

**PERMANENT MISSION OF INDIA**

**GENEVA**

**HUMAN RIGHTS COUNCIL  
23<sup>RD</sup> SESSION (27 MAY – 14 JUNE 2013)**

**ITEM 3:- CLUSTERED ID WITH SPECIAL RAPPORTEUR ON  
VIOLENCE AGAINST WOMEN ANDSPECIAL RAPPORTEUR ON THE  
PROMOTION AND PROTECTION OF THE RIGHT TO FREEDOM OF  
OPINION AND EXPRESSION**

**(3 June, 2013)**

**STATEMENT BY INDIA**

Mr. President,

We thank the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression Mr. Frank La Rue and Special Rapporteur on Violence Against Women Ms. Rashida Manjoo and for their respective reports.

2. Violence against women and girls must be unequivocally condemned and tackled. We need to ensure that the stigmatization of victims, the trivialization of the crime and impunity of perpetrators are all stopped. We must also resolutely combat discriminatory practices and prejudices, and firmly oppose any attempts to rationalize such practices on the basis of tradition or custom. As recent events of horrific violence against women in India and other parts of the world indicate, it is not the lack of normative framework or basis that is impeding our efforts, but rather its effective implementation. These gaps must be addressed effectively.

3. The Government of India has taken a number of steps recently. It has set up fast track courts to try cases pertaining to violence against women. The report of the government established committee headed by the former

Chief Justice of India Mr. J.S.Verma is very comprehensive and recommends a range of measures. Based on these recommendations, the Government promulgated an ordinance in February 2013 amending the criminal law in India. It significantly broadens the definition of sexual assault and harassment, includes new types of violent behaviour such as voyeurism, stalking, etc, and aims for greater accountability of public officials. The Parliament also adopted the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2013 in February this year covering women employed in both public and private sectors. The Government has recently announced budgetary allocation worth US\$ 200 million for a dedicated fund to implement measures to ensure dignity and safety of women. Representing a country which is home to more than 500 million women, even one incident of violence against any woman or any girl, is an incident too many, and simply unacceptable.

4. I now turn to the report of Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression focussing on the technological advances in communications and surveillance. Indian constitution has adequate provisions for safeguarding freedom of speech and expression subject to reasonable restrictions in the interests of sovereignty and integrity of India, security of the State, public order, decency, or morality. Every freedom can be enjoyed if exercised responsibly.

6. The Special Rapporteur, in his recommendations, has called for use of surveillance of communications only under exceptional circumstances without defining what constitutes 'exceptional circumstances'. The Report refers to India in this context. My delegation would like to point out any measures initiated in India have been preceded by due deliberations at the highest levels and due process of law. The steps taken by Government of India were also in the interests of its citizens- a preventive action rather than a corrective one. One should not lose sight of the fact that in an age of rapid technological advances, terrorists also have equal and prompt access

to technology. We would request the Special Rapporteur to elaborate his views on what would constitute exceptional circumstances.

Thank you.

\*\*\*\*