

# VIOLENCE AGAINST WOMEN

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**T**he United Nations General Assembly in December 1993 passed by consensus a Declaration on the Elimination of Violence Against Women. The Declaration states in its preamble that -

- (1) Violence against women is an obstacle to the achievement of equality, development and peace.....
- (2) Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms.....
- (3) Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men;
- (4) Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position;
- (5) Violence against women in the family and society is pervasive and cuts across lines of income, class and culture.

Why has the international community reacted so strongly in recent years to this problem of violence against women?

The following sample of random statistics may give us a reason why:

- (1) In the year 1992 alone, approximately 12,000 women were brutally raped as part of the on-going civil war in the former Yugoslavia (UN report).
- (2) In the United States a rape occurs every six minutes; it is estimated that 85% of rapes are never reported to the police and less than 5% of the rapists got to jail;
- (3) In Papua New Guinea, 67% of rural women and 56% of urban women are victims of wife abuse.
- (4) In Santiago, Chile, 80% of women acknowledged being victims of violence in their homes.
- (5) In France, 95% of the victims of violence are women, 51% of them at the hands of a husband.
- (6) In rural Bangladesh malnutrition was found to be three times more common among girls than boys.
- (7) Annually 8-10,000 girls are brought from Thailand to Japan for prostitution and trafficking.
- (8) In India there have been 11,259 dowry related murders in the last three years.
- (9) Given the number of men in India and China, there should be about 30 million more women in India and 38 million in China. Female infanticide and malnutrition are the causes.
- (10) According to the WHO more than 80 million women have undergone female genital mutilation in Africa alone.
- (11) Every minute and a half, a woman is raped in South Africa; approximately 380,000 women are raped each year.
- (12) One study of amniocentesis in a large Bombay hospital

found that 95.5% of foetuses identified as female were aborted. (13) In Sri Lanka, 60% of women interviewed in a sample survey responded that they had been subject to domestic violence during their period of cohabitation.

*In the UN Declaration, Violence against Women is defined 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.

*Violence against women shall be understood to encompass but not be limited to, the following:*

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, 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, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

*The Declaration calls upon States:*

- (a) to enact appropriate laws and procedures to give women redress;
- (b) to develop national plans to eradicate violence against women;
- (c) to train judges, lawyers and policemen on problems of violence against women;
- (d) to set up assistance, counselling centres and social services for women victims of violence;
- (e) to construct education curriculum to eliminate prejudices which may result in violence against women;
- (f) to collect statistics to make the problem of violence against women more visible;

The UN Declaration identifies the roots of female subordination in the historical power relations within society. Violence is seen as being part of a historical process. Violence against women is not "natural" or born of biological determinism. The system of male dominance is historically located and its functions and manifestations change over time. Women's oppression is therefore a question of politics. It requires an analysis of the institutions of the State and society, the conditioning and socialisation of individuals and the nature of economic and social exploitation.

If the roots of female subordination lie in historical power relations within society, then the institutions of State and civil society must accept responsibility for female subordination including violence against women. The State bears a primary responsibility in this regard, not only to refrain from encouraging acts of violence against women but in actively intervening to prevent such acts from taking place. State inaction in situations of violence against women is one of the major causes that allows such violence to continue. Challenging State action when it is detrimental to women is an important part of the women's rights agenda. State institutions such as police stations and prisons are often sites for violence against women. Rape is often used as an instrument of torture. Custodial rape is something that cannot and should not be tolerated. The State is not the only actor guilty of violating women's rights. In fact, in modern times, the State has become an arena of conflict-on the one hand it may act according to legislation and practices which are against women's interest but on the other hand, the State may emerge as the major instrument in transforming certain legislative, administrative and judicial practices which empower women to vindicate their rights. The negligence of the State may be the cause of increased violence against women while the active intervention of the State may actually be the catalyst for the realisation of certain women's rights.

