

Asia: Unabated violence against women impedes social change

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For 100 years now, a strong struggle for equal rights between genders has been taking place in the world. International women's day is the opportunity to celebrate women's economic, political and social achievements. It is the day to acknowledge the enormous potential of women in the prospering of their communities, and the core societal role they have to play for peace, political and economic development in their countries. Having educated and empowered women actively participating in every sphere of public life has long been acknowledged as key to a country's growth and affluence. Discrimination against women has been formally recognized as a violation of the concept that all human beings are born free and equal in dignity and rights. Nevertheless, in numerous corners of the Asian region, direct and indirect violence and discrimination, under various forms, continue to oppress women and prevent them from fully achieving their potential for change. Through 2010 and since the beginning of 2011, the Asian Human Rights Commission has been aware of numerous such cases. Violence against women is sometimes justified through tradition and religion, and occurs by exploiting the weak rule of law framework of numerous Asian countries to the advantage of the male-dominated society. It is used to control the behaviour of women and prevent them from freely taking part in public debate, and it continuously undermines their expression for the region's potential change.

The Global Gender Gap Index of 2010 offered a clear overview of the disparities which exist in the Asian region with regard to the country level of advancement in terms of equality of rights and opportunities between genders. The Philippines and Sri Lanka rank respectively as 9th and 16th out of 134 countries in terms of gender equality, mostly due to their achievements in reducing the gender-gap in education and health, while Pakistan ranks the third worst country in the world in terms of gender equality. Thailand ranks 57th globally but ranks among the best countries in terms of maternal health and 36th in terms of economic opportunity for women, with women representing the majority (51 percent) of the non-agricultural labour force, a rarity in Asia. The gender situation in Bangladesh and Indonesia is less optimistic, with their respective rankings as 82nd and 87th. The scores of both countries are increased only by the fact that they have women as their head of state, but their scores in terms of economic empowerment, access to education and health are very low. Closing this ranking are India (112th), Nepal (114th) and Pakistan (132nd), with extremely important discrepancies between genders in all spheres of life.

Tradition

In a number of Asian countries patriarchal cultural and religious traditions are invoked to systematically control women's lives, their free will and even their bodies, and hamper the full realization of their potential. In India, discrimination rooted in gender prejudices that foster stereotypical roles for the girl child and woman is one of the reasons for the poor state of affairs of women. The concept of purity and submission superimposed upon women by cultural and religious practices restricts

their access to education and limits their freedom to choose their employment. The continuing practice of demanding and paying dowry, though prohibited by the Dowry Prohibition Act 1961, limits parents' interest to educate a girl child.

Another example is the common practice in some communities in Pakistan, of declaring a girl engaged to be married to a certain boy at the time of her birth, which prevents her from freely choosing her future; her fate was sealed from her day of birth.

Similarly, honour killings remain a strong issue in South Asia. Women, seen as carrying the honour of the family, can be murdered if she is considered to follow a path different to that expected of her. The United Nations Population Fund estimates that 5,000 women die each year in honour killings worldwide. The actual number however, is likely to be much higher, as most cases are unreported.

A case reported in August 2010 from Sri Lanka was yet another example of religion or tradition being invoked by the community to control women's lives. A husband was forced by community members of the local mosque to sign a document agreeing to the punishment of his 17-year-old wife for having given birth to a child as a result of an extramarital relationship. The woman, who was sick, was then beaten 100 times with the hard centre stem of a coconut frond.

Similarly, in Bangladesh, the Committee on the Elimination of All Forms of Discrimination Against Women expressed its concern in February 2011 that "*despite the High Court's decision that the extra-judicial punishments, fatwas, are illegal, there are reports of illegal penalties being enforced through shalish rulings to punish 'anti-social and immoral behaviour'*". In January 2011, a 14-year-old girl was "lashed to death" as punishment meted out by a village court consisting of elders and clerics under the Shari'ah law, after being accused of having an affair with a married man.

In some countries, "traditions" invoked to oppress women benefit from the support of authorities, like in Pakistan, or are even reflected in the legal framework, like in Aceh, where some criminal laws are based on the misinterpretation of the Shari'ah. A 2010 report by Human Rights Watch, "Policing morality," on two of the five Shari'ah laws in Aceh—the law related to "seclusion", which makes association with a unmarried member of the opposite sex a criminal offense punishable by caning and a fine, and the law on public dress requirement—revealed that these laws are abusively implemented by the authorities. The report documents cases of aggressive interrogation, including beating of suspects, forcing the suspects to marry, and forcing women and girls to submit to virginity examinations, as part of the 'investigation'.

