

Report on Legal Roundtables

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Red Dot Foundation (Safecity) and SheThePeople TV organised a series of five Legal Roundtables in Mumbai, Delhi, and Pune.

The Legal Roundtables are a mix of a panel discussion and an open floor conversation between the audience and the panel around different sub areas of sexual violence and the laws. It is a part of Safecity's efforts to create legal awareness amongst the youth. As a supplement to the Roundtables, we have put together a legal toolkit that explains sexual violence related laws in a simple and easy to understand manner.

Objectives:

- To create a dialogue on sexual violence and the law amongst youth in different cities;
- To serve as a platform for disseminating pertinent legal information regarding sexual violence;
- To work towards building crowdsourced solutions to gaps in laws and policies related to sexual violence;
- To identify institutional and policy structures required to back these laws for their realistic implementation.

Total attendees: approximately 500 students

Legal Roundtable: Sexual violence at College Campuses and the Law

Venue: Lala Lajpat Rai College, Mumbai

Date: 24th July, 2017

Moderator: Vandita Morarka, Policy, Legal and United Nations Liaison Officer, Safecity

Panelists:

- Devyani Kacker, Lawyer, Thomson Reuters
- Saumya Dadoo, student at SOAS and organiser of the #IWillGoOut movement

This roundtable discussion started with a student interaction and had such interactions interspersed throughout. Ms. Kacker explained the law in detail, with practical solutions on accessing the law and getting it implemented, while Saumya used case study based examples of how young people can make a difference and bring about change with regard to sexual violence in their communities. The fact that a separate law exists regarding sexual harassment at educational institutions was not well known amongst the students.

Key recommendations and discussions:

1. The use of social media for amplifying youth voices, even when it comes to issues of sexual violence and actions by authorities on these issues.
2. Peer support and sharing as key in educational institutions for tackling sexual violence. There was a focus on the need for building safe community spaces on campuses that can provide support and that can direct persons to the correct legal and medical resource persons. These spaces could also serve as the starting point for conversations around consent, dating, and sex.
3. The need to dismantle the existing rape culture of victim blaming was looked at.
4. The gaps in law were highlighted. The Indian Penal Code and workplace sexual harassment laws are not gender neutral, these laws only protect women against sexual violence. At the same time, the UGC, which is an independent semi-autonomous body, has created legislation that protects persons of all genders against sexual violence. While UGC internal committees have been set up in colleges, if the committee doesn't do anything about a complaint, persons other than women cannot follow up on the complaint under the formal judicial system.
5. Anonymous student groups were suggested to act as peer support groups for survivors of sexual violence. Students could be given training from a professional counsellor so that they could provide adequate and correct support, through a helpline or otherwise. Such groups could also undertake information dissemination by way of pamphlets or posters on campus.
6. Building awareness about the law and policies, regarding sexual violence, both in the offline and online space, was highlighted as an important area for students. Knowledge was focused on as a key player towards empowering young adults to speak up and act against sexual violence.
7. Ways to deal with institutionalized rape culture were discussed and the need for collective action to address this issue was looked at, another way was to make taking action against such behaviour a 'cool thing' to get more support.
8. Students discussed how fewer women out in public spaces made them feel more unsafe, as a response to that, key solutions were that of going out more and occupying more space in public to ensure that all persons can have equitable access to public spaces.

9. Bystander intervention was focused upon. The need for training of persons to be active bystanders and knowledge building amongst students so that they can take direct action or approach the right bodies for action was seen as imperative for addressing sexual violence.
10. Information regarding rights and the law relating to sexual harassment must be displayed prominently and regular trainings and sensitisation programs must be undertaken to build awareness.
11. The need for gender neutral laws regarding sexual harassment was commonly felt by all panelists and the attendees.
12. Students suggested the need for counsellors on campus, self defense classes, and for institutions to check their own sexism.
13. The need for calling out one's friends when they are being sexist or perpetuating rape culture was discussed. Alongwith, carrying forward these conversations with others outside this space was also looked at.
14. Students spoke of how patriarchal conditioning and the garb of 'culture' raises people who believe in the superiority of one gender, to break free from this conditioning, continuous and active learning is required.
15. Common consensus on the need for young people to not only have a voice and speak up but for them to also have a seat at the table and a say in decision and policy making processes and outcomes.

