



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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### IND104059.E

India: Rates of women lodging complaints with police for violent crimes; police response to female victims of violence

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Rates of Women Lodging Complaints with Police for Violent Crimes

According to figures compiled by the National Crime Records Bureau (NCRB), in 2010, there were 213,585 reported cases of the following crime against women: kidnapping and abduction, molestation, sexual harassment, cruelty by husbands and relatives, and trafficking (India n.d.a). In 2010 statistics, the NCRB indicates that 22,172 women reported rape, and that there were 8,391 reported dowry deaths (ibid.). In a telephone interview with the Research Directorate, a South Asia Desk program officer at the Asian Human Rights Commission (AHRC) indicated that there is a "lack of information infrastructure" in India and the only statistics about violence are provided by the NCRB (AHRC 16 Apr. 2012). However, he also stated that NCRB statistics are neither reliable nor up to date, and statistics from each state are "factually and alarmingly incorrect" (ibid.). According to the BBC, a retired police officer stated that the NCRB statistics are "just the tip of the iceberg" (17 July 2011).

Sources indicate that crime against women in India has increased (India [2012], 84; Swayam 5 Apr. 2012; US 8 Apr. 2012, 46). In correspondence with the Research Directorate, a representative of Swayam, a Kolkata-based women's rights organization (Swayam n.d.), stated that "crimes against women have been increasing at a higher rate than general crimes" (5 Apr. 2012). According to Swayam, between 2005 and 2009, while all cognizable crimes increased by 16 percent, crimes against women increased by 31 percent (Aug. 2011). The Indian Ministry of Home Affairs states that while the general crime rate increased "marginally" from 2009 to 2010, crimes against women have "continuously increased during 2006-2010" (India [2012], 84-85). According to sources, official statistics show that rape is the "fastest growing" crime in India (*Times of India* 14 Nov. 2011; US 8 Apr. 2011, 46).

According to Lakshmi Iyer, professor at the Harvard Business School, Anandi Mani, professor at the University of Warwick, and Prachi Mishra and Petia Topalova from the International Monetary Fund's Research Directorate, the increase of crimes against women is "driven primarily by greater reporting rather than greater incidence of such crimes" (Iyer et al. 29 July 2011, 1). Specifically,

Iyer et al., based on testing different hypotheses using NCRB statistics from 1985 and 2007 (ibid. 14), indicate that increased female representation in local government has resulted in greater reporting of crimes against women (ibid. 1).

The Swayam representative also indicated that there is an increase in reporting; however, she stated that "it is too simplistic to say that there is just an increase in reporting," because "there is also an increase in violence and crimes against women" (27 Apr. 2012). She attributed the increase in crimes against women to increased levels of inequality in India and the public acceptance of violence against women (Swayam 27 Apr. 2012).

According to the founder of Jagori, a Delhi-based women's empowerment NGO, though there is growing awareness of, and reporting of, sexual violence, men "are not able to accept" women's increasing assertiveness and "use heinous ways to punish them" (*Times of India* 14 Nov. 2011). Similarly, the Swayam representative explained that, while women have an increased knowledge of their rights, "men have not changed their thinking" (27 Apr. 2012).

The *Times of India* also reports that, according to the Director of Swanchetan, an organization providing emotional support to victims of violence, as women have become more independent and increased their participation in the workforce, the "ill-feeling" towards women has also increased (14 Nov. 2011). The Director of Swanchetan also said that the perpetrators of crimes against women believe that they can "get away with it" by "paying off" the police (*Times of India* 14 Nov. 2011). The Director adds that the increase in sexual violence is associated with "lax law enforcement" and the "low importance" given to rape (ibid.).

Sources state that the rate of women reporting violent crime is low (BBC 17 July 2011; *The Telegraph* 3 Apr. 2012; *Kashmir Monitor* 3 Mar. 2012; The WIP 22 Mar. 2010). Different sources explain why women are deterred from reporting, such as a lack of awareness of domestic violence legislation, a "culture of silence" (*Kashmir Monitor* 3 Mar. 2012), fear of family dishonour (ibid.; The WIP 22 Mar. 2010), public shame, "a gender-insensitive police force, the rigors of medical exams to prove that the rape...happen[ed], and repeated cross-examination in court" (ibid.). The BBC reports that "rape carries great stigma" and indicates that going to the police station and making a complaint about rape is "taboo" in India (17 July 2011).

