

A Commonwealth

ANNOTATED BIBLIOGRAPHY ON
**VIOLENCE AGAINST
WOMEN**



COMMONWEALTH SECRETARIAT

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VIOLENCE AGAINST
WOMEN**

Women's and Youth Affairs Division
Commonwealth Secretariat
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We also acknowledge with gratitude the work and dedication of Julie Oyegun, lawyer, gender analyst and human rights consultant. She is responsible for the preparation of the bibliography. Thanks are also due to Jane Connors and Georgina Ashworth whose timely advice and encouragement have contributed so much to the Project.

Abbreviations

Agis	Attorney General's Information Service, Australia.
AIDoS.....	Italian Association for Women in Development.
ALRC.....	Australian Law Reform Commission.
ATRCW.....	African Training and Research Centre for Women.
BWS.....	Battered Wife Syndrome.
CAFRA.....	Caribbean Association for Feminist Research and Action.
CEPIA.....	Citizenship Studies, Information, Action, Brazil.
CWPS.....	Center for Women's Policy Studies.
FGM.....	Female Genital Mutilation.
IAC.....	Inter African Committee on Traditional Practices Affecting the Health of Women and Children.
ILO.....	International Labour Organisation.
Inst.	Institute; institution.
ROAPE.....	Review of African Political Economy.
UK.....	United Kingdom.
Univ.	University.
USA.....	United States of America.
WIN.....	Women's International Network.
WHO.....	World Health Organisation.

THE BIBLIOGRAPHY ON VIOLENCE AGAINST WOMEN

INTRODUCTION

The Commonwealth Ministers Responsible for Women's Affairs at their third and fourth meetings in Ottawa 1990 and Cyprus 1993 respectively, mandated the Secretariat to disseminate information and training materials on women's human rights. This bibliography on violence against women forms part of the Clearing-house on Violence Against Women established by the Women's and Youth Affairs Division of the Commonwealth Secretariat in accordance with the mandate of the Ministers.

The Clearing-house is designed to provide online information on existing training models, resources and materials on violence against women in the Commonwealth and includes this international bibliography together with a directory of organisations, governmental and non-governmental, working on violence against women. Information on measures taken by member countries to combat such violence including research, the establishment of remedial and support structures and networks, the development of national plans, domestic legislation reform and training programmes forms part of the Clearing-house.

The following is the definition of violence against women spelt out in the UN Declaration on the Elimination of Violence Against Women¹:

....any act of gender-based violence that results 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.

This is not a definition that permits the practice of violence against women in whatever form to be ignored or denied; rather it is one which forces us to remember, to look closer and see clearly what perhaps previously we had learnt to avert our gaze from and, from now on, to take a stand.

It is hoped that governments, donors, women's machineries, women's rights activists, policy makers and researchers will avail themselves of this resource.

Coverage

The Women and Youth Affairs Division has published three volumes on gender violence since 1988 as follows: (1) *Guidelines for Police Training on Violence Against Women and Child Sexual Abuse*, (2) *Violence Against Women: Curriculum Materials For Legal Studies* and, (3) *Confronting Violence: A Manual For Commonwealth Action*. This volume draws on the response to its predecessors to form an essential part of the Commonwealth clearing-house on gender violence and includes material dated mainly from 1992 when the last of the trilogy was published.

The concern of Commonwealth Ministers Responsible for Women's Affairs extends to the welfare of the girl child² so that the coverage of the bibliography looks beyond materials on spouse abuse, for example, towards mechanisms which address the roots, dynamics, as well as the far reaching implications of gender abuse against females from conception to the grave in virtually all societies.

Organisation

There are 186 entries in the bibliography. A thematic rather than a geographical classification has been adopted following Davies (1994) to emphasise the global nature of gender abuse and to facilitate comparative analyses. The classification is in two main categories - private (ie. occurring within the family/home, invariably at the hands of a male relative or affine and often very broadly referred to as 'domestic violence') and, public violence against women (ie. occurring in the larger society - in the community and from the State - beyond the confines of the household/normal place of residence)³.

An attempt has been made to break down each of these classifications further into descriptive categories as follows bearing in mind that the sub-groups, as outlined below, are invariably not mutually exclusive:

Private Violence against Females -

Physical battery;

*Widow burning ('sati');

*Dowry deaths;

Marital rape;

Psychological abuse;

Financial neglect and deprivation;

*Confinement and restricted social access;

Incest and child sexual abuse;

*Female-foeticide and -infanticide;

*Son/male preference (ie. gender discrimination against women and girl children);

*Genital mutilation;

*NB. The factors which influence and sustain these forms of abuse reside as much within the larger society as within the immediate household but arise primarily as a result of both gender and family membership and can therefore be correctly categorised under 'private ' or

'domestic' violence against women.

Public Violence against Females -

Sexual harassment eg. on the street, at work and in institutions of learning;

Non-familial rape;

Sexual slavery and exploitation;

Sex industry and trafficking in women and children;

Pornography;

Mass violence against women (ie. in civil strife, emergency and armed conflict situations eg. rape, enforced prostitution and torture of women;

Harmful traditional and cultural practices eg. female genital mutilation and 'wife cleansing';

Coercive birth control;

Discriminatory legislation;

State endorsed political victimisation of women;

State inaction/omission towards the eradication of gender-based violence against women.

The entries in each sub-group are numbered and arranged alphabetically according to author, editor or the corporate body which commissioned the publication. The date and place of publication as well as the name of the publishers are also provided. The title of each publication is presented in italics. The annotated section contains a list of key words used together with short but detailed notes on as many entries as possible to further guide the user. The country or countries from which the subject of study is drawn is indicated in the notes. A list of other bibliography on each sub-group is also provided at the end of the annotations. Endnotes appear at the end of each chapter as applicable.

Material from Commonwealth countries with poor media access is given as full a coverage as possible due to the possibility that the actual texts may not be easily accessible. It will be observed that there is a dearth of material from the developing world; it is anticipated that the clearing-house will be able to contribute creative solutions to this problem. Where material has arrived too late for annotation it has nevertheless been catalogued without notes and been incorporated into the section on "Other Bibliography". Funds allowing, the bibliography will be regularly updated and revised to ensure its continued reliability and currency. It is hoped that the resources will also become available for the Women and Youth Affairs Division to

acquire as much of the material as possible to facilitate access to as many users as possible.

It must be restated that

“...as the Commonwealth is a vast and varied legal and social tapestry, a Manual of this nature cannot hope to cover all manifestations of violence against women or all strategies that have been used to confront them. We welcome any information on issues addressed here which you feel are important and on measures implemented which have not been described or have been described inaccurately.”⁴

NOTES

1. It is a credit to the Commonwealth that Canada initiated the Declaration.
2. See Commonwealth Secretariat, (1993) - *Beyond Planning to Implementation: The Report of the Fourth Meeting of Commonwealth Ministers Responsible for Women's Affairs*, p. 8, para. 44.
3. One must bear in mind the difficulty in narrowing down the term 'household' in the face of different global contexts and contemporary realities.
4. Commonwealth Secretariat, (1992) - 'Introduction', *Confronting Violence: A Manual For Commonwealth Action* (Revised); p. 2.

VIOLENCE AGAINST WOMEN: Introductory Bibliography

Violence against women, or gender-based violence, became topical internationally as a development concern during the global feminist activism that was generated as a result of the success of the 1985 Nairobi Conference which marked the end of the UN Decade for Women. The feminist movement in the West had already placed it firmly on its agenda and since the 1993 Vienna Human Rights Conference it has been openly recognised by the international community that violence against women is a human rights issue.

This outcome - acknowledgement that gender-based violence is not a private problem for women - has formidable implications for communities and governments. Now these institutions must take possession of the problem and make open and tangible commitment both to the alleviation of the effects of violence on its immediate victims and society at large as well as to its control and eradication. In the words of Canada's Panel on Violence Against Women: "*We want our country to take the necessary steps from denial to acknowledgement, from tolerance to commitment, from inequality to the sharing of power, from institutionalised violence to zero tolerance of violence*". (Exec. Summary/National Action Plan: viii).

A number of studies based on these developments are an excellent introduction to the issues as appear below:

1. **AMNESTY INTERNATIONAL**, (1991) - *Women on the Frontline: Human Rights Violations against Women*, Amnesty International Publications: London.
2. **BUNCH, C. & CARILLO, R.**, (1991) - *Gender Violence: a Development and Human Rights Issue*, Rutgers University & Center for Women's Global Leadership: USA.
3. **CANADIAN PANEL ON VIOLENCE AGAINST WOMEN**, (1993) - *Changing the Landscape: Ending Violence - Achieving Equality (Executive Summary and National Action Plan)*; Minister of Supply and Services: Canada.
4. **DAVIES, M.**, (ed.)(1994) - *Women and Violence: Realities and Responses Worldwide*, Zed Books Ltd.: London and New Jersey.
5. **DOBASH, R. E. & DOBASH, R. P.**, (1992) - *Women, Violence and Social Change*, Routledge: London.
6. _____ (1980) - *Violence Against Wives: a Case Study Against the Patriarchy*, Open Books: London.

7. **FALUDI, S.**, (1992) - *Backlash: the Undeclared War Against Women*, Chatto & Windus: London.
8. **FORD FOUNDATION**, (1992) - *Violence Against Women: Addressing a Global Problem*; Ford Foundation: New York.
9. **GREGORY, J. & LEES, S.**, (1994) - 'In Search of Gender Justice: Sexual Assault and the Criminal Justice System' in *Feminist Review Issue 48: The New Politics of Sex and the State*; Routledge: London.
10. **HOWELL, E. & BAYES, M.**, (1981) - *Women and Mental Health*; New York: Basic Books.
11. **PIZZY, E.**, (1981) - *Scream Quietly or the Neighbours Will Hear*; Hammondsouth: Penguin Books.
12. **WILSON, E.**, (1983) - *What is to Be Done About Violence Against Women?* Hammondsouth: Penguin Books.
13. **WORLD BANK/HEISE, L. et al.**, (1994) - *Violence Against Women: The Hidden Health Burden*, World Bank Discussion Paper No. 255.

The international Women's Tribune Centre has also published (June 1991: 42-3) a list of periodicals that frequently or regularly carry articles on violence against women as follows:

The Asian Church Woman (quarterly); ACWA, 91 - 175 Shin Soo Dong, Mapo-Ku, Seoul 121 - 110, Korea.

Aurat (quarterly: English & Urdu); Aurat Foundation Documentation & Resource Centre, 4-A LDA Garden View Apartments, Lawrence Road, Lahore 54000, Pakistan.

Banhi (newsletter); William Carey Study & Research Centre - CISRS/Joint Women's Programme, 14 Jangpura B, Mathura Road, New Delhi 110014, India.

CAFRA News; Caribbean Association for Feminist Research & Action, P. O. Box Bag 442, Tunapuna, Trinidad & Tobago.

Connexions (quarterly); People's Translation Service, 4228 Telegraph Avenue, Oakland CA 94609, USA.

Correspondencia; Woman to Woman, P. O. Box 12322, San Antonio, TX 78212, USA.

Depthnews Women's Feature; Women's Feature Service, Press Foundation of Asia, P. O. Box 1843, Manilla, Philippines.

Manushi - Journal About Women in Society (bi-monthly); C1-202 Lajpat Nagar 1, New Delhi 110024, India.

Match News (quarterly); Match International Centre, 1102-200 Elgin Street, Ottawa, Ontario.

Response to the Victimization of Women & Children (quarterly) - Journal of the Centre for Women Policy Studies, 2000 P Street, NW, Suite 508, Washington, DC 20036, USA,

Sistren; Sistren Theatre Collective, 20 Kensington Crescent, Kingston 5, Jamaica, West Indies.

Speak Out (quarterly); Women's Action Group, P. O. Box 135, Harare, Zimbabwe.

WIN News; Women's International Network, 187 Grant Street, Lexington, Mass. 02173, USA.

Women's Health Journal; Latin American & Caribbean Women's Health Network, Isis International, Casilla 2067, Correo Central, Santiago, Chile.

Women in Action; Isis International, Casilla 2067, Correo Central, Santiago, Chile.

The Women's Watch; International Women's Rights Action Watch (IWRAW), IWRAW/WPPD, Humphrey Institute of Public Affairs, University of Minnesota, 301-19th Avenue South, Minneapolis, Minnesota 55455, USA.

Women's World; Isis/WICCE, P. O. Box 2471, 1211 Geneva 2, Switzerland.

Tok Blong Ol Meri (quarterly); World YWCA Pacific Area Office, Box 3940, Samabula, Suva, Fiji.

Sauti Ya Siti; Tanzania Media Women's Association (TAMWA), P. O. Box 6143, Dar-Es-Salaam, Tanzania.

PART ONE

PRIVATE VIOLENCE AGAINST WOMEN AND GIRL CHILDREN

Definitions and Concepts

The false dualisation of society into the private ie. female/domestic and public ie. male/social spheres has facilitated the entrenchment and resilience of gender discrimination worldwide. Perhaps the most obvious expression of the structural inequality between the sexes is the universal pattern of male violence against women particularly in the context of the intimate, familial roles of lovers, spouses, fathers and brothers. This is a pattern which is unhindered by class, education, creed, culture or race. As the human rights and human development implications of the linkages between private origin and public outcome (EISLER, 1993) become clearer however, the premise for the dichotomy - patriarchy, and therefore the subordination of women - is losing credibility. This is a new consciousness which has climaxed in the international slogan "*Women's rights are human rights.*"

The United Nations defines 'domestic violence' as the physical or mental assault of women by their male partners ie. wife assault (SCHULER, 1992), child abuse, violence between siblings, abuse or neglect of the elderly and abuse by children of parents. Wife assault itself has only been problematised as a social priority since the universal subordination of women and the 'sanctity' of the family as a private domain under the absolute control of the male household head and, therefore, beyond public scrutiny/intervention, have been widely and openly challenged in the last quarter of this century. It is now established that an abusive conjugal partner is likely to be a child abuser¹ and that children from abusive, dysfunctional families are likely, as adults, to replicate the patterns of behaviour learnt in their childhood².

The women's movement has led to the understanding of women as 'prisoners of culture' - as legitimate a category of the oppressed as the more orthodox 'prisoners of conscience'. It is now clear that the family is not a very safe place for women and that there are direct correlations between violence against women and their economic vulnerability (BUNCH & REILLY 1994: 22). But domestic violence, indeed any form of violence against women and children is not inevitable or unpreventable.

In a detailed study *Family Violence in Cross-Cultural Perspective* Levinson applied "unequal gender relations" as an analytical framework (SCHULER 1992) together with statistical and ethnographic data from some 90 different societies, to identify the main predictors of violence against women. Yet another objective of the study was to establish from these groups the combination of factors which made for lower levels of violence. Four conditions were found to be mutually reinforcing as predictors of violence against women by their spouses (in ascending order of importance):

1. a habit of violent interpersonal conflict resolution ;

2. lack of free access to divorce by the wife;
3. male authority and control of decision-making in the home;
4. economic inequality between men and women (SCHULER 1992; HEISE et al. 1994).

