

Understanding India's rape crisis

September 23 2013, by Christina Pazzanese



In a high-profile case in India, four men were sentenced to death after raping a woman. "The death sentences certainly don't solve the underlying problem, which is that there is a very serious issue of pervasive gender discrimination and violence in India," said Professor Jacqueline Bhabha, director of research for the François-Xavier Bagnoud Center for Health and Human Rights. Credit: Kris Snibbe/Harvard Staff Photographer

On Sept. 13, a judge [sentenced](#) four men to death for the gang rape and resulting death of a 23-year-old woman on a bus in New Delhi, and the verdict sparked public demonstrations in support. That brutal crime, and

a string of similar assaults that have occurred since, have brought global attention to the problem of sexual violence in India and prompted reforms that both expand the law and impose harsher penalties on rapists. Reactions are mixed as to whether those efforts will significantly reduce the widespread abuse of women long term.

To better understand rape and gender violence in India and the region, Gazette staff writer Christina Pazzanese spoke with Professor Jacqueline Bhabha, director of research for the François-Xavier Bagnoud Center for Health and Human Rights at the Harvard School of Public Health (HSPH). Bhabha also has Harvard affiliations in law and public policy and is part of the Harvard Gender Violence Project, an interdisciplinary initiative that includes HSPH, Harvard Law School, Harvard Kennedy School, and the South Asia Institute.

GAZETTE: Do the death sentences issued in the New Delhi gang-rape trial signify any lasting change in the way rape is viewed and treated in India, or is it a temporary outlier because of the sensational nature of the crime?

BHABHA: I think it's hard to say now what's going to happen in the medium-to-long term. Popular outcries can be intense but short-lived, as we've seen with gun control efforts in the U.S. The death sentences certainly don't solve the underlying problem, which is that there is a very serious issue of pervasive [gender discrimination](#) and violence in India. It extends from birth to death, starting with female feticide (the male-to-female population ratio is 0.93, worse than it was in 1970) and continuing with very high levels of [child marriage](#) (47 percent), teen pregnancy (62 per 1,000), [maternal mortality](#) (200 per 100,000 [live births](#)), domestic violence (50 percent), and sexual assault (over 24,000 cases reported last year). What is needed to address this is a wide range

of systemic and far-reaching measures. Just wreaking vengeance by issuing death penalties is a Pyrrhic victory for people concerned with gender-based violence. It satisfies a lust for biblical retaliation without opening up a space for much-needed rational, national soul searching.

I think in the past two decades or more, there have only been three death-penalty cases that have been actually implemented in India, two of which were for people who were involved in terrorism. So, this sentence is extremely unusual, particularly for rape cases, which, more often than not, go unpunished. Since the Delhi rape, Indian papers have been crammed with gory stories of brutal sexual assaults, against 6-year-olds, against train passengers, against daughters by their high-profile fathers acting with impunity. Clearly in this case, the court felt it had no option but to issue these sentences—regrettably, in my view. There would likely have been mass protests across the country if they hadn't issued the death penalty.

There is an urgent need for sustained government engagement on gender-based violence issues across a range of domains. Gender justice experts and activists have been raising the issues for years, but their recommendations have largely fallen on deaf ears. The most recent expert investigation of gender-based violence in India was produced by a high-level committee chaired by Justice [J.S.] Verma, a former head of the Indian Supreme Court. Set up immediately after Dec. 16 [2012] to look at the country's laws on sexual violence, it [reported](#) within 30 days, producing a massive, high-quality report. The committee's wide-ranging recommendations included proposals for new offenses, including criminalizing marital rape, sexual intercourse by a person in authority, and gang rape. As important, the Verma Committee also looked at the whole context in which this gender violence is taking place: the impunity, in the sense that the police frequently don't bother to prosecute these cases, and also the brutalization of destitute urban youth. The fact that the defendants facing capital punishment were all highly

impoverished urban slum dwellers does not exonerate them, but the committee wisely noted the very acute problems of social exclusion and structural violence that need to be addressed more vigorously and systemically.

So, do these [death sentences](#) reflect a real movement to address some of the underlying issues? I'm not sure. I think it's difficult to be that optimistic. I tend to think that handing down the death penalty is an opportunistic token of societal concern. I find it a depressing outcome that will bury rather than solve many of the big issues. I have seen no convincing evidence that the death penalty acts as a deterrent, and I am concerned that this response highlights vengeance and emotion where what is sorely needed is rational and vigorous social and legal reform.

GAZETTE: What other reforms need to be undertaken to shift cultural attitudes and reduce the incidence of rape in India in a meaningful way?

BHABHA: A whole panoply of things need to change. Most fundamentally, the way that Indian society thinks about gender, about masculinity, about femininity, about what it is to be a strong man or a strong boy, what women's role and position in society are—very basic notions that, in terms of the constitution of India and formally speaking, have been accepted since Indian independence but in reality are not implemented.

