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Opinion

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Problem of discrimination against women in India requires complex social and political decisions

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President of India Pranab Mukherjee signed an ordinance, which tightens punishment for crimes against women. It enhances the ten-year sentence for those convicted of rape to 20 years and includes the death penalty for the rape that leads to death or serious injury of the victim. The changes to the criminal law of the country were Indian authorities' response to mass protests calling for better protection for women against sexual violence after a gang rape of a student Jyoti Singh, which caused her death in December 2012.

According to the National Crime Records Bureau (NCRB), the Ministry of Internal Affairs of India, more than 24 thousand rape cases were registered in the country in 2011. However, crimes against women are not limited to sexual assault. Thus, according to NCRB, the total number of crimes against women in 2011 was more than 228 thousand, including over 99 thousand cases of cruelty by husband and relatives, about 43 thousand cases of molestation, more than 35 thousand cases of kidnapping and abduction, and over 8 thousand dowry killings.

Meanwhile, discrimination against women begins even before birth.

"A new international study has found that selective abortion of girls in India has been increasing, and may account for up to 12 million missing girls over the last three decades," said Prabhat Jha, the head of the Centre for Global Health Research at St. Michael's Hospital.

According to him, selective abortion of girls is more common in wealthy households, and among women with at least 10 years of education who can afford the ultrasound test that reveals the sex of an unborn baby.

In turn, Siwan Anderson, an associate professor of economics at the University of British Columbia stressed that women in India face the risk of premature mortality at every stage of their lives.

"Among the women who could potentially be alive today, more than 2 million women are "demographically" missing each year. A proportion of these are the consequence of sex-selective abortions, others due to sex-related mistreatment during childhood, and, as adults, many die from dowry related violence and other abusive behavior with rape as the tip of the iceberg," she said in an interview with news agency "PenzaNews."

The expert believes that the roots of the problem lie in poverty and deep-rooted gender biased social norms; the problem has not become more pressing — what has changed is that the voice of women is being listened to now.

"Even perfectly crafted laws cannot improve women's lot without proper enforcement and the Dowry Prohibition Act, which has been in place since 1961, is an illustrative example," Siwan Anderson noted.

However, in her opinion, there is hope that things can change.

"Recent research has shown the importance of female political representation — especially at the local level — in raising female access to justice through the legal system. A 1993 constitutional amendment reserved one-third of local government leadership positions for women across the country. Despite these reservations applying to neither the judiciary nor policing, the simple fact of increased female political representation in a locale seems to have had marked effects. It increases the willingness of women to report crimes, and induces greater responsiveness by law enforcement officials to crimes against women. Women reported greater satisfaction with policing in general. They were more likely to approach the police, more likely to find the police helpful when approached, and encountered fewer demands for bribery from officers of the law," she explained.

"Official data shows these perceptions come from police getting the job done: the number of arrests for crimes against women increased by nearly 30% in areas where female political reservations were mandated," Siwan Anderson added.

She stressed that female presence in India's state and national legislatures hovers at 10%.

"Concerns that this limits the political voice available to women has led to the introduction of the pending Reservation Bill in the Upper house of the Indian Parliament. The bill seeks to also reserve a third of India's state and national legislature positions for women. If implemented, this could have a significant impact with regards to reforming and enforcing laws, which protect the rights of women," the expert said.

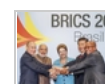
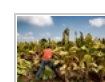
According to her, while we can look forward to imminent improvements in law, a sea change in culture is also required.

"Sadly, events like the recent gang rape and murder of the young woman in Delhi reminds us how far we still have to go," Siwan Anderson concluded.

Aruna Kashyap, an Asia researcher for the Women's Rights Division of Human Rights Watch, said the Delhi gang rape case and the resulting nationwide protests was a wake-up call for the government.

"Misogynist ideas and the notion that women and girls are inferior to men coupled with a poor criminal justice system fuels violence against women. Sadly, there have been too many girls and women whose cases of sexual assault have gone

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unnoticed and unheard," she said in an interview with news agency "PenzaNews."

