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Taking a comprehensive view of sexual violence

GEETANJALI MISRA and VRINDA MARWAH 30 September 2013

It has been 9 months since the iconic Delhi gang rape. Even as women's groups struggle to retain the focus on violence against women, we must extend this focus to all women - especially women marginalised on the basis of their sexuality, say Geetanjali Misra and Vrinda Marwah

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Delhi Pride march (c) Crea

On December 16, 2012, a 23-year-old woman was brutally beaten and gang-raped on a bus in New Delhi. She died from her injuries thirteen days later, and in the weeks that followed, waves of protests took place across India. People came out in large numbers, seeking justice and demanding freedom *(azaadi)* for women- freedom from violence, and freedom to wear what they want, to walk the streets at night. They asserted the need to protect women's rights, not their bodies. Misogynist comments by certain religious and political leaders were vehemently denounced, including on primetime television. Many questioned the rampant objectification of women in the media; some of these statements morphed into outright anxiety about the expression of women's sexuality. Men joined in, and some of these men actively called out aggressive masculinities as part of the problem. Several articles and conversations on rape culture circulated. Some of these were useful, such as Sohaila Abdulali's piece in the New York Times, 'I Was Wounded; My Honor Wasn't, which challenged the idea that rape is a fate 'worse than death' and asserted instead that rape injures a woman, not her honour. Some were quite useless, such as those in the international media that projected Indian culture and Indian men as uniquely and virulently misogynist. As is not unusual, the conversation on rights did not always take place from a human rights perspective; calls for the death penalty and chemical castration for the accused were made, and countered, but

About the authors

Geetanjali Misra is the Executive Director of CREA and Co-Chair of Mama Cash. She is co-editor of Sexuality Gender and Rights: Exploring Theory and Practice in South and South East Asia (Sage: 2005).

Vrinda Marwah is Programme Coordinator at CREA, working with CREA's Sexuality, Gender, and Rights Institutes (Global and India), and the Disability, Sexuality, and Rights Online Institute

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continued to persist. Just last week, after months of trial, the remaining four accused (one hanged himself in prison, and one received a reduced sentence as a juvenile) were sentenced to death by a South Delhi court.

On the whole, the collective activism of those weeks succeeded in placing the issue of violence against women squarely on the national agenda in ways unprecedented in the recent past. In response, the Justice Verma Commission was set up by the government, which came out with a landmark report affirming women's sexual autonomy. Eventually, the parliament passed changes to the country's sexual assault laws, accepting certain recommendations of the JVC report such as expansion of the definition and quantum of punishment for sexual assault, while excluding significant others such as the non-inclusion of marital rape, and the non-removal of prior sanction required to prosecute security forces for sexual offences.

Today, nine months later, sexual assault continues to be reported with disquieting frequency. Some cases generate more conversation and action than others, such as the recent gang-rape of a photo-journalist in an abandoned Mumbai mill. But the December 16th case and the struggle that it sparked have become iconic. Its victories are by no means sufficient—indeed they remain fragile and too easily reversible—but they have given violence against women a proverbial foot in the door of public imagination. A space for conversations on women's human rights has opened up, one that women's groups globally are trying to hold on to, even widen.

In a world that sees women's sexuality as the ultimate vehicle to their purity and pollution, sexual violence has traditionally received more attention than other women's rights issues. Many in feminist movements have been arguing that sexual violence needs to be located within a broader continuum of violence that affects women's lives, and includes many other forms of violence, such as the structural violence of poverty and social insecurity. These everyday inequities may not have the same shock value, but are as acute and pressing. We are guilty of privileging sexual violence over other forms of violence against women; this is borne out by our campaigns, our language, our victories and our histories. We must be mindful of the effects that this generates; even as the issue of sexual violence is by no means settled, there are ways in which it renders invisible other agendas.

Also, we must honestly ask ourselves - within a conversation on sexual violence, are we able to be affirmative and inclusive?

Freedom from violence is one half of the conversation on women's human rights; we cannot understand or address it without speaking simultaneously of freedom *to* - the positive right of women to self-determination and self-realisation. But alas, affirmation is often much harder to pull off. We saw yet again in India in the past months that it was easier to focus on how 'insensitive' society is to women, than it was, for instance, to argue that India's youth have a right to comprehensive sexuality education. Sexual violence is a denial of a woman's right to say no *and yes* to sex; it is a rejection of her status as an independent sexual being. But the negativity and squeamishness associated with sex means that even though sexuality education can be about so much - healthy behaviours, sensitive attitudes, a rejection of violence, and an affirmation of rights - the demand for the right to comprehensive sexuality education remains confined to the usual quarters of feminists, sexual rights advocates, and some youth groups.

We know that women are not a homogenous category, and that every woman embodies the intersection of several identities of class, caste, race, gender, sexuality, religion, etc. While it may be true that December 16th created the impact it did because the victim's location (urban, lower-middle class/ aspirational, student, etc.) was a largely non-threatening one, most women's groups after that day did not dismiss her as a relatively privileged or 'inauthentic' victim. Rather, a concerted effort was made to relate the case and build on the momentum behind it in order to connect it to other women everywhere - Dalit women, women from religious minorities, sex-working women, mentally and physically disabled women, women in police custody, women in conflict zones, women who are sexually abused within the home, and lesbian and trans women. We asked if there were women out there who were thought of as 'okay to rape', and we argued that sex without consent is violence, no matter who the woman and what the context.

