



Men and the Prevention of Gender-based Violence

A Conceptual Framework for Policy Change

**Prepared for UN Asia Pacific Regional Programme
“Partners for Prevention: Working with Boys and Men to
Prevent Gender-based Violence” an interagency initiative
of UNDP, UNFPA, UNFIFEM and UNV**

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DRAFT FOR DISCUSSION

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Background

This discussion paper was produced for “**Partners for Prevention: Working with Boys and Men to Prevent Gender-based Violence**” a UN interagency initiative UNDP, UNFPA, UNIFEM and UNV. This regional programme is a coordinated approach to support primary prevention of gender-based violence in Asia and the Pacific with the deeper involvement of boys and men. The long term goal of this programme is to reduce the prevalence of gender-based violence in the Asia-Pacific region through behaviour and attitudinal change among boys and men, increased institutional capacity to involve boys and men in gender based violence prevention and through and facilitating policy enhancements.

Gender-based violence is rooted in a complex set of issues that require multiple responses at different levels – with individuals, communities, institutions and in the larger policy environment. Coordination of regional programmatic and policy recommendations of the four UN organisations and their partners will ensure new UN activities are strategically situated within the existing spectrum of work on prevention and that duplication of UN activities is avoided.

One goal of this interagency collaboration is to produce a holistic, evidence-based set of policy recommendations for more effective GBV prevention. Endorsement of these policy recommendations by leading UN agencies will deepen our collaboration with partners in government across the region to implement policy enhancements for effective violence prevention.

Purpose of this discussion paper

- To propose a comprehensive framework for developing policies that respond to gender-based violence
- To identify the importance of engaging and targeting men and boys as partners in developing and implementing policies on the prevention of gender-based violence
- To recommend a set of policy interventions on engaging men for policy change on gender-based violence

1 Introduction

1.1 Meanings of gender-based violence

The many forms of violence perpetrated by men continue to define the world in which we live. It is true that not all violence is carried out by men and that not all men use violence. But it remains the case that violence is significantly gendered, in terms of its perpetrators and beneficiaries. Not only are men and male-dominated institutions responsible for the great majority of acts and experiences that fall under the rubric of the term “violence”; such acts, whether in public or private or carried out by individuals or institutions, are both an expression and a reinforcement of arrangements of power that, in most societies, privilege men over women.

The United Nations has developed several definitions for gender-based violence over the past two decades (see the box). The ECOSOC definition from 2006, listed third, is the most expansive, defining such violence as being any form of violence used to establish, enforce and/or perpetuate unequal gender power relations. In other words, gender-based violence is a tool of discrimination and oppression, a policing mechanism to enforce the gender hierarchies that privilege certain groups over others – men over women and groups of men over other men.

This definition understands such violence to include not only men’s violence against women. It may also include violence against others (men and children) if it can be shown that this violence is based in gendered arrangements of power. This paper will use the term “gender-based violence” in this more inclusive sense of referring to violence that is in some direct way concerned with expressing and maintaining the unequal power relations of oppressive gender orders. This includes not only violence against women, but also violence against men, boys and transgender individuals who challenge gender and heterosexual norms through their feminine appearance and/or sexual desire for other men. It also includes sexual violence against children, whose bodies, like women’s, are subject to the control of men, whether in the home or within institutions.

Male violence is not only focused on maintaining men’s power over women, but also hierarchies of power among men, following a gender logic of domination and subordination. Research suggests

UN definitions

1. *“Gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.”*
... *“Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention.”*

Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) – General Recommendation 19 (11th session, 1992)

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

2. *“Any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”*

Declaration on the Elimination of Violence against Women. General Assembly resolution 48/104 of 20 December 1993 – Article 1

[http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En)

3. *“Any harmful act that is perpetrated against a person’s will and that is based on socially associated differences between males and females’. As such violence is based on socially ascribed differences, gender-based violence includes, but it is not limited to sexual violence. While women and girls of all ages make up the majority of the victims, men and boys are also both direct and indirect victims. It is clear that the effects of such violence are both physical and psychological, and have long term detrimental consequences for both the survivors and their communities.”*

ECOSOC Humanitarian Affairs Segment 2006. “Addressing Gender-based violence in Humanitarian Emergencies” “Gender-based violence and the role of the UN and its Member States”

www.un.org/docs/ecosoc/meetings/2006/docs/P

that men's experience of forced sex goes even less reported than women's. Men's vulnerability to forced sex is associated with specific groups of men and boys (those who occupy subordinate positions in relation to other men), specific contexts (conflict situations) and specific settings (all-male institutions such as prisons and the military). WHO, in its landmark report on violence and health, reported that *"most experts believe that official statistics vastly under-represent the number of male rape victims"* and *"that males may be even less likely than female victims to report an assault to the authorities."*¹

Nowhere is this clearer than in the violence experienced by men whose sexual practices (men who have sex with men) and/or whose gender identities (such as transgender men) are a threat to the dominant norms of heterosexuality. Such men face widespread abuse from other men, not least from police and custodial staff, yet such homophobic violence is largely ignored by society and rarely addressed in anti-violence work with men.

Sexual violence against children, often referred to as child sexual abuse, is a complex phenomenon, about which much more research is needed to not only establish its real prevalence but also to better understand its causes, nature and impacts. Globally, the evidence cautions against simplistic gender accounts of such abuse; both boys and girls are targeted, and not only men but also women are involved in its perpetration. However, from the data that is available both within and outside of the region, it is clear that not only is child sexual abuse more widespread than many people imagine, but that it is also closely bound up with beliefs and practices that are central to male dominance.

While it is true that girls are more likely to be targeted than boys, and that men are more likely to be perpetrators than women, the relationship between child sexual abuse and male dominance is less to do with the gender of its victims and perpetrators, than in the practices of power within social and sexual relations that the abuse embodies. These practices are based on a view of social life as being naturally and necessarily hierarchical in which the 'weak' (women, children) must submit to, and exist for the benefit of, the 'strong' (men, adults). Although taboos against the sexual abuse of children (depending on the definition of the latter) exist in most societies, the ideology of male supremacy finds expression in the ways that adults act out their entitlement to pleasure, and expectations of being in control, by sexually abusing children.

If gender-based violence is any form of violence that is used to establish, enforce and/or perpetuate unequal gender power relations, it is also clear that such power relations are also shaped by other axes of oppression, whether based on class, caste, age, sexuality and/or race/ethnicity. As noted anti-violence activist, Oswaldo Montoya, has emphasised with regard to Nicaragua but whose observations have more general application.²

Violence in couple relationships is a problem of power and control. It is maintained by the social structures of oppression in which we live—based ... on gender, class, age, and race inequalities. A national history of wars and a culture of settling conflict through force also maintain it. Both men and women learned and practice this logic of human relations based on power and control over others; however, for men the exercise of this power-over-others model becomes almost an obligatory criterion to our male gender identity.

¹ WHO, World Report on Violence and Health, Geneva: World Health Organisation, 2002

² Montoya, O.T. (2001). Swimming upstream: Looking for clues to prevent male violence in couple relationships. Bradford: University of Bradford, Available from <http://www.brad.ac.uk/acad/dppc/gender/mandmweb/omontoyatext.html>

1.2 The meaning of policy

Defining public policy is an important starting point for delineating a policy framework for preventing gender-based violence. It is useful to think of public policy, not as a singular practice or process, but rather as a “*set of laws, regulatory measures, course of action, and funding priorities concerning a given topic promulgated by a governmental entity*”.³

This definition speaks to the diverse forms that policy can take, namely:⁴

- Legislation enacted by Parliament
- Regulations, promulgated by Ministers, who are empowered by law to do so
- Municipal bye-laws
- Binding and actionable unless unconstitutional or *ultra vires*
- Statements of policy for discussion or consultation that usually precede the passage of legislation
- Strategic plans - long term planning frameworks for setting out policy objectives consistent with overall mission including implementation
- Guidelines and handbooks - issued for the purpose of clarifying legal provisions indicating how an entity should interpret and implement those provisions
- Programs - specific forms of implementation of a policy
- Budgets - that set out the finances relating to policy implementation

As can be seen from the above, there are a whole range of plans, laws and guides that can be considered policy. Policies articulate the State's position on various topics and create the normative framework based on which the State functions. Progressive policies serve to create an enabling environment to achieve the goals of development projects and programmes. For example, progressive anti-trafficking policies will recognise that along with stringent penalties for traffickers, interventions that economically empower communities and reduce their vulnerability to trafficking need to be considered. Such policies facilitate the work of government and civil society projects and programmes working on trafficking by allowing them to take a more comprehensive approach and providing them with the legitimacy and support to back up their approaches.

Policies to combat trafficking – Nepal

The range of policy action that can be used to address violence is evident in the case of efforts by Nepal to combat trafficking. Such policy action includes:

- Country Code (Mulki Ain) 2020
- Trafficking in Persons (Punishment and Control) Act 1986
- Human Trafficking and Transportation (Control) Act 2007
- Child Labour (Prohibition) Act 1999
- Children Act 1991
- Interim Constitution 2007 - Right to freedom; Right to equality; Right to work and social security; Women's rights; Children's right against all kind of exploitation; Right against Slavery; Right against forced labour; and Right to privacy.
- 9th Development plan (1997) - Gender equality and empowerment of women
- 10th Development plan (2002-2007)
- National Committee on trafficking of Women under chairmanship of Minister for Women and Children.
- National Strategic Plan

(from presentation on “Response to Trafficking Issue in Nepal,” Prem Chandra Rai, Pacific Law Associate, Nepal)

³ Kilpatrick [date?], cited by Redpath in “Policy approaches to working with men to improve men's health and achieve gender equality: A report by the National Department of Health of South Africa, 2007”

⁴ Redpath in “Policy approaches to working with men to improve men's health and achieve gender equality: A report by the National Department of Health of South Africa, 2007”

1.3 Conceptual framework for policy change on gender-based violence

This paper proposes a framework that can be usefully applied across the different forms of policy that will be required to prevent gender-based violence. The framework recognises that there are several layers of intervention with men when trying to develop policies that support the prevention of gender-based violence. The overall goal of changing values and norms to bring about larger social change is a long term process which focuses on targeting men of all ages to rethink ideas of masculinity and stereotypical gender norms. At another level, interventions that seek to empower groups so that they are able to demand their rights are crucial in an effort to resist gender stereotypes, hold policy makers accountable for implementing laws and to ensure economic independence to reduce vulnerabilities. Finally, as a first step in creating policy change, the national legal framework will need to be aligned with international human rights standards protecting women and men from gender-based violence. Thus, the framework emphasises three domains of policy action on:

- # **Sanctions and Protections** - seeking to change the legal framework to ensure that measures are put in place specifically to address gender-based violence, i.e. protections put in place to prevent gender-based violence and sanctions/punitive measures against perpetrators of gender-based violence.
- # **Rights and Empowerment** – recognising that to reduce gender-based violence, it is necessary to understand and deal with its structural causes through addressing social and economic as well as legal and political rights.
- # **Norms and Values** – seeking to build on the first two domains and promote a deeper gender transformation by addressing the the oppressive norms and values that underlie gender-based violence.