Among the historical power relations responsible for violence against women are the economic and social forces which exploit female labour and the female body. Lower class women are more vulnerable to sexual harassment, trafficking and sexual slavery. They are also employed as bonded labour and low-paid labour in many economic enterprises throughout the world. As migrant workers, they often face innumerable hardships in foreign countries. Economic exploitation is an important aspect of modern female labour. In addition, a study of 90 societies in relation to wife-beating, found that economic equality was a key factor which prevented violence against women. Economic independence made them less vulnerable to abuse. Denying women economic power and economic independence is a major reason for violence against women because it prolongs their vulnerability and dependence. Unless economic relations in a society are more equitable towards women, the problem of violence against women will also continue. The institution of the family is also an area where historical power relations are often played out. On the one hand, the family can be the source of positive, nurturing and caring values where individuals are bonded by mutual respect and mutual love. That is the ideal family. On the other hand it can be a social institution where labour is exploited, where male sexual power is violently expressed and where there is socialisation which disempowers women. Domestic violence destroys family life. In addition female sexual identity is often created by the family environment. The negative images of self which often inhibit women from realising their full potential may be linked to familial expectation. The family is, therefore, the source of positive humane values, but in some instances it is the site for violence against women and a socialisation process which may result in justifying violence against women.

Modern technology can also be an aspect which impinges on the question of violence against women. Eco-feminists have continu-

ally pointed out that modern technology has resulted in the destruction of the lifestyle of rural women in many parts of the globe. Others have pointed to the growth of sweat shops and other sites for the economic exploitation of female labour spawned by modern technology and its needs. Economic systems which value profits, often do so at the expense of female labour. This is particularly true of production processes involved in free trade zones and of home based production. Since female labour is devalued in these sectors, they often become sites for violence against women.

The one area which is particularly relevant to the problem of violence against women in the context of technology is the issue of reproductive technology. Though reproductive technology has allowed women greater freedom and greater choice with regard to the important function of childbirth, it has also created innumerable health problems for women, problems which are often ignored by the medical establishment. These health problems have resulted in female deaths which in other circumstances may have been avoided. In addition, reproductive technology which allows for pre-selection of the sex of the child has resulted in the killing of female foetuses and selective abortion. Modern technology has been the means of liberation and choice for women but for others it has resulted in death and exploitation.

Violence against women is also closely linked to the question of female sexuality. Violence is often used as an instrument to control female sexual behaviour. It is for this reason that violence against women often finds sexual expression. Rape, sexual harassment, trafficking, female genital mutilation, etc., involve forms of violence which are an assault on female sexuality.

In many traditions concepts of honour and shame are also linked to a woman's sexuality. Violence against women is often justified if that honour or shame has been violated by a woman's sexual behaviour. These concepts of honour and shame also find collective expression in many societies. In this context women are seen as the property of the males in another social or ethnic group. Violence against women becomes a means of defiling the honour of the social or ethnic group which is your rival. Female sexuality becomes a battleground in feudal as well as modern vendettas where male prestige and honour are challenged.

Article 4 for the UN Declaration on the Elimination of Violence against Women states clearly that "States should condemn violence against women and should not invoke custom, tradition or religious consideration to avoid their obligations with respect to its elimination". Unfortunately, international experience points to a different reality. Custom, tradition and religion are often invoked to justify the use of violence against women. They form an ideological framework which is resistant to change and transformation.

It is universally accepted that the spirit of all the world's religions is dedicated to equality, including equality between the sexes. However, certain man-made practices performed in the name of religion not only denigrate individual religions but violate internationally accepted norms of human rights, including women's rights. In most societies there is an on-going dialogue between women

interested in women's rights and those who are close to religious traditions. It is the concern of the international community that this dialogue results in the elimination of man-made practices which violate human rights and the spirit of equality contained in the world's religions.

