



Report

Sexual and gender-based violence against religious minority women in India & the Case of Bilkis Bano

Politics, misogyny and religious discrimination are ongoing factors behind the BJP government's treatment of minority women in India. This report highlights Canadian policy recommendations for the gender equality of all Indian women and girls, particularly those from vulnerable communities.

January 23 2023

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INTRODUCTION

The recent exclusions and targeted attacks on religious minorities in India have intensified, particularly since the current BJP government's use of right-wing nationalist discourse. Women from India's religious minority groups are reportedly experiencing increased discrimination and violence. This has resulted in a lack of resources for minorities to feel safe or equally heard as citizens. In particular, minority women from Muslim, Christian, Dalit and Sikh backgrounds face unique intersectional, multifaceted impacts of the government's frequent anti-minority rhetoric.

To illustrate this reality, this memo builds on the story of Bilkis Bano, a pregnant Muslim woman sexually assaulted by 11 Hindu extremist men. In the attack, the men also raped 4 other women related to Bano. They killed her 3-year-old daughter, including a newborn infant. The men also killed several other members of Bano's family. Bano was one of the only survivors of the attack.

In August 2022, under orders from India's nationalist BJP government, the 11 rapists were acquitted entirely of their crimes against Bano and her family. This distressing impunity and gender-based violence defined the 2002 Gujarat riots. Bano's ordeal became a symbol of Islamophobic hate crimes and a culture of impunity stemming from the 2002 riots.

After the BJP government freed the convicted rapists, right-wing groups celebrated their release from prison. This lack of accountability reveals the extent that atrocity crimes are acceptable in India, particularly against Muslims, under the Narendra Modi government. Like Bano, minority women in India are often impacted by violence and attacks perpetrated by right-wing supporters of the government prevailing in India today.

The US Commission of International Religious Freedom commented on this incident, stating:

USCIRF strongly condemns the early and unjustified release of 11 men sentenced to life in prison for raping a pregnant Muslim woman and committing murder against Muslim victims during the 2002 Gujarat Riots. The failure to hold accountable perpetrators of the 2002 Gujarat Riots who committed physical and sexual violence is a travesty of justice. It's part of a pattern of impunity in India for those engaged in violence against religious minorities. —USCIRF vice chair, Abraham Cooper

BACKGROUND OF BANO'S ATTACK

On August 15th, 2022, the state government in Gujarat, under instruction from India's Prime Minister Narendra Modi, released 11 rapists involved in Bano's case. The men were convicted of multiple sexual assaults, including the murder of Bano's young daughter and various family members.

Bano and her family were victims of the deliberate Muslim Genocide in Gujarat. In March 2002, during widespread anti-Muslim pogroms in Gujarat, Bano and 15 members of her family were brutally attacked by a mob of Hindu extremists. Bano and her family were attempting to save their lives by fleeing the violence in her village.

The attackers were Bano's neighbours armed with swords, sticks and sickles. During the attack, they killed her 3-year-old daughter, Saleha, by smashing her head against a rock. The mob then attacked and killed the men in Bano's family. Afterwards, the extremists took turns raping the women in her family.

The women who were assaulted included 5-month pregnant Bano, her mother, including 3 other women. None of them survived except Bano. One of the female victims, Bano's cousin Shamim, had delivered a baby one day before her rape. The men killed that newborn born too. Since Bano was left unconscious, her attackers believed she was dead. She was the only woman who survived, along with 2 minor boys. That day, Bano lost 14 family members.

IMPUNITY RELATED TO BANO'S CASE

When Bano attempted to report the incidents to a Gujarat police station, the on-duty officers did not cooperate with her. They threatened Bano and registered a false information case against her without mentioning the rapes.

After the Gujarat police did not cooperate with Bano, she approached the National Human Rights Commission (NHRC) in 2003, which filed a motion with the Supreme Court of India.

In January 2004, India's Central Bureau of Investigation (CBI) arrested all accused men reported by Bano. After Bano began receiving threats, India's Supreme Court ordered to move the case from Gujarat to Mumbai in August 2004. In 2008, Mumbai's trial court convicted and sentenced the 11 accused to life in prison. The attackers challenged the trial court's order, but in 2017, the Mumbai High Court upheld the decision.

The BJP state government in Gujarat informed the Supreme Court that it would pay ₹500,000 (rupees) in compensation to Bano, but she refused. In April 2019, the Supreme Court ordered Gujarat state to pay her a sum of 5M rupees as compensation. The Supreme Court also ordered the state to provide Bano with a government job and accommodation, which has not yet happened.

GOVERNMENT RELEASE OF BANO'S RAPISTS

In early 2022, one of the convicts, Radheshyam Shah, approached the Supreme Court to remit his sentence. The Supreme Court informed the BJP state government in Gujarat government to form a review panel to examine the convict's plea. The BJP-ruled state sought the opinion of various authorities, including the Mumbai Police, the CBI and a Special Judge opposed remission. Despite this, India's Union Home Ministry under Minister Amit Shah, the second most powerful man in the BJP government after Narendra Modi, recommended the premature release of all convicts.

