

PAMUN XV—HUMAN RIGHTS—QUESTION OF RAPE IN SOUTH ASIA

Introduction of Topic

Rape is a type of sexual assault that has caught the attention the United Nations due to its large increase in cases throughout the past decade. (*Rape at the National Level, Number of Police-recorded Offences*. New York City: UNODC, 2009. XLS.) Rape is among the most perpetrated crimes in the world. South Asia is a particularly critical region of the world where the issue is not tackled efficiently due to cultural, economic and social factors. Statistics of rape increase at a worrying rate that must be further dealt with by the UN. Because of already existing laws, “traditions” and corruption, less than half of rape victims report their abuse, and only a very small portion of perpetrators are convicted for their crimes every year. Furthermore, the rehabilitation of rape survivors is an important component of the issue that is in need of development, with regards to their health, their psychological trauma and their reinsertion into society, being independent and safe from abuse. This report will focus on the factors which prevent the crime of rape from being dealt with in an effective and appropriate manner. Furthermore, it will suggest measures which would push the issue towards resolution, on the educational, political and cultural scheme.

Definition of Key Terms

South Asia

South Asia is the territory which includes the Sub-Himalayan countries of Afghanistan, Bangladesh, Bhutan, Nepal, India, Maldives, Pakistan and Sri Lanka. (Wikimedia foundation)

UNFPA

United Nations Population Fund (United Nations Fund for Population Activities). This body of the United Nations is involved in finding resources and working for the better exercising and respect of Human Rights. Its primary focus is that of promoting free and safe sexuality for women and children. (UNFPA)

Background Information

Delegates must be mindful of the fact that culture may play a part in defining the mindset which people might adopt when regarding different issues. For multiple reasons, rape is a closed topic often subject to stigma in the South Asian region, as in many other parts of the world. In many South Asian nations for instance, marriage is seen as a lifelong bond which implies consent for sexual intercourse,

which may not always reflect the views of women who are or have been victims of marital rape, and of the United Nations. Through this way of viewing society, many men build misconceptions of how they are supposed/allowed to treat women.

Many South Asian nations are considered as Less Economically Developed Countries (LEDC) by the UN. As it will be detailed in the main issues of the topic, the low economic status of the countries creates a larger likelihood for corruption: another issue that does not ease the prevention and reporting of rapes, as well as the operation of justice. Furthermore nations with a low economic status do not benefit of enough infrastructures enabling the management of rape survivors with regards to their mental and physical health.

Lastly, if victims survive rape and receive the adequate help with regards to their mental and physical health, they must be given the opportunity to integrate society and function as normal people. However, due to the stigma put on rape and to the lack of institutions offering such services, integration into normal life for rape survivors has become a worrying issue according to Human Rights Watch (HRW).

Major Countries and Organizations Involved

India

India is the Southern Asian country with the highest rape statistics according to the UNODC (United Nations Office for Drugs and Crime). The number of recorded rapes, noting that the majority of them are not reported (The Hindu), has increased by 10 000 between 2003 and 2010. The Indian government is constantly criticized for the way it deals with rape by not promoting the reporting of rapes, and for its laws allowing marital rape. These law in India have created a certain tolerance with regards to rape and the police forces fail to sentence criminals due to the high numbers of rapes, corruption and the under reporting of the abuse. Aside from the law and culture, the lack of education fails to teach about crimes like rape and the effects they have on victims.

WAR (War Against Rape)

This Pakistani organisation has been fighting against rape since 1989. WAR plays an important role in raising awareness on rape and informing women of their rights, encouraging them to report sexual abuses. They aim to help surviving victims recover from the physical and psychological scars of rape, as well as helping them grow independent with financial aids. During the partition of India in 1947 creating Pakistan, rape was used as a means of humiliation by opposing religious groups or political affiliations. Since then this crime is viewed as a humiliation for the victim, explaining the stigma which is set on rape.

Relevant UN Treaties and Events

- Landmark resolution on Women, Peace and Security, Resolution 1325, 2000 **(S/RES/1325)**
This resolution seeks to raise the status of women in societies by enhancing their positions to further their role in decision making in governments, companies, etc.
- Adopted by the Security Council at its 5916th meeting, on 19 June 2008, Resolution 1820, 2008 **(S/RES/1820)**
The paper made by the UN Security Council strongly condemns sexual violence during armed conflicts, and as a whole.
- Adopted by the Security Council at its 6195th meeting, on 30 September 2009, Resolution 1888, 2009 **(S/RES/1888)**
Following the previous resolution, this paper of 2009 sends a clear message to nations on how they are responsible for the protection of their civilians.
- Adopted by the Security Council at its 6453rd meeting, on 16 December 2010, Resolution 1960, 2010 **(S/RES/1960)**
Reiterating the content of the two previous resolutions, this paper makes clear demands that the UN becomes directly involved in enforcing the protection of civilians during armed conflicts by demanding the transparency of both parties, enabling the UN to know and sanction nations if they become responsible for sexual crimes.
- November 2011, United Nations Secretary General's campaign to end violence against women
In 2011, Ban Ki-moon lead a campaign seeking to decrease and end violence perpetrated on women in the world. The Secretary General of the United Nations emphasized that attaining his goal implied raising the status of women in the world to make it equal to that of men.
- Strengthening Women's Roles in All Stages of Conflict Prevention, Resolution 2122, 2013, **(S/RES/2122)**

