CHAPTER – IV

CAUSES OF EXPLOITATION & VIOLENCE AGAINST WOMEN

There is a widespread impression that ours is an era of violence, that we witnessing an exceptional outburst of violent behaviour throughout the world. Deigado\(^1\) states that human aggressiveness is a behavioural response characterized by the exercise of force in an attempt to inflict injury or damage to person’s property. Karen Homey\(^2\) an eminent social scientist, dealing with interpersonal disturbance and violence, has explained that all violence & disturbances are due to aggression which persons learn against target group in the course of interpersonal relation. Some segment of society or its agents designates some readily identifiable group as an appropriate target and as a suitable object for hostility and/or aggression. Further, Horney, says that there are basic ways in which we relate others; we can move toward them, away from them or against them. These movements may be perceived as reaction to danger; imminent injury or destruction, discontinuities between expectations and reality -situations that psychologists refer to collectively as threat. Indeed most negative emotions may be characterized in terms of the kind of behaviour that individuals believe to be appropriate in the face of threat, when the situation is potentially threat provoking aggressive behaviour is seen to be aroused that lead in many situations to violence. Hinde\(^3\) suggests that the term aggressive behaviour should be usually restricted to behaviour directed toward causing physical harm to others. In this sense, the term


\(^2\) Homey, K., Our Inner Conflict (New York: Norton), 1945, p. 484.

violence, in fact, represents restricted meaning.

Violence is accompanies power; it is committed to prove or feel a sense of power. It is an instrument of coercion used to maintain power. Dalgado, analyzing the term violence, have suggested "violence as an exercise of force in an attempt to inflict injury or damage, we might add however, that it may also taken the term of threat to use violence unless one's aims are satisfied". Some psychologists as well as sociologists have taken the term in much broader sense when they said that, It can be defined, as the entire spectrum of assertive, intrusive & attacking behaviour that may be overt and covert such as defamatory act as sarcasm, self directed attacks and dominance behaviour. Thus the term violence includes all types of physical, social and psychological injuries or damages made by the prejudiced group toward the target group. The identifiable groups may be poor, young, female, tribals, foreign or whatever, against which violent behaviour are shown by the prejudiced group. In the spread of aggression, social structure plays vital role.

The society generally provides some kind of channel in the form of more or less sanctioned behaviour that facilitates the expression of hostility toward the target persons. The norm of society develops determine not only how much hostility and violence can be openly expressed but also what forms it can take. Stereotyped beliefs which support the negative attitudes toward members of the target group are learned, usually, in the course of socialization, socialization strategies, in the true sense, instigate violence’s specially structured violence which frames as a consequence behavioural violence in due course. The concept structural violence refers to the organized institutional and structural patterning of the family and

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the economic, cultural, political systems that determine that target individuals shall be victimized through withholding of society's benefits and be rendered more vulnerable to suffering of death than others. The structural patterning also determines the socialization practices that induce individuals to inflict or to endure according to their roles.

Any individual or group facing the threat of coercion or being disciplined to act in a manner required by another individual or group is subject to violence. This is not necessarily confined to physical violence but the creation of an atmosphere of terror, a situation of threat and reprisal.  

Being a target group, women experience both structural & behavioural violence more sharply than men. Social definitions of their biological equipment assign them to a special secondary descriptor, i.e. female as limitation on their social status at every level in a given social hierarchy. The effects of this are that the unequal distribution of resources, which is hierarchically determined in all but becomes extra unequal. The form of structural and behavioural violence which is prevalent in modern times too, is closely linked with the rape-prostitution-pornography syndrome-of treating women as an object-victimization of social evil customs and rituals such as polygamy, sati, dowry deaths, and bride burning and so on. This violence are systematically preventing their full participation in the society to which they render so many forms of forced service.

Most often, the word exploitation is used to refer to economic exploitation, that is, the act of using another person's labor without

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offering them an adequate compensation. There are two major perspectives on economic exploitation:

- **Organizational** or "micro-level" exploitation: most theories of exploitation center on the market power of economic organizations within a market setting. Some neoclassical theory points to exploitation not based on market power.
- **Structural** or "macro-level" exploitation: focuses on exploitation by large sections of society even (or especially) in the context of free markets. Marxist theory points to the entire capitalist class as an exploitative entity, and to capitalism as a system based on exploitation.

It is a fact that women have been the victims of exploitations since long time in different fields in their life both physically and mentally. There are several causes of sexual as well as moral abuse which are very often highlighted by the media, and a lot of those also remain unexplored. Although, such malpractices to women are not of recent origin, its trace is found in the history of ancient India. While identifying its key reasons, it is realized that the long run supremacy of male over female in all respect in the patriarchal society in India is highly responsible for arresting the empowerment of women. Consequently, they are being trafficked for sex, hackled at workplaces and tortured in family and society. When Ballal Sen in 12th century ruled Bengal, he introduced *Koulinya Pratha* - a prohibition marriage system wherein it was implied that any type of marriage would not be possible without *Kulin Brahmana* (*highest strata of upper caste*). Consequently, polygamy came into existence as there was limited number of *Kulin Brahmanana* in the then society. Therefore, to protect *Koulinya* (*supremacy in caste system*), there was rising trend of competition in the early marriage of daughters and thus a new system
was emerged named as *Gouridan Pratha* i.e. girls must be get married within eight years of old with *Kulin Brahmana*. This system indicates the exploitation of women entity.

The incidence of women exploitation is not only found in the external social milieu but also evident within family which is not exposed often rather remain suppressed. The information available in the First Information Report (FIR) as well as Crime Index in most cases was found to be incomplete.\(^6\)

Incidences like sexual abuse by near relatives, co-habitation with near or dear friends and subsequent decline of marriages and issues relating to illegal pregnancy etc. are the real fact, the information of which remains mostly in darkness. In addition, girl students molested by teachers or repeated sexual abuse by antisocial activists are also an unfortunate reality. Women exploitation in the form of physical and mental torture on wives by husband is also common, mostly where women are simply a house wife and not associated with any employment. As a result, they are compelled to keep their head down in a speechless manner tolerating the cruelty of their husband helplessly. This ultimately makes them mentally disordered for which they often take the shelter of suicide or other means of malpractices that result very disgrace social, moral, ethical, and after all economic support to them.

With the passage of time, days and society, there are a lot of movements relating to this exploitation of women but still men are forward in status as compared to women and Indian society is male dominated where female are being exploited spatially. According to

Purana, there was violence against women in ancient India, but there was strong punishment for that offence irrespective of caste. However, Two main aspects of such exploitation may be highlighted—1) Use of women to earn money and 2) Physical and mental harassment by men in society. Women, who belong in the stated first category, are brought to sale their sex and beauty for income where mainly three types of workers are identified—Prostitutes, Cheerleaders and Actress

**Prostitutes**

Prostitution is as old as class, society and patriarchy where male dominance exists. Wherever women have been equal partners to men, rape and prostitution are unknown. The process of commoditization of women beings with the subordination of women and the delinking of sexuality from human relationships and reproduction; it has reduced women to a tradeable commodity. Underlying approach to sexuality is the concept of sexuality as a purely physiological necessity of males only and sex as a male right. The institution of prostitution is entirely a product of male domination, sexual violence against women and their enslavement. The concept of prostitution is as affront to human dignity, a devaluation of women because it demands that women become dehumanized, cheaply available objects to appease male lust. It is defended as a social necessity. Whose necessity? Any sexual encounter out of wedlock defiles a woman forever and hence, the prostitute like the rape victim is the one who bears the stigma, not the customer. A male buyer is not held accountable morally or legally for using the body of a stronger for monetary pleasure,

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but the woman who is used for the appeasement of his lust is condemned, ostracized as degenerate and can even be punished for it.  

In India, there has existed through centuries the tradition of courtesans but they were entertainers, accomplished in fine arts and were more like mistresses, who served rich patrons. There was no severe stigma as attached to the modern, commercialized flesh trade though they were also controlled by men. There was also the tradition of sacred dedication to temples in the South. These women were dancers and musicians and had property rights and had a high ritual status, gracing marriages and festivals. It is wrong to equate this custom to the commercialized trade, where women are completely commodized as mere flesh objects.

Call girls usually come from more well-to-do classes and have a higher standard of living and enter the profession voluntarily, usually due to family problems or the desire to make quick money. In India, data and reports show that women who take prostitution do so out of economic necessity, out of helplessness that denial of educational and employment opportunities generates. Our patriarchal society classifies women as good and bad – victims of rape, incest, abandonment by lovers or husbands perceived as ‘spoilt’ and made to feel a deep sense of guilt. Emotionally and economically insecure women also fall easy prey to procurers. It has become an enchanting business in metropolitan cities and towns in India and as per report of Ministry of Women and Child Development, about 3 million female sex workers have been working in India, out of which 35.47 percent enter in to this profession before the age of 18 years.

