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India must use review before UN committee to make bold commitments on women's rights

India must commit to extensive reforms to uphold women's rights during a UN review of the action it has taken to improve the situation of women, Amnesty International India said today.

On 2 July 2014, the UN Committee on the Elimination of All Forms of Discrimination Against Women will review India's implementation of laws and policies related to discrimination and violence against women as part of its 58th Session in Geneva. During the session, India is expected to report on issues including sexual violence and access to justice. India's reports were last reviewed by the Committee in 2007.

Amnesty International India, in its submission to the Committee, pointed out that discrimination against women remains entrenched in law and practice in India, and the number of reported crimes is rising despite new laws being enacted.

"Violence against women remains widespread and pervasive in India. Although there were some positive steps taken after the 2012 Delhi gang-rape, there has been very little done since. New laws passed in 2013 which recognised a broader range of crimes against women have not been followed up with the police and judicial reforms required to ensure these laws are implemented," said Gopika Bashi, Women's Rights Researcher at Amnesty International India.

"There are still several gaps in the law. Rape within marriage is not recognised as a crime if the wife is over 15, and security forces continue to have effective immunity for sexual violence. For most women in India, very little has changed since 2012."

Amnesty International India's submission to the Committee also highlights concerns regarding the discriminatory concept of modesty in criminal law, the imposition of the death penalty for certain crimes, violence against women from marginalised communities, and attitudes displayed by some political leaders towards violence against women.

"After recent reports of violent crimes against women, including the gang rape and murder in Badaun, Uttar Pradesh, some political leaders and public officials made comments that in effect condoned violence against women," said Bashi.

Women from marginalised communities, especially Dalit and Adivasi women, face multiple levels of discrimination and violence. Members of dominant castes are known to use sexual violence against Dalit women and girls as a political tool for punishment, humiliation and assertion of power.

"The government must do more to show that it is serious about combating violence against women and upholding women's rights. Authorities must amend laws on violence against women to bring them in line with India's obligations under international law, and also undertake broader reforms to ensure that these laws are actually enforced," Bashi said.

Amnesty International India calls on the Indian government to:

- Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- Remove the exception on marital rape from the definition of rape in section 375 of the Penal Code. Revise sections 354 and 509 of the Penal Code to correctly identify assault as a crime against the physical and mental integrity of the woman, not a crime against her modesty;
- Immediately remove from the law the provisions on the imposition of the death penalty in breach of international human rights law and standards, including those imposing the death penalty for sexual assault crimes;
- Repeal section 377 of the Penal Code which criminalizes consensual same-sex relations; Investigate and hold to account members of armed groups and security forces having committed

crimes against women, and take all necessary measures to combat the culture of impunity for abuses committed by security forces;

- Take measures to prevent and address the systematic discrimination of women from marginalised groups, including gender-based violence;

Amnesty International's full submission to the UN CEDAW is available here: <http://bit.ly/CEDAWSubmission>

Background

The 23 independent members of the CEDAW meet to review the implementation of the Convention by States Parties three times a year in Geneva. These six-hour public reviews are a rare opportunity to see governments (usually represented at high level and from different ministries) answer probing questions about their laws, policies and practices. CEDAW issues recommendations to states for steps to be taken to ensure full and effective implementation of the Convention to Eliminate all forms of Discrimination against Women. India signed the Convention in 1980, ratified it in 1993, and submitted its first report in the year 2000.

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