On the other hand Levinson was able to conclude from the same study that factors associated with lower levels of violence against women in the home were equally important for preventive and eradication strategies. These factors are:

- a) conflict avoidance;
- b) employing a dynamic variety of measures to handle feelings of aggression;
- c) innate regard and respect for each member of the community and, most important;
- d) the absence of a rigid gender division of labour in the household (SCHULER 1992: 17).

What is crucial to the total eradication of violence against women is the commitment of governments to take responsibility for the necessary social change and development that must take root at community levels to alter the public's tolerance and therefore acquiescence in violence against women. Feminists have long established that the personal is political; it is time that society itself removes the "*obstacles that prevent bringing "private violations" into public accountability*" (BUNCH & REILLY 1994: 22).

NOTES

1. See UN, (June 1993) - *Strategies for Confronting Domestic Violence: A Resource Manual*
2. See UN resource manual *Strategies for Confronting Violence* (June 1993).

BIBLIOGRAPHY ON DOMESTIC VIOLENCE (including child abuse)

INTRODUCTION:

As has been suggested above, domestic violence can be defined to include manipulation, threat and intimidation, confinement and isolation, neglect and deprivation, psychological torture and verbal abuse as well as battering, sexual abuse and rape, of women and children. Men are invariably the perpetrators and are only likely to be at risk themselves on the rare occasion when the victim(s) of a pattern of abuse inflicted by them eventually hits back, in self defence or provocation.

The law is seeing the development of new defences such as 'battered woman syndrome' - defences that are gender sensitive and better reflective of the abused woman's reality than traditional defences which are often restrictive and gender biased.

Violence in the family is neither confined nor does it appear to be affected by the usual "*axes of [sic. social] segmentation*" (McKewan-Scott) such as class, race, age, ethnicity, religion or education. It cuts across all such boundaries and is a problem of international proportions. Largely due to the activism and advocacy of women in conscious organisations all over the world who have been brought into solidarity by the UN Women's Decade and its three conferences to date and latterly by the 1993 4th UN World Human Rights Conference, governments and international institutions have begun to seriously respond to the need to challenge this problem.

The silence surrounding domestic violence has been broken and increasingly 'wife assault' and child abuse are crimes warranting more than welfare or mediation approaches from law enforcement agencies. The Police and health and social service personnel are more prepared to support victims of domestic violence with effective intervention measures which include restraining the abuser. Increasingly women and children can expect the protection of the law to reach them in the home as well as out of it.

1. **CASHMORE, J. et al.**, (1992) - 'Sexual Abuse Allegations and Child Placement: a reply to Ken Byrne', *Australian Family Lawyer* 7 (3), March 1992 pp. 32 - 36; agis no. 92/1135.

CHILD ABUSE: AUSTRALIA. Rejoinder to essays and articles by Ken Byrne on false sexual abuse allegations. Discussion of the competence of children in giving evidence in cases of suspected or alleged sexual abuse.

2. **EASTEAL, P. W.**, (1992) - 'Battered Woman Syndrome: misunderstood?', *Current Issues in Criminal Justice* 3 (3), March 1992 pp. 356 - 359; agis no. 92/1034.

WIFE ABUSE - BATTERED WOMAN SYNDROME: AUSTRALIA. The discussion

centres around the use of 'battered woman syndrome' (BWS) as reasonable grounds for self-defence; 'justifiable homicide' 'learned helplessness' and the proper understanding of the cycle of violence are all discussed at length.

3. **EASTEAL, P.** , (1993) - 'Battered Woman Syndrome: what is 'reasonable'?', *Alternative Law Journal* 17 (5) October 1992 pp.220 - 223, 227; agis no. 93/8.

'BWS' - ABUSED WOMEN WHO KILL: AUSTRALIA. This is an analysis of the arguments for and against the promotion of BWS as a defence to homicide and an account of its brief history so far in the Australian courts. Most importantly it is a comment on the difficulty of arriving at a standard definition of 'reasonable' behaviour for a woman who presumably has been badly abused for so long as to have been driven to murder her abuser.

4. **GODDARD, C. & HILLER, P.**, (1993) - 'Child Sexual Abuse: assault in a violent context', *Australian Journal of Social Issues* 28 (1) February 1993 pp. 20 - 23; agis no. 93/961.

LINKS - DOMESTIC VIOLENCE & CHILD SEXUAL ABUSE: AUSTRALIA. This is a study which draws direct links between domestic violence and the sexual abuse of children. It draws attention to the very fine line of distinction between physical violence in the family and sexual abuse.

5. **GOLDMAN, J. D. G.**, (1992) - 'Children's Sexual Cognition and its Implications for Children's Court Testimony in Child Sexual Cases', *Australian Journal of Marriage and Family* 13 (2) July 1992 pp. 78 - 96; agis no. 92/2481.

CHILD ABUSE - GIVING EVIDENCE: AUSTRALIA, UK, N. AMERICA & SWEDEN. This is a summary of various studies carried out in a number of countries on the incidence of child sexual abuse and the intricacies of giving evidence as a child victim of sexual abuse. Children's sexual knowledge and the processes of preparing plausible testimony are reviewed and the efficacy of current preventative interventions is assessed.

6. **OATES, R. K.** , (1992) - 'The Effects of Child Sexual Abuse', *Australian Law Journal* 66 (4), April 1992 pp. 186 - 193; agis no. 92/1262.

CHILD ABUSE: AUSTRALIA, UK & USA. The article presents the findings of studies from the three countries on the effects of child abuse on the victims, including the effects of prosecuting the offence as well as the longterm effects of the experience itself.

7. **OFEI-ABOAGYE, R.O.**, (1994) - 'Domestic Violence in Ghana: An Initial Step' in *Columbia Journal of Gender and Law*, Vol. 4, No. 1.

EXPLORATORY: GHANA. This study is based on the somewhat questionable assumption that no research has been conducted in Ghana to establish that wife abuse and other forms of domestic violence exist and/or that domestic violence is a problem. Ampofo's 'Controlling and Punishing Women: Violence Against Ghanaian Women' (1993) *Review of African Political Economy* (ROAPE) No. 56, pp. 102-110 immediately comes to mind in rebuttal. That notwithstanding it is a useful contribution - more rustic in parts than rigorous - but sound in its recommendation that the non-problem status of domestic violence in much of contemporary Ghanaian society and its conflation with 'discipline' needs to be addressed through raising the consciousness of the public and women to the issues and costs involved in this practice.

8. **POLICE LIFE**, (1991) - 'The MOST Common Crime' , *Police Life* Oct./Nov. 1991 pp. 18 - 19; agis no. 92/250.

POLICE ROLES: AUSTRALIA. The high incidence of spousal abuse by men against women is the subject of this essay. The vital importance of recording accurate incidence statistics by the Family Violence Project officer and the changing attitude of the police and the community are addressed. The role of the Crimes (Family Violence) Act 1987 is also discussed.

9. **SHEEHY, E. A. et al.**, (1993) - 'Defending Battered Women on Trial: the Battered Woman Syndrome and its limitations', *Criminal Law Journal* 16 (6) December 1992 pp. 369 - 394; agis no. 93/111.

BATTERED WOMAN SYNDROME: AUSTRALIA. This is a discussion of the development of the 'battered woman syndrome' (BWS) defence. It examines in depth the limitations and therefore the inadequacies of more orthodox defences, including 'self-defence' and 'provocation' and concludes with an assessment of the weight of expert evidence during trial. Reference is made to *Runjanjic and Kontinnen v The Queen* (1991) Australian Criminal Law Report 362 and *Kontinnen* (unreported SA S. Ct., 30th March 1992).

10. **STUBBS, J.**, (1992) - 'The (un) reasonable battered woman? A Response to Eastal', *Current Issues In Criminal Justice* 3 (3), March 1992 pp. 359 - 361; agis no. 92/1035.

BATTERED WOMAN SYNDROME: AUSTRALIA. A rejoinder to Eastal's 'Battered woman syndrome: misunderstood ?' (agis no. 92/1034)

11. **WOMEN IN LAW IN SOUTHERN AFRICA/TAYLOR, J. & STEWART, S.**, (1991) - *Sexual and Domestic Violence: Help, Recovery and Action in Zimbabwe*; A. von Glehn & J. Taylor: Harare.

RAPE & DOMESTIC VIOLENCE: ZIMBABWE. This is an awareness building manual designed to substitute for counsellors, to reach a wide range of people in the community. The argument is made that -

"In most developed countries networks of specialised groups have been set up to deal with victims of rape and wife-beating. We believe that a more appropriate aim for developing countries is to equip helpers already placed in the community to include these problems as part of their regular work" (TAYLOR et al. 1991: Introduction p. 1).

The Manual has been superseded by new developments in Zimbabwe but it makes excellent reading and remains a useful guide to those who offer support, help and counselling to abused women and children.

12. YEO, S., (1993) - 'Battered Woman Syndrome in Australia', *New Law Journal* 143 (6582) 8 Jan. 1993 pp. 13 - 14; agis no. 93/621.

'BWS': AUSTRALIA, NEW ZEALAND & UK. This is an essay on the defence of 'battered woman syndrome' and the reasonableness of the accused's state of mind and judgement, perception and actions. The different approaches and judicial attitudes to the defence in the three countries is also engaged with.

OTHER BIBLIOGRAPHY

1. BRADLEY, C., (1988) - 'Wife-beating in Papua New Guinea - Is It a Problem?' in *Papua New Guinea Medical Journal* Vol.31 No. 4.

2. KAETOVUHU, E. & TYRER, R., (1987) - *Domestic Violence in Papua New Guinea: The Reporting of Incidents to the Police*, (unpublished paper, Research and Planning Section, Department of Police, Konedobu).

BIBLIOGRAPHY ON FEMALE FOETICIDE & INFANTICIDE, DOWRY ASSAULT AND SATI

INTRODUCTION

These categories of abuse are examples of "other" forms of violence against women - non-Western, peculiar to Asia and therefore unfamiliar to many, yet clearly part of the spectrum (HEISE et al. 1994) of terror and indignity that is only too frequently the gender portion of women in virtually all cultures.

The Indian Struggle for Women's Liberation Meeting passed the following resolution in 1988 -

"Women face specific forms of violence: rape and other forms of sexual abuse; female foeticide; witch killing; sate; dowry murders; and wife-beating. Such violence, and the continued sense of insecurity that is instilled in women as a result, keeps them bound to the home, economically exploited, and socially suppressed. In the ongoing struggles against violence in the family, society and the state, we recognise that the state is one of the main perpetrators of violence by men against women in the family, the workplace and the neighbourhood. For these reasons, a mass women's movement should focus its efforts both inside and outside the home" (OMVEDT et al., 1988)¹.

Women in Asia are becoming increasingly aware of the structural issues that constitute their oppression (FAOW 1994; KELKAR 1992). The media is more aware of the gender issues underlying criminal behaviour against women (KELKAR 1992) and the state is more responsive to pressure from women's groups and to international trends that acknowledge that women's rights are human rights. Despite these developments, however, the incidence of recorded violence against women continues to rise.

The WHO's records show that a study of causes of female mortality in Bangladesh showed 12.3% female mortality due to intentional injury; in India in 1990 police records show an estimated 4,835 dowry related deaths for the whole sub-continent but women's organisations claim 1,000 deaths per annum for just Gujarat State (WIN News 1993). With specific reference to the Indian sub-continent Kelkar comments that:

"It has been argued that the dowry/witch-hunt issue in India stems from women's subordination in the structure of material production, the organisation of marriage and family, and the sexual division of labour. This creates gender-specific personalities in which men are valued for their role as the principal one in the national economy, "bread winners", and supporters of the family; while women are excessively undervalued for their dependence, ignorance of the outside

world and preoccupation with household chores"(1992: 83)

1. **KELKAR, G.**, (1992) - 'Stopping the Violence Against Women: Fifteen Years of Activism in India' in (ed.) M. Schuler, *Freedom from Violence: Women's strategies from Around the World*, Women, Law and Development Series; OEF International: Washington D.C.

INCREASING VIOLENCE: INDIA. The paper looks at the social mechanisms which perpetuate violence against women as a major focus and goes on to examine some strategies developed to address the problem. The study also looks at specific forms of violence against women and is able to record of dowry murders, for example, a figure of 11,259 dowry related murders for the few years ending mid-1991. The report becomes more harrowing:

"The official dowry murder toll has risen steadily from 2,209 in 1988 to 4,835 in 1990. In August 1990, the Minister of State for Home Affairs admitted in the Rajya Sabha (upper houses of Parliament) that despite two amendments to the Dowry Prohibition Act, there was a rise in dowry deaths. In 1983, an average of two women died of burns everyday in Delhi (KELKAR, 1987). In Bombay, a survey from two police stations indicated that in a period of eight months in 1984, one woman was burned to death every five days. In Bangalore, suicides and "dowry deaths" nearly doubled in 1984 as compared to the previous year.In Madhya Pradesh, records from the largest hospital showed that one woman died of burn injuries every five days. According to various women's organisations, an equal number of burning/suicide cases go unreported. This is due primarily to refusal of the police to register the cases, or when they are registered, the offence is minimised. For example, over 90 percent of the cases of women burnt in Delhi were registered as accidents; only five percent were noted as murders and five percent as suicides" (KELKAR 1992: 79).

Equally detailed information is given for rape, the skewed sex ratio, and witch hunt murders. The efforts of the women's movement remains unrelenting even in the face of escalating violence against women.

2. **OMVEDT, G.**, (1990) - *Violence Against Women: New Movements and New Theories in India*; Kali for Women: New Delhi.

THEORIES & MOVEMENTS: INDIA. The study says of its intention that it does not seek to give answers but to advance the debate in an environment where violence is increasing and old theories, ideologies and movements such as Marxism and radical feminism, are in crisis. It notes briefly but carefully that:

"The issue of violence against women has been the most pervasive theme of the new women's liberation movement in India since its rise in 1974-75. First it was the horrifying, rising toll of fire in the growing numbers of "dowry deaths";

then from 1980 with the cases of Mathura, Maya Tyagi and Rameeza Bi the problem of rape burst out of the shadows to stand as the symbol of women's oppression. Finally, the last few years have seen dramatic revivals of the ancient custom of sati as well as female infanticide - and at the same time the advent of "ultramodern" medical forms of violence against females through bio-medical practice, such as amniocentesis" (OMVEDT 1990: 2).

The study records the conclusion of the resolution of the Nari Mukti Sangharsh Sammelan (a group of 700 autonomous feminists who met in Patna, Bihar in February 1988) that the state is directly implicated as a major source of violence against women; the women also traced links between violence and the economic exploitation of women. This goes beyond both the traditional Marxist feminist analyses preoccupied with capitalism and "*which have seen violence only as a derivative of economic exploitation and property ownership*" and the "*radical feminist tradition of thinking...which has stressed sexuality, the "dialectics of sex" and secondarily violence*" (OMVEDT 1990: 2, 9).