To bring about changes in each of these domains, a two-fold approach can be adopted, which often go hand-in-hand to ensure that comprehensive policy change is achieved:

- # **Internal Advocacy** - It is critical to work within policy/legislative processes to end impunity and change the conditions that allow violence to continue. This approach focuses on internal buy-in by policy makers to an agenda of gender-based violence prevention and gender transformation. It is important to target appropriate constituencies within the state machinery so that momentum and opportunities for policy change are created from within. Promoting gender sensitivity of male-dominated institutions and developing political will to create, enact and implement laws and policies is one way of bringing about policy change.

Engaging men in policy change

Policy action in different domains may require engaging different constituencies of men - the category of “men” with regard to policy action on preventing gender-based violence should not be regarded as singular or homogenous. Part of the challenge with engaging men in policy action for preventing gender-based violence is engaging with male-dominated policy machineries and processes that are themselves implicated in the production of such violence, which implies a need for a critical engagement with such machineries and processes.

In general, there are two distinct ways in which the above policy interventions target men and boys:

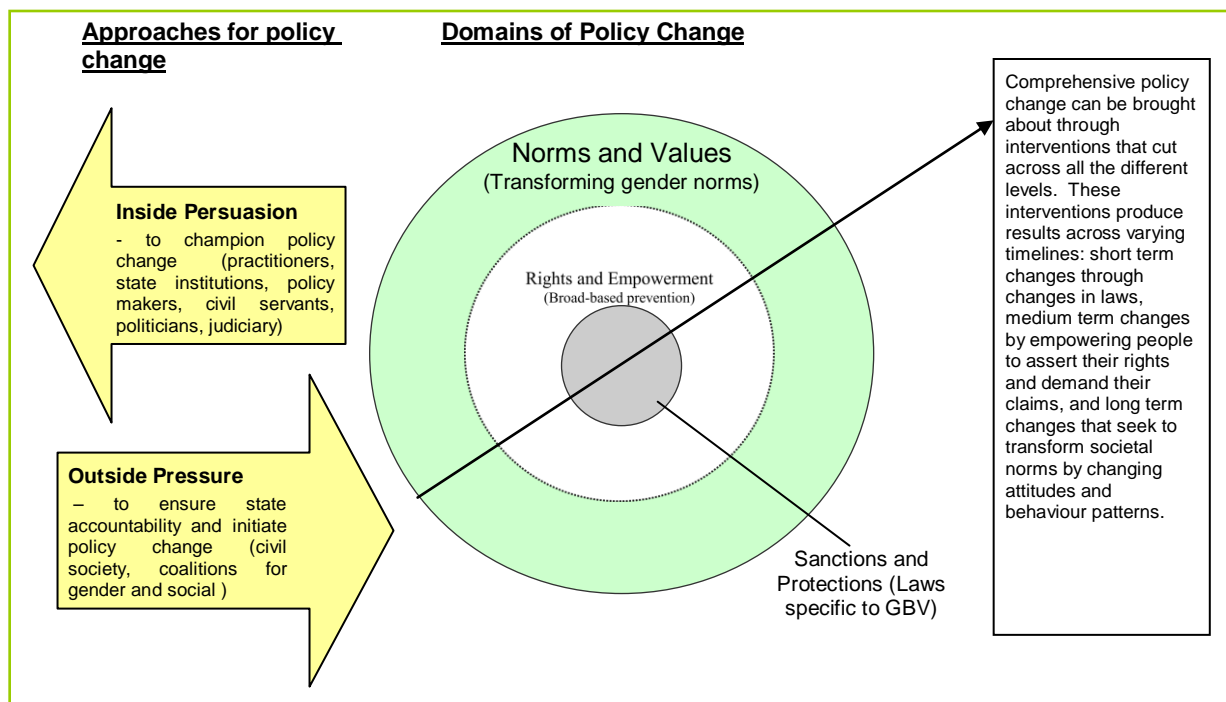
- Men and boys are targeted by the policy interventions so that there is a change in their attitudes and perceptions. For example, education policies are made more gender sensitive so that men and boys are able to challenge traditional gender norms and are exposed to alternative versions of masculinity.
- Male policy makers are targeted to ensure policy changes to transform gender norms and prevent gender-based violence are put in place. For example, male policy makers are encouraged to create and pass legislation that protect against gender-based violence.

- # **External Pressure** - There are limits to which internal advocacy can bring about policy change, especially in cases where the State is complicit in condoning or actively encouraging violence and oppressive gender orders. In such cases, the State and policy makers of the State need to be held accountable by external parties such as civil society groups which can pressure policy makers and state institutions to change.

External pressure to bring about policy change is imperative. Struggles for social justice in relation to violence have always been political struggles. Individuals and broad based coalitions within civil society have worked to demand the establishment and enforcement of a national normative framework that protects citizens from gender-based violence. Asserting pressure from the outside to end State-sanctioned violence and to hold the State accountable for its actions is one of the main ways to bring about policy change.

Even in cases where the overall legislative framework for the country may be progressive, it is necessary to have independent monitoring mechanisms so that laws are enforced in an equitable manner. For example, while progressive legislation may be passed by the State, certain areas/groups may face a suspension in their ability to exercise their rights due to reasons such as 'state/national security' or 'anti-terrorism', excluding them from the protection of the State guaranteed to other citizens.

The current discourse on 'the war on terror', 'state security' and 'national unity' serves as propaganda for the State to justify escalation of violence in many of the internal conflicts in South Asia. In such cases external pressure is necessary to ensure that the State recognises the gendered nature of conflict where certain groups of men and women may suffer violence perpetrated by representatives of the State. External pressure, for example, through the media and other monitoring groups can play a role in keeping the propaganda in check as well as reporting on and documenting cases of gender-based violence. The constant monitoring of State activities exerts pressure on the government to adopt policies that encourage the armed forces to be more gender sensitive and prevent the occurrence of gender- based violence.



2 Sanctions and Protection

2.1 Situation Overview

Some progress has been made in terms of legislative and policy action on violence against women. The 1980s and 1990s saw a wave of legal reforms relating to physical and sexual abuse by an intimate partner. In the past 10 years, for example, 24 countries in Latin America and the Caribbean have passed specific legislation on domestic violence. The most common reforms involve criminalising physical, sexual and psychological abuse by intimate partners, either through new laws on domestic violence or by amending existing penal codes.⁵

An international legal framework provides a basis from which countries can draw on to establish their own national legal frameworks to address gender-based violence. Since the adoption and in-country ratification of CEDAW (which has been ratified by all South Asian countries) and subsequent consent to the commitments made at the 1983 United Nations General Assembly Declaration Against Violence Against Women (Vienna Declaration), the 1994 International Conference on Population and Development (Cairo), and the Platform for Action adopted by the 1995 Fourth World Conference on Women, all the countries of the region have not only acknowledged issue of violence against women but also have made some legal and policy changes to deal with the. A list of some of these laws in different countries of the South Asia region includes:

- Domestic violence legislation (India, Sri Lanka, draft legislation in Nepal and Pakistan)
- Re-defining rape and sexual harassment (Nepal, Sri Lanka, India, Pakistan)
- Laws against trafficking (Pakistan, Sri Lanka, Nepal)
- Specific acts – acid throwing (Bangladesh), dowry-related harassment (India)
- Reproductive violence – sex-selective abortions (India)

Annex I lists legislative and policy action on violence against women by country in the South Asia region.⁶

The contrast with the lack of progress that has been made in legislative and policy responses to gender-based violence against men is stark. Not only do men lack the protection of the law with respect to sexual violence against them; some groups of men are a target of criminal sanctions for their sexual behaviour. Most countries maintain laws that prohibit or regulate sexual activity between consenting adults of the same sex. These are often called sodomy laws, which are still in existence in at least 70 states worldwide. The act of sodomy is described and criminalised in Section 377 of the Bangladesh and Indian penal codes, which:⁷

[G]ives the police the wide discretion to target MSM with blackmail, extortion and physical abuse. And there is nothing that they can do about it, for if the threat of using Section 377 is actually carried out, then it is a process of long incarceration and effective punishment before trial.

Many laws are quite broad, for example prohibiting any "unnatural" or "indecent" sexual act. Other countries maintain "morality laws" against "anti-social" or "immoral" behavior, "causing a

⁵ UNICEF, *State of World's Children 2005*, New York: United Nations Children's Fund, 2005

⁶ The contrast with the lack of progress that has been made in response to violence against men who have sex with men is stark. The criminalization of the act of sodomy is at the root of much of the discrimination that takes place against MSM in the region.

⁷ NFI From the Front Line report

public scandal," "hooliganism," "loitering," etc. that are used by the police to arrest and harass gay men, lesbians, bisexuals, and transgender persons.⁸

2.2 Policy Challenges

While the range of legal and policy initiatives, at least with regard to violence against women, may appear impressive these changes have not been easily accepted, and some issues still remain fiercely contested. The yet deeper problem, however, concerns enforcement and the male-dominated institutions charged with translating progressive laws and policies into action. Progress made at the policy level is all too often inadequately matched in enforcement of protections for women against male violence. In some cases, law enforcement agencies continue to be perpetrators of violence against women and marginalised men.

2.2.1 Denial and minimisation

Denial and minimisation remain among the most common impediments to the effective implementation of sanctions and protections. The realities of gender-based violence continue to be denied; that it is a phenomenon that traverses the continuum of private to public space, manifests across the life-course of those it targets, is perpetrated institutionally as well as individually and, to a greater or lesser extent, is normal and not exceptional. Not only is such violence a fact of daily life for its targets; it is normalised to the extent that there is a degree of acceptability of, complicity with and, in the case of violence against men who have sex with men, encouragement of such violence.⁹

Even if there is tacit acknowledgement of the problem at the governmental level, there are enough vocal opponents to stall effective policy making. This is exemplified in the case of legislative efforts in Pakistan to address sexual violence. The Hudood Ordinances (enforcing religious laws against sexual violence) received widespread criticism when they were introduced in 1979, but pressure from religious groups delayed their repeal until 2006. However, despite repealing the Hudood Ordinances and the adoption of more progressive legislation by passing the Protection of Women (Criminal Laws Amendment) Act in December 1, 2006, Pakistan has once again stalled in the process of adopting legislation on intimate violence. Resistance from religious groups have made it difficult to push the bill forward, hence undermining all the work of women's and men's groups to bring about more explicit laws on such violence.

Many countries deny the reality of men's experience of sexual violence by excluding it from sexual violence legislation. Denial is also an important barrier for providing protection against child sexual abuse. Most countries of the region do not have specific laws to protect children from sexual abuse. Sri Lanka¹⁰ is an exception and one state in India, Goa, has also created a special child protection legislation.¹¹ A bill known as Offences Against Children (Prevention) Bill is however being discussed in India which will deal with the issue of Child Sex Abuse. The Government of India has formed an ombudsman body called the National Commission for Protection of Children's Rights.