Feedback from attendees

The baseline survey indicated a low self reported understanding of the issue of sexual violence, related laws, and their individual rights against sexual violence.

- 100% attendees found the roundtable informative.
- 88.2% reported that their understanding of sexual violence has improved after attending the roundtable.
- 88.2% reported that their understanding of sexual violence related laws has improved after attending the roundtable.
- 97.1% reported that they have understood their rights in relation to campus sexual violence.

Legal Roundtable: Sexual violence in the Public Space and the Law

Venue: Shivaji College, Delhi

Date: 24th August, 2017

Moderator: Rahat Sharma, Lawyer and volunteer with Safecity

Panelists:

- Manu Yadav, Advocate at Supreme court of India
- Ritu Priya, Program Manager, Hanns Seidel Foundation
- Rachel Bali, Founder, Krantikali, and lead organiser of the #IWillGoOut movement

This roundtable looked at understanding how sexual violence occurs in the public space and how laws and other tools can be used to effectively address it. The dialogue covered sexual violence in workplaces, cyberspaces, educational spaces, with a focus on public spaces. It also looked at an expanded understanding of related laws and legal procedures for obtaining justice. The panel also examined the role of different stakeholders: parents, educators, youth, state, and so on, in tackling such violence.

Key recommendations and discussions:

1. The wide array of legal tools and remedies now available to survivors of sexual violence, as compared to earlier years, was examined, as was their effectiveness. However, it was also mentioned that the Indian Penal Code doesn't recognise any distinctions of sexual violence laws in private and public spaces. Moreover, the majority of laws regarding sexual harassment at workplaces have civil consequences, rather than criminal ones. Majority of these laws also only protect women against sexual violence.
2. The role of youth was seen as highly important. Ms. Bali discussed the Pinjatod movement in the Delhi University area and beyond, which mobilises students to fight for equal right to public spaces and independence as adults. She also mentioned the fact that the #IWillGoOut movement is a youth driven movement, with majority of the participants being under 30 years of age.
3. Ms. Priya reflected upon the importance of parents understanding that schools are not always entirely safe spaces and that they take more positive action for the safety of their children. The need for institutions to talk about violence, gender, sex, as part of the regular curriculum and not just as part of special education classes was looked at.
4. Ms. Priya also informed the audience about the UGC report formulated after the December 2012 Delhi gangrape case, of which poor awareness of issues of gender sensitization was a major concern. The need for awareness building and addressing the information asymmetry with regard to sexual violence was seen as extremely important.
5. The importance of social media for discussing and mainstreaming issues of gender and gender equity were discussed. Ms. Bali gave the example of YouTube channels like AIB and Girliyappa, as youth led mediums for disseminating gender equality related information in a fun, easy to consume manner.
6. Training of staff and teachers, checking curriculum and practices for sexism and gender biases, and building safe spaces on campuses was seen as an important way of tackling sexual harassment and the institutionalised rape culture that educational institutions have, through practise, policy, or language.

7. There was also a focus on the need to address verbal and cyberspace abuse with adequate importance, as physical abuse is addresses.
8. Discussions also looked at violence between partners and what legal remedies are available.
9. Case studies, anonymised where required, of all legal cases regarding sexual violence should be made public and easily accessible, to improve understanding of one's rights and the law.
10. Students also looked at questions around revenge porn and delays in access to justice.
11. The idea of allyship to feminism, to build support for gender equality amongst wider factions, was discussed.

Feedback from attendees

The baseline survey indicated a higher self reported understanding of the issue of sexual violence, and a mixed understanding amongst the group of related laws, and their individual rights against sexual violence.