The study focuses on the potential of the theories and practices of the new peasant, anti-caste and eco-feminist movements which are gaining ground in India. Within this framework the study looks into the role of the state, questions the relationship between violence and economic dependency and exploitation and then violence and sexuality. It goes on to examine the influence of caste and class on the incidence and type of violence against women. It is an important study and essential reading for anyone concerned with the conceptual underleanings of violence against women in a traditional society undergoing rapid change.

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1. OMVEDT, G., GALA, C. & KELKAR, G., (1988) - *Women and Struggle*; a report of the Nari Mukti Sangharh Sammelon, Patna.

PART TWO

PUBLIC VIOLENCE AGAINST WOMEN AND GIRL CHILDREN

For women the 'public' arena consists firstly of: the community, ie. religious, ethnic and traditional authority structures that set, interpret and perpetuate value systems and cultural norms; institutions of learning; the work place and the street. Then women encounter the State and its organs, especially the justice and health systems. All these arena are sites of male oppression and control for women which oblige them to depend on their men folk for guidance and protection and paradoxically conspires to keep women and children in their place ie. subordinate to and dependent upon men.

The public sphere places constraints and restrictions on women "for their own good" so much so that it became necessary for female students at Cambridge University, for example, to mark International Women's Day 1994 by "reclaiming the night" - demonstrating to establish the equal right of women to safety and freedom of movement, even at night. The public sphere reflects, replicates and reinforces the social hierarchies in the private sphere - gender is no exception to this trend. According to the World Bank:

"A variety of mechanisms, from oral traditions to formal educational and legal systems, define standards of acceptable behaviour for men and women. These standards are learned from an early age in the family and reinforced by peer pressure, community institutions, and the mass media" (HEISE et al. 1994: 1).

The sexual harassment which women suffer in institutions of learning and places of work, or even on the street sends the message that they should confine themselves to the home.... "or else!" Outside the home they are fair game to all comers, sexual objects created for the pleasure and diversion of men. Perhaps more sinister is the notion that women are intruders in schools and in the workplace - the traditional male sphere - who should therefore be harassed and terrorised back to where they belong. The massacre of the 14 Canadian women engineering students by an incensed misogynist male student in 1989; the rape of 71 girls and death of 19 others following an attack by their male schoolmates for refusing to participate in a student demonstration at St. Kizito's boarding school in Kenya; the pervasive sexual harassment and intimidation of female plantation workers in Sri Lanka, as geographically separate as they are, all bear witness to the global victimisation of women.

Gang rape and the defilement of the "enemies' women" has long been a weapon of warfare. Bosnia had been preceded by the Bangladesh War, amongst others -

"The reports of Reverend Kentaro Buma of the World Council of Churches, Aubrey Menton of the *New York Times*, and the Bangladesh Central Organisation for Women's Rehabilitation

confirm that the number of Bangladeshi women raped was 200,000 as the lowest estimate and 400,000 as the highest. Suicide rates among these women were particularly high, with methods ranging from rat poison to drowning" (BROWNMILLER, 1975: 78).

Other wars - big and 'little' - skirmishes and ethnic clashes, continuously make of women the chief mourners and the chief victims.

Custodial rape is part of this sorry picture of women as mere sexual objects to be taken advantage of freely and with impunity.

It is now felt that rape is a power crime and not a crime of lust (BROWNMILLER 1975). Feminists have contributed a tremendous body of critique of the law of rape. The restrictive definition of rape to just the penetration of the vagina by a penis without the consent of the victim fails to address the various forms of sexual assault to which women have been subjected and which are deep violations of their person, their psyche and bodily integrity. Currently in India law reform has shifted the onus of proof of consent to the accused; the woman's past sexual conduct cannot be raised and in the case of custodial rape the onus is on the accused person or persons to establish that the offence did not take place (COOMARASWAMY, 1992).

By and large the evidence from around the world indicates a tentativeness in the law's treatment of rape; the conceptual quantum leap from rape as a crime against a man's property to rape as a violation of a woman's person and bodily integrity has not yet occurred. Coomaraswamy observes that:

"Rape is an area of the law where the state attempts to be interventionist, but in actuality fails to give redress. Kamilini Wijayatilake (1990) argues that the social and legal attitudes are the main reason for this failure; the shame attached to the crime prevents reporting; legal attitudes regarding consent and resistance prevent conviction" (1992: 52).

BIBLIOGRAPHY ON SEXUAL OFFENCES & ON AGGRESSION AGAINST WOMEN IN CRISES

INTRODUCTION

It is no accident that the earliest stirrings of feminist theory in the West after the vote had been won this century, was a reaction to rape (SCHULER 1992). The notion that violence against women is natural, the restrictive legal definitions of rape, the treatment of raped women by the police and in court have all fuelled the growth and development of feminist thought about the position and condition of women in society.

“Discernment of violence as an instrument to control female sexuality became a powerful tool for understanding the mechanisms sustaining violence and framing strategies to undermine it” (SCHULER 1992: 2).

Feminists have also contributed an immense body of knowledge to victimology (VAN DER HOVEN 1990). Other feminists have begun to question the quantum, ultimate cost of violence against women and violence in the home to society and as a factor in international unrest and aggression (REISLER 1993). Reisler's thesis comes at a time of brutal ethnic upheaval in Africa, mass rape of women as a weapon of war and ethnic cleansing in the former Yugoslavia, and nationalist strife and assassinations in pockets of the former Soviet union to mention a few. It is not an argument to be dismissed lightly if the world is to employ every resource available for the attainment of peace in these and other troubled areas. Reisler is of the belief that it is -

“..... through the rule of terror in the family that both women and men learn to accept rule by terror as normal in their own societies or against other groups or nations. The link between cruelty and violence in the private sphere of the family and the cruelty and violence of scapegoating, authoritarianism, and other forms of oppression and domination in the political sphere is all too real. as long as acts of cruelty and violence in people's families are condoned rather than condemned and prosecuted, not only will these continue from generation to generation, but so also will acts of cruelty and violence outside of the family” (REISLER 1993: 1).

The World Health Organisation confirms that studies reveal that sexual abuse is 'learned', from generation to generation. Can it be unlearned? Clearly something must be done to arrest such a trend. Lack of prosecution also leads to repeated sex offences (VOGELMAN 1991) - if the perpetrator can get away with the crime once or even twice he is very likely to become a serial offender. Programmes are being initiated to rehabilitate habitual sexual offenders. In agreement with Connors (1989), however, it ought to be possible to blend both the criminal and the counselling methods to achieve both victim support and perpetrator

rehabilitation.

Rape and torture of the 'enemies women' in war or as political reprisals against opponents or dissidents remain a major affront to the enjoyment of fundamental human rights by women from Argentina to Somalia, Yugoslavia to Pakistan. Even in refugee camps women are vulnerable to sexual blackmail to obtain provisioning to sustain their families. Venturing beyond the camp for water or fire wood can also be extremely dangerous for women. Naturally the implications of all this is that women in these situations are intimidated, cowed, shamed and terrorised to a point where life without a male protector is inconceivable and so continues a reinforced patriarchal pattern of gender subordination and dependency.

1. **CARTER, M. & WILSON, B.**, (1992) - 'Rape: good and bad women judges', *Alternative Law Journal* 17 (1) Feb. 1992 pp. 6 - 9; agis no. 92/1224.

VICTIMS & JUDICIAL ATTITUDES: AUSTRALIA & CANADA. This is a discussion of the decision in *R v Hakopian* (unreported, Vic. S. Ct., 9 Dec. 1991). The victim, a prostitute, was kidnapped and raped. The impact on the victim of judicial, counsel's and community attitudes is examined at length.

2. **CHINKIN, C.**, (1993) - 'Women and Peace: Militarism and Oppression' in (eds.) K.E. Mahoney & P. Mahoney, *Human Rights in the Twenty-first Century*; Kluwer.

WOMEN & CRISES: INTERNATIONAL. The writer, a feminist and a law and human rights scholar, takes a close look at the traditional and contemporary treatment of women the world over, in situations of strife and upheaval. She has stated elsewhere that rape and the torture of women as deliberate acts of aggression and weapons of war are not aberrations but the norm. She maintains that:

"The images and language of conflict are masculinised. There are numerous examples: war makes 'men' out of boys; weapons are judged by their depth of 'penetration'; countries are 'raped'. An article in the *Sydney Morning Herald* during the Gulf War described the 'rape' of Kuwait. This concentrated upon the pillaging and removal from Kuwait by Iraq of essential transport, industrial machinery, luxury goods and food rather than on the physical rape of Kuwaiti and foreign women. Rape is not merely an image or metaphor of war, but a reality to women as victims of war" (CHINKIN, 1993 from DAVIES 1994: 176-7).

This is a book that should be read.

3. **EVANS, K.**, (1994) - 'Jailed for Being Raped' in June 1994 issue of *Marie Claire* women's magazine.

INVESTIGATIVE: PAKISTAN. This is the harrowing account of the abductions and rapes of two women in Pakistan. The first woman, Shameen, having been raped repeatedly by a 'holy man' over a period of ten months was subsequently raped in custody suffering brutal assault at the hands of the paid-off police! These true stories were investigated and verified by the reporter.

"It is estimated that only one in 50 rapes are ever reported, and as few as one in 30 men are found guilty" (MARIE CLAIRE: 59).

The account also covered the details of an interview with Nahida Ellahi, a female lawyer who does voluntary work on behalf of women like these. She reports that -

"At present I have 250 women's cases pending on my books, mostly adultery, rape, divorce and custody cases. Many of the rapes take place because of enmity between families. If one family has a feud with another, they simply pick up one of the women and rape her. In some provinces she is then killed by her own family afterwards in an attempt to remove the stigma. But many rape victims end up having to marry the man who raped them, simply to ward off charges of *zina*. Another common kind of case is where a woman is unable to get a divorce registered. If she begins another relationship or gets married again, she can be charged with adultery. If Benazir Bhutto wants to change women's status in Pakistan, she should repeal - not review - the Hudood Ordinance [laws governing behaviour, under which *zina* falls, brought in by the previous, fiercely Islamic, President, General Zia]. We should return to the old Pakistani Penal Code so that the complainant is not punished if she fails to prove her case" (EVANS: 62).

4. **FORUM AGAINST THE OPPRESSION OF WOMEN (FAOW)**, (1994) - 'Women's Organisations against Rape in India: Report of a National Meeting' in *Women and Violence: Realities and Responses Worldwide* (ed.) M. Davies, pp. 60-76; Zed Books Ltd.: London and New Jersey.

FEMINIST SOLIDARITY: INDIA. This is the report of a three-day national meeting attended by some 80 women, and held in Bombay in April 1990, to discuss the escalating incidence of rape in India and the approach of the women's movement to the issues it raised.

Strategy had centred on campaigning to expose the extent of the problem as well as lobbying for legislative change but, amongst other anomalies, loopholes in the substantive and procedural law were being exploited to create injustices. Aside from this, it was remarked

that *"the major changes asked for in the law of evidence, in the burden of proof, in the moral character and sexual conduct of the woman and in minimum punishment were bypassed"* (FAOW 1994: 62).

The women posed the following questions to direct the meeting towards devising fresh strategies where necessary:

- i) Can we work towards a better definition of rape?
- ii) Can the burden of proof be shifted to the rapist?
- iii) How successful have we been in our consciousness-raising?
- iv) In our dealing with the legal system?
- v) Have we been able to deal satisfactorily with individual rape cases?
- vi) Are our strategies effective?
- vii) Have we been able to provide adequate support to raped women?

(FAOW 1994: 61)

The different categories of rape with which women's organisations frequently had to grapple were recorded as follows -

- communal rape
- gang rape
- political rape
- rape of minors
- marital rape
- army rape (in situations of war or 'peacekeeping')
- institutional rape (in hospitals, remand homes, prisons, etc.)
- rape in economically dependent circumstances
- rape within political organisations (FAOW 1994: 62)

The meeting expressed its dissatisfaction with the limited definition of rape ie. penetration of the vagina by the penis, and also felt that as a movement it had not done enough during its 10 years of activism to support/rehabilitate rape victims.

It was stressed that the victim's own perception of the crime and sexuality, her social background and her economic status and priorities should be the focus of any intervention on her behalf rather than purely feminist concerns. It was agreed that, above all, it was essential that at both the individual and the community levels the notion that rape is irredeemable and a fate worse than death should be dispelled through counselling and public education respectively. Shame, it was felt, as well as punishment and public censure, should be reserved for the criminal.

The meeting closed on the note that the encounter had been very useful and that similar deliberations should be held all over the country by different women's groups, towards the democratic articulation of a national women's consensus for areas of future emphases and strategy.

5. **MCSHERRY, B.**, (1993) - 'No (means no?)', *Alternative Law Journal* 18 (1) February 1993 pp. 27 - 30; agis no. 93/1220.

'CONSENT': AUSTRALIA. The effect of the introduction of S.37(a) to the Crimes Act 1958 (VIC) as to what constitutes 'consent' in rape trials is the focus of this essay. The penetrative/coercive impression of sexuality is addressed as is the relation between legislative reform and social perspectives.

6. **MORGAN, J.**, (1992) - 'Rape in Medical Treatment: the patient as victim', *Melbourne Univ. Law Review (special issue)* 18 (2) 1991 pp. 403 - 427; agis no. 92/1173.

CUSTODIAL RAPE: AUSTRALIA, CANADA & UK. This is a close examination of the decision in *R v Mobilio* (1991) 1 VR 339. The article discusses the concepts of 'consent' in rape and 'sexual' in the context of medical treatment.

7. **NAFFINE, N.**, (1993) - 'Windows on the Legal Mind: the evocation of rape in legal writings', *Melbourne University Law Review* 18 (4) 1992 pp. 741 - 767; agis no. 93/1694.

RAPE ACCUSERS: AUSTRALIA. This essay is a critique of the traditional bias of legal practitioners to women who accuse of rape. The discussion draws on evidence from the literature to establish the bias and sees women depicted as duplicitous or even malicious in laying the rape complaint and giving evidence. There are indications, again drawn from the literature, that rape victims' evidence is repressed and that victims are invariably reluctant to seek legal redress.

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3. **DRAKULIC, S.**, (1994) - 'The Rape of Women in Bosnia' in (ed.) M. Davies, *Women and*

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4. **EISLER, R.**, (1993) - 'The Partnership Society: A Challenge for Human Rights', being guest editorial in *WIN News* 19 - 4 Autumn 1993.

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BIBLIOGRAPHY ON SEX EXPLOITATION, TRAFFICKING & PROSTITUTION OF WOMEN & CHILDREN.

