
- i. Appropriation and control over resources as incentive for communal attacks
- j. Loss of livelihood and loss of hope
- k. Impact of violence on women: mental & reproductive health, silencing of pain, trauma,
- l. Creation of female headed households
- m. New roles and burden of survival
- n. Impact of impoverishment on nutrition of women
- o. Impact on life choices of girls
- p. Resurgence of traditional markers of identity and roles
- q. Children: trauma, denial of access to schools
- r. Attacks on activists, civil rights groups, concerned citizens

PFA- Women and poverty

Category 1

Women's Federation (Gujarat- Dahod and Bhavnagar)

Today one can see an enhancement in the level of decision-making process. The members have moved away from the traditional systems of depending on upper castes/class for decisions that affect them. The election procedure for the Executive Committee (EC) is a classic example. At one of the Representative Council meetings, the members felt a need to have a formal body with a legal entity and to decide whether members would be elected or selected. Democratization being an integral part of their functioning, members decided on election for the Executive Committee.

- The members initially formulated criteria for selection, as following
- The members should be neutral when it comes to analyzing or decision-making.
- The member should be in a position to give sufficient time.
- The member should not be biased with respect to caste, class and should refrain from nepotism.
- The member should be honest.
- The member should be tolerant.
- The member should be courageous.
- The member should be emphasizing.
- The member should be sensitive towards others needs.
- The member should not be egoistic and look at things even handedly.
- The member should be accountable.

On the basis of these criteria evolved, the members choose 16 as probable EC committee members. *Panchiben* chosen in the initial list of 16 was not elected as the EC member though she was influential and belonged to an upper caste. The Representative Council were not in favour of her being an EC member as she may be biased in her functioning and she did not fit in the criteria set up. The Council even explained why she could not be a member and further asserted that in future there are chances of her being elected as an EC member

PFA: Environment

Category 3

Incorporating gender perspective in disaster management

A feedback survey was conducted to determine the varied priorities of males and females in planning for a disaster. The purpose of this survey was twofold:

(a) determine how many males and females continue participation even after the training session (b) prove that both male and female perspectives are equally important for effective disaster management planning. The survey was distributed to two groups, divided by gender. Both, the male and female groups were asked to discuss and then list the most important activities that should be carried out before a flood or cyclone was expected to hit. Each group was placed in separate rooms and given 1 ½ hours to respond.

The reason for this survey's gender-oriented approach was due to the severely male-dominated nature of the people in the Saurashtra region. A patriarchal attitude is embedded in their culture and serves as a hindrance to their progress as a community. On numerous occasions, the males of the group questioned the importance of the female's attendance at the workshops. They felt as if it was a responsibility, only they should and could handle. Meanwhile, the UTTHAN coordinators stressed the importance of a collaborative effort; however, their attitudes were deep-rooted. Consequently, this survey was conducted in such a manner that could be used as an example, real life experience, where both perspectives were shown to be vital for effective disaster management planning.

The results clearly supported a gender perspective and further clarified the reason why male and female representation in a decision-making process is important

Male response to survey question:

- secure large objects which could move in heavy winds
- trim trees whose branches could break in heavy winds
- cut electricity from main power source
- secure and place cattle in safe region
- place vehicles in safe region to maximize accessibility in an emergency situation
- check availability of working radios
- store batteries for radio and other useful electronics
- store appropriate medicines for medical emergencies



Female response to survey question:

- store clean drinking water
- store non-perishable food
- store fuel (wood, kerosene and cow dung) in a dry place
- store matches in a dry place
- place the young and elderly in a secure shelter
- put some dry clothing in a plastic bag to keep dry
- store appropriate medicines for medical emergencies

Conclusion

The results clearly exemplify the importance of male and female perspectives in disaster management planning. A careful study of the responses given by each of the two groups, shows that each group's responses are generally connected to their everyday concerns. The male responses are basically concentrated on activities they usually engage in outside the home, such as trimming trees, providing transportation and a means of communication. The female responses were concentrated on their everyday activities inside the home, such as feeding the family, clothing the young, and caring for elders. It is obvious that the primary concerns of each gender vary and therefore, their priorities. However, neither group's priorities supercede the others in importance. Therefore, only when both perspectives are combined can a prudent disaster management response be achieved by a given community.