- 100% attendees found the roundtable informative.
- 95.7% reported that their understanding of sexual violence has improved after attending the roundtable.
- 89.9% reported that their understanding of sexual violence related laws has improved after attending the roundtable.
- 92% reported that they have understood their rights in relation to campus sexual violence.

Legal Roundtable: Sexual violence in the Cyberspace and the Law

Venue: Indian Institute of Science Education and Research (IISER Pune)

Date: 15th September 2017

Moderator: Tania Fernandes, Head of Training and Youth Engagement, Safecity, Pune.

Panelists:

- Dr. Sapna Deol, Founder/Owner, Legal Research and ICT Services
- Sneha Goale, Professor, Savitribai Phule University
- Anjana Goswami, Social Activist, Equal Community Foundation

The conversation opened around the need for awareness amongst citizens regarding the changing nature of technology, especially social media, and the need to take measures to protect themselves and their identities online. Another starting train was the need for educational institutions and workplaces to create such safe spaces to facilitate such dialogue and provide protection where required. Panelists shared real life experiences and stories to create a better understanding of the issue at hand. The attendees were given a detailed legal understanding on how they can tackle sexual violence in the cyberspace and on what preventive measures they can adopt to tackle it in their lives and in the institutions that they are a part of.

Key recommendations and discussions:

Dr. Sapna mentioned the 5 p's: prevention i.e. prevent such crimes from happening by changing the perspectives of boys and men, protect the potential victims, prosecute the perpetrator and investigate, punish the perpetrators, and provide remedies to the victims. Here we look at some key solutions and recommendations that emerged as a result of the roundtable:

1. Critical thinking emerged as an important factor for understanding the root cause of several issues.
2. A focus on the need to work with men and boys towards addressing the issue of sexual violence and the normalisation of rape culture through everyday practices and language and the systemic power structures at play behind sexual violence.
3. Need to rethink our legal structures was felt, so that they are more responsive to the changing needs of the digital space and personal safety.
4. An increased need for bystander intervention and an understanding of the correct way to practise it amongst citizens was strongly felt.
5. Positive use of social media, especially by NGOs to create awareness and shift perceptions was looked at, its effect on promoting gender equality and ways of tackling issues of sexual harassment were examined. Additionally, use of social media as a tool for information dissemination was looked at.
6. Urgent need for creating environments that are safe and judgement free, across institutions was looked at. Sexual harassment prevention trainings and other awareness and education methods were seen as key towards this.
7. Institutions perpetuation of rape culture, especially in subtle ways, was examined. For example, the use of sexist language and phrases like, 'boys will be boys' or having dress codes that are applicable only to women, normalise sexual harassment and victim blaming. The thought processes that restrict interaction between genders was also seen as a big factor that adds to the creation of a culture where the response to incidents of sexual violence is, 'We told her/the

woman to stay away from men.’ Need for awareness building and sensitisation through trainings was focused upon.

8. Ms. Goswami made a key point regarding the emerging nature of cyberspace as a public space. She looked at the need for privacy in the digital space, while not forgetting the positive impacts of digitisation.
9. The panelists concurred on the idea that there is only so much social media companies can do without active adherence by users.

Feedback from attendees

The baseline survey indicated a low self reported understanding of the issue of sexual violence, related laws, and their individual rights against sexual violence.

- 100% attendees found the roundtable informative.
- 96% reported that their understanding of sexual violence has improved after attending the roundtable.
- 84% reported that their understanding of sexual violence related laws has improved after attending the roundtable.
- 96% reported that they have understood their rights in relation to campus sexual violence.

Legal Roundtable: Sexual harassment at the Workplace and the Law

Venue: Government Law College, Mumbai

Date: 28 September 2017

Moderator: Professor Kishu Daswani, Government Law College, Mumbai.