INTRODUCTION

Asian feminists have succeeded in putting the issue of trafficking in women and children for sex exploitation on the international human rights agenda.

Scrobanek has been one of the most eloquent and prolific commentators. She traces a correlation between the growth of the tourism industry and the transnational sexual exploitation of women. She also identifies the subtle racism behind tourism in the third world as opposed to the western trend -

“While the tourism industry in developed countries sells natural beauty and cultural heritage, tourism in developing countries also sells their people, who are advertised as being domesticated and trained to serve international tourists” (SCROBANEK 1992: 124).

O'Dea (1993) has also looked in some depth at the specific problem of cross-border trafficking in Nepali women and girl children to the Indian sub-continent. These women have no protection and no one is accountable for them or to them.

The Bangkok Women's Information Centre is organised to address the plight of women such as these who in many cases resort to prostitution because there are no viable economic alternatives open to them (SCROBANEK 1992). Yet many others are enticed, misled or abducted into sex slavery and are completely vulnerable to sexually transmitted diseases.

The perception of prostitutes as “fallen women” has clouded issues in the past and allowed this form of gender exploitation to continue unchallenged. Following Scrobanek, once the institution of prostitution is clearly differentiated from its victims ie. prostitutes the need for sympathetic intervention rather than criminalisation and condemnation becomes obvious.

1. **ABC/NEPAL**, (1993) - *Red Light Traffic: The Trade in Nepali Girls*; Katmandu.

CASE STUDIES: NEPAL. This is a 66 page booklet in which the writers trace the linkages between poverty, discrimination against women and girl trafficking and the threat of HIV/AIDS.

It is a critique of government inaction and the involvement of corrupt officials in the trade.

2. **EVATT, E. & MILLBANK, J.**, (1993) - 'Child Prostitution and Tourism' in *Reform* (64) Summer 1993 pp. 18 - 20; agis no. 93/714.

CHILD PROSTITUTION: AUSTRALIA, THAILAND & PHILIPPINES. This is a discussion of the basis and dynamics of child prostitution in Asia. The essay engages with the UN Convention for the Rights of the Child and examines the implications of this for legal responses to child prostitution in the region; international obligations including measures that can be adopted in Australia to eliminate the practice are also discussed.

3. **FECHNER, H. B.,** (1994) - 'Three Stories of Prostitution in the West: Prostitutes Groups, Law and Feminist "Truth" ' in *Columbia Journal of Gender and Law* Vol. 4 No. 1.

SOLIDARITY: HOLLAND, UK & USA. This is an interesting presentation of the different strategies adopted by three groups of western prostitutes to empower women involved in prostitution. The three groups are each united around a different one of three separate and often conflicting feminist traditions viz. socialist feminism (founded on Marxist theory but extended by feminists to include a consideration of the sexual division of labour and women's work); liberal feminism (concerned with the limitations placed on women's self-determination and equality by sex stereotypes) and; radical feminism (traces all inequality, including class, to the most basic unequal relation known to humanity - the domination of men and the subordination of women).

4. **GILADA, I. S. ,** (1992) - 'Prostitution in India: Causes, Extent, Prevention and Rehabilitation' in *Social Problems and Welfare in India* (ed) Jogan Shankar; Ashish Publishing House: New Delhi.

SOCIAL; HEALTH: INDIA. This is a short account by the honorary secretary of the Indian Health Organisation on the health situation of sex workers in India. The highlight of the 10 page article is the accurate assessment that "*prostitution is a set of kaleidoscopic images nurtured by a social fabric which wishes to perpetuate the status of its women as sexual objects*". Statistical information includes an analysis of the number and types of prostitutes in India eg. children and devadasi (temple prostitutes), the numbers of clients, the earnings involved as well as statistics on sexually transmitted diseases.

5. **GHOSH. S. K.,** (1993) - *Women and Crime: Crime by Women, Crime Against Women and Crime for Women*; Ashish Publishing House: New Delhi.

CRIMINAL REVIEW: INDIA. This is a 192 page study, based on police statistics, of the involvement of women in crime in whatever capacity. The author includes evidence of sex trafficking in Bagladeshi and Nepali women and girls as young as 9 years old and of the exploitation of young virgins by men from the Gulf States and claims that "*Affluent Arabs have turned India into an auction market for minor girls*". Various reasons are given for the profiles presented including the displacement of people and the refugee crisis in the sub-region following the partitioning of India.

6. **O'DEA, P.,** (1993) - *Gender Exploitation and Violence: the Market in Women, Girls and*

Sex in Nepal - an overview of the situation and a review of the literature, a Report for UNICEF, February 1993.

PROSTITUTION - POLITICAL ECONOMY; CULTURE: NEPAL & INDIA. This is a short but detailed report in two parts on the causes and extent of the sex industry/traffic in women and girls within Nepal and between Nepal and India. The second part of the study is an annotated bibliography reviewing a variety of material depicting the "*cultural, religious and socio-political contexts in which [sic. prostitution] is practised.*" (O'DEA: 58)

The report identifies three categories of Nepalese sex workers viz: increasingly younger girls trafficked to India, with an estimated 100,000 Nepalese females at least in Indian brothels; 'temple' prostitutes and; local prostitutes. The report suggests that the main impetus for the thriving market are i) economic ie. poverty; ii) structural ie. the very poor gender status of women and; iii) tradition ie. cultural and religious practices.

Perhaps the most telling comment in the report is as follows:

"The sex market offers a quantum jump in earnings and aspirations. It therefore, has few - if any - competitors at the village level. The flow of money to the villages and the behaviour of the more fortunate returnees and other profiteers have started to dramatically change positive value systems.... An increase in gender disparities can also be predicted including reduced access of girls to education in the high risk areas because of an increasing desire for virgin girls." (O'DEA: Executive Summary pp. iii - iv)

The report concludes on the note that the government of Nepal must develop and enforce consistent policies to bolster the interventions of local and international NGOs and agencies against the traffic.

7. PRASAD, A. K., (1991) - *Devadasi System in Ancient India: A Study of Temple Dancing Girls of South India*; H.K. Publishers and Distributors: Delhi.

CULTURE: INDIA. This is a 204 page historical account of the growth, spread and entrenchment of the tradition of devadasi ritual dancing and temple prostitution. The position of the devadasi in Indian society and the measures adopted to abolish the practice are all thoroughly discussed.

8. REANDA, L., (1991) - 'Prostitution as a Human Rights Question: Problems and Prospects of United Nations Action' in *Human Rights Quarterly 13*; John Hopkins University Press.

HUMAN RIGHTS: UNITED NATIONS. This is a 26 page treatise on the two main United Nations approaches to the problem of prostitution as -

i) "*a matter of choice and a form of work*" and

ii) "*enforced prostitution, or traffic in persons*".

The former category implies an assumption of freedom of choice but feminists as usual question such an assumption on the grounds that the average prostitute is forced by one life circumstance or another to resort to prostitution as a survival mechanism.

This means in effect that both forms are "enforced" and satisfy the international law definition of a "slavery-like" practice which is covered by various treaties and should therefore be eradicated throughout the international community.

9. **ROZARIO, M. R. Rev. Sr.**, (1988) - *Trafficking in Women and Children in India: Sexual Exploitation and Sale*; Uppal Publishing House: New Delhi.

FEMINIST: INDIA. This is the report and analysis of four years of field work conducted all over India, into the dynamics of prostitution. It is a close look at the structural trends and determinants of sex trafficking and exploitation in India. Religious, social, economic, historical and gender issues are all covered in considerable depth to make this 148 page study a major contribution to the literature and essential reading.

10. **SHANKAR, J.**, (1992) - 'Rehabilitation of Devadasi' in *Social Problems and Welfare in India* (ed.) Jogan Shankar; Ashish Publishing House: New Delhi.

SOCIO-LEGAL: INDIA. This is an 11 page summary of the factors that sustain the practice of devadasi, such as poor law enforcement and the oppressive patriarchal ideology of Hinduism, despite legislation for the prohibition of the system.

11. **SKROBANEK, S.**, (1992) - 'Exotic, Subservient and Trapped: Confronting Prostitution and Traffic in Women in Southeast Asia' in *Freedom From Violence: Women's Strategies From Around The World*, pp. 121-137, (Women, Law and Development Series) (ed.) M. Schuler; OEF International: Washington D.C.

SEX TOURISM/TRAFFICKING: THAILAND. This is a study that innovatively presents women as victims of trafficking and sex tourism rather than as 'fallen women'. Prostitution is recognised as "*a mode of reproduction in a male-dominated society in which women's sexuality is controlled and utilised for male sexual pleasure*" (SKROBANEK 1992: 121). The writer makes clear the distinction between the individual woman who may be constrained to resort to prostitution on the one hand and the institution of prostitution itself on the other. She suggests that the traditional failure to make this distinction produces a control approach directed against women alone which -

"neglects other factors in prostitution, such as the criminal syndicates involved in trafficking women, and the rapid socio-economic and political transformations taking place in Southeast Asia, which are greatly influenced by multinational companies and agencies. In efforts to achieve rapid economic growth, governments, and agencies such as the World Bank, the International Monetary Fund and the United States Agency for International Development (USAID) have encouraged building up the tourism industry in most of

Southeast Asia. This increase in tourism, accompanied by the unequal distribution of wealth between rich and poor countries, and between the rich and poor within developing countries, has greatly contributed to an increase in prostitution and trafficking in women" (SKROBANEK 1992: 121-2).

The discussion concentrates on four main strategies adopted and recommended to address this form of gender abuse as follows:

- i) **networking** between conscious groups (women's organisations in particular) in the host countries and like-minded groups in the tourists' home countries ie. Japan, Scandinavia, the Netherlands, the UK, Germany, the Gulf States and Australia, for collaborative action at both ends of the divide;
- ii) **political lobbying** through making allies of influential figures in government, agencies and politics to shift control measures from the victims to the exploiters. Such a shift can only result from a new and different perception of the issues; it is a political and conceptual shift requiring the input and influence of articulate politicians, particularly in the home countries;
- iii) **media cooperation** to draw out and publicise the human rights implications of the problem and to prevent sensationalist and trivialising reporting. The need to maintain constructive dialogue between the media and concerned groups, especially the women's lobby, as well as to provide accurate information sensitively to the most responsible members of the media are elaborated as crucial to the success of this strategy and;
- iv) **public education** to convey and entrench the understanding in society that trafficking in women and children, and sex tourism are in fact forms of violence, and amount to sexual slavery. This is the most important step once policy formulation gathers momentum - a clear articulation of the issues must be widely disseminated to build strong constituencies for the eradication of these practices.

12. **TARACHAND, K. C.**, (1991) - *Devadasi Custom: Rural Social Structures and Flesh Markets*; Reliance Publishing: New Delhi.

SOCIO-CULTURAL: INDIA. This is a detailed analysis of the commercialisation of devadasi as a result of poverty, industrialisation and the growth of red light districts and the impact of all this on religious values and practices.

BIBLIOGRAPHY ON SEXUAL HARASSMENT

INTRODUCTION

Sexual harassment is essentially about the right to be treated with respect in the workplace and in institutions of learning regardless of gender. It is also about the responsibility of those in authority to ensure the welfare of all members of the establishment, male and female and about the right to be free from unwanted and unwelcome sexual attentions. These obligations are not limited by internal policy but are basic minimum standards that must obtain in every place of work and every place of learning. It is a question of acceptable working standards and the use of power.

Women rarely have the courage or indeed the capacity to complain of sexual harassment but it is rampant. Surveys in the United States reveal that on some campuses up to 30 percent of the women have suffered one form of harassment or another; similar surveys amongst working women reveal figures as high as 70 percent (Center for Women Policy Studies - CWPS). Rarely is sexual harassment caused by provocative dress or behaviour and the few men who offend in this manner can be extremely persistent in their unwelcome attentions (CWPS). It is humiliating and threatening to academic advancement and economic well-being (CWPS). For all these reasons sexual harassment is now recognised as a form of gender discrimination and gender-based abuse.

Feminists everywhere have begun to work with human rights groups and trade unions to expose and fight sexual harassment (European Association Against Violence Against Women at Work - AVFT - France). Groups such as AVFT are supportive of women who want to respond to the victimisation of sexual harassment. They have established that women will complain if they are confident that something will come of it, that their right to protection from male violence will be recognised and upheld, that it is not just their "problem" and, above all, that the harassment itself will cease. For any mechanism against sexual harassment to be effective "*it is essential to establish a clear prevention policy*" (LOUIS 1994: 86-7).

The International Labour Organisation has responded well on paper to the problem of sexual harassment; its 300 page report on sexual harassment is widely available and extremely comprehensive in its treatment of the issues in the workplace. It remains to be seen however whether it will itself practice what it has preached so well (WIN News).

1. I.L.O., (1992) - *Combatting Sexual Harassment at Work: Conditions of Work Digest* Vol. 11, 1/1992, International Labour Office, CH- 1211 Geneva 22, Switzerland.

OFFENSIVE WORKING ENVIRONMENT: 23 INDUSTRIALISED NATIONS. This is a 300 page ILO report which defines sexual harassment in the workplace as

unwanted/unwelcome physical, verbal or non-verbal conduct of a sexual nature. The ILO recognises sexual harassment as a form of sexual discrimination since it affects the working conditions and equal opportunities of women in particular, in the workplace. The report presents information on a variety of schemes developed in industrialised countries to eliminate sexual harassment in the workplace. Its main emphasis is on how to identify the offence (to include sexually explicit language, pin-ups and pornography) and how to remedy it.

Mental and physical health consequences of sexual harassment are noted, as are job-related problems caused both to the victims and to employers eg. low out-put and/or litigation and damages for wrongful dismissal.

The report is organised into six sections as follows:

Part I is introductory providing an analysis of the measures adopted in the 23 countries to date to address the problem.

Part II presents legislative measures introduced in these nations in response to the problem.

Part III is a country-by-country examination of employers' legal obligations and the legal provisions available to victims seeking redress.

Part IV focuses on anti-sexual harassment policy and practice at the enterprise-level. Collective agreements, standard of conduct guidelines from individual firms and formal and informal redress mechanisms are all covered.

Part V is a summary of the opinions and attitudes of trade unions and employers' groups, government agencies and women's organisations on sexual harassment in the workplace.

Part VI presents research findings on sexual harassment in the workplace. It includes case studies of awareness raising and training initiatives at different levels, advisory services by governmental and non- governmental agencies and other preventive interventions for the elimination of sexual harassment from the workplace.

The report states clearly that:

"A sexual harassment policy should include four main components; a policy statement, a complaints procedure, disciplinary rules and a training and communications strategy.If a policy to prevent sexual harassment is to be effective it is essential that offenders be disciplined. Employers should make clear in their disciplinary rules that sexual harassment will be regarded as a disciplinary offence."

2. **MARGERSON, A.**, (1992) - 'Sexual Harassment - an issue for lawyers' in *Law Institute Journal* 66 (6) June 1992 pp. 501 - 502; agis no. 92/1882.