Main Issues

Child prostitution

In India, the largest country in South Asia, the number of children subjected to prostitution was recorded to up to 1,2 million by Indian authorities in 2009 (CNN). Child prostitution is defined by the UN as the prostitution of individuals below the age of 18. The term rape to define the act committed by



Ban Ki-moon, the Secretary General of the United Nations Shaking hands with the director of the UN entity for gender equality, at the Security Council meeting during which the resolution (S/RES/2122) was drafted, in 2013.

clients of child prostitutes is appropriate, as it is considered that minors below 18 are not at an age where they are able to give consent for a sexual act. Although child prostitution is not as present in South Asia than in countries such as Thailand, Vietnam or Philippines (Kristof, Nicholas), India is a strategic point for this trade due to its location and is often used, according to the UNICEF, as a gateway for sex trade towards the Middle East. There are many factors leading to the prostitution of children. Among the most common are poverty, organised crime, the scarcity of education and the inability of a government to enforce or make laws protecting children (UNICEF). Lack of education is a large factor that contributes to the abuse of children, as well as law systems. These two factors should be taken in account during the drafting of clauses.

The law

With regards to the law, a notable issue arises when tackling rape in South Asia. While Pakistan, Afghanistan, Bhutan, Nepal and Sri-Lanka condemn by law the crime of marital rape, the nations of India, Bangladesh and Maldives do not share the opinion that non-consented sexual intercourse, even in a married couple should be criminalised. Although Bangladesh and Maldives have laws criminalising this offence, they are not enforced and cases are strongly under reported. It is legal in India for a man to rape his wife; the United Nations Population Fund Association (UNFPA) reports that 75% of married women in India are victims of marital rape (The Indian Express). Nevertheless, India still refuses to this day to pass laws against this crime as the nation would see it as a threat to “the religious beliefs of the country” (Saul Heather, Independent), stated an Indian member of parliament, in spite of the emerging economy and international status of India. In December 2013, the President of the Maldives vetoed a law against marital rape, deeming it “un-Islamic” (Arora, Vishal). The president firmly believes that marriage is a sacred bond between a man and a woman, in which there should be no question of consent. The extent to which religious beliefs must be respected is in need of definition: religious beliefs cannot justify the violation of basic human rights. According to the Bangladeshi law, a man may only be convicted of marital rape if his wife is below the age of 13, thus still considered as rape as the defined age of consent for sexual intercourse by the UN is 18.

The laws of many South Asian countries are based on traditions and culture. The number of people who travel under the assumption that the matrimonial link between a man and a woman gives unlimited consent for sexual intercourse on both parties is large. Women in South Asia can be considered second class citizens and are more subject to exploitation and abuse due to their lack of education and awareness of their rights. Furthermore, the 1947 partition has played a role in forming a culture where rape is more acceptable than in other nations, not having been at the heart of conflicts. Rape was used for humiliation between enemy entities and is practised for the same reasons.

The small ratio of female police to men in South Asia is also an issue. Sexism and the corruption of the police force is common in leading to the non-reporting of rape cases and the shaming of victims. It is known for fact that searches on women, but also men, may turn into clear sexual abuse or even rape(

Khazan, Olga). The lack of female officers in the police force further reduces the number of rapes reported as women may be rightly uncomfortable about reporting their abuse to a male officer who may even be a threat to these victims.

The stigma put on rape and rehabilitation of victims

In South Asia, as for in the majority of cultures around the world, a strong stigma is put on victims of rape having survived and openly sharing their abuse. Not only “dirtying the honour” of their family, rape victims are often blamed for being raped, said to have been wearing “provocative” clothing, adopting inappropriate behaviour, or simply refusing or ignoring the advances made by men. Not only are victims of rape exposed to physical harm (violence), to diseases (HIV/AIDS, Hepatitis B or C) and psychological scars (such as PTSD, depression), but it is also common that they be rejected socially by their communities, families, etc, instead of receiving support. Facilities and organisations for the rehabilitation of rape survivors exist yet the majority of this small number includes NGOs. The governments lack such infrastructures, another way through which they fail to promote the criminalisation of rape.