Panelists:

- Ashwini Syed, Head of HR and Operations, Safecity
- Pooja Shah, Professor of Art and Humanities and JNU academic
- Advocate Nausheen Yousuf, women's rights activist at Majlis

The discussion centered around sexual harassment at the workplace, and the legal remedies available for redressal. The panelists began by breaking down the law, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The panel explored the law and its loopholes. A discussion followed, about the idea of a gender-specific law, and the concept of consent - especially in light of two recent judgments by the Indian courts in the Peepli and Jindal rape cases. The panel recognised that a discussion on sexuality, sexism, and gender based violence must take place in the context of academic institutions, internship and workplace environment, and Indian society. Since this event was organised at a law school, the panel also focused on how a lawyer might advise clients in cases of sexual violence.

The panel took the discussion beyond its mandate of informing students about the law, and called for everyone to be alert to instances of sexual violence, and to be active bystanders. There was a focus on the need to address casual sexism and create safe spaces to address sexual violence at the larger level. Empathy and emotional support were also looked at as an important part of the rehabilitation process, as legal recourse. A common thread ran through the entire discussion -- that wherever she is, in whatever environment, it is important to speak up.

Key recommendations and discussions:

1. The need to get expert advice was looked at. Before taking action, asking the client to speak with a counselor to identify and confirm whether what she faced was sexual harassment legally, was stressed upon.
2. Use of social media to have discussions about sexism and share experiences of harassment was seen as a tool to create awareness and to build a culture that allows for people to speak up and share freely.
3. More workshops in corporates to create awareness, especially amongst male co-workers.
4. All academic institutions to constitute an ICC.
5. Sensitisation of police officers and law enforcement officials, along with training to deal with such cases.
6. The need for people to take ownership and not be afraid to be a part of a movement was focused upon.
7. The need to develop listening skills and observation of body language of another person were seen as important. This was marked as especially useful for those on ICC panels, to identify the reality of the case.

8. There was a focus on the fact that there are confidentiality clauses in the POSH Act, which allow for concealment of identity of the accused, in cases of false reporting or misrepresentations.
9. A centralised computer system for ICC cases for better coordination and management of cases was suggested.

Feedback from attendees

The baseline survey indicated a higher self reported understanding of the issue of sexual violence, and a mixed understanding amongst the group of related laws, and their individual rights against sexual violence.

- 100% attendees found the roundtable informative.
- 98.1% reported that their understanding of sexual violence has improved after attending the roundtable.
- 88.9% reported that their understanding of sexual violence related laws has improved after attending the roundtable.
- 92.6% reported that they have understood their rights in relation to campus sexual violence.

Legal Roundtable: Child sex abuse and the Law

Venue: Indira Gandhi Institute of Physical Education and Sports Sciences

Date: 29th September 2017

Moderator: Rahat Sharma, Lawyer and volunteer at Safecity

Panelists:

- Namrata Mukherjee, Research Fellow, Vidhi Centre for Legal Policy
- Ritu Priya, Program Manager, Hanns Seidel Foundation.
- Japleen Pasricha, Founder & Editor-in-Chief, Feminism in India

The conversations centred around building an understanding of the vast ambit of the POCSO Act and how it can be used effectively towards justice, along with its gender neutrality and the impact that has on ensuring access to justice. Additionally, discussions looked at the need for preventive and protective measures beyond the law, changes needed in the law, agency of children, and the immense requirement for awareness building and cultural, structural changes.

Key recommendations and discussions:

