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## Protect India's Daughters

*"The most populous democracy in the world, India must rise above misogyny and violence to protect its daughters."*

By Jared Genser and Sara Birkenthal

The Indian government last week banned *India's Daughter*, a BBC documentary about the brutal gang rape and death of a medical student in New Delhi. Ironically, Indian Prime Minister Narendra Modi condemned the film as an "international conspiracy to defame India," although the country has already earned global notoriety for its alarmingly high levels of violence against women. Rather than launching a campaign against the film on the absurd grounds that it is trying to malign India's image abroad and hurt tourism, Modi and his government should address the root causes of cultural norms that discriminate against women, biased laws, and a lack of trust in law enforcement by taking rape and other violence against women in India seriously and giving these issues the resources and attention they demand.

India's violence against women problem captured the world's attention on December 16, 2012, when Jyoti Singh, a 23-year-old female medical student, and her male companion, 28-year-old Awintra Pandey, were attacked upon boarding a private bus that they thought would take them home after watching a movie in a shopping mall in New Delhi. Six attackers beat Pandey and repeatedly raped Jyoti, inflicting massive internal injuries with a metal rod. Jyoti was then left naked on the roadside and died from her injuries two weeks later. The infamous "Delhi rape" sparked worldwide outrage. Within India, the day after Jyoti's death, people took to the streets in unprecedented numbers to protest against violence against women, braving a harsh government crackdown with water canons and batons. These protests prompted Indian lawmakers to pass stricter laws on sexual violence, including a minimum 20-year prison sentence for rape and, in the event the victim dies, the death penalty.

The latest high-profile victim of India's rape epidemic was Sister Superior – a 71-year-old nun who was raped earlier this month when a gang of robbers raided a Christian school in eastern India. Three or four of the men allegedly raped Sister Superior for resisting them. Similarly, this brutal act sparked protests across the country. Sister Superior survived the attack but was left with serious injuries. Jyoti and Sister Superior are just two of the approximately 93 women who are raped in India daily. And general violence against women is even more widespread, with approximately 35.4 percent of Indian women facing sexual or physical violence from an intimate partner or non-partner, according to a recent UN Women survey.

As harrowing as these statistics may be, they are likely significantly lower than the actual number of Indian women experiencing rape and other forms of violence. In India, various cultural mores are at the heart of violence against women and its underreporting. The country's police force is often characterized as being unsupportive and insensitive to women, a factor that contributes substantially to the underreporting of abuse. And when women in India do overcome these obstacles and choose to report rape and other violence, the odds are stacked against them; gross inequalities exist in Indian law, with marital rape, for example, considered a non-criminal form of domestic violence.

The custom of dowry, which remains widespread in the country, fuels discrimination against girls and women, domestic abuse, and other violence. Notably, the country has struggled to convert its 1961 Dowry Prohibition Act, which outlaws the practice of dowry as a condition for marriage, from policy to practice. Despite the existence of the law, dowry is still commonly paid by the bride's family to the groom's family to help to cover marriage expenses, often putting great financial burden on the bride's parents. As a result, the custom has been blamed for Indian families preferring to have boys, and thousands of women are deserted, burned, raped, kidnapped, abducted, harassed, subjected to domestic violence, and murdered over dowry payment disputes. The Indian National Crime Records Bureau found that dowry-related crimes have been on the rise, with one woman dying every hour in the country due to dowry-related disputes.

Pervasive violence against girls and women is an issue everywhere, not only in India. This year alone, we have read about other high-profile attacks – mass abductions of schoolgirls in Nigeria, women and girls murdered at an astounding rate in El Salvador and Brazil, and a sexual assault epidemic in the U.S. military and higher education system, just to name a few of the most high-profile examples.

The banned documentary, *India's Daughter*, includes an interview with Mukesh Singh, one of the six Delhi gang rapists. In the film, Singh showed no remorse and told a BBC filmmaker “a girl is far more responsible for rape than a man.” Singh’s attitude, though certainly not representative of attitudes of the country’s population as a whole, encapsulates the pervasive cultural attitudes that contribute to India’s violence against women epidemic. In the film, Singh went on to suggest that when being raped, Jyoti should not have fought back and should have allowed the rape to happen. Men like Singh and his co-perpetrators are not merely the disease, they are the symptoms of Indian cultural norms that discriminate against women.

With this in mind, the Indian government must both adopt laws to protect women against violence and challenge cultural norms that discriminate against women.

Legally, Modi’s government should ensure that the strict anti-rape laws passed in the aftermath of the Delhi rape are enforced and rapists face the strong penalties under the law. Additionally, to further strengthen India’s legal code and protect women from violence, the government should criminalize marital rape and all other forms of violence against women. In doing so, it can ensure that India’s laws do not privilege the perpetrators of abuse over the victims, putting women in a more favorable position to report abuse and press criminal charges against their abusers. The government must also implement a plan to dramatically increase the percentage of India’s police force that is female. The prime minister has already announced a plan to reserve a third of places in the police force be women in Delhi, but a national plan needs to be put in place to assuage distrust of India’s police force among women. Currently, female officers make up less than six percent of the police force across the country.

To change the culture, the government should create education and awareness campaigns on this issue, especially in rural areas. On dowry-related abuse specifically, more must be done to challenge and mitigate the perceived burden of having a female child, whether through grant programs to cover the costs associated with a girl’s upbringing or added incentives for raising a girl. Collectively, these efforts would chip away at the underlying stigma that contributes to the vast underreporting of abuse and make it more likely that women will recognize and report abuses.

As a signatory of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), a treaty often characterized as the international bill of rights for women, India has committed to providing the necessary safeguards to protect women from violence. To achieve this goal, India

should ratify the Optional Protocol to CEDAW – which establishes a process for individuals to bring a complaint to the CEDAW Committee, so that it can be held accountable on its commitments to gender equality. Such a process would allow Indian citizens to hold their government accountable for not delivering on its commitment to promote gender equality and combat violence against women. After such uneven progress over the past twenty years, the government should welcome additional international accountability mechanisms to support its efforts domestically.

The most populous democracy in the world, India must rise above misogyny and violence to protect its daughters. There has never a better time for its government to capitalize on the widespread awareness surrounding the Delhi rape and other recent brutal attacks to challenge discriminatory attitudes and usher in a new era of progress in women's protection and empowerment. The legacies of Jyoti Singh, Sister Superior, and the countless other Indian women who have faced sexual violence demand no less.

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