

## **Representation by “Women Against Sexual Violence and State Repression” to the Justice Verma Commission.**

(Women Against Sexual Violence and State Repression (WSS) is a non funded grassroots effort initiated in November 2009, to challenge the violence being perpetrated upon women’s bodies and societies. We are a nationwide network of women from diverse political and social movements comprising women’s organizations, mass organizations, civil liberties, student and youth organizations, mass movements and individuals. We unequivocally condemn state repression and sexual violence on women and girls by any perpetrator(s). We have conducted fact findings and brought out several reports of cases of sexual violence in conflict areas, notably in Jharkhand, Odisha, and Chhattisgarh; and have collaborated with women’s organizations in Kashmir and the North East in their struggles in such situations. We attempt to support women victims, approach courts and human rights institutions for redressal, and conduct awareness campaigns.)

WSS notes with concern that the entire public debate arising out of the recent Delhi gang rape incident has centered round the issues of “enacting a strong law” and “prescribing harsher sentence”. It has failed to recognize more basic issues – the enormous social obstacles encountered in registering complaints, in the conduct of thorough investigation, in the protection of witnesses, in fast and efficacious prosecution and in unbiased adjudication – in other words, the issues of implementation of the law, and the functioning of the police and judicial machinery – which necessarily precede sentence. The debate has also largely failed to take into account the deeply patriarchal character of our social institutions, and law enforcement machinery which render women vulnerable to violence in the family, in the larger community, in their work places and public places.

In particular, in this representation, WSS would like to focus on the even more serious situation that arises when patriarchal attitudes are reinforced by caste, communal and class inequalities or perpetrated by the state, that is, when sexual violence is inflicted as a part of an assault by a dominant community as in a caste attack or communal riot; or when sexual violence is inflicted on women in custody in a police lock-up or jail or state institution; and when sexual violence is perpetrated by the police, security forces or army. In this regard we have the following suggestions:-

### **A. In regard to Sexual Violence by Police and Security Forces**

Defining custodial violence: Any incident of sexual assault by police/ security forces or SPOs accompanying them, irrespective of where it occurs, should be treated as custodial violence since the perpetrators exercise power and control over the people of that area owing to their position of authority. Such sexual assault should be considered to be a case of aggravated assault.

Security of women detainees: The lack, especially in remote/ small police stations, of women constables (in whose presence women under-trials and prisoners are more likely to be safe), is a serious issue. If there is no woman constable on duty, that particular police station must not be allowed to detain women. Women constables must be present throughout any interrogation of women detainees. Arbitrary or proxy arrests and illegal detention of women and children during search operations in conflict areas, which render women extremely vulnerable, have to stop.

Rule of law: There must be strict adherence to the procedures and safeguards for protecting women in custody and women should be produced before the court at the earliest opportunity, even before the mandatory 24 hours, to be able to disclose original violations as well as further ill-treatment (if any) while in custody of police or jail authorities. Their families also must be intimated within this time period of their whereabouts.

Judicial recognition: The judiciary must take suo moto cognizance of any irregularity in the arresting procedure and delays in presenting the accused before the magistrate. Any non-compliance of the D.K. Basu guidelines and other provisions of the Criminal Procedure Code should attract strict action and accountability from the Court. Once the woman has been presented before the magistrate, it is the responsibility of the judiciary, to ensure that her dignity and safety is ensured and her complaints of violations of her rights addressed. If any violation of the rights of a woman takes place in police or judicial custody, the judiciary should take the strictest action against the perpetrators in a time bound manner, and she must immediately be given the option of being transferred to custody outside the state.

Investigation and registration in cases of custodial or state violence: It cannot be expected that an aggrieved person/family who has been violated by personnel of the police station of her/their area, will go back to report the violation to that very same police station. She should have the option of registering cases in another district or state, and the case must be investigated by an authority not involving local police if they are the perpetrators. Special guidelines must be evolved for such cases along the lines of the NHRC guidelines for encounter killings.

Vulnerability in conflict situations: There must be a quick and effective response from the district and state administration when a woman shows the courage to make a complaint of sexual violence. Instead, the rape survivor, her family and other witnesses are only further terrorised by the people in authority. The administration should take suo moto cognizance of such complaints, whether they come directly, through the media or any other source. Third-party complaints of custodial sexual violence should also be allowed to initiate the process of safeguarding the survivor behind bars from further assault in custody.

