

AGE NO BAR: A COMPARATIVE CASE STUDY OF GENDER VIOLENCE PATTERNS IN INDIA, CAMBODIA AND RUSSIA

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Abstract: Gender violence which is such an important issue has gained attention only in the recent times. Though in most countries gender equality has been guaranteed by the Constitution but the occurrences of crime against women highlights the fact that in reality inequalities do exist between men and women. Most of the time it involves power imbalances where men indulge in crimes against women. Due to the patriarchal mentality that is so deeply ingrained in us, women are considered to be the property of men; to be treated and handled in whatever way the menfolk wants to. The women themselves also are not aware of their rights most of the times and hence they quietly suffer at the hands of men. The government officials and judiciary at times also becomes very insensitive while dealing with cases of gender violence. In light of these issues, the paper would make an attempt in examining the gender violence against women in different societies and different age groups. The case study of India, Cambodia and Russia has been taken up to explain that be it a harmless foetus, a child or a grown up women, none of them are spared from the shackles of gender based violence. Along with this the possible solutions to this problem has also been analyzed.

Keywords: Gender violence; gender inequality; power imbalances; patriarchal mentality

Introduction: Gender violence is a very powerful issue having international seriousness. It refers to the physical, mental and social violence and discrimination towards a particular sex. The Council of Europe defines that, “*all acts of gender-based violence that result in, or are likely to result in physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.*” It is often used interchangeably with gender violence against women since violations to basic rights, liberty, security and equality of women are greater and more apparent. This paper offers to highlight crime and violence against women of all ages and different environments. In gender-related violence, the class or caste does not matter; the age or mind does not matter; nor matters the domicile. The most unfortunate aspect is that while every year International Women’s Day is celebrated all over the world and under official UN themes, ‘violence against women’ have found its place many a times, the first time being in 1999, yet the violence continues till today. Gender based violence against women keeps on occurring day in and day out. While at times women do not realize some passive forms of violence due to ignorance or because subjugation has become their second nature; at other times they are solely helpless. The aim of this paper is to focus on the subject that atrocities on women happen everywhere, everyday and at every age, sometimes even before birth. The cases of three countries- India, Cambodia and Russia have been taken up to explain the wide-ranging nature of gender violence against women in all societies and at all age-groups. Be it as a harmless foetus, innocent child or a grown women; the very

‘sex’ that gives a woman her identity has become her biggest nightmare. Female foeticide, female genital mutilation, human trafficking, acts of pedophilia, dowry system, domestic violence, rapes and molestation etc are only to name a few among different crimes against women that keep on happening. It not only reinforces a world with forces of inequalities among men and women but also devalues and degrades the very existence of a woman.

(I) India: the girl child dilemma: The Indian Subcontinent is envisioned today as one of the leading geopolitical and economic powers holding a strong soft-power status and as the largest democracy. However behind it are some very deep-rooted social issues which even today loom large affecting the all-round development of the Indian women and society at large. This part attempts to deal with a selected country-wise assessment of which the case of India is discussed in the context of female foeticide and the dilemma of the ‘girl-child’.

Female foeticide refers to the act of aborting the female foetus after a sex determination test. While abortion in India is legal, female foeticide which is ‘sex-selective abortion’ is illegal and punishable by law. The Government of India in the year 1994 passed a law whereby prenatal sex determination and sex-selective abortion was banned, yet female foeticide is still rampant and a widely practiced social evil. It is not just a crime in itself, but an evil that triggers other social evils and crimes against women in India. Sex-selective abortion is damaging for a variety of reasons-

- **Imbalance in the male-female sex ratio:-** Due to significant difference between male-female sex ratio as a direct result of female foeticide, in parts of India like Haryana, Punjab, and Rajasthan etc

throng of eligible men are unmarried due to dearth of women. As a result of which young girls after puberty are bought and sold from other states either as brides or for sexual exploitation leading to commoditization of women. Also, the sex-ratio imbalance in the long run affects the country's all round development.

- **Reinforces patriarchal values:** - The obsession of having a male child over a female one is psychological and social emanating from the patriarchal mindset of the Indian society where men are considered superior to women. Although instances of competence of women to men are abundant and women are proficient in tasks both at home or workplace and income, it is a shame to idolize patriarchal values.

- **The 'business' of foeticide:** -The nature of the crime of female foeticide is such that it has created a market of its own. Unethical sex determination and selective abortion crime needs the buyer, the seller, scientific technology and medical professionals. Technology like CVS, Amniocentesis and Ultrasound could be a boon or a bane depending on its usage. Due to its easy accessibility in local hospitals, female foeticide in India is a Rs.2000-3000 crore industry. This point also discards the assumption that female foeticide is practiced mostly by the poor, uneducated and rural class because the ones doing business are the educated lot only.

