

Human Rights Council – 36th session

Item 6: Universal Periodic Review Outcomes – India



Statement by Action Canada for Population and Development

Thank you Mr. President

Action Canada makes this statement on behalf of the Sexual Rights Initiative.

We welcome the fact that 12 countries made recommendations to India regarding the need to recognise marital rape as a form of rape, however we are deeply concerned that India has not accepted these recommendations and that it continues to favour the exception on marital rape. Only a few days ago, on 29th August 2017, in an affidavit filed before the Delhi High Court the Central Government stated that “(I)t has to be ensured adequately that marital rape does not become a phenomenon which may destabilise the institution of marriage apart from being an easy tool for harassing the husbands,”.

India’s commitments under CEDAW and other international instruments require it to recognize marital rape as a serious form of violence against women, punishable under its laws. In India’s 4th and 5th periodic review under CEDAW, the Committee observed that Indian rape laws need to reflect the realities of sexual abuse experienced by women and to remove the exception of marital rape from the definition of rape.

Further, while India received eight recommendations on access to healthcare, education and other benefits for persons with disabilities, we are disappointed that specific issues faced by women with disabilities were not addressed by the Council. While laws on violence against women are applicable to women with disabilities, systems and procedures are not equipped to deal with the specific concerns of women with disability. All recommendations concerning the rights of people with disability should incorporate the reality of human rights violations faced specifically by girls and women with disability.

We strongly call upon the Indian government to implement the recommendations on removing the exception to marital rape in its penal laws. To put the institution of marriage before the basic human rights of a person to be free from sexual violence is unacceptable. We also urge the Indian government to recognise and address the holistic sexual and reproductive health and rights of women and girls with disabilities and its impact on issues around access in accordance with General Comment 3 of the CRPD.

Thank you