Previous Attempts to solve the Issue

The International body of the UN cannot infringe on the sovereignty of a nation unless such a decision is made by the UN security Council. Therefore, when passing resolutions, the UN can only urge nations to follow the guidelines of resolutions. The UN cannot make or enforce rape laws for countries, to the exception of putting sanctions on nations, through a security council decision. However, the international body raises awareness to populations for change as they are a major component in changing such a long lasting urgent issues

Awareness is also raised by NGO's which have been active in fighting for various issues including women's rights to their body. Raising awareness is effective but will not always be enough to change laws. Although NGO's pursue their fights against governments with the help of the UN, these governments are unfortunately not always willing to accept international demands to give up what some may see as their traditions. Traditions, culture, are being challenged by such changes urged by the UN and a cooperative response of the nations in question is always expected, each time a resolution, on the topic is debated or passed, to the exception of these nations.

Possible Solutions

Rape is an issue that requires to be dealt with and caught at the root of the problem. The most effective instrument against crime is education. In countries such as France or Japan, rapes rates are low due to the education provided to the population, and due to the awareness that is raised about such

issues. For many Asian countries, education is a privilege that is less available than in the western world, and through which sexual violence and rape are not always taught and condemned. Furthermore, the psychological scars left by rape on victims are tremendous and the needed care is not always available in South Asia due to economical reasons or government legislation. In addition, appropriate law infrastructures permitting reported rapes cases to be pushed towards justice are not existent and are needed. Lastly, the stigma put on rape victims causes these crimes to be largely under-reported. Breaking misconceptions on the consent of women, raising awareness, enforcing and creating new laws, and supporting surviving victims are the key points on which potential solutions to the issue should be based.

Resources to Consider

The first link in the appendix is a chart with rates of rape in countries around the world made by the UNODC (United Nations Office for Drugs and Crime), it includes the South Asian region country by country and gives quantitative insight as to how many rapes occur per year throughout the past ten years and how many women were raped per 100 000 people a year. The data shows a clear increase throughout the past years and also more statistics regarding sexual violence, child prostitution, etc.

Non Governmental organisations such as UN Women, amnesty international or WAR (War Against Rape, Karachi, Pakistan) and the others cited in the *Organisations involved section* extremely insightful information. The news websites cited and links give case by case events that reflect the situation as a whole and give a public opinion on the situations that are told about.

Bibliography

- "How Life Has Changed for Delhi Rape Victim's Family - BBC News." *BBC News*. BBC, 16 Dec. 2013. Web. 11 July 2015.
- "India Marital Rape Victims' Lonely Battle for Justice - BBC News." *BBC News*. BBC, 26 May 2015. Web. 11 July 2015.
- "Violence and Rape in the Asia-Pacific Region." *UN Women*. United Nation, 10 Sept. 2013. Web. 11 July 2015.
- Kristof, Nicholas D., and Sheryl WuDunn. *Half the Sky: Turning Oppression into Opportunity for Women Worldwide*. New York: Alfred A. Knopf, 2009. Print.
- "More than 1M Child Prostitutes in India." *CNN*. Cable News Network, 11 May 2009. Web. 08 July 2015.
- "Marriage Sacred in India, so Marital Rape Cannot Be Applied: Centre." *The Indian Express*. Press Trust of India, 29 Apr. 2015. Web. 08 July 2015
- Saul, Heather Mr. "India Refuses to Criminalise Marital Rape Because of 'social Issues and Religious Beliefs' in Country." *Independent*. Independent, 1 May 2015. Web. 8 July 2015.

- Arora, Vishal Mrs. "Maldives President Vetoes Marital Rape Bill as 'un-Islamic'." *Washington Post*. Washington Post, 16 Jan. 2014. Web. 8 July 2015.
- Shuvo, Atek Mr. "Marital Rape: Let's Make Some Noise!" *Opinion RSS*. Bdnews24, 19 Apr. 2015. Web. 08 July 2015. <http://opinion.bdnews24.com/2015/04/19/marital-rape-let's-make-some-noise/>
- Khazan, Olga, and Rama Lakshmi. "10 Reasons Why India Has a Sexual Violence Problem." *Washington Post*. The Washington Post, 29 Dec. 2012. Web. 08 July 2015.
- "India: Police Must Effectively Investigate Long-standing Rape Allegations against Army in Jammu and Kashmir." *Document*. Amnesty International, 23 July 2013. Web. 11 July 2015.
- "Women's Participation, Leadership Crucial to Peace Processes – UN Security Council." *UN News Center*. United Nations, 18 Oct. 2013. Web. 14 Sept. 2015.