

# Violence against Women

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## **Definition of Violence against Women:**

Article 1 of the UN Declaration on the Elimination of Violence against Women, proclaimed by the UN General Assembly in its resolution 48/104 of 20 December 1993, defines the term “violence against women” as: “Any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Three contexts of violence are differentiated in Article 2: Family, community and state. The forms shall be understood to encompass, but not be limited to, the following:

a) Physical, sexual and psychological violence occurring in the family: wife-battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.

b) Physical, sexual and psychological violence occurring within the general community: rape, sexual abuse, sexual harassment and intimidation at work and education institutions, trafficking in women and forced prostitution.

c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. The various forms of violence listed in Article 2, while not exhaustive, demonstrate that much violence against women stems from unequal power relations, society’s insistence on controlling women’s sexuality, and the importance of women in protecting family “honour.” Importantly, Article 3 of the Declaration affirms women’s equal right to the enjoyment of a variety of rights, including the right to be free from torture and other cruel, inhuman or degrading treatment.

## **1. Violence against women in the family**

The most common form of violence is the violence against women in the private sphere. Already before birth where son preference is current: sex-selective abortion and female infanticide take place. During childhood devaluation of girls, which results in practices such as enforced malnutrition, unequal access to medical care, incest, the sale of children by their parents for prostitution or bonded labour, female genital mutilation, early childhood marriage and other harmful traditional practices are common. Then throughout their adult lives, women suffer from physical or psychological violence: marital rape, battering, domestic murder, dowry and bride-price related violence, sati and honour killings. Older women may become victims of violence at the hands of family because of their age. In some countries old widows are chased away from the society as witches. Although the distinct social, cultural and political contexts in which violence in the family exists give rise to different forms, its prevalence and pattern are remarkably consistent, spanning national and socio-economic borders and cultural identities. It frequently stems from the same root, their subordinate status and their subjugation as

women. Violence happening in the domestic sphere is unfortunately often not treated by the authorities as a serious crime but as a private matter.

### **Dowry death**

Killing a woman whose family fails to pay full dowry (some countries in Asia)

### **Dry sex**

Inserting herbs into women's vagina to keep it dry. Repeated sexual relation in this condition can cause pain and laceration (e. g. Southern Africa).

### **Early and childhood marriage**

The marriage of children and adolescents below the age of 18, which can lead to poverty, health problems (fistula), early pregnancy and vulnerability to violence (e. g. Middle East and some African countries)

### **Forced marriage**

Any situation, in which women and girls are coerced, enticed, induced or tricked into marriage. Forced marriages are sometimes used to justify the sexual exploitation of children, especially young girls (e. g. Ethiopia, Turkey).

### **Female Genital Mutilation**

Female genital mutilation (FGM), often referred to as 'female circumcision', comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs whether for cultural, religious or other non-therapeutic reasons. There are different types of female genital mutilation known to be authorized today. They include:

- Type I – excision of the prepuce, with or without excision of part or the entire clitoris;
- Type II – excision of the clitoris with partial or total excision of the labia minora;
- Type III – excision of part or all of the external genitalia and stitching/narrowing of the vaginal opening;
- Type IV – Infibulations: this is the removal of the clitoral hood, the clitoris, the labia minora, the labia majora and the stitching together of the two sides of the vulva, leaving a very small hole to permit the flow of urine and menstrual blood. The most common type of female genital mutilation is excision of the clitoris and the labia minora, accounting for up to 80% of all cases; the most extreme form is infibulations, which constitutes about 15% of all procedures.
- Type V – Unclassified types of FGM: includes pricking, piercing or incision of clitoris and/or labia; stretching of clitoris and/or labia; auterization by burning of clitoris and surrounding tissues; scraping (angurya cuts) of the vaginal orifice or cutting (gishiri cuts) of the vagina; introduction of corrosive substances into the vagina to cause bleeding or herbs into the vagina with the aim of tightening or narrowing the vagina; any other procedures which fall under the definition of FGM given above (28 countries in Africa, Indonesia, Malaysia, communities in Sri Lanka, some

countries in the Middle East, some communities in Europe, USA, Canada, Australia, New Zealand etc.).

### **Female infanticide**

Female infanticide is the killing of a girl child within weeks of her birth (e.g. China, India & Bangladesh).