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The bulk of the women found in prostitution are not voluntary entrants to a calling where conditions of earning and living are heinous. Estimates are that at least one lakh teenage girls, many of whom are minors and women in there are exploited in more than 12,000 brothels in the city, kept like prisoners in violation of their basic human rights\(^\text{10}\) with promises of marriage, good life or a job; young girls are lured, generally from Southern States so that they cannot communicate with others, not knowing the local language. They are also lured into prostitution, sometimes by "mail-order bride" agencies that promise to find them a husband or a job in a foreign country. As a result, they very often find themselves illegally confined in brothels in slavery-like conditions where they are physically abused and their passports withheld.

Most women initially victimized by sexual traffickers have little inkling of what awaits them. They generally get a very small percentage of what the customer pays to the pimp or the brothel owner. Once they are caught up in the system there is practically no way out, and they find themselves in a very vulnerable situation. Since prostitution is illegal in many countries, it is difficult for prostitutes to come forward and ask for protection if they become victims of rape or want to escape from brothels. Customers, on the other hand, are rarely the object of penal laws. The cases reported according to police files are only a fraction of these numbers. Over 3,00,000 girls between the ages of 9 to 20 years are transported to India from Nepal every year by a well organized racket. Girls\(^\text{11}\) are smuggled into and out of Uttar Pradesh, sold secretly or openly


\(^{11}\) Barse, Sheela, “Judged without Hearing”, \textit{Indian Express}, 20 August, 1983.
auctioned with full knowledge of the police and administration. Trafficking in women is increasing due to landlessness and chronic unemployment in rural areas.

There is a chain of working process of exploitation as indicated below –

Here, the first group has been exploiting the second group and the second group has been exploiting the third one by a chain interaction.

Figure 4.1

<table>
<thead>
<tr>
<th>FIRST GROUP</th>
<th>(Supreme Exploiter)</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>SECOND GROUP</td>
<td>(Agents)</td>
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<td></td>
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<tr>
<td>THIRD GROUP</td>
<td>(Prostitutes / Victimized)</td>
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Cheerleaders, Bar Girls, Bar Dancers etc.

Women, who belong to this group, indecently inspire and stimulate audiences or delegates at different places in lieu of money viz. Cheerleaders of Indian Premier League (IPL) where the body of women was used and presented indecently in a delightful occasion for commercial purpose. Similarly, a women receptionist in different organizations is much more in number as compared to men.
Consequently, they may be empowered, but often be harassed also. Moreover, while, appointing for a lady required in a company, two essential requirements “Smart” and “Beautiful” are often noticed in the advertisement.

**Actress**

Some actresses, in exchange of huge money, express their own sexual indecency in movies. In case of different advertisements of various media, they represent themselves indecently in order to attract consumers. In the same advertisement, the much more decent representation of men is remarkable. Similar picture is also found in modern cinema also. Needless to say that, such representation depends upon investors or stakeholders who always want to maximize profit. So, it is needless to say that, women should be appeared with decency and their best possible dresses to prevent crime.12

The male female work participation over three decades from 1981 to 2011 is noticed that the rate of female work participation is much lower as compared to men. The reason behind that has already been stated earlier. Another real fact is that, still a new born baby girl is considered as “burden” in much case and consequently they are treated with ignorance from childhood. Therefore, they cannot build their capacity and are often suppressed by man folk in the society in subsequent time without any protest due to their inbuilt fear of socio-economic isolation. Some of them without tolerating the exerted force by the men folk choose “dark” way of living like prostitution. A significant proportion of them who are not associated with the prostitution are compelled to face harassment and

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teasing at different times at different place in the form of Rape, Kidnapping, Dowry, Sexual harassment, trafficking etc.

Again, it is not a denying fact that the socio-economic deprivation of Indian women is either a well planned intentional fatal game for both physical, psychological and economic satisfaction of so called “Don” or they are not willing to come forward like men folk and it is established reality that the later is the cause of former, because there are so many evidences from which one can identify that women by nature is psychologically weak which resists their voice of protest that leads to their exploitation.

Table 4.1
Temporal Growth of Crimes Committed Against Women During 2004-2012

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</thead>
<tbody>
<tr>
<td>1</td>
<td>Rape</td>
<td>15847</td>
<td>18233</td>
<td>18359</td>
<td>19384</td>
<td>20737</td>
<td>21467</td>
<td>21397</td>
</tr>
<tr>
<td>2</td>
<td>Kidnapping &amp; Abduction Dowry death</td>
<td>13296</td>
<td>15578</td>
<td>15750</td>
<td>17414</td>
<td>20416</td>
<td>22939</td>
<td>25741</td>
</tr>
<tr>
<td>3</td>
<td>Molestation</td>
<td>6208</td>
<td>7026</td>
<td>6787</td>
<td>7618</td>
<td>8093</td>
<td>8172</td>
<td>8383</td>
</tr>
<tr>
<td>4</td>
<td>Torture</td>
<td>50703</td>
<td>58121</td>
<td>58319</td>
<td>63128</td>
<td>75930</td>
<td>81344</td>
<td>89546</td>
</tr>
<tr>
<td>5</td>
<td>Sexual Harassment</td>
<td>32939</td>
<td>34567</td>
<td>34175</td>
<td>36617</td>
<td>38734</td>
<td>40413</td>
<td>38711</td>
</tr>
<tr>
<td>6</td>
<td>Importation of Girls</td>
<td>12325</td>
<td>10001</td>
<td>9984</td>
<td>9966</td>
<td>10950</td>
<td>12214</td>
<td>11009</td>
</tr>
<tr>
<td>7</td>
<td>Immoral Traffic Indecent representation of women</td>
<td>46</td>
<td>89</td>
<td>149</td>
<td>67</td>
<td>61</td>
<td>67</td>
<td>48</td>
</tr>
<tr>
<td>8</td>
<td>Torture</td>
<td>5510</td>
<td>5748</td>
<td>5908</td>
<td>4541</td>
<td>3568</td>
<td>2659</td>
<td>2474</td>
</tr>
<tr>
<td>9</td>
<td>Sexual Harassment</td>
<td>1043</td>
<td>1378</td>
<td>2917</td>
<td>1562</td>
<td>1200</td>
<td>1025</td>
<td>845</td>
</tr>
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</table>
Violence Against Women

It would be extremely naïve to say that violence against women does not exist. Despite the ostensible acceptance of women being equal to men, and a plethora of laws and human rights guarantees, violence against women (VAW), which is also referred to as gender-based violence (GBV), is a reality that has assumed huge proportions. Not only does violence against women exist, in our vocabulary of progress it has taken on insidious forms that are justified in the name of faith, community, even development.

A quick look through the daily newspapers will give us an idea of the epic proportions the phenomenon has taken. Sample some of these facts from around the world:

At least one out of three women has been beaten, forced into sex, or abused during her lifetime. On most occasions, the abuser was a member of the woman’s family or someone known to her. One woman in four has been abused during pregnancy. More than 60 million women worldwide are considered ‘missing’ as a result of sex-selective abortions and female infanticide, according to an estimate by Nobel Laureate Amartya Sen.

The World Health Organization has reported that up to 70% of female murder victims are killed by their male partners. Interpersonal violence was the 10th leading cause of death among women between the ages of 15 and 44. Population-based studies report that between 12 and 25% of women have experienced attempted or completed forced sex by an intimate partner or ex-partner at some point in their lives.
And, in India, according to the National Crime Records Bureau’s (NCRB) 2005 Crime Clock, there is:

- 1 crime committed against women every three minutes
- 1 molestation case every 15 minutes
- 1 sexual harassment case every 53 minutes
- 1 kidnapping and abduction case every 23 minutes
- 1 rape case every 29 minutes

And those are only the reported and recorded statistics. What’s more:

- Four out of 10 women in India have experienced violence in the home.
- 45% of women have suffered at least one incident of physical or psychological violence in their life.
- 26% have experienced at least one moderate form of physical violence.
- More than 50% of pregnant women have experienced severe violent physical injuries.

According to the NCRB, approximately 6,000 women are killed in India every year because of dowry. Unofficial estimates are as high as 15,000 deaths a year. In other words, between 16 and 40 women die every day because of dowry.

Shocking as these figures are, they are actually a gross underestimation of the actual situation, because crimes against women are highly under-reported. In India, there are 496,514,346 girls and women. If all of them experience sexual harassment just once a year, and report it, the figure would be staggering.

\[\text{Census of India 2001.}\]
Among the crimes listed by the NCRB, rape, molestation, sexual harassment, murder and dowry deaths are reported more frequently than dacoity, arson or counterfeiting. The frequency and intensity with which VAW is perpetuated is no less than the ‘terrorist’ attacks India is experiencing. What makes VAW more dangerous is the fact that the State, on several occasions, chooses to ignore VAW as something that happens within the ‘private’ sphere of the family, something not of ‘public’ significance, and thus non-deserving of State intervention.

What is VAW?

