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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))

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on behalf of the PPE Group

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

The European Parliament,

- having regard to the death of a 23-year old Indian woman who was brutally gang-raped on a bus in Delhi on 16 December;
 - having regard to the provisions of the UN legal instruments in the sphere of human rights, in particular those concerning women's rights, such as the UN Charter, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1951 Convention relating to the Status of Refugees, and the principle of non-refoulement;
 - having regard to other UN instruments on violence against women, such as the Vienna Declaration and Programme of Action of 25 June 1993 adopted by the World Conference on Human Rights (A/CONF. 157/23) and the Declaration on the Elimination of Violence against Women of 20 December 1993 (A/RES/48/104);
 - 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) and the exceptional report on India of the UN CEDAW of October 2010;
 - having regard to the Indian Constitution,
 - having regard to the Indian Penal Code, especially its Section 376 on rape,
 - having regard to its numerous previous resolutions condemning rape and sexual violence in countries around the world,
 - having regard to its resolution on Caste Discrimination of December 2012,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas India is the largest democracy in the world and an important political and economic partner of the EU which entails democratic obligations;
- B. whereas no single intervention will eliminate gender-based violence, but a combination of infrastructural, legal, judicial, enforcement, educational, health, and other service-related actions can significantly reduce it and its consequences;
- C. whereas although there is no internationally recognised definition of the term 'violence against women', it is defined by the United Nations as any 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, whether occurring in public or private life;

- D. whereas, according to Indian Home Ministry, there is more than 24,000 reported cases in 2011, and rape registered a 9.2% rise over the previous year. More than half (54.7%) of the victims were aged between 18 and 30. According to police records, the offenders were known to their victims in more than 94% of the cases. Neighbours accounted for a third of the offenders, while parents and other relatives were also involved. In Delhi accounted for over 17% of the total number of rape cases in the country whereas of the more than 635 rapes reported in Delhi in 2012, only one case saw conviction;
 - E. whereas, according to Amnesty International, a rape is reported every 21 minutes in India; takes note of the most recent reported case where a 29-year old woman was gang-raped on 12 January by seven men after she boarded a bus, in Gurdaspur;
 - F. whereas many rapes go un-reported, especially in poorer communities, because of the social stigma attached to this crime;
 - G. whereas Indian police have been reported to be well aware of the level of this crime, but failed to act to defend women;
 - H. whereas sexual violence leaves survivors with serious health problems, both physiologically and physically, including sexually transmitted diseases such as AIDS;
 - I. whereas many rape victims are re-victimised because they are rejected by their own families and communities;
1. Expects from India, being a democracy and having important relations with the EU, to ensure the respect for democratic principles, fundamental and human rights, in particular rule of law and rights of women;
 2. Expresses its deepest sorrow at the death of a 23-year old Delhi student brutally gang raped by six men in a moving bus in New Delhi on 16 December and offers its sincerest condolences to the family of the victim and utterly condemns this brutal crime;
 3. Expresses its solidarity to the young women and men on the streets of India who with their groundswell of energy seem determined to turn the tide on violence against women;
 4. Considers that those found guilty of this crime should be given punishment equal to their crime; reiterates, however, its opposition to the use of the Capital punishment;
 5. Welcomes the announcements by the government of India and regional and city authorities that new laws and greater enforcement of current laws will take place; stresses, however, that what is needed is a new public consciousness and more effective and sensitive enforcement of the law in the interests of women and this recent crime should be a wake up call for the Indian government and Indian society that rape and violence against women is unacceptable;
 6. Stresses that no person should be subject to a marriage without consent or on the basis of duress or coercion and underlines that no victim should be forced to marry her attacker and additional support should be given to the victim to prevent social pressure to do so;

7. Reminds the Indian government of its rights and duties under the Indian Constitution, especially to renounce practices derogatory to the dignity of women (Article 51(A)) and to provide free legal aid in order to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A);
8. Encourages the Indian Parliament to further incorporate the recommendations of the Indian National Commission for Women (NCW) as to how to amend and implement Indian law in order to protect women from such crimes;
9. Remains concerned that despite the alarming incidences of sexual violence, India does not have adequate services for sexual assault survivors including sensitive and prompt police responses, access to health care, counselling, and other support services;
10. Welcomes the Government's announcement to establish a Commission of Inquiry into public safety of women in Delhi and a judicial panel to review India's legislative framework on violence against women and asks the Committee of Inquiry established under retired Supreme Court Justice JS Verma to publish its recommendations as soon as possible and to work with the NCW and the Indian Parliament to fully implement measures to prevent such crimes in the future;
11. Stresses that there is never an acceptable reason to commit such a crime and asks the Indian judicial or police authorities to give no weight to such excuses; believes that more resources should be made available to prosecute such crimes in a timely manner, which results in greater justice;
12. Recognises that no matter the level of legal protection, it will take a societal change to end such violence in India and around the world; encourages the Indian film and music industry and its stars to take actions to raise awareness of the problem of sexual violence against women and to end the glorification of any such violence acts in Indian music and films;
13. Encourages the Indian authorities to undertake effective public education measures, including awareness-raising programmes designed to eliminate gender-based prejudices, traditional practices and provisions of personal status laws that are harmful and discriminatory to women and girls;
14. Instructs its President to forward this resolution to India's Prime Minister, India's Minister for Law and Justice, India's Home Minister, India's Minister of Social Justice and Empowerment, the Council, the HR/VP, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the EU Member States, the Secretary-General of the Commonwealth, the Secretary-General of the UN and the President of the UN General Assembly.