

## Gender Based Violence

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### Abstract

In present era we have much concern about girls education, women empowerment, equity and equality for women, government has made lots of law and orders in this field and the efforts are being made each and every year. After so many efforts too Gender Based Violence is a matter of concern now a days, women have been subjected to discrimination, endured different forms of abuse, and their human rights have been violated, on a daily basis. The objective of the present study is to discuss about the present condition of gender based violence in all over world, and to get information about the law and orders, rules and regulations have been made on international level in this field. The article discuss about the UN Declaration on the Elimination of Violence against Women. There are many factors like Status Women with disabilities, Physical weakness, Socio-cultural factors such as low economic status due to unemployment or low-paying jobs, Male-dominated societies, Sexual coercion and lack of empowerment ,Mass and systemic rape as a result of war and civil unrest, Lack of access to health care etc are Factors that make women more vulnerable to gender discrimination and violence. The article discuss about the researches on gender violence in India it also discuss about the impact of globalization, Jingoism, Militarization and Gender Violence, population control policy on gender violence.

**KEYWORDS-** Gender violence, sexual coercion, women empowerment, mass and systemic rape, jingoism, Militarization and Gender violence

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Since the beginning of creation women have been the fabric of human existence. Yet, unfortunately, they have been subjected to discrimination, endured different forms of abuse, and their human rights have been violated, often on a daily basis. Unhappily, prevailing cultural practices and existing or lack of specific governmental policies addressing the needs of women and girls translate into an increased incidence of women's morbidity and mortality worldwide. Violence against women is a persistent and universal problem occurring in every culture and social group. Around the world, at least one in every three women has been beaten, coerced into sex, or otherwise abused in her lifetime – most often by someone she knows, including a member of her own family, an employer or a co-worker. Violence against women has been called “the most pervasive yet least recognized human rights abuse in the world.” Accordingly, the Second World Conference on Human Rights in Vienna in 1993 and the Fourth World Conference on Women in 1994 gave priority to this issue, which jeopardizes women's lives, bodies, psychological integrity and freedom. Violence against women is often known as ‘gender-based’ violence because it partly stems from women's subordinate status in society.

The direct and indirect impact of violence and gender discrimination against women and girls often cannot be measured; however, the resulting economic burden on the society is enormous. According to studies, between 10% and 69% of women report having been

assaulted by an intimated male partner at some time in their lives. A comparison of the prevalence of violence among different countries is alarming. A study conducted by Buvinic, Morrison, and Shifter found that in Latin America the proportion of women who were assaulted by their partners is between 10% and 35% while in sub-Saharan Africa it is between 13% and 45%. Furthermore, acts of violence against women are often underreported since many women are afraid, ashamed, or often hold themselves accountable for these acts.

Gender-based violence (GBV) is predominantly a crime against women and represents a violation of women's human rights. The cyclic nature of GBV can be described as "cradle to grave."

The UN Declaration on the Elimination of Violence against Women, Article 1, defines 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 private life.

Societal acceptance of male superiority, domination, and control of women and reinforcement of such by the family, school, policy makers, and religious institutions contribute to the prevalence of gender-based violence worldwide.

Violence can be classified into four categories:

- ❖ Physical violence
- ❖ Sexual violence
- ❖ Psychological and emotional violence (including coercive tactics)
- ❖ Threats of physical or sexual violence

Examples of gender-based violence throughout the life of a woman include:

- ❖ Pre-birth- Sex-selective abortion
- ❖ Infancy- Female infanticide, physical abuse, neglect, poor nutrition, and lack of immunization and medical care.
- ❖ Girlhood- Child marriage, female genital mutilation (FGM), trafficking, child prostitution, sexual abuse, poor nutrition, lack of immunizations and medical care, and minimal or lack of educational opportunities.
- ❖ Adolescence- Forced marriages, date rape, FGM, limited or lack of social interaction, acid throwing, dowry deaths, sexual harassment at school and workplace, mass rape during war and civil unrest, lack of safe motherhood facilities, forced prostitution, and trafficking. Other types of violence include economic and social discrimination.
- ❖ Young and middle-aged women- Intimate partner abuse, marital rape, dowry abuse, psychological and sexual abuse of women at the workplace, rape, widow abuse, and lack of access to health care including access to safe motherhood facilities.
- ❖ Elderly women- Physical and mental abuse of elderly women and widows including rape and neglect.