LAW PRACTICE APPROACH: AUSTRALIA. The essay draws the attention of lawyers to the legal issues involved in sexual harassment including definitions and complaints procedures and advocates the evolution of practice rules/guidelines by lawyers.

3. **TANZANIA MEDIA WOMEN'S ASSOCIATION (TAMWA)/ CHEMI CHE MPONDA**, (1994) - 'How Common is Sexual Harassment in Tanzania?', *Women and Violence: Realities and Responses Worldwide* (ed.) M. Davies pp. 76 - 84, Zed Books: London and New Jersey.

VIOLENCE AGAINST FEMALE STUDENTS: TANZANIA. This is primarily an account of the resistance organised by TAMWA against the endemic violence against women in Tanzania as exemplified by the twenty year-old systematic psychological and physical torture inflicted on individual female students by male students on the main campus of the University of Dar es Salaam, a practice known and feared as 'Punch'. On 7th February 1991 this violent sexual harassment in the form of targeted pornographic lampooning in a campus gutter publication called 'Mzee Punch' written and designed by male engineering students, culminated in the suicide of Levina Mukasa.

The article reports that over 90 per cent of Tanzanian women have experienced one form or other of sexual harassment in their homes, the street, in educational institutions and/or at work. It defines sexual harassment with reference to power and the undervaluation of womanhood; the trade unions definition is also discussed. The role of the media and entertainment industry in perpetuating negative gender stereotypes is emphasised.

TAMWA opened Tanzania's first Women's Crisis Centre run by the Committee Against Sexual Harassment, Domestic Violence and Discrimination Against Women and Children in October 1991.

OTHER BIBLIOGRAPHY

1. **CENTER FOR WOMEN POLICY STUDIES** , (199) - In Case of Sexual Harassment: a Guide for Women Students.

2. **LOUIS, M-V.**, (1994) - 'Sexual Harassment at work in France: What Stakes for Feminists?' in *Women and Violence: Realities and Responses Worldwide*; (ed.) M. Davies pp. 85-97, Zed Books : London and New Jersey.

BIBLIOGRAPHY ON PORNOGRAPHY

INTRODUCTION:

This is a form of sexual abuse that has engaged the thoughts and energies of Western feminists since the 1980's. The primary objection to pornography, apart from its frequently abusive and violent content, is the fact that it creates a permanent image of women reduced to a purely sexual function - "*as bodies available to fulfill men's sexual desires*" (FECHNER 1994: 68).

It has been argued that there is a relation between pornography and prostitution¹ and between pornography and violent sexual crimes, often perpetrated against women working in prostitution. It is feared that these problems have been exported to the developing world. In the opinion of Bradley in her commentary on the development impact of violence against women in Papua New Guinea²:

"The spread of modern means of communication and Western influenced media into previously isolated areas bombards men with powerful visual images of the often violent sexual abuse and degradation of women. Even in remote villages far from roads and electricity supplies it is not unusual to find someone with a television set and video machine powered by generator, batteries or solar power. Young men, who no longer have the outlets for their sexuality and aggression that were available to them in traditional times, such as warfare, long initiation rituals and formal preparation for manhood, hazardous trading voyages, arduous hunting trips, regular courting rituals and so on, are especially likely to be influenced by sexually stimulating and/or violent materials and to seek an outlet through rape or sexual assault" (1994: 22, 23).

As with most social issues in the West there are both anti-pornography and anti-censorship movements. Significantly, liberal feminists support non-violent adult pornography:

"Sexual self-determination for prostitutes is linked closely by liberal feminists with other issues of bodily autonomy, including abortion and other reproductive rights, lesbian rights, the right to be celibate, and the right to create pornography" (FECHNER 1994: 69)

Perhaps with more conclusive research on pornography, however apparently benign, women will be prepared to take a concerted stand against this form of gender abuse.

1. **DWORKIN, A.**, (1981) - *Pornography: Men Possessing Women*; Women's Press: London.

DIATRIBE: USA. This is a somewhat virulent condemnation of pornography and the men who use it and is one of the earliest books to describe pornography as a form of violence against women. It is a classic of the Western battle of the sexes! It is a useful read since it presents some of the most powerful arguments of the anti-pornography lobby of which the author and Catherine MacKinnon, together with Robin Morgan make up the strongest protagonists.

2. **EASTON, S.**, (1994) - *The Problem of Pornography: Regulation and the Right to Free Speech*; Routledge: London.

FEMINISM/PHILOSOPHY: UK. This is an argument for the regulation of pornography based on a discussion of John Stuart Mill's 'harm' principle, feminist theory and the concept of 'autonomy'. The study engages with these issues lucidly placing them in the appropriate historical, social and legal frameworks. It draws lessons from legislation against incitement to racial hatred in proposing legal measures for the control of pornography. A valuable review of the English and American laws on obscene material is included in the book making it a complete study.

3. **GIBSON, P. C. & GIBSON, R. (eds.)**, (1993) - *Dirty Looks: Women, Pornography and Power*; British Film Industry (BFI) Publishing: London.

ANTI-CENSORSHIP: UK. This is a powerful collection of some 13 essays presenting the case of the pro-pornography lobby. The book opens with a lucid introduction by Carol Clover. Other contributions include:
'Does Pornography Cause Violence? The Search for Evidence' (Lynne Segal);
'Second Thoughts on 'Hard Core': American Obscenity Law and the Scapegoating of Deviance' (Linda Williams);
'Above the Pulp Line': the Cultural Significance of Erotic Art' (Lynda Nead) and;
'Maid to Order: Commercial S/M and Gender Power' (Ann McClintock).

4. **McINTOSH, M. & SEGAL, L.**, (1992) - *Sex Exposed: Sexuality and the Pornography Debate*; Virago: London.

ANTI-CENSORSHIP: UK. This is a yet another collection of essays defending the right of pornography to be. The 17 contributions include; "Feminist Fundamentalism: The Shifting Politics of Sex and Censorship".

5. **READ, R.**, (1992) - 'Pornography and Violence', *Communications Law Bulletin* 12 (2) Winter 1992 pp. 17 - 18; agis no. 92/3614.

EFFECTS OF PORNOGRAPHY: AUSTRALIA. This study argues, with case studies, that there is a direct linkage between the steady absorption of vicious/candid pornographic material

in the visual media and violent criminal behaviour.

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2. **CANADIAN FILMS BOARD**, (1983) - *Not A Love Story: A Film About Pornography*.
3. **DWORKIN, A. & MACKINNON, C.**, (1985) - 'Pornography, Civil Rights and Speech'; *Harvard Civil Rights/ Civil Liberties law Review* No. 20.
4. **HEBDITCH, D. & ANNING, N.**, (1988) - *Porn Gold*; Faber and Faber: London.
5. **HEWITT, D. & CUMBERBATCH, G.**, (1990) - *Pornography: Impacts and Influences: A Review of Available Research Evidence on Effects of Pornography*; HMSO.
6. **MACKINNON, C. A.**, (1986) - 'Pornography: Not a Moral Issue' in *Women's Studies International Forum*, 9 (1) USA.
7. **MINISTRY OF WOMEN'S AFFAIRS**, (1988) - *Submission to the Ministerial Committee of Enquiry into Pornography*, New Zealand.
8. **NEAD, L.**, (1992) - *The Female Nude: Art, Obscenity and Sexuality*; Routledge: London.
9. **RODGERSON, G. & WILSON, E. (eds.)**, (1991) - *Pornography and Feminism: The Case Against Censorship*; Lawrence & Wilshart: London.
10. **ZIV, A.**, (1994) - "The Pervert's Progress: An Analysis of 'The Story of O' and the Beauty Trilogy (a discussion of two pornographic books)" in *Feminist Review Issue 46*; Routledge: London.

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1. **CHECK, JAMES V.P. & GULOIEN, TED H.**, (1989) - 'Reported Proclivity for Coercive Sex Following Repeated Exposure to Sexually Violent Pornography, Non-Violent

Dehumanizing Pornography, and Erotica' in (eds.) D. Zillman & J. Bryant, *Pornography: Research Advances and Policy Considerations 159*, pp. 177 - 8; **MALAMUTH, NEIL M. & CHECK, JAMES V.P.**, (1985) - 'The Effects of Aggressive Pornography on Beliefs in Rape Myths: Individual Differences' in *19 Journal of Res. Personality* p. 299 and; **RUSSELL, DIANA E.H.**, (1988) - 'Pornography and Rape: A Causal Model' in *9 Political Psychology*, 41, pp. 51 - 63.

2. **BRADLEY, C.**, (1994) - 'Why Male Violence against Women is a Development Issue: Reflections from Papua New Guinea' in (ed.) M. Davies, *Women and Violence: Realities and Responses Worldwide*; Zed Books: London and New Jersey, pp. 10 - 26.

BIBLIOGRAPHY ON FEMALE GENITAL MUTILATION

INTRODUCTION:

Fran Hosken's seminal work on FGM, regularly revised and updated since the first edition was published in 1979, remains the leading text on the concerns raised by FGM. Commonwealth countries stretching from the African Atlantic coast through the Sahara and the Horn of Africa to the Arabian Peninsula and beyond to far flung parts of Asia are implicated in this cultural/religious form of violence against women and children are deeply involved in this form of abuse.

There are three types of FGM that are most commonly practised viz.:

'circumcision' or removal of the hood/foreskin of the clitoris;

'excision' or removal of the whole of the clitoris together with the labia minora and;

'infibulation' or removal of the entire external genitalia binding the wound in such a manner as to leave just a tiny orifice for the expulsion of waste after scar tissue would have formed. This last type is called 'pharaonic circumcision' in the Sudan and, ironically, 'Sudanese circumcision' in Egypt.

Far from the practice dying out it is being modernised eg. in Nigeria, by medicalisation. The immediate health hazard of agonizing, insanitary and dangerous traditional methods is slowly being removed by a growing involvement of trained medical personnel in the practice. In the interim however, mass traditional 'operations' have been implicated in the spread of AIDS in Senegal and Kenya.

Ultimately the highest costs of FGM are experienced by mutilated expectant mothers and their babies distressed during labour due to the total destruction of the capacity of the muscles of the external reproductive organs to expand in response to uterine contractions. The fundamental human right to good health is clearly jeopardised by the practice of FGM.

But the issues go beyond the question of health per se even taking into consideration the more inclusive definition of health by the WHO which extends beyond the absence of disease to a state of overall and holistic well-being. There are issues of child abuse and discrimination against women to be considered in relation to FGM. There is also the question of the right to development.

FGM has political economy dimensions as is the case with most gender concerns confronting women in developing societies. In life situations where marriage is the only viable economic opportunity open to women or where bride-price can amount to a small fortune, it is unlikely that the outward symbol of their purity/conformity/submissiveness ie. mutilated genitals, can be unilaterally abandoned in the absence of alternative economic opportunities and/or

standards of 'marriageability'.

FGM raises questions about the duty of governments to protect the rights of children to freedom from traditional practices prejudicial to their health. See art. 24(3) of the International Convention on the Rights of the Child. The African Charter on the Rights and Welfare of the Child (art. 21) requires governments to ensure the eradication of traditional practices and customs which are prejudicial to the child. Article 5 of the 1945 Universal Declaration of Human Rights stipulates that every human being has the right to live free from torture and cruel, inhuman or degrading treatment. As far as the rights of women in particular are concerned CEDAW in art. 5(a) requires governments to take appropriate steps to ensure that traditional gender stereotypes and practices are not reinforced to the detriment both of women and the improvement of their status.

The danger that the struggle for the eradication of FGM might be co-opted by fringe Western extremists and therefore distorted into yet another form of imperialism is only real in so far as there is both a lack of dedication to the cause and of a coherent eradication policy and implementation mechanisms in the areas of the world where FGM is prevalent. The struggle must have indigenous constituencies, from the grassroots through NGOs to cabinet offices.

FGM is not just going to go away; it is too deeply entrenched to simply 'die out'. Despite spurious claims to Islamic origins and ridiculous myths about the dangers of the clitoris etc., the resilience of FGM is related to the low status of women and children, to the control and commoditisation of women, their sexuality and their fecundity and, ultimately, to structurally imbalanced gender relations. The dangers of this cruel and completely gratuitous practice must be widely disseminated to wean society away from this torture of women and girls. Above all, however, the enhancement of the position of women in society and a clear and consistent commitment to the rights of the child must be vigorously pursued. In the long run it is this and not the criminalisation of FGM that will make the difference.

1. ADEBAJO, C. O., - 'Female Circumcision and Other Dangerous Practices To Women's Health', *Women's Health Issues In Nigeria*.

HEALTH: NIGERIA. This is a comment on the health implications of harmful traditional practices such as female genital mutilation, child marriage and teenage pregnancy, traditional methods of fertility control, scalding hot baths in peuperium and nutritional taboos associated with pregnancy, childbirth, lactation and peuperium. The writer observes that:

"It is an established fact that the more severe the effect of any of the harmful practices the more likely it is that the victims will be either women or children. Focus group discussions revealed that in Oyo, Ondo, Ogun, Kwara, Benue, Kaduna, Katsina, and Bornu states FC [sic. female circumcision] is performed on neonates and infants. In Bendel state FC is performed on a woman during her seventh month of pregnancy. Imo, Anambra, Cross River and Rivers states carry out FC on adolescent/adult girls as part of pubertal rites."

2. **AIDoS (THE ITALIAN ASSOCIATION FOR WOMEN IN DEVELOPMENT)**, (1986) - *Seven Drops of Blood* (a documentary); Via dei Giubbonari, 30 - 00186, Rome, Italy.

DOCUMENTARY: ITALY. This documentary forms part of a training package developed by AIDoS with the ILO Turin Centre and the Geneva based Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC). It is directed to Somali audiences and is in the Somali language. The larger package includes three sound and slide shows suitable for the training of trainers in Nigeria, Ethiopia, Sudan and The Gambia.

3. **DEDMAN, P.**, (1990) - *Rites* (a documentary); Concord Video Films, 201 Felixstowe Road, Ipswich, Suffolk, 1 P3 9BJ, UK.

DOCUMENTARY: UK. This is an examination of the philosophy and history of female genital mutilation. It is a valuable resource for students of gender issues.

4. **DORKENOO, E. & ELWORTHY, S.**, (1992) - *Female Genital Mutilation: Proposals for Change*; Minority Rights Group: London.

REPORT: AFRICA & EUROPE. This is an account of the campaigns - legal, medical and social - that have been organised against the practice of female genital mutilation in Africa and Europe. The report looks at topics such as the contemporary practice of the procedure and its historical antecedents.

5. **DORKENOO, E.**, (1994) - *Cutting the Rose - Female Genital Mutilation: The Practice and Its Prevention*; Minority Rights Group: International Secretariat, 379 Brixton Road, London SW9 7DE, UK.