Certain customary practices along with some aspects of tradition are often the cause of violence against women. Besides female genital mutilation, there are a whole host of practices which violate female dignity. Foot binding, virginity tests, dowry deaths, sati, male preference, etc. are among the many practices which violate a woman's human rights. Blind adherence to these practices and State inaction with regard to these customs and traditions have allowed for largescale violence against women. Though States are enacting new laws and regulations with regard to the development of a modern economy and modern technology and developing practices which suit a modern democracy, when it comes to the area of women's rights they are less anxious to change. Not all customs and traditions are unprotective of women's rights. There are certain traditions and customary practices in all parts of the world including our own which actually promote and defend women's rights and women's dignity. However, those customs and traditions which involve violence against women must be challenged and eliminated as violating the basic tenets of international human rights law.

Aspects of national and international media may also be blamed for causing attitudes which allow for violence against women. The media sometimes reproduces negative stereotypes of women, but more important, by often glamourizing the culture of violence they allow for the widespread acceptance of violence as a means of resolving conflict, whether in society or in the home. Pornography is perhaps the extreme manifestation of media's violence against women. The portrayal of violence against women in pornographic literature and film, where women are shown bound, battered, tortured, humiliated and degraded, is a problem for those confronting violence against women in their societies. Pornography is both a symptom and a cause of violence against women. Pornography, in itself, violates female dignity, but in addition, it often promotes attitudes and practices which result in violence being directed against women.

Doctrines of privacy related to the concept of the sanctity of the family are some other causes for violence against women to persist in society. In the past, the law and the State intervened with regard to violence in the home only when that violence became a public nuisance. Women were the primary victims of this doctrine of privacy. Whether under the guise of alcoholism, denial of conjugal duties or allegations of adultery, they were often beaten and with little redress. Their sense of intimacy prevented them from speaking out. The public/private distinction which has been at the root of most legal systems including human rights law has created major problems for the vindication of women's rights. However, in recent times the approach to law has changed. States are now held responsible for crimes against humanity which take place within the home.

Though States should be sensitive to the bonds of intimacy they are required by standards of due diligence to prevent as well as punish crimes of violence which take place in the private domain.

Patterns of conflict resolution within a given society are often responsible for violence being directed against women. The study of wife battery mentioned earlier, points to this aspect as being the second most important factor when it comes to wife abuse in different societies. Studies in the mid-twentieth century have also concluded that militarisation leads to greater abuse with regard to women. Levels of repression and militarisation may be directly related to the increase of incidents of violence against women. Rape as an instrument of war is perhaps the greatest manifestation of this phenomenon.

## Consequences

**T**he consequences of violence directed against women are difficult to ascertain because the crimes are often invisible and there is very little data on the subject matter. However, it is very clear that fear is perhaps the greatest consequence. Fear of violence prevents many women from living independent lives. Fear curtails movement so that women in many parts of the world do not venture out alone; Fear requires that they dress in a manner that is "unprovocative" so that no-one can say that "they asked for it" if they are violently assaulted. Fear of violence requires that they seek out male protection to prevent violence being directed at them. This protection can result in a situation of vulnerability and dependence which is not conducive to women's empowerment. Women's potential remains unrealised and their energies which could be directed towards the betterment of society are often stifled.

Women at the receiving end of violence have severe health problems. In recent times there have been studies conducted on the harmful physical and emotional impact of violence on women. Forms of abuse result in physical injury to the body of the victim. In addition, there are psychological effects. Abused women are subject to depression and personality disorders. They manifest high levels of anxiety and somatic disorders. These psychological effects have a negative effect on the women as they paralyse them and inhibit their self-determination. There is what is termed the "traumatic syndrome of abused women". This includes lack of volitional autonomy, fear, anguish, depression and in some cases, suicide.

Violence in the family, in particular, has serious consequences for both the women and the children. Children often show signs of post-trauma stress and have behavioural and emotional disorders. In addition, a Canadian study shows that males coming from homes where there is spousal abuse or wife-beating are 1000 per cent more likely to beat their own wives than those who come from families where there is no such abuse. The consequence of tolerating violence in the first instance is to perpetuate a cycle of violence in the family and in society.

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