1. Pertinent dialogue on the need to improve the system that implements the law and not just the law.
2. Need for sensitisation of police officers, medical professionals, judiciary and judicial officers, as well as creation of safe spaces and child friendly infrastructure for children who have faced sexual abuse at these contact points to ensure they do not go through any further distress.
3. Need for building a culture where the agency of the child is recognised and accepted.
4. The issue of mandatory reporting under POCSO takes away the agency of the child to decide the course of action and can prove counter effective in several cases. For e.g., as Namrata points out, “Let’s look at a situation where say a 17 year old girl has consensual sex with a man, gets pregnant and decides to go to a hospital to get an abortion, in such a situation the staff of the hospital , doctors etc. will have to mandatorily report this to the police. As in the eyes of the law consent does not matter and she was still raped. So mandatory report has limitations especially for the child. The law does not give sexual agency to the children.” More nuance is needed in such law for it to be effective.
5. The law and guidelines do not account for preventive and protective measures, they only kick in once the crime has been committed. This is where educational institutions and not for profits can play a role. They can help create awareness and education around child safety and security, and provide legal counselling support.
6. There is a need for comprehensive preventive guidelines, issued by the government, that are mandated across organisations, to ensure safety of children. These can and should include hiring practices at institutions where children are engaged, security measures, awareness building activities amongst children and so on.
7. The need for comprehensive sex and sexuality education was looked at as a preventive measure as well as the importance of teaching consent and breaking down everyday sexist practices that promote rape culture were discussed, with special reference to educational institutions.
8. Need for conversations with and training of parents and teachers was seen as a key preventive measure.

9. The issue of online sexual abuse of children was looked at, the need for informing oneself of the laws and preventive measures for our children was seen. Conversations with children on the safe use of internet was also seen as a preventive measure.
10. There is a need to improve the system and not just the law, the system needs to be made more gender just and responsive.

Feedback from attendees

The baseline survey indicated a higher self-reported understanding of the issue of sexual violence, and a mixed understanding amongst the group of related laws, and their individual rights against sexual violence.

- 78% attendees found the roundtable informative.
- 70% reported that their understanding of sexual violence has improved after attending the roundtable.
- 58% reported that their understanding of sexual violence related laws has improved after attending the roundtable while 20% were undecided.
- 58% reported that they have understood their rights in relation to campus sexual violence.

Overall feedback:

- An average of 95.6% attendees found their respective roundtable.
- An average of 89.6% reported that their understanding of sexual violence has improved after attending their respective roundtable.
- An average of 81.8% reported that their understanding of sexual violence related laws has improved after attending their respective roundtable.
- An average of 87.14% reported that they have understood their rights in relation to the sexual violence laws discussed specifically at their roundtable.

Learnings:

- We need to account for gendered differentiation in responses with reference to the feedback and evaluation from attendees.
- The response to the roundtables was tremendous and it makes us realise that we need to host these roundtables in languages other than English as well.

Conclusions and recommendations:

1. A strong need is felt across colleges, age groups, and communities, for the need for structured and mandatory sensitisation training. The need for addressing such training towards parents, students, teachers, medical professionals, judiciary, police personnel, lawyers, and the entire society is felt. There are nuanced differences in the kind of training and delivery methods required though.
2. A focus on the need to work with men and boys towards addressing the issue of sexual violence and the normalisation of rape culture through everyday practices and language and the systemic power structures at play behind sexual violence is needed.
3. Empowerment through information about laws and rights is a key preventive way of addressing sexual violence.
4. The need for involving more young people in dialogue and in decision making roles regarding solutions concerning sexual violence is necessary.
5. Changes in laws that address sexual violence are needed, especially to ensure that they keep up with the fast changing pace of technology and communication and it is imperative that the laws concerning sexual violence are made gender neutral.
6. Comprehensive government issued guidelines for preventive measures with regard to sexual violence across institutions are required, these need to focus on more than just redressal and awareness, and look at ways of empowering participants towards breaking down the existing rape culture.
7. Bystander intervention is imperative. All people need to be trained to be active bystanders and knowledge building amongst students so that they can take direct action or approach the right bodies for action is necessary for addressing sexual violence.
8. Social media is a massive tool that can be used for discussing and mainstreaming issues of gender and gender equity, in a fun, easy to consume manner.
9. Mandatory comprehensive sexuality education across educational institutions, delivered by specially trained professionals, beyond just abstinence and body physiology, is required.
10. Formal and informal trained support groups for survivors of sexual violence of any form at educational institutions and workplaces should be encouraged by the governing authorities.