India—shining India—still has extremely high rates of child marriage, of teenage pregnancy, and of domestic violence. There's still a sense that boys and men are fed before girls and women, so that if there's not enough milk to go around in a family, it goes to the boys. Ways in which women are not valorized are endemic in the society. Once the sense that women are less important in some way is endemic and accepted, as it is,

once large sections of Indian society accept that women are there to service men, that men are justified in hitting their wives, then pervasive gender violence comes as no great surprise. So how might one tackle this? Clearly, criminal law is one way. Reducing impunity is imperative: more effective arrests, more police accountability, speedier trials, consistent and appropriate sentencing policies, adequate criminal justice resources so that gender justice is not only delivered, but seen to be delivered.

Secondly, we need to have a much more robust set of preventative measures to tackle the problem. One of the things we're working on in our [Harvard] Gender Violence Project is the absence of gender education in the Indian curriculum. With our Indian partners, we are asking, "How do young Indian boys and girls grow up to think about sex and about gender and about sexual relationships or even emotional relationships?" "What is adolescent education, and what should it be, and what are the issues that really need to be in the public sphere?" India is a very—and this is generalizing over 1.2 billion people, but in general I think it's fair to say that it's a very puritanical society. People generally are not comfortable talking about sexuality or reproductive rights or issues like menstruation or sexual desire, even within the family, let alone within the classroom or the workplace. These issues are swept under the carpet. As a result, there's an enormous amount of ignorance and denial. Teachers are likely to have difficulty answering questions about sexual relations, about masturbation, about homosexuality. In fact, some of these are words you can really hardly utter in public. Along with colleagues in India, we have started considering how changes in adolescent education, and even earlier in primary school, might address these questions. The problem is not one of curriculum. For over 20 years, leading Indian research bodies have been developing excellent adolescent education syllabi. But this excellent work is just sitting on a shelf. In fact, some state governments in India, when there were attempts to implement these revised curriculum protocols, were vehemently

against them—prohibited them, claiming that "sexual education equals encouraging sex."

It's hard to generate the political will for people in senior positions in the education system to support teachers and to train teachers to talk about these issues. So we think that there is a second critical element here: exploring ways to challenge boys and girls to think about what it means to be "cool," to impress one's peers, what it means to be a strong boy or man. What is needed is a dramatic shift in the gender norm balance. There are all sorts of ways one can do that: of course, formally in the classroom, but also through extracurricular activities, through sports, through parent groups, through soap operas on television. There are a large variety of different ways for attempting to change public culture.

Alas, there is a long way to go. After the rape case, some very prominent Indian politicians emphasized harms to female dignity rather than brutal violence, as if vaginal purity were the main casualty. The reason why the rape victim's name is never used—"Nirbhaya" is a placeholder—is because her feminine dignity has to be preserved. If she had been brutally murdered with an ax, or if she had had acid thrown at her face we could have used her name; but the invasion of her vagina required a shield of anonymity. As if the shame of sexual predation would tar her memory.

I think the third critical issue to address is with the relationship between predatory sexual violence and urban destitution—an enormous, unsolved challenge in India. The Delhi rapists inhabited a very brutal environment, with sexual and physical violence, degradation, and extreme destitution facts of daily life. Being exposed to violence from the get-go does not promote a sense of the integrity or the delicacy of the human body or a respect for civic values. It generates despair, anger, fury, a sense of desperate social rejection. Perhaps the brutalization we are witnessing is a manifestation of the radical failure of current Indian civic engagement,

of the breakdown in a sense of comity and shared values that could produce rights-respecting codes of conduct. This is, of course, no defense of the violence, but it is an urgent call to action.

So I think it's all of this. It's a mixture of having a law-enforcement approach that is much more accountable and reduces impunity. We need to really radically work on education and on promoting healthy and non-predatory relationships between boys and girls, and getting away from a lot of the hypocrisy that exists. Premarital sex is still generally frowned upon in India. At this critical stage of life, when you're sexually really alive and driven, which is what adolescence and early adulthood is all about, you have no legitimate way of performing your sexual desires. It's not a healthy situation. And then there is the issue of violence and degradation of the urban poor.

GAZETTE: The Harvard Gender Violence Project started up in response to the Delhi gang rape, and you spoke at a Harvard-led conference on gender justice there last July. What has come out of that meeting?

BHABHA: Several things have come out of that meeting. We've established partnerships with some of the colleagues in India who have been working in this field for a very long time, who presented at our conference. At the moment, we're exploring three different avenues of work. One is to work with people involved in the education sphere, to think about how one might change the political climate for adolescent education. We don't need to reinvent the wheel; it's been done superbly there already in terms of the content. But supporting educational reformers and senior administrators and head teachers who want to try to introduce adolescent education, reproductive rights discussions, and so on in the classroom is an urgent and unfinished task. So we are now planning research to investigate good practice examples, to identify key

stakeholders, and to develop some collaborative research and policy work in this area. We already have a group set up that combines experts in India with some people here who are working in this field. Our goal is to get to the point where we can do some pilots, monitor and evaluate them, and then use that as a launch pad for developing some more national discussion about gender education, adolescent education in India.