All state-supported private militias and vigilante groups, such as Salwa Judum and others in the conflict areas of Central India, Manipur and Kashmir must be disbanded. Action must be taken against the members of these groups accused of sexual violence and other human rights

violations as it would apply to the police and security forces, i.e., treating their cases as aggravated sexual assault.

Registering cases: The FIR of all victims should be registered, even where the perpetrators are from the Central Armed Police Forces or the Army, and refuge must not be taken under impunity provided under unjust laws such as the Armed Forces Special Powers Act. In particular if a Superintendent of Police receives a complaint that a particular police station has refused to register an FIR, he must be made personally liable to get the FIR registered immediately and to conduct an enquiry against his erring subordinate, with legally enforceable consequences for not doing so within 48 hours of being informed.

Criminal prosecution: Sexual assault by the Central Armed Police Forces or the Army must be brought under criminal law. In cases of sexual offences, the law should clearly state that the Army has no jurisdiction to prosecute the accused member of the armed forces. The accused must be handed over and all investigation must be done by the police strictly in accordance with the law, and supervised by a senior police officer. The requirement of sanction for prosecution under Sec. 197 of the Criminal Procedure Code should be done away with in cases of custodial sexual violence and other human rights violations.

Facilitating investigation: Immediate arrest of the accused and suspension of all accused from their posts, once the FIR is registered or suo moto cognizance of the crime is taken, is essential. The accused should not be allowed to exercise any authority in the area where the complaint of sexual violence is made, till the final determination of the complaint.

Command responsibility: In cases of sexual assault committed by State personnel, the authorities higher up in the hierarchy (SP and the Collector or any other senior officer in the chain of command of the Central Armed Police Forces) should be held criminally liable for crimes committed by those under their command or within their control. Ignorance or lack of information about sexual violence committed in his/her jurisdiction cannot be an excuse for inaction.

Sentencing: The sentences for custodial rape and sexual assault must be enhanced compared to the sentences for civilian rape and sexual assault, to act as a deterrent for security officers misusing the power they have derived from being officers of the state.

Speedy investigation: The responsibility of a proper investigation falls on the investigating agency. Any delay, shoddiness, partisanship and inefficiency in collection of evidence, and lack or delay in medical examination etc should be seen as a criminal offence and negligence of duty, and the concerned officers or personnel should be penalised for negligence or dereliction of duty and/or charged with complicity in the crime.

Protection of victims and witnesses: Protection of victims and witnesses has to be ensured, from the pre-trial to post-conviction stages, in accordance with the recent jurisprudential

developments, the Law Commission's 198th Report of August 2006, and decisions of the Supreme Court.

Liability and damages: It is the government's responsibility and duty to protect the rights of women, the responsibility grows manifold when the woman is in the custody of the State. Considering the gravity of the crime, the rape survivor has a right to reparation. While financial compensation cannot erase the pain and suffering caused, it is the duty of the State to pay exemplary damages without any bureaucratic delays.

Reparative Justice: The State must be obliged by law to make provisions for free and high quality medical treatment, psychological care, shelter and livelihood in order to overcome possible destitution and social ostracism. This should be done through effective implementation and budgetary support of existing legal provisions and schemes for compensation/ rehabilitation for sexual assault. Such compensation should not be linked to the criminal trial and prosecution. Schemes include, but are not limited to, the Victims Compensation Scheme (brought about through a 2008 amendment to section 357A of the Cr PC) as well as the National Commission for Women's scheme for assistance and support services to victims of rape.

### **B. In regard to sexual violence against marginalized groups or by dominant groups.**

1. While dealing with the violence against women belonging to marginalised groups like Dalits, Adivasis, denotified groups, religious and other Minorities, the dominant position of the perpetrators must be kept in mind and such cases should be probed under the specific laws applicable to these atrocities. Sexual assault in situations of conflict based on community, ethnicity, caste, religion and language, ought to be treated as specific circumstances of aggravated sexual assault.

2. Khap Panchayats, casteist-communal organizations and other kinds of vigilante groups are responsible for spreading and normalizing misogyny. The perpetrators of honour killings, honour-related crimes and other moral policing, including those who abet this brutal crime, must be promptly prosecuted and awarded severest punishment.

3. Refusal to file an FIR based on caste, class, gender identity, profession, of the survivor must be legally punishable through reporting to superior police officers or officers at other police stations. Once such a complaint is made, the officer who hears it must be legally liable to file an FIR immediately and conduct an enquiry against the police officers who refused to file the FIR.