An act of violence amounts to GBV/VAW when:

A woman is violated because of being a woman, which means her gender is the reason why she is being violated. For example, if a woman faces domestic violence because she does not follow the ‘traditional’ role of a wife.

A woman is being violated as a woman; it is the form of violation that is sex/gender-specific. For example, being raped is very gender-specific. Although men also get raped, it is primarily women who are at the receiving end of sexually-penetrative violence.

When gender can be considered to be a risk factor that makes a woman’s fear of being violated more acute than that of a man in similar circumstances. For example, being a Muslim woman in Gujarat during the 2002 riots made one more vulnerable to certain kinds of violence. Thus, being both Muslim and a woman heightens the incidence of violence. It is necessary to note that not all victims of GBV are female. Men are victims of GBV as well, for example gay men who are harassed,
beaten and killed because they do not conform to socially acceptable norms of being a man.

VAW includes, but is not limited to:

**Psychological violence:** Encompasses various tactics to undermine a woman’s self-confidence such as yelling, insults, mockery, threats, abusive language, humiliation, harassment, contempt and deliberate deprivation of emotional care or isolation.

**Physical violence:** The most obvious ranges from pushing and shoving to hitting, beating, physical abuse with a weapon, torture, mutilation and murder.

**Sexual violence:** Any form of non-consensual sexual activity (i.e. forced on a person) ranging from harassment, unwanted sexual touching to rape. This form of violence also includes incest.

**Financial violence:** Encompasses various tactics for total or partial control of a couple’s finances, inheritance or employment income. May also include preventing a partner from taking employment outside the home or engaging in other activities that would lead to financial independence.

**Spiritual abuse:** Works to destroy an individual’s cultural or religious beliefs through ridicule or punishment, forbidding practise of a personal religion or forcing women or children to adhere to religious practices that are not their own, etc.

All violence does not have to be blood and gore. It can also be very subtle. A person can make a contemptuous gesture, swear or pass a lewd remark, make an obscene gesture with the hands, whistle or leer at another. Even if such exchanges are fleeting, they leave their mark. VAW can take physical, psychological as well as sexual forms - thus the above
categories overlap and are not mutually exclusive. It needn’t always take the form of overt acts of bodily violence but can also be manifested through deprivation, neglect or discrimination. For example, physical violence by an intimate partner is often accompanied by sexual violence, deprivation, isolation, neglect as well as psychological abuse.

Defining VAW

The United Nations Declaration on the Elimination of Violence against Women (DEVAW) defines VAW as:

“Any act of gender-based 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.”¹⁴ (DEVAW, Article 1)

Reasons that sustain and escalate GBV are:

<table>
<thead>
<tr>
<th>Cultural</th>
<th>Gender-specific socialization Culturally demarcated roles for men and women Expectations of performing fixed roles in familial relationships</th>
</tr>
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<tbody>
<tr>
<td>Economic</td>
<td>Women’s economic dependence on men Limited rights over land and property Limited employment opportunities and adverse employment conditions</td>
</tr>
<tr>
<td>Legal</td>
<td>Discriminatory laws on marriage, divorce, property and violence Low levels of legal literacy insensitive treatment of women and girls by the police and judiciary</td>
</tr>
</tbody>
</table>

¹⁴ The United Nations Declaration on the Elimination of Violence against Women, Article 1.
Political Under-representation of women in positions of power in politics

VAW not considered as a serious political issue Notions of the family being private, beyond State intervention


The UN has identified six underlying causes of VAW:

**Historically unequal power relations:** The political, economic and social processes that have evolved over many centuries have kept men in a position of power over women.

**Control of women’s sexuality:** Many societies use violence as a way to control a woman’s sexuality, and likewise in many societies violence is used to punish women who exhibit sexual behaviour, preferences and attitudes that violate cultural norms.

**Cultural ideology:** Culture defines gender roles and some customs, traditions and religions are used to justify VAW when women transgress these culturally assigned roles.

**Doctrines of privacy:** The persistent belief in many societies that VAW is a private issue seriously impedes attempts to eradicate this violence.

**Patterns of conflict resolution:** Links have been identified between VAW in the home and community in areas that are in conflict or that are militarized. Often, heightened insecurity means that tensions within the home are more pronounced and can contribute to the perpetuation of VAW in the family. Equally, because eyes tend to be on the conflict, women’s suffering is often overshadowed. VAW is also frequently used as a formal military tactic.
**Government inaction:** Government negligence in preventing and ending VAW establishes a tolerance of VAW throughout the community.

**Stages of Women exploitation**

In the grip of growing consumerism, violence against women has been rapidly increasing and a legitimate human right issue in connection to their socio-economic stability has got impetus. Violence against women is inextricably linked to issues of gender equality and gender mainstreaming. Violence Against Women encompasses but is not limited to physical, sexual and psychological violence, firstly, occurring within the family, secondly, occurring within the general community and thirdly, perpetrated or condoned by the State.  

Trafficking of women is strongly associated with economic disparity as prevailing in the country which brings massive development of women into prostitution. Therefore, several researches, systematic investigations are being performed to find out the spatio-temporal variation in this regard to ensure women a dignified life. International research network on violence against women (IRNVAW) has been studying worldwide pattern of such violence to share experiences and formulate strategy implication in this context. Contrary to popular belief, child prostitutes are not primarily children lower socio-economic circumstances but also from families from higher income group.

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15 Article 2; The Declaration of the Elimination of Violence Against Women, 1993.
If a cyclic concept of women exploitation is assumed for convenience of research, one can identify the stages at which they are being victimized. For example, at the stage pre-birth, despite illegal, sex selective abortion has been taking place, because in many developing countries like India, it is still thought that baby girl would be a burden of a family in future and in rural areas, the same is considered along with the concept that they would not be economically and socially productive as they have not physically strong like men. Hence, despite employing enough labour force for economic development, women are not paid properly and thus they are economically deprived section of Indian society.  

At the infancy stage, she is looked after with ignorance particularly in case of education, health care and nutrition. Consequently from the initial stages of development, they remain weak and isolated. This is because of the same reason as stated earlier. Thus, there is a tendency in rural India in particular to over-emphasize on baby boy considering their future probability of application.

At the time of childhood, due to constant ignorance, women are victimized in the form of child abuse and trafficking for lucrative business spread all over the world both for labour and sex. Therefore, it cannot be denied that the child labour act of 1986 does not bring remarkable positive impact as the majority of child labour in rural India is female.

At the stage of adolescence, pitiable form of violence or exploitation is noticed in the form of prostitution, trafficking, early marriage, crime committed against women etc. This is a stage when they

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19 Ibid.
become matured, can understand the social and economic bondage and being realized this tyranny, they are either compelled to choose prostitution or unintentionally abused for sex. In addition, being considered as burden, they have to face early marriage very often as decided by their family. Sometimes, this results psychologically disorder among them. Moreover, the young women or teenagers are victimized to satisfy a few gangsters by providing sex and beauty.

At reproductive age, they have to face domestic violence, if get married. Moreover, at this time, they are sexually, psychologically and physically tortured by intimate partner or non-partner also. Consequently, homicide is very common as read out in common newspapers in all parts of the country.

At the time of elderly, she becomes helpless due to absence of workability or sexual beauty. Consequently, they are again ignored and exploited. Thus, the history of women life is a garland of stigma or misery. There is no stage at which she gets honour due to their traditional oppressed life lead without protest. Although, this is not true in case of females who are socio-economically established but interestingly some of them intentionally insist men folk of society to do offensive works to live more and more economically comfortable by advertising themselves in naked way in different media. Despite the high level commitment to achieve MDGs, the millennium project report of 2005 states that “gender equality remains an unfulfilled goal”. The report recognizes the need to include specific intervention to address gender inequality. Therefore, it is a fact that, each and every part of the country of India is being endangered by gender bias significantly which needs immediate careful

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handling for the sake of human right, otherwise, it is clear that this wound will be acute and the resultant effects as experienced everywhere from rural to urban will damage the synthesis between elements of society.

Ignorance, violence and crimes committed against women in India have emerged as alarming issue which reflects countries socio-economic disability which in turn threatens the dignity and honour of womenfolk of the country. Being ranked almost in last order in GNP (Gross National Product), 50 percent of its female population lives below the poverty line. Most of them have not any earning to meet their expenditure to improve their social status due to male dominated patriarchal society of the country. It is found that most of the women of rural India are engaged in agricultural activities and a few women are associated with service sector in urban place, which signifies the lack of women work force in secondary and tertiary sector of economy, the consequence of which results socio-economic development hindrances to them. Hence, they are victimized very often and have to face oppression in all socio-economic fields. In the sphere of patriarchal set up, women have to face ignorance at every steps like at workplace, in education, in domestic life and so on. Even phases of social and economic development along with so called globalization, liberalization cannot pay any honourable impact to improve their quality of life and that is why, the number of victimized women has been rising. In addition, rural India has exceptionally high rate of child malnutrition, because tradition in rural India requires that women eat least and least throughout their lives, even when fragment. Lack of well planned educational, economic and social programmes from grass

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root level is highly responsible for such acute and pitiable scenario of the women in the country.