- **Economic factors:**-The economic factor behind this practice is that for the same kind of work, women are paid less than men. Hence, women have a secondary position in the society where cultural and social norms are widespread. Dowry system is a pressing issue (though illegal), yet age-old customs override the legal procedures. Therefore, female foeticide is entertained as it costs lesser than dowry amounts.

Shocking revelations about the disturbing male-female ratio in India during various census reports describes the consequences of a gender biased Indian society. According to estimates of 1981 Census Report of India, overall ratio of girls is 962 for every 1000 boys. Further the Census Report suggests that the figure further diminishes in the following years. The child sex ratio (aged between 0-6 years) of girls to boys (every 1000 males) is 945 in 1991, 927 in 2001 and 914 according to the census report of 2011. Considering the state-wise sex ratio according to 2001 census, in Punjab the sex ratio declined from 875 to 793, in Haryana from 879 to 820, in Himachal Pradesh from 951 to 897, in Gujarat from 928 to 878, in Chandigarh from 899 to 845 and in the capital Delhi from 915 to 865. These calculations depict the mentality of the Indian society where a woman's right to even be born is snatched away. Closely connected to female foeticide is female infanticide which is the

killing of new-born female babies. For cases where fetuses cannot be destroyed medically; they are killed soon after birth. Indirect female infanticide also takes place in case of deliberate negligence or in cases where the female baby gets lesser breast-feeding period or nutrition than the male baby in case of twin births. Therefore around 300,000 girls vanish every year.

Possible solutions and Recent Trends:The Pre-Natal Diagnostic Techniques Act, 1994 was the first one of its kind Act of the Indian Parliament to stop female foeticide. As mentioned in Khatun and Islam in their article 'Death before Birth', the two aspects of the Act were regulatory and preventive. The Act was further amended in 2003 as the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT Act) for improvement in the regulation of the technology used in sex selection both in regulating the easy access of technology and stringent penalty provisions. Since ignorance among masses is one of the biggest drawbacks, the only solution to this problem is large-scale awareness of citizens (either through seminars and campaigns etc) about the horrific consequences of female foeticide and how it can strangle everyone in the society. However, some of the immediate solutions to the problem of female foeticide are the presence of stringent laws and its implementation. For a start as mentioned in a popular Indian documentary 'Satyamev Jayate' on this issue put light on the fact that 'female foeticide' was made an illegal practice, strong actions against medical practitioners like termination of a doctor's license have not been taken yet. The only long term solution is refraining from overstressing of patriarchal values. Promotion of education and job prospects would also help a mother to take a stand for herself and stop this evil. Among recent trends by the new Government of India, twin programmes were launched by Prime Minister Modi namely "*Beti Bachao, Beti Padhao*" and "*Sukanya Samridhi Account*" towards encouraging birth and education of girls in India and thereby fight the disturbing child sex-ratio scenario in India.

(II) Cambodia- a hotspot for pedophiles:

Sex slavery has become a large business today. According to the U.S. State Department "sex trafficking has become a larger business than drug trafficking on a worldwide scale." The worst part is that this business is growing daily in Cambodia. Cambodia is on a path of economic recovery due to the large number of tourists visiting the country who are mainly interested in the sex trade. Despite its economic growth in the recent times, it still remains one of the poorest nations in Asia where one-third of its sex workers are under the age group of 18 years. Cambodia thus has become a favorite destination for pedophiles worldwide.

Origin of the trafficking problem in Cambodia:

The French occupation of Cambodia had laid the ground for its immense poverty and according to Keo Cheneda French rule considered Cambodia to be a “colony of exploitation rather than a colony of settlement”. Cambodia was not allowed to trade with other countries which hampered its economic development. After its independence in 1953, it plunged into a civil war followed by the brutal rule of the Khmer Rouge between 1975 -79 leaving behind a shattered society. After the Polpot regime was ousted, almost two million people were dead due to mass killings, diseases and starvation and the social institutions had also disappeared. As mentioned by Tim Hume in the CNN report Cambodia “lost educated people and the system of educating them; lost the moral compass which Buddhism provides.” Cheneda mentions that the people who were left turned to prostitution for lack of options. Prostitution existed in the form of women having sex with the Khmer officials in order to get food or better treatment. The ILO mentioned that the Khmer rule has left behind deep psychological and economical effect on Cambodia making the children vulnerable to sexual exploitation. Moreover the phenomenon of globalization made trade easier across borders both in terms of movement of workers and trade of children. According to Shelley Louise, in Cambodia more than half of its population is below 20 years of age and due to lack of decent job opportunities they become vulnerable to trafficking. The police is indirectly involved and protects the traffickers. Hence, the U.S. Department of State mentions Cambodia as “a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking.” Takashi Ysunobu writes that all these years of suffering have created separation and disarticulation among the families, mistrust among the neighbours and lack of community values. This trafficking business is further aided by factors such as lack of political will, weak legal system along with inadequate law enforcement mechanism. Most of the people live under the poverty line and cannot provide proper nutrition and education to their children. According to Exoduscry report, in Cambodia children are treated as property and women as commodities as the saying goes, “Men are gold. Women are cloth” that implies if gold gets dirty it can be polished, but soiled cloth must be discarded and a new obtained. This saying is manifested in the way girls and women are treated on a daily basis.

Svay Pak- the ‘shipping yard’:The CNN report further mentions that Svay Pak also known as the ‘shipping yard is a village in the outskirts of Phnom Penh where majority of the population belong to the fishing sector, which in the recent times have earned

the reputation of a place where little girls as young as 5 years are easily and openly sold to foreign tourists.’ Here, pedophiles from all over the world come as it houses brothels full of under-age girls. The people involved in trafficking are mostly people whom these girls trust. Poverty forces parents to put their daughters in the sex trade. In this village people survive on \$ 1 a day. Most of the rural people are involved in farming activities and the pay from that is very low. They take huge loans and then come under the debt trap. So in order to repay their debt, the parents knowingly sacrifice their daughters by selling them to child traffickers from where they are send to brothels both locally and globally. Leslie Holmes writes that there is also a large population of Vietnamese in this village who do not have any legal status and this group of people is mostly part of both the traffickers and victims. This ‘virginity selling’ is very common in this village because of a custom that men buy ‘virginity’ to become successful in their business has been mentioned in the Exoduscry report. When the girls come back, their parents again sell them to some brothels to earn more money. Larger the sizes of the family more vulnerable are the children to trafficking. In the CNN Report Tim Hume mentions that the daughters have to abide by rules set forth by the adults and thus they become vulnerable to adult predators. There exists gender inequality among the Cambodians even though the Constitution provides for equality. The hierarchical structure of the family makes it impossible for women to claim their equal rights and lack of education makes women incapable of getting better job opportunities.

Measures to combat the crime:In April 2000, the Cambodian government along with the UNICEF and some other countries developed the Law Enforcement Project Against Sexual Exploitation of Children project which resulted in setting up of an Anti-Human Trafficking Unit and also established a national hotline for the trafficking victims. According to the U.S. Department of State the Cambodian government was still placed in the Tier 3 Watch List in the 2005 U.S. Department of State’s Trafficking in Persons Report for not fully complying with the Trafficking Victims Protection Act’s minimum standards for the elimination of trafficking. This was mainly because of corruption within the government and the judiciary. In 2007 due to significant steps taken by the government, Cambodia was placed in Tier 2. This was the result of the efforts by the government to arrest and prosecute high-ranking officials involved in trafficking. The Government passed the Law on Suppression of Human Trafficking and Sexual Exploitation in 2008 that outlaws any forms of trafficking. The government has also declared 12th December as the national anti-human

trafficking day. Naparat Kranrantanasuit writes that since this problem cannot be dealt single handedly so the government has signed the Coordinated Mekong Initiative Against Trafficking (COMMIT). It has also joined the UN Convention Against Transnational Organized Crime. Many NGOs like Agape International Missions, Somaly Mam Foundation, Hagar International and ECPAT have been working to prevent trafficking in Cambodia by collecting evidences against the traffickers. The Exoduscry Report mentions that the Agape International Missions aims to provide safe shelter, counseling programmes and help women to provide better opportunities to help them live the rest of their life with dignity. Many times the NGOs single-handedly take care of the victims. Poverty and lack of education and job opportunities are the major reasons behind this. 35% of the population lives below poverty line. So it is necessary to improve the socio-economic condition of the people. With very less education, girls find it difficult to find jobs. The huge money that they get is also very appealing to them. Thus, measures should be taken to ensure the re-integration of these girls into the society. Under the pressure from the UN, the Cambodian governments closed down the brothels in Svay Pak but within a week all the perpetrators were released and the brothels are still operating secretly. According to Anti-pedophile NGO International Justice Mission it becomes very difficult to carry out raids on the brothels due to the involvement of government officials as most of the time the brothels are informed beforehand about the raids.