However, she believes that the ordinance introduced by the Indian government is "not good enough" as it "fails to incorporate many key recommendations of the Verma Committee."

"For example it continues to grant legal immunity to police and armed forces even in cases of sexual assault by them," Aruna Kashyap explained, adding that it should be amended and supplemented by strong enforcement mechanisms.

From her point of view, a key problem that comes in the way of strong enforcement is the attitudes of those enforcing the law.

"Unless police, doctors, prosecutors are held accountable for the way they discharge their functions in cases of sexual assault, it will be very difficult to see vast improvement even with the best laws on paper," the expert noted.

Ravi Verma, a regional director for the International Center for Research on Women's (ICRW) Asia Regional Office in New Delhi shared this opinion.

"Current tightening of laws will hopefully act as deterrents but eventually implementation will have to be tightened. The solution lies in a combination of efforts that include better implementation of criminal justice system on one hand and changing and altering gender norms and practices through institutional reforms. We need continuous evidence of the changes that are happening in the rapidly growing Indian economy to assess its impact on women and their safety. We must provide rigorous data on a regular basis from population based studies to demonstrate the expressions and variations in the different forms of violations and violence that women face in order to create strong advocacy and programmatic platforms. Institutional reforms within marriage laws, education and police have to be an integral part of efforts to improve the situation," he said.

Although sex-differentials in education are fast reducing, there is still a large educational differential between women and men in India, Ravi Verma believes. This, according to him, creates huge vulnerabilities to women and consequent violations.

"Indian women have little control over resources and although entitled to have rights over property, very few Indian women have properties — lands as well as immovable assets — in their names," the expert emphasized.

In turn, Shalini Nataraj, the first Director of Advocacy and Partnerships at the Global Fund for Women noted that the problem of discrimination is still prevalent for a majority of Indian women, of all religions, and social classes.

"While hundreds of thousands of girls in India are getting educated, entering the workforce and standing up for themselves, there are deep-rooted cultural, social and religious practices that violate women's rights. Women rarely control assets or even when they work, control the money they earn," the expert explained.

She added that if they do not bear boy children, they are often abandoned or divorced, and the stigma then results in their marginalization in society.

"Widows face particularly horrific practices — among orthodox Hindus they are often thrown out of the house, are considered unlucky and are made to shave their heads, wear white clothes and eat separately," Shalini Nataraj said.

In her opinion, the roots of the problem are patriarchal religious and social customs that see women as property and second-class citizens.

"Right now, as women are becoming more empowered in society, they are facing a backlash from forces that want to keep them subjugated. The Delhi rape highlights this clash of values — when women move about freely, stand up for themselves and challenge patriarchy, the result can often be violence as a way of silencing them and pushing them out of the public space," the interviewee explained.

According to her, the only long-term solution is to change the mindsets of the people — "they need to view women with respect and as equal partners in building India's society."

"We need different strategies to protect women's rights — more efficient application of laws, gender sensitization of police and other officials, a strong and working legal system, direct service provision for women who have survived violence and, most importantly, changing behaviors and attitudes towards women," Shalini Nataraj noted.

"The incident of rape in India has served to once again highlight the epidemic of violence against women across the world. We should use this opportunity to encourage debate about these issues, engage men and boys in the discussions and take personal responsibility to do and say something when we witness or encounter violence," she added.

Mallika Dutt, a founder, president, and CEO of global human rights organization Breakthrough also drew attention to the role of men in the fight against sexual discrimination.

"The rampant levels of violence against women have reached a tipping point. And the most heartening aspect of the growing awareness about the problem of sexual assault and women's safety in India has been the number of men who have taken to the streets and are now speaking up against the problem," she noted.

"The global human rights organization Breakthrough, that I run, is now expanding its Bell Bajao campaign that calls on men and boys to challenge domestic violence into a global call for male accountability. Men need to step up as allies and as part of the solution for real change to happen. Male violence needs men to stop it," Mallika Dutt concluded.

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