In this context it should be mentioned that women being vulnerable by this sort of negligence are compelled to divert themselves to choose dark route of survival in the form of “abused” or “sexually exploited” product of consumption. In most cases, they cannot get justice despite their voices for survival to get rid of violence.

Commercial Sexual Exploitation of Women

The underlying causes of commercial sexual exploitation of women include poverty, gender discrimination, war, organized crime, globalization, greed, traditions and beliefs, family dysfunction, and the drug trade.

Armed conflict creates special risks of sexual violence and exploitation for women and children. Desperation may force women and children into prostitution. Refugees are vulnerable to demands for sex by camp officials, border guards, police officers, and military personnel. In war-torn Colombia and Sierra Leone, girls as young as 12 have been forced to sexually submit themselves to armed soldiers in order to defend their families.

"There are few more shocking violations of children's rights than sexual abuse and exploitation," declared Bellamy. The Convention on the Rights of the Child, the landmark UN treaty ratified by 191 nations, states that a child has the right to be free from abuse, to receive an education, and to play - all of which are casualties of exploitation. The damage endures long after the violations: sexually exploited children suffer harm -
sexual, physical and emotional - that can last a lifetime or result in their early death.

Commercial sexual exploitation of children and trafficking are two elements of the more pervasive problem of sexual abuse. Victims are at high risk of unwanted pregnancies and of contracting HIV/AIDS and other sexually transmitted diseases. The minority of children who do manage to escape the sex trade face social stigma, family rejection, shame, fear of retribution, and the loss of future economic prospects.

Confronting these forces calls for leadership. Laws are needed to promote children's well-being and protect them from abuse. These laws must be enforced with tough criminal penalties against abusers. And there must be alternatives that enable children and families to live in dignity.

Education is vital to preventing sexual exploitation of children. It empowers children to protect themselves, and schools can teach children to avoid high-risk situations.

Transnational partnerships are required to tackle this global crime. Important recent treaties include the International Labour Organization Convention 182 passed in 1999 that bans the worst forms of child labour. The Optional Protocol to the Convention on the Rights of the Child, passed in 2000, prohibits the sale of children, child prostitution, and child pornography.

UNICEF is addressing the underlying causes of child sexual abuse by working to improve access to and quality of education, raising awareness, and advocating for children's rights. UNICEF supports programmes that help communities become the first line of protection for children, and is also advocating strengthened legislation and legal
enforcement to stop the commercial sex trade of children. In Cambodia, a UNICEF-supported programme rescued 148 victims from brothels, and 260 at-risk street children received recovery services and reintegration assistance. In Albania, UNICEF works with a local non-governmental organization that runs reintegration classes for street children, 80 per cent of whom have been exploited in Greece or Italy.

In Kenya, an NGO named SOLWODI (Solidarity with Women in Distress) uses peer educators to reach women and girls at risk of being drawn into the sex trade, and offers them counselling, home visits and education on issues such as HIV/AIDS, drug abuse, women's rights, and vocational skills.

Commercial sexual exploitation of children is a clandestine scourge, so accurate statistics are hard to come by. Because children are frequently shuttled through underground networks of traffickers, most sexual exploitation of children never comes to the attention of government authorities. In many countries, it is not even recognized as a problem. Nevertheless, it is estimated that approximately one million children (mainly girls) enter the multi-billion dollar commercial sex trade every year. As the following estimates reveal, this is a global issue:

Children and women subjected to commercial sexual exploitation:

100,000 in the Philippines
400,000 in India
100,000 in Taiwan
200,000 in Thailand
244,000-325,000 in the United States
100,000 in Brazil
35,000 in West Africa
175,000 in Eastern & Central Europe

Some other causes of exploitation of women are discussed in the following way:

**Objectification**

*Advertisement*

Pro-feminist cultural critics such as Robert Jensen and Sut Jhally accuse mass media and advertising of promoting the objectification of women to help promote goods and services.\(^{23}\)

Clothing designer Calvin Klein has himself been a critic of the use of women in advertising, having said:

"Jeans are about sex. The abundance of bare flesh is the last gasp of advertisers trying to give redundant products a new identity."\(^{24}\)

*Films*

In considering the way that films are put together, many feminist film critics have pointed to the "male gaze" that predominates in classical Hollywood film-making. Budd Boetticher summarizes the view thus: "What counts is what the heroine provokes, or rather what she represents. She is the one, or rather the love or fear she inspires in the hero, or else the concern he feels for her, who makes him act the way he does. In


herself the woman has not the slightest importance."25 Laura Mulvey’s germinal essay "Visual Pleasure and Narrative Cinema" (written in 1973 and published in 1975) expands on this conception of the passive role of women in cinema to argue that film provides visual pleasure through scopophilia and identification with the on-screen male actor.26 She asserts: "In their traditional exhibitionist role women are simultaneously looked at and displayed, with their appearance coded for strong visual and erotic impact so that they can be said to connote to-be-looked-at-ness," and as a result contends that in film a woman is the "bearer of meaning, not maker of meaning."27 Mulvey argues that Lacan’s psychoanalytic theory is the key to understanding how film creates such a space for female sexual objectification and exploitation through the combination of the patriarchal order of society, and 'looking' in itself as a pleasurable act of voyeurism, as "the cinema satisfies a primordial wish for pleasurable looking."28

Music videos

Gan, Zillmann and Mitrook found that exposure to sexually explicit rap promote distinctly unfavorable evaluations of black women. Following exposure to sexual rap, as compared with exposure to romantic music or to no music, the assessment of the female performers' personality resulted in a general downgrading of positive traits and a
A general upgrading of negative ones. A 2008 study by Zhang et al. showed that exposure to sexually explicit music videos was associated with stronger endorsement of sexual double standards (e.g., belief that it is less acceptable for women to be sexually experienced than for men). Exposure to sexual content was also associated with more permissive attitudes toward premarital sex, regardless of gender, overall television viewing, and previous sexual experience. However, Gad Saad argues that the premise that music videos yield harmful effects and that the harm would be sex-specific (e.g., women's self-concepts will be negatively affected) has not been supported by research.

A survey found that 72.2% of black, 68.0% of white, and 69.2% of Hispanic youths agree with the suggestion that rap music videos contain 'too many' references to sex.

Modeling

The use of size 0 in advertisements and products of the clothing industry has been met with criticism. For example, Dawn Porter, a reporter from the UK, who had been challenged to go on an extreme celebrity 'size zero' diet for a new BBC programme, Super Slim Me, logged her experiences about her journey to a size zero.

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A study conducted in the UK found evidence that anorexia nervosa is a socially transmitted disease and exposure to skinny models may be a contributing factor in the cause of anorexia nervosa.\(^3\)

**Modesty and Obscenity**

In 1946, George Mikes, a writer of Hungarian origin who studied law, wrote, "Continental people have sex life; the English have hot water bottles," in How to be an Alien and, in a later book, he continued, "They think that the high circulation of porn magazines is a sign of high sexuality and not of high neurosis. ...England may be a copulating country but it is not an erotic country."\(^3\)

Our laws seem to be outdated and our conceptions skewed. The Indian judiciary has spent a great deal of time trying to define what is modest and what is obscene, and in some cases, the lack of more appropriate laws has made it necessary for Courts to convict persons under archaic laws which deal with modesty or obscenity for acts which are clearly wrong and unacceptable but which cannot be considered to be illegal under any other provision of the law.

Another problem is that a large number of women have had modesty thrust on them in various forms—in Kashmir, the Dukhtaran-e-Miltat encouraged women to wear the veil while in many other parts of the country, colleges have adopted dress codes of varying degrees of severity. Some require women to wear Salwaar Kameezes, others prohibit jeans and sleeveless shirts, and one Mumbai college banned the colour red.


\(^3\) Mikes, George, *How to be a Brit* (London: Andre Deutsch), 1984.
Indecent Representation

Pornography is easily available in India (just as it is in the rest of the world). In fact, any discussion about the availability of pornography is ludicrous in the Age of Online Porn. And, whether or not one wants to admit it, it is closely linked to prostitution and to trafficking: 'today, the hunt for cheap, easy prey has been made significantly easier because the prowlers know exactly where to click.'

Every once in a while, the Government or someone else-usually an over-the-top organization rambling on about Indian Culture-does make a bit of a noise about porn being viewed at cyber cafes or about obscenity in general; no, too surprisingly, it never amounts to much although they have managed to get pubs and clubs to close down early all over the country. While some feminists view mass media in general to be objectifying, they often focus on pornography as playing an egregious role in habituating men to objectify women.

