



Guidelines to promote gender equality and prevent gender violence



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Introduction

The different roles and behaviours of females and males, children as well as adults, are shaped and reinforced by gender norms within society.

These are social expectations that define appropriate behaviour for women and men. However, it is at home where children first learn about gender roles, equating maleness with power and authority and femaleness with inferiority and subservience.

Boys learn how to exercise their authority over girls, whereas girls learn to submit. In India, households are a primary site in which male privilege and control over women are expressed.

Despite being banned since 1994, selective abortion of female foetuses has become increasingly common and excess female mortality among children under age 5 years is seen in all parts of the country.

With few lifestyle options outside the marriage, girls are expected to marry. Yet daughters often prove to be financially burdensome for families as they must produce a sizeable dowry to the husband's family (the practice of dowry also remains widespread despite antidowry laws since the 1960s). Because verifying her chastity is a critical step in the marriage process, families are careful to regulate all aspects of their daughters' lives, controlling where they go and what they may do.

From an early age, Indian girls are told that their proper place is in the home, fulfilling domestic duties and attending to the needs of men, whereas males learn that they are superior to women and must exercise authority over them.

Differences in gender roles and behaviours often create inequalities, whereby one gender becomes empowered to the disadvantage of the other. And inequalities in gender increase the risk of acts of violence by men against women.

For instance, traditional beliefs that men have a right to control women make women and girls vulnerable to physical, emotional and sexual violence by men.

Some helpful key definitions

Sex

Refers to biological differences between women and men.

Gender

Refers to the roles and characteristics attributed to women and men by social norms as a result of their biological differences.

Gender equality

Equal treatment of women and men in laws and policies, and equal access to resources and services within families, communities and society at large.

Gender equity

Fairness and justice in the distribution of benefits and responsibilities between women and men. Programmes and policies that specifically empower women are often needed to achieve this.

Gender-based violence

It is the most extreme form of gender-based discrimination. Violence involving men and women, in which the female is usually the victim; and which is derived from unequal power relationships between men and women. Violence is directed specifically against a woman because she is a woman, or affects women disproportionately. It includes, but is not limited to, physical, sexual and psychological harm (including intimidation, suffering, coercion, and/or deprivation of liberty within the family, or within the general community). It includes that violence which is perpetrated or condoned by the state. This widely accepted definition of gender-based violence is now often expanded to include violence that results from unequal power relations between men and between women (e.g. homophobic violence). Although women and girls are the main victims of gender-based violence, it also causes severe harm to families and communities. Nowadays, digital communications technologies have changed our societies, also sexual violence has transformed in the digital age.

Violence against women

Any public or private act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty

Intimate partner violence

Any behaviour by a man or a woman within an intimate relationship that causes physical, sexual or psychological harm to those in the relationship. This is the most common form of violence against women.

Sexual harassment

It is a type of harassment involving the use of explicit or implicit sexual overtones including the unwelcome or inappropriate promise of rewards in exchange for sexual favours. It includes a range of actions from verbal transgressions to sexual abuse or assault and can occur in many different social settings such as the workplace, home, school, etc.

Some shocking numbers to make us reflect on gender inequality and gender violence

Worldwide:

1. 24% is the average pay gap (difference between men's and women's pay) between women and men.
2. On average, a woman spends on domestic times 2.5 more time than her spouse/partner.
3. 1 in 3 women are victims of physical or sexual abuse in the world.
4. On average, 800 women die every day from causes related to pregnancy and childbirth.

India:

1. Infant mortality figures for females and males are 61 and 56 respectively, out of 1000 live births, with females more likely to be aborted than males due to biased attitudes, cultural stereotypes, insecurity, etc.
2. Literacy for females stands at 65.46% compared to 82.14% for males.
3. Indian women on average earn a 64% of what their male counterparts earn for the same occupation and level of qualification.
4. 4,05,861 cases of crime against women were registered during 2019 (7.3% over 2018).
5. Every 16 minutes, a woman is raped somewhere in India
6. Every 4 minutes, a woman experiences cruelty at the hands of her in-laws.

Laws to promote gender equality

Violence on its forms is a punishable offence and abusers are exposed to sanctions. Below are the most relevant international and national laws to promote gender equality and address gender based violence against women.

International laws

Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) for youth (1979)

Is an international legal instrument that requires countries to eliminate discrimination against women in all areas and promotes women's equal rights. It is often described as the international bill of rights for women. As of 2016, 189 countries have ratified CEDAW. This means that these countries have agreed to do everything they can do to guarantee that women and girls can enjoy their rights on an equal basis with men and boys.

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, 2011)

Is the most far-reaching international treaty to tackle violence against women in all its forms. Preventing violence, protecting victims, prosecuting the perpetrators and the need for integrated polices at the national level, are the cornerstones of the Convention.

The measures required by the Convention are firmly based on the premise that violence against women cannot be eradicated without investing in greater equality between women and men and that in turn, only real equality between women and men and a change in power dynamics and attitudes can truly prevent this serious violation of human rights.

The Istanbul Convention foresees a two-pillar monitoring mechanism to assess and improve the implementation of the Convention by state parties: the independent Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), and the Committee of the Parties.

