

PRESS RELEASE

India must eliminate root causes of violence and address its consequences holistically, law and order approaches alone are inadequate: WGHR affirms the UN SRVAW's statement

New Delhi, May 3, 2013 – The Working Group on Human Rights in India and the UN (WGHR) welcomes the statement¹ of the UN Special Rapporteur on Violence against Women, its Causes and Consequences (SRVAW) Ms. Rashida Manjoo at the end of her official country mission to India. The SRVAW highlighted the multiple and intersecting inequalities and discrimination that render women more vulnerable to violence in India, while exacerbating the impact of violence on their lives. She urged the government to address structural discrimination, strengthen prevention initiatives, and establish a holistic remedial framework that is transformatory in nature. Listing the numerous laws enacted, including the recent amendments on sexual violence, Ms. Manjoo noted that laws alone were not enough. She commended the government's swift response to the outrage following the Delhi gang rape, which although laudable, fell short of full compliance with the Justice Verma committee recommendations. Ms. Manjoo observed that India lost the *“opportunity to establish a substantive and specific equality and non-discrimination rights legislative framework for women, to address de facto inequality and discrimination, and to protect and prevent against all forms of violence against women, was lost.”*

Commenting on the numerous manifestations of violence against women, Ms. Manjoo expressed concern about the violence against women by state and non-state actors, in situations of peace, conflict, post-conflict, and displacement. Observing that diverse forms of violence arising from caste discrimination, violence against minority, lesbian and transgenders, women with disability; forced marriages, dowry, domestic violence and witch hunting; as well as deprivation of sanitation and water, needed responses that address the interlocking structures of discrimination. **Madhu Mehra**, Director, Partners for Law in Development, congratulated the SRVAW, noting *“we fully endorse the reminder that state responses cannot be limited to punitive measures alone. It extends to prevention and transformation of cultural and social norms that blame victim, and foster impunity for perpetrators. Law and order responses are not enough. These must be combined with initiatives that strike at social and economic inequalities, cultural norms, as well as de jure and de facto impunity. That state obligation extends to transforming the underlying conditions that render women secondary and disadvantaged in the family, the state and the community.”*

Placing emphasis upon special contexts of conflict, communalism, daughter aversion, and domestic work, Ms. Manjoo called for specificity of responses to tackle violence against women arising in these contexts. **Vrinda Grover**, lawyer, pointed out that *“After hearing the testimonies of families and survivors of*

¹ For the full version of press statement released by SR on Violence Against Women, Ms. Rashida Manjoo on 1 May 2013, please refer to the following link:
<http://www.unic.org.in/displaymore.php?chname=Press%20Releases&subchkey=&chkey1=6&itemid=12739&subid=>



violence against women in conflict areas, and more specifically where the Armed Forces Special Powers Act is in operation, in states of the North East and Kashmir, Ms. Manjoo has observed that a range of basic civil liberties are under serious threat and violence, including sexual violence, is inflicted upon women with impunity in these militarised zones. Once again AFSPA has come under scrutiny. The refusal of the government to repeal AFSPA in the face of this assault on the right to life and dignity of women and others, makes it complicit in these violations.”

In the same vein Ms. Manjoo also called for specificity of responses to contexts of aggressive economic development and mega projects. **Miloon Kothari**, Convenor WGHR and Former UN Special Rapporteur on Adequate Housing stated that *“we particularly welcome the emphasis placed by Ms. Manjoo on the link between India’s neo-liberal economic policies and the rising trend of violence against women. It is quite clear that the relentless and often undemocratic pursuit of the ‘growth’ model has directly contributed to the rise of patriarchy and insecurity in the country for a significant part of our population with women and children being impacted the most.”*

Ms. Manjoo, in her statement, called for comprehensive institutional and structural reforms, including judicial and police reforms to ensure transparency and accountability, review of existing legislation and practices affording impunity for members of police accused of torture and violence against women in custody. The WGHR commends the SRVAW for questioning the value of death penalty when this does not address the root causes of violence, and is contrary to constitutional principles as well as established principles of international human rights law.

WGHR, endorsing the views of the SRVAW, urges the GoI to focus on substantive issues of definition, procedure, evidence, and implementation, in order to address the abysmal rates of conviction in cases of sexual assault. It also endorses the call for zero-tolerance approach, including through certainty of arrest, prosecution and conviction. WGHR urges the GoI to implement the SRVAW’s recommendations, with respect to the enactment of a special law on communal violence and the repeal of AFSPA, so as to strengthen accountability for violence against women across all contexts.

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The Working Group on Human Rights in India and the UN – a national coalition of fourteen human rights organisations and independent experts – works towards the realisation of all civil, cultural, economic, political and social human rights in India, and towards holding the Indian government accountable to its national and international human rights obligations. For information on WGHR, please visit: www.wghr.org