In Effects of Prolonged Consumption of Pornography, a review of pornography research conducted for the Surgeon General in 1986 Dolf Zillmann noted that some inconsistencies in the literature on pornography exist, but overall concluded that extensive viewing of pornographic material may produce some negative sociological effects, including a decreased respect for long-term, monogamous relationships, and an attenuated desire for procreation. He describes the theoretical basis for these conclusions stating:

The values expressed in pornography clash so obviously with the family concept, and they potentially undermine the traditional values that favor marriage, family, and children... Pornographic scripts dwell on sexual engagements of parties who have just met, who are in no way attached or committed to each other, and who will part shortly, never to meet again... Sexual gratification in pornography is not a function of emotional attachment, of kindness, of caring, and especially not of continuance of the relationship, as such continuance would translate into responsibilities, curtailments, and costs...39

Television

Blonde women are over-represented among newscasters and television stars, conveying the impression that blonde hair is more beautiful or desirable.40

Domestic Violence

"Violence against women in general, and domestic violence in particular, serve as essential components in societies which oppress women, since violence against women not only derives from but also sustains the dominant gender stereotype and is used to control women in the one space traditionally dominated by women, the home."41

Domestic violence is one of the few phenomena which cuts across every imaginable cultural, political, socio-economic, ethnic, religious and educational boundary, and, absurdly enough, not only appears to be directly proportional to a woman's education but also prevails among the

39 Ibid., pp. 16-17.
40 Alan Wells, Mass Media & Society (Greenwich, CT, USA: Ablex Publishing Corp.), 1993.
so-called elite of society, and among the well-educated: in one case-
Marepally Venkatta v/s State of Andhra Pradesh, 2002\textsuperscript{42}-a scientist killed 
his wife by inserting mercury into her vagina; she died forty-four days 
later.

\textit{Wife Battering}

Wife Battering is also known as “silent crime” is violence against 
the wife by the husband that takes place normally within the four walls 
of the home. Violence towards women in the context of marriage 
becomes more significant because a husband who is supposed to love 
and protect his wife batters her and it becomes a shattering experience 
for the wife since she trusts him. To add fuel to the fire is the societal 
compliance to such forms of violence. Especially in countries where 
authoritarian family systems prevail, wife abuse is regarded as a private 
affair and continues to have considered to be the home, looking after the 
children and the husband, and therefore, the whole society gets geared to 
the family and it is not willing to recognize the existence of violence in 
the family setting. The society gives acceptance to male dominance and 
this result in men developing an attitude that they have the right to treat 
the women as they want. They assume that the woman is not going to 
tell anyone because having wedded to him she becomes his personal 
property. Thus, they have learnt how to manipulate the isolation in 
in which the woman gets placed and use violence as a means to maintain 
and reinforce women’s subordination. Dobash and Dobash are of the 
view that “Females whether they be sisters, mothers, wives or daughters, 
are more likely to be subject to control through the use of physical force 
than are their male counterparts – and it is in their capacity as wives that

\textsuperscript{42} 2000 CrLJ 3055 (All)
the risk is the highest and the danger the greatest."43

There are evidences to indicate that wife beating is by far the most common type of family violence. Levinson had conducted detailed and descriptive study of 90 pre-literate and peasant societies of the world and came to the conclusion that wife beating was most common and frequent form of family violence.44

Women from the poorer class were frequently subject to wife beating by alcoholic husband; the cause of quarrels was invariably the man demanding the hard earned money of the wife for his drinking. Working class women do not suffer loss of self-esteem and do not blame themselves for the phenomenon. They have witnessed violence by men – in their own families, in the neighbourhood etc. before their marriage. It is attribute it to the crowded living conditions, economic hardship and so on.

Among the middle-class, the unemployed wife is dependent on the husband who controls the purse and yet she has the burden of keeping up middle-class standards; even if the wife earned an income she spent all of it on house-keeping and as the husband usually earns more and has a higher social, occupational status, the wife derives no authority from her being an economic contributor. In fact, her employment outside is seen as a threat to the authority of the husband and in-laws so beating and verbal insults are used to subjugate her.

Women’s experience of battering has direct consequences not

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only for their own well-being but also for their families and communities. Apart from the physical injuries the worse consequences appear to be the sexual and reproductive health difficulties affecting pregnancy and child birth. Worse than the physical pain however, is the emotional anguish of being forced into sex. The psychological trauma that these women experience, especially in the first few weeks or months after marriage, are high levels of fear, anxiety and distress. This disrupts their ability to concentrate and to perform even simple mental activities that require concentration and affect their social, occupational and other areas of functioning also. Their faith and trust in people and world get into suicidal tendencies. Divorce was not perceived as the favoured option by the women to come out of the abusive situation. It has certain inter-generational consequences also. Violence tends to get carried over from one generation to another.

India's Vision 2020 Report has said that the Vision 'must have special focus on bridging the existing gaps in the various levels of development and endeavour its best to fulfill the Constitutional commitment of raising the status of the vulnerable groups vis-à-vis the rest of the society. Increasing gender equity is an important challenge of the coming years. The UNDP's gender development index ranks India 108 among 174 countries in terms of gender equity. It is no coincidence therefore that countries ranking highest on this index are among the most prosperous in the world. Gender equity and social development are inseparably interlinked. Reducing the disparity in nutritional, literacy and educational levels between the sexes is essential for realization of the country's full potential.

However, recognizing that unless specific remedial action is taken, higher economic growth and better education in themselves will
not eliminate and may even aggravate gender-based inequalities fighting
gender-based violence has become a priority for Governments and
international organizations all over the world even though, for much of
history, many forms of violence such as domestic violence were not only
ignored but also legally condoned.

Some females fall prey to violence before they are born, when
expectant parents abort their unborn daughters, hoping for sons instead. In
other societies, girls are subjected to such traditional practices as
circumcision, which leave them maimed and traumatized. In others, they
are compelled to marry at an early age, before they are physically,
mentally or emotionally mature. Women are victims of incest, rape and
domestic violence that often lead to trauma, physical handicap or death.
And rape is still being used as a weapon of war, a strategy used to
subjugate and terrify entire communities. Soldiers deliberately impregnate
women of different ethnic groups and abandon them when it is too late to
get an abortion. The Platform for Action adopted at the Fourth World
Conference on Women declared that rape in armed conflict is a war crime
-- and could, under certain circumstances, be considered genocide.

Dowry Deaths

An extreme form of domestic violence is the burning of young
married women by husbands and in-laws for not satisfying their excessive
dowry demands. A large number of these cases are reported as suicides or
accidents. There have been several organizations that have come up to
resist dowry and to seek justice in cases of dowry murders but a great deal
of community and neighbourhood support is necessary to make them
There are large numbers of unnatural deaths of young, married women which get reported as suicides or accidents but could well be suicides due to harassment by the family or even outright murders. An exceedingly large number of burn cases among women aged 16 to 30 seem suspiciously convenient kitchen accidents – Malini Karkal’s study on Colnorie’s reports in Bombay appear to point to increasing violence against young married women.

Control and Abuse of Women and Girls’ Sexuality

The control and abuse of women and girls’ sexuality creates and maintains women’s oppression all over the world. Men hold the important decision making positions in all social, political and religious institutions that organize and control society. Through this institutional power, men construct culture, pass laws, and enact policies that serve their interests and give themselves the power to control women and children in public and private spheres. Men’s definition and control of female sexuality constructs and regulates women and girls’ sexual activity. Voluntary, as well as involuntary, violations of society’s man-made rules mark women as tainted and immoral, and bring dishonor to the family.

Repression and Exploitation—Complementary Forms of Control and Abuse

Repression and exploitation are different, but complementary, forms of control and abuse of female sexuality. Women and girls’ sexuality is repressed by strict control on sexual activity through such customs as placing a premium on girls’ virginity, basing family honor on

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the sexual control of daughters and wives, exacting severe punishment for adultery, preventing equal access to divorce, and segregating girls and women from boys and men.

Patrichy

Patriarchy is a social system in which the role of the male as the primary authority figure is central to social organization, and where fathers hold authority over women, children, and property. It implies the institutions of male rule and privilege, and is dependent on female subordination. Most forms of feminism characterize patriarchy as an unjust social system that is oppressive to women. As the feminist and political theorist Carole Pateman writes: "The patriarchal construction of the difference between masculinity and femininity is the political difference between freedom and subjection."

Patriarchal religions, which mold most of the cultures of the world, subordinate women and girls to men. Fundamentalist movements, whether Christian, Jewish, Hindu or Islamic, advocate the repression of women and girls’ sexuality. Women and girls’ interaction with men and boys is closely monitored and restricted and their bodies and hair covered in a way deemed to be modest. For example, under the influence of Islamic fundamentalism, women are required to wear full body coverings, such as chadors and burqas. Punishment for sexual misconduct can be severe, as in Iran, where women can be legally stoned to death.