Indian laws:

Constitutional provisions

The Constitution of India plays a pioneer role in protecting the women from discrimination and ensuring gender justice in the present times. It can be said that the Constitution being supreme law of the land significantly addresses the questions related to woman and also responds to the challenges. The whole legal system is to be framed according to the provisions of the Constitution of India. But law alone cannot change the society in a night, but it will certainly bring positive changes and also ensure that the discriminated cannot be dealt in any manner whatsoever.

Article 14

Equality before law. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 15

Prohibition of discrimination. It specifically prohibits any kind of discrimination against women on the basis of sex, caste etc. and article 15(3) makes special provision for the women favouring laws in order to protect the women and uplift them from such discrimination.

Article 16

Equality of opportunity in matters of public employment

Other important Indian laws

Ban on Prenatal Diagnostic Testing (Amendment in 2013)

Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994 is an Act of the Parliament of India enacted to stop female foeticides and arrest the declining sex ratio in India. The act banned prenatal sex determination.

Offenders can be imprisoned for up to three years and fined 10,000 Rs.

The sexual harassment of women at workplace (prevention, prohibition and redressal), Act. 2013

To provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Penalties range from one to three years imprisonment and a fine.

Women's Reservation Bill

Women's Reservation Bill or the Constitution (108th Amendment) Bill, is a pending bill in India which proposes to amend the Constitution of India to reserve 33 per cent of all seats in the Lower house of Parliament of India, the Lok Sabha, and in all state legislative assemblies for women. The seats to be reserved in rotation will be determined by draw of lots in such a way that a seat shall be reserved only once in three consecutive general elections.

Mumbai Smiles and gender equality

Mumbai Smiles, a non-profit organisation was founded in 2005, by a Spanish journalist and writer, Jaume Sanllorente, with the pursuit of "peaceful struggle against poverty" in the city of Mumbai, financial capital of India.

Mumbai is the city of dreams, however there is a cruel reality behind all the glitz. Mumbai Smiles aspires to eradicate poverty and get social justice for the most disadvantaged communities in the city. Today, our projects are geared to generate social transformation through self-sufficiency and access to equal rights and livelihood opportunities for the underprivileged communities living in a several areas of Mumbai, focusing on women victims of human trafficking and street children. Education, Livelihood, Community Health and Awareness are our main programs.

During this strict lockdown imposed by the Indian government to prevent the spread of COVID-19 disease, we have been witnesses of how violence against women on most of its forms has increased suddenly within our society: domestic violence complaints have increased a 131% in May 2020, cybercrime complaints have done it in a 119% in districts where with the strictest lockdown rules. However, rape, sexual harassment and sexual assault complaints have decreased, mainly because these sad episodes majority occur on public spaces (public transport, streets, etc), and they have been unusual empty during this period.

At Mumbai Smiles, we want to take a step forward in the work we do for and with our communities. In the same way, we do have a solid commitment with the 2030 Agenda for Sustainable Development and its goals. Following these general guidelines, will help us to contribute to the achievement of objective number five, Gender Equality, within our organisation, projects and communities we work with.

We strongly believe that promoting Gender Equality at all levels is the most powerful tool to prevent violence against women in all its forms.

As Smriti Irani, HRD Minister says: "Just like charity begins at home we have start making change from our home and society. We need to work together to make this world a better place for women".

It is our duty to contribute to achieve it.

What does Mumbai Smiles to guarantee gender equality?

At the workplace

- One of our core values as organisation is no discrimination: we respect human diversity in all its aspects without any distinction of race, age, political affiliation, religion, gender or gender orientation.
- Our HR policy mentions clearly that Mumbai Smiles encourages a right mix of gender in its workforce.
- Mumbai Smiles prioritise leadership for women to create a gender balance in the workforce at senior levels of management. Women leaders are often role models for women.
- Creation of guidelines to promote gender equality and prevention of gender-based violence which includes a protocol about sexual harassment at the workplace and an internal complaints committee if any case arises within the community. All employees, consultants and stakeholders should read and accept this guide.
- As most of Indian Non-Profit Organisations, we have achieved gender parity among our staff members: 68% women and 32% men.
- We have also achieved gender parity at all levels of the organization:
 - Management: 50% women and 50% men
 - Senior staff: 50% women and 50% men
 - Field Staff: 70% women and 30% men

Within the communities and projects:

- Having a gender and development approach, analysing the causes of gender inequalities by deconstructing and questioning gender stereotypes. All society members, men and women, should be included.
- Our activities are addressed to correct inequalities and promote women's equal access to resources, opportunities and decisions to ensure that women and men ultimately benefit equally from the impacts of the project. They involve women and men and girls and boys.
- There is a specific budget for these activities.

