
UNIT 1 VIOLATION

Syeda Semim Zahan

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1.1 INTRODUCTION

In the previous Block you have learnt about Gender, Masculinity, and Femininity in relation to sexuality, the female body and the national body. In this Unit we will discuss violence against women and the violation of women's rights. Violence affects the lives of millions of women worldwide, in all socio-economic and educational classes. It cuts across cultural and religious barriers, impeding the right of women to participate fully in society. In this Unit, we will discuss the nature of violence against women, and the different ways in which this violence is perpetuated. We will also deal with how the states themselves are sometimes perpetrators of violence against women, especially in countries like Pakistan, Burma/Myanmar or the State of Manipur in India.

1.2 OBJECTIVES

After completing this Unit you will be able to :

- Discuss the nature of violence against women;
- Describe the notions of women's rights in Pakistan, Burma/Myanmar and Manipur; and
- Discuss laws that are protecting women from violence in various countries.

1.3 VIOLENCE AGAINST WOMEN

Violence against women takes a dismaying variety of forms, from domestic abuse and rape to child marriages and female circumcision. All are violations of the most fundamental human rights. In a statement to the Fourth World Conference on Women in Beijing in September 1995, the United Nations Secretary-General, Boutros Boutros-Ghali, said that violence against women is a universal problem that must be universally condemned.

Violence against women feeds off discrimination and serves to reinforce it. When women are abused in custody, when they are raped by armed forces as 'spoils of war', or when they are terrorized by violence in the home, unequal power relations between men and women are both manifested and enforced. Violence against women is compounded by discrimination on the grounds of race, ethnicity, sexual identity, social status, class, and age. Such multiple forms of discrimination further restrict women's choices, increase their vulnerability to violence and make it even harder for women to obtain justice. There is an unbroken spectrum of violence that women face at the hands of people who exert control over them. States have the obligation to prevent, protect against, and punish violence against women whether perpetrated by private or public actors. States have a responsibility to uphold standards of due diligence and take steps to fulfill their responsibility to protect individuals from human rights abuses. However, perpetrators of violence against women are rarely held accountable for their acts. Sometimes, women who are victims of gender-related violence do not report cases of violence such as rape to authorities because they fear being ostracized and shamed by communities that blame victims of violence for the abuses they have suffered. When women do challenge their abusers, it takes a long time to fight court battles.

Violence against women is a violation of human rights that can manifest itself in a number of ways, for example, domestic violence. A woman is very often in danger from somebody close to her. In homes she is often ill-treated and abused. The state finds it difficult to come to her rescue as the domestic sphere is often seen as outside the reach of the state's jurisdiction. Honour killings happen in societies where women are looked upon as the preserver of the honour of the family. She can not have sexual relations outside marriage, can not marry out of her own choice and even when she is raped the blame often falls on her. The family can even kill her if such things happen to her. Dowry deaths occur in families when the newly married woman is blamed for not bringing enough dowry in her marriage. Sometimes acid is thrown on a woman for turning down a suitor or by a jilted lover. Female genital mutilation is the removal of part or all of the external female genitalia. In its most severe form, a woman or girl has all of her genitalia removed and then stitched together, leaving a small

opening for intercourse and menstruation. It is practiced in 28 African countries on the pretext of cultural tradition or hygiene. An estimated 135 million girls have undergone FGM with dire consequences ranging from infection (including HIV) to sterility, in addition to the devastating psychological effects. Though all the governments of the countries in which FGM is practiced have legislation making it illegal, the complete lack of enforcement and prosecution of the perpetrators means FGM continues to thrive.

Very often women inside jails undergo unimaginable sexual abuse at the hands of other inmates and the guards. These women have to provide sexual favours for extra food or to avoid punishment. Violence can also occur based on actual or perceived sexual identity. Sexuality is regulated in a gender specific way and maintained through strict constraints imposed by cultural norms and sometimes through particular legal measures supporting those norms. Lesbian women, or women who are perceived to be lesbian, experience abuses by state authorities in prisons, by the police, as well as private actors such as their family and community.