⁸ As documented on the website of the International Gay and Lesbian Human Rights Commission
<www.iglhrc.org>

⁹ UN Secy General's Report

¹⁰ Law of consent for sexual intercourse has been raised to 16years and amendments have been made to section 360 C and 365 A and B to deal with other forms of Child Sex Abuse (see: Legislation of INTERPOL member states on sexual offences against children- Sri Lanka at <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSriLanka.asp> accessed 3/03/2007)

¹¹ Goa Children's Act 2003

2.2.2 Narrow remit of laws and policies

The report of the UN Secretary-General to the General Assembly in July 2006 (In-depth study on all forms of violence against women) noted with concern the narrow remit of legal protections on violence against women and the lack of attention given to particular forms of violence, including femicide, sexual violence against women in armed conflict and post-conflict situations, trafficking in women and girls, sexual harassment and violence in workplaces and schools and violence in institutional settings and correctional facilities.

The narrow remit of laws and policies is a problem in the Asia-Pacific region. A critique of the domestic violence laws of Malaysia and Singapore notes the failure to recognise domestic violence as a crime and to extend protection beyond marital couples.¹² Marital rape is often not included within the ambit of rape (e.g. India, Pakistan but not Nepal). Sexual harassment and physical, sexual and psychological abuse of women detainees in police custody has been widely reported across the region, yet rarely does legislation on violence against women offer any protection against such institutionalised violence (e.g. the Maldives¹³).

2.2.3 Lack of implementation of existing laws

Male-dominated criminal justice systems fail to respond adequately to violence against women. In Sri Lanka, the Prevention of Domestic Violence Act was passed in 2005 but its implementation has been impeded by a lack of judicial and police training, trained support staff and shelters. It has been noted that “the reality is that the majority of Magistrates are unaware of the new law on domestic violence.”¹⁴ In Bangladesh, it has also been noted that the Acid Control Act and the Acid Crime Control Act of 2002 has resulted in too few prosecutions. While the number of acid crimes has decreased slightly, acid is still readily purchased from those who use it for industrial purposes. Additionally, bribery of police officers and victims families is also noted as possible reasons for the low levels of prosecution. The stringent penalties for acid attacks including large fines, life imprisonment and death penalty may also have had the unintentional effect of lowering the rate of conviction due to the unwillingness of judges to mete out such sentences.¹⁵

2.2.4 Resistance from men

Opposition to legislation on violence against women by male ‘special interest’ groups is a new and emerging phenomenon across the Asia-Pacific region. In India, the visibility of these groups started with the protest against the newly introduced Section 498A of the Indian Penal Code (introduced in 1983 in response to dowry murders) which deals with cruelty within marriage. Initially there were isolated protests, and men’s groups organised to provide legal support to the ‘wronged’ men, however in 2000 the Delhi police prepared a report stating widespread misuse of the law to harass men (husbands). Later a commission set up to review the criminal justice system (Malimath Committee 2003) also made similar observations. This pattern of protests snowballing into policy level rethinking is also becoming evident in relation with the domestic violence law in India. The law was passed in late 2005, and rules made a year later. However within a year there were many groups (many existing only in cyberspace¹⁶) raising their voice of

12 Amrithalingam K (2003) A Feminist Critique of Domestic Violence Laws in Singapore and Malaysia, Asia Research Institute, Working Paper Series No 6

13 Wijekoon, Tharamuni (2006), Sexual violence against women in detention in the Maldives, Raaje Foundation.

14 Commentary by Shyamala Gomez of COHRE – Center on Housing and Eviction Rights – AG doc

15 Acid Survivors Foundation - <http://www.acidsurvivors.org/statistics.html>

16 see www.saveindianfamily.org, www.indianhusbands.blogspot.com, www.498a.org

protest. According to information received in early March 2008,¹⁷ Ministry of Women and Child Development is already planning to organise meetings to review the provisions of the law.

Resistance from men to progressive changes in laws is often portrayed as defending culture, traditions and religion. Often there is a strong reaction to challenges to the status quo which threatens existing power balances. Establishing sanctions and protections on gender-based violence often disrupts existing patriarchal systems and unequal gender relations and produces a vocal resistance to establishing such laws. For example, the Maldives currently has a draft Penal Code proposed in Parliament which includes sections which directly address cases of rape, sexual assault, sexual exploitation and child sexual abuse. However, there is little political will to revise the pre-existing Penal Code due to fear of controversy and the resistance from conservative groups.

¹⁷ personal communication received by author (A.Das) from sources close to the ministry

2.2.5 Institutionalised violence

Institutionalised violence, often perpetrated by those responsible for implementing sanctions against violence, remains one of the greatest challenges facing an effective policy response to gender-based violence. It takes many forms. Violence against women detainees, caste-based violence, violence committed by armed forces, sexual harassment and abuse in the work place are all manifestations of institutionalised violence. Such acts are often committed with impunity since it is explicitly or tacitly sanctioned by the state. Economic disempowerment and social marginalisation increases vulnerability to such violence. In a survey of 540 female prostitutes in Bangladesh, 49% had been raped and 59% beaten by police in the past year. Commercial sex workers who have been detained, whether they are men or women, are at a higher risk of being sexually harassed by the police. As has been noted:¹⁸

The western definition of domestic violence does not fit into the reality of women's lives in the context of India. [...] For many groups of women such as poor or tribal or lower caste women, violence is also perpetrated by the upper caste/class men, the state, police and landlord. This is often manifested as physical violence, sexual harassment, rape and mass rape on Adivasi women (tribal group), Dalit women (the word chosen by the anti-caste untouchable movement to describe themselves, a reclaiming of name) and working-class women in their homes, in their villages and in their communities.

Research into the human rights violations experienced by men who have sex with men in six cities in South Asia found that 70% of the respondents reported facing harassment by the police. Such harassment ranged from extortion on threat of imprisonment, prolonged blackmail, beatings and restriction of movement in public places.¹⁹

WHO reports that tens of thousands of women each year are subjected to sexual violence in health care settings, including sexual harassment by providers, genital mutilation, forced gynaecological examinations and obligatory inspections of virginity. While instances of forced sterilisation have reduced over the years, especially in India, the phenomenon has not yet completely disappeared. Coercive population control laws continue to exist in many states in India and the validity of these have been reinforced by the Supreme Court.²⁰

A new but similar phenomenon that is emerging is the compulsion for institutional delivery that has been introduced in India. Women belonging to lower social classes (previously referred to as “untouchables”) are being denied appropriate care in government clinics and hospitals leading to death, near-misses as well as debilitation.²¹ Violence against women in the workplace remains a significant and under-recognised problem. One study of girls working in carpet factories in Nepal found that they were at high risk of abuse, including sexual and verbal

State-sponsored violence

The links between state-sponsored fundamentalism, state-centred militarism and gender-based violence are increasingly being acknowledged. For example, the violence against Muslim communities in Gujarat in 2002 included organised rapes and sexual assaults, of extreme brutality, by groups of Hindu men on Muslim women. It has been noted that:

Gujarat in 2002 brought to the fore state collusion—with its police, bureaucracy, judiciary, legislative, and executive branches party to, involved in, and complicit with the perpetration of violence. The state's direct responsibility for such carnage, and for its perpetuation of a genocidal culture, is a starting point, perhaps, for a fuller accounting of the south Asian state's regularized and cumulative violence against women.

(from Sukanya Banerjee, Angana Chatterji, Lubna Nazir Chaudhry, Manali Desai, Saadia Toor, Kamala Visweswaran. *Engendering Violence*. Cultural Dynamics, 2004 vol. 16 (2/3) pp. 125–139)

¹⁸ Rani Jha 1998 – AG has reference

¹⁹ NFI: From the Front Line report

²⁰ Pandey S et al (2006) *Coercion vs Empowerment*, SLIC, New Delhi (?)

²¹ A number of local newspaper articles have appeared on this issue and this was also discussed in a civil society engagement with the UN Special Rapporteur on Right to Health in Delhi on December 1, 2007. For a report of the meeting see : http://www.chsj.org/modules/download_gallery/dlc.php?file=105

harassment, an experience that is apparently common for workers within female-intensive industries (e.g. textiles factories and tea plantations).²²

2.2.6 Political instability

A favourable and protective policy environment for women requires a reasonably stable political climate, which has not been the case for many of countries in the Asia-Pacific region. In Nepal, for example, even though a separate article protecting women's fundamental rights has been introduced in the interim constitution, a number of bills for the protection of women have been framed but have not been legislated into policy because of political unrest.²³ The Domestic Violence (Crime and Punishment) Bill was registered in parliament in Nepal on February 2002, but due to the dissolution of parliament in May 2002, the bill remains in draft form until parliament is re-instated. In India, competing political interests have stalled the enactment of women's reservation law for over a decade. The law on domestic violence was passed after it had gone through multiple iterations and only within a conducive political regime.

Increased militarisation and levels of violence in conflict-affected areas have also led to a corresponding increase in civilian targets, particularly women and children. In cases of armed conflict, such as in Nepal and Sri Lanka, threats of violence against women or actual acts of sexual abuse by the armed forces is often used as a tool of war. Violent ideologies and practices of masculinity are enmeshed with militarism and militarisation, with the result that men's violence against women often becomes a tool to control, intimidate and harass civilian populations during conflict. Violence against women has become an integral and complex part of these conflicts. Not only are women caught up in the fighting as 'civilian' victims; their bodies have become 'battlegrounds' for nationalist, ethnic and communalist struggles, notably in the use of sexual violence to humiliate and subjugate the enemy, as in the "license to rape" given to military and paramilitary forces.²⁴

²² Internal Displacement Monitoring Centre - June 2006 study by Terre des Hommes

²³ The Mainstreaming Gender Equity Program (MGEP) of UNDP had facilitated the formulation of new laws like Women such as Domestic violence prevention and control Bill, Gender Equality Bill, Sexual Harassment Bill, Amendment Bill to Public Offences Crime and Punishment Act to criminalize Witch Hunting Practices, 11th Amendment of Civil Code see - <http://www.undp.org.np/closed/gender/projects/mgep/index.php#> accessed 28.11.2007

²⁴ Begona Aretxaga. 2003. "Maddening States". *Annual Review of Anthropology*. vol. 32 pp. 393-410

2.3 Meeting the Challenge: Men's Roles

2.3.1 Legislation

Men have critical roles to play in developing and amending legislation so that it provides adequate sanctions and protection on gender-based violence. Coalitions between men's groups, survivors of gender-based violence, and women's rights organisations, together with practitioners who apply and enforce the law, are needed so that pressure is exerted to adopt the necessary laws.

Policy-makers within the legislative machineries (mostly male) also need to ally with coalitions on preventing gender-based violence in order to bring about a change in the legislative framework. For example, while many non-governmental groups lobbied for passing the Domestic Violence Act in Sri Lanka, the bill had initially met resistance in Parliament *"on the ground that it would bring private issues of the family into the public domain. The bill was also criticised as an attempt to destroy the family and to introduce alien 'Western' values [...]"*²⁵ It was only with the support of the Ministry of Women's Affairs and the Ministry of Justice in an evidence-based lobbying campaign that the law was eventually passed in 2005.

While progress has been made with respect to legislating for some forms of violence against women, the criminalisation of sex between men remains largely unaddressed, and certainly is rarely framed as an issue of gender-based violence. Given the links between violence against women and violence against some groups of MSM, it is important that men's organisations take on the issue of challenging homophobic legislation.