### **C. In regard to the definition of sexual assault.**

Expansion of definition of sexual assault: The expansion of the definition of penetrative sexual assault under Sec. 375 IPC, beyond peno-vaginal penetration (rape) as proposed in the Criminal Law Amendment Act is a step in the right direction. It is imperative that the definition of sexual

assault is broad enough to include anal, oral rape, digital rape, rape with objects etc. and also includes sexual assault against transgender people

Gap in law of sexual offences: However, there continue to be serious gaps in the codification of crimes of non-penetrative sexual assault. The gap between ‘outrage of modesty’ (S. 354 IPC) and ‘penetrative sexual assault’ remains large. We believe that sexual crimes form a continuum, and that the graded nature of sexual assault should be recognized, based on concepts of harm, injury, humiliation and degradation, and by using the well-established categories of sexual assault, aggravated sexual assault, and sexual offences.

‘Outraging modesty of a woman’ to be replaced with ‘violation of bodily integrity: S.354 and S. 509 IPC, which contain archaic notions of ‘outrage of modesty’, ought to be repealed, and a clear gradation of offences and punishment as mentioned above should be inserted. We believe that ‘sexual assault’ should rest firmly on the concept of violation of bodily integrity and dignity.

New sexual offences to be defined: New crimes need to be formulated to punish acts of stripping, parading naked, groping, tonsuring of hair and mutilation which are intended to sexually assault, degrade or humiliate women who are so targeted. Further stalking, flashing, gesturing, blackmailing as well as sexual harassment must be codified as crimes under the rubric of sexual offences. These should include any electronic and other forms which promote rape as a game, promote electronic stalking or forced viewing of pornography, etc.. We welcome the introduction of a specific offence for acid attack.

Gender neutral sexual assault: The formulation of the crime of sexual assault as gender neutral in all circumstances, as proposed in the Criminal Law Amendment Act, makes the perpetrator/ accused also gender neutral, i.e a woman or man can be accused of sexual assault. We believe that the perpetrator has to remain gender-specific and limited to men as perpetrators, as there is no empirical evidence to support a finding to the contrary. Across the country women and transgender people are facing severe sexual violence and we strongly oppose the gender-neutrality clause in relation to perpetrators under Sec. 375 IPC. Gender neutrality of the victim: The survivor of sexual assault should be treated as gender neutral with respect to the law, even if the perpetrator is still defined as male. With respect to all forms of violence, the victims/survivors should not be described just as women, but as women and transgender people. In some cases of state and custodial violence the victims can also include men.

Marital Rape: Rape within marriage should be recognized and should be strictly penalized. The punishment for rape should be the same irrespective of whether the perpetrator is married to the victim or not.

Consent: Consent must be clearly defined as verbal agreement which can be withdrawn at any point during sexual activity. Initiation of sexual activity or sex work is not an invitation to rape or sexual assault and battery. The lack of marks on the body can not be used as evidence of consent (as in the Suryanelli case) because sedation, rape based on threats of retaliatory violence,

and rape where the perpetrator holds economic, caste, communal, custodial or state power over the survivor can all be perpetrated without leaving signs of force.

Age of consent: The age of consent should be lowered to 16 years of age.

Consent during sex work: Rape during sex work must be recognized explicitly as a sexual offence. Sex work should be legalized and regulated so that what takes place without consent can be clearly distinguished from the specific acts the sex worker is paid for and has consented to.

Inclusion of women in drafting process: Local womens' groups in India, including those of adivasi, dalit, religious minority women, transgender women, self help groups and woman panchayat representatives must be consulted in drafting laws upholding women's rights at home and in public.

