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**SEXUAL GENDER-BASED VIOLENCE POLICY IMPLEMENTATION IN
INDIA**

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Sexual Gender-Based Violence Policy Implementation in India



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Abstract

Purpose: The purpose of this study was to assess the implementation of Sexual Gender-Based Violence policy in India.

Methodology: The study adopted a desktop methodology. Desk research refers to secondary data or that which can be collected without fieldwork. Desk research is basically involved in collecting data from existing resources hence it is often considered a low-cost technique as compared to field research, as the main cost is involved in executive's time, telephone charges and directories. Thus, the study relied on already published studies, reports and statistics. This secondary data was easily accessed through the online journals and library.

Results: The results revealed that there exist conceptual and contextual gaps relating to the study on implementation of sexual gender-based violence policy in India. Preliminary empirical review reveals that there was a lack of commitment to eliminate Sexual Gender- Based Violence by all stakeholders.

Unique Contribution to Theory, Practice and Policy: Resource theory may be used to categorize the key work design factors which may relate to implementation of Sexual Gender-Based Violence policy in India. The results of this research will form the basis for further research to explain the significance of implementation of gender based violence policy in India.

Keywords: *Gender Violence, Gender, Implementation, Legal Measures, Policy, Sexual Gender-Based Violence.*

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INTRODUCTION

The global prevalence of SGBV is staggering. Women are affected disproportionately. It includes physical, sexual, and psychological abuse or threats; coercion; arbitrary deprivation of liberty; and economic deprivation. SGBV takes on many forms and can occur throughout an individual's lifecycle. Available statistics at national, international and global levels set the context and make a compelling case that cannot be ignored. According to the World Health Organization (WHO), thirty-five percent of women worldwide have experienced either physical or sexual violence or non-partner sexual violence (WHO, 2020).

Sexual Gender- Based Violence (SGBV) is a very pressing issue around the world. Convention on the Elimination of All Forms of Discrimination against Women has several provisions, which are applicable to Sexual Gender- Based Violence (UNFPA, 2019). The Beijing Platform of Action of 1995 advocates for promoting research, collecting data and compiling statistics concerning the prevalence of different forms of gender-based sexual violence. One of the aims of the Beijing Platform of Action of 1995 was to prevent Sexual Gender-Based Violence (Garcia-Moreno, Marcus & Derick, 2015).

Sexual Gender- Based Violence involves men and women and usually results in physical, sexual, or psychological harm or suffering to the victims, (UNFPA, 199). It also includes threats of such acts, coercion or arbitrary deprivation of liberty. A study from World Health Organization (2022) indicates that between 16% and 52% of women worldwide are physically assaulted by an intimate partner at least once in their lives. In addition, according to the Inter-American Development Bank's special report on domestic violence, Sexual Gender- Based Violence results in direct loss of money due to healthcare, police, court costs and productivity. Besides financial losses, Sexual Gender- Based Violence has also been identified as a contributory factor to maternal mortality rate by 55 percent (World Bank, 2022).

The declaration on the elimination of the gender-based sexual violence, the protocol to the African charter on human and peoples' rights and the AU Solemn Declaration on Gender Equality are all treaties that address Sexual Gender- Based Violence (Njoki, 2021). In the Caribbean, Belize is amongst the countries that have Sexual Gender- Based Violence policies addressing the problem at the domestic front (Adele, 2019). The same can be said for Trinidad and Tobago, South Africa and Malawi (Economic Commission for Latin America and the Caribbean (ECLAC, 2015). A study done in South Africa showed that one adult woman out of every six is assaulted regularly by her mate. In at least 46% of these cases, the men involved also abuse the women's children (Russell, 1991). In addition, a study in northern Nigeria found that 16% of female patients seeking treatment for STDs were children under the age of five and 10% of these were cases of incest (UNFPA, 2019). In a representative sample taken from two districts of Uganda, women between 20-44 years reported that 41% had been beaten or physically harmed by a partner (Brown et al., 2020).

Countries around the world have passed legislation geared towards the elimination of SGBV. Since 1991, all the countries in the Caribbean enacted legislation meant to ensure protection for persons who are abused in the domestic setting (ECLAC, 2015). The CARICOM model legislation presented a useful draft for consideration by Caribbean States (ECLAC, 2015). In 1997, of the 1,036 reported cases of SGBV in Barbados, only 450 were brought to court. This shows that

majority of SGBV cases in the Caribbean are never prosecuted. In Antigua and Barbuda which has a court support programme for victims of SGBV, only 40% of victims of SGBV make applications to the court. In Saint Lucia, the court process is used only as the last resort and usually after long periods of previous abuse. In the case of Jamaica, the limited use of the Act is particularly striking.