**PFA: Environment
Category 3**

Women in the Dialogue Process for revival of Jholapuri River Basin in Amreli, Gujarat



Zarinaben and other women working their pressure in dialogue through their demand for priority efforts for drinking water accessibility before irrigation

SOLVING COMMUNITY WATER PROBLEMS THROUGH WOMEN'S INITIATIVE

The case of Rabhada Village, Amerili, Gujarat

Under the watershed development program, it was planned to install 100 hand pumps. The funds was enough for only 60 hand pumps. Women, involved in village institutions and quite aware of village development activities, met and stressed their point of making efforts for recharging all the 100 wells, instead of only 60 wells, in the watershed committee meeting. This effort was mainly done by women's mandal through the women representatives and the watershed committee though the number of their representation was small. They ensured and took responsibility for collecting Rs. 150/- from each household and labour contribution. With repairs and recharge of all the hand pumps, about 70% of the village's water problem has been solved. The quality of water has improved considerably and to a certain extent, women are happy as they have somewhat more free time now and less drudgery.

KALIBEN AND AMARDASBHAI SHARE THEIR STORIES

A case of Ningala Village of Rajula Taluka, Amreli District, Gujarat

About 3 women from Ningala village made an exposure tour to some villages of Bhavnagar to see roof water collection tanks and their impact. During the visit they interacted with a large number of women and learnt about the benefits of RWCTs. They were very surprised to learn that water fights had reduced due to better availability of water and a place to store the water even if outside tankers still come. On their return, they decided to have similar structures in their houses. Under the village watershed programme, Utthan assisted in construction of various water structures including check dams (5), recharging of 8 wells and gully plugging. Five RWCTs were also constructed, each costing Rs. 15, 000/-. Families contributed about 20% of the total cost either in cash, kind or labour.

Kaliben and Amardasbhai, who were the first ones to construct a RWCT in their house, say, “ Now we get water in summers too and Kaliben does not have to spend much time collecting water. Her health has improved, while overall fights over water have reduced in the village. People use the tank for storing water from outside tankers. In the past they never had this facility and about 20% water used to go waste due to fights and no proper place for storage.



SECURED WATER AT THE DOOR STEP

MONGHIBEN FIGHTS TO ENSURE WATER WORK FOR WOMEN AND HER VILLAGE

A Case Of Neswad Village, Bhavnagar, Gujarat.



Utthan has been providing technical guidance to the villagers of Neswad to tackle their water problems. Interventions included creating structures like roof water collection tanks, bathing place, stand post, cattle trough etc. Since the water crisis was so severe, the village

community managed to collect and contribute Rs. 3 lakhs for the construction of different structures. They decided that the work would be done through gram panchayat and the villagers contribute labor, as part of employment generation. Unfortunately, the Sarpanch decided to initiate all the work using machines. When Mobghiben learnt about this, she called a meeting of the members and asked them to react strongly against using the machine. With support from Utthan's staff and they stopped Sarpanch from using machines. People got work and earned money too!

Monghiben is always seen fighting for people's rights. Initially, when she took initiative in forming the groups, villagers opposed her meeting Utthan's staff, or motivating other women. Fortunately, she has always got support from her husband. She has also travelled to Delhi and made a presentation on the life of women in the conditions of water scarcity for the entire Ghogha area of Bhavnagar district in 2001.



“CHANGE IN GENDER ROLES”

A case of Mithi Viridi village, Talaja taluka of Bhavnagar, Gujarat.

Utthan started working in Mithi Viridi since 1999. Mithi Viridi; 'mithi' means sweet and 'viridi' means a place where water collects. Even though the village is just two kilometers from the seashore, in the past, as the name indicates, the water in the village was sweet, enough both for drinking and irrigation e, but owing to less rains, over exploitation of water resources and increased population, water specially for drinking became scarce. Land is slowly becoming saline and water polluted. Women spent most of their time in fetching water from far off places which affected their health. Children tend to loiter around in the absence of parents. Male adolescents and adults started facing problems in getting married as villagers from better off villages would not like to marry their daughters in this village as they felt that their daughters will have to work very hard in the absence of water.

Utthan mobilized villagers and two women's group having 31 members, a water committee with equal numbers of men and women was formed.. About 112 roof water collection tanks have been constructed in the village, many households had no or less space for RWCT structures, and villagers therefore converted private land into common plot so as to facilitate water access for everyone. Groups take responsibilities for maintaining and solving water problems themselves. RWCTs have led to increase in ground water level and availability of fresh water for drinking. Villagers are sensitive enough to use the water only for drinking and not for irrigation; they are quite aware of the process of sea intrusion. With the time saved from water fetching, women now earn more by taking up available employment generation opportunities. Today, each family is able to afford 2-3 water tankers from outside and use the storage space for storing water to combat crises. The women have taken initiative for sending proposals for recharging of all sources of water. Interestingly, in this village, one can see change in gender roles; men are seen helping women in not only taking water for themselves but also helping in them in other household activities and women are seen meeting officials for their demands.