Shortcomings:-(a)Lack of resources and proper infrastructure along with lack of proper law enforcement mechanism prevents any substantial action to be taken against the perpetrators of the crime, (b) high level of corruption within the government also aids the trafficking problem (c) The anti-trafficking laws also do not provide physical and psychological protection to the victims. (d) Samean Yun and Ouk Saborey reported that the Cambodia's Council of Ministers spokesman Phay Siphon said, 'the victims are not bold enough to come out and file complaints against the traffickers' (e) Lack of proper border control policies contribute to illegal migration and trafficking problem. Tim Hume writes that "in 2011 ECPAT pointed that insufficiently enforced laws, corruption and failure to address more overarching problems like poverty and the negative sides of globalization have made it a challenge for the country to shed the unenviable reputation as a destination for child sex."

(III) Russia- the land where the proverb goes, "a beating man is a loving man" The disintegration of Soviet Union in 1991 and drastic historical transition of Russia from a communist society to a

system of democracy and an idea of free market practices has resulted in major political, economic and social challenges for the citizens of Russia in general and women in particular affecting their rights mainly in the professional sphere. In spite of having enough evidence of inescapable discrimination and violence against women, Russia still fails to prevent atrocities against women. According to a data, in early 1990s many women were forced to leave their jobs resulting in serious discrimination in the labour market. Russian culture and society see women as a responsible wife and mother that make it very difficult for a woman to maintain balance between their family and professional life. Hence, they are bound to leave their job leading to an increased economic dependence on their husbands. So, even after divorces women are forced live with their ex-husband as they have no economic support. Consequently women suffer and witness violence in everyday life.

Brutality against Women in Russia:

- **Domestic Abuse-** A series of impressive numbers make a detailed account of violence against women in Russia. According to a report of an Italian news paper, 'La Repubblica' every year about 13 million women are victims of domestic violence. Russia has no specific law-enactment for domestic violence and even if a woman registers a case, most of the time the Government handles it with under general assault provision. For example, cases of domestic violence may be summoned under Article 115 of the criminal code of Russia, which criminalizes "a deliberate infliction of light harm to health that caused a short-term health disorder or a minor but persistent loss of the general ability to work." On the other context if a women has experienced torture on a systematic basis, Article 113 may be used, which criminalizes "causing physical or mental suffering by means of systematic beating or other violent actions". The problem is the difficulty finding statistical data on domestic violence against women as they resort to silence. According to Russel, D (2013) almost 60-70% of victims do not ask any help, 97% do not register any report of abuse and even after reporting only 3% get the trial. Hence domestic violence is still not categorized as a serious crime in Russia. However, according to a survey in 2008 by the representatives of government agencies it was concluded that- (a) Different kinds of violence is observed in every 4th family (b) on the other hand Houser, N (2013) stated that 2/3rd of homicides are attributable to domestic motives (c) Almost 14000 women are killed every year, 1 every hour by family members (d) 40% of all serious crimes are done within families The BBC termed it as 'The silent nightmare of domestic violence in Russia.'

- **Marital Rape-** Statistics show that each year almost 600,000 Russian women are tortured and raped by their husbands and in Russia marital rape is not criminalized. According to a report to the Committee on Economic, Social and Cultural Rights most people do not think of it as a crime and 70% of the respondents viewed that they did not think women's consent was important for sexual intercourse in marriage. A crisis center estimates that 47% of domestic abuses happen for pressure to have sex.

- **Sexual Violence-**In Russia sexual violence is encircled by silence, stigma, fear and stoicism. Rape cases are under-reported and rape victims face serious difficulties in case of registering a report against the criminal. The stereotypical notion of the society creates problem for the victims. The victim during the procedure of registering her rape case in the police station is humiliated, insulted and blamed. And in another case, two rape victims were locked up and raped inside the police station. In Russia, about 37% of women face sexual violence either before or after the age of 13. Sexual abuse of women in workplace is also very common and goes uncomplained due to fear of losing jobs.

- **Trafficking of women-**Former USSR region is second after South-East Asia that is witnessing the problem of human trafficking. This problem raised its ugly head after disintegration mainly because of poverty, discrimination, violence and limited socio-cultural rights of women. A research report suggests that 43% of the victims of trafficking come from very disturbed families where alcohol, drug abuse and domestic violence are very common. Approximately 59% of the victims have not completed secondary education and 17% didn't receive secondary education. Also due to lower work opportunity than men, women become easy prey to trafficking traps.