### **Forced labour including prostitution**

The term “forced or compulsory labour” means all work or service which is exacted from any person under the menace of any penalty. Forced labour is a means of political coercion or education or a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; it is a method of mobilising and using labour for purposes of economic development, and a means of racial, social, national or religious discrimination. Prostitution is the commercial sexual exploitation of human beings. It is mostly the exploitation of women and girls and is a fundamental violation of human rights. It constitutes a particular form of forced labour, coercion, violence and contemporary form of slavery (worldwide).

### **Incest**

Incest, sexual abuse occurring within the family, although most often perpetrated by a father, stepfather, grandfather, uncle, brother or other male in a position of family trust, may also come from a female relative. As with sexual abuse, incest is accomplished by physical force or by coercion. Incest takes on the added psychological dimension of betrayal by a family member who is supposed to care for and protect the child (world wide).

### **Marital rape**

Marital rape is any unwanted sexual acts by a spouse or ex-spouse, committed without consent and/or against a person’s will, obtained by force, or threat of force, intimidation, or when a person is unable to consent. These sexual acts include intercourse, anal or oral sex, forced sexual behaviour with other individuals, and other sexual activities that are considered by the victim as degrading, humiliating, painful, and unwanted (world wide). While the legal definition varies within the United States, marital rape can be defined as any unwanted intercourse or penetration (vaginal, anal, or oral) obtained by force, threat of force, or when the wife is unable to consent ( Bergen, 1996 ; Pagelow, 1992 ; Russell, 1990 ). Most studies of marital rape have included couples who are legally married, separated, divorced or cohabiting with the understanding that the dynamics of sexual violence in a long-term cohabiting relationship are similar to those of a married couple (Mahoney & Williams, 1998 ). For this reason, this document will include women who are raped by their current marital partners, previous marital partners, and cohabiters as survivors of marital rape. Diana Russell's (1990 ) landmark study of sexual assault that involved interviews with 930 women in a randomly selected representative community sample in San Francisco established that marital rape is a serious problem that millions of women face each year. Researchers estimate that between 10% and 14% of married women experience rape in marriage (Finkelhor & Yllo, 1985 ; Russell, 1990 ). When researchers have examined the prevalence of different types of rape, they have found that marital rape accounts for approximately 25% of all rapes

(Randall & Haskell, 1995 ; Resnick, Kilpatrick, Walsh, & Vernon, 1991 ). Rape in marriage is an extremely prevalent form of sexual violence, particularly when we consider that women who are involved in physically abusive relationships may be especially vulnerable to rape by their partners. Studies using clinical samples of battered women reveal that between one third and one half of battered women are raped by their partners at least once ( Bergen, 1996 ; Browne, 1993 ; Campbell, 1989 ). "The husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract, the wife hath given herself in kind unto the husband whom she cannot retract" (quoted in Russell, 1990 , p.17). This established the notion that once married; a woman does not have the right to refuse sex with her husband. This rationale remained largely unchallenged until the 1970's when some members of the women's movement argued for the elimination of the spousal exemption because it failed to provide equal protection from rape to all women (Bidwell & White, 1986 ; Finkelhor & Yllo, 1985 ). Effects of marital rape:

- The physical effects of marital rape may include injuries to the vaginal and anal areas, lacerations, soreness, bruising, torn muscles, fatigue and vomiting (Adams, 1993 ; Bergen, 1996 ). Women who have been battered and raped by their husbands may suffer other physical consequences including broken bones, black eyes, bloody noses, and knife wounds that occur during the sexual violence. Campbell and Alford (1989 ) report that one half of the marital rape survivors in their sample were kicked, hit or burned during sex. Specific gynecological consequences of marital rape include vaginal stretching, miscarriages, stillbirths, bladder infections, infertility and the potential contraction of sexually transmitted diseases including HIV (Campbell & Alford, 1989).
- Some of the short-term effects of marital rape include anxiety, shock, intense fear, depression, suicidal ideation, and post-traumatic stress disorder ( Bergen, 1996 ; Kilpatrick et al., 1988 ; Russell, 1990 ).
- Long-term effects often include disordered eating, sleep problems, depression, problems establishing trusting relationships, and increased negative feelings about themselves (Bergen, 1996 ; Frieze, 1983 ). Research has also indicated that the psychological effects are likely to be long lasting-some marital rape survivors report flash-backs, sexual dysfunction, and emotional pain for years after the violence (Bergen, 1996 ; Whatley, 1993 ).
- Types of Marital rape:
  - Marital rape occurs in all types of marriages regardless of age, social class, race or ethnicity.
  - In "battering rapes," women experience both physical and sexual violence in the relationship (Finkelhor & Yllo, 1985 ).
  - Other women experience what has been labeled "sadistic" or "obsessive" rape; these assaults involve torture and/or "perverse" sexual acts and are often physically violent. Pornography is frequently involved with sadistic forms of rape (Bergen, 1996 ; Finkelhor & Yllo, 1985 ).
  - Husbands often rape their wives when they are asleep, or use coercion, verbal threats, physical violence, or weapons to force their wives to have sex.

