



16.1.2013

B7-0028/2013 }
B7-0033/2013 }
B7-0034/2013 }
B7-0035/2013 }
B7-0036/2013 }
B7-0037/2013 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 122(5) and 110(4) of the Rules of Procedure

replacing the motions by the following groups:

Verts/ALE (B7-0028/2013)
GUE/NGL (B7-0033/2013)
PPE (B7-0034/2013)
ALDE (B7-0035/2013)
ECR (B7-0036/2013)
S&D (B7-0037/2013)

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

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on behalf of the PPE Group

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Véronique De Keyser, Ana Gomes, Maria Badia i Cutchet, Corina Crețu, Jo Leinen, Jörg Leichtfried, Britta Thomsen, Zita Gurmai, Iratxe García Pérez, Eider Gardiazábal Rubial, Silvia-Adriana Țicău, Joanna Senyszyn, Minodora Cliveti, Mitro Repo, Liisa Jaakonsaari, Lidia Joanna Geringer de Oedenberg, Michael Cashman, Pino Arlacchi, Daciana Octavia Sârbu, Marc Tarabella

on behalf of the S&D Group

Graham Watson, Phil Bennion, Marietje Schaake, Alexander Graf Lambsdorff, Leonidas Donskis, Ivo Vajgl, Kristiina Ojula, Marielle de Sarnez, Louis Michel, Robert Rochefort, Ramon Tremosa i Balcells, Edward McMillan-Scott, Izaskun Bilbao Barandica, Johannes Cornelis van Baalen, Charles Goerens, Angelika Werthmann, Antonya Parvanova, Sarah Ludford

on behalf of the ALDE Group

Karima Delli, Franziska Keller, Jean Lambert, Barbara Lochbihler, Marije Cornelissen, Rui Tavares, Raúl Romeva i Rueda, Nicole Kiil-Nielsen, Carl Schlyter, Catherine Grèze

on behalf of the Verts/ALE Group

Charles Tannock, Marina Yannakoudakis, Valdemar Tomaševski

on behalf of the ECR Group

Mikael Gustafsson, Marie-Christine Vergiat, Patrick Le Hyaric, Martina Anderson, Willy Meyer, Kartika Tamara Liotard, Jiří Maštálka

on behalf of the GUE/NGL Group

Jaroslav Paška

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 on caste discrimination¹, and those on the Annual Reports on Human Rights in the World, notably those of 18 April 2012² and 13 December 2012³; having regard to its numerous previous resolutions condemning rape and sexual violence in countries around the world,
- having regard to the India-EU Strategic Partnership joint action plan signed in November 2005 and to the EU-India Thematic Dialogue on Human Rights,
- having regard to the statement by High Representative Catherine Ashton on behalf of the European Union on the International Day for the Elimination of Violence against Women (25 November 2012),
- having regard to the statement by High Representative Catherine Ashton on the European and World Day against the Death Penalty (10 October 2012),
- having regard to Articles 2 and 3(5) of the Treaty on European Union,
- having regard to the statement of 31 December 2012 by the UN High Commissioner for Human Rights, Navi Pillay,
- having regard to the United Nations Millennium Development Goals,
- having regard to the UN instruments on violence against women, notably the Vienna Declaration and Programme of Action of 25 June 1993 adopted by the World Conference on Human Rights (A/CONF.157/23), the reports by the UN High Commissioner for Human Rights' Special Rapporteurs on violence against women, General Recommendation No 19 adopted by the Committee on the Elimination of Discrimination Against Women (CEDAW) (11th session, 1992), the Declaration on the Elimination of Violence against Women of 20 December 1993 (A/RES/48/104), the Convention on the Elimination of All Forms of Discrimination against Women, and the International Convention for the Elimination of Racial Discrimination (CERD) and General Recommendation XXIX on Article 1(1) thereof,
- having regard to the recommendations on India from the UN Special Procedures, the UN treaty bodies and the Universal Periodic Reviews, and notably to the recommendations to India in the reports of the UN CEDAW of February 2007 and October 2010,

¹ Texts adopted, P7_TA(2012)0512.

² Texts adopted, P7_TA(2012)0126.

³ Texts adopted, P7_TA(2012)0503.

