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Plenary sitting

15.1.2013

B7-0028/2013

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))

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on behalf of the Verts/ALE Group

B7-0028/2013

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

The European Parliament,

- having regard to its previous resolutions on India in particular that of 13 December, 2012 and those on the Annual Reports on Human Rights in the World, notably those of 18 April 2012 and 13 December, 2012;
 - having regard to the [Convention on the Elimination of All Forms of Discrimination against Women](#) and the International Convention for the Elimination of Racial Discrimination (CERD), and its General Recommendations XXIX;
 - having regard to the recommendations on India from the UN Special Procedures, the UN treaty bodies and the Universal Periodic Reviews;
 - having regard to the Draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, published by the UN Human Rights Council in 2009 ([A/HRC/11/CRP.3](#)),
 - having regard to the 2012 survey of the Thomson Reuters Foundation ranking India as the worst among G20 countries in which to be a woman
 - having regard to Rule 122 of its Rules of Procedure,
- A. Whereas on 16 December 2012 a 23-year-old student was gang raped and her companion assaulted when five men and a youth violently attacked them on a private bus in New Delhi and then threw them out of the running vehicle; whereas immediate first aid to the victims was not forthcoming,
- B. Whereas the victim suffered severe injuries and tragically passed away on 29 December 2012 after desperate efforts to save her life in a Clinique in Singapore failed,
- C. Whereas the Indian Police has filed a case against broadcaster Zee News after it carried an interview with the friend who was with the victim during the 16 December attack and was himself severely attacked,
- D. Whereas since this recent attack in New Delhi, other rape crimes have been widely reported in the national and international press, as the one on December 27 2012 when a girl in Punjab committed suicide after she was gang raped, because police were unwilling to register her complaint or arrest the accused and instead suggested her to marry one of her aggressors, as on 12 January - again in Punjab - a 29 year old mother of two was gang-raped on a bus trip very similar to the first case and a day later a 16 year old girl put herself on fire after having been raped
- E. Whereas these events triggered widespread public anger in India with demonstrators from all sections of society calling for the reform of laws, policing, and a general change in attitude towards women,

- F. Whereas according to the estimates by social scientists a broad range of violence and discrimination lead to almost 2 million deaths of women and girls in India every year, sexual violence being only one them, others include dowry disputes, female infanticides, infant neglect, unequal access to resources and health care and poor care for the elderly;
- G. 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, possibly partly due to higher reporting, although experts assume the number of unreported cases of sexual assault could be much higher
- H. Whereas India's laws governing sexual assault have been criticized by international human rights groups for being outdated notably on the narrow definition of rape;
- I. Whereas India does not have adequate services for sexual assault survivors including sensitive and prompt police responses, access to health care, counseling, and other support services, making responses ad hoc and unpredictable, and in many cases humiliating for the victim,
- J. Whereas following the New Delhi attack, the Indian central government formed a three-member commission to review current laws so as to provide speedier justice and enhanced punishment in cases of aggravated sexual assault,
- K. Whereas after the recent events high-level government officials have announced that they will pursue harsher penalties for rape, including the death penalty,
- L. Whereas in May 2012, 90 civil society organizations and individuals, including Human Rights Watch, wrote to Indian Prime Minister Manmohan Singh urging reforms in responses to sexual assault and calling for greater police accountability,
1. Expresses its deepest sorrow for the victims of these attacks and extends its condolences to the families;
 2. Welcomes the great wave of solidarity in India and internationally with the rape victims and hopes that the mass demonstrations will help to speed up the necessary reforms;
 3. Deeply regrets that more was not done to provide immediate assistance to the victims of the attacks and that in this and other cases low respect for women, missing medical aid, policing, and legal remedy discourage rape victims to bring charges against rapists;
 4. Welcomes the Indian government's initial actions in creating a commission to review punishment for aggravated sexual assault as an important step to reform criminal law and procedures for dealing with sexual assault;
 5. Welcomes the establishment of the new fast-track court to specifically deal with sexual violence against women. Expresses concern however, that the trial of the accused is closed to reporters with a prohibition to print or publish any matter in relation to any such proceedings, except with permission of the court, something which has caused unease amongst the general public;

6. Calls on Indian authorities to develop coordinated responses to gender-based violence, especially sexual assault; 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 of survivors;
7. 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;
8. Expresses particular concern that Dalit women are over proportionally affected by the high level of violence, frequently committed by men of dominant castes as a means to subdue assertive Dalit communities, and the extraordinarily high level of impunity for perpetrators in such cases;
9. Calls on the UN Commission on the Status of Women, at its 57th session in March 2013, to discuss and recognise that violence against women takes a unique form when gender and caste intersect;
10. Calls on the Government of India and its local authorities to collect, analyse and publicly provide disaggregated data on access to justice of Dalit and Adivasi women;
11. Urges the Government of India to take into account the particularly vulnerable situation of Dalit, Adivasi and other minority women and girls and to treat all cases of sexual violation equal when it comes to investigation, prosecution and compensation;
12. Calls on the EU's and the Member States' representations in India to include sexual assault and the need for a uniform protocol for treatment and examination of sexual assault survivors in their dialogues with the Indian authorities, and to prioritise programmes addressing violence against women, including in education, and programmes with particular focus on women and girls; expects future EU cooperation with India to be assessed as to how it would affect legal reform and implementation of laws to tackle violence against women;
12. Instructs its President to forward this resolution to the federal Government and Parliament of India, the EU Special Envoy on Human Rights, the Council, the HR/VP, the Commission, and the Executive Director of UNWomen.