In 2022, there were only 335 applications made in the Kingston Family Court which serves Kingston and St. Catherine, with an estimated population of over one million people (ECLAC, 2015; Adele, 2019). These studies indicated that in the Caribbean, the court system was being used to prosecute cases of SGBV. However, the numbers were very few as compared to the prevalence of the vice. The long wait before accepting the cases of SGBV places the victims at continued risk. These studies show poor implementation of SGBV in the Caribbean. However, the studies have not focused on the use of hospitals, communities and the media in the implementation of SGBV policies.

In the World Health Organization (WHO) multi-country study, women reported that their first sexual intercourse was forced, at rates ranging from less than 1% in Japan to nearly 30% in Rural Bangladesh (Garcia-Moreno *et al.*, 2015; IGWG of USAID, 2016). However, these studies assume that only women suffer from forced first sexual intercourse, a view the researcher objects to since other independent reports mention forced first sexual intercourse occurring to men in some countries such as USA. The prevalence of SGBV has been reported to be higher among women than men (Bott *et al.*, 2021).

In Lima, Peru, 40% of children and young women reporting Forced Sexual Initiation were higher than men (11%) Sexual Abuse against Men have also been reported in Namibia, Zimbabwe, Tanzania, South Africa, Cameroon and India (Krug 2022; Reza, *et.al.*, 2019; Barker & Ricardo, 2015; WHO, 2015; Barker & Ricardo, 2015; Ganju, 2015; Jejeebhoy & Bott, 2015; Betron & Doggett, 2016). These studies clearly showed that women suffer from SGBV the most compared to men. Types of gender-based violence can include female infanticide, child sexual abuse, sex trafficking, forced labor, sexual coercion, neglect, domestic violence, elder abuse and harmful traditional practices. Some of the harmful traditional practices include early, and or forced marriage, honor killings and female genital mutilation.

Sexual Gender- Based Violence has been widely recognized as a human rights issue, a theme reflected in internationally-binding resolutions and conventions. In 1996, the Forty-ninth World Health Assembly [WHA] adopted Resolution WHA49 declaring violence a major and growing public health problem across the world (Krug *et al.*, 2022; Lizle *et al.*, 2022). The Australian policy on SGBV aimed at Reducing Violence against Women and their Children 2019-2021 was developed for a 12 -year period until 2021. It identified 20 critical actions for preventing Gender Based Sexual Violence, highlighted for immediate implementation by the Australian government (Lizle, *et al.*, 2022).

The Belize policy (The National Sexual Gender- Based Violence Plan of Action 2020- 2022) also addresses Gender-Based Sexual Violence. The policy discusses rape and sexual abuse of children as a major concern and outlines sexual offence laws in the country. In Finland, their action plan (Action Plan to Reduce Violence against Women 2021) specifically focuses on sexual violence and rape (Lizle, et al., 2022). The United Kingdom's "Together We Can End Violence against

Women and Girls, a 2019 Strategic” policy is a cross-governmental strategy which addresses all forms of violence including sexual violence. Ireland also has a SGBV policy. The National Strategy on Domestic, Sexual Gender- Based Violence 2020-2014 plan which has a strong focus on primary prevention, including increasing awareness of Sexual Gender- Based Violence in the general public and recognizing the impact of violence on the individual (Lizle, *et al.*, 2022). African continent also has Nations that have passed policies against Sexual Gender Based Violence. South Africa is one such nation. SA has the National Sexual Assault Policy, 2015 which was developed to combat Sexual-Based Violence cases in the country (Federal Ministry of Women Affairs and Social Development, 2018). SGBV is also prevalent in India; however, the country has made great strides in addressing the vice.

Studies in India, Bangladesh, the USA, Papua, New Guinea and Peru indicate a high correlation between domestic violence and suicide rates (WHO, 2020). Statistics published in 2007 by the World Health Organization on studies conducted in 24 countries in America, Europe and Asia revealed that between 20% and 50% of the women interviewed reported that they suffered physical abuse from their male partners. According to an international report on the status of women in 140 countries, the number of women reporting physical abuse by a male partner during the period 1996-2015 was 21% to 60% (Naeemah, *et al.*, 2015).

Statement of the Problem

India posits a highly alarming case when confronted with gender-based violence. The deeply patriarchal structures that characterize it and the inadequate response of the state in countering its presence within the country is disquieting. India’s engagement with GBV is often whimsical and disproportionate. The cultural and social forces of the country outweigh the legislative and policy framework existing in the country to address the disproportionate level of violence faced by women. This violence is further proliferated along markers of class, caste, religion and ethnicity.

Gender-based violence in India takes myriad forms which include high levels of domestic violence, dowry death, human trafficking, sexual violence, acid attacks, unnatural offences and honor killings. These crimes are a direct result of the hierarchies that underpin the cultural and social milieu in India based on the ascriptive norms of gender. These crimes stem from the disparity in power and the resultant inaccessibility to social, cultural, political resources that are embodied in patriarchal societies.

