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India: Crimes against women in Gujarat - denied and unpunished

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On International Women's Day Amnesty International stands in solidarity with the women of Gujarat who were victims of gender violence during the massacres which started in the state on 27 February 2002.

"More than one year after the beginning of the massacres which targeted the Muslim community, there is still no official acknowledgement on the part of the government of Gujarat and the criminal justice system in the state of the magnitude and scale with which women were made a specific target of that violence," Amnesty International said.

Accounts narrated by eyewitnesses as well as human rights activists indicate that a large number of women in Gujarat were beaten up, stripped naked, gang raped, stabbed with iron rods, swords or sticks. Many of them were mutilated, disfigured and then often burnt alive by mobs allegedly led by Hindu nationalist groups. Police took insufficient action to protect the victims, while some officers reportedly instigated attacks or even sexually assaulted and verbally abused the victims.

Women's activists affirm that women's bodies were targeted as symbols of their community's honour and as a means to assault the dignity and integrity of the whole community.

Amnesty International calls on authorities within the government, the criminal justice system, the health system and the administration of the state to publicly acknowledge the extent of the gender violence which took place in the state; to take urgent steps to arrest and prosecute the perpetrators; and to provide appropriate redress and protection to the victims.

"Specific mechanisms and procedures, made contingent upon the exceptional circumstances in which the violence took place, should be set up urgently in Gujarat to ensure that crimes against women are investigated and prosecuted and that proper rehabilitation is offered to the victims," the organization said.

"Rape by officials as well as private individuals constitutes an act of torture for which the state must be held to account when it has failed to fulfil its obligation to provide effective protection," the organization said.

The few women who have had the courage to bring charges of sexual violence are reported to have found the police, health, rehabilitation and justice systems utterly unresponsive to their needs, with staff backing each other in negating the gravity of sexual abuses.

In many cases, victims were requested to file complaints with the same police officers who allegedly colluded with their abusers, and who reportedly refused to record their statements or did so in a defective manner.

In the few cases of rape which have reached the courts, priority is reportedly given to the prosecution of offences of murder over those of rape, when the two happened during the same incident. The result is that perpetrators of rape are often not prosecuted.

Medical reports continue to be requested by courts as a paramount piece of corroborative evidence in the prosecution of rape cases. In many cases, however, survivors of sexual violence were unable to access the health system after being abused, while bodies of raped women were often burnt by the attackers, in order to destroy the evidence of their crime. Requesting victims to produce medical reports often amounts to complying with the perpetrators' strategy, women's groups say.

Government rehabilitation policy, in itself grossly defective, is reported to have no focus at all on specific issues faced by women victims of violence, including: health and reproductive needs; access to counselling and to safe spaces to recover and rebuild themselves; and economic hardship after the loss of male family members. No specific schemes, rehabilitation packages or special procedures have been offered to the women victims.

"The urgent need is for specific mechanisms and procedures able to offer justice and redress to the victims of gender violence," Amnesty International said. "Investigative and judicial officers must be trained to deal sensitively with cases of gender violence; testimonies of victims should be thoroughly investigated and legal action should be an accessible option for women."

Cases of sexual abuse should be promptly prosecuted, even in the absence of a medical examination, provided that other compelling evidence of the crime exists, which could lead to the conviction of a defendant in proceedings that meet international standards of fairness. Victims of sexual abuse should be offered rehabilitation packages, which include financial assistance, shelter and medical or psychiatric care.

Background

Following an attack on a train in Godhra, Gujarat, on 27 February 2002 in which 59 people, allegedly Hindus were killed, violence of unprecedented brutality targeting the Muslim community spread in the state and continued in the next three months, leaving more than 2000 people killed. Hindu nationalist groups were reported to have had a role in masterminding the violence. The state government, administration and police took insufficient action to protect civilians and in many cases may have colluded with the attackers and actively participated in the violence.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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