2.3.2 Implementation

Problems with implementation are perhaps the greatest obstacle to effective sanctions and protections. The institutions responsible for such implementation, especially the police and the judiciary, are male-dominated, and there is a growing recognition of the need for gender work with these institutions to improve their implementation of gender-based violence policy. As Bhutan's CEDAW report notes, *"Among key issues are the positive duty of police to protect women from domestic violence; to prevent re-victimisation;*

Domestic Violence Bill Campaign

Recognising the need for domestic violence legislation, the Lawyers Collective, made up of human rights activists, professional lawyers and law students, began the campaign for a law on domestic violence in the mid-90s. In particular they were concerned that there was no law in place to protect women in need of immediate, emergency relief due to domestic violence. They sought legislation that could provide a means through which women could seek a remedy in cases where they faced violence in the hands of their partners, husbands or their husbands family.

The first draft of such a law was created in 1998 by the the Women's Rights Initiative of the Lawyers Collective. The draft bill on domestic violence sought to give women an equal standing with men and protect them from being threatened by violence to give up claims to property or to decide one way or another regarding her future.

After extensive consultations with civil society and women's groups across the country and in partnership with state and local organisations, consensus and momentum around the bill was built to lobby for its enactment. As a result the bill was passed unanimously in both Houses of parliament in 2005 and the Rules under the act were passed in 2006.

(from 'Staying Alive- First Monitoring & Evaluation Report 2007 on the Protection of Women from Domestic Violence Act 2005', Lawyer's Collective, 2007)

²⁵ Goonesekere, Savitri, Gender Equality: Current Issues of Concern for Sri Lanka and South Asia, Gender Network News, September 2006, Asian Development Bank.

to treat domestic violence – including sexual abuse – as a crime, not simply a “family matter;” and to follow up appropriately on domestic violence cases.”²⁶

²⁶ CEDAW Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Combined initial, second and third reports of States parties, Bhutan, 20 January 2003. p52

At the most basic level, it is essential that all those who have responsibilities under the law are trained on its details so that they can fulfil their duties. Even with the Protection of Women (Criminal Laws Amendment) Act (2006), protection for women who have been raped in Pakistan has not been forthcoming because of the lack of awareness about the law on the part of police officers. But beyond this, it is clear that there is a need to develop the understanding of and commitment to gender issues within such institutions, and especially their male staff. Implementation of laws on gender-based violence is enhanced by mandatory and systematic gender-sensitivity training of law enforcement officials, prosecutors and judges and by protocols and guidelines on the appropriate application of the law, and there are a growing number of examples of this work (see the box).

Vigorous arrest and prosecution policies make a statement to society as a whole that violence against women is a serious crime that is not condoned by the authorities. However, the majority of reported cases of violence against women are not prosecuted and of those that are, many do not result in a conviction. For example, in Bangladesh, conviction rates for trafficking are extraordinarily low (in 2000, only 3 convictions) despite its widespread nature.²⁷ Even when perpetrators are convicted, they often receive sentences that are not commensurate with the gravity of the crime. Appropriate sentencing can be achieved through the introduction of minimum sentences for certain offences and monitoring of sentencing practices. Several countries, such as Sri Lanka, have instituted minimum prison sentences for rape and aggravated rape:²⁸

After sustained pressure from NGOs, the Sri Lankan government has amended the country's penal laws, increasing the punishment for child abuse. Rape now carries a minimum jail term of nine years and a fine. Rape with injury and violence carries a stiffer punishment.

Another aspect of effective implementation is education on the provisions of legislation and policy for those who seek its protections. Awareness

Gender sensitivity training for men

The Centre for Women's and Children's Studies in Bangladesh developed a training manual for police officers that reflects the needs of survivors and defines the role of law enforcement in combating domestic, sexual and dowry-related violence, trafficking and acid throwing.

The Indian women's NGO Sakshi has trained members of the judiciary on gender issues using interactive dialogue, small group problem-solving, visits to shelters and meetings with NGOs to give judges a better understanding of women's experiences. Training of police or of judiciary on new law or on dealing with VAW has now become common practice at least in India.

Courts in Nepal and India are now paying increasing attention to decisions that respect women's rights, in part through the efforts of the Asia Pacific Advisory Forum on Equality Education for Judges, a UNIFEM-backed initiative. Training for judges uses CEDAW as a guide to increase their understanding of women's human rights. In Bangladesh, India, Nepal and Sri Lanka, legislative reviews have helped strengthen efforts to staunch trafficking in women, in part by defining gaps in the implementation of laws. Nepal has already tabled a stronger bill in Parliament, and its Supreme Court has knocked down a provision fostering discrimination against sex workers.

Rozan, an NGO in Pakistan working with men and women on gender-based violence, has specific programmes working with male police officers to increase their sensitisation of gender-based violence including rape, honour killings, and domestic violence. By partnering with the National Police Academy, Rozan is able to work with the police to ensure that they are aware of gender-based violence issues, laws and able to provide the necessary support, referral and conduct complete investigations on behalf of those suffering from violence.

27 United States Department of State. 2001. Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report, July 2001. Available: <http://www.state.gov>.

28 Asian Human Rights Commission, "Sri Lanka: Sri Lanka Cracks Down on Child Abusers", Asia Child Rights Weekly Newsletter, Vol. 2 No. 24 (11 June 2003).

about rights as protected by the constitution and national laws is a crucial aspect of empowerment. Legal literacy and human rights education has been an important focus of women's empowerment efforts for some time now, but more attention should be given to involving men in this work. An inspiring example is offered by the Indian group Men's Action for Stopping for Violence Against Women (MASVAW), who in collaboration with women's rights organisations, co-ordinated the 2007 *Ab To Jaago!* (Wake Up Now!) Campaign in 41 districts across Uttar Pradesh, providing rights-based education to urban and rural communities about the provisions of the 2005 Protection of Women from Domestic Violence Act, and holding tribunals to gather information about problems with implementation so as to pressure the Government to address such problems.²⁹

More generally, men's influential positions within society and specific communities can make them powerful advocates for policy change and legislative implementation. Their roles as politicians, civil servants, judiciary, police, institutional managers (workplace, schools, health care, prisons, militaries), community leaders and religious leaders make them crucial allies in ensuring progressive policies on gender-based violence. For example, the White Ribbon Campaign in Bangladesh gathered thousands of men on International Women's Day in 2006 to show solidarity in condemning women's repression particularly related to acid violence. Men's rallies were organised in five districts where they publicly displayed posters, banners and badges calling an end to violence against women.³⁰

2.3.3 Monitoring and review

Monitoring and evaluating laws is necessary to ensure continuing effective application through such mechanisms as ombudspersons, national rapporteurs, observatories and gender equality machinery. Periodic review and reform of laws is also necessary so that legislation is kept updated taking account of the evolving knowledge-base on violence against women and the ways to address it, developments in international human rights law and insights gained through application, monitoring and evaluation. In India, a year after the Protection of Women from Domestic Violence Act was passed, the Lawyer's Collective was involved in reviewing the law and its implementation and produced a publication that evaluated the effectiveness of the law in its first year.

Media can also play a significant role in monitoring the implementation of laws. For example, in Bangladesh Maitur Rahaman the editor of the daily Prothom Alo was instrumental in mobilising support for victims of acid attacks and also lobbied for laws against acid attacks and sale of acid and continues and continuously writes on the issue of acid violence. Rahaman used his newspaper to raise awareness and garner support on the issue. For his work on behalf of acid attack victims, he received the Magsaysay award in 2005.³¹ There are isolated examples of the involvement of men's groups allying with women's groups in monitoring legislation. MASVAW, for example, has established groups of men who seek out justice on behalf of those who have faced gender-based violence. In this manner, they support the survivors in accessing justice and also monitor the work of the police and judiciary to ensure that justice is delivered (see the case study at the end of this section).

2.3.4 Protection of victims' rights

Women victims of violence frequently do not seek justice because of feelings of shame and fear of persecution by the criminal justice system. Safeguarding the rights of victims and creating a system that respects the privacy, dignity and autonomy of all victims is essential in order to

²⁹ <http://dvactupcampaign2007.blogspot.com/2007/12/lucknow.html> accessed on January 20, 2008, cited in WHO policy report

³⁰ Acid Survivors Foundation - <http://www.acidsurvivors.org/statistics.html>

³¹ The Daily Star, "Bangladesh: Maitur Rahaman gets Magsaysay Award", 2 August 2005.

create an environment where women are willing to report violence committed against them. A number of countries have endeavoured to meet such objectives by providing greater legal protection for victims of rape, including through laws that prevent the introduction of unrelated evidence about a victim's sexual behaviour in order to protect victims of rape from abusive cross-examination. The Protection of Women from Domestic Violence Act (2005) in India aims to facilitate women's reporting of domestic violence cases and supports them through the legal process. The law ensures that Protection Officers assist women in reporting crimes. The admirable intention of this legislation has been compromised by inadequate funding for and training of such Protection Officers, echoing the implementation issues discussed above.

2.3.5 Addressing sexual harassment in the workplace

In South Asia, women are increasingly leaving the home to join the workforce as garment workers in Bangladesh, in carpet factories in Nepal, in tea plantations in Sri Lanka, call center operators in India, etc. With increased opportunities for economic gain, they also face new threats of gender-based violence whether within the home where their partners may feel threatened by their new roles or at the workplace where they may face sexual harassment and abuse in the hands of their male colleagues or supervisors. Establishing sexual harassment legislation at the state level and internal sexual harassment policies within organisations can be one way to reduce the levels of gender-based violence within the workplace. Additionally, gender sensitive training and awareness on laws on sexual harassment for managers should be encouraged. This can be complimented with awareness programmes for workers who should know the laws and policies within organisations and where to seek support when they face gender-based violence within the workplace. Labour unions, and their male-dominated leadership, have a crucial role to play in pushing for such legislative and policy action.

2.3.6 Addressing violence by the Police

There are a growing number of examples of gender sensitivity training for police services, as discussed in sub-section 2.3.2. This training aims to improve the police response to survivors of violence, to reduce the level of violence committed against women in custody by the police and armed forces and to promote internal reform within the police facilitating an increase in the recruitment of women, awareness regarding sexual harassment, and reforms to police operational and accountability systems. But experience suggests that tackling the problem of institutionalised gender-based violence within police services requires more than training. Monitoring and accountability mechanisms and procedures are needed to ensure that policies addressing such violence are implemented and that perpetrators are sanctioned. Such mechanisms and procedures require high-level backing and adequate funding in order to be effective.

It is important to remember that men also suffer in the hands of the police. In particular, men who challenge the traditional gender roles are targeted. In Nepal, there has been documentation of on going harassment by the police of transgender men where the men are attacked by the police because they identify themselves as women.³² Local and international human rights groups have been vocal in condemning the violence. For example, the Blue Diamond Society (BDS) in Nepal documents human rights violations against sexual minorities, works to negotiate with the police when faced with cases of arbitrary detention and harassment, holds regular meetings to discuss violence by the police on sexual minorities, and works to sensitise the police and government officials on the rights of sexual minorities raising awareness on sexual orientation, gender identity, human rights abuses and sexual health.³³

32 Human Rights Watch, Nepal: Police on 'Sexual Cleansing' Drive – Transgender People Routinely Subjected to Physical and Sexual Abuse, 13 January 2005.