Poverty

47 MacMillan Encyclopedia of Sex and Gender p. 1104.
Poverty, lack of educational and economic opportunities in one's hometown may lead women to voluntarily migrate and then involuntarily trafficked into sex work. As globalization opened up national borders to greater exchange of goods and capital, labor migration also increased. Less wealthy countries have fewer options for livable wages. The economic impact of globalization pushes people to make conscious decisions to migrate and be vulnerable to trafficking. Prostitution is not the world's oldest profession, as is commonly said, although it is probably one of the world's oldest forms of men's violence against women and girls. It seems old because men's sexual exploitation of women and children is ancient and defended as a part of men's natures that they have to have sex, even if it is purchased, forced or with a child. Prostitution is not natural or inevitable; it is abuse and exploitation of women and girls that results from structural inequality between women and men on a world scale. Prostitution commodifies women and girls and markets their bodies for whatever acts men have sexualized and want to buy. Rarely are adult men treated this way.

The majority of girls enter prostitution before they have reached the age of consent. Each year for the past decade, the average age of girls in prostitution has declined, especially in Asia and Africa where men have created a demand for young girls, assuming they are free of HIV. Girls are sold into prostitution by relatives. Pimps recruit them after they run away from home. They enter prostitution after enduring incest, abuse and rape by acquaintances, which accommodates them to violence and

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exploitation until eventually they think this is their role in life. Poverty, desperation to support family members, and drug addictions compel women into prostitution. When the social infrastructure collapses as a result of war, famine, and economic crisis women turn to prostitution as a last resort.

No matter how women and girls get into prostitution, it is difficult to get out. Pimps and brothel owners use violence, threats, and addictions to drugs and alcohol to control the woman, sometimes keeping them in slavery-like conditions. Often women can leave prostitution only after they are used-up, become ill, and no longer make money for the pimps. Women in prostitution are further burdened with a stigmatized identity that is impossible to escape, unless their pasts are kept a secret.

There is no dignity in prostitution. Many of the acts of prostitution, including those that are photographed in the making of pornography, are intended to degrade, humiliate and express domination over women. They are acts of misogyny, not respect or affection, and have nothing to do with love or intimacy. Women don’t emerge from sexual exploitation into positions of power, respect or admiration. They remain powerless as individuals and an underclass as a group.

**Gender Inequalities and Discrimination**

Gender inequality and discrimination are root causes of violence against women, influenced by the historical and structural power imbalances between women and men which exist in varying degrees across all communities in the world.

Violence against women and girls is related to their lack of power and control, as well as to the social norms that prescribe men and
women's roles in society and condone abuse. Inequalities between men and women cut across public and private spheres of life, and across social, economic, cultural, and political rights; and are manifested in restrictions and limitations on women's freedoms, choices and opportunities. These inequalities can increase women's and girls' risks of abuse, violent relationships and exploitation, for example, due to economic dependency and limited survival and income-earning options, or discrimination under the law as it relates to marriage, divorce, and child custody rights. Violence against women and girls is not only a consequence of gender inequality, but reinforces women's low status in society and the multiple disparities between women and men.51 Gender inequalities that restrict women from surviving in the formal sector also push women into informal sectors.52

Migration

Women who have entered a society alien to them are especially vulnerable to being subjected to exploitation and violence since they often do not know their rights and even if they do, they may not know how to protect themselves. Difficult political situations such as civil war and conflict are push factors for migration and trafficking. A study reported that countries with less press freedom, the richest and the poorest countries, and larger countries are likely to engage in more sex trafficking. Specifically, being in transition economy made a country nineteen times more likely to be ranked in the highest trafficking category, and less labor market gender equality also correlated with

51 UN General Assembly, 2006.
higher trafficking rates.53 ‘Mass migrations due to poverty, pauperization and prejudice ensure that rootlessness, ethnic tensions and violent lawlessness are a feature of nearly every city of the developed democratic world’54 and one of the manifestations of this phenomenon is that those who are violent at home now have access to a market of both women who are illegally trafficked and women who migrate, whether or not legally, to India primarily from Bangladesh and other neighbouring countries.

Moreover, women who migrate to marry ‘threaten’ the local women, particularly those who are already married, because their husbands may divorce them in favour of (younger) migrants thus often leaving them in poverty after decades of marriage.

**Human trafficking**

Human trafficking is the trade in human beings, most commonly for the purpose of sexual slavery or forced labour, or for the extraction of organs or tissues55 and even surrogacy and ova removal.56

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also referred to as the *Trafficking Protocol*) is an international agreement attached to the UN Convention against Transnational Organized Crime (CTOC) which entered into force on 25 December 2003. This protocol is one of three

which supplement the CTOC. The *Trafficking Protocol* is the first global, legally binding instrument on trafficking in over half a century, and the only one with an agreed-upon definition of trafficking in persons. One of its purposes is to facilitate international cooperation in investigating and prosecuting such trafficking. Another is to protect and assist human trafficking's victims with full respect for their rights as established in the UDHR. The *Trafficking Protocol* defines human trafficking as

(a) [...] the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

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"Child" shall mean any person under eighteen years of age.\textsuperscript{58}

The \textit{Trafficking Protocol} was adopted by the United Nations in Palermo in 2000 and entered into force on 25 December 2003. As of March 2013 it has been signed by 117 countries and ratified by 154 parties.\textsuperscript{59}

\textbf{Social norms}

\textit{Demand for commercial sex}

Abolitionists who seek an end to sex trafficking explain the nature of sex trafficking as an economic supply and demand model. In this model, males' demand for prostitutes lead to a market of sex work, which in turn fosters sex trafficking, the illegal trade and coercion of people into sex work, and pimps and traffickers are 'distributors' who supply people to be sexually exploited. Some pimps' and traffickers' desire for women who they can exploit as workers who do not require wages, safe working circumstances, and agency in choosing customers may facilitate the demand for sex trafficking.\textsuperscript{60}

\textbf{Lack of equal opportunities}

Equal opportunity is a stipulation that all people should be treated similarly, unhampered by artificial barriers or prejudices or preferences,

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\textsuperscript{60} Berger, Stephanie M. "No End In Sight: Why The "End Demand" Movement Is The Wrong Focus For Efforts To Eliminate Human Trafficking," \textit{Harvard Journal of Law & Gender}, op. cit.
\end{flushright}
except when particular distinctions can be explicitly justified. The aim according to this often complex and contested concept is that important jobs should go to those “most qualified” – persons most likely to perform ably in a given task – and not go to persons for arbitrary or irrelevant reasons, such as circumstances of birth, upbringing, friendship ties to whoever is in power, religion, sex, ethnicity, race, caste, or involuntary personal attributes such as disability, age, or sexual orientation. Chances for advancement should be open to everybody interested such that they have “an equal chance to compete within the framework of goals and the structure of rules established.”

**Traditional practices**

In many countries, women fall victim to traditional practices that violate their human rights. The persistence of the problem has much to do with the fact that most of these physically and psychologically harmful customs are deeply rooted in the tradition and culture of society.

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65 Ibid.
67 Equal Opportunity, Princeton University, 2008, retrieved 2011-09-12
Female genital mutilation

According to the World Health Organization, 85 million to 115 million girls and women in the population have undergone some form of female genital mutilation and suffer from its adverse health effects.

Every year an estimated 2 million young girls undergo this procedure. Most live in Africa and Asia -- but an increasing number can be found among immigrant and refugee families in Western Europe and North America. Indeed, the practice has been outlawed in some European countries.

In France, a Malian was convicted in a criminal court after his baby girl died of a female circumcision-related infection. The procedure had been performed on the infant at home.

In Canada, fear of being forced to undergo circumcision can be grounds for asylum. A Nigerian woman was granted refugee status since she felt that she might be persecuted in her home country because of her refusal to inflict genital mutilation on her baby daughter.

There is a growing consensus that the best way to eliminate these practices is through educational campaigns that emphasize their dangerous health consequences. Several Governments have been actively promoting such campaigns in their countries.

Son preference

Son preference affects women in many countries, particularly in Asia. Its consequences can be anything from foetal or female infanticide to neglect of the girl child over her brother in terms of such essential needs as nutrition, basic health care and education.
In China and India, some women choose to terminate their pregnancies when expecting daughters but carry their pregnancies to term when expecting sons.

According to reports from India, genetic testing for sex selection has become a booming business, especially in the country's northern regions. Indian gender-detection clinics drew protests from women's groups after the appearance of advertisements suggesting that it was better to spend $38 now to terminate a female foetus than $3,800 later on her dowry.

A study of amniocentesis procedures conducted in a large Bombay hospital found that 95.5 per cent of foetuses identified as female were aborted, compared with a far smaller percentage of male foetuses.

The problem of son preference is present in many other countries as well. Asked how many children he had fathered, the former United States boxing champion Muhammad Ali told an interviewer: "One boy and seven mistakes."

Early marriage

Early marriage, especially without the consent of the girl, is another form of human rights violation. Early marriage followed by multiple pregnancies can affect the health of women for life.