HEALTH: ERADICATION: UK. This study focuses on the negative effect of FGM on the physical and psychological health of countless women in some thirty counties of the world. The book evaluates the lessons to be learnt from the course of the international campaign to eradicate FGM and includes recommendations for future action.

6. **FORWARD**, (1992) - *Tradition! Tradition!*; Africa centre, 8 King Street, London WC2E 8JT, UK.

TRAINING: UK. This is a symbolic story about female genital mutilation for use in schools and with groups.

7. **FORWARD**, (1992) - *Another Form of Abuse: Prevention of Female Genital Mutilation*; Africa Centre, 8 King Street, London WC2E 8JT, UK.

TRAINING: UK. This is a training video for health education and social workers.

8. **HOSKEN, F. P.**, (1994) - *The Hosken Report 4th. Revised and Updated Edition - Genital and Sexual Mutilation of Females*; Women's International Network: 187 Grant Street, Lexington MA., 02173 USA.

FEMINIST COMPENDIUM: USA. This is by far the most detailed and comprehensive treatment of the problem of female genital mutilation available anywhere. The author has continued to revise and update what can only be described as a superior feminist quantitative and qualitative concentration on FGM. The new edition is 350 pages long and includes chapters on the history of FGM; health facts and overview; the politics of FGM and actions for change. Case histories are drawn from the Sudan, Egypt, Somalia, Kenya, Ethiopia, Nigeria, Mali, Burkina Faso, Senegal, Sierra Leone, the Arab Peninsula, Asia and the Western world.

9. **IAC/AIDoS**, (1992) - *Women Changing Women* (a video); ATRCW Room 627, PO Box 3001, Addis Ababa, Ethiopia.

VIDEO: ETHIOPIA. The production is about one of the groups targeted by the IAC's campaign for the eradication of female genital mutilation: the traditional practitioners and traditional birth attendants possessed of high status in their communities.

10. **INSTITUTE OF ADULT EDUC., DAR ES SALAAM/NORAD**, (1993) - *Baseline Research Study for the Gender Health Risks Community Awareness Project.*

HEALTH: TANZANIA. The objectives of the study were:

- a) to procure expert opinion on the gravity and extent of the practice of FMG in Arusha, Dodoma, Kilimanjaro, Mara and Singida;
- b) to establish what, if any, eradication mechanisms were in operation;
- c) to investigate means of designing methodologies and strategies to challenge the practice and;
- d) to inform policy makers with a view to instigating official measures against the practice.

It was established by the end of the study that the Parents Association and women's organisations are opposed to the practice of female genital mutilation. It was therefore recommended that, given its deep and extensive influence, the Party be requested to take responsibility for mass education on the deleterious health effects of the practice and that the youth in particular are made aware of the dangers involved. The human rights violations dimension was also highlighted and the State was reminded of its duties towards women in this regard. Further to this it was emphasised that schools would be the best place to change perceptions of women's worth and standing in society and to change also their vulnerability to harmful traditional practices.

11. **PANTON, L.**, (1983) - *Female Circumcision* (a documentary); BBC Enterprises Ltd., Kensington House, London W14 OAX, UK.

DOCUMENTARY: UK. This is a forty minute documentary which shows the health problems associated with circumcision.

12. **PANTON, L.**, (1991) - *Cruel Ritual* (a documentary); BBC Enterprises Ltd., Kensington House, London W14 OAX, UK.

DOCUMENTARY: UK. This is a forty minute investigative report on female mutilation in the United Kingdom.

13. **RUTABANZIBWA-NGAIZA, J. et al.**, (1985) - *Women and Health in Africa*; EPC Publication 6, London School of Hygiene and Tropical Medicine.

14. **TOUBIA, N.**, (1993) - *Female Genital Mutilation: A Call for Global Action*; Women INK.: 777 UN Plaza, New York, New York 10017, USA.

BASICS: SUDAN. This is a 48-page summary of previously published work. It offers basic information on the cultural/religious origins of FGM and attempts to draw a parallel between the practice of FGM and the growing resort to breast augmentation by women in the West. This may be a fair analogy except in so far as it fails to engage fully with the sticky issue of 'consent' however, or the lack of autonomy of children who are most often the victims of FGM rather than adult females. Even where adult females are 'volunteers' in the practice the questions of 'informed choice', female worth and 'self-perception' are inevitably raised in relation to FGM. These reservations notwithstanding the author's surgeon's knowledge makes this a useful, indigenous African addition to the literature.

15. **WIN NEWS** , (1993) - *The Childbirth Picture Book Program* (English, French and Arabic); 187 Grant Street, Lexington, Massachusetts 02173, USA.

GRASSROOTS EDUCATION: INTERNATIONAL. These picture books are designed to educate the grassroots about the medical risks and consequences of FGM. They depict human reproduction and actual childbirth from a woman's perspective in full page pictures. The books "*graphically show the physical damage done by FGM especially in childbirth*" (WIN News 19 - 4 Autumn '93: 29) are ideal for instruction of grassroots groups such as traditional birth attendants, midwives and healers by trained local community health workers. The pictures are accompanied by lucid text easily translatable into local languages. The books also include a discussion guide and comprehension tests for evaluating how well the eradication message has been received.

16. **WHO/EDOUARD, L. & FOO-GREGORY, C.**, (1985) - *Traditional Birth Practices:*

An Annotated Bibliography; Maternal & Child Health Unit Division of Family Health, World health Organisation, Geneva.

BIBLIOGRAPHY: INTERNATIONAL. The study opens on the note that Maternal and Child Health is recognised as one of the eight essential components of primary health care, following the joint statement issued by the Director-General of the WHO and the Executive Secretary of UNICEF at the 6 - 12 September 1978 international conference on primary health care held in Alma-Ata, USSR.

The study is by no means a critique of traditional birth and post-partum practices but an account of them from as many cultures as possible. It is an attempt to retrieve a rich variety of technologies which may be -

- "1) physiologically sound and culturally desirable;
- 2) with neither harmful nor beneficial medical implications but may be culturally important;
- 3) hazardous to the health of the mother and infant and for which culturally acceptable alternatives should be found or;
- 4) undetermined practices for which there is not yet enough evidence for or against them" (EDOUARD et al.,: 2).

This WHO study is a useful inclusion in this part of the Bibliography; it emphasises that the objection to FGM is not merely due to the fact that it is a traditional practice but due, amongst other violations as mentioned above, to the health implications of some of such practices. Further to this see the following entries:

●**BEDDADA, B.**, (1982) - 'Traditional Practices in Relation to Pregnancy and Childbirth' in *Traditional Practices Affecting the Health of Women and Children*, Technical Publication No. 2 Vol. 2 pp. 47 - 50; WHO Regional Office for the Eastern Mediterranean, Alexandria.

Extract: Ethiopia. *"Women in Ethiopia marry around the age of 12 to 15 according to traditional customs. Circumcision and infibulation are still performed. As a result, obstruction in the second stage of labour and severe perineal lacerations may occur"* (EDOUARD et al.,: 9).

●**TRIENDREGEOGON, A.**, (1982) - 'Female Circumcision in Upper Volta' in *Traditional Practices Affecting the Health of Women and Children*, Technical Publication No. 2 Vol. 2 , pp. 360 - 2; WHO Regional Office for the Eastern Mediterranean, Alexandria.

Extract: Burkina Faso. *"Excision is done to the girl when she is between 10 and 12 years old, and this marks her entry into adulthood. Excisions are performed by traditional midwives under septic conditions. The people believe that this procedure keeps the women clean and promotes fertility. Health education with information on adverse effects of circumcision was done using radio broadcasts but it was poorly received"* (EDOUARD et al.,: 66).

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2. **EL SAADAWI, N.**, (1980) - *Hidden Face of Eve: Women in the Arab World*; Zed Books: London.

3. **FOUNDATION FOR WOMEN'S HEALTH RESEARCH AND DEVELOPMENT (FORWARD)**, (1987) - *Female Circumcision and Consciousness Raising: A Manual for Educators and Group Facilitators*; Africa Centre, 8 King Street, London WC2E 8JT, UK.

4. **FORWARD**, (1989) - *Report on the First National Conference on Female Genital Mutilation: Unsettled Issues for Health and Social Workers in the UK*, Africa Centre, 8 King Street, London WC2E 8JT, UK.

5. **FORWARD**, (1992) - *Child Protection and Female Genital Mutilation: Advice for Health, Education, and Social Work Professionals*; Africa Centre, 8 King Street, London WC2E 8JT, UK.

6. **KOSO-THOMAS, O.**, (1987) - *The Circumcision of Women: A Strategy for Eradication*; Zed Books: London.

7. **THIAM, A.**, (1986) - *Black Sisters, Speak Out: Feminism and Oppression in Black Africa*; Pluto Press: London.

8. **WOMEN'S INT. NETWORK (WIN)**, (1982) - *The Universal Childbirth Picture Book*; 187 Grant Street, Lexington, MA 02173, USA.
(Also available in slide form with additions on excision and infibulation).

PART THREE

STRATEGIES FOR CONFRONTING VIOLENCE AGAINST WOMEN

Diverse legal and other strategies such as grassroots community intervention, have been devised globally by institutions and organisations - governmental and non-governmental - to address, in the words of Jacqueline Pitanguy¹ the "*extent to which women are submitted to violence, and the general disrespect that exists for women's physical and emotional integrity*" (BUNCH et al 1994: vi). This portion of the bibliography will introduce materials first on governmental and intergovernmental strategies and then on non-governmental strategies, developed to address domestic violence and the sexual harassment and abuse to which women are vulnerable beyond the home as well as the harmful traditional practices to which they are subjected, simply because they are women .

The Commonwealth focus has been on the promotion of actions to confront violence against women in the home, child and sexual abuse, sexual harassment and violence related to culture and/or tradition. This has been done through the production of policy guidelines and manuals, the encouragement and support of law reform together with service delivery to the victims of violence in member states as well as the provision of material and technical support for training the police, lawyers and the judiciary all over the Commonwealth.

At the Fourth Meeting of Commonwealth Ministers Responsible for Women's Affairs held in July 1993, member governments were "encouraged to establish action plans and strategies with accountable mechanisms to measure activities designed to end violence against women". The human rights implications of gender abuse were acknowledged and a strong commitment was made in support of the UN Declaration on the Elimination of Violence Against Women. Closer collaboration between the Women's and Youth Affairs Division and the Human Rights Unit of the Commonwealth Secretariat was recommended in recognition that women's rights are human rights. Further to this it was observed that adequate resources should be allocated to the Women's and Youth Affairs Division to facilitate the elimination of violence against women in the Commonwealth.

Violence against women is not inevitable (HEISE et al. 1994); it can therefore be eradicated. It is important to reiterate that there are societies in which the practice does not exist (see LEVINSON 1989 & SANDAY 1981 op. cit.).

A great deal of scholarship and activism contributed to the successful outcome of the stand taken by women at the 1993 second World Conference on Human Rights to establish that "*women's rights are human rights*". Accounts are available on these efforts and others from the NGO sector and as much as possible will be presented in the second section.

Naturally there are courses of action, however limited, open especially to adult victims of violence to combat the problem; generally, recourse can be had in the law - customary, criminal and/or civil - in all Commonwealth jurisdictions. For example, one obvious course of action open to the adult victim of domestic violence is to exercise the option, should one exist or be perceived to exist, to terminate the abusive relationship via divorce/legal

separation².

In addition to this, welfare and social services support of some sort ie. both formal and informal, are available in some measure in virtually all Commonwealth countries and societies. As much as possible, sufficiently diverse material will be reviewed to illuminate this aspect of strategies to eliminate violence against women in the hope that the mutually reinforcing nature of the dynamics of the different approaches will begin to emerge.

A useful introductory bibliography to the topic includes:

1. **COMMONWEALTH SECRETARIAT**, (1992) - *Confronting Violence: A Manual for Commonwealth Action* (revised); Commonwealth Secretariat: London.

2. **COUNTS, D.A., BROWN, J. & CAMPBELL, J. (eds.)**, (1992) - *Sanctions and Sanctuary: Cultural Perspectives on the Beating of Wives*; Westview Press: Boulder, Colorado.

3. **DOBASH, R. E. & DOBASH, R. P.**, (1992) - *Women, Violence and Social Change*; Routledge: London.

4. **FATIN, W.**, (1992) - 'Violence Against Women: the Challenge to Change Society', *Criminology Australia* 3 (3), Jan./Feb. 1992 pp. 10 - 12; agis no. 92/1836.

NATIONAL STRATEGY: AUSTRALIA. The article is an edited version of a speech presented on behalf of the National Committee on Violence Against Women in November 1991. It covers proposals for law reform and public education and reviews changing perceptions about violence against women.

5. **INTERNATIONAL LEAGUE FOR HUMAN RIGHTS**, (1993) - *Combating Violence Against Women*; report of March 1993 conference with Int. Women's Rights Project; New York.

6 **KERR, J.**, (ed.) (1993) - *Ours By Right: Women's Rights as Human Rights*; Zed Books and North/South Institute.

7. **LEVINSON, D.**, (1989) - *Family Violence in Cross-Cultural Perspective*; Sage Publishers: Newbury Park.

CROSS CULTURAL FINDINGS. This is an excellent ethnographic survey of 90 societies from all over the world which suggests that violence against women does not occur in all

societies and summarises the factors most likely to accommodate violence against women as well as those factors which are least conducive to violence.

8. **SANDAY, P. REEVES**, (1981) - "The Socio-Cultural Context of Rape: A Cross-Cultural Study" in *Journal of Social Issues* 37(4): 5-27.

9. **UNITED NATIONS**, (1989) - *Violence Against Women in the Family*; UN: New York.

INTERNATIONAL RECOGNITION. This report contains a clear and unambiguous endorsement of General Assembly Resolution 40/36 of 29th. November 1985 which calls for a "concerted and multi-disciplinary action" at non-governmental, governmental and intergovernmental levels to combat the problem.

10. **WILSON, E.** (1983) - *What is to be done about violence against women?*; Penguin: London.

NOTES

1. Jacqueline Pitanguy is the Director of CEPIA (Citizenship Studies, Information Action), Brazil and the author of the Preface to *Demanding Accountability: The Global Campaign and Vienna Tribunal for Women's Human Rights*; Bunch et al. (1994)
2. Studies and statistics in the USA however indicate that domestic violence intensifies when the victim asserts herself and the abuser is faced with the termination of the relationship. See *Women's International Network (WIN) News* 19 -4 AUT. 93 p. 45
"Seventy-four percent of all murders of women from domestic violence occur after the woman has left the relationship, filed for divorce, received a divorce, or filed an order of protection against the abuser. When women leave abusive relationships the violence against them escalates."
(*Peace & Freedom*; Women's International League for Peace and Freedom, 1213 Race St., Philadelphia, PA 19107).