#### **D. In regard to pre-trial, trial and evidence procedures.**

1. SOPs like those of Delhi police should be reviewed to ensure that they reflect a gender sensitive and meticulous approach to investigation and officially adopted by all police departments in states and UTs, and should be made publicly accessible.
2. The two finger test which is widely used during medical examination of the rape victims to determine whether they are 'habituated to sexual intercourse' or not, must be explicitly barred. Testing should be done by women doctors, and forensic tests must include DNA tests for which laboratories and a DNA database must be set up. Victims should not be subjected to lie detection tests as is done in some parts of the country, and they should be able to be accompanied by a counselor or chosen family member at all times.
3. Police personnel and all state officers who deal cases of sexual assault must undergo compulsory sensitization about handling these cases, so that they do not traumatize the survivor of assault with irrelevant and traumatic questions or statements of judgement or dismissal. Each complaint of sexual harassment and molestation must be taken seriously and failure to file an FIR must be punishable by law.
4. Women police officers should be available and visible at a women's help desk in every police precinct to take such statements and should be used instead of male officers for each step of processing a sexual assault or harassment complaint. The number of women at all levels of the police force must increase to 50% and for their retention, proper housing, women's toilet, and training facilities as well as a cell to address sexual harassment complaints within the police force must be made available. A minority of policewomen deployed to ensure safety for women prisoners are not able to be effective if they are pressured by a male majority in their workplaces.
5. Trials in rape cases should be concluded within a 90 day period, and all pending cases of rape (all India-100,000, Delhi 1000) should be dealt with by specially constituted courts with both rural and urban accessibility within 90 days. Concomitantly with this demand, bail should be

canceled for new and all the ongoing cases of sexual assault in court, so that the accused can not continue to assault others while the case is pending. Speedy resolution of cases should ensure that justice for innocently accused is not delayed.

6. Trials pertaining to sexual offences should be conducted as far as possible by women judges, and in cases of SC/ST or communal violence, by women members of the minority community. The number of judges, especially women judges, must also be increased in lower level courts and vacancies in these courts must be filled up.

7. There should be specific provisions for recording the testimony of disabled victims or witnesses. Cases involving sexual assault against disabled women often end in acquittal as their testimony is either not recorded at all, or is recorded without the help of independent interpreters.

8. Guidelines for victim and witness protection should be available for victims of violation of bodily integrity (outraging the modesty in the current law) as well as all forms of sexual assault, and bail should be canceled for cases where intimidation can be shown.

9. In trials of sexual offences, the complainant/ victim, her family members or members of women's organizations representing the complainant should ordinarily be permitted to engage a counsel of her choice to assist the prosecution. In addition free legal, medical, psychological and rehabilitative services should be made available to enable working class women to pursue legal justice.

10. Even in an in-camera trial, on the request of the complainant/ victim, her representatives should be permitted to remain present.

11. Guidelines must be laid down for the cross examination of a victim of sexual violence, particularly highlighting the changes in the CrPC sections which now do not allow character assassination or looking at past history of the victim.

12. There should be a strict code of conduct and binding jail-time punishment for officials holding public office, including ministers etc while commenting on cases pertaining to sexual assault or rape. Judges who deal with sexual assault/ rape cases should be sensitized and held accountable with legally enforceable punishments for dismissing rape cases based on violating the constitutional right of every person to a fair hearing – by disbelieving the rape of a dalit woman as in the Bhanwari Devi case, or for suggesting extra-legal remedies or marriage to the accused instead of strictly pursuing legal justice for the crime.

13. The pending cases against security forces, police and wardens of Nari Niketans and other protective homes for girls and women must be dealt with on a priority basis so that instead of inflicting further violence these institutions play their role of providing thorough investigation and appropriate support.

14. A data base of cases of sexual assault be maintained online and be publicly accessible, to track the implementation and performance of the law in each registered case, to help identify weak links. The name of the survivor must not be mentioned, but that of the accused and the neighborhood where the assault took place, and the progress on the case must be made publicly known on the internet and local information especially on habitual sex offenders must be available at each local police station.

15. Any media establishment that publishes the name or contact information of a survivor of rape should be routinely punished. There should be publicly available letter boxes and an online site where such reports can be directly sent.

### **E. In regard to punishment for rape.**

In cases of aggravated sexual assault, punishment should be for life imprisonment with no remission or parole. Sentences should run consecutively instead of concurrently in sexual crimes. WSS does not support death penalty or chemical castration as a punishment for rape. We need to evolve punishments that act as true deterrents to the very large number of men who commit these crimes. Cases of rape have a conviction rate of as low as 26% showing that perpetrators of sexual violence enjoy a high degree of impunity, including being freed of charges. Our vision of justice does not include death penalty, which is neither a deterrent nor an effective or ethical response to acts of sexual violence. We are opposed to it for the following reasons:

1. We recognise that every human being has a right to life. We refuse to deem 'legitimate' any act of violence that would give the State the right to take life in our names. Justice meted by the State cannot bypass complex socio-political questions of violence against women by punishing rapists by death. Death penalty is often used to distract attention away from the real issue – it changes nothing but becomes a tool in the hands of the State to further exert its power over its citizens. A huge set of changes are required in the system to end the widespread and daily culture of rape.