Rape

The notion that a woman is to blame for rape is convenient for a male-dominated society. The allegation always is that she was provocative. She seduced. Even if she did not, she should be able to protect herself through the fire of her chastity. Mahatma Gandhi too
believed that a chaste woman should be able to ward off rape and if she could not she should give up her life.70

Rape can occur anywhere, even in the family, where it can take the form of marital rape or incest. It occurs in the community, where a woman can fall prey to any abuser. It also occurs in situations of armed conflict and in refugee camps. In India, there are several forms of rape: (a) rape within marriage (b) rape within family (c) rape as caste/class domination (d) rape against children, minors and unprotected young women (e) gang rapes during war, political upheavals as an instrument of revenge (f) custodial rapes (g) stray, unpremeditated rapes.

In the United States, national statistics indicate that a woman is raped every six minutes. In 1995, the case of a Brazilian jogger raped and murdered in New York City's Central Park drew international attention once again to the problem. The incident occurred only a few years after an earlier sensational jogger-assault case in which the victim -- an American assaulted in the same general area of the park -- barely survived after her assailants left her for dead.

Sections 375 and 376 of the Indian Penal Code (IPC) define and provide punishment for the crime of rape. The general principle in Section 375 is that if a man has sexual intercourse with a woman below the age of 16, with or without her consent, he is guilty of rape. But if the woman is his wife and above 15 years of age, the act is not rape. This means that marital rape is not a crime in India. A nominal punishment is provided if the wife is between 12 and 15 years of age, or is living separately from him.

In such a context, to rape a woman is to “loot”, “destroy”, “defile”, “shame” the man to whom she “belongs”. Examples of this can be seen in times of war and caste, communal or racial conflict, where the men of one “side” systematically terrorize and humiliate the other “side” by raping women. In such situations, the entire State machinery is behind the “offender”; even the women of the dominant community support the “punishment”. This is why ‘marital rape’ is still not a crime in India, because the law cannot even imagine how the husband can violate his own wife, who is his property.

Given the unequal power equations involved in rape, the woman is under tremendous pressure to uphold family honour, and it becomes extremely difficult for her to report the offence and make it public fearing a backlash against her own character. Women are trained to be helpless and physically weak, but if a woman is raped she is expected to offer stiff resistance and, as proof of such resistance, show physical injury. Since rape is considered a fate worse than death, she is expected to struggle till she succumbs to death or fights off the rapist.

Though rape is sexual coercion, it is not a perversion or crime of passion. It occurs only within the social matrix of a patriarchal society because it is unknown in tribal societies where women have a more equal status. Rape is violation of a female’s integrity and dignity as a person. Fear of rape is a pervasive instrument controlling woman and curtailing their freedom. Girls are socialized to fear men and are confined, protected and escorted in the interests of safety. Rape is analogous to theft. In fact in the Indian languages, it is customarily referred to as robbing a woman of chastity; dishonouring her. A chaste woman or girl is one who observes the codes prescribed for her – total abstinence in the case of unmarried girls, and total sexual fidelity to the married partner in
marriage. Since so much store is set by woman’s purity, rape is a dishonor, a shameful thing for a woman and maximum social stigma is attached to it. It is one crime where the victim is the one who faces rejection and not the oppressor.

Sexual assault

Within marriage

In many countries sexual assault by a husband on his wife is not considered to be a crime: a wife is expected to submit. It is thus very difficult in practice for a woman to prove that sexual assault has occurred unless she can demonstrate serious injury.

Child sexual abuse

When Pinki Virani wrote *Bitter Chocolate* in 2000, the book sent shockwaves through the ‘Happy Indian Family’. For the first time, popular consciousness started questioning what was understood to be the most secure space for children. We were aware of children’s vulnerability to sexual abuse -- but were convinced that it happened to ‘bad’ children, from ‘bad’ families, in ‘bad’ places. In case a ‘good’ child, from a ‘good’ family was abused, the abuser would invariably be a ‘bad’ stranger. *Bitter Chocolate* shattered this myth and laid bare the fact that sexual abuse of children cuts across class, caste, cultural and economic backgrounds.

Yet, in India there is no separate law on child sexual abuse (CSA). The only legal recourse for the offence of CSA are rape and outraging of modesty, which fail to arrest the unique nature of the sexual abuse of children. As the above provisions only consider peno-vaginal penetration to be rape, they provide for an extremely inadequate and moralistic understanding of other forms of abuse faced by girls who are not ‘raped’.
The law on rape in the IPC only covers CSA of girl-children where peno-vaginal penetration has taken place. Most often CSA does not take this form, but ranges from exhibitionism and touching to all forms of penetration (including penile-anal, penile-oral, object-vaginal, and finger-vaginal). In cases of CSA concerning girl-children, where penetration of the vagina has not taken place, Section 354 (outraging of modesty) comes into operation. Another major inadequacy of this provision is the quantum of punishment. For CSA amounting to the gravest forms of molestation just falling short of penetration, it stipulates a maximum of two years imprisonment, as against a minimum of seven years imprisonment for ‘rape’. None of the above Sections provide any protection to boy-children who face sexual abuse.

Sexual harassment in the workplace

Sexual harassment in the workplace is considered a violation of human rights, and an affront to the dignity of the person harassed. It is viewed as a manifestation of violence against women that results in creating an atmosphere of discrimination against her. It is seen as unacceptable conditions of work which have detrimental effects for both female employees and the employer.

Sexual harassment can take the form of ‘harmless’ banter or unwelcome physical conduct. Sometimes, a boss may use sexually tinged language with a female colleague; demand that she meet him after office hours for a ‘relaxed and quiet dinner for two’; or even threaten her career options using sexual harassment to silence her. Sexual harassment at the workplace violates one’s freedom and personal dignity, goes against the right to work in a healthy environment free of discrimination, and is unequal and discriminatory behaviour.
A survey conducted for the National Commission for Women (NCW) in July 1998, covering over 1,200 women in both the organized and unorganized sectors, found that nearly 50% had experienced gender discrimination or physical and mental harassment at work. Yet, 85% of them had never heard of the existence of any law against sexual harassment. Only 11% of them were aware that they could seek legal redressal in cases of sexual harassment, and that sexual harassment was an offence punishable by law.

The NCW survey found women in the unorganized sector more vulnerable to sexual harassment than women in the organized sector. Apart from sexual harassment, 32% of the women covered in the survey also reported discrimination in salaries, leave, promotions, work distribution and working hours.

The horrific story behind the inception of the Supreme Court’s Vishakha Guidelines against sexual harassment at the workplace, etched into celluloid in the 2000 film Bawandar, is now famous. Bhanwari Devi, a 50-something-year-old social worker in Rajasthan, fought as a saathin against the insidious practice of child marriage. As part of her job in the villages, she tried to stop the wedding of an infant girl, less than a year old. Outraged by the audacity of this woman -- of low caste, no less -- who was challenging tradition, five men from the upper-caste family of the infant gang raped Bhanwari Devi in the presence of her husband.

In the immediate aftermath of the rape, Bhanwari Devi’s unthinkable trauma only festered as the village authorities, the police and doctors all dismissed her situation. A trial court acquitted the accused.

Appalled at the blatant injustice and inspired by Bhanwari Devi’s unrelenting spirit, saathins and women’s groups from all over the country
launched a concerted campaign to bring her justice. They filed a petition in the Supreme Court of India, under the collective platform of Vishakha, asking the court to take action against sexual harassment faced by women in the workplace: Bhanwari Devi had attracted the wrath of the men solely on the basis of her work. The result was the Supreme Court judgment of 1997, popularly known as the Vishakha Guidelines.

The judgment created mandatory sexual harassment prevention guidelines for the workplace, applicable all over India. All employers or responsible heads of institutions (including schools, colleges, hospitals, etc) must institute certain rules of conduct and take preventive measures to stop sexual harassment in the workplace. The guidelines direct employers and/or authorities to set up complaints committees within the organization, through which women could make their complaints heard.

These complaints committees must be headed by women, and at least half its members should be women. To prevent undue pressure from within the organization, the committee should include a third-party representative from a non-governmental organization or any other individual conversant with the issue of sexual harassment.

According to the Supreme Court, sexual harassment includes any unwelcome:

- physical contact and advances
- a demand or request for sexual favours
- sexually coloured remarks
- showing pornography
- any other unwelcome physical, verbal or non-verbal conduct of a sexual nature
The court guidelines took a broad view of the “workplace”, which includes educational and other institutions -- any place where working relations exist. Similarly, “employer” is to include all “responsible persons” or “persons-in-charge” in the public or private sector for ensuring a safe and healthy work environment.

What the judgment stresses is the presence of the ‘unwelcome’ element, in word or action, of a sexual nature. Any form of sexual attention becomes harassment when it is ‘unwelcome’. Whether the perpetrator intentionally or unintentionally sexually harasses a person is not the issue. How the person, at whom it is directed, receives that behaviour is crucial because of the subjective nature of sexual harassment.

