**Comments of NHRC, India on the Questionnaire on deprivation of liberty of women and girls.**

1. **What are the main causes for women coming into conflict with the law and facing the associated deprivation of liberty, including pre-trial detention? Which are the groups of women who are most vulnerable and why? Please list the types of offenses for which women, or any particular group of women, are typically charged with, including administrative offenses.**

The main causes for women coming into conflict with the law attribute to economic insecurity, social deprivation, migration from rural areas to urban areas and the accompanying imbalance in adjustment to city life as some of the reasons for an increase of crime in Indian cities, for both men and women.

Types of offences for which women, or any particular group of women, are typically charged with, are: Cruelty towards husbands and relatives, Riots, Hurt, Theft, Cheating, Murder, Burglary, Attempt to murder, Dowry death, Kidnapping and Abduction.

**2. Please indicate if there are cases of women facing detention in relation to civil law suits and identify the particular groups of women mostly affected.**

The particular groups of women affected in relation to the civil law suits are: contract employment, private employment, and personal injury, consumer protection, and inheritance, land and property rights.

**3. What are the main challenges for women’s access to justice, including, for example, the availability and quality of legal representation, the ability to pay for bail, and the existence of gender stereotyping and bias in judicial proceedings?**

The main challenges for women’s access to Justice on a basis of equality includes; lack of effective jurisdictional protection, discrimination and inequality, due to factors such as gender stereotyping, discriminatory laws, intersecting or compounded discrimination, procedural land evidentiary requirements and practices, and a failure to systematically ensure that judicial mechanisms are physically, economically, socially and culturally accessible to all women. All of these obstacles constitute persistent violations of women’s human rights.

**4. What have been the main drivers for the increasing or decreasing of the female prison population in your country in the past decade? To what extent are non- custodial measures used, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)?**

According to the report titled, “Women in Prisons” by the Minister of Women and Child, the main drivers of the increase in female population are: 37 present of the total prison population are incarcerated for murder, while 15 percent for dowry deaths.

II. **Other institutions**

**1. What other institutions outside the justice system exist in your country wherein women and girls are institutionalized on grounds such as care, correction, protection and prevention against potential harms, etc.? Please list the groups of women and girls who are most concerned in each situation.**

\* Child Care Institutions.

\* Shelter Homes

\* Protective and Rehabilitative (P&R) Homes for trafficked Victims under Ujjwala Scheme.

**2. Please explain the decision-making process for the institutionalization of women and girls in each situation, including the role of women and girls themselves in the decision on institutionalization. Please highlight any good practices in terms of enabling women to exercise agency within institutional systems, with due respect to their rights?**

Women enjoy equal rights.

III. **Forced confinement in private contexts**

**1. What forms of forced confinement of women and girls exist in a private or social context sanctioned by family, community or group of individuals such as abduction, servitude, guardianship and “honor” practices, trafficking, home detention, “witch camps”, widowhood rites, etc.?**

Stereotypical gender roles, the gender division of labour, and gender separations between public and private spheres have encouraged a notion in India that women are dependent on their father, husband or son. They are mostly assessed in terms of their reproductive rather than their productive roles. Women are also marginalized by multiple other constraints such as unequal inheritance laws, religion-based family law, dowry, early marriage, the responsibility of girls for household chores and care of younger siblings, son preference, the general decline in law and order, stalking and sexual harassment, land insecurity in the region and specific countries. While the patriarchal state plays a significant role in terms of entitlements, and access to power and benefits, household decision-making remains the most crucial factor shaping the future of girls.

**2. Please identify the groups of women and girls who are most affected by these situations.**

Women and girls in India are affected by these situations, especially in the rural areas.

The Special Rapporteurs of the Commission use to visit various areas in the country especially to various prisons, institutions/mental health centres etc. to ascertain the prevailing conditions. The Criminal Law Amendment has helped in mitigating the hardships of the women. The action taken details on an important case pertaining to the issue i.e. Case No.17/63/19/1/2012 is enclosed for ready reference.

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