33 Open Society Institute, Blue Diamond Society, September 2007.

2.3.7 Addressing violence by the Armed Forces

There is a long history of association between military institutions and gender-based violence. Only recently has the use of rape as a weapon of war been recognised by the international community. Men and women who suffer gender-based violence in times of conflict often face serious hurdles when trying to ensure that the perpetrators of violence are held accountable. In Nepal, for example, despite calls from the UN for a war crimes tribunal, as of yet there has been no progress towards establishing such a tribunal to address cases of violation of rights including gender based violence.³⁴ Establishing mechanisms to ensure gender-based violence is not ignored in the aftermath of conflict can be a means to ensure that the violations that occurred in times of conflict are not simply ignored or forgotten. Commissions such as the Human Rights Commission and special Truth Commissions can play a critical role in investigating and gathering evidence on cases of gender-based violence. Additionally, the justice system can be supported to ensure that perpetrators of violence are held accountable. Policies and institutions in post-conflict situations need to be particularly focused to respond to the violations that occurred during the conflict and work towards ensuring that those that have faced violations are empowered to access justice.

It is also important to challenge the suspension of constitutional protections in military-controlled areas, such as the Indian Armed Forces Act and its granting of special powers and suspension of human rights and constitutional protections in designated areas. While women's rights groups have been vocal in campaigning against such legislation, not least because of the impunity it creates for acts of violence perpetrated by military personnel, men's violence prevention organisations and initiatives have been slow to lend their support to this campaigning.

34 BBC News, "UN urges War Crimes Trials in Nepal", 24 January 2007. http://news.bbc.co.uk/2/hi/south_asia/6294869.stm

3 Rights and Empowerment

3.1 Situation Overview

Women's movements across the world, including the Asia-Pacific region, have linked their struggles for rights and empowerment with campaigns against violence, both inside and outside the home and perpetrated by state and non-state violators because of this understanding of the inter-dependence of violence and oppression. Such movements have always been clear that violence against women is a constitutive element of patriarchy and also reflects and reinforces other oppressive economic and social hierarchies (based on class, caste, communalism, race/ethnicity, sexuality and age).

Research in the Asia-Pacific region points to the significance of property rights in reducing women's vulnerability to violence, especially when accompanied by strong bonds with a woman's natal family, support from her community and social circles, and regular employment by her husband.³⁵ In Kerala, India, a survey found that 49% of women without property reported physical violence, compared to only 7% of women who owned assets.³⁶ The protective effect of economic assets such as property highlights the importance of working to promote women's human rights and economic empowerment as a key policy area for violence prevention. It also highlights the significance of understanding and addressing the structural determinants of women's differing vulnerability to violence; that while all women are subject to the fear and fact of men's violence, some women are marked as more violable than others as a result of other social inequalities, based on class, caste, religion, age, sexuality and/or 'race' and ethnicity.

Similarly, the gender-based violence that targets men who have sex with men is intimately connected to issues of rights and empowerment. The fact that such men's sexual practices and identities are proscribed by law in countries across the region is, in itself, a violation of their basic rights. By being placed outside the law in this way, such men become 'free' targets for violence with impunity, as they can have little or no recourse to the law for protection, especially when the perpetrators of such violence are often the police themselves. However, it is also true that some groups of men who have sex with men are much more vulnerable to violence than others. A study of MSM in India and Bangladesh found that most of the men were from economically disempowered backgrounds where the median monthly income of individual was less than US\$70. The study found that feminised males often have to face economic and educational consequences of their femininity, where their advancement was often impeded due to harassment and discrimination.

Little specific research exists to shed light on the structural determinants of child sexual abuse, especially in countries of the global South, but there is enough anecdotal evidence from programmes working on such abuse to suggest that there are a complex set of interactions between global inequality and poverty, the global lack of protection for the rights of children, the organised global and local sex trafficking industries and intra-familial and community-based sexual abuse. A study of global prostitution noted the cycles of prostitution, subsequent violence, risk of HIV and other diseases, poor mental and physical health outcomes, homelessness and poverty that are set into motion when child sexual abuse is perpetrated.³⁷

³⁵ Property Ownership and Inheritance Rights of Women for Social Protection – The South Asia Experience: ICRW 2006

³⁶ UN Millennium Project. 2005a. Taking Action: Achieving Gender Equality and Empowering Women. Task Force on Education and Gender Equality. London and Sterling, Virginia: Earthscan. P.76

³⁷ Farley, M., & Kelly, V. (2000). Prostitution: a critical review of the medical and social sciences literature. **Women and Criminal Justice**, 11, pp. 29-64

One study in India identified poverty, broken families and sexually abusive relatives, co-workers and employers as driving the 825 child prostitutes that were interviewed into the sex trade.³⁸

³⁸ Menon, V. (2000). Innocence Betrayed: A study reveals child prostitution to be flourishing in three cities. **Outlook India.com.**

3.2 Policy Challenges

The 'rights and empowerment' focus for policy action on preventing gender-based violence must not only address the gender inequalities underlying such violence; it must also address issues of social and economic empowerment more generally, and the institutional changes that are thus required. As has been emphasised, it is important to work on the *"structural conditions that perpetuate violence at the interpersonal and even societal level."*³⁹

3.2.1 Profound economic and social change

Changes in the global economy, often referred to as globalisation, are re-shaping social and economic relations in profound ways. The out-sourcing of manufacturing from the metropole to the global periphery, and the growth in the service sector generally, is bringing unprecedented numbers of women in to the waged labour force. Whereas migration, internal and international, used to be male dominated, women now make up around half of migration flows within global South.⁴⁰ With wages has come the prospect of greater economic autonomy and public visibility for women, threatening the male breadwinner role and notions of the gender division of labour and public/private space. One overview of the research on this phenomenon has concluded that the entry of young unmarried women into paid work has, for many of them, afforded greater economic and social autonomy.⁴¹ At the same time, neo-liberalism's assault on the development strategy of import replacement industrialisation in the global South has fuelled high rates of unemployment for working-class youth. As has been observed: *"In third-world cities there has been a de-institutionalisation of economic life that has left very large numbers of young men in precarious conditions."*⁴²

On the other hand, the available evidence also suggests that many of the new jobs for women are in inherently exploitative sectors (unorganised manufacturing, home-based work, entertainment), creating a new 'underclass' of women workers being created in export industries. The corporatisation of agriculture, monetisation of natural resources and conversion of agricultural land to industrial use have had devastating effects in terms of the impoverishment of rural communities, with women being especially hard hit. Reports from organisations supporting female migrants, for example in the service sector and the trade in nannies and maids, suggest that these domestic workers face sexual harassment and violence, which largely goes unreported because of fears over loss of employment. Female cross-border traders also report high levels of sexual harassment and exploitation at the hands of immigration and customs officials.⁴³

These social and economic changes present both opportunities and challenges for policy action on gender-based violence in the domain of empowerment and rights. With increasing economic opportunity for at least some women has come increased pressure for legal and policy affirmation of women's interests leading to changes in laws and policies and enactment of new laws and policies that protect and promote women's rights. The picture, however, is very mixed,

³⁹ Cited in Flood Mexico: (MICHALSKI, J., 2004. Making sociological sense out of trends in intimate partner violence: The social structure of violence against women, *Violence Against Women*, 10 (6), 652-675. p. 670).

⁴⁰ UNFPA. A Passage to Hope: Women and International Migration, New York: UNFPA

⁴¹ Kabeer N. Marriage, Motherhood and Masculinity in the Global Economy: Reconfigurations of Personal and Economic Life. Institute of Development Studies Working Paper 290, University of Sussex: Brighton 2007

⁴² Connell, Raewyn (2008) 'A Thousand Miles from Kind: Masculinities and Modern Institutions', keynote address for 16th annual conference of American Men's Studies Association, "Masculinities and Institutions: Mapping the Connections", Wake Forest University, NC, 4 April, p11

⁴³ PHAMSA/IOM reference

with prosperity and economic development in countries like India contrasting sharply with increasing disparities and deepening poverty in others (e.g. Afghanistan).

3.2.2 Resistance and backlash

At the same time, women's opportunities for economic advancement and political visibility are prompting resistance and backlash from some men. Experiences from micro-credit programmes suggest that when such programmes appear to be empowering women to such an extent that a threat is posed to male privilege, then a violent backlash is possible. Research in Bangladesh found that:⁴⁴

“Micro-credit programmes have a varied effect on men's violence against women. They can reduce women's vulnerability to men's violence by strengthening their economic roles and making their lives more public. When women challenge gender norms, however, they sometimes provoke violence in their husbands.”

This threat has been linked to specific acts of men's violence as a backlash against these challenges to structures and notions of male authority, and more generally to a re-emergence of 'family' values, 'maternalism' and “back to the kitchen” ideologies enforced with violence.

3.2.3 Challenge of cross-gender alliance

The social and economic changes described above are threatening male privilege in ways that not only prompt male backlash but that also weaken alliances between women and men around shared class interests. When the harmful effects of globalisation are framed in terms of gender and not class, it becomes harder to organise within working class communities to effectively challenge these effects and integrate gender justice within a broader social justice agenda.

Growing visibility of women in India

Over the last fifteen years, economic policies in India have been changing and have resulted in opening up of the Indian economy rapid economic growth. While this has to the creation of a substantial middle class with rising consumerist aspirations, it has also led to increasing economic inequities. Along with economic growth, there has been a shift towards reforming existing laws and policies to address gender inequalities. This has led to fundamental changes in rape laws, new legislation on domestic violence; laws on sexual harassment in the workplace; acknowledgement of women's secondary status and affirmative action in the form of reservation in lower level elected bodies and so on.

One of the consequences of these two phenomena is that there are many more women are now in public places starting from the villages to the cities:

- A third of elected village councilors and chiefs are women
- Millions of women's self-help and credit savings groups have been formed across the country
- There are now millions of women employees in formal workplaces due to increasing economic needs and aspirations as well improvements in women's educational status

⁴⁴ Schuler SR, Hashemi SM and Badal SH, “Men's violence against women in rural Bangladesh: undermined or exacerbated by microcredit programmes?” *Development in Practice*, 8(2) May, 1998

3.3 Meeting the Challenge: Men's Roles

3.3.1 Mobilise men to support women's economic empowerment

Organisations working with men on masculinity and gender equality have, on the whole, been slow to ally with women's rights organisations and coalitions in their campaigns for social and economic rights. As a recent WHO publication on the policy implications of engaging men in work for gender equality has noted:⁴⁵

To date very little of the gender work done with men has focused on men's potential role in supporting policy initiatives championed by women's rights organisations. For instance, in South Africa very few of the initiatives working with men for gender equality participated in efforts to ensure passage of long overdue amendments to sexual offences legislation or to support amendments to termination of pregnancy policies.

Whether as community members, community leaders or policy-makers, it is important that men be mobilised around an agenda of women's social and economic empowerment. For organisations working with men on masculinity and gender equality, this implies a need to build closer relationships with women's rights organisations and coalitions and be more committed to their role as allies in supporting the empowerment agendas of women's movements. More broadly, such a mobilisation of men implies a need to organise more explicitly around shared economic interests among women and men within poor and marginalised communities, by integrating gender justice issues within a broader social justice agenda.