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For us at CREA, this kind of deepening is critical to the conversation on sexual violence. As an organisation working on issues of sexuality, we seek to confront the fact that many women are marginalised by virtue of their non-normative sexuality. This includes sex-working, lesbian, and disabled women - women who are not usually imagined as rights-bearers, or seen as deserving of protection, because their sexual identities and practices mark them as deviants, either over-sexed or asexual. We must remember that marginalisation works to increase a woman's risk of suffering violence from a wide range of perpetrators, both individual and institutional. This violence also reduces the likelihood that she will successfully access and receive the care that she is, in theory, entitled to. In fact, the very networks and structures that are supposed to support women at all stages of their lives (family, community, state services such as education, health, or justice) often fail those women who are most in need. This was persuasively demonstrated by the first ever multi-country research study on violence against disabled, lesbian, and sex working women in Bangladesh, India, and Nepal, coordinated by CREA between 2009 and 2011, and funded by the Dutch government's MDG 3 Fund.

Kishori group meeting, Mahoba, Uttar Pradesh. Photo (c) Charlotte Anderson

This study threw up important new evidence from the South Asian region on the stigma, discrimination, violence, and structural exclusion faced by women whose sexual identity and practices do not conform to prevailing norms. Findings reveal commonalities and differences in the nature of violence faced by these three groups. Many lesbians did not disclose their same-sex relationships and led double lives instead. They described feeling isolated and traumatized because of this, and families that suspected or knew about their same-sex relationships would resort to beatings, strict monitoring of their movements, pressurizing them to marry etc. In the case of sex workers, daily exposure to violence, particularly sexual violence, at the hands of the police, clients, male partners, brothel keepers and society at large compounded their already vulnerable status. In fact, violence experienced from clients formed an overwhelming proportion of the violence faced by sex workers, especially street-based sex workers. Also significantly, sex workers reported at least one act of violence from the police during their lifetime.

With disabled women, a very different reality was revealed, wherein the primary site of violence and abuse is often the family, including intimate partners. For instance, the families of disabled women often offered generous dowries to get them married off. Husbands whose families had forced them into such marriages would later be abusive towards their wives. Families also exercised great control over the finances, mobility, and health care of these women; most disabled respondents reported abuse from siblings when they were dependent on their care, for instance. Their disability made the respondents easy targets of verbal and physical sexual harassment on public transport, and even for another kind of sexual violence- forced sterilisation without their knowledge.

For all three categories, stigma and discrimination is deeply prevalent and comes from family, friends, community members, and health service providers. Respondents faced exclusion from social gatherings, they were unable to secure jobs, accommodation, healthcare, and were denied legal rights by the state that others took for granted. The violence they faced, some of which is described above, lead to physical and psychological problems, the latter being more frequent. This left respondents feeling like they 'deserved' the violence; and this internalisation often prevented them from disclosing or reporting violence, and from seeking healthcare for physical problems like abdominal pain, heavy bleeding and body ache.

Findings also confirm what many have argued for long - that direct violence is often an eruption on a landscape constituted by structures of heteronormativity and patriarchy, which divest all women of control over their bodies and sexuality. For lesbian women, the societal framework that propagates heterosexuality as the norm is the key source of violence, as it makes invisible their lives and identities, and provokes abuse against them. Similarly, sex workers are seen as 'bad women' who do not have the right to say no to any kind of sex.

Gayle Rubin's (1984) sexual hierarchy is an effective conceptual and political framework that discusses exactly this. Rubin argues that societies rank and respond to sex acts according to a hierarchical system of value, with marital, monogamous, heterosexual, reproductive, and non-commercial sex at the very top of the pyramid. This type of sex is rewarded with certified mental health, respectability, legality, social and physical mobility, and institutional and material benefits. As we travel lower down the pyramid, the rewards turn into sanctions. A violation of these rules - through unmarried, promiscuous, homosexual, non-procreative, and commercial sex, or even inter-generational sex, use of pornography, sexual objects, or sex in more public places - is considered bad, unnatural, and abnormal. Religious, psychiatric, popular and political discourses strictly maintain and regulate these boundaries of acceptable and unacceptable sex.

And so, when we reflect on and take forward the activism of these months against sexual assault, we must honestly evaluate what sexual hierarchies we have been working with, even as feminists. It cannot be stressed enough that all women have the right to a life free from violence, and to sexual autonomy. That is the larger battle, and it must include everybody.

This article stems from a paper presented at Hivos's Movements Rethink conference

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The authors believe that in seeking to right a wrong we MUST seek to right every other sort of wrong which bears an analogical relationship to it. This is foolish. To attempt such a thing is to face a 'halting problem'. The Universe will end before all possible analogically similar wrongs are tabulated.
India sees that its future depends on protecting the rights of young people who are part of a new type of Economy. In the old days, or still in the villages, there was the notion that the law only applied at certain times and places. To be in the wrong place at the wrong time was to be outside the law. This type of thinking was encoded into language. In the vernacular language we speak more of 'auspicious' and 'inauspicious' rather than 'right' and 'wrong' because there is the notion that Time and Place determine the latter.
The protests against the Delhi atrocity were not irrational or a media led frenzy. The fact is, tax revenue goes up when people are protected at night as well as during the day. The Police is funded through taxation. If they don't exercise vigilance all the time and at all places- rather than those which are 'sanctified' or 'auspicious' by reason of association with V.I.Ps- then the Economy won't develop properly, Tax receipts won't rise, the return on Capital won't rise, the Police themselves won't be get more money.
The authors of this believe that crimes against women are somehow different from

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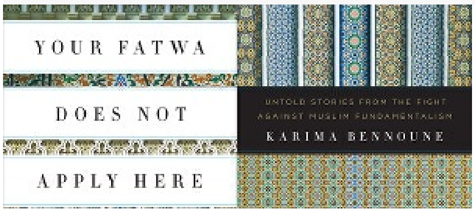

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