Mumbai Smiles and its commitment against any gender-based violence

1. Mumbai Smiles considers gender-based violence any act of gender-based violence that results in physical, sexual or psychological harm or suffering to someone else, usually a woman or a girl.
2. All acts of gender-based violence will be punished as per the law. Mumbai Smiles will apply a zero-tolerance policy if any case of gender-based violence arises within the team and when interacting with the community.
3. If a team member is proven guilty of a gender-based accusation, they will be immediately expelled from the organization.
4. HR and management have the legal responsibility to support any team member reporting a case of gender discrimination. They should be mindful of how difficult it might be to report an abuse and guide the person abused on legal and psychological perspectives.
5. Mumbai Smiles has a coordinated approach facing gender-based violence which includes legal and psychological perspectives among others.
6. Team members will be trained by professionals specialized in gender in order to help them to recognise and acknowledge their own personal gender biases and to identify them among the communities. It will help to create awareness on the communities we work with.

How to address sexual harassment at the workplace?

Mumbai Smiles considers sexual harassment at its workplace any one or more of the following unwelcome acts or behaviours, but it is not limited to:

1. Asking for sex in exchange for a benefit or a favour.
2. Degrading words and comments.
3. Degrading pictures or objects.
4. Making unnecessary physical contact, including unwanted touching.
5. Calling people sex-specific derogatory names.
6. Repeatedly asking for dates and not taking 'no' for an answer.
7. Making sex-related comments about a person's physical characteristics or actions.
8. Saying or doing something because you think a person does not conform to sex role stereotypes.
9. Posting or sharing pornography, sexual pictures or cartoons or other sexual images, including online).
10. Making sexual jokes.
11. Bragging about sexual prowess.
12. Refusing to refer to a person by their self-identified name or personal pronoun.
13. Requiring a person prove their gender.
14. Humiliating.

If it happens to you?

1. Remember it is not your fault.
2. Talk to someone you can trust.
3. Document incidents.
4. Learn about your rights and options for getting the behaviours to stop.
5. If you suspect that an offender does not realize they are guilty of harassment, you could talk to them directly in an effort to resolve this issue. This tactic is appropriate for cases of minor harassment (e.g. inappropriate jokes between colleagues). Avoid using this approach with co-worker or stakeholders.
6. If you feel threatened by another team member, you should not confront him directly.
7. If you would like to report a case, you should contact your program manager. If he/ she is the offender, you should address to HR person and go to the next person in authority if the harassment continues.
8. If you are threatened or assaulted, contact the police.

If it happens to someone else?

1. If you are a witness to the harassment: tell the person this behaviour is not correct.
2. Speak to your program manager.
3. Educate yourself on the issue.
4. Support your work colleagues who disclose they have been sexually harassed.
5. Respect whatever decision the person makes.

Which are Mumbai Smiles's responsibilities?

1. Create a safe and respectful work environment.
2. Develop a policy and procedures.
3. Promptly and appropriately respond to issues as they arise.
4. Educate staff about their roles and responsibilities.
5. Ensure management and seniors positions lead by example.

How to address gender based violence within the community?

With the objective of dealing effectively with any gender-based violence issue if arises among any beneficiary or its relatives, Mumbai Smiles has created this Internal Complaint Protocol (referred to ICC in this document).

The ICC consists of:

1. ICC Chairperson – General Director / Deputy Director, as per their availability.
2. At least three senior members from the organisation.
3. Members are been offered themselves to be part of this committee.
4. Whenever it is possible, a community member who has suffered gender-based violence, should be part of this committee.
5. Gender equality is a must in this committee.
6. ICC members will keep confidentiality regarding the issues as it is previously signed on the HR policy.

The ICC Panel will:

- Receive complaints of gender-based violence among our beneficiaries. This complaint could come through the beneficiary itself or some witness.
- Initiate and conduct inquiry as per the procedures mentioned below.
- Submit findings and recommendations of inquiries.
- Maintain strict confidentiality throughout the process.
- Submit annual reports in the prescribed format.
- Management, part of the ICC, could take further actions and/ or decisions (for instance, decide to help economically to someone who has left his husband behind due to an abuse).
- Mumbai Smiles should inform to all team members and beneficiaries that this committee has been created and its purpose.

Formal Management Process:

1. The person making complaint will need to submit a detailed complaint along with relevant available evidences and/or names of witnesses (if they have, the fact that there is not proof or witness it does not mean that incident have not occurred) to any ICC member.
2. If the initial complaint is made to a person other than an ICC member, upon receiving such a complaint, it is the responsibility of the complaint receiver to report the same to the ICC immediately.
3. It is important to be sensitive while receiving the complaint and take it seriously, no pre-judge, show empathy and listen actively is a must.
4. The ICC will be reviewed and a quick follow up will be done.
5. All notes are kept strictly confidential.
6. Date, time and location of the issue should be written along with other details (police complaints, hospital reports, etc.) and witness statements (if there is any witness).
7. After evaluating all the situation, the ICC will provide legal, emotional, physiological etc. guide to the victim, providing useful contacts from other organizations or collaborators who may help with this particular case. It is important to provide specialized help.
8. Mumbai Smiles may study to give economic support (monetary help, medicines, etc.) to the victims depending on the situation, specially if it is a case of domestic violence. It will always be a management's decision.
9. The ICC will take a full follow up of the case, even though the only support we can provide is psychological. For instance: a case taken to court can be a very long period and victim can need support for a very long time.



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