Secondly, one of the things that came out of the conference was this dialogue about sexual violence and coercion. Colleagues at the law school have been in conversation with colleagues in India who are working on aspects of that law. There's a lot going on in India, so our role is primarily to share the American experience and see to what extent that can be helpful to the advocates who are developing policies there. That's a more technical legal exercise looking at what types of remedies have worked, what types of rape crisis intervention may be helpful, but also what types of legal measures really deliver.

And third, we're looking at prevention, to investigate precipitators of [gender violence](#) and radical poverty and inequality and exclusion of women in some of the poorest communities. We're planning to partner with some of the organizations on the ground that work on issues to do with child labor or who deal with girls who have been trafficked and try to address some of the precipitating causes, but also the remedies. There are some nonprofits and organizations working in [Uttar Pradesh] and Bihar, two very important, large, and poor states in India, that we're going to be working with, doing some evaluation of the impact of the work they're doing and try to develop and maybe scale up some better initiatives to try and find alternatives so you prevent the drift to the city, which then leads to situations of exposure to risk.

GAZETTE: A United Nations [survey](#) published Sept. 10 on men and violence in Asia and the Pacific found that one in four men

interviewed said they had raped a woman at least once in their lifetime. Also, between 72 and 97 percent said they paid no legal consequence for that act. Do those figures surprise you?

BHABHA: Certainly, the no legal consequences doesn't surprise me. All the work that we've done, we've found there are very few legal consequences of sexual violence for predators. In the work I've done with adolescent girls looking at what prevents adolescent girls from carrying on with their education, they've all been exposed to sexual harassment of one form or another, more or less severe, and none of them have ever had recourse, none of them have had anywhere to even go to complain, except perhaps to their mom. So that sense of impunity doesn't surprise me at all.

One in four is just a terrifying figure. But if you said it in context—there's a recent piece of research showing that even men who, prior to marriage, saw themselves as being very egalitarian and very against any form of violence, after marriage said explicitly that they thought it was all right to hit your wife, that they changed their attitudes. So when you see that, when somebody can go from thinking that violence against your spouse is unacceptable to changing, then you really start thinking this is really an epidemic that we're confronting.

On the other hand, the government of India did a survey in 2007, and they found rates of sexual abuse of boys and girls that were really unbelievable. They found that there was a higher percentage of boys who were exposed to sexual abuse. If there's so much violence in the home, you're exposed to it as a child, whether it's physical violence or sexual violence, this is what you're taught, this is one of the ways you learn to behave. The more I see and the more I work on this topic, the more I see families are terrifying places rather than comforting places. That's the sad reality. We've always, both emotionally but also in terms of our philosophy and our whole tradition, thought of the family as the bedrock

of society, the family as the place you return to from the outside world. But actually, in more and more cases, the family is a violent place, a very unequal space, whether it's between a man and woman or parent and child. It's quite terrifying.

GAZETTE: In that same U.N. study, the top reasons men surveyed gave for why they raped were "a sense of sexual entitlement" and "recreation." Can organizations from outside a particular culture realistically hope to reverse such deep-seated attitudes?

BHABHA: You learn what is pleasurable. Many of these behaviors are learned and can be unlearned. That's why I think education is so critical. This is really about power and control and dominance and then giving you a sense of self-confidence or validation or allaying your own insecurities and anxieties. So that I would say yes, there's a lot that can be done in terms of just changing perceptions of what is acceptable and what is admired and what is socially valued. People have been talking about this for so long and yet we seem to have a long way to go.

GAZETTE: While rapes that occur in public spaces tend to receive most of the media attention, many believe that sexual violence within households and extended families is a far more pervasive and underreported problem. What can be done about that?

BHABHA: Sexual violence in the home, sexual violence in rural communities, and in very low-income communities is extremely

underreported. It really goes back to what the position of women is in the society. Do women have stakes, do women have autonomy, do women have agency, do women have earning power? What does a woman's voice count for? But it's also a children's rights issue. There's a lot of work now finally happening on violence against children in the home, in the school, and in the community—all three areas—both physical and sexual violence. It's pervasive. The first challenge is to make it unacceptable. If it's still considered acceptable to beat your wife, and it's certainly considered acceptable to beat your children in many societies, then that's the first hurdle.

There is this enormous gap in what the law says. International law is very clear that corporal punishment is prohibited, and domestic violence has been, and violence against women. To make both [types of [violence](#) subject to] big sanctions, in terms of criminal law but also social sanctions, is a huge step.

There's an education challenge and a public culture challenge. Ultimately, I think these norm changes really cumulatively come not so much from the top down, but from the bottom up. It is from organizing, from establishing new norms that are considered to be impressive, powerful, worth emulating, from the bottom up. But it is also a question of women having skills and women having access to power and having places where they can complain and safe places.

This story is published courtesy of the [Harvard Gazette](#), Harvard University's official newspaper. For additional university news, visit [Harvard.edu](#).

Provided by Harvard University

Citation: Understanding India's rape crisis (2013, September 23) retrieved 2 May 2024 from <https://medicalxpress.com/news/2013-09-india-rape-crisis.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.