

AI Index: PRE01/463/2013
13 September 2013

India: Death penalty will not end violence against women

Far-reaching procedural and institutional reform, and not the death penalty, is needed to tackle the endemic problem of violence against women in India, Amnesty International said today after four men convicted of the December 2012 gang-rape were sentenced to death by a court in New Delhi.

The court found the four men guilty of gang-rape, murder and other related charges on 10 September. A 17-year old convicted in the same case was sentenced to three years detention in a juvenile home on 31 August. Another accused was found dead in his prison cell on 10 March.

“The rape and murder of the young woman in Delhi last year was a horrific crime and our deepest sympathy goes out to the victim’s family. Those responsible must be punished, but the death penalty is never the answer,” said Tara Rao, Director of Amnesty International India.

“Sending these four men to the gallows will accomplish nothing except short-term revenge. While the widespread anger over this case is understandable, authorities must avoid using the death penalty as a ‘quick-fix’ solution. There is no evidence that the death penalty is a particular deterrent to crime, and its use will not eradicate violence against women in India.”

Cases of rape and other forms of sexual violence against women are still common throughout India. In April, the government passed new laws which criminalized several forms of violence against women including acid attacks, stalking and voyeurism. However, rape within marriage is still not considered a crime under law if the wife is over 15, and security forces continue to enjoy effective legal immunity for sexual violence.

“Addressing this issue requires legal reform, but also sustained commitment by the authorities to ensure that the justice system responds effectively at all levels to reports of rape and other forms of sexual violence,” said Rao.

“The attention that authorities have given to this case must extend to the thousands of other pending cases of sexual violence in India as well. Authorities must take steps – including appointing more judges to ensure swift but fair trials in all these cases.”

Crimes against women are still under-reported. Authorities are yet to fully implement several progressive recommendations made by the Justice Verma Committee, including around police training and reform, and changing how reports of sexual violence are registered and investigated.

“There must be concerted efforts to change the discriminatory attitudes towards women and girls which lie at the root of the violence. These measures will take hard work, but will be more effective in the long run in making India safer for women,” said Rao.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method

used by the state to carry out the execution.