3.3.2 Address the rights of men who have sex with men

Little has been done with regard to the rights and empowerment of men who have sex with men. Governmental policies for combating HIV/AIDS are often in conflict with the penal laws and the actions of local law enforcement agents. On the one hand the government recognises the need to address the HIV/AIDS concerns of male-to-male sexual behaviours, but on the other, the continuation of the criminalisation of such behaviours often leads to threats of blackmail, sexual abuse, and violence, if not arrest. It discourages those in need of information and services to seek the same. In addition to this, programme staff and target populations are vulnerable to local police excesses and abuse without adequate ways and means of addressing such abuses.

Organising to challenge these abuses and promote the human rights of men who have sex with men has been, and continues to be, done by men within a range of direct service and legal advocacy organisations serving the needs of MSM communities, primarily in major urban areas. But rarely, if ever, have the rights and empowerment of men who have sex with men been an issue on the agenda of organisations seeking to engage men, who are assumed to be heterosexual in their practice and identity, in preventing gender-based violence.

45 WHO/Sonke policy paper reference

4 Norms and Values

4.1 Situation Overview

Legal protections and economic and social rights reflect and express social norms and values. As history shows, policy efforts to improve legal protections for women and to empower them economically have begun to shift attitudes toward and ideas about gender equality in ways that are challenging deeply set patriarchal norms and values in most societies. At the same time, this domain of norms and values has become a site of resistance to the progress toward gender equality, through appeals to culture and tradition that are said to be under threat from 'foreign' ideas and practices.

As such, the domain of norms and values is an important target for policy action to address the cultural conditions that allow gender-based violence to continue. In addition to policy work on legal protections and economic empowerment, which will itself influence these conditions, there is a distinctive area of policy activity that can address norms and values through attending to the social institutions that reproduce them, such as the family, the school and the media. In particular, it is important to address the norms and values of masculinity and femininity that underpin patriarchal social relations and its gender-based violence.

Research has identified a link between attitudes toward violence and ideas about masculinity.⁴⁶ Especially among men, more traditional beliefs about masculinity are associated with greater acceptance of violence against women.⁴⁷ Such beliefs are the most significant predictor of attitudes supporting the use of violence against women.⁴⁸ Furthermore, surveys have found an association between traditional notions of masculinity and the perpetration of violence. A recent meta-analysis found that sexual violence was most strongly associated with hostile, patriarchal, and hypermasculine forms of masculine ideology.⁴⁹

The connections between gender norms and men's gender-based violence are forged through norms of male power and control. Men's violence is instrumental in securing male power. Research on the links between masculinity and domestic violence in India found that:

[P]hysical violence is seen as a resource to fulfill the responsibility of maintaining social order and attests to its instrumental nature. Higher rates of physical violence reported by both scheduled (lower) caste (SC) men in Punjab and by upper castes in Tamil Nadu may be indicative of fear of loss of resources and personal and group status and power. At the same time, for dalit youth in Tamil Nadu, violence itself is a resource to acquire social and political power.

The same study also found that men's sexual violence was connected to notions and norms of men's sexual entitlement to sexual access to and pleasure from women:

Sexual violence, on the other hand, may be more an expression of the fundamental right to a woman's body and to maintaining an intimate relationship. In the Indian context, a further complexity to men's beliefs is the importance of the ability to sexually satisfy as a crucial marker of masculinity. Anxiety about pleasuring the wife or not being able to satisfy her may result in asserting control and power over the woman's sexuality. Romancing and seduction that often involves force and competing with other men also

⁴⁶ Based on "VIOLENCE PREVENTION WITH MEN: STRATEGIES AND CHALLENGES"; Dr Michael Flood Mexico presentation

⁴⁷ Flood Mexico (Davis and Liddell 2002; De Judicibus and McCabe 2001; National Crime Prevention 2001, pp. 89-90; Pavlou and Knowles 2001; Truman *et al.* 1996; Wade and Brittan-Powell 2001; White and Kurpius 2002)

⁴⁸ Flood Mexico (Berkel *et al.* 2004; Good *et al.* 1995; Simonson and Subich 1999)

⁴⁹ Flood Mexico (Murnen *et al.* 2002)

underscores this need to possess and control women. Sexual violence thus maybe closely correlated to men's understanding of power and control as relational concepts.

Social norms in many societies hold women's bodies and behaviours as the bearers of the honour of the family and community. In honour cultures, *"male honour is seen in terms of status, dominance, and reputation, and based on men's ability to enforce their will on others, command deferential treatment, and protect family and possessions"*.⁵⁰ Such cultures are often marked by strong gender ideologies that emphasise female 'purity' and male virility and sexual freedom.⁵¹

With regard to issues of honour and shame and men's violence, recent work in South Asia has highlighted the importance of understanding the positioning of women as the bearers of the honour of the community, whether it be local, communal and/or national. Writing of men's violence against women in South Asia, Banerjee et al comment that.⁵²

Women experience violence and commoditisation as the gendered property of their community, and repositories of its honour, both within their own communities as well as from men of other communities. The strong identification of women with their community (as property and as signifier) makes them vulnerable to violence, especially at times of social instability, and cultural and moral anxiety.

Nor should these gender norms that sanction men's violent policing of women's behaviour in the service of family and community honour be taken to be timeless. A significant element of the rise of militant Hindu and Islamic fundamentalist communalism/nationalism within the South Asian region has been a patriarchal gender ideology that equates the vitality of the nation/religious community with the militant virility of the male, and the confinement of the female to the private sphere.⁵³ The consequences of this gender ideology in the Asia-Pacific region, and the community norms governing the behaviour of women through which it is expressed, have been severe indeed. Violence based on patriarchal right wing ideologies (see box) serve as a reminder that the cultural is not somehow separable from the politic

Patriarchal violence in India

In India, there has been an aggressive assertion of Hindu patriarchal right wing ideologies over the last twenty years. There have been very gruesome examples of patriarchal violence emerging in the last few years. Some of these are mentioned below:

- 'Sati' or forcing women to get 'immolated' on the funeral pyre of their husbands
- Bride burning for dowry is common
- 'Punishing' women engaged in social change activities by rape – Bhanwri Devi case in Rajasthan; or cutting the hands of as in Madhya Pradesh in 2006 or stripping and parading of a dalit (lower caste) woman elected village chief for raising the National Flag on Independence day
- Hanging, punishing and disgracing couples who marry across caste and/or religion
- Strong opposition including vandalism on the occasion of Valentine's Day, which is seen as a western ploy to dilute the moral values
- A steep decline in the sex ratio of the girl child has emerged in the last twenty years especially in urban and middle-class settings due to sex-selection and selective elimination of the female foetus
- Large scale use of sexual violence during ethnic conflict as in the Gujarat riots of 2002

⁵⁰ Vandello and Cohen 2003, p. 998 - see Flood Mexico

⁵¹ Flood Mexico

⁵² Engendering Violence: Boundaries, Histories, and the Everyday. Cultural Dynamics (2004) vol. 16 (2/3) pp. 125–139. SUKANYA BANERJEE, ANGANA CHATTERJI, LUBNA NAZIR CHAUDHRY, MANALI DESAI, SAADIA TOOR, KAMALA VISWESWARAN

⁵³ From - Engendering Violence: Boundaries, Histories, and the Everyday, SUKANYA BANERJEE, ANGANA CHATTERJI, LUBNA NAZIR CHAUDHRY, MANALI DESAI, SAADIA TOOR, KAMALA VISWESWARAN, Cultural Dynamics, 2004 vol. 16 (2/3) pp. 125–139

4.2 Policy Challenges

4.2.1 *Resurgence of patriarchalism*

A policy framework for engaging men in the prevention of gender-based violence must be articulated and implemented in relation to the specific contexts shaping this violence, and women's and men's lives more generally.⁵⁴ Recent feminist analyses of these contexts, and the patriarchal ideologies and practices with which they are enmeshed, are useful in this regard.⁵⁵ Such analyses, in the Asia-Pacific region in particular, draw attention to ongoing conflicts within and across borders and the growing militarism associated with this and the emergence of religious fundamentalism and its backlash against secular discourses of human rights and gender equality.

The mobilisation of patriarchal ideology that has been used in the service of this militarisation has, in some contexts, been linked with the growing political influence of religious fundamentalism, notably the Hindu nationalism of the BJP in India and the resurgence of the Taliban in Afghanistan. In both cases, profoundly oppressive gender ideologies and practices have been at the heart of the fundamentalist calls to 'purify' the Nation. Taliban-sponsored violence against women is well documented, but the extent and brutality of such violence in state-backed communalist violence against Muslim communities in India (notably in Gujarat) is less well known outside the region.

4.2.2 *Fatherhood and patriarchalism*

Globally, the most well-documented policy effort to shift attitudes and practice with regard to gender roles and norms has been in the area of men's involvement in parenting. But in the context of resurgent patriarchalism described above, it is important to distinguish the different ideological agendas at work in the growing discourse on fatherhood. In relation to the goal of preventing gender-based violence, the challenge confronting policy efforts to promote men's involvement as fathers is to ground such efforts in a commitment to gender equity. This commitment is needed in order to resist the anti-feminist politics that fatherhood policy can invoke, when it focuses on restoring men to their 'rightful' place as the head of the family, problematising women-headed households and insisting that boys need fathers in order to be 'normal' men.

4.2.3 *Globalisation and gender norms*

Globalisation is shaping social norms and values in complex ways. Its impacts on regional, national and local economies are affecting long-held beliefs about and practices of productive and reproductive labour, as discussed in the previous section. The shrinking of the world made possible by developments in telecommunications and transportation is allowing new forms of transnational feminist organising to push for policy on gender equality and gender-based violence.

Within the Asia-Pacific region, the increase in availability and use of television, radios, mobile phones has been critical to the communication revolution that has affected urban and rural areas. This has led to an exposure to new values, new behaviours and new aspirations, sometimes based on aggressive consumerist advertising as well as media content from all

⁵⁴ See From: Political and legal framework regarding MSM in South Asia, Arvind Narrain, Brototi Dutta, Alternative Law Forum, India, A background paper produced for the Risks and Responsibilities: Male Sexual Health and HIV in Asia and the Pacific International Consultation held in New Delhi, India 23-26 September 2006

⁵⁵ Based on presentation by Kalyani Menon-Sen

around the world. However, at times, the media and especially the advertising-led information avalanche has strengthened patriarchal values rather than challenged them. A small example of this is that most viewed television serials in India are those that reinforce traditional patriarchal values and norms/ stereotypes. The media throughout the region needs to be questioned on its portrayal of gender roles. Sexist imagery and representation of dominating masculinity (e.g. in tobacco or alcohol advertising) needs to be addressed through the development of regulating guidelines, as does censorship of work that challenges gender stereotypes which often occurs in the name of protecting cultural/traditional values.

4.2.4 Gender analysis missing or lacking

At the same time, public policy in many societies continues to take little account of gender. Even when gender is addressed, analysis is usually confined to the impacts of gender inequalities on women, with little said about the work that is needed with men to address such inequalities, or how gender shapes men's lives as well (see box).

It is important to emphasise that the gender-blindness of public policy has historically privileged men, as a recent paper by WHO notes:⁵⁶

[M]en have been treated as generic and ungendered representatives of all humanity. This gender-blind treatment has perpetuated masculine norms and gender inequalities.