2. There is no evidence to suggest that the death penalty acts as a deterrent to rape. Available data shows that there is a low rate of conviction in rape cases and there is a strong possibility that the death penalty would lower this conviction rate even further as it is awarded only under the 'rarest of rare' circumstances. The most important factor that can act as a deterrent is the certainty of punishment, rather than the severity of its form.

3. As seen in countries like the US, men from minority communities and economically weaker sections make up a disproportionate number of death row inmates. In the context of India, a review of crimes that warrant capital punishment reveals the discriminatory way in which such laws are selectively and arbitrarily applied to disadvantaged communities, religious and ethnic minorities. This is a real and major concern, as the possibility of differential consequences for the same crime is injustice in itself.

4. The logic of awarding death penalty to rapists is based on the belief that rape is a fate worse than death. Patriarchal notions of 'honour' lead us to believe that rape is the worst thing that can happen to a woman. There is a need to strongly challenge this stereotype of the 'destroyed' woman who loses her honour and who has no place in society after she's been sexually assaulted. We believe that rape is a tool of patriarchy, an act of violence, and has nothing to do with morality, character or behaviour.

5. We also believe the law should punish rape with murder more strongly than rape without murder, so that the law does not provide an incentive for the perpetrator to kill the survivor of rape.

6. An overwhelming number of women are sexually assaulted by people known to them, and often include near or distant family, friends, husbands, workplace superiors and partners. With death penalty at stake, the 'guardians of the law' and the perpetrators will make sure that no complaints against them get registered and they will go to any length to make sure that justice does not see the light of day. Who will be able to face the psychological and social consequences of having reported against their own relatives when the penalty is death?

7. In cases of sexual assault where the perpetrator is in a position of power (such as in cases of custodial rape or marital rape or caste and religion violence), conviction is notoriously difficult. The death, penalty, for reasons that have already been mentioned, would make conviction next to impossible.

#### **F. In regard to the urgent need for making workplaces and homes of women safer**

1. The Committees against Sexual Harassment which are to be constituted in various state and private establishments as per the Vishakha judgment, should be constituted with priority and urgency and renewal of workplace licences to employ workers should be made contingent on this. The said Committees should function independently and effectively, and create an atmosphere of no tolerance to sexual harassment. Section 16 of the proposed amendment to the sexual harassment bill which punishes a woman for a so-called false complaint must be scrapped. This would go a long way in ensuring dignity and empowering women at their workplace.

2. It is a common observation that the Domestic Violence Act is poorly implemented in most States with government servants being given additional charge of Protection Officer, lack of proper Shelter Homes for women victims of domestic violence, abuse within those shelter homes and on the streets for those rendered homeless by domestic violence, and poor understanding of judicial officers of the powers of civil injunctions and specific reliefs available to them

3. Women employees working in night and early morning shifts should be

provided safe public transport facilities by the employer, and both public and private forms of transport must be effectively regulated and monitored for safety by the government. The routes from public transport sites to housing areas must be well-lit and tinted window vehicles should be strictly monitored.

4. There should be an expansion of the public transport system and the government should bring a public-transport-for-women-on-demand facility for any neighborhood with a number of working women coping without public transport, including dispersed adivasi settlements and urban slums, functioning in the same manner of response to demand as anganwadi-on-demand. Strict implementation of women's general compartment in all trains and women's seats in all inter-city buses is necessary.

5. The number of affordable working-women's hostels to ensure safe accommodation for single working women must be increased. All out-station girl students studying in colleges must be provided cheap and safe accommodation by their respective institutions.

6. Due to its impact on physical and mental health and a high degree of mortality, rape is also a public health issue. The public health workforce (ASHA and ANM workers) need to be trained in sensitizing at the family and community level in destigmatizing rape-survivors, enabling them to file FIRs and access legal provisions, providing medical care and counseling, and encouraging women to speak out and seek justice. All public hospitals must be equipped to immediately file an FIR and conduct a preliminary medical exam on behalf of patients who have survived rape. For this the budget allocation of the government to the women and child, health and public transport departments must be accordingly increased by the next Budget.

7. Effective women helpline and other emergency services should be provided around the clock and should be well advertised by video and audio messages in rural and urban areas. Emergency telephones to this helpline must also be available at all bus and train stations. Calls should be addressed by specially trained staff and automatically recorded for later review, and the staff should be able to dispatch immediate vehicles to assist women facing an emergency. Disciplinary action must be taken against staff for inappropriate or inadequate responses.