- having regard to the Draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent,
 - having regard to the Indian Constitution and the Indian Penal Code, especially the latter’s Section 376 on rape,
 - having regard to Rule 122(5) and 110(4) 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; whereas the victim suffered such severe injuries that she tragically passed away on 29 December 2012 in Singapore;
 - B. whereas there has been widespread public anger in India, with demonstrators from all sections of society calling for reform of the law and policing and a general change in attitudes towards women; whereas these demonstrations are an important step in breaking the silence surrounding rape and sexual violence, and as such constitute the beginnings of change;
 - C. whereas five men and a minor were arrested in relation to the case and are currently undergoing a fast-track trial, with a separate procedure for the juvenile offender;
 - D. whereas the Indian police have filed a case against the broadcaster Zee News after it carried an interview with the friend who was with the victim during the 16 December attack;
 - E. whereas since this recent attack in New Delhi, other rape crimes have been widely reported in the national and international press, such as that of 27 December 2012 when a girl in Punjab committed suicide after she was gang-raped because the police were unwilling to register her complaint or arrest the accused, and instead suggested that she marry one of her aggressors, and that of 12 January 2013 in Punjab when a 29-year-old mother of two was gang-raped on a bus trip in very similar circumstances to those of the first case, following which the police again arrested six suspects and a day later a 16-year-old girl set herself on fire after being raped;
 - F. whereas, according to the Indian National Crime Records Bureau, there were more than 24 000 reported cases of rape in 2011; whereas of the more than 635 cases reported in Delhi in 2012, only one led to a conviction;
 - G. whereas the Indian women’s movement has a long tradition of denouncing all forms of violence against women in India, as well as gender inequalities in general, calling for political action in support of women’s human rights;
 - H. whereas sexual violence against women is widespread, not only in India but worldwide, and is rooted in structural gender inequalities, and whereas actions against violence against women must therefore go hand in hand with improving the position and situation of women and girls in society at all levels;
 - I. whereas according to estimates by Indian social scientists a whole range of violent and

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discriminatory practices lead to almost two million deaths of women and girls in India every year, sexual violence being only one of these, with the others including dowry disputes, female infanticide, infant neglect, unequal access to resources and healthcare, and poor care for the elderly;

- J. whereas women and girls affected by caste-based discrimination are particularly vulnerable to various forms of sexual violence, forced and ritual prostitution, trafficking, and domestic and punitive violence when they seek justice for crimes committed, as the well-known Pipili Gang rape case of 29 November 2011 once again demonstrated, with the authorities refusing to register the case and the girl victim only receiving proper treatment after a High Court intervened, though she later succumbed to the injuries sustained;
- K. whereas a 2012 survey by the Thomson Reuters Foundation ranked India as the worst of the G20 countries in which to be a woman;
- L. whereas according to Amnesty International a rape is reported every 21 minutes in India but many rapes go unreported, especially in poorer communities, because of the social stigma attached to this crime; whereas the Indian police is reportedly well aware of the incidence of this crime but often fails to act to defend women;
- M. whereas sexual violence leaves survivors with serious health problems, both physiologically and physically, including sexually transmitted diseases such as AIDS; whereas many rape victims are re-victimised because they are rejected by their own families and communities;
- N. whereas India's laws on sexual assault have been criticised by national and international human rights groups for being outdated, notably by employing a narrow definition of rape; whereas India lacks adequate services for sexual assault survivors such as sensitive and prompt police response or access to healthcare, counselling and other support services, the result being ad hoc and unpredictable responses which are in many cases humiliating for the victim;
- O. whereas, following the New Delhi attack, the Indian central government has set up a three-member commission to review current laws so as to provide speedier justice and enhanced punishment in cases of aggravated sexual assault;
- P. whereas following the recent events high-level government officials have announced that they will promote harsher penalties for rape, including the death penalty;
- Q. whereas in May 2012 90 civil society organisations and individuals wrote to Indian Prime Minister Manmohan Singh urging reforms in responses to sexual assault and calling for greater police accountability;
- R. whereas the EU has committed EUR 470 million for India for the period 2007-2013 in support of the health and education programmes of the Government of India;