In redressing this, and making public policy gender-sensitive to address the norms and values that oppress women, there has been a tendency to frame this in terms of policy's responsiveness to gender difference, rather than attend to the ways in which many forms of public policy produce gender.

As a study of policy in ten European countries found, notions of masculinity and femininity, as well as the gender practices that enact them, are shaped by law and policy regarding home and family, work, social exclusion, and violence.⁵⁷

Institutions and states actively participate in the production of unequal gender relations. Thus, one of the key tasks of gender-sensitive policy-making is to recognise the gendered character and impacts of all policies.

Attending to the involvement of policy in constructing gender norms and values highlights the challenge of addressing the gender regimes of policy-making processes and machineries. Not only do men predominate in policy-making settings, but such settings are characterised by

Health Policy in India

There is little mention of gender, let alone men, in policies related to health, women's empowerment or youth. The National Health Policy 2002 makes no mention of men, male or gender. The National Population Policy 2000 mentions gender thrice once in the context of gender inequalities and there is a section on serving under-served populations which refers to men's role in planned parenthood. However the RCH2 project which provides the budgetary outlays for implementing this policy makes provisions for men only under contraception and to the extent of 0.15% of the overall reproductive and child health budget.

The National Rural Health Mission (2005), the current vehicle for providing health care services has only one reference to gender in the context of the gender imbalance in population (declining sex ratio) and there is no reference to men's involvement. The RCH2 (2005 – 2010) has a section devoted to gender however as mentioned below the provisions for men's involvement is a meager 0.15% and restricted to contraception.

The National AIDS Control Organisation website has a section on FAQs but the word gender does not occur even once and the words men and male occur only in the context of men as agents for spreading the infection or as users of condoms. A leading national website of young people's sexual and reproductive health and rights provides information on a number of issues but this is not done in a sex segregated manner, assuming perhaps that the needs of girls and boys are similar and/or common.

⁵⁶ WHO policy paper

⁵⁷ Hearn *et al.*

institutional gender regimes that comprise gendered constructions of occupational positions, hierarchies, and tasks, as well as formal and informal male networks and daily strategies which subordinate and exclude women.⁵⁸

⁵⁸ Flood, M., and B. Pease. (2006). Undoing Men's Privilege and Advancing Gender Equality in Public Sector Institutions. *Policy and Society*, 24(4): 119-138.

4.3 Meeting the Challenge: Men's Roles

4.3.1 *Commitment to gender equity for masculinity work with men*

In order to effectively engage men in efforts to challenge the norms and values underpinning gender-based violence, it is essential that such an engagement is grounded in a clear commitment to gender equity. The importance of men's organisations working in solidarity as allies to women's rights organisations was emphasised by the United Nations Commission on the Status of Women Expert Group Meeting on "The Role of Men and Boys in Achieving Gender Equality" held in 2003, which recommended network and alliance building on gender-based violence, including efforts to:⁵⁹

- # Support networking of non-governmental organisations that work with men to end gender-based violence;
- # Support partnerships and alliance building between women's organisations and men's organisations working to end violence and/or promoting human rights;
- # Support strengthened networking among different organisations working with men nationally, regionally and globally;
- # Create local, national, regional, and global resource centres for materials on gender-based violence, particularly on materials on men and masculinity;
- # Support learning and sharing of experiences among organisations working with men and violence against women (including through internet dialogues).

4.3.2 *Focus on gender regimes of policy-making processes and machineries*

Effective policy action on norms and values also requires that attention be given to the gender regimes of the institutional processes and mechanisms responsible for policy development. This implies a need for both internal advocacy and capacity building around gender awareness and external monitoring and pressure to hold institutions accountable for instituting policies to address patriarchal gender regimes, including policies on discrimination and harassment.

A recent study of the institutional dynamics by which gendered policy action is produced, looking at different Australian bureaucracies, found that no one condition is sufficient to advance gender equality in policy-making processes, but that a combination of conditions is required, including:⁶⁰

- # approximate parity in women's and men's participation at all levels;
- # an integrated approach to policy making such that mainstream policy is developed co-extensively with gender-specific policy and vice-versa;
- # participation by community-based, feminist advocacy groups throughout the process;
- # engagement throughout of gender equity/feminist policy machinery in both generic and gender-specific policy processes;
- # active and unequivocal support for the advancement of gender equality and women's interests in policy making by the most senior figures involved, both in elected and appointed positions;
- # adoption of feminist understandings of the problem of gender inequality as acceptable conceptual currency in the formulation of policy, both mainstream and gender-specific.

⁵⁹ United Nations Division for the Advancement of Women with The Joint United Nations Programme on HIV/AIDS, The International Labour Organization, and The United Nations Development Programme, United Nations Commission on the Status of Women Expert Group Meeting on "The Role of Men and Boys in Achieving Gender Equality", Brazil, 12 January 2004.

⁶⁰ Schofield, T., and S. Goodwin. (2005) Gender politics and public policy making: Prospects for advancing gender equality. *Policy and Society*, 25(4): 25-44.

4.3.3 Gender equitable parenting

As already noted, fatherhood has become an important site for policy action to engage men in efforts to challenge patriarchal norms and values. This emphasis on fatherhood has been energised by evidence about the beneficial effects of engaging men as parents and of a more equitable division of parenting labour in the home.⁶¹ While there has been an overall strengthening of patriarchal values in South Asia, small stories of change can also be found. At the individual/ family level men's involvement in the household domain including childcare has increased, even though it may be for purely practical reasons. Nuclearisation of families have made relationships with spouse/partner more turbulent but at the same time more intimate and reciprocal. Images about the caring partner/father and the sharer of household chores are being used occasionally in advertising. While instances of expressed incompatibility and divorce are becoming common within marital partnerships; instances of mutuality, explicit caring and sharing are also visible. There are occasional references to sharing and caring as aspects of 'positive masculinity' in the media.

Below are some policy and programme recommendations on men's involvement in parenting and household labour more generally from the UN Expert Group Meeting referred to above:

- Use financial and social policy to improve the balance between work and family life, and encourage men to make an equal contribution to domestic work
- Expand paternal leave provisions
- Create disincentives for employers to demand overtime work
- Create a legal structure for permanent part-time work and incentives for men to use it
- Develop aspects of family law that enable men to be active partners in the lives of children and dependents; review and make appropriate changes in adoption policies and the care of orphans and adopted children;
- Take measures to help teenage and young fathers be involved in the support and care of their children while continuing their education and training. Such measures include:
 - Requiring education and training institutions to design their programmes and schedules to facilitate care work by teenage and young fathers without breaks in study
 - Structuring health services concerning pregnancy and early childhood to promote the participation of young fathers
- Recognise workers' childcare obligations in setting terms of employment and schedules of work
- Include incentives for childcare contributions in recruitment and promotion policies
- Build into collective bargaining strategies the possibility for men's involvement in care work
- Develop programmes to provide boys and youth with specific skills, such as on child care or domestic work
- Engage religious organisations as partners in gender equality education for men and boys, inviting them to explore religious teachings (for example, about husbands in marriage relationships) that promote gender equality and social justice

61 text from Sonke Policy report for WHO

- Provide work-based day-care centres in all enterprises with a certain number of employees, counting men as well as women in calculating child care needs
- Create education programmes that give boys and men the skills and knowledge to take on new roles in households, families and the domestic sphere
- Provide information in parent education programmes to fathers about non-sexist and gender equitable ways to rear children, emphasising the advantages of such approaches, and taking advantage of existing materials and strategies

4.3.4 Youth development

Policy and programmes on youth development also provide a valuable entry point for engaging boys and men in work to challenge harmful gender norms and values. The UN Secretary General's report on violence against women notes that:⁶²

The formal education system can be used as a key site for raising awareness about violence against women and challenging and eradicating gender stereotypes. Promising practices in this area include eliminating gender-based stereotypes in educational curricula; providing gender-sensitivity training for teachers; creating a school environment that rejects violence; and offering specialised courses on human rights, including women's rights.

In the Asia-Pacific region, pilot educational and youth development initiatives with boys and young men on gender equity and violence prevention have been developed. But, in India at least, the growing influence of religious fundamentalism has meant, in the last year or so, that education school curricula have been withdrawn from a large number of states across the country. In one state, in response to inter-faith marriages, a group of men have started a campaign to save the 'Hindu Girl'. Men's identity in India is strongly related to religion, caste and community and these have been aggressively asserted in the recent past - much to the detriment of women and gender equality.

Below are some policy and programme recommendations on youth development from the UN Expert Group Meeting referred to above:

- Carry out critical reviews of curricula, including at the pre-school, primary and secondary level, to include ways of promoting gender equality that engage boys as well as girls
- Develop training for teachers, administrative staff and other groups dealing with children and youth (for example, health and social service professionals and police), to promote ways to engage boys and young men in gender equality - this should include sessions in which adult staff examine their own views about gender equality and assumptions about boys and male youth
- Value, in school reform efforts, gender equality as an educational outcome which is as important as basic literacy and numeracy
- Include messages and activities targeting boys and young men and promoting gender equality within existing sexuality education, HIV/AIDS prevention education and family life education curricula
- Use existing programmes with well-developed curricula and group education processes, which have been evaluated and are successful in leading to attitude change, to engage boys in gender equality. Partnerships between Governments and non-governmental organisations should be encouraged to make such curricula and strategies widely available
- Engage sports groups in the public and private sector, to promote gender equality among boys and men. This should draw on existing experiences to engage boys through football coaches in Latin America, and "locker room" projects used in some countries

⁶² ref

4.3.5 Sexual and reproductive health and rights

Internationally, there has been a growing policy emphasis on male involvement in sexual and reproductive health and rights (SRHR). At least some of this work has been explicitly about gender equity, and challenging the oppressive gender norms that are so enmeshed with sexual/reproductive practices and cultures in many societies. In the Asia-Pacific region, there is some notional acceptance of men's involvement in family planning programmes but often this is restricted to an emphasis on male sterilisation. The most important engagement with men is in the field of HIV/AIDS where migrant men, especially truck drivers, are seen as 'vectors' in spreading the infection. This makes HIV-related organisations the most important players in this field. However there is little understanding on the issue of 'gender equality' or 'masculinity' beyond women's greater vulnerability and men's sexual drive and autonomy. The condom has been widely promoted by HIV/AIDS campaigns, but this has resulted in condoms being associated with 'risky' sex and its use as a male contraceptive has been affected.

4.3.6 Media and advertising

Media, in its many forms, collectively represents one of the most powerful influences on norms and values and is therefore a critical venue for influencing gender practices, including gender-based violence. Policies that seek to transform norms and values can be influenced through the development of media messaging and guidelines to shape gender norms towards gender equity, especially by targeting men.