The UN High Commission on Refugees advocates that “women fearing persecution or severe discrimination on the basis of their gender should be considered a member of a social group for the purposes of determining refugee status” (www.amnestyusa.org). Violence against women is a violation of human rights that cannot be justified by any political, religious, or cultural claim. A global culture of discrimination against women allows violence to occur daily and with impunity. Amnesty International is an organization which works to eradicate violence against women and help women to achieve lives of equality and human dignity. The liberation struggles of countries like Nicaragua or Vietnam incorporated the issues of women’s rights in their agendas.

The **Declaration on the Elimination of Violence against Women** is the first international human rights instrument to exclusively and explicitly address the issue of violence against women. It affirms that the phenomenon violates, impairs or nullifies women’s human rights and their exercise of fundamental freedoms.

The Declaration provides a definition of gender-based abuse, calling it “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” (www.un.org/documents).

The definition is amplified in Article 2 of the Declaration, which identifies three areas in which violence commonly takes place:

- Physical, sexual and psychological violence that occurs 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;

- Physical, sexual and psychological violence that occurs 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;
- Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Check Your Progress:

What is violence against women? List the different kinds of violence against women?

1.4 VIOLENCE : WOMEN IN PAKISTAN

Pakistan is a society burdened with a legacy of colonial rule, ruled by a landed aristocracy and the presence of religious leaders. Muslim fundamentalists think home is the best place for women. Even the presence of a few women in the political sphere has not been able to change the position of women in society. Sexual violence against women, honour killings and forced marriages are rampant in the country. The gender ratio is very low compared to the other countries of the world. Bills regarding women are pending in the parliament including the bill on domestic violence or acid throwing. Existing laws are not up to the mark, they do not recognize

marital rape as violence. Girl's education is not encouraged, honour killings are very common. Baluch and Pashtun tribal customs allow killing for honour. Laws are not very strong against honour killings (Naveed, 2011). The *jirga* system or the tribal courts encourage honour killings, of the more than 4000 people have died in as punishment meted out to them by the *jirgas*, two thirds were women. Many of these women were charged with a relationship outside marriage, or were accused of love marriages. In the Northern Provinces women are often sold out to settle disputes. On an average 100 women are raped every 24 hours in Karachi city only and rape and sexual harassment in police custody is a big problem. More than 70 percent of the women in police custody experience physical or sexual abuse. Women from religious minority groups are worst victims of violence (Naveed, 2011). They are either unemployed or employed as scavengers in urban areas deprived of the basic amenities and the protection of the labour laws.

The **women's rights movement in Pakistan** can be divided into three phases. The first is when the state of Pakistan was just created and many prominent women worked for the new Pakistani state. The second phase started with the start of the regime of General Zia and the process of Islamisation. The **Women's Action forum** was active in standing against the draconian laws of the Zia regime. The third phase started with the Benazir Bhutto government. This was an age of accommodation and compromise. The women's movement was no exception. The aftermath of the 1980s has seen an increase in the participation of women in politics, the constitution guaranteeing them affirmative action. However, the situation faced by women in Pakistan is dismal. **The Women Rights Bill** passed in 2006 has not changed the conditions of women, particularly in areas where the feudal and the tribal systems are prevalent or in areas where there is a Muslim majority. After the War on Terror started in 2001, violence against women has increased. State violence against women has increased proving the deeply entrenched biases against women in society. Laws are sometimes not sufficient; change in the mindset of the people is required. Women's participation in public life has to be increased.

Nighat Said Khan, a feminist, social activist and academic and the founder of the Women's Action Forum is of the view that the Pakistani government has never encouraged studies in the social sciences as thinkers in this field always hold dissenting views about issues.

According to her, Women's Studies as a discipline are controlled by the government more because radical feminists always speak against ideals which are held very high by the traditional society. States are obsessed with moulding the woman's body according to their own ideas of morality and ethics. Women's Studies very often try to show the family, the state and

the judiciary as oppressive. She is of the view that the dichotomy between the western feminism and Eastern feminism is a false one. Both fight for the emancipation of women. The Eastern feminists oppose the restrictions imposed upon women's body while the western feminists oppose the exploitation of the women's body.

