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AHRC-FST-003-2014

January 13, 2014

A Press Statement from Public Hearing on Sexual Violence organized by Women in Governance [WinG-India] , in Guwahati on January 8-9, 2014 forwarded by the Asian Human Rights Commission (AHRC)

INDIA: New laws to protect women bring no hope to victims

Press statement

9 January 2014

New laws to protect women bring no hope to victims of sexual violence in Assam exclaimed a shocked panel of Jury members at the Public hearing on sexual violence

A two day State level Public hearing on sexual violence was organized by Women in Governance [WinG-India] in Guwahati on January 8-9th, 2014. 21 cases of sexual violence were deposed before an eminent Jury comprising of Manjula Pradeep (Dalit Rights Activist), Roshmi Goswami (Women Rights Activist) Rakhee Kalita (Academician), Gayatri Singh (Human Rights Lawyer), Babloo Loitongbam (Human Rights Activist), Henry Tiphagne (Human Rights Activist), Sabda Rabha (Human Rights Lawyer) gave strong recommendations on the legal mechanisms and also provided different social, economic and legal perspectives.

These 21 cases included gang rape, molestation, voyeurism, acid attack, marital rape, sexual assault and state induced sexual violence covered 11 districts of Assam- Cachar, Kamrup, Kokrajhar, Chirang, Tinsukia, Jorhat, Nagaon, Dibrugarh, Mangaldoi, NC Hills, Dima Hasao.

The members of the jury have heard the depositions and studied the documents of each case. Based on the hearing and the interaction with the victims and families, the Jury has prepared an interim report, which was shared with the media today in Guwahati.

' The National and State Human Rights Institutions, the State and District Legal Services Authorities, the functionaries of the Criminal Justice Administration, the Child Welfare Committees seem to be in a 'conspiracy of silence' and serving the interest of the perpetrators of violence against women and continuing impunity. This is despite the array of new laws and rules and guidelines that exist in our country today', said Henri Tiphagne, lawyer, human rights trainer & defender, Honorary ED of People's Watch - India, Chairperson - Forum Asia (Bangkok), Exec Com member of the World Organization Against Torture [OMCT- Geneva] and presently the Convener of the Working Group on Human Rights in India and the UN

The failure and apathy of the existing State institutions in providing justice to the victims of sexual violence was clear in every case presented at the public

hearing. Another Jury member, Manjula Pradeep, the Executive Director of Navsarjan, Gujarat expressed, '**to effectively address sexual assault we have to crack state impunity and ensure rule of law to bring justice for the victims.**'

'North East has always been the guinea pig for all kinds of draconian laws in the name of security. But when it comes to the security of our women and girls, all the legal protection afforded by the new laws in the form of Criminal Law Amendment, the POCSO Act, the SC/ST Prevention of Atrocities Act etc. seems to be blunted by deep patriarchal prejudice and apathy of the implementing agencies', said Babloo Loitongbam, executive director of Human Rights Alert (HRA), Manipur

Sabda Rabha, Advocate, Guwahati High Court, gave a call for civil society in Assam to play a pivotal role in monitoring cases of sexual violence and ensure a systemic overhaul to address the increasing violence against women. Further he added, '**the juvenile justice system seems to be in total shambles and without a proper institutional response, the victims of violence remain in great risk**'

Women in Governance-India, will follow up on the cases based on the Jury recommendations and will build pressure on the State institutions to provide justice for victims of sexual violence. The Jury will provide letters addressed to Human Rights Commissions and the Chief Justice of Guwahati High Court, pressing for immediate follow up of the cases presented at the Public hearing. '**It is a shocking state of affairs to note the prejudice of the legal fraternity and this needs to be addressed. There is an urgent need to ensure a fast track approach to the entire process of registration, investigation and prosecution. This is particularly imperative in contexts of protracted armed conflict in North East India**', said Gayatri Singh, Co-founder, Human Rights and Law Network and Advocate, Bombay High Court

Another member of the Jury, Rakhee Kalita, Fellow, in the Nehru Memorial Museum and Library at the Center for Contemporary Studies, New Delhi adds **that social exclusion and discrimination brings in multiple forms of violence on women from excluded communities and increases the barriers to justice.**

Roshmi Goswami, a leader of feminist movement in South Asia said '**We need to send out a strong message of shifting the shame from victim-survivor and push and pin it firmly on the perpetrators. It is high time to end this impunity and societal victimization, which further threatens and intimidates the victims. Constant monitoring of gender bias and insensitivity of prosecutors and members of judiciary is imperative.**'

The participants at the public hearing included family members of the victims, representatives of civil society organizations, students and members from WinG from various states of India.