Along with the above remedial measures, the judgment also suggested certain preventive steps to be taken by employers:

An express prohibition of sexual harassment as defined above should be notified, published and circulated in appropriate ways.
Amendment of conduct service rules to include sexual harassment as an offence and provide for appropriate discipline against an offender.
Providing appropriate work conditions in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at workplaces, and no employed woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

Therefore, sexual harassment in the workplace is a growing concern for women. Employers abuse their authority to seek sexual favours from their female co-workers or subordinates, sometimes
promising promotions or other forms of career advancement or simply creating an untenable and hostile work environment. Women who refuse to give in to such unwanted sexual advances often run the risk of anything from demotion to dismissal.

**Custodial violence against women**

Violence against women by the very people who are supposed to protect them -- members of the law enforcement and criminal justice systems -- is widespread.

Women are physically or verbally abused; they also suffer sexual and physical torture. According to Amnesty International, thousands of women held in custody are routinely raped in police detention centres worldwide. The report of the Special Rapporteur underlines the necessity for States to prosecute those accused of abusing women while in detention and to hold them accountable for their actions.

**Violence against women in situations of armed conflict**

Rape has been widely used as a weapon of war whenever armed conflicts arise between different parties. It has been used all over the world: in Chiapas, Mexico, in Rwanda, in Kuwait, in Haiti, in Colombia. Women and girl children are frequently victims of gang rape committed by soldiers from all sides of a conflict. Such acts are done mainly to trample the dignity of the victims. Rape has been used to reinforce the policy of ethnic cleansing in the war that has been tearing apart the former Yugoslavia.

The so-called "comfort women" -- young girls of colonized or occupied countries who became sexual slaves to Japanese soldiers during the Second World War -- have dramatized the problem in a historical
context. Many of these women are now coming forward and demanding compensation for their suffering from Japanese authorities. "Such rape is the symbolic rape of the community, the destruction of the fundamental elements of a society and culture -- the ultimate humiliation of the male enemy", the report by the Special Rapporteur noted. It stressed the need to hold the perpetrators of such crimes fully accountable.

Violence against refugee and displaced women

Women and children form the great majority of refugee populations all over the world and are especially vulnerable to violence and exploitation. In refugee camps, they are raped and abused by military and immigration personnel, bandit groups, male refugees and rival ethnic groups. They are also forced into prostitution. The protection of women and girls in refugee camps: improvement of security, deployment of trained female officers at all points of the refugees' journey, participation of women in organizational structures of the camps and prosecution of government and military personnel responsible for abuse against refugee women.71

Torture and Inhuman treatment

Torture is a serious violation of human rights and is strictly prohibited by international law. As the use of torture strikes at the very heart of civil and political freedoms, it was one of the first issues dealt with by the United Nations (UN) in its development of human rights standards. One of its earliest measures was to abolish corporal punishment in colonial territories in 1949. International law prohibits

71 The United Nations Department of Public Information DPI/1772/HR-- February 1996.
torture and other forms of inhuman and degrading treatment, which cannot be accepted under any circumstances.

Despite being stringently outlawed, torture continues to be practiced in a majority of countries round the world. A 2001 report by Amnesty International highlighted the use of torture by 140 states between 1997 and 2001, and found that every year thousands of perpetrators beat, rape and electrocute other human beings.

What is torture?

In the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment torture is defined as

"any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity". (Article 1)

Definitions of torture vary slightly between different international treaties but generally cover any act which:

- causes severe pain or suffering;
- is intentionally inflicted on a person;
- is done to obtain information or a confession, punishment for an act he or a third person has committed or is suspected of having committed, or to intimidate or coerce him or a third person, or for any reason based on discrimination of any kind; and

- is done at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity.

The term "torture" encompasses a variety of methods including severe beatings, electric shock, sexual abuse and rape, prolonged solitary confinement, hard labour, near drowning, near suffocation, mutilation, and hanging for prolonged periods.

Although there is no exhaustive list of prohibited acts, international law has made it clear that torture is "cruel, inhuman, or degrading treatment." In addition to the types of severe pain and suffering mentioned above, torture thus also includes being forced to stand spread eagle against the wall for hours; being subjected to bright lights or blindfolding; being subjected to continuous loud noise; being deprived of sleep, food or drink; being subjected to forced constant standing or crouching; or violent shaking.

Moreover, torture is not limited to acts causing physical pain or injury. It includes acts that cause mental suffering, such as through threats against family or loved ones.

And, regarding human scientific experimentation conducted by governments without the knowledgeable consent of victims, the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment does not contain this provision, although the earlier prohibition against torture in article 7 of the International
Covenant on Civil and Political Rights stipulates that "no one shall be subject without his free consent to medical or scientific experimentation." The human experiments conducted by the Nazis during World War II would fall under this category.

Whether the definition of torture encompasses judicial corporal punishment (e.g. amputation, branding and various forms of flogging, including whipping and caning) or the death penalty, is a contested issue. Article 1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment, often referred to as the UN Convention against Torture, excludes "pain or suffering arising only from, inherent in or incidental to lawful sanctions". Some states have used this provision to argue that legally authorized criminal penalties resulting in physical harm do not constitute torture. Moreover, they claim that this wording by its very existence legitimizes the use of the death penalty or corporal punishment. Opponents disagree saying these provisions are without prejudice to other international treaties which safeguard the right to life and the security of a person. In fact, in some cases, international and regional institutions have found that certain forms of corporal punishment do amount to torture or inhuman and degrading treatment.

**Traumatization**

Psychological trauma is a type of damage to the psyche that occurs as a result of a severely distressing event. When that trauma leads to posttraumatic stress disorder, damage may involve physical changes inside the brain and to brain chemistry, which changes the person's response to future stress.

A traumatic event involves a single experience, or an enduring or repeating event or events that completely overwhelm the individual's
ability to cope or integrate the ideas and emotions involved with that experience. The sense of being overwhelmed can be delayed by weeks, years or even decades, as the person struggles to cope with the immediate circumstances. Psychological trauma can lead to serious long-term negative consequences that are often overlooked even by mental health professionals: "If clinicians fail to look through a trauma lens and to conceptualize client problems as related possibly to current or past trauma, they may fail to see that trauma victims, young and old, organize much of their lives around repetitive patterns of reliving and warding off traumatic memories, reminders, and affects."72

Trauma can be caused by a wide variety of events, but there are a few common aspects. There is frequently a violation of the person's familiar ideas about the world and of their human Rights, putting the person in a state of extreme confusion and insecurity. This is also seen when people or institutions, depended on for survival, violate or betray or disillusion the person in some unforeseen way.73

Psychological trauma may accompany physical trauma or exist independently of it. Typical causes and dangers of psychological trauma are sexual abuse, employment discrimination, police brutality, bullying, domestic violence, indoctrination, being the victim of an alcoholic parent, the threat of either, or the witnessing of either, particularly in childhood, life-threatening medical conditions, and medication-induced trauma.74

Catastrophic events such as earthquakes and volcanic eruptions, war or other mass violence can also cause psychological trauma. Long-term exposure to situations such as extreme poverty or milder forms of abuse, such as verbal abuse, can be traumatic (though verbal abuse can also potentially be traumatic as a single event). However, different people will react differently to similar events. One person may experience an event as traumatic while another person would not suffer trauma as a result of the same event. In other words, not all people who experience a potentially traumatic event will actually become psychologically traumatized.\(^{75}\)

Some theories suggest childhood trauma can lead to violent behavior, possibly as extreme as serial murder. For example, Hickey's Trauma-Control Model suggests that "childhood trauma for serial murderers may serve as a triggering mechanism resulting in an individual's inability to cope with the stress of certain events."\(^{76}\)

** Honour Killings**

Honour killings in India are, for the most part, a result of allegations of infidelity—in which women are killed by their marital families—or else, a result of an intimate relationship which is considered illicit—usually an adulterous relationship or deemed 'unsuitable'—usually an inter-caste marriage after which the woman, and occasionally her husband and possibly, his family are killed by her natal family (or vice versa if it's the man's family which is doing the killing).

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Pornography

This is another form of exploitation of women, but often this is depended as freedom of expression. The two views came up which are fairly typical: (a) it is unhealthy and degrading (b) that it is freedom of expression. The freedom of expression view forgets that an individual’s actions affect others. Secondly, it fails to take note of the ways the so called individual choices are really learned behavior and there is little real freedom in it. It is difficult to estimate the circulation of pornographic literature as it is an underground activity. That there has been a proliferation of such literature, sold openly in shop and street corners. A new addition is the screening of blue movies surreptitiously in video parlours.

Exploitation and violence against women has been increasing – but such violence has existed for centuries and has never been questioned but accepted as part of the patriarchal structure. It has been more visible aspect of coercive male power and family oppression. Hence there has never been any shock or indignation expressed over it by any group in society. This total desensitizing attitude on the part of both victim and the oppressor is responsible for failing to treat such violence as a crime rather than as something that men are entitled to. Only recently has some consciousness emerged among women, that this state of affairs is unjust. The instrument of law and order and the various minions of justice still dismiss these acts of cruelty lightly. A major effort at eradication of these brutalities will first lie in increasing the sensitivity of people and society to these crimes.