The Jirga courts in Pakistan oppress women's rights and, though illegal, are tolerated or even supported by the authorities. Jirgas deny the equality between women and men, apply corporal or capital punishments to women whose behaviour is seen as deviating from traditional norms, and lack standards of fair trial. In July 2010, a woman was condemned to stoning to death by a Jirga merely for having been seen walking alone with a man. In May 2010, a young couple was marked for death by a Jirga that included police officers because the woman had denied a suitor selected by her family in favour of her husband, who came from outside the tribe. Despite an eventual Sindh High Court ruling in favour of the couple, community members and

police continued to persecute the couple and the groom's family. Legal and social complicity results in near impunity for those who continue to abide by the Jirga rather than law, and perpetrates honour killings. The government has not been seen to take any sort of action to pronounce the Jirgas' rulings as illegal, or to dismantle them by taking action against the individuals engaged in running them.

Those cultural and religious representations remain strong obstacles in the way of women who want to take an active part in the future of their communities. Nepal is the only Asian country to have achieved the goal of 33 percent representation of women in parliament. Women seeking emancipation are targeted by those who want to maintain society's patriarchal order as well as their own power and social status.

Acid attacks in Bangladesh and Pakistan against women who dare to say "no" to a marriage or a relationship are a case in point. Threats and harassment against women human rights defenders in Nepal further show society's resistance to those seen as challenging the established social order.

In some countries, women are considered as simple chattel that can be exchanged to maintain the relationship between families, to settle conflicts, or even a commodity that can be sold. In February 2011, the AHRC documented a case of marriage which was opposed by the 70-year-old bride's father in Pakistan. As "compensation" for the marriage and the loss of his daughter, the father demanded the barter of a girl from the groom's family.

In South Asia, cases of dowry disputes and dowry deaths also reveal the value placed upon a woman's life. These are cases where the groom's family claims that they had not received enough material benefits to accept the woman into the family. Those claims may result in assault, mental and physical harassment of the bride, and ultimately, in her killing.

Trafficking and rape

Further, Asia continues to suffer from a massive phenomenon of trafficking in women. In many cases the authorities cooperate with trafficking rings and brothels where women are kept, effectively imprisoned for sex work. Due to the irregular immigration of trafficked women, the victims often have no legal status in the country where they are trafficked to and risk detention should they try to escape or lodge a complaint with the local authorities. In Thailand, sex workers are particularly at risk of exploitation and stigmatization with cases of arrest and humiliation commonly reported, while rape cases of women sex workers are not properly dealt with.

While the attitude of state actors is essential in dealing with cases of violence against women, all the cases mentioned so far clearly show that the functioning of law enforcement agencies in practice reflects the patriarchal values of society and further contributes to the oppression of women. Failing criminal justice systems have been exploited by perpetrators to deny justice and protection to victims of gender-based violence and to preserve the vulnerable situation faced by women. In almost all Asian countries for instance, authorities at all levels of the judicial system have denied assistance and justice to rape victims and instead protected the perpetrators, resulting in a de facto "decriminalization of rape". Victims of rape and gender-based violence

seeking legal redress face harassment and threats from the authorities and community members. The courage required to confront such obstacles is only rewarded with impunity for the perpetrators. This begins from the moment the victim decides to make the complaint of rape: in almost all of Asia there are incidents of police officers refusing to accept such complaints, forcing the victim to negotiate a settlement with the perpetrators or in specific countries, even to marry the perpetrators.

Collusion between the perpetrators of rape and police officers is common. Further, the social stigma surrounding rape and women filing cases in the police station, as well as the economic dependency of women are the key obstacles hampering their access to redress.

In a case in Nepal last July, the police took the rape victim in custody twice at the demand of the perpetrators, resulting in having all the physical traces of rape disappear. In Sri Lanka, in January 2011, the family of a 23-year-old physically and mentally disabled rape victim was forced by the police to accept monetary compensation from the perpetrator as a settlement for the case. In Pakistan, in December 2010, a woman was raped by a local gangster with the help of two police informers and was forced by the police to withdraw her complaint. In India, women face additional risks at the hands of law enforcement officers compared to their male counterparts, due to the risk of sexual harassment and even custodial rape. In a case reported on February 1 this year, the police officers assaulted and sexually abused a woman and her mother when the officers came to their house in search of a male suspect. Typically, the police have refused to register a case against the accused despite written complaints.

It is thus clearly seen that protecting the right of women is intrinsically linked to the state of rule of law in the country, and to accountability and gender sensitization of law enforcement agencies.

