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Beyond Legal Remedies: the Difficult Battle of Dismantling Structural and Social Causes of Gender-Based Violence

By: Trishna Rana

Last week, India's Supreme Court upheld death sentences against the four attackers who brutally raped a 23-year-old physiotherapy intern on a bus in New Delhi on the night of December 16, 2012. Two weeks later, the young woman succumbed to her horrific injuries at a hospital in Singapore. As news of the vicious assault spread, tens of thousands of Indian women and men took to the streets in mass demonstrations to put an end to the country's "rape epidemic." The mood outside the Supreme Court last Friday was one of jubilation and victory. The family of the victim and their supporters felt justice had been served and they could finally begin their healing process.

While stricter punishments and fast-track prosecution of those accused of such heinous crimes can go some way in deterring atrocities against women, the problem is more structural and the solutions more difficult and nuanced. Otherwise why have atrocities against women continued unabated in India and globally despite the immense international attention garnered by the Delhi gang rape and the subsequent reforms in the legal system? The Nirbhaya case, as it came to be known, was followed by more high-profile incidents: in 2013, a woman journalist was raped at an abandoned mill in Mumbai, in 2014 two teenage girls were gang raped and left hanging from a tree in Uttar Pradesh and the local police was suspected to be complicit in the crimes; in the same year two teachers raped a six-year-old girl in a school in Bangalore. According to the country's National Crime Records Bureau, more than 34,000 women filed rape cases and 84,000 instances of sexual harassment cases in 2015 alone. These numbers are staggering to say the least and don't take into account the hundreds of instances that go unreported.



A lasting antidote against the “rape epidemic” therefore demands that we dismantle deeply ingrained beliefs and practices that teach boys and girls from a young age to devalue women’s body and their autonomy. Therefore, men grow up believing that they have the right to use, control, and ‘protect’ women and women learn that their primary role is to be men’s object of desire. It calls for us to reexamine an upbringing that puts the onus on women to stay out of ‘trouble’ by dressing modestly, not calling attention to themselves, not speaking out against injustices, not travelling alone after dark, avoiding parties etc. We need to ask ourselves why we tell women to not ‘overreact’ to overtures and ‘minor’ harassment on the streets, at home, in the workplace, on the web? We need to question a justice system that still does not recognize marital rape as a crime. We need to challenge politicians who propose populist, almost comical measures (if the consequences were not so dangerous), like distributing wooden bats to newly-married women as a remedy to domestic violence. We need to confront religious leaders who argue that we must restrict women’s movement and access to public spaces to keep them safe.

Beyond pushing for legal remedies, we must fight the difficult battle of dismantling structural and social causes of gender-based violence if we are to prevent abuse from becoming a ‘norm’ for large number of women in India and elsewhere.

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