Check Your Progress:

Discuss the situation of women in Pakistan.

1.5 VIOLENCE : WOMEN IN BURMA/MYANMAR

Burma, also known as Myanmar, was long considered a pariah state, isolated from the rest of the world and with an appalling human rights record. From 1962 to 2011, the country was ruled by a military junta that suppressed almost all dissent and wielded absolute power in the face of international condemnation and sanctions. The generals who ran Burma/Myanmar stood accused of gross human rights abuses, including the forcible relocation of civilians and the widespread use of forced labour, including children. The first general election in 20 years was held in 2010. This was hailed by the junta as an important step in the transition from military rule to a civilian democracy, though opposition groups alleged widespread fraud and condemned the election as a sham. It was boycotted by the main opposition group, **Aung San Suu Kyi's** National League for Democracy (NLD) which had won a landslide victory in the previous multi-party election in 1990 but was

not allowed to govern. A nominally civilian government led by President Thein Sein who served as a general and then prime minister under the junta was installed in March 2011. Aung San Suu Kyi, Myanmar's/Burma pro-democracy leader and Nobel Peace Laureate, has come to symbolise the struggle of Myanmar /Burma's people to be free. She has spent more than 15 years in detention, most of it under house arrest. She was released from her current third period of detention on Saturday 13th November 2010. However, there are hundreds' of political prisoners in Burma /Myanmar and none of the repressive laws allowing the dictatorship to detain people without trial and restrict other freedoms have been repealed following the sham election on 7th November or under the new constitution.

Women in Burma/ Myanmar have been the target of a systematic campaign to use rape and sexual violence by the Burmese army, in order to punish entire communities for insurgency activities. In May 2002, the **Shan Women's Actions Network (SWAN)** and the **Shan Human Rights Foundation (SHRF)** released shocking report, which documented the systematic use of rape and sexual violence by the Burmese military in Shan State. The report has received widespread international attention, for the first time publically exposed the military regime's brutality against the women of Burma's/ Myanmar continuing political repression and economic deterioration, coupled with China's rapid growth, have caused a new phenomenon over the past few years: large-scale northward migration from Burma/ Myanmar to China. The Yunnanese border town of Ruili (called Shweli in Burmese) has seen an estimated tenfold increase in the number of migrants from Burma/ Myanmar since 2006, with numbers now exceeding 100,000. Formerly mainly employed in the jade, transport and sex industries, migrants are now working in a range of sectors, including domestic work, restaurants and hotels, sales, construction and manufacturing industries. Migrants are arriving from all parts of central and eastern Burma/ Myanmar, particularly from the central dry zone, where continuing drought has deprived farmers of their traditional livelihoods.

In Sagaing and Magwe, whole villages are draining off due to young people coming to find work in China. A large proportion of the migrants are women. During 2010 the **Burmese Women's Union (BWU)** conducted in-depth interviews with 32 of these women from various work sectors. Most were from Burma's/ Myanmar central divisions. About half were high school graduates, and some had even graduated from university, but none had been able to find jobs inside Burma/ Myanmar. The migrant women interviewed by BWU in Ruili revealed persistent patterns of work exploitation, occupational health and safety hazards and mistreatment by employers in different work sectors. In hundreds of small workshops, women are paid a pittance to sit for long hours sanding and polishing wood, using hazardous electric equipment and chemical solvents without protective clothing or

health insurance. On top of general exploitative work conditions, women also face gender discrimination, receiving lower pay than men in most sectors, no maternity leave and benefits and suffering sexual harassment from employers. Health and safety risks are particularly high for the several hundred Burmese women working in the sex industry in Ruili and Jiegao, who are often forced to have unprotected sex and face violence from clients, especially those who are drug users.