## **2. Police Response to Female Victims of Violence**

According to the Swayam representative, "crimes against women are not given the same importance as...crimes against men" (Swayam 5 Apr. 2012). She said that the way a case proceeds depends on the police officer's attitude, which varies among officers (ibid.). She added that "few officers" take domestic violence complaints seriously, "whereas a majority of them consider it a 'family problem', which should be sorted at home" (ibid.).

"[P]olice apathy" was the number one complaint submitted to the National Commission for Women in 2009-2010 (India [2010], 20) and to the Ministry of Women and Child Development in 2010-2011 (India [2011], 113), according to their annual reports for those years. According to the Ministry of Women and Child Development, police-apaty complaints are "forwarded to the concerned [s]tate [g]overnments" for investigation, and reports on action taken received from state governments "are examined and further monitored" (ibid., 112).

Moreover, sources report that victims have been blamed for the crimes committed against them (*DNA* 3 Jan. 2012; *The Hindu* 7 Feb. 2012; Swayam 27 Apr. 2012). For example, the police chief of Andhra Pradesh reportedly blamed "provocative dress" for the increase of rape (*DNA* 3 Jan. 2012). According to the Swayam representative, "a woman who is raped is asked why she was where she was, what she was wearing, [and] her life history..." instead of information about the rapist (27 Apr. 2012).

## 2.1 Registering Complaints

Sources state that police are reluctant to register complaints of violence against women (*The Telegraph* 3 Apr. 2012; BBC 17 July 2011; Swayam 5 Apr. 2012). According to the Swayam representative, sometimes police "refuse" to register complaints, and they are particularly reluctant to register first information reports (FIRs) if there are no "serious physical injuries" (*ibid.*). According to the BBC, a retired police officer stated that the majority of crimes against women, including rape, are not registered by police (17 July 2011). He estimated that only one of every nine cases of violence against women reported to the police is registered, because police officers "have been told by their political bosses to keep the crime figures low" (BBC 17 July 2011). The AHRC program officer corroborated the statement that police may not register crimes due to political pressure (16 Apr. 2012).

The Swayam representative stated that while being discouraged to lodge complaints, women are told to sort things out "amicably" (5 Apr. 2012). *The Telegraph*, reporting from Jharkhand, indicates that police do not consider their role to be one of registering complaints, but rather solving the problem through dialogue (3 Apr. 2012). Out of 400 cases of women who intended to register complaints regarding "physical or mental cruelty to the wife by the husband or his relatives," 38 were registered, while 372 were "counselled" (*The Telegraph* 3 Apr. 2012). Furthermore, according to the Chairperson of the state women's rights commission, "Our role is to unite families. ... Since I joined, I have solved 530 cases by removing confusion in families. I have neither entertained criminal cases nor have I recommended FIR registrations under any act" (*ibid.*).

## 2.2 Investigations and Arrests

The Swayam representative indicated that women victims of violence face the following problems during investigations:

- a "lack of expertise, motivation and interest in collecting evidence, [and] examining witnesses";
- police misplacing evidence of rape or unnatural death resulting in proof that has been destroyed and delayed court proceedings;
- delays in receiving forensic reports;
- delays in charges, which result in the perpetrator's acquittal;
- regular police officers conducting their "law and order" duties as well as investigating cases, which often results in insufficient time on investigations;
- "in many cases," ill-equipped or "biased" investigating officers, which results in "no justice" (5 Apr. 2012).

Offering an illustration of the above limitations, the representative indicated that, "most of the time," Swayam is "asked by the police to trace the

[perpetrators of violence against women] and let [the police] know so that they can go and make the arrest" (5 Apr. 2012). However, she also indicated that, "in many cases," arrest warrants are issued against the accused, and, even, though the accused is "in the area and easily identifiable," the police do not make the arrest (5 Apr. 2012).

According to Iyer et al., since a 1993 constitutional amendment increasing women's participation in local government councils, police have been more responsive to violence against women (29 July 2011, 4, 6). Iyer et al. report that "[t]he number of arrests increase[d] significantly," especially for kidnapping cases (ibid., 6).

Sources report impunity in cases of rape (OMCT 2 Feb. 2011), assault (ibid., 23 Dec. 2011), and molestation (*Times of India* 7 July 2011). The Swayam representative said that conviction rates against perpetrators of crimes against women are "low" (27 Apr. 2012). The NCRB statistics indicate that the national conviction rate for rape is 26.6 percent (India n.d.a). The *Times of India* reports that, according to a study by the state's Centre for Dalit Rights, the conviction rate for rape and sexual assault of Dalits is "less than 2%" (7 July 2011). Moreover, sources indicate that victims have been instructed to marry their rapists (*Times of India* 14 Nov. 2011; The WIP 22 Mar. 2010), and the *Times of India* indicates that rapists have been released on compromises (*Times of India* 14 Nov. 2011; ibid. 7 July 2011).