## **Laws against marital rape:**

- Social beliefs are only reinforced by the lacunae in the law. As of now, Indian law contains no provisions for helping abused wives and penalising guilty husbands. Women have no legal recourse. What is worse, women are not even aware that they don't have to meekly give in to their husband's demands.
- According to section 375 of the Indian Penal Code, "sexual intercourse by a man with his own wife, not being under 15 years of age, is not rape." On the other hand, the Criminal Procedure Code states that 'it is rape if the girl is not the wife of the man involved and is below 16!' Which means that if the girl is not the wife of the man involved and is below 16, it is rape even if she consents? Whereas if she is a wife and above 15 years of age, it is not rape even if she does not consent.
- A woman who has been raped by her husband cannot count on the legal system coming to her aid. Not only are there no laws to protect her interests, the large number of loopholes make it difficult for her to seek protection under the law. These include:
  - A. Though protection of the dignity of women is a fundamental duty under the Constitution, domestic violence and rape do not come under the definition of dignity.
  - B. A husband cannot be prosecuted for raping his wife because consent to matrimony presupposes consent to sexual intercourse.
  - C. Though women's rights advocates secured a legal clause in 1983 under which it is unlawful for a man to have sexual intercourse with his separated wife, pending divorce, the courts are reluctant to sentence husbands in spite of the law.
  - D. Rape laws are covered under Sections 375 and 376 of the Indian Penal Code. There is no concept of marital rape.

## **Naka**

Naka is forcing women to marry several times for the family to get money or property (e. g. India).

## **Son preference**

Son preference is a worldwide phenomenon although the degree and the manifestation vary. It is a form of discrimination that in some cultures takes a violent form such as the practice of prenatal sex selection leading to feticide of girls, the lack of access of girls to food, education and health care (e. g. Asia).

## **Wife Inheritance**

A brother in law or a cousin in law inherits a widow (many countries in Africa, Asia and Middle East).

## **Woman Battering**

A "battered woman" is a woman who is beaten by her husband or partner. The batterer systematically uses physical violence, economic subordination, threats, isolation, and a variety of other behavioural controlling tactics to ensure she does what he wants her to do (Worldwide).

## **2. Violence against women in the community**

### **Abduction**

Kidnapping girls by force from their family in order to violate abuse and forcefully marry (e.g. Ethiopia).

### **At work place**

Sexual harassment is behaviour of sexual nature unwelcome to the one to whom it is addressed, which has become a condition of work and which creates a climate of hostility, humiliation or intimidation. It may assume the form of physical contacts, remarks and jokes with a sexual connotation, unwelcome invitations, and exhibitions of pornographic material of physical aggression (Worldwide).

### **Caste based violence**

Caste based violence is situation where women are raped exploited because of their gender and caste (e.g. Asia, Africa).

### **Devadasi, Deuki and Devaki**

Girls offered to temple to provide full services including forced prostitution (e.g. India, Nepal).

### **Forced dress code**

Women forced to cover themselves or their head not to tempt men by showing their face or parts of their body (e.g. parts of Africa, Middle East, Asia, among some communities in the western world).

### **Forced feeding**

Young girls are fed by force to gain weight and appear fat and obese for marrying a husband who considers this as beauty. The health consequences are multiple including hypertension malformation of the bones, diabetic etc. (e. g. Mauritania, Niger and Mali)

### **Honour killing**

The killing or mutilation of a woman when she allegedly steps outside of her socially prescribed role, especially but not only, with regard to her sexuality and to her interaction with men outside her family (e.g. Africa, Asia, Latin America, Middle East, some communities in Europe).

### **Lip plates**

Women wearing huge plates of clay for protection and marriage ability. In some cases the hole is so big that it can pass through the head of the woman (e.g. Eastern Africa).