An older generation of Burmese women, either retired civil servants or professionals, well educated and knowledgeable of Burmese society had established civil society organizations. They were still very engaged in providing critical health, education, and other services to compensate for the severe lack of government services. They had been able to operate within limited space and were tolerated, to a certain extent, by the former military regime. A younger generation, optimistic and energized about Burma's/ Myanmar's future, have started or are participating in NGOs advocating civic activism and social entrepreneurship. They have become increasingly empowered to embrace their rights, either in the home, the workplace, in community and political activities or at the university. Women affiliated with the National League for Democracy party all revere Aung San Suu Kyi. While Burma/ Myanmar has the experienced older generation to anchor society and the young generation to break new ground, the 'missing middle' generation poses tremendous challenges to Burma's/ Myanmar transition. Most of the identified 'missing middle' women leaders are either from the 1988 students' generation or are former political prisoners. These courageous women have paid a severe price for their political activism in labor rights, land rights, HIV/AIDS, and democracy promotion. Many of them left the country during the most oppressive years and some have chosen to return. Many are taking advantage of the recent opening to test the progress by creating NGOs, building women's network, supporting women workers to negotiate for better conditions and higher pay, being politically engaged and working to support women in the ethnic communities. Women continue to be victims of violence in the ethnic areas of conflict. The horrifying stories of women victims of rape in the ethnic areas, where rape is used as a tactic of the armed conflict, show the ongoing vulnerability of the ethnic women. As we gather here, women in Kachin state and other ethnic areas still face unspeakable threats as the conflicts persist. Burma's/ Myanmar's ongoing internal ethnic conflicts are a major source of instability, human rights violations and the displacement of people particularly, women and children. We consistently hear about the need for national reconciliation and a lasting peace.

Check Your Progress:

Discuss the situation of women in Burma in the light of the recent developments in Government.

1.6 VIOLENCE: WOMEN IN MANIPUR

In 1972, the Central government assumed the power to declare a place as 'disturbed area'. Women face multi-dimensional problems in Manipur, battling an armed conflict for the last six decades. Any kind of insurgency and counter-insurgency are bound to generate vulnerabilities in a society, particularly for women. An NGO, Women Action for Development stated that 28 women were raped and 14 murdered in Manipur within a period of only 10 months in the year 2005. Militarization in Manipur has reached the level of mass recruitment of citizens into Village Development Forces, to supposedly address the state's law and order issues, without the necessary military training. Under these circumstances, economic, social and cultural rights seem to get consumed in the fore -fight for the right to self-determination by armed opposition groups, which the state is preoccupied with countering. Women end up suffering from 'double patriarchy' here: first, they suffer under archaic patriarchal customs and laws, and second, they suffer from the patriarchal form of nationalism engulfing Manipur and the Indian state. Women's rights are often construed by states to mean civil and political rights, and limited to issues of violence or political participation. While meaningful implementation of women's civil and political rights remains critical to women's equality, economic, social and cultural rights must also be raised to a level of equity and indivisibility in the discourse surrounding women's rights. Without this, their full equality cannot be realized.

In Manipur there are many instances of women's issues being consumed by the flames of nationalist politics, under the premise that the resolution of the conflict and ethnic tensions are more important. Key issues of concern to women include domestic violence, marital rape, sexual abuse, suicide, murder and widows' plight within the family, as well as reproductive rights, bodily autonomy, property rights, legal rights, medical rights, media and cultural representation, women trafficking, the issue of taboos and stigmas, moral policing, female feticide. These, together with the issues of education, health and governance in Manipur have been subsumed by the political tussle between the armed opposition and the state, as well as the politicization of ethnicity.

This is fundamental in understanding why women's rights could never obtain the same attention as other concerns of the national liberation movement in Manipur. When we talk of problems or violence faced by women, there are two levels of interpretation: **visible** and **structural**. Since women's subjugation is a result of the patriarchal structure and ideology, crimes against women are not committed merely by an individual, but driven by the structural framework in place. Visible forms of violence and difficulty consist of domestic violence including marital rape, sexual abuse, wife suicide, dowry deaths, female infanticide and sexual harassment, as well as other forms of physical and psychological injury. The invisible forms of violence are the structural subjugation by norms and social hierarchy; including the notion of pollution and purity, other discriminatory attitudes and practices based on religion or custom, such as women being forbidden to enter the kitchen or take part in any religious rituals during menstruation, or the stigma attached to widows. Their limited representation in media and academic discourses, in family values and popular culture are also invisible forms of violence, as are their denial to property rights, the right to choose the sex of their child, the right over their own body in terms of seeking pleasure and reproduction.