BIBLIOGRAPHY ON STRATEGIES TO COMBAT VIOLENCE AGAINST WOMEN

Section A: GOVERNMENTAL AND INTERGOVERNMENTAL

INTRODUCTION

The state, primarily in response to pressure from women's groups, is taking a stand against violence against women albeit at different rates in different parts of the world. The passage of legislation alone has proved an inadequate response in the absence of effective implementation mechanisms, a committed law enforcement machinery together with conscientised grassroots aversion to all forms of violence resulting in censure and, ideally, active involvement in the eradication of violence against women.

The government of Papua New Guinea Law Reform Commission has looked closely at the problem of wife battering; its efforts are probably *"the only comprehensive and systematic study of violence against women in the home that has been undertaken by a developing country"* (UN 1989). As a result of this investment in social development the government can work effectively with the knowledge that 67 percent of rural women and 56 percent of urban women have been victims of wife abuse.

Canada set up a national panel on violence against women in August 1991 *"to create a national action plan for the implementation by the federal government and Canadian institutions to end violence against women in [sic. the] country. The National Action Plan lays the foundation for a changed society"* (Canadian Panel on Violence Against Women 1993). The Panel developed the policy of 'zero tolerance' ie. that not even a minimal amount of violence is acceptable and that therefore the elimination of violence against women is a priority. It also produced a Community Kit for coordinated grassroots action to eradicate violence against women and children. The fear that 1 in 4 female children and 1 in 10 male children may be sexually assaulted prior to the age of 17 years (HEISE 1992) has no doubt had a galvanising effect on Canadian communities.

The Australian government is also up and doing - it set up its National Committee on Violence Against Women in 1991. A national clearing-house has also been established to collect data on violence against women to assist counselling of victims. It is anticipated that social workers and doctors would use the database for counselling referral. Funding of programmes will also be facilitated by the clearing-house (*THE WEEKEND AUSTRALIAN*, 3-4 April 1993: 5).

Most industrialised nations have passed legislation prohibiting female genital mutilation; this should have the effect of discouraging the practice amongst migrant communities as they adjust to the realities of living in different cultures. It is feared that some 110 million girls and women in continental Africa alone had been affected by FGM in 1993, up from an estimate of 84 million in 1982 (HOSKEN 1993).

On the other hand, with the operation of the 'Zina' law under the Hudood Ordinance introduced in 1979, Pakistan seems to have done little to address injustices against women. Zina law prohibits extra-marital sex.

“The roots of this law lie in the policy of control over the physical person of a woman. Under this law, a woman accused of adultery is stoned to death and a woman accused of fornication receives one hundred lashes in public. The offence of rape (*zina-bil-jabr*) is also dealt with by the same law. The effect of this is that rape has become more of a defence against prosecution for adultery or fornication, rather than being considered as an independent crime.....Because of the evidentiary requirements it may not be possible to prove rape. The presumption against the victim would then be that the sexual intercourse was with consent. The victim could then become an accused and be required to prove her innocence” (JILANI, 1992: 71).

Some steps are however being taken to curb some of these injustices against women, these relate especially to offences committed against women while under the custody of the state. In January 1994 President Benazir Bhutto opened Pakistan's first all women's police station in Rawalpindi. It is tiny with a skeleton staff (EVANS 1994) and it remains to be seen whether it will be an effective forerunner to the women's stations that are planned for the four other provinces. In the opinion of activists police culture and attitudes all the way through the force need to be thoroughly revamped for the scheme to have any impact.

Clearly there is no uniform pattern of state response to the human rights challenges that women face daily all over the world.

The UN convened a working group of experts under the mandate of General Assembly Resolution No. 45/114 to produce *Strategies for Confronting Domestic Violence: A Resource Manual* (UN, June 1993). It is based on state law enforcement action, health and social service delivery, and the efforts of women's groups internationally. The UN remains consistently supportive of measures to combat violence against women even though it has required as much prodding from women's groups as have national governments; the success at Vienna 1993 was due purely to the persistent lobbying of committed women. It has yet to put its own house in order though - sexual harassment is perceived to be a major constraint to the career aspirations of women within UN agencies (WIN NEWS).

1. BUTTERWORTH, M. D. & FULMER, K. A. (1991) - 'The Effect of Family Violence on Children: Intervention Strategies including Bibliotherapy', *Australian Journal of Marriage and Family* 12 (3), Nov. 1991 pp. 170 - 182; from Agis no. 91/2877.

DOMESTIC VIOLENCE: AUSTRALIA. This is a summary of Australian research findings on the effects of domestic violence on children aged 0 to 17 years old. It presents various interventions including a conflict resolution curriculum and the use of bibliotherapy.

2. CLARK, T. O., (1992) - 'Recidivist paedophiles: treating the untreatable', *Australian Journal of Forensic Sciences* 24 (1 & 2) June 1992 pp. 31 - 34; agis no. 93/326.

PAEDOPHILIA: AUSTRALIA. This paper was presented at the First International Conference on Forensic Aspects of Child Abuse "Abuse of the Young" in March 1992. The paper is an exposition of the clinical condition 'recidivist paedophilia', its treatment in psychiatry and judicial approaches.

3. COMMONWEALTH SECRETARIAT., (1989) - *Violence Against Women: Curriculum Materials for Legal Studies*; Commonwealth Secretariat, Women's and Youth Affairs Division, Marlborough House, Pall Mall, London.

TRAINING MATERIALS: INTERNATIONAL. This is a set of two training packages designed to sensitise and acquaint law students to legal and social issues in domestic violence and sexual offences pan-Commonwealth, for domestic adaptation by individual institutions. For all that the book does not claim to be comprehensive, due to the vast variation in legal systems in the Commonwealth, its comparative approach to these two areas of violence against women is excellent. The Expert Group that advised on the training packages was comprised of law teachers from seven different Commonwealth law schools, a judge, a magistrate, a practising lawyer, the police and a police forensic expert and a victim support coordinator. Their recommendation of a combination of legislation, case law and other critical material has produced two very useful teaching guides.

One of the strongest points about the book is its reflection of the concern of the Expert Group about the lack of available customary law material on domestic violence and sexual offences. Extracts have been compiled to address the dearth but the author emphasises the need for more work in this area.

The two seminar resource materials include questions to encourage debate and analysis. The contents covers:

Part I Domestic Violence -

- a) the Context of the Problem, looking at whether it is a criminal or social issue and the role of the police, amongst others;
- b) the Extent of the Problem' which examines issues such as the lawyer/client relationship, preparation for court and matters of evidence;
- c) the situation and approach in customary societies is illustrated with a case study from New East Britain together with a discussion of the status of women in customary law;
- d) the types of responses to domestic violence including legal - both criminal and civil, and other welfare responses.

Part II Sexual Assault -

- a) the 'Social Context' looks at police proceedings and attitudes towards the complainant as well as causes and incidence;

- b) the 'Legal Definition and Concept of Rape' examines the scope of the offence, sexual assault within marriage, the age and mental state of the offender and, consent;
- c) 'Procedures' includes a discussion of police procedures, evidence and conduct of the trial;
- d) 'Sentencing and Rehabilitation';
- e) an 'Alternative Approach';
- f) Sexual Assault on Women in Customary Law.

4. **COMMONWEALTH SECRETARIAT.**, (1988) - *Guidelines for Police Training on Violence Against Women and Child Sexual Abuse*; Commonwealth Secretariat, Women and Youth Affairs Division, Marlborough House, Pall Mall, London.

TRAINING: INTERNATIONAL. In June 1988 the Commonwealth Secretariat Women and Development Programme as it was then called, organised a pan-Commonwealth Police Training Workshop on Violence Against Women and Child Sexual Abuse. The workshop was attended by senior officers from 16 member states. A number of recommendations emanated from that meeting, including the establishment of rape crisis centres. The Guidelines are based on the conclusions of the workshop; it is intended that the Manual "*will assist police forces throughout the Commonwealth in their training programmes and techniques*" (COMMONWEALTH SECRETARIAT 1988: 2).

The Manual highlights the critical role of the police in these delicate areas of law enforcement and concedes that the force in the average jurisdiction is poorly equipped to deal adequately with either problem. The reasons vary but are largely in consonance with social attitudes -

"First, the police underestimate the incidence of these abuses. Second, police are reluctant to intervene in what they are led to regard as 'domestic problems'. This can be for various reasons: out of respect for the privacy of the family, because of a mistaken vision of marital rights, because they believe the victim has 'provoked' the violence, because they do not foresee a successful prosecution and, finally, because the police prefer to treat domestic crimes differently from crimes in other contexts, responding by mediation rather than law enforcement" (COMMONWEALTH SECRETARIAT 1988: 1).

It is emphasised again that the ambiguity and ambivalence of the police approach to domestic violence and child sexual abuse are due to "*conflicts within the rest of society and the entire legal system which all combine to underestimate and trivialise the abuses, removing them from the purview of the criminal system and relegating them to a ragbag of 'social problems'*" (IBID). A solution to these inadequacies is police training.

Following the Workshop format, the Manual is divided into six sections:

- a. Police Attitudes and Sensitisation;
- b. Perspectives on Offender Profiling;
- c. Evidence and Investigation Techniques;
- d. Medical and Forensic Evidence Procedures;
- e. Liaison with Non-police Organisations and Referral Agencies;
- f. Statistics, Data Collection and Case Management.

5. COMMONWEALTH SECRETARIAT., (1992) - *Confronting Violence: A Manual for Commonwealth Action (revised)*; Commonwealth Secretariat, Women and Youth Affairs Division, Marlborough House, Pall Mall, London.

COMMONWEALTH SECRETARIAT: INTERNATIONAL. This is a leader in the field. It is a detailed yet comprehensive look at violence against women and the issues it raises, both legal and social. There is a clear statement about the primary cause of universal violence against women -

"Although different forms of violence against women are considered in the Manual, we would like to suggest that they and all other violations of women are rooted in a common cause: inequality. We believe that violence against women is the ultimate form of discrimination in a world which discriminates against women generally. ... In the long term, the solution of the problem of violence against women lies in commitment to the value of gender equality, most eloquently described in the text of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women" (COMMONWEALTH SECRETARIAT 1992: 2).

The contents covers:

Part I Domestic Violence - the context of the problem, legal approaches, health, welfare and community sectors and brief glances at alcohol-related violence, "breaking the silence" and refuges and support services.

Part II Sexual Assault, Sexual Harassment, Child Sexual Assault (which includes a section on interviewing child victims).

Part III Violence Related to Tradition or Custom.

Part IV The Media and Violence Against Women.

6. **FAHN, M. S.**, (1991) - 'Allegations of Child Sexual Abuse in Custody Disputes: Getting to the Truth of the Matter', *Family Law Quarterly* 25 (2), Summer 1991 pp. 193 - 216; from Agis no. 91/2840.

CHILD ABUSE: USA. This is a critique of the usefulness and adequacy of the legal system in cases of intra-family child sexual abuse with particular regard to custody proceedings. It concludes with recommendations on how to reinforce the system to offer more protection and responsiveness to sexually abused children in families.

7. **GIBBS, H.**, (1992) - 'The Law and Child Abuse', *Australian Journal of Forensic Sciences* 24 (1 & 2) June 1992 pp. 3 - 15; agis no. 93/323.

LAW PRACTICE: AUSTRALIA & UK. This paper was presented to the First International Conference on Forensic Aspects of Child Abuse "Abuse of the Young" in March 1992. This paper represents the legal practitioners view of the complexities of handling child abuse matters with particular reference to custody and access cases. Reference is made to the 1975 Family Law Act (CTH) (and amendments thereto), the NSW Children's (Care and Protection) Act 1987 and the NSW Crimes Act of 1900.

8. **GOLDSMITH, M.**, (1992) - 'Parents as Teachers', *Australia Journal of Forensic Sciences* 24 (1 & 2) June 1992: 35 - 37; agis no. 93/327.

PREVENTIVE EDUCATION: USA & AUSTRALIA. This paper was presented to the First International Conference on Forensic Aspects of Child Abuse "Abuse of the Young" in March 1992. The paper introduces the PAT ie. Parent as Teachers Programme pilot schemes in Missouri USA and NSW designed for the education of parents towards the prevention of child abuse. The presentation concluded on the note that expansion of the programme was dependent on the availability of funds.

9. **HERLIHY, J. M.** , (1992) - 'Dealing with Child Abuse: adversarial versus investigative systems', *Australian Journal of Forensic Sciences* 24 (1 & 2) June 1992: 16 - 22; agis no. 93/324.

JUDICIAL SYSTEM REFORM: AUSTRALIA. This paper was presented at the First International Conference on Forensic Aspects of Child Abuse "Abuse of the Young" in March 1992. The paper calls for the development and adoption of different judicial procedures from the current adversarial mode in Australian courts to ensure a best approach to child abuse.

10. **KEOUGH, B.**, (1993) - 'Protective Services Protocol 1992', *Law Institute Journal* 67 (1 & 2) Jan./Feb. 1993 pp. 64 - 65; agis no. 93/686.

AGENCY COLLABORATION: AUSTRALIA. This is a discussion of the purpose and operation of the Protective Services Protocol, the mechanism designed to support close case

collaboration and inter-agency consultation in matters of child abuse between the Family Court of Australia and Community Services in Victoria.

11. **ROBERTS, G.**, (1994) - 'Child Sexual Abuse and Justice', *The Bulletin* 6, Dec. 1994 pp. 28 - 33; from agis no. 95/46.

CHILD ABUSE: AUSTRALIA. The study focuses on the adverse effects on teachers and parents who are wrongly accused of sexually abusing children. It concludes with suggestions for tighter methods of discovery and investigation.

12. **SECRETARIAT, EQUAL STATUS OF WOMEN.**, (1994) - *National Report on Violence Against Women*; Malta.

NATIONAL POLICY: MALTA. As a result of this report the government of Malta set up an Inter-Agency on Violence Against Women in the Ministry of Home Affairs and Social Development. The Agency is scheduled to publish guidelines for police officers, social workers and counsellors and medical doctors. The Agency is also mandated to give support to reputable NGOs to facilitate their intervention and rehabilitation functions. Preventive and public education, particularly to both genders in schools, will also be a major area of emphasis.

By way of direct assistance to victims of gender abuse, crisis intervention services (hot line, a second shelter, transport, financial assistance, psychological support and legal aid) (NATIONAL REPORT 1994: 32). Rehabilitation services (self-contained secure residential units for the victim and children, group therapy, child care, family counselling, networking, training, job-placement, housing and financial credit) (NATIONAL REPORT 1994: 9. 32) will also form an essential part of the anti-violence against women strategy.

13. **TOBIN, J.** , (1993) - 'Family Violence: opening up the silence', *Melbourne University Law Review* 18 (4) 1992 pp 851 - 866; agis no. 93/1698.

LEGISLATIVE INTERVENTION: AUSTRALIA. This is a comment on the opening up of the discourse on violence in families in Australia. It notes changes in societal attitudes to the problem and the simultaneous responsiveness of new law enforcement measures to address the issue. It is particularly useful in that it lists the major remedies to family violence obtainable by victims in Victoria.

