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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Violence against women in India
(2013/2512(RSP))

Marie-Christine Vergiat, Mikael Gustafsson; Martina Anderson, Patrick Le Hyaric, Jean-Luc Mélenchon, Nikolaos Chountis, Willy Meyer, Alda Sousa, Marisa Matias
on behalf of the GUE/NGL Group

**European Parliament resolution on Violence against women in India
(2013/2512(RSP))**

The European Parliament,

- having regard to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),

- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995

- having regard to the reports by the UN High Commissioner for Human Rights' Special Rapporteurs on violence against women and to General Recommendation No 19 adopted by the Committee on the Elimination of Discrimination Against Women (11th session, 1992),

- having regard to its resolution on 5 April 2011 on a New EU Policy Framework to Fight Violence Against Women

- having regard to the recommendations of the Committee on the Elimination of Discrimination against Women to India of 2 February 2007

- having regard to Rule 122 of its Rules of Procedure,

- A. Whereas on 16 December 2012 a 23-year-old student was gang raped when five men and an adolescent boy violently attacked her on a private bus in New Delhi; and whereas immediate first aid to the victims was not forthcoming with police and emergency services slow to respond to the horrific crime, and whereas on 29 December 2012 the victim died from the injuries she suffered,
- B. Whereas India is a party to CEDAW, but with reservations to articles 5 (a), 16 (1), 16 (2) and article 29, and whereas India is not a party to the Optional Protocol of the CEDAW,
- C. Whereas following the public attention around the attack in New Delhi on 16 December 2012, several other serious and sometimes deadly rapes and sexual attacks on women have also been disclosed by the media, like the rape on 13 December 2012 of a 29 year old woman near Amritsar in Punjab,
- D. Whereas there has been widespread public anger and uprising in India with demonstrators from all sections of society calling for reform of laws, policing, as well as a general change on attitudes towards women, and whereas these demonstrations is a important step in breaking the silence surrounding rape and sexual violence, and as such constitute the beginnings of change,
- E. Whereas the Indian women's movement have a long tradition of denouncing all forms of violence against women in India, as well as more largely gender inequalities and patriarchal structures, calling for political action in support of women's human rights,

- F. Whereas sexual violence against women is wide spread, not only in India, but worldwide, and is rooted in structural gender inequalities and ideologies perpetuating male dominance over women, and whereas actions against violence against women must therefore go hand in hand with improving the position and situation for women and girls in society at all levels,
- G. Whereas all States are under an obligation to act with due diligence to investigate all crimes including that of sexual violence perpetrated against women and girls to punish perpetrators, and that under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence,
- H. Whereas there are persisting and structural inequalities between women and men in India, with women and girls having less access to health, education, decision-making, and economic autonomy, and whereas there is a demographic gap between women and men, as well as important gender gaps in nutrition and literacy levels,
- I. Whereas every 21 minutes, a woman is raped in India, and whereas according to the Indian National Crime Records Bureau, India, which has a population of more than 1.3 billion people, registered 24,206 rape cases in 2011, a figure that has increased by 25 percent in the past six years, with experts claiming the number of unreported cases of sexual assault is much higher.
- J. Whereas India's laws governing sexual assault have been criticized by national and international human rights groups for being outdated and for the narrow definition of rape; and Whereas India does not have a uniform protocol for medical treatment and examination of survivors of sexual assault, making responses ad hoc and unpredictable, and in some cases degrading,
- K. Whereas the CEDAW committee has expressed its concern about the inadequate measures taken by the Indian State party to encourage women victims of violence, including sexual violence, to report abuse, which has resulted in a gross underreporting of violence perpetrated against women, including sexual violence.
- L. Whereas following the New Delhi rape attack on 16 December, and the rape in the Punjab province on 13 December 2012, and the subsequent large public uprising, the Indian central government has formed a three-member commission headed to review current laws so as to provide speedier justice and enhanced punishment in cases of aggravated sexual assault, and whereas several high-level government officials have announced that they will review laws, protection, judicial procedures, and police responses, in order to improve protection for women, as well as addressing more deep rooted issues of gender inequality, and the culture of complicity and silence around sexual violence. The latest rape of the 13th of December 2012 urges the government to take decisions,
1. Expresses its deepest sorrow for the victims of the New Delhi and Amritsar attacks, and the victims of the other attacks that have subsequently been highlighted by the media, and extends its condolences to the families. Strongly condemns all forms of male sexual violence, wherever it takes place.

2. Deeply regrets that more was not done to provide immediate assistance to help the victims of the attacks. Takes note of that gaps in the provision of security, healthcare and other basic services provided by the state which have been exposed by the tragedy which often encourages women not to bring charges against rapists, and the public outcry this has caused.
3. Expresses its admiration and respect for the wide public protests and mobilisation of people from all parts of Indian society, calling for state accountability and for urgent actions to more efficiently address violence against women and girls, as well as the demonstration of public support for gender equality reforms,
4. Welcomes the Indian government's actions, to create a commission to review punishment for aggravated sexual assault as an important step to reform criminal law and procedures for dealing with sexual assault, and encourage the current reviews and efforts to bring about substantive changes for women. In particular for violence against women, but also more broadly in favour of gender equality throughout society, and calls on the State bodies to consult widely with women's groups in its process of reform of laws and procedures relating to rape and sexual abuse; calls also simultaneously on the Indian government to take urgent actions in order to avoid new victims like the 13th and 16th of December 2012,
5. Calls on Indian authorities, following the wide public mobilisation and using it as an opportunity for change, to take a lead in the fight against violence against women, and to develop coordinated responses to violence against women, including sexual assault, and highlights the need for state governments to monitor police handling of sexual assault investigations by holding officers accountable, prosecuting perpetrators, and ensuring the dignified treatment, protection and rehabilitation of survivors in line with international recommendations and standards,
6. Calls on The Indian government to establish national standards and a uniform protocol for the medical treatment and collection of medical evidence in cases of sexual assault and to eliminate the use of finger tests on sexual assault survivors
7. Calls on the Indian government implement gender-sensitive training on violence against women for public officials, particularly law enforcement personnel, and the judiciary and health service providers and to ensure that they are sensitized and can respond effectively to all forms of violence against women.
8. Calls on the Indian government to withdraw its reservations to the CEDAW, and to sign up to the CEDAW Optional Protocol,
9. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission, the parliaments and governments of the Member States, the parliament and government of India.....