It is clear that the visible forms of violence faced by women are rooted in the structural set up of patriarchy and male domination. In particular, the idea that women's sexuality needs to be confined to uphold paternity gives rise to all sorts of social norms and taboos. For instance, women's chastity and the idea that the inheritance of name goes by paternity generate control of the woman's body/ sexuality. Similarly, rape, premarital sex or pregnancy is intricately linked with the reproduction and sustenance of social taboos. Besides the physical trauma, rape is psychologically catastrophic to women, often driving them to commit suicide. This suicide is a socially induced phenomenon. Manipur's current social context has seen a rise in the number of widows, by their husbands' deaths in either armed conflict encounters, or as victims of AIDS. These are the two prominent

groups of young widows present in the state today, with no economic or social security. Both groups suffer from the social stigma of being a widow, economic hardship, assault from family members and physical abuse or sexual harassment. Widowhood is considered a social death where a woman is reduced into a non-being. When their husbands die, women are harassed by their in-laws and relatives, particularly over any compensation to be received. The in-laws and sometimes the brother-in-law even go to the extent of sexually harassing the widows. The full extent of their exploitation within the domestic sphere is as yet unexplored. Widows whose husbands have been extra-judicially killed by state agencies are not given compensation. Widows are seen with suspicion as they go from office to office to seek justice or financial assistance.

Coupled with the denial of justice regarding the cases of their husbands' killings is the hardship of sustaining their children. Women who have no alternative source of livelihood, no other income, and have a family and children to support are left with the options of manual labour, prostitution or illegal acts; many women are thus found involved in transferring arms and ammunitions of the armed opposition groups. There are various NGOs working for women and run by women, but what is needed is survivors working for themselves; the solidarity amongst themselves is immensely helpful in creating self confidence within them.

In 2009, some of these widows and victims' mothers came together and formed the **Extra-Judicial Execution Victim's Families Association of Manipur (EEVFAM)**, now consisting of more than 30 members; a strong community supporting each other, enhancing their morale and self-confidence. All these widows collectively strive to uncover the truth behind the killings of their husbands and children. These widows and their children are of no consequence to the Manipur government, as a result of which they feel the need to join together to combat the continuous extrajudicial executions by state actors while trying to seek justice. The spirit and objective of the association is to use domestic and international mechanisms to seek justice and rehabilitate the widows and their children. The organization was registered as a trust in May 2011. There are many more widows who are not able to speak out about their problems. There are hundreds of widows in the villages who are not aware of their rights and are unable to question why their husbands were killed. Most of them seem to have fallen prey to the belief that it has been written in their fate. Many have desisted from filing complaints and are not interested in pursuing matters pertaining to their husbands' death as they have lost complete faith in the judicial process and the state's legal and governance mechanisms. Despite this, there are also many who still hope that someday they will get justice. The common refrain of most widows however, is that most of the

perpetrators are from the security forces and the state police; there is therefore no point in asking for justice when those meant to deliver justice themselves commit the violations.

The Armed Forces Special Powers Act, 1958 continues to exist in Manipur, fuelling impunity. Every community wants to live in peace and free from militarization. The people of Manipur have become extremely intolerant towards state actors. The situation is fast hurtling towards an impending mass uprising of the civilian population against gross violations of basic human rights. According to the Universal Declaration of Human Rights, everyone has the right to life, liberty and security of the person, but for most Manipuris, this remains only a beautifully written declaration on paper. In these circumstances, women's rights are assigned a secondary position. Lack of knowledge of human rights, inaccessibility to court of law and its red tapism, and the lack of intervention by the various state commissions on human and women's rights are some major factors in women's inability to access human rights. Above all, the patriarchal norms and cultural dogma curbing their mobility and growth impose the biggest hindrance to their access to justice and the fulfilment of their rights.

