

India

A 23-year-old woman's death reminds us that cruel violence against women is prevailing

The Indian government must immediately conduct sweeping reforms to end all forms of violence against women

Human Rights Now (HRN), a Tokyo-based international human rights NGO, joins the nationwide condemnation in India against the recent rape killing of a 23-year-old female student in Delhi on 16 December 2012 and expresses its sincere condolences to her family.

The incident saw a 23-year-old female student repeatedly raped by a group of six men on 16 December 2012 in Delhi, India. The victim was on her way to Dwarka with her male friend after watching a film. The couple boarded a public bus where the attack occurred. The male victim was severely beaten, and the female victim was gang-raped and suffered brutal treatment under the hands of her six attackers. The evidence shows that rapists used a metal rod to sexually assault her and inserted the rod into her body.¹ When she was finally hospitalized, her condition was critical. She had to undergo multiple surgeries including the removal of her intestines. Due to severe intestinal damage, she died on 28 December 2012 from acute organ failure and critical injuries to her brain in a hospital in Singapore.²

The public blames the authorities for seriously failing to protect the female victim. Even after the female victim was found left bleeding on the roadside without any clothes, neither the police nor passers-by rescued her. According to the male victim, the police officers arrived at the scene 30 minutes after they were alerted and did not immediately take the victims to the nearest hospital.

This case highlights the serious situation of violence against women in India. Women in India are always at risk of being sexually assaulted in public places, and they are usually helpless against it. According to the report "Crime in India" for the year 2011, published by the National Crime Records Bureau, the number of rape cases has risen sharply from 16,075 in 2001 to 22,172 in 2010.³ In 2011, the number continued to rise to 24,206 reported cases, with Delhi receiving 572 of the reported cases.⁴ However, since most of these crimes were not properly documented, these numbers are merely the tip of the iceberg. Behind the highlighted cases, there are greater numbers of victimizations and deaths of women.

Moreover, rape is just one facet of the broad range of cruel violence against women in the country. Women in India have been suffering from all forms of severe and cruel violence, such as dowry killings, cruel domestic violence, abductions, acid attacks, female infanticide and community violence including witch hunts for several decades. In particular, low-caste women are often subject to very cruel violence by men.

¹<http://daily.bhaskar.com/article/DEL-delhi-gang-rape-victims-entire-intestines-removed-4121808-NOR.html>

² <http://edition.cnn.com/2012/12/28/world/asia/india-rape-victim/index.html>

³ Statistics - National Crime Records Bureau <<http://ncrb.nic.in/CD-CII2011/Statistics2011.pdf>>

⁴ *ibid.*

In all form of violence against women in India, impunity is prevailing throughout the country. Police and other authorities often fail to protect women from violence, or to properly report and investigate crimes against women. The criminal justice system has not sufficiently responded to gender-based crimes, and it takes an unduly long time, up to several years, for a case to reach a final verdict. Even then, courts often make decisions in favor of the perpetrators, since law enforcement has not adequately corrected and preserved critical evidence.

This situation creates a culture of impunity for all forms of violence against women in India. This situation naturally creates the mindset that “women deserve to be discriminated against, even beaten and killed” by men.

HRN recognized the above mentioned situation in its 2008 investigation,⁵ and the situation has yet to change. The government must now end this culture of impunity, take effective measure to protect women from violence, bring justice to them, and prevent the recurrence of cruel violence against women.

In response to the nationwide criticism against the authorities, the Indian parliament has promised to increase the number of women police officers at police stations in Delhi. These police officers will be in charge of handling complaints brought forward by women. The Interior Minister Sushil Kumar Shinde said Friday that each police station in Delhi should station at least 10 female officers.⁶ The Cabinet of India plans to establish a commission that will investigate violence against women in the country and, simultaneously, improve on the safety of women. The commission will be given a period of three months to report on the investigation to the government.⁷

HRN welcomes the response of the authorities, but the authorities must demonstrate that it is not mere lip service or a show window, but the start of concrete institutional reform.

HRN urges the Indian government to conduct sweeping institutional reform of the police, prosecutors and the judicial system in order to end the impunity of violence against women throughout the country.

A standard police protocol to deal with gender-based crime should be established in accordance with international human rights standards. Also, the priority areas are introduction of intensive gender training as well as the establishment of an accountability mechanism for failures and misconduct.

Judicial reform is also critical to end the impunity of gender-based violence in India.⁹ India only has 14 judges per every million people, and it is obvious that India does not have enough judges to handle all the criminal cases. The Indian government has established fast-track courts (FTCs), which are supposed to be India’s solution to its largely overburdened and slow court system. However, local human rights groups question the effectiveness of these courts and conclude that they would not be an

⁵<http://hrn.or.jp/eng/activity/Report%20on%20violence%20against%20women%20in%20India.pdf>

⁶ <http://edition.cnn.com/2013/01/04/world/asia/india-rape-case/index.html>

⁷ <http://edition.cnn.com/2012/12/26/world/asia/india-rapes/?iref=obinsite>

effective way to solve the problem. It is important to strengthen judicial capacity in both quality and quantity.

HRN warns that the introduction of the death penalty or other harsh punishments to gender-based crimes is not an effective solution to this embedded problem but causes additional human rights problems.

India has long history of law reform related to gender-based crimes; however, most law reforms have brought little change due to ineffective implementation of the laws. Without repeating the same history, the government must focus on the effective implementation of existing laws and address the root causes of the prevailing impunity.

HRN recommends that the Indian government seriously address sweeping institutional reforms of law enforcement and the restoration of the justice system in order to end impunity and protect the victims of violence against women throughout the country.