Factors that make women more vulnerable to gender discrimination and violence include the following:

- ❖ Status (for example, single women, including unmarried women and widows).
- ❖ Women with disabilities.
- ❖ Physical weakness- Women tend to be physically weaker than men and, as such, are often preyed upon or forced to undergo horrific procedures such as genital mutilation, forced marriage, rape, forced abortion, and sexual enslavement.
- ❖ Socio-cultural factors such as low economic status due to unemployment or low-paying jobs, as well as lack of basic rights that prohibit women from owning property, making women dependent on man.
- ❖ Male-dominated societies- When women and girls are restricted from enjoying the same educational opportunities as their male counterparts, their income-generating capacity and standard of living are adversely affected.
- ❖ Sexual coercion and lack of empowerment are important contributors to the increasing incident of HIV/AIDS among women globally. According to the 2007 UN AIDS report the number of women living with HIV in 2007 is 15.4 million, which is an increase of 1.6 million from 2001. Violence against women, including sexual coercion and unsafe sexual practices, are some of the contributing factors to this growing pandemic.
- ❖ Mass and systemic rape as a result of war and civil unrest. In times of war or civil unrest, often women and girls are forcibly recruited into armed groups, which can expose them to sexual violence and discrimination. A report released by the United Nations High Commission for Refugees (UNHCR) in 1995 reported the 250,000-500,000 women were raped in Rwanda during the genocide in 1994.
- ❖ Lack of access to health care- Girls and women often do not have access to medical care, including safe motherhood facilities, reproductive health care, and informed consent, which contribute to gender inequality and discrimination. Barriers such as poverty, unequal power relationships between men and women, and lack of education and empowerment prevent millions of women worldwide from having access to health care and from attaining, enjoying, and maintaining good health.
- ❖ Prevailing governmental policies that are not conducive to women's health. Contributing factors include the following:
  - ❖ Lack of specific gender mainstreaming in healthcare policies targeted to serve the needs of women.
  - ❖ Lack of political will and underrepresentation of women in parliaments and policy making.
  - ❖ Lack of establishment of legal and constitutional frameworks that support both gender equality and availability of resources directed towards creating a positive effect on women's status and well-being.
  - ❖ Absence of a strong women's health and/or human rights movement and a culture of active civil society participation.
  - ❖ Gender inequality and perceived male superiority and the controlling nature of some men.

In India, according to the data released by UNEPA in 1901, there were 972 women for every 1000 men, but a hundred and ten years later in 2011, this ratio between women and men dropped dramatically to 940 women for every 1000 men. This decrease has been due to special forms of violence against girls and such as sex selective abortions, female infanticide, and other harmful practices.

## GENDER VIOLENCE RESEARCH IN INDIA

What do we know about the incidence, causes, costs and consequences of gender violence in the populous South Asian region, other than that it is highly prevalent in its many forms and manifestations and that it adversely impacts the lives of both women and men? Without research to lend direction and suggest approaches, advocacy and activism run the risk of becoming ad hoc, however well-intentioned and well-executed. The nature, quality and accessibility of research make a tremendous difference to the service, advocacy and policy-making sectors that work on this issue.

Since the late 1970s and early 1980s, Indian women's organizations have taken up the issue of gender violence, campaigning and supporting women who had filed cases (Patel, 1998). Domestic violence was the first, and for the longest time, the only research priority, partly on account of the early advocacy and lobbying for legislation by several of the women's groups. The focus appears to have shifted in recent times to sexual harassment and women's safety in public spaces. In the last year, two major studies on women's safety in Delhi (considered a particularly unsafe city for women) have been carried out.

In many ways, there is no lack of data on gender violence in India. The National Family Health Survey has begun to include questions on women's experiences of violence. The National Crime Records Bureau gathers extensive data based on police records from around the country; this is available in the public domain. Even given that this only includes reported cases of violence, it is a good entry point for researchers.

Ritu Menon (2010) points out that although there is a surfeit of data on gender violence, crucial correlates are missing. Without these, real analysis is difficult. We know there is a lot of violence, but we do not know much else - which income group do these women belong to? Which social group? What is their individual and household profile? We have no context, except in the case of domestic violence.

Nandita Bhatla of the International Centre for Research on Women (2010) draws attention to several other gaps in research – how do women respond to the available services, are they satisfied? What is violence costing India, and the significance of the timing of specific acts of violence on a woman's life? Says Ritu Menon, 'all the significant analysis to date has revealed that violence is systemic – that is the major insight we have. Now we need to dismantle and understand this systemic nature.'