Irom Sharmila from the Indian state of Manipur has been on a fast since 2000, demanding the repeal of the Armed Forces Special Power's Act that gives the military extreme powers. Sharmila began her fast on the 5th November, 2000 when ten civilians were gunned down at the village Malom on Manipur. The state is keeping her under house arrest and force feeding her liquid food through a nasal tube for the last twelve years. She gets arrested every year on charges of trying to commit suicide. For Sharmila it is not an individual fight, it is symbolic. It is an indication of truth, peace and love.

1.7 LET US SUM UP

In this Unit we have discussed the nature of women's rights violation and the different types of women's rights violations. We have also seen how women's rights are being violated in different countries of the world especially in Pakistan, Burma (the present Myanmar) and the Indian state of Manipur. We have also learnt how international bodies like the United Nations are involved in the elimination of women's rights violation in the world. We have learnt extensively about the condition of women in Pakistan, the women's movement in the country and how women are evolving as participants in the making of the future of that country. In our discussion of Bruma/Myanmar, we have studied how leading women like the much revered Aung San Suu Kyi are fundamental in shaping the nation and how ordinary women too are architects of an evolving democratic state of Burma/Myanmar. We have also learnt how women's rights violations are happening

in the Indian state of Manipur in the name of protection of the region by the army, and the heroic Irom Sharmila and her continuing hunger strike.

1.8 UNIT END QUESTIONS

- 1) Discuss the nature of violence against women. Give suitable examples from any literary texts that you have read.
- 2) Debate the violation of women's rights and substantiate your argument with examples.
- 3) Write short notes on the nature of:
 - a) Violence against women in Pakistan.
 - b) Violence against women in Manipur.

1.9 REFERENCES

Amnesty International. Retrieved on 2nd March, 2014. www.amnestyusa.org/our-work/issues/women-s-rights/violence-against-women.

Das, Veena (1992). *Mirrors of Violence*. New Delhi; Oxford University Press.

Hassan, Zoya (1994). *Forging Identities*. New Delhi: Kali for Women.

Haskar, N (2009). *Rogue Agent: How India's Military Intelligence Betrayed the Burmese Resistance*. India Penguin.

Moser, C and Clark, F (2001). *Victims, Perpetrators or Actors: Gender, Armed Conflict and Political Violence*. (Eds). New Delhi: Zubaan.

Mehrotra. Deepti Priya (2009). *Burning Bright: Irom Sharmila and Struggle for Peace in Manipur*. New Delhi: Penguin.

Naveed, Baseer (2011). Violence against women in Pakistan. *Ethics in Action*. Vol.5-no.6.December. Retrieved 1st March 2014. <http://www.ethicsinaction.asia/archive/2011>

Nighat,S.K (2004).*Up Against the State*. Lahore: ASR Publication.

Shan Women's Actions Network (SWAN) retrieved 1st March, 2014. <http://www.shanwomen.org/>

Shan Human Rights Foundation (SHRF) retrieved 1st March, 2014. <http://www.shanhumanrights.org/>

The Declaration on the Elimination of Violence against Women, retrieved 1st March, 2014. <http://www.un-documents.net/a48r104.htm> and www.un.org/rights/dpi1772e.htm

The UN High Commission on Refugees, Retrieved on 2nd March, 2014. <http://www.un.org/documents/ga/res/48/a48r104.htm>

1.10 SUGGESTED READINGS

Kazi, Seema (2009) *Between Democracy and Nation: Gender and Militarization of Kashmir*, New Delhi: Women Unlimited

O 'Toole, Laura L and Jessica R. Schiffman (1997) *Gender Violence: Interdisciplinary Perspectives*. (Edt). New York and London: New York University Press.

Film 'After the rape: Mukhtar Mai Story' (2008), a film by Catherine Ulmer

Moser, C and Clark, F (2001). *Victims, Perpetrators or Actors: Gender, Armed Conflict and Political Violence*. (Ed). New Delhi: Zubaan.