
In memory of Nirbhaya:

one year on from the Delhi bus rape has anything changed?

Introduction

The case of 23-year-old Jyoti Singh – known as “Nirbhaya” or “the fearless one” – who was brutally raped on a moving bus in Delhi on December 16, 2012 and died of her injuries 13 days later, provoked unprecedented protests in India, and put harassment and violence against women and girls in India into the international spotlight.

Thousands of women and men in Delhi and in other cities across India and the world came out onto the streets to protest against the prevalence of violent acts perpetrated against women and the fact that they are very often not investigated, while those responsible go unpunished. Most attacks are never even reported as women fear humiliation and degrading treatment by the police as well as social stigma, where the survivor is often blamed for the crime.

The protesters highlighted the daily harassment of women on the streets, on buses, on their way to school or work; domestic violence; rape and sexual attacks by strangers or family members; dowry killings; and acid attacks. In India marital rape is still unrecognised and huge numbers of girls never even have the chance to live, as it is estimated that thousands of female foetuses are killed every year.

It is a telling indictment that too often women in India are viewed as commodities, controlled and treated as property. This, along with rape and so-called ‘honour’ killings – which routinely take place in some parts of India as the penalty for marrying out of choice outside the dictates of caste and community elders – are manifestations of patriarchal attitudes that continue to devalue women and keep them subjugated.

Has Nirbhaya’s death sparked change?

According to figures from the National Crime Records Bureau, more women were raped in Delhi than in any other of India’s large cities in 2012.

And since Nirbhaya’s attack (the pseudonym was used by the media as Jyoti’s real name could not be used under Indian law) the number of reported cases of rape and sexual assault in Delhi has gone up sharply:

- **Reported rapes have almost doubled from 706 in 2012 to 1,330 from January to October 15, 2013.**
- **Reported cases of sexual assault (molestation) have almost quadrupled from 727 in 2012 to 2,844 from January to October 15, 2013.**

This is a significant contrast with figures from the last five years where reported cases of rape, sexual assault, kidnapping and marital abuse in Delhi rose, but at a much lower rate.

- Reported rape cases went up from 469 in 2009 to 706 in 2012.
- Reported cases of sexual assault went up from 552 in 2009 to 727 in 2012.
- Reported cases of kidnapping of women went up from 1,655 in 2009 to 2,210 in 2012.
- Reported cases of cruelty by husbands and in-laws rose from 1,297 cases in 2009 to 2,046 in 2012.

The fact that reported cases of rape and sexual assault have gone up in Delhi since 2012 could mean that the actual number of cases has risen or it may be that women feel more able to report cases since the protests and huge publicity surrounding Nirbhaya's death.

Sehjo Singh, Director of Programmes at ActionAid India, said:

“We hope that it is a reflection of some women feeling more able to report cases to the police after the huge outpouring of protest that followed the Nirbhaya case, although we have no way of knowing.”

The four men accused of the rape and murder of Nirbhaya were found guilty and sentenced to death in September 2013 (one of the accused had earlier committed suicide in jail and another was a juvenile who was tried separately and sentenced to the maximum sentence of three years).

This case was fast-tracked through a new speedy trial system introduced by the Indian government in response



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to the protests and came to a conclusion relatively quickly compared to other rape trials in India, which can take years to complete. ActionAid is concerned about the tens of thousands of other outstanding cases. There are currently more than 23,000 rape cases pending before the high courts in India, according to the law ministry and ActionAid urges that the speed at which the Nirbhaya trial was prosecuted should become a benchmark for other pending rape cases.

Additionally, data from the Indian National Crime Records Bureau shows that while **reported rape cases have risen across India by more than 50 per cent from 16,075 in 2001 to 24,923 in 2012, the rates of conviction have dropped from 41 per cent to 24 per cent in the same period.**

The low rate of convictions of rape cases in India could easily deter women from reporting rape or other crimes of violence and continue to send a signal to men about the lack of consequences for their actions.

Sehjo Singh said: “We have to remember that reported cases do not reflect the true number of cases of rape and sexual assault, which are widespread in Delhi and throughout India.

“If the Indian government is serious when it says it wants to reduce rape and other violent crimes against women, it must ensure that every case of sexual assault is treated with equal importance and that justice is done with higher numbers of perpetrators convicted.