## **Neck imprisoned in rings**

The neck muscle is not allowed to develop as it is imprisoned by metal ring. Angry husband just needs to break the ring to let the head drop and the woman can die (e.g. Western and Southern Africa, Asia).

## **Polygamy**

A man marrying more than one wife or temporary wives leading to insecurity of women and facilitating the spread of HIV/AIDS. It is illegal in most countries but still persists.

## **Rape**

Rape is the sexual penetration, however slight of any part of the body of the victim with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. The invasion is committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or committed against a person incapable of giving genuine consent (if affected by natural induced or age related incapacity). (World wide)

## **Sexual violence**

Sexual violence is an overarching term used to describe any violence, physical or psychological, carried out through sexual means or by targeting sexuality. Sexual violence includes rape and attempted rape, and such acts as forcing a person to strip naked in public, forcing two victims to perform sexual acts on one another or harm one another in a sexual manner, mutilating a person's genitals or a woman's breasts, and sexual slavery (Worldwide).

## **Sati**

It is a bereaved widow burnt on her husband's funeral ceremony (e.g. India).

## **Trokosi**

Young girls being sacrificed to the gods, but they are not being slaughtered on the altar. They are given to fetish shrines, forced under threat of death to live as domestic and sexual slaves. Their crimes are simply being related to a family member who committed a petty offense, often generations before the girls' births (e.g. Nigeria, Togo, Ghana, Benin).

## **Virginity-testing**

In order to present a woman as a virgin on her marriage day, she is subjected to pressure, and put under control both by her family and societal norms. However, a man is free and never made to suffer any of the above. A woman found to be a virgin on her first night of marriage is seen as a respectable person while one suspected to have lost her virginity is shamed and rejected. Sometimes she is forced to go back to her own family (e. g. Middle East, East Africa).

## **Women trafficking**

Trafficking in women and girls means the recruitment, transportation, transfer, harbouring and receipt of persons, by means of threat or use of force and other forms of coercion, of abduction. Deception the abuse of power on a person in position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person leads to exploitation. It includes forced prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs. The consent of the victims of trafficking shall be irrelevant (worldwide).

## **3. Violence against women by the State**

Women are subject to all forms of state violence, but also to gender – specific forms of state violence perpetrated by law enforcement officials or other security or military personnel. This can include rape, sexual abuse and harassment, virginity testing, forced abortion etc.

### **Gender-specific Torture and Ill Treatment**

Gender often has a considerable impact on the form that torture takes, the circumstances in which it occurs, its consequences, and the availability of and access to remedies for its victims. Rape, threat of rape, electro-shock to the genitals and strip searching of women detainees by male guards are frequently the forms that such gender-specific torture takes place. In societies where a woman's sexuality is a reflection of family "honour", these forms of torture and ill treatment are rarely reported.

### **In Prison**

The already vulnerable position of the prisoner is compounded by gender, and places women in detention in particular danger. The most differentiated element of gender-specific state violence is its sexualisation. Although, men are also subjected to sexual violence, these forms of state violence are more consistently perpetrated against women. A clear contributing factor to sexual violence against women in prison is that in many states male correctional staffs are allowed to supervise female inmates, to undertake body searches, and to be present where female inmates are naked. Another underlying source of sexual violence is the lack of separation between men and women inmates.

### **Rape and sexual violence**

When the rape is committed as part of a widespread or systematic attack directed against a civilian population, when the perpetrator knows that, it is a crime against humanity (ICC)

### **Refugees and displaced women**

According to the UNHCR, more than 75% of displaced persons are women and their children, they are subjected to physical and sexual violence as much during their flight as when they arrive in the country of asylum, be it from members of the armed forces, immigration agents, bandits, pirates, local populations, individuals belonging to rival ethnic groups or other refugees (Worldwide).



### **Situations of armed conflict**

During times of war women have always been targeted for sexual violence. Rape and enforced impregnation is weapon of war, a means of ethnic cleansing, a means of humiliating men and their family honour. In turn, women are often ostracized from the family and the community because they have been raped. It is an international crime against humanity (Rome statute of the International Criminal Court).

### **Violence against women's reproductive rights**

At the International Conference on Population and development held in Cairo in 1994, the right of men and women to be informed and to have access to safe, available, affordable and acceptable methods of choice for regulation of fertility was upheld and confirmed. The right of access to appropriate health care services that will enable women to go safely through pregnancy and childbirth was accepted for couples to have a healthy infant. The denial of this right violates the bodily integrity of women (Worldwide).