Reasons behind violence against women in Russia: Gender violence is a dire issue whenever a country doesn't have proper parameters to define it. In Russian legislation there is no definition of sex discrimination. As a result, several times in case of institutional discrimination the judges suggest the victims to complain against public officials rather than institutions.

- **Absence of strong Legislation-**In case of domestic violence in Russia there is no particular law to criminalize the offence or preserve human rights as Russian Criminal Code do not recognize domestic violence as separate offences. By the existing laws the victims get only little bit of protection. Hence, due to lack of specific legislation proving any criminal offence of domestic abuse becomes difficult. ANNA National Centre for the Prevention of Violence shows that incidents of domestic violence are only forbidden under Part VII of the Russian Criminal

Code which lays down the following prohibited crimes Article 112 (intentional causing of average gravity harm to health); Article 115 (intentional causing of minor harm to health); Article 116 (beating); Article 117(torture, the causing of physical or mental suffering by means of the systematic infliction of beatings or other forcible actions), Article 119 (threat of homicide or of causing grave harm to health). Another weak side of Russian legislation is the lack of provision to issue protective order.

- **Absence of reliable data-** The official statistics of ANNA National Centre for the Prevention of Violence show that in 2008 the Ministry of the Interior registered 5398 cases of rape and in 2009 it is 4790 which is less by 11.2%. But various research reports suggest a gap between government statistics and exact number of rapes again due to lack of specific system for collecting data on violent crimes.

- **Lack of Government responsibility-** The main difficulty in Russia is the lack of federal policy that would define gender related problems on a serious note and establish women rights as human rights. Today it seems that the Government views events of violence against women very casually. The failure of the state is visible. According to 2008 Gallup survey 73.3% of the victims claims the state to be irresponsible in combating domestic violence. In spite of being a member country of European Council as of October 2014, has neither signed nor ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). ANNA National Centre for the Prevention of Violence Russia states that there are only 23 social hostels and shelters for the female victims. In 2013 the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) reported Russia to have not done enough and the country has implemented very few recommendations of the Special Rapporteur's report of 2006 including adoption of specific legislation on domestic violence and other measures to protect women from violence; establishment of shelters and other support for women victims of violence; elimination of discrimination against women in all areas of public life, including employment; establishment of a national machinery for the advancement of women; measures to address gender biases in law enforcement, the judiciary, and Russian society; measures to protect women in the Northern Caucasus from violence and promote human rights. Use of drugs, practicing polygamy although unofficial, poverty etc is equally responsible for atrocities against women in Russia. U.N. Statistics Division on Women and Men and Social Indicators shows that child sexual abuse is very common.

Preventive Measures and Solutions: Some of the commendable preventive steps taken are the several international and regional human rights treaties to protect, respect and fulfill the human rights under its jurisdiction. The Russian Federation has approved the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Also, Art19 of Russian Constitution promotes equality between women and men. NGOs have tried to combat domestic violence by creating social rehabilitation center for all constituencies of Russia. According to ANNA National Centre for the Prevention of Violence till 2008, 3363 centers were established and the Federal Law (No.195-FZ) of 1995 describes domestic violence as 'difficult life situations'. However, the problems persist due to lack of proper implementation. Some vital suggestions could be collaboration among Government, police, health services and NGOs to deal with sexual abuse cases; intense research and data collection to establish a structural platform to identify the problems; specialized care and protection to the victims; raising awareness against the wave of stereotypical notion and stigma surrounding sexual abuse; extra care by the government or NGOs

regarding matters of trafficking and lastly awareness among women about their rights and responsibilities to protect and ensure their own justice

Concluding Remarks: 'Women are the real architect of society.' However, it is quite unfortunate that atrocities against women are transnational and strictly gender based discrimination. Change in stereotypical thinking is the most strategic way out for women empowerment. Proper education is fundamental for women to recognize their rights and voice against any kind of passive or loud discriminations. In this effort, the universal support of the sisterhood is essential. There is also the need for proper law enforcement mechanism to ensure that the perpetrators of such heinous crimes do not remain unpunished. For this to take place corruption within the government itself has to be done away and ensure such crimes do not continue to thrive. As Gloria Steinem stated, 'Women are not going to be equal outside the home until men are equal in it.' It is urgent to restructure our society in a way that men give equal respect to women. Once Mao Zedong said, 'Women hold up half the sky' and now in the 21st century we need to prove it again by changing the existing colour of patriarchal society.

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