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Plenary sitting

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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 S&D Group

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

The European Parliament,

- Having regard to its previous resolutions on India
 - Having regard to the India -EU strategic partnership joint action plan, signed November 2005
 - Having regard to the declaration by the 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 Declaration by the High Representative Catherine Ashton on the European and World Day against the Death Penalty, 10 October 2012
 - Having regard to the 2011 UN Human Development index, in which India was ranked 134th out of 187 countries
 - Having regard to the United Nations Millennium Development Goals
 - 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
 - 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; whereas immediate first aid to the victims was not forthcoming with police and emergency services slow to respond to the horrific crime.
- B. Whereas the victim suffered severe injuries and tragically passed away on 29 December 2012 in Singapore.
- C. Whereas on December 27 2012 it was reported that a girl in Punjab committed suicide after she was gang raped because police were unwilling to register her complaint or

arrest the accused.

- D. Whereas Indian Police arrested 6 men after reports a 29-year-old woman was gang raped on a bus as she was traveling to her village in northern Punjab state on 11 January 2012.
- E. Whereas there has been widespread public anger in India with demonstrators from all sections of society calling for reform of laws, policing, and a general change on attitudes towards women: whereas there has been growing resentment to the "new women tradition" where women start participating in society working and thereby also using public transport
- F. 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; whereas gang rape has come to represent a collective punishment for women's liberation in India and has become extremely common in certain areas like in Delhi where women are afraid even to take the bus home after work.
- G. Whereas Indian Police have 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.
- H. Whereas India's laws governing sexual assault have been criticized by international human rights groups for being outdated and for the narrow definition of rape; Whereas India does not have a uniform protocol for medical treatment and examination of survivors of sexual assault, with many officials continuing to document unscientific and degrading medical findings about the "laxity" of the hymen and draw false conclusions about whether a woman or girl is a "virgin" or "habituated to sex" during criminal proceedings.
- I. 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.
- J. Whereas after recent events high-level government officials have announced that they will pursue harsher penalties for rape, including the death penalty.
- K. 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.
- L. Whereas the EU committed €470 million for India for the period 2007- 2013 in support of the health and education programmes of the Government of India.
- M. Whereas during the past two decades, India has made important progress in the process of poverty reduction although there remains much to be done especially in

bridging the disparity of opportunity, in education, health and economic prospects of women and other vulnerable groups.

- N. Whereas women and girls affected by caste-based discrimination continue to be particularly vulnerable to various forms of sexual violence, forced and ritual prostitution, trafficking, domestic violence and punitive violence when they seek justice for crimes committed.
- 1) Expresses its deepest sorrow for the victims of these attacks and extends its condolences to the families. Abhors all types of sexual violence in any form wherever it may occur.
 - 2) Deeply regrets that more was not done to provide immediate assistance to help the victims of the attacks. Remains concerned that despite the alarming incidence of sexual violence, 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. Acknowledges the public outcry this has caused.
 - 3) 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.
 - 4) Calls on the Indian Parliament to ensure that the Criminal Law (Amendment) Bill, 2012, is amended to criminalize all forms of sexual assault, both penetrative and non-penetrative, and ensure that any new punishments are in accordance with international human rights law and amend laws to remove legal immunity and procedural barriers when police and other security forces are accused of sexual assault and other human rights violations.
 - 5) 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 prioritize programs addressing violence against women, including in education, and programs 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 sexual assault.
 - 6) 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.
 - 7) Calls upon the Indian authorities to take immediate action and implement effective measures that improve the handling of rape and sexual assaults by Indian Police Forces, including setting up specific units in each police unit. Notes that the Chief

- Minister of Delhi has no responsibility for the police operations in her jurisdiction. Recalls that in other major cities direct reporting and management have ensured that greater political accountability and modernising of the policing has been achieved. Notes an urgent need for training of police personnel regarding women's safety. Is concerned to learn that after the December 16 attack, reports by the family of another missing women were ignored and she was later found murdered and gang raped.
- 8) Calls upon the Indian Government to demonstrate its abhorrence of the increasing number of rape incidents in the capital and elsewhere in the country by taking immediate action of suspension from their positions and privileges, of those in Government, in the Indian Parliament and other senior public officials who have outstanding accusations of rape.
 - 9) Calls on the government of India to improve the safety of public transport. Asks that public transport operators consider increasing the number of women only carriages and instigate other similar safety measures on other means of public transport.
 - 10) Calls on the Commission to work with Indian authorities to assist developing coordinated responses to gender-based violence, especially sexual assault, including putting into practice 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 in March 2013, to discuss and recognise that violence against women takes a unique form when gender and caste intersect.
 - 11) Expresses its deep concern about the widespread violence committed against Dalit women and girls in India, including sexual violence committed by men of dominant castes, and about the extraordinarily high level of impunity for perpetrators in such cases. Calls on the Government of India to treat all cases of sexual violation towards all women equally and to investigate and prosecute them in an equal, fair, transparent and expedient manner.
 - 12) Calls on the Council and Commission to ensure that the EU continues to provide targeted sectoral assistance in India with a view to meeting the MDGs, under the next multiannual financial framework and in the next country strategy paper post 2013. This should include social sector support on women's health and education, best practice in good governance, decision-making and development, including methods for improved service delivery to address poverty, gender issues, institutional reforms and public sector management.
 - 13) Reiterates the EU's opposition to the use of capital punishment in all cases under any circumstances and recalls the UN General Assembly's call to establish a moratorium on executions with a view to abolishing the death penalty.
 - 14) Calls on the commission to include this resolution into the EU India Free Trade Agreement and to monitor and review on an ongoing basis the violence against women in India.
 - 15) Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the President, the Government and Parliament of India, the UN Secretary-General, and the heads of the UN Sub-Commission on the

Promotion and Protection of Human Rights, UN Commission on the Status of Women.