14. **WINEFIELD, H. R.**, (1992) - 'Child maltreatment effects and prevention: the advocacy role for professionals', *Australian Journal of Forensic Sciences* 24 (1 & 2) June 1992 pp. 23 - 30; agis no. 93/325.

SPECIALISED ADVOCACY FOR ABUSED CHILDREN: AUSTRALIA. This paper was presented at the First International Conference on Forensic Aspects of Child Abuse "Abuse of the Young" in March 1992. The paper presents the difficult position of the abused child

both as a result of the incident itself as well as during the experience of reporting, investigation and trial and their aftermath. The paper emphasises the need for specialised advocacy to provide the child with adequate support in view of the generally powerless location of children in society.

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2. **AUSTRALIAN LAW REFORM COMMISSION (ALRC)**, (1994) - *Equality Before the Law: Equality*, Report No, 69 Part II.

3. **CONNORS, J.** (1994) - 'Government Measures to Confront Violence Against Women'; *Women and Violence: Realities and Responses Worldwide*, (ed.) M. Davies, Zed Books Ltd.: London and New Jersey.

4. **COOK, R.**, (1994) - 'State Responsibility for Violations of Women's Human Rights'; *Harvard Law Journal*, Vol. 7.

5. **GLANZ, L.**, (ed.), (1993) - *Managing Crime in the New South Africa*; Human Sciences Research Council: Pretoria.

6. **I.L.O.**, (1992) - *Combating Sexual Violence At Work: Conditions of Work Digest*, (Vol. 11); International Labour Office: Geneva and Washington.

7. **NATIONAL COMMITTEE ON VIOLENCE AGAINST WOMEN (NCVAW)**, (1992) - *The National Strategy on Violence Against Women*; Australian Government Publishing Services.

8. **NATIONAL COMMITTEE ON VIOLENCE AGAINST WOMEN.**, (1994) - *Domestic Violence Policy Statement*; Tasmanian Government.

9. **REPUBLIC OF SOUTH AFRICA.**, (1993) - *Prevention of Family Violence Act, No. 133 of 1993*; Govt. Gazette Vol. 340 No. 15161, (Oct. 6th.), Cape Town: State President's Office.

10. **SOUTH AFRICAN LAW COMMISSION.**, (1985) - *Women and Sexual Offences in South Africa*; (Project 45 Report), Govt. Printer: Pretoria.

11. **TOFT, S.**, (ed.) (1985) - *Domestic Violence in Papua New Guinea*, Law Reform Commission Monograph No. 3.

12. **TOFT, S. & BONNELL, S.**, (eds.) (1985) - *Marriage and Domestic Violence in Rural Papua New Guinea*, Law Reform Commission Occasional Paper No. 18.

13. **TOFT, S. & BONNELL, S.**, (eds.) (1986) - *Domestic Violence in Urban Papua New Guinea*, Law Reform Commission Occasional Paper No. 19.

14. **TOFT, S.**, (ed.) (1986) - *Marriage in Papua New Guinea*, Law Reform Commission Monograph No. 4.

15. **W.H.O.**, (1985) - *Traditional Birth Practices: An annotated bibliography*; WHO/MCH/85.11.

16. **W.H.O.**, (1986) - *Health Implications of Sex Discrimination in Childhood*; joint document WHO/UNICEF/FHE 86.2.

17. **W.H.O.**, (1993) - *Traditional Practices Affecting the Health of Women and Children: W.H.O. Activities*; a paper presented by Dr. Leila Mehra, Chief, Family Planning and Population, Maternal and Child Health/Family Planning Div. of Family Health, World Health Organisation: Geneva.

18. **W.H.O.**, (1993) - *Female Genital Mutilation Information Pack*

19. **WORLD BANK.**, (1994) - *Violence and the Rights of Women*; World Bank Discussion Paper No. 255 prepared by Laurie Heise, World Bank: Washington D.C.

BIBLIOGRAPHY ON STRATEGIES TO COMBAT VIOLENCE AGAINST WOMEN

Section B: NON-GOVERNMENTAL

INTRODUCTION

The efforts of women's groups have made all the difference to the struggle to eradicate violence against women. For a long time it was just a women's problem but society and governments have been forced to recognise the extent of their collusion in violence against women and children particularly in the private sphere. The faithful research, the persistent questioning and deconstruction of male standards and gender bias, the tireless organising to provide support for victims and to wrest attention and resources out of authorities at all levels have paid off.

It is now impossible to ignore the fact of violence against women; it is nigh impossible to avoid taking a position concerning the issues such as structural gender inequality, the dearth of educational and economic opportunities for women, the health costs of gender abuse and the impact of violence against women on the psyche of society itself.

The Vienna Declaration, 1993, states that

"the human rights of women and of the girl-child are an inalienable, integral and indivisible part of the universal human rights.the human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women"
(from BUNCH & REILLY 1994: 104)

Women came away from Vienna with a UN Declaration on Violence Against women as well as a rapporteur. This did not come about by chance but is the outcome of years of global organising by women's groups. It remains perhaps the greatest testimony to the effectiveness of feminist solidarity.

1. BUNCH, C. & REILLY, N. (1994) - *Demanding Accountability: The Global Campaign and Vienna Tribunal for Women's Human Rights*; Center for Women's Global Leadership: Rutgers University, New Jersey, USA and UNIFEM: New York, USA.

WOMEN'S RIGHTS AS HUMAN RIGHTS: GLOBAL. This is the account and analysis of the formidable international campaign mounted by women's human rights activists towards putting women's rights and gender-based violence on the agenda of the 1993 UN World Conference on Human Rights, and its outcome. The campaign was a coordinated reaction to the prevalent limited human rights focus on civil and political rights to the virtual exclusion of economic rights and the rights of the female half of humanity in the private sphere despite

Article 2 of the 1948 Universal Declaration of Human Rights.

2. **CHETWYND, H.**, (1994) - 'No! to Sexual Violence in Jamaica', *Women and Violence: Realities and Responses Worldwide*, (ed.) M. Davies, Zed Books: London and New Jersey pp. 225 - 229.

POPULAR THEATRE: JAMAICA. This is the account of an interview with Honor Ford-Smith by Heather Chetwynd of the Popular Education Research Group about the origins of the Jamaican women's street theatre called 'Sistren'. The nucleus of thirteen working class women which started Sistren in 1971 was active from the onset in street dramatisation of women's experiences - always presenting a woman's perspective of women's experiences. Research and documentation, popular education, workshops and skills such as screen printing were also early group activities, involving communities in the vision to counter the negative view of women and their sexuality as presented by the media and the entertainment industry through 'slack' (ie. female gender derogatory) reggae lyrics for example.

'Friends of Sistren' grew around such collaborations as small parties of women all over the country became autonomous organisations. Teens in Action came into its own after initial impetus coming from a Sistren tradition of working participatorily with youth, male and female, in the community. Yet another group to develop out of the early days is the Women's Media Watch which monitors and actually takes issue with the media whenever it encounters material inimical to women, following the lead of *Sistren Magazine* which was started in 1987.

The actual pamphlet entitled *No! to Sexual Violence* was produced in 1984 by Friends of Sistren in Kingston as a direct move against escalating male sexual violence against women; a play was written and presented by Sistren to accompany it. The account reports the successful outcome of the move: awareness was raised about the issue and, as it became increasingly topical, workshops were held in schools, community centres and in the street all over the country as well as at Sistren Headquarters. The object was always to examine various aspects of sexuality and male violence against women critically, responsibly and openly within and across communities.

To conclude:

"The Sistren theatre group produced pieces which highlighted the fact that women were being raped or battered in a way that was particularly violent. We produced theatre which didn't romanticise sexual violence or make it look like women's fault. We presented violence in a way that made the audience uncomfortable and helped them to understand it as a social issue, as something that needs to be changed.Violence against women must be portrayed so that it can in no way be confused with a sexual act that is an expression of affection."
(FORD-SMITH: 227)

3. **JILANI, H.**, (1992) - 'Whose Laws? Human Rights and Violence Against women in Pakistan' in *Freedom From Violence: Women's Strategies From Around The World* (ed.) M.

Schuler, pp. 63-74; Women, Law and Development Series, OEF International: Washington D.C.

LEGISLATION: PAKISTAN. This is a discussion of the gender implications of the application of Shariat law to women in Pakistan. The double jeopardy confronting women who complain of rape and the patent inequality of the sexes before the law, particularly in terms of weight of evidence, are all carefully drawn out in the account.

This is not an argument against the law but a reasoned plea for a review of the relation of law to the development of society:

"An argument can be advanced against the law that it has failed both as a deterrent and as an agent of social change. Further, in the case of countries like Pakistan, the law itself has exposed women to exploitation and more violence. However, it is also true that where relief has come, it had been through the law and the invocation of national or international guarantees for protection. The approach towards issues of violence must be changed" (JILANI, 1992: 73).

4. **MACLEOD, J. et al.**, (1994) - 'Bridging the Gap: Feminist Development Work in Glasgow' in (ed.) M. Davies, *Women and Violence: Realities and Responses Worldwide*, pp. 246-53; Zed Books; London.

INFORMATION & TRAINING PROFESSIONALS: SCOTLAND. This article is about the Women's Support Project which forms a link between feminist rape crisis work, for example, and the professionals working with cases of child sex abuse and other incidents of violence against women and children (MACLEOD et al. 1994). The Project has focused on encouraging the growth and maturing of services, the production of educational material and the greater user friendliness of available services.

"The main thread of our approach has been a feminist analysis of male violence, maintaining strong links between the causes and effects of rape, domestic violence, incest and child abuse. Our experience of training has convinced us that what is needed is not just clearer guidelines or more procedures but changes in attitudes" (MACLEOD 1994: 248).

5. **RATHUS, Z.**, (1993) - 'Domestic Violence and Women', *Proctor 13* (2) March 1993 pp. 15; agis no. 93/1364.

MARITAL SEPARATION: AUSTRALIA. This is a comment on the legal needs of women who opt out of abusive relationships and an inventory of the resources available to them in Queensland.

6. **SCHULER, M.**, (ed.) (1992) - *Freedom from Violence: Women's Strategies from Around*

the World; UNIFEM: New York.

CASE STUDIES: INTERNATIONAL. This is an invaluable contribution to the resource base on strategies adopted by women all over the world to combat violence against women. It follows on the heels of an earlier collection under the same editorship called *Empowerment and the Law: Strategies of Third World Women* (1986). Dr. Schuler's opening chapters are essential reading every time. They introduce strong conceptual frameworks as accessibly as possible and provide a historical background to the globalisation of the feminist movement and methods.

7. SILARD, K., (1994) - 'Helping Women to Help Themselves: Counselling Against Domestic Violence in Australia' in (ed.) M. Davies, *Women and Violence: Realities and Responses Worldwide*, pp. 239-46; Zed Books : London.

COUNSELLING: AUSTRALIA. Silard's counselling style concentrates on building the confidence of victims of domestic violence to recognise that they can and will cope with the termination of the abusive relationship. She offers support and an honest, realistic assessment of the situation. She also offers affection. Over the years this counsellor has learnt to deal with confrontation rather than to 'safely' avoid it. At the end of the counselling encounter the client is able to ask, "*What is it about him that he thinks violence is okay, and what is it about society that makes it okay to beat women and children?*" instead of the more usual question, "*What is it about me that makes him violent?*" (SILARD 1994: 245).

8. VOGELMAN, L. & EAGLE, G., (1991) - 'Overcoming Endemic Violence Against Women in South Africa' in *Social Justice* Vol. 18, Nos. 1-2, pp. 209-229.

CONTROL MEASURES: SOUTH AFRICA. This is both a review of violence against women in South Africa with its causes and a summary of recommendations for measures to control such violence. A major observation of the paper is that, "*So prevalent and widely tolerated is such violence that it has come to be perceived almost as normative and to a large extent accepted rather than challenged*" (209).

The writers are of the opinion that an ideologically conscious women's movement could contribute greatly as pressure and resource groups to the control of violence against women. Grassroots organization is another area of recommendation; the rebuilding of street committees and civics is advocated to "*encourage a culture of social non-acceptance*" (222) against abusers. Education is yet another resource to direct at the control of violence against women, in the opinion of the writers. Beyond the classroom, the paper stresses the importance of anti-sexist instruction to members of the police force, trade unions, business and professional organisations.

Legal action, law reform and law enforcement are also covered by the recommendations. The need for severe legal consequences for abuse, appropriate legislation to prohibit abusive behaviour and "*the development of a police force and judicial system that inspires the confidence of the people rather than alienating them*" (223) are all discussed. A well

coordinated programme to combat crime generally is also called for. Such a programme would cover violence against women and ideally provide the police with intervention guidelines to remove ambiguity as to whether and when to arrest in cases of domestic violence for example.

The issue of victim support is also discussed under the recommendations. Therapeutic assistance, material aid, social support, medical treatment particularly in the event of pregnancy or venereal disease and, compensation are perceived as matters which merit urgent attention.

Prison reform and the rehabilitation of offenders forms the final recommendation.

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5. **MACONACHIE, M. & VAN ZYL, M.** (1994) - *Promoting Personal Safety For Women: Women set an agenda for policy formation*; Human Sciences Research Council: Pretoria, Republic of South Africa.

6. **MATCH INTERNATIONAL**, (ed.) (1990) - *Linking Women's Global Struggles to End Violence*, Match International : Ottawa.

7. **WOMEN & LAW IN SOUTHERN AFRICA/TAYLOR, J. & STEWART, S.**, (1991) - *Sexual and Domestic Violence: Help Recovery and Action in Zimbabwe*; A van Glehn & J. Taylor: Harare.

CONCLUSION

Violence against women is likely to remain a major problem and high up on the international list of human rights violations for a long time to come. This unfortunate fact is largely due to a lack of sustained coordinated global, national and local action for its eradication. The community must totally reject violence against women even in the smallest incident. States must be prepared to invest time and resources to produce that public rejection of violence. Feminists must pressurise states to recognise, acknowledge and fulfill this obligation.

Feminists must also be prepared to enter alliances with trade unions and human rights groups to bring these issues to the mainstream and keep them there. They must continue to support one another across the various divides to achieve maximum solidarity to combat violence against women. They must remember that "the buck stops here". The gains that have been made so far are primarily as a result of grassroots and global activities of a collaborative nature. It is true that:

"A multi-sectoral approach that involves health care, legislative reform, direct services, public education and debate, sensitivity training for professionals and research is the key to eradicating gender violence worldwide" (SHRADER COX 1994: 130)¹.

It is up to women to ensure that it comes to pass, in the interests of women and the whole of society.

NOTES

1. **SHRADER COX, E.**, (1994) - 'Gender Violence and Women's Health in Central America' in (ed.) M. Davies, *Women and Violence: Realities and Responses Worldwide*; Zed Books{ London.

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