Theoretical Review

Resource Theory

This study was guided by the Resource Theory as advanced by Goode (1971). The theory states that all social systems including the family rests on some degree of force or the threat of force. The resource theory postulates that, the more resources; social, personal and economic a person commands or perceives to command, the more force he/she can master. However, a husband who wants to be dominant in the family but has little education and a job low in prestige and income and also lacks intrapersonal skills, may choose to use violence to maintain the dominant position. Among the historical power relations responsible for Sexual Gender- Based Violence are the

economic and social forces. Economically, disadvantaged women are more vulnerable to sexual harassment.

In addition, denying women economic power and economic independence is a major cause of SGBV, this is because in some way it prolongs their vulnerability and dependence on men. Goode's Resource Theory assumed that middle class families who have more resources arising from, for instance, their prestige and better economic positions will be less likely to resort to violence or threats. This assumption may not be true in real life situation because materially rich people who are wife batterers may harm their wives due to the prevalence of ideologies justifying female subordination. There are cultural sanctions for husbands to beat their wives in certain circumstances irrespective of their economic status. Masculine constructions also require manhood to be equated with ability to exert power over others. O'Brien (2021) shows a similar line of thought in his status hypothesis. He focuses on the economic status of the husband's lower status in the family. SGBV is, therefore, seen as an act used to remedy a low status position and hence increase self-esteem. Perpetrators of SGBV commit the crime because they want to maintain power and control.

Empirical Review

Ozcurumez, Akyuz and Bradby (2021) carried out a study on the conceptualization problem in research and responses to sexual and gender-based violence in forced migration. The conceptualization of sexual and gender-based violence (SGBV) has developed rapidly over recent decades and the understanding of SGBV in the context of forced migration continues to evolve. Based on a scoping review of scholarly work and reports by non-governmental organizations and international organizations between 1993 and 2018, this study identified limitations to the current conceptualization of SGBV, and proposes a re-conceptualization. The paper argued that the existing literature overemphasizes the contexts of war zones and conflict and excludes post-flight settings, and focuses mainly on the victimization of women, excluding other at-risk groups. The tendency to focus on conflict zones and to underline the victim status of women constrains the usefulness of the conceptualization for informing research as well as protection and response. This review considers the multifaceted causes and consequences of gendered vulnerabilities and insecurities that are exposed in forced migration processes in order to make sense of SGBV as a gendered harm. Through a constructivist and de-essentializing theoretical lens, the study proposes to conceptualize SGBV in terms of continuities in forced migration occurring over time in interwoven territories and a variety of contexts from countries of origin to settlement.

Parkes, Ross and Heslop (2020) examined the ebbs and flows of policy enactments on school-related gender-based violence. While school-related gender-based violence (SRGBV) is increasingly on the agenda of international development agencies and national governments, there is little evidence on the policy processes that can more effectively address violence. Drawing on data from studies conducted during an innovative three-year action research project with UNICEF and governments in Ethiopia, Togo, Côte d'Ivoire and Zambia, this paper explored the struggles of actors and organizations engaged in developing and implementing policies linked to SRGBV at national, mid and local levels. The study examined interlinked political, conceptual and resource challenges that frequently hinder the multi-dimensional work needed to respond to and prevent the many forms of everyday violence in girls' and boys' lives. Finally, the study explored the potential

for strengthening government structures, and networks across sectors and state and non-state organizations that are able to support the creative work of school communities to recontextualize policies, in order to generate more effective multi-dimensional policy enactments.

Lugova, Samad and Haque (2020) investigated sexual and gender-based violence among refugees and internally displaced persons in the democratic republic of the Congo. Gender inequalities and abuse of power experienced by women and young girls at refugee settings further exacerbate their vulnerability to different forms of violence. This study aimed to offer an evidence-based approach to developing strategies in tackling the complex problem of sexual and gender-based violence among refugees and internally displaced persons in the Congo. The study conducted a narrative review of all the relevant papers known to the authors to explore the origins of the problem, its implications on public health, and its impact on equity. The study revealed that sexual assault survivors face physical and psychological sufferings, excruciating emotions, and profound disruption of their social well-being since they are often stigmatized and ostracized by society. The analysis of current government policies revealed a lack of programs to address survivors' specific concerns and policy enforcement problems. This study suggested strategic objectives and policy implementation steps. The proposed strategies address women empowerment and gender stigma, provision of effective health services, and adequate response action.

Parkes (2016) carried out a study on the evolution of policy enactment on gender-based violence in schools. The study examined how policies and strategies to address school-related gender-based violence have evolved since 2000, when gender-based violence within education was largely invisible. Through an exploration of policy enactment in three countries Liberia, South Africa, and Brazil it traces remarkable progress in policy, programmes, and research. The analysis asked why, despite such achievements, there is little evidence that these policy enactments have succeeded in reducing violence. The case studies revealed disconnects in the ways violence is conceptualized and acted upon by policy actors, which inhibit effective action. The study concluded that more attention is needed to the 