The UN Expert Group Meeting on "The Role of Men and Boys in Achieving Gender Equality", referred to above, noted the importance of work with the media when it recommended actions to:

- Strengthen use of mass media campaigns (using television, music videos, billboards and other), for positive, non-violent messages about manhood, including participation in domestic and household tasks and caregiving, and respect for women
- Promote the engagement of young people in action for gender equality. Since there are many young men who already question gender inequalities, change agents already exist. Young people themselves can advise on, and create, programmes and campaigns addressed to boys and young men

Annex I – Legislation on Gender-based violence

| Country | Law | Details |
|-------------------------------|---|---|
| Domestic Violence Laws | | |
| India | The Protection of Women from Domestic Violence Act 2005 (enforced as of 26th of October 2006) | <p>The PWDVA at a glance - From 'Staying Alive- First Monitoring & Evaluation Report 2007 on the Protection of Women from Domestic Violence Act 2005', <i>Lawyer's Collective, 2007</i>.</p> <p>1. The definition of domestic violence - Definition of Domestic violence as all a "all acts of omission and commission that result in injury or harm or threats to cause injury or harm, as well as harassment to meet unlawful demands (such as dowry). Injury may be physical or mental in nature. Conduct includes physical abuse, verbal and emotional abuse, sexual abuse and economic abuse. In arriving at a conclusion that an act of domestic violence has been committed, the overall facts and circumstances are to be considered.</p> <p>2. Definition of domestic relationship - The term 'domestic relationship' has been broadly defined to include all women who 'live or have lived together in a shared household' with the respondent and are related to the respondent by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family. 'Respondent' has been defined to include adult male perpetrators of violence and in cases of married women (or women living in the nature of marriages); relatives of the husband or the male partner.</p> <p>3. Rights recognized under the PWDVA - The PWDVA recognizes a woman's right to live in a violence free home. The right to reside has been given statutory recognition under the law. This guards against the illegal dispossession of women from the shared household. A woman who has faced domestic violence from the respondent is entitled to reliefs under this law.</p> <p>4. Remedies provided for in the law are</p> <ul style="list-style-type: none"> a. Protection Order (Section 18) b. Residence order (Section 19) c. Monetary relief (Section 20) d. Custody order (Section 21) e. Compensation order (Section 22) f. Ex parte and interim orders (Section 23) <p>5. Infrastructure made available under the law</p> <p>Protection officer to facilitate access to the courts and legal services.</p> <p>Service providers providing services to women registered under the Act</p> <p>Medical facilities and shelter homes notified that they cannot refuse to provide services to aggrieved women.</p> <p>Police are bound to provide information on this law to women approaching them with complaints of domestic violence. This is in addition to their duties to register complaints under criminal law. The court may also order the police to assist Protection Officers in discharging their functions.</p> <p>6. Courts empowered to deal with applications</p> |

| | | |
|-------------------------------------|---|--|
| Maldives | Family Law Act (2000) | Divorce on the grounds of domestic violence |
| Nepal | DRAFT Domestic Violence Prevention Act | In June 2007 a technical committee was set up to finalise a bill on domestic violence. A roundtable of experts has recommended criminalising domestic violence in order to discourage the practice of mediated settlements, though there has been little follow-up on this matter. |
| Pakistan | DRAFT Protection Against Domestic Violence of Women & Children (PADVWC) | <p>Draft legislation</p> <p>Wide definition of domestic violence including physical, sexual and psychological abuse of women by their husband or family members within the home.</p> <p>Enable magistrates to hear cases on domestic violence, protection committees to be set up to check on domestic violence against women and children.</p> <p><i>From – “Husbands to be jailed for harassing wives!”, Saturday, April 28, 2007, The News.</i></p> <p>http://thenews.jang.com.pk/top_story_detail.asp?Id=7473</p> |
| Sri Lanka | <p>Women's Charter (1993)</p> <p>Prevention of Domestic Violence Act - October 3rd, 2005.</p> <p>Plan of Action Supporting the Prevention of Domestic Violence Act (2005)</p> | <p>Article 16 of the Women's Charter states “The State shall take all measures to preven the phenomenon of violence against, women, children and yong persons in society, in the workplace and in the family as well as in custody in particular such manifestations of it as rape, incest, sexual harassment and physical and menal abuse, torture and curel inhuman and degrading treatment.” However, the Women's Charter is not a binding legal document.</p> <p>The PDVA focuses on ensuring the safety of the victim and provides a civil remedy as an addition to criminal process. It focuses on attaining protection orders against perpetrators of domestic violence. However, due to lack of training of judges and police officer, implementation of the Act has been inadequate.</p> <p>This Plan of Action focuses on supporting the Prevention of Domestic Violence Act through the following focus areas:</p> <p>Focus 1: COMMUNITY EDUCATION AND AWARENESS RAISING Focus 2: TRAINING AND CAPACITY BUILDING Focus 3: INFRASTRUCTURE AND SUPPORT SERVICES Focus 4. MEDIA Focus 5. MONITORING IMPLEMENTATION OF THE ACT Focus 6: COORDINATION AND COLLABORATION Focus 7. MAINTENANCE OF RECORDS AND RESEARCH Focus 8: POLICY AND POLICY MAKERS</p> |
| Rape and Sexual Offence Laws | | |

| | | |
|-----------------------|---|--|
| Bangladesh | <p>Women and Child Repression Prevention Act (2000)</p> <p>The Cruelty to Women (Deterrent Punishment) Ordinance 1983</p> | <p>Protective measures against domestic violence, rape, acid attacks, forced prostitution, trafficking, sexual harassment, despite the fact that the Penal Code of Bangladesh contains no such measures.</p> <p>Details punishment for trafficking in women and children which includes the death penalty, life imprisonment and fines for trafficking</p> <p>Marital rape is not recognized as a crime.</p> <p>The Cruelty to Women (Deterrent Punishment) Ordinance 1983 amends relevant section of the Penal Code and provides the penalty of life imprisonment for kidnapping, abduction, trafficking in women, cruelty because of dowry, and rape as well as abetment of such offenses.</p> |
| Bhutan | Penal Code of Bhutan 2004 | <p>Legal provision on rape, marital rape, sexual assault, trafficking of children and women, incest, molestation, sexual abuse, prostitution, assault and battery.</p> <p>No separate laws on domestic violence or trafficking.</p> |
| Maldives | Penal Code | <p>Derived from Shari'a law, a man can only be convicted of rape if there are two male witnesses or four female witnesses willing to testify or if he confesses in court.</p> <p><i>Draft revision of Penal Code revises the law on rape and sexual assault</i></p> |
| Pakistan | Protection of Women (Criminal Laws Amendment) Act December 1, 2006 | <p>Amendment to Penal Code, Code of Criminal Procedure, Dissolution of Muslim Marriages Act, Office of Zine (Enforcement of Hudood) Ordinance, the Office of Qazf (Enforcement of Hadd) Ordinance.</p> <p>Rape become prosecutable under civil law rather than the Hudood Ordinance which criminalizes adultery, non-marital consensual sex and made a rape victim liable to prosecution for adultery if she cannot produce four male witnesses to the assault. Rape cases no longer need four witnesses and convictions can be made on the basis of forensic and circumstantial evidence.</p> <p>Outlaws statutory rape.</p> <p>Requires formal accusation in court rather than detention for people suspected of having sex outside of marriage.</p> |
| Sri Lanka | Penal Code Reform 1995 | Reform of Penal Code relating to sexual violence – rape, incest, sexual harassment, trafficking of women and children and grave sexual abuses against the State. |
| Anti-Trafficking Laws | | |

| | | |
|------------|--|---|
| South Asia | SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution | Ratified by all South Asian countries but has no enforcement mechanism and is not legally binding. |
| Bangladesh | <p>Trafficking in Women and Children Act 1993</p> <p>Women and Child Repression Prevention Act (2000)</p> <p>National Plan of Action against the Sexual Abuse and Exploitation of Children including Trafficking (December 2001)</p> <p>The Suppression of Immoral Traffic Act, 1933</p> <p>The Cruelty to Women (Deterrent Punishment) Ordinance 1983</p> | <p>The Trafficking in Women and Children Act provides a maximum penalty of up to three years for forced prostitution and its abetment.</p> <p>Includes sections on trafficking and forced prostitution</p> <p>The NPA describes the main problems in the areas of child sexual abuse, exploitation and trafficking. The major areas of intervention within the range of the NPA are:</p> <p>Prevention, Protection, Recovery and Reintegration, Perpetrators, Child Participation, HIV/AIDS, STIs and Substance Abuse, Co-ordination and Monitoring</p> <p>A National Monitoring and Implementation Committee on National Plan of Action against Sexual Exploitation and Abuse of Children including Trafficking (SEACT) has been formed to implement the National Plan of Action</p> <p>Allows for detention of women under 18 years of age if found in a place where prostitution is being carried out.</p> <p>The Cruelty to Women (Deterrent Punishment) Ordinance 1983 amends relevant section of the Penal Code and provides the penalty of life imprisonment for kidnapping, abduction, trafficking in women, cruelty because of dowry, and rape as well as abetment of such offenses.</p> |
| India | Prevention of Immoral Traffic Act of 1986 (PITA) | |

| | | |
|-------------------------------|--|---|
| Nepal | Human Trafficking (Control) Act (July 2007) | <ul style="list-style-type: none"> - Prohibition against engaging in human trafficking and operating a brothel - Outlines punishment for traffickers - Rehabilitation fund and centre established - Establishes a Committee on Human Trafficking Control to work on controlling trafficking, supporting rehabilitation work and coordinating activities of organisations working on human trafficking |
| Sri Lanka | Penal Code Amendment Act (2006) | <p>Strengthened provisions against trafficking, sexual abuse of children, child pornography, child prostitution and child trafficking.</p> <p>It also criminalizes recruiting of child soldiers.</p> |
| Pakistan | Prevention and Control of Human Trafficking Ordinance, 2002 | Human trafficking is punishable with imprisonment, which may extend to ten years and shall also be liable to fine. The Ordinance also provides for punishment for imprisonment, which may extend to seven years and shall also be liable to fine for the planning of human trafficking. |
| Acid Control Laws | | |
| Bangladesh | Acid Crime Control Act and Acid Control Act (2002) | <p>The Acid Control Act seeks to control the sale, production and use of acid and provides acid victims treatment, rehabilitation and legal assistance.</p> <p>The Acid Crime Control Act institutes harsh penalties for acid violence through large fines, 3 years to life prison sentences and death penalty.</p> <p>It should be noted that while acid attacks have decreased, the harsh penalties have also meant that judges are reluctant to implement them.</p> |
| Dowry Prohibition Laws | | |
| India | Dowry Prohibition Act (1961) Indian Penal Code Section 498A (Cruelty) – 1983 Indian Penal Code Section 304B (Dowry Death) - 1986 | <p>The Dowry Prohibition Act criminalizes giving, taking, demanding and helping the giving, taking or demanding of dowry</p> <p>IPC 498A institutes punishment for the cruelty and harassment by the husband or family which includes demanding of dowry.</p> <p>IPC 304B - If a woman death can be attributed to cruelty or harassment by the husband or his family relating to a demand for dowry, then the death of a woman is considered to be a dowry death and the person committing the death is punishable by 7 years to life imprisonment.</p> |
| Nepal | Social Customs and Practices Act | Prohibiting the dowry system |
| Bangladesh | Dowry Prohibition Act (1980) | Penalties in place for giving, taking and demanding dowry |

| Female Infanticide | | |
|--------------------|--|--|
| India | The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994. | <p>"An Act to provide for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex linked disorders and for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide; and, for matters connected there with or incidental thereto."</p> <p>http://mohfw.nic.in/THE%20PNDT%20ACT%20(PRINCIPAL%20ACT)1994.htm</p> |