We can identify four key issues in researching gender violence in South Asia.

1. *Underreporting* remains a major stumbling block in every country, and on every form of violence. However, it is evident that we cannot wait for attitudes towards gender violence to change before we commence high quality data collection and analysis. We must work with the data that we have and continue to make the assumptions we already do: that what we know is the tip of the tip of the iceberg.

2. Yes, there are several forms of violence that demand and deserve more research attention. But *is more and more research really the answer?* As has been pointed out, there is an enormous body of existing research on gender violence and VAW. In many instances, organizations remain unaware of each other's work. There are two missing links in the chain: first, a lack of proper dissemination and ineffective communication of these research findings and second, an unwillingness to share experiences.

More transparent research processes and updated websites can make a world of difference to the quality of research on gender violence. In many instances, research is followed by inaction on the recommendations and findings. Yes, concerted action requires several willing partners, but very often, NGOs run out of energy and resources by the time the research is complete. The final step, using the research to push for policy change is often missing, despite evidence that has demonstrated the potential impact of this.

3. Given the dearth of both financial and human resources, the best intentioned civil society organization or research institute cannot sustain documentation or data collection. This has to be the *government's responsibility*. 'Governments should ensure that statistics on violence against women, including on prosecution and conviction rates, are regularly collected and disseminated and that interventions to address violence are properly evaluate' (WHO, 2005). But in practice, efficient, comprehensive systems that gather this kind of data do not exist.

It is up to governments to step up to the task, conceptualize and put in place, with the help of experts from civil society, data collection mechanisms, by both using existing frameworks and creating new ones. It is imperative that we look beyond crime and law and order to include data from other sources, particularly in the health sector. Ideally, each country would have a central data base, with publicly accessible data that researchers could use for analysis. Without transparent data collection and storage, we cannot prevent duplication. Furthermore, NGOs must continue data collection as well, on smaller scales, for verification purposes.

4. *Who will fund*, on a sustained basis, data collection and research on gender violence? With commendable exceptions in some countries, funding support has tended to be limited. All the more reason, then, for governments to take responsibility at least for extensive data collection, at the scale and depth of detail that this issue deserves. At present, the level of funding does not reflect the scale of the problem.

We have all heard stories of women who have experienced violence. These stories constitute the voluminous body of anecdotal evidence that we inevitably draw on in our advocacy efforts. No doubt, stories lend a sense of 'lived experience' to a reader or listener but it is time we supplement these with other kinds of data that also tell a story. We can do this only through rigorous, transparent, sustained and consistent research on gender violence. One thing is clear: research on gender violence and violence against women can, has and does save lives.

## **ICTS AND GENDER VIOLENCE**

### **What are ICTs?**

Genderit.org identifies three distinct categories of ICTs or information and communication technologies:

- Information technology that uses computers;
- Telecommunications technology including telephones, facsimiles and satellite broadcast of radio and television; and

- Networking technologies including the Internet and mobile phones.

In other words, ICTs are all or any forms of “technology and tools that people use to share, distribute, gather information and to communicate with one another, one on one, or in groups.”

There are several points of intersection between gender violence and ICTs. While both men and women are equally vulnerable to several forms of fraud and identity theft, young women, children and those who are gay or lesbian are also vulnerable to violence of other kinds. In some cases, this violence can and has spilled over to the ‘offline’ world. For instance, harassment online or via mobile phones is often an additional dimension of sexual harassment at the workplace. Relationships that are forged online through dating sites are as susceptible to violence as any others. Increasingly, women face abuse and harassment online from strangers and casual acquaintances as well as former partner

## **POLITICS, ECONOMY AND GENDER VIOLENCE**

Gender violence has become a central issue in discourses of the women’s movement in India in the 21st century. Women’s networks have taken up a range of issues concerning gender violence in personal lives as well as the systems and structures perpetuating it. Indian women experience all kinds of gendered violence at different stages of their lives, from womb to tomb, as a result of modernization and commercialization of subsistence economies, family ties becoming less supportive, increasing migration, demanding work, inhuman labor processes in informal economies, sectarian vested interests manifesting through identity politics, trafficking of women and girls as cheap labor, forced marriage and various forms of misogyny in print and electronic media. Honor killing of young lovers and married couples by their relatives brings to the fore the undemocratic family structure that is stifling, suffocating and mercenary.