Targeting women from marginalized communities

All over Asia, the situation of women belonging to traditionally marginalized and discriminated communities deserves a special mention, as those women will be exploited at several levels with even less access to judicial and state institutions than women belonging to the country's dominant majority community.

In India and Nepal for instance, women belonging to the Dalit or tribal communities are more vulnerable to rape as their lives and dignity are seen as less valuable, and they have less access to judicial institutions. Nepal has also recently seen an increase in cases of isolated women, often widows and often from the Dalit community, being violently beaten, tortured and forced to eat human excreta after being accused of "witchcraft" by villagers. The Women's Rehabilitation Center (WOREC) has documented 82 such cases within two years. In Pakistan, women from religious minorities are targeted, abducted and forcibly married to convert them to Islam. It is estimated that 20 to 25 Hindu girls are abducted each month and forcibly converted to Islam. In March 2010, the family of a 17-year-old Hindu girl who was kidnapped by three influential Muslim brothers and raped by one of them, was pressured into accepting her wedding to her rapist and her conversion to Islam by a jirga. Judicial and police inaction went as far as arresting the victim's father under a fake case and

intense pressure from ruling party members and local landlords preventing the family from seeking further assistance.

The targeting of women from marginalized classes or religious and ethnic minorities is not an aimless and insignificant act; on the contrary it has calculated implications and impact. Raping or abusing women is aimed at not only destroying the victim, but through her, the entire community. Rape and violence against women has become an instrument of power in the hands of the dominant majority. The victimization of women from marginalized classes contributes to the maintenance of power and the domination of “upper” classes while the victimization of women from minorities, religious or ethnic, aims at destroying the whole structure of that community, integrating them into the “mainstream” majority through the destruction of their identity. This aspect is particularly evident in the case of Burma, where women from ethnic minorities are the target of systematic, state-induced campaigns of rape and other forms of sexual abuses by soldiers in order to “spread the blood” of the ethnic majority and to humiliate and oppress. “Licence to Rape”, a June 2002 report by the Shan Women’s Action Network documented 173 cases of rape and other forms of sexual violence, with 625 Shan girls and women victimized by Burmese soldiers from 1996 to 2001 and showed that rape was condoned as a weapon of war from the Burmese state in order to subjugate and control ethnic minorities. Documentation by women’s groups shows that such cases of rape, torture and killings of women continue unabated in other areas of ethnic conflict.

Women in areas of conflict also suffer from specific abuses and often find themselves deprived of any legal redress, as in southern Thailand, where women are facing unrest and loss but have not been provided any remedies. The Thai Victim Protection Scheme is inappropriately implemented, which deprives victims seeking justice of remedies. In Nepal, during the decade-long conflict, the women faced gender-based and sexual violence, but such victims have remained invisible and are absent from government relief programmes and compensation schemes for conflict victims, as found by Advocacy Forum and the International Center for Transitional Justice’s joint report.

Gender bias is also visible in larger issues like poverty and malnutrition. For instance, in South Asia and South-East Asia, in both urban and rural poverty, often the direct victims of poverty and malnutrition are women and girls. In most cases reported by the AHRC, the pattern is of mothers and daughters facing the brunt of poverty.

Women in Asia thus suffer from multilayered, multifaceted discrimination and violence. Nevertheless, they continue to gather, organize and defend their rights and the rights of their community throughout the region. The fight of thousands of such women contributes not only to the promotion of the “rights of women”, but also to the advancement of democracy in their community as a whole.

In countries where reservations were made to ensure the representation of women in elected bodies, especially at the local level, women have been able to make use of such arenas to raise concrete issues of tremendous importance for the community, such as access to water.

In Nepal, women played a tremendously important role in the popular uprising of

2006 which led to the end of the conflict and the establishment of democracy in the country. Similarly in India, it is a woman, Ms. Irom Chanu Sharmila of Manipur, who has today become the beacon of hope and peace. Sharmila has undergone a ten-year-long fast in protest against the ongoing violence and impunity in India, committed both by state and non-state actors. The state attempted to stifle her protest by keeping Sharmila in arbitrary and solitary detention in a hospital room for the past ten years in which she is force fed through a nasal tube. In Burma, it is also the fight of a woman, Aung San Suu Kyi, that has become the incarnation of the hope for peace, human rights and democracy of the people. In Sri Lanka, women activists and lawyers are taking a great role in the fight against torture and support to the victims. In Pakistan, it is a woman parliamentarian who had the courage to deposit a law in the Parliament seeking to amend the blasphemy law under which religious minorities face persecutions.

On International Women's Day, the AHRC calls for comprehensive action, from all forces of the society, to create the conditions for women to fully express their potential for better change.