- S. whereas during the past two decades India has made significant progress in poverty reduction, although much remains to be done, especially in bridging the opportunity gap in education, health and economic prospects for women and vulnerable groups;
- T. whereas India is the largest democracy in the world and is also an important political and economic partner of the EU, which entails democratic obligations;
1. Expresses its deepest solidarity with the victims of the New Delhi attack and with the victims of all other such attacks, whether or not reported by the media, and extends its condolences to their families; firmly condemns all forms of sexual violence, which is a global phenomenon affecting numerous countries;
 2. Welcomes the great wave of solidarity in India and internationally with the rape victims and hopes that the mass demonstrations will help speed up the necessary reforms;
 3. Expects India, being a democracy and having significant relations with the EU, to ensure respect for democratic principles, fundamental rights and human rights, in particular the rule of law and the rights of women;
 4. Deeply regrets that more was not done to provide immediate assistance to the victims of the attacks and that in this case and other such cases low respect for women, lack of medical aid, deficient policing and absence of legal remedies discourage rape victims from bringing charges against rapists;
 5. Reminds the Indian Government of its rights and duties under the Indian Constitution, especially its duty to end practices derogatory to the dignity of women (Article 51(A));
 6. 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;
 7. Welcomes the Indian Government's announcement that it will establish a Commission of Inquiry into the public safety of women in Delhi and a judicial panel to review India's legislative framework regarding violence against women; looks forward to the speedy publication of the recommendations of the Committee of Inquiry established under retired Supreme Court Justice J.S. Verma and to its collaboration with the NCW and the Indian Parliament in order to fully implement measures for the prevention of such crimes in the future;
 8. Welcomes the establishment of a new fast-track court to specifically deal with sexual violence against women; expresses concern, however, over the fact that the trial of the accused is closed to reporters, with a prohibition on printing or publishing any matter in relation to any such proceedings except with the permission of the court, a circumstance which has caused unease among the general public; considers that those found guilty should receive punishment equal to their crime; reiterates, however, its long-standing opposition to the death penalty, in all cases and under all circumstances;

9. Calls on the Indian authorities to develop coordinated responses to gender-based violence, and especially sexual assault, in close consultation with women's groups; 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;
10. Calls on the Indian Parliament to ensure that the Criminal Law (Amendment) Bill 2012 is amended to criminalise all forms of sexual assault, both penetrative and non-penetrative, ensuring that any new punishments are in accordance with international human rights law, and to amend the law so as to remove legal immunity and procedural barriers when police or other security forces are accused of sexual assault or other human rights violations;
11. Calls on the EU's and the Member States' representations in India to prioritise programmes addressing violence against women, including in education, as well as programmes with particular focus on women and girls;
12. Calls on the Indian authorities to take immediate action and implement effective measures in order to improve the handling of rape and sexual assault by the Indian police forces, including setting up specific units within each police unit; notes that the Chief Minister of Delhi has no responsibility for police operations in her jurisdiction; recalls that in other major cities direct reporting and management have ensured that greater political accountability and modernisation of policing have been achieved; notes the urgent need to train police personnel regarding women's safety;
13. Calls on the Indian Government to investigate the cases of persons in senior official functions against whom formal charges of rape are outstanding;
14. Calls on the Commission to work with the Indian authorities in order to assist them in developing coordinated responses to gender-based violence, especially sexual assault, including implementation of the recommendations of the UN campaign UNiTE to End Violence against Women; calls on the UN Commission on the Status of Women, at its 57th session to be held in March 2013, to discuss and recognise the fact that violence against women takes on a unique form when gender and caste intersect;
15. Expresses its deep concern at the widespread violence perpetrated against Dalit women and girls in India, including sexual violence by men from the dominant castes, and at the extraordinarily high level of impunity for perpetrators in such cases; calls on the Government of India to treat all cases of sexual violence towards all women equally, and to investigate and prosecute such cases in an equal, fair, transparent and speedy manner;
16. Stresses that no person should be subjected to a marriage without consent or on the basis of duress or coercion; stresses that no victim should be forced to marry her attacker and that additional support should be given to the victim to prevent social pressure to do so;
17. Calls on the Council and the Commission to ensure that the EU continues to provide targeted sectoral assistance in India with a view to meeting the MDGs, under the next

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multiannual financial framework and in the next country strategy paper post-2013; believes this should include social sector support for women's health and education and best practice in good governance, decision-making and development, including methods of improved service delivery in order to address poverty, gender issues, institutional reforms and public-sector management;

18. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President / High Representative of the Union for Foreign Affairs and Security Policy, the governments of the Member States, the EU Special Representative for Human Rights, the President, Government and Parliament of India, the UN Secretary-General, the heads of the UN Sub-Commission on the Promotion and Protection of Human Rights and the UN Commission on the Status of Women, the Director-General of UN Women, and the UN Special Envoy on Violence Against Women.