During the 1980s, women’s rights organizations mushroomed all over the country and focused on gender violence. They organized rallies and demonstrations, sit-ins and conventions, seminars and conferences, which culminated in the politics of protest movements and petitioning. In the 1990s, women’s groups consolidated their base by finding allies in the state apparatus, and created institutions and shelter homes for women and child survivors of violence (Patel 2002). In the new millennium, they managed to get the Protection of Women from Domestic Violence Act, 2005.

### **Social Paradigms**

A woman’s status in the family is determined by the *Panchmahabhoota* (five omnipresent factors) of Patriarchy (PPs), namely caste, religion, economic status, media and the state. PPs draw their strength from male chauvinism and women’s subjugation. Patriarchal control over women’s sexuality, fertility and labor takes a barbaric turn due to commercialization of human relations in a capitalist drive for profit. Economic globalization thrives on poorly paid work of women and girls in the informal economy. Economic subordination of women and girls makes them prone to covert and overt, psychological, emotional, sexual and physical violence.

The lifecycle of a woman is governed by a patriarchal value system, which promotes preferential treatment for men and neglect of women. Antenatal sex-determination tests,

female infanticide and neglect of daughter in terms of food, health care and education result in stunted growth of women. Nearly 40% of marriages in India are child marriages (NFHS 2006). Teenage pregnancy takes place both within marriage and among unmarried girls due to rape, seduction, incest and child prostitution. Discrimination and violence make women suffer from low self-esteem and psychological dependence.

The historical legacy of strong son preference and neglect of daughters has taken a dangerous turn. Technology for sex determination such as amniocentesis, chorionic villous biopsy, foetoscopy and sonography are abused for selective abortion of female foetuses by money-minded medical professionals (Patel 2002, 03, 04). Sex-selective abortion of female foetuses accounted for 17.6% of 1,492 induced abortions in a sample survey in India (Ganataru, Hirve and Rao 2001). Newer and cheaper reproductive technology has facilitated patriarchal genocide of girls in several countries in Asia. This is also an indication of stigmatization of women delivering daughters. Sex selection in society occurs in the context of entrenched cultural beliefs and practices. Their eradication requires investment in long-term strategies for economic and social development, and educational and cultural empowerment. It is a matter of deep regret that many states in Asia perceive this phenomenon as an indicator of population stabilization and development, the logic being fewer women means less reproduction.

#### **Economic Development and VAW**

Women from South Asia are supposed to be relatively timid, obedient, easy to control, disciplined and meticulous to handle skilled, monotonous jobs. The New International Division of Labor intensified by globalization depends on super-exploitation of poor Asian women, especially young unmarried girls who are recruited in Free Trade Zones (FTZ), Export Processing Zones (EPZ) and Special Economic Zones (SEZ). During the last two decades, in the absence of any democratic rights in these labor concentration camps, young girls had only one way of expressing their anger, fatigue and alienation, mass hysteria. Now, the heads ASEAN countries are negotiating to create more and more EPZs, SEZs and FTZs. Human and women's rights groups need to ensure that the horrible past of back-breaking, hazardous, highly labor intensive work for women workers in the region, is not repeated. Industrial pollution and occupational health risks also take a heavy toll on Asian women's reproductive health. The carcinogenic and mutagenic effects of industrial pollution, incidents like the Bhopal gas tragedy and radioactive nuclear waste have raised danger signals. Commercialization of forest and natural resources has enhanced the plight of rural women as they are responsible for collection of fuel, fodder and water.

#### **Population Control Policy**

A paradigm shift in the discourse on population stabilization in South Asia is connected with racist and sexist bias in population control policies, which dump the burden of population control on women. Targeting of poor Bangladeshi or Indian women for forced sterilization and unsafe hormone-based contraceptives and pro-natalist policies for educated Asian women in a bid "to enhance the quality of population" are two sides of the same coin. In South Asia, a large percentage of women in the reproductive age group suffer from anemia, irregular and heavy bleeding due to use of inadequately tested hormone-based contraceptives. Long acting hormone-based contraceptives can have catastrophically damaging consequences (Sarojini & Murthy 2005). We must highlight

the sexist implications of eugenics. All these efforts violate bodily integrity of women and rest on the presumption that penetrative sex is the be-all and end-all of women's existence. States in the region have reduced social sector budgets for women's development, including health, education, employment and empowerment initiatives. Instead, they are pumping massive funds into population control programs and military expenditure.

