

To: Srimati Sonia Gandhi
Chairperson, UPA
10 Janpath
New Delhi

Subject: **Seeking Institutional Reform of the National Commission for Women, and replacement of the current Chairperson**

Date: July 23, 2012

Dear Madam Chairperson:

At the outset, women's rights groups from across the country wish to express our dismay at the manner in which the National Commission for Women (NCW) has recently handled the issue of a young girl being molested by a mob in public in Guwahati:

- Constituting a fact-finding team with little expertise or background in women's issues
- Holding a press conference before the fact-finding report was finalized
- Revealing the victim's name
- And, Chairperson Mamta Sharma's subsequent comments to a leading newspaper, saying *"Be comfortable, but at the same time, be careful about how you dress... Aping the west blindly is eroding our culture and causing such crimes to happen."*

However, these are not single failures of individual members of the Commission. They exemplify the failure of the NCW as an institution, which we urge you to address on an urgent basis if India is to hold its head high in the global family of democratic nations that place value on women's rights.

Violations of women's rights take place by both State and non-State actors. It must fall to a nodal human rights body like the NCW to steadfastly and impartially hold both sets of actors accountable in order to protect, above all else, the rights of India's women. The NCW has repeatedly failed in this sworn duty - to protect those in whose name it was created. Just a few examples of its lapses over the years:

- Despite overwhelming evidence of mass sexual violence against minority women in Gujarat in 2002, the NCW's fact finding found that *no particular* community was targeted, in complete contrast to the reports of the National Human Rights Commission and subsequent observations by the Supreme Court. Even as the NHRC moved the courts to seek justice, the NCW failed to pursue a single case of sexual violence to bring justice to a single woman whose life was destroyed by this carnage.
- On January 24, 2009, when about 40 men belonging to Sri Ram Sena attacked a group of young women in a pub in Mangalore, Nirmala Venkatesh, a Commission member who carried out a fact finding, noted that the women's clothes were a major provocation for the attack. She did not even meet with the victims during the course of the fact finding. She was subsequently removed for making the findings public to the media. Upon her removal from the NCW, she claimed that she had been pressurized to give an "anti-Karnataka government" report.

- NCW has frequently denied reports of sexual violence by security forces in several parts of the country, instead of seeking to investigate and end impunity for such crimes.
- In the recent Guwahati incident of July 10, 2012 the NCW has failed to foreground the most critical issue – that the crime committed on a young girl publically mauled by a mob of men is not even considered sexual assault under the current laws of our land. Current law considers this merely the ‘outraging of a woman’s modesty’ carrying a maximum sentence of only 2 years and a minimum of only a fine, rather than a heinous and traumatizing sexual crime.
- Over the last several years it has fallen to women’s rights groups to repeatedly push for law reform, to prepare and submit draft amendments to the law, to address these grave lacunae, rather than this being a priority of the NCW.

This conduct of the Commission over successive years has obscured systemic injustices to women, trivialized their violations, reduced the dignity of the institution and revealed an institutional collapse of this nodal body.

We urge you to take the lead in ensuring that the government, in consultation with women’s rights groups, undertakes a comprehensive review of the NCW to achieve the following objectives:

1. **Safeguard the political autonomy of this nodal women’s rights institution by replacing the current nomination system with a transparent, democratic and non-partisan selection process for members and Chairperson of the Commission.** The current nomination process is entirely contrary to international standards, which clearly state that the State Executive should not solely determine the composition of human rights bodies, such as the NCW. Only a transparent selection process, determined by GOI in consultation with women’s rights groups, can ensure that the NCW’s members and Chairperson are women with both the necessary expertise and sensitivity to uphold women’s rights.
2. **Undertake a comprehensive review of the performance of the Commission** in terms of - its role in addressing systemic gender-related social, economic and legal issues (including law reform and police reform); its ability to pin accountability for violations of women’s rights; its ability to further the cause of justice for women – **with a view to proposing institutional reform of this nodal body.**
3. Finally, while such a review process is instituted, we urge you to **replace with immediate effect the current Chairperson of the NCW**, whose words and actions, have betrayed our faith, damaged the credibility of one of India’s nodal human rights institutions, and undermined Indian women’s fight for equality.

Sincerely yours,

Madhu Mehra
Sadhna Arya
Suneeta Dhar
Farah Naqvi
(on behalf of women’s rights groups from across India)