### **2.3 Police Perpetrators of Violence Against Women**

Sources report that police have been the perpetrators of sexual abuse (OMCT 1 July 2009), rape (*Times of India* 17 Apr. 2012; BBC 17 July 2011, US 8 Apr. 2011, 8, 10), and gang-rape (ibid.). According to the AHRC program officer, although "any Indian police station is a dangerous place to be," police stations are "especially dangerous" for women that go there alone, as they "run the risk of being raped" (16 Apr. 2012). The US *Country Reports 2010* reports that rape by police and other security forces was a "major human rights problem" in 2010, and indicated that NGOs "claimed the [National Human Rights Commission] underestimated the number of rapes that police committed" (US 8 Apr. 2011, 9). According to vawreport, a website documenting incidents of violence against women in India, in 30 out of 600 media articles of violence against women between September 2011 to November 2011, police and armed forces were the perpetrators (27 November 2011). Several sources have also reported violence against women occurring in police custody (UN 6 Feb. 2012; ACHR 21 Nov. 2011, 37; vawreport 27 Nov. 2011).

### **2.4 Women's Cells**

The Swayam representative indicated that women's cells exist in "select police stations and police headquarters;" however, they are only in cities, not in suburbs, and close at 6:00 p.m. (5 Apr. 2012). According to the Swayam representative, women officers are reluctant to make arrests as they are not given sufficient training or "powers," and many of them are also "extremely [g]ender insensitive" (5 Apr. 2012). *The Hindu* reports that women's police stations are often understaffed, and that women officers often refrain from filing FIRs and focus on counselling (6 Aug. 2011). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2.5 Police Efforts to Combat Crime Against Women

On 4 September 2009, the Ministry of Home Affairs sent state governments and union territory administrations an advisory indicating that they should take steps to improve law enforcement related to crimes against women, such as enforcing existing legislations, "play[ing] a more proactive role in detection and investigation," "ensuring that there is no under reporting," hiring more female police officers, offering gender training and sensitization courses, registering FIRs on time, publicizing help-line telephone numbers, and creating "Crime Against Women and Children" desks in police stations (India [2012], 85). The Ministry of Home Affairs also recommended implementing changes to improve safety on roads, including increasing police patrolling, and installing telephone booths and lights (ibid. 85-86)

The Bureau of Police Research and Development conducts training workshops related to crimes against women (ibid., 86; India n.d.b). The National Institute of Criminology and Forensic Science also offers training courses, including 2011-2012 seminars on domestic violence, crime against women, and the investigation of rape and murder (NICFS n.d.). According to the *UN Secretary-General's Database on Violence Against Women*, training has also been organized by the National Institute of Public Cooperation and Child Development for "field level police officers like constables and sub-inspectors" (UN 10 Aug. 2010). Information on the number of police officers who have received such training could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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## **Additional Sources Consulted**

**Oral sources:** Attempts to contact the following organizations were unsuccessful: Assam Human Rights Commission, Bihar Human Rights Commission, Commonwealth Human Rights Initiative, Himachal Pradesh Human Rights Commission, Jagori, Lawyers Collective Women's Rights Initiative, Majlis, Madhya Pradesh Human Rights Commission, Maharashtra State Human Rights Commission, Manipur State Human Rights Commission, National Commission for Women, National Human Rights Commission, Odisha Human Rights Commission, Punjab Human Rights Commission, Rajasthan State Human Rights Commission,

Tamil Nadu Human Rights Commission, Uttar Pradesh Human Rights Commission, and West Bengal Human Rights Commission. Attempts to contact a lawyer in Chandigarh were also unsuccessful.

**Internet sites, including:** Amnesty International; Central Reserve Police Force; Delhi police; ecoi.net; Human Rights Watch; Institute for Development and Communication; Jagori; Kerala police; Law Commission of India; Minority Rights Group International; National Human Rights Commission; National Institute of Public Cooperation and Child Development; National Security Guard; Punjab police; United Nations — UNWOMEN, Refworld; Uttar Pradesh police; West Bengal Human Rights Commission.

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