### **Globalization and New Forms of Gender Violence**

In the absence of any safety net, globalization has enhanced control over sexuality, fertility and labor of women migrants. Innocent rural girls as well as educated adolescent girls are inducted into the workforce. Cross country migration of girls and women for domestic work, industrial and professional services such as nursing, secretarial practice, telemarketing and business process outsourcing has increased.

Trade in the organs of destitute women and children from poor Asian communities has gained demonic proportions. Soft porn as well as hard-core pornography and cyber sexual violence are used for humiliation and intimidation of women and girls. Cyber stalking is also on the rise. Policy intervention is needed to deal with online sexual violence. An increasing number of women from cities are also reporting harassment through spam, cyber porn and SMS messages.

Smut parties for executives of multi-national and indigenous houses have become routine affairs, and governments do not take action in spite of prima-facie evidence provided by the media (Shyam 2002).

### **Jingoism, Militarization and Gender Violence**

The implications of jingoism and the psychology of war mongering are dire for women and children. The politics of rape used against women in Kashmir, the North East and in refugee camps in conflict zones have evoked extreme indignation from human rights organizations all over the world (Manchanda 2001). In Myanmar and Nepal, military rulers use rape as a means of social control and torture women deemed dangerous to the regime. Jingoism in South Asia has enhanced insecurity for women. Women's groups of SAARC countries have demanded peace and launched several programs for public awareness.

Women in border regions and in refugee camps of conflict areas need civilian intervention for safety and security. In the North East, women constitute two-thirds of the population. Development programs supported by the UN are inadequate. International NGOs need to take the lead. The mass rape of women in Manipur, where soldiers are also owners of brothels, needs to be condemned by the international community. The institutionalization of sex slavery in the region demands the collective efforts of women's networks. Objectification of women in the media has reached such a proportion that humiliation of womanhood is complete. Power relations between men and women based on subordination of women and male domination are a result of interplay of forces such as class, caste, race, religion, ethnicity with gender.

## **GENDER BASED VIOLENCE: A MATTER OF HONOR**

The term “honor crimes” is a misnomer as there is nothing honorable about them. However, it has come to encompass a variety of violence against women, such as murder, assault and detention, most of which involve preventing a person from exercising their choice in marriage or relationships. Such crimes are often committed by the family or by members of the community which perceives that there has been a “threat to honor” thereby giving the crime a social sanction. In this context, there is a publicly articulated “justification” that is attributed to a social order claiming to require the preservation of the concept of “honor” vested only in male (family and/or conjugal) control over women, and specifically women’s sexual conduct; actual, suspected or potential.

It is today well-documented that young persons, who often make their own choice in terms of marriage and have inter-caste, *sagotra* (marrying within the same clan) or inter-religious marriages, face the wrath of their communities or their families, using forms of violence that do not spare them. The increasing number of *habeas corpus* cases filed in various High Courts across the country by young persons seeking protection from their families is all too pervasive. The Supreme Court in *Lata Singh Vs State of Uttar Pradesh* (AIR 2006 SC 2522) has even directed the police in every State to protect young persons who exercise their choice in marriage.

While the term “honor” is absent in *de jure* law, the concept can be traced to the Indian Penal Code that introduced the notions of “modesty” in the offence relating to outraging the modesty. Other concepts such as abduction, enticement, kidnapping from lawful guardianship and seduction provided a framework for developing the notion of honor of communities (rather than that of the individual who was the survivor of the violence) in the interpretation of the law. If we were to take the offence of rape as it is currently defined, the focus on penetration clearly indicates the preoccupation with women’s “chastity” that in turn is closely linked to honor. It is thus a natural corollary for honor to be used as a factor against a women’s sexual autonomy.

The notion of “honor” gets enmeshed in criminal law in various ways. In criminal trials that are of a sexual nature such as rape, kidnapping from lawful guardianship, outraging the modesty and abduction, the focus is often on the wrong caused to the family and not to the individual. In such situations the conduct of the victim/survivor becomes very crucial in determining her contributory role to the offence. The lengthy cross examinations that women undergo with reference to their conduct in such trials is to a large extent due to the structure, substance and culture of the law that encourages such a position.

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