

Open Letter to Yogi Adityanath, Chief Minister of Uttar Pradesh

2 October 2020

Dear Chief Minister,

We, the undersigned human rights organizations and civil society partners, work to defend the rights of women and girls, ensure justice for victims and survivors of sexual violence and demand the prosecution of perpetrators

We are writing to express our serious concern at the rising number of grave incidents of rape and caste-based sexual violence which have taken place in Uttar Pradesh over the last few months. The horrific crime of gang rape and brutal assault committed in the Hathras on September 14, resulting in the death of the young Dalit woman victim on September 29, has shaken the conscience of the nation and lead to widespread outrage across the country.

Worryingly, the Hathras gangrape incident is one of many atrocities of rape, gang rape and murder committed against Dalit women and girls in Uttar Pradesh in recent times, with Lakhimpur Kheri district registering at least 6 cases of atrocities against Dalit women and girls in the last sixty days.¹ Most recently, on 30 September, another 22-year-old Dalit woman was raped and murdered in Balrampur district. These are few of many cases which demonstrate the endemic nature of sexual violence and caste-based atrocities which are taking place in the state, and the deep-rooted casteism which still exists today.

The recently released National Crimes Records Bureau (NCRB) data for 2019 shows that Uttar Pradesh has the highest number of cases of violence against women in the country (59,853 cases) as well as the highest number of cases of sexual assault against girl children registered under the Protection of Children from Sexual Offences Act (**POCSO**). Uttar Pradesh also registered the highest number of cases of atrocities against Scheduled Caste persons under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act [**SC & ST (PoA) Act**] at 11,829 cases.

Despite the brutal nature of these cases, the U.P police have responded in an apathetic and discriminatory manner. In the Hathras gang rape case, the family of the victim has alleged that none of the accused were arrested for ten days after the FIR was filed. The U.P police has even made claims to the media that the fact of rape is not confirmed. The family has also stated that the body of the victim was forcibly cremated on the night of 30th September, against the wishes of the family. In numerous other cases across U.P it is observed that rape survivors or the family

¹ Joint Press Statement issued by All India Dalit Mahila Adhikar Manch (AIDMAM) and National Dalit Movement for Justice (NDMJ), 29 September 2020

of the victim struggle to even get FIRs registered by the police in rape cases, in ensuring that that the case is also registered under the SC & ST (PoA) Act, and to obtain police protection to ensure their safety from attacks and reprisals by dominant caste community members and associates of the accused. The National Human Rights Commission has noted with respect to the Hathras gang rape case: “there have been number of instances of levelling of allegations of inaction against the police authorities and administration. This is a serious issue of violation of human rights. Survivors of sexual violence or the families of victims also face extreme social and community pressure to compromise these cases, particularly where the rape cases are caste-based and committed by a dominant caste perpetrator. Provision of adequate support services to survivors/victims, including through police protection, good quality shelter homes, speedy release of victim’s compensation, and counselling and other rehabilitation services would go a long way in shielding survivors/victims and their families from this societal pressure to compromise.

The rising number of such rape cases in U.P is also caused by the culture of impunity which is enjoyed by rapists, particularly those from dominant caste communities. Though a Special Investigation Team (SIT) has been set up by you for investigating the Hathras gangrape case, it is not sufficient to only take these special measures in a few cases in response to widespread media coverage and public pressure. Systemic changes and reforms in the response of the entire criminal justice system in U.P to ensure speedy justice in *all* cases of sexual violence and caste-based atrocities is required. Accountability for the police needs to go beyond merely transferring police officers who are found to be negligent in handling cases as an appeasement measure.

We urge the U.P state government to take the following measures:

- Speedy trials in fast-track courts should take place in the Hathras gang rape case, as well as in all cases of sexual violence and caste-based atrocities reported in the state
- Take strict action, including through filing of criminal cases under section 4 of the SC & ST (PoA) Act and section 166-A of the Code of Criminal Procedure, and taking disciplinary action against police officers who refuse to register FIRs, tamper with evidence, push survivors or their families to compromise or in any way obstruct justice in sexual violence cases. Measures to ensure police accountability need to go beyond suspending or transferring police officers after a rape or murder has taken place. Rather, systemic reforms in the system are needed, including sensitization and training of police officers and.
- Provide immediate protection to survivors/victims and their families in sexual violence cases, including for the family of the victim in the Hathras gang rape case. We also urge the Uttar Pradesh Government to comply with the directions of the Supreme Court and the provisions of the Witness Protection Scheme, 2018, including by implementing a witness protection scheme within the State, setting up a Witness Protection Fund, and

providing security cover for all victims and witnesses who have received threats or asked for protection during investigation/trial of complaints of sexual violence.

- Generally address impunity at all levels and send a clear message that sexual violence and accompanying violence meant to silence or intimidate survivors of sexual violence or their families will not be tolerated, irrespective of the class, caste or community that the accused persons belong to.
- Effectively enforce and implement existing laws on sexual violence and allocate adequate resources to combat sexual violence.
- Ensure that compensation, psycho-social support, medical care and other relief and rehabilitation services are provided to all survivors or the families of the victims.

We hope you will do everything in your power to send a strong message that sexual violence will not be tolerated irrespective of which community the victim belongs to.

Regards,