8. The state should take over agencies which provide women domestic workers, the conditions of service of domestic workers must be laid down and effectively implemented, and complaints of sexual violence made by them promptly redressed.

9. Institutions such as the National Human Rights Commission (NHRC), National Commission for Schedule Castes (NCSC), National Commission for Scheduled Tribes (NCST), National Commission for Minorities (NCM), National Commission for Women (NCW) and the corresponding State Commissions, created for safeguarding constitutional provisions and protection of vulnerable groups must be more proactive. They should be made to respond to all complaints lodged with them in a time-bound manner. There should be systematic and regular

review processes by independent bodies involving women's groups, put into place to audit the work of these institutions

10. The system of shelters for women should be greatly expanded, and every state-based shelter home for women, nari nicketans, remand homes, juvenile delinquent homes, shelters for disabled children, orphanages, as well as schools, prisons and areas under army patrolling or combing operations should have a schedule of inspections to probe for ongoing sexual harassment or assault by committees whose members are independent of the government. The people confined within should have the right to insist on 1 person whom they trust outside jail to accompany the team when it does these surprise checks

11. The current policy of clearing the streets of vendors, closing shops by a specific hour of night and chasing away other people who occupy public space at night makes the street more unsafe for women. This policy should be stopped as a greater presence of people and well-lit public areas at night are essential in reducing the danger to women traveling to and from work as well as homeless women. Women should be given priority in being given vendor licenses and employment in public transport.

12. Women should not be forced to comply with gender specific dress codes and women employees should be able to choose their dress code. .

### **G. In regard to Discouraging Patriarchal Culture.**

1. All those persons against whom charge sheets have been filed for rape cases must be tried and either cleared of those charges, or sentenced and barred from contesting elections for public bodies by the Election Commission.

2. Advertisements, movies and public materials that condone, trivialize or misrepresent violence against women and sexual harassment should be banned.

3. Women have been carrying out powerful movements against liquor which is found to be connected to increase in domestic violence and incidents of sexual assault. The demands made by women in their local areas must be responded to by local authorities, rather than being suppressed by the liquor mafia.

4. The sale of acid, guns and other dangerous substances used to intimidate women must be strictly regulated.

5. Restrictions on movements and intimidation of women's groups and democratic rights groups, while conducting fact-findings of incidents of sexual and other forms violence in conflict areas, have to stop. Repression, labelling and intimidation of women activists and human rights defenders must end.

6. Mass visible and audio messages on what constitutes sexual offenses and what are the remedies and punishment for the same, should be displayed in all public vehicles and public places such as markets, bus stands, train stations, etc. These areas should be accessible by people with disabilities to reduce their vulnerability due to being confined at homes or shelters.

7. School curricula should include basic information on how stalking, harassment, and touching another person without consent constitute unacceptable and illegal behavior, and the government should set up a training module for at least 2 staff members from each school to help children to report cases of domestic sexual assault. Caste, communal, gender identity and disability based discrimination against dalit, adivasi, religious minorities, gender and sexuality minorities, people with disabilities, homeless and working class people, etc. should be clearly and unequivocally taught to be unacceptable. This will greatly decrease their vulnerability to sexual assault.

8. All departments that deal with disability pension administration should have a clearly marked desk where people can go to report sexual harassment and assault. They as well as police stations should carry information for complaints procedure and all awareness material in accessible formats to cater to people with disabilities (Braille, audio, audio-video with same language sub-titling, large print, easy to read and pictorial guidance and availability of sign language interpreters). The inaccessibility of police stations and their present lack of capacity to interpret complaints from women with disabilities must be addressed in the long run.

## **H. In regard to sexual assault of transgender persons**

1. The chosen gender of a transgender or intersex person should be respected during trial. Transgender people are often punitively raped for crossing the boundaries of assigned gender and the rape trauma is compounded by their bodies and minds being handled in ways to remind them of their assigned gender. The trial should not further increase that aspect of the trauma.

2. Acts like the Karnataka Police Act and the Hyderabad Eunuch Act that place the entire transgender community under suspicion and demand their routine reporting to the police act as a vehicle for police harassment and sexual violence against transgender women. These should be immediately repealed.

3. Transgender people must be handled by women police officers and not male police officers. The rules about arresting and detaining women at night should strictly apply to transgender people and sex workers.