

The Indian Gang-Rape Case: Do Human Rights Go Global?

Written by Ekaterina Yahyaoui Krivenko

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EKATERINA YAHYAOUI KRIVENKO, FEB 9 2013

Writing in 1795 Kant in his famous treatise "Perpetual Peace" notes:

"The people of the earth have thus entered in varying degrees into a universal community, and it has developed to the point where a violation of rights in *one* part of the world is felt *everywhere*. The idea of a cosmopolitan right is therefore not fantastic or overstrained (...)"[1]

Almost everybody today has heard the story of the gang rape of a young Indian student which occurred in Delhi on December 16th, 2012. The gang rape had as a consequence the death of the attacked woman. Immediately following the announcement of the sad event in media a series of demonstrations in support of the victim followed. The demonstrators were demanding legal and policing reforms from the Indian government. Some women's rights activists would suggest that this case proves that women's issues go global and become part of an overall international agenda.[2] Is this claim justified? What the case teaches us about globalization of human rights generally and women's rights more specifically? Can we as Kant did in 1795 affirm that today a violation of a right in one part of the world is felt everywhere and that we are now closer to the realization of the cosmopolitan ideal than at any point of time before?

Undoubtedly, the case attracted significant amount of attention both nationally and worldwide. The indignation expressed by demonstrators and officials of international organizations[3] worldwide led the Indian government to openly recognize the existence of a problem and adopt some measures to address it. However, before drawing conclusions about the significance of this event a closer look at the Indian case but also at the situation with human rights at the international level is required.

Let us first take a closer look at the situation in India. Amid the gang rape scandal Western media reported several interesting facts about the situation of women in India. Thus, almost all newspapers repeated the sad fact that Delhi can be described as a world capital of rape.[4] However, more generally, we could read that rape is a wide-spread and silently tolerated phenomenon in India, especially in its northern provinces. Reports often linked this prevalence of rape with particularly patriarchal and degrading traditional attitudes towards women. Such factors as insufficiency in punishment and unsatisfactory judicial system which is particularly slow and overloaded are also often invoked. When discussing the situation of women in India more generally, some media reported another phenomenon prevalent in the country: kidnapping of young girls and women for trafficking, most often in order to sell them as future wives to families unable to find a bride for their sons. In fact, in some parts of India gender balance shifted dramatically. For example, according to India's 2011 census[5] the overall number of females per 1000 males was 933 while for 0-6 year olds it was even lower: 927. Significantly, the ratio is lower in urban (900) than in rural areas (946). In such wealthy northern Indian provinces as Punjab, Uttar Pradesh and Haryana the situation is even more alarming. Thus, the corresponding numbers for these provinces are the following: Uttar Pradesh: total: 908, 0-6 year olds: 891; Punjab: total: 898, 0-6 year olds: 846; Haryana: total: 877, 0-6 year olds: 830. This situation is due to the practice of sex-selective abortions whereby parents after determining the sex of the future child systematically eliminate female fetuses. Interestingly, this disproportionate shift in gender balance is the most significant in the very same provinces where rapes are most frequent.

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Now, let us take a larger look around the globe. For example, is India the only state where authorities have not established adequate judicial and policing responses to rape? How such extreme forms of violence against women are addressed in other parts of the globe? What is the reaction of media and larger public to other most egregious attacks on women? On January 21st of this year a brief report entitled "Guatemala's War on Women" appeared at the Amnesty International's web-site. According to this report, not only is Guatemala the country with one of the highest rates of homicide, but the majority of the victims are women. "In 2012 alone, and according to official figures, around 560 women were murdered across the Central American country, many after being sexually assaulted." [6] The investigation of these crimes is very ineffective and if girls and women victims do not come from a favourable background they are blamed by the police for being gang members and prostitutes to justify inaction. In a similar vein, a report from Nobel Women's Initiative's visit to Honduras, Mexico and Guatemala emphasized alarming trends in violence against women which is not only tolerated but even perpetrated by police forces. [7] Corrupt and ineffective judicial system creates a climate of impunity and even the criminalisation of women human rights defenders.

The list of similar stories can continue. However, hardly anybody except specialists working on violence against women is aware about such trends. Turning back to India, many other shocking stories of rape and impunity for perpetrators made headlines in Western media, but we've forgotten them. [8] For some reasons at certain points of time one or another particular case is able to mobilize opinion. Human rights language plays a role in this mobilization. However, more than the human rights themselves, such cases demonstrate both importance and potential force of media in the struggle for human rights. Rather than regarding this recent Indian case as a proof of globalized human rights I would suggest that it should be used by human rights activists as a lesson about effectiveness and usefulness of an adequate use of the media in their struggle for human rights. The danger lies in the self-confidence which might result from the slogan of human rights globalization. If we want human rights to go and remain global we need to learn how to use the power of media and develop strategies which will bring about change and not leave cases forgotten. Returning to Kant, in another treatise he affirms: "(The) hope for better times to come, without which an earnest desire to do something useful for the common good would never have inspired the human heart, has always influenced the activities of right-thinking people." [9] I believe the worldwide reaction to the Indian gang-rape case gives more hope thus inspiring more human hearts. However, we should be attentive to all human rights violations everywhere in order to promote a truly common good and all-encompassing human rights.

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[1] Immanuel Kant, Perpetual Peace, as translated in *Kant. Political Writings*, ed. By. H.S. Reiss, 1991, pp. 107-108..

[2] Luisita Lopez Torregrosa, "The Internationalization of Women's Issues", *New York Times*, 8 January 2013, available at <http://www.nytimes.com/2013/01/09/us/09iht-letter09.html> (all web-pages last visited 02 February 2013).

[3] See e.g. statement attributable to the Spokesperson for the Secretary-General, made on 29 December 2012, available at <http://www.un.org/sg/statements/index.asp?nid=6533>, or the condemnation and other reactions of UN Women: <http://www.unwomen.org/2012/12/un-women-condemns-gang-rape-of-delhi-student/>.

[4] According to the official statistics of the Indian National Crime Records Bureau Delhi accounts for 13.3% of

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crimes against women in total placing it at the head of the list of “worst places for women” in India. 2011 Crime in India statistics are available at <http://ncrb.nic.in/>.

[5] All statistics on sex ratio are available on the official web-site of the Office of the Registrar General and Census Commissioner India: <http://censusindia.gov.in/>.

[6] Guatemala’s War on Women, 21t January 2013, available at <http://www.amnesty.org/en/news/guatemala-s-war-women-2013-01-21>.

[7] End “War on Women” in Mexico, Honduras and Guatemala: Nobel Laureates, 29 February 2012, available at <http://nobelwomensinitiative.org/2012/02/end-to-war-on-women-in-mexico-honduras-and-guatemala-nobel-laureates/>

[8] See for example the following book: Pinki Virani, *The Aruna’s Story*. 1998. The book describes the plight of a woman who after a sexual assault was left in a vegetative state. Her assailant is free after a seven-year sentence and was not even charged with rape, but attempted murder and robbery only.

[9] Immanuel Kant, On the Common Saying: ‘This May Be True in Theory, But It Does Not Apply In Practice’ as translated in *Kant. Political Writings*, ed. By H.S. Reiss, p. 89.

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