Even before their final release, some convicts were granted parole and furloughs for thousands of days. One of the convicts, Mitesh Chimanlal Bhatt, has also been accused of committing an offence of "outraging a woman's modesty" while he was out on parole in June 2020.

JUSTIFICATION PROVIDED BY BJP GOVERNMENT

The BJP-ruled government in Gujarat justified the rapists' release by claiming they displayed "good behaviour." One BJP lawmaker and MLA, CK Raulji, shockingly stated that the rapists are from the Brahmin caste (upper caste Hindus) with "good values and culture."

CK Raulji was also one of the BJP leaders in the review panel granting remission to the 11 convicted rapists. In November 2022, India's ruling party granted Raulji a ticket to run in Gujarat's upcoming election.

CONCLUSION

Once Bano's convicted rapists stepped out of jail, they were celebrated, receiving a warm welcome from Hindu communities. By releasing such criminals without proper justice and accountability for their crimes against humanity, India's BJP government sets a standard for Hindu extremism and hate-motivated crimes against Muslim women and girls.

The release and acquittal of Bano's attackers, originally sentenced to life imprisonment for their horrific crimes, sets a dangerous precedent for Hindu extremism. It dictates that perpetrators can continue targeting and committing gender-based violence against Muslim, Christian, and Dalit women, including against other vulnerable sectors of minorities in India.

The Canadian government must work to implement its FIAP in India, ensuring protection and equality for all minority women and girls facing disproportionate targeting, violence, discrimination, hatred and extremism.

Recommendations

Through Canada's **Feminist International Assistance Policy (FIAP)**, Justice For All Canada calls on Foreign Minister Melanie Joly to support gender equality, protection from sexual and gender-based violence, and empowerment of minority women and girls in India, especially Muslim women, through these suggested actions;

1. Address the unacceptable rates of sexual and gender-based violence experienced by minority women and girls in India.

The scale of discriminatory attacks, intolerance, hatred, intimidation, and dehumanization have become core principles of Hindu right-wing groups carrying out violent attacks against religious minorities, especially against women from these communities. In India, women belonging to religious minority groups face double the discrimination. They are also greater targets for sexual and gender-based violence, especially as perpetrators seek ways to intimate and establish a standard of hatred and abuse against minorities. Especially during humanitarian crises like the Gujarat riots, Canada must provide better support for local organizations to address the unique needs of marginalized Indian women and girls during emergencies.

2. Provide support for local women's organizations and movements to protect, advance and legislate improved rights for marginalized women in India.

There is a lack of dialogue on these issues at the local level, especially in India's rural and urban areas. Local organizations require resources and capacity-building opportunities to create awareness of the rights of minority women as equal citizens in India. Canada's FIAP must empower local women's organizations to develop alliances with Indian leaders to communicate the specific contexts, challenges, and issues that Indian women from religious minorities face in their neighbourhoods.

3. Support training and resources for organizations to document extremism, intolerance, violence, discrimination, and sexual and gender-based violence against minority women/girls.

The intensity, scale and frequency of discriminatory events targeting minority women in India are sharply rising. There are difficulties keeping track of incidents, so several gendered crimes go unreported and are not covered in the media. Canada must support advocacy investments that prevent sexual and gender-based violence, challenge anti-minority discrimination and extremism, support women survivors, and bring perpetrators to justice in India.

4. Support local activists to facilitate mental health, legal aid, and justice for minority women and girls in India, as this becomes a challenge for women survivors like Bano.

Canada must endorse and support strengthening equitable legal aid for minority women in India. Pathways for justice and accountability can occur once CSOs have the resources to address exclusionary policies, discriminatory rhetoric and impunity at the government level. Canada must support these services for marginalized women in India. Advocacy groups require empowerment to pressure the government to halt its arbitrary, discriminatory targeting impacting minority women. Local groups and activists also need support to highlight how humanitarian crises, like the Gujarat riots, present risks and challenges to the lives and well-being of minority women and girls.

5. Canada must support research efforts demonstrating how digital platforms in India are becoming tools for hate-mongering and inciting violence against women from religious minorities, particularly Muslims.

Digital platforms and social media in India act as catalysts in anti-minority narratives. Frequently, BJP leaders use these platforms to promote nationalist rhetoric, leading to emboldened right-wing supporters of the government. To protect minority women and girls, the Canadian government must support local efforts to challenge propaganda and hate speech. Activists and CSOs need guidance to hold such platforms accountable to protect the rights and well-being of minority women. Canada can help Indian CSOs ensure that regulatory mechanisms and legal measures are taken against any targeting of marginalized women across these platforms.

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