“In the course of our work we have witnessed and worked with women who face multiple vulnerabilities due to their economic and social conditions, especially those belonging to Dalit communities who are either threatened not to register a complaint by more powerful castes or the police or even mistreated by the police.”

ActionAid recommendations

- In 2013 ActionAid India organised a public hearing on rape and sexual assault, probably the first of its kind, attended by thousands of women and men from across the Indian state of Madhya Pradesh (the state which had the highest number of rape cases in 2011). Fifteen cases of rape and sexual assault were shared at the hearing by women themselves and 27 cases were highlighted from a fact-finding report. **One of the key demands that emerged from the public hearing was to make police and other law enforcement agencies more accessible to women.**
- The dismissive attitude and lack of sensitivity that continues to persist among the police and judicial system is an immense hindrance to women seeking justice. **The Indian police force needs to be better trained to deal with cases of sexual violence and support survivors.**
- **The government should establish a 24-hour national helpline specifically for rape survivors and also set up a “Women’s Cell”** staffed by police and legal advisors that will take calls directly from women who are affected by violence, and help them with filing reports and court proceedings as well as rehousing and other support if necessary.
- **In January 2013 a government panel recommended that India should strictly enforce sexual assault laws, commit to holding speedy rape trials and change the antiquated penal code to protect women.** The panel appointed to examine the criminal justice system’s handling of violence against women received a staggering 80,000 suggestions from women’s groups and thousands of ordinary citizens. Among the panel’s recommendations were a ban on a traumatic vaginal examination of rape victims and an end to political interference in sex crime cases. It also suggested the appointment of more judges to help speed up India’s sluggish judicial process and clear millions of pending cases. Many of these recommendations were introduced by the government in the Criminal Law (Amendment) Act in February 2013 and ActionAid calls for all these recommendations to be implemented and acted upon.
- **ActionAid’s aim is to create solidarity between women’s groups, Dalit groups and other marginalised communities to try to ensure that equal importance is given to each and every case that is reported.** From the cases that ActionAid has worked on we know that women from poor, marginalised and socially excluded groups like Dalits, tribal people (Adivasis), the disabled and the urban poor are most at risk from violence. They are more afraid to report crimes to the police and less likely to see justice done.

ActionAid's work in India and around the world

Violence against women is one of the most widespread human rights abuses in the world, affecting one in three women. It traps women and girls, their communities, and ultimately whole nations, in poverty and undermines women's potential and ability to effect change in the world. Many millions are unable to bring their skills fully to bear on the challenges of the day because they are fighting for their safety.

A constant threat to their lives and well-being, violence against women robs women of choices and control over their own bodies, sexuality and lives. It gravely affects their chances of survival and their ability to lift themselves out of poverty. It stops them from securing a decent education, entering the employed workforce, leaving an abusive partner and participating in public life.

Violence against women drains public resources, undermines human capital and lowers economic productivity. Even the most conservative estimates measure national costs of violence against women and girls in the billions of dollars.

ActionAid works in 45 of the world's poorest countries at a grassroots level, supporting communities to change this situation. Every day we provide life-saving services for survivors of violence and run long-term support programmes with practical solutions aimed at eliminating violence against women. Our work empowers women and girls and, crucially, creates a role for men and boys to join the fight to end violence against women.

Some examples of ActionAid's work on women's rights in India in 2012:

- 724 cases of domestic violence addressed by women's groups that we work with
- 1,322 women in areas where we work trained on property rights and rights as workers
- More than 700 women's collectives formed to address social and economic issues faced by women in our work areas

In August 2013, ActionAid India launched a nationwide campaign, Beti Zindabad (Long Live Daughters) to raise awareness and put a stop to practices of sex-determination/selection, female foeticide, early marriage and other forms of violence against women and girls.

This came out of discussions with women's rights groups, activists, government and local administrators and academics across India around what would improve women's lives. ActionAid believes that in order to put an end to the menace of sex-determination and violence against women and girls, we must ensure that gender equality becomes a lived reality in all aspects of our lives.

ActionAid

33-39 Bowling Green Lane

London EC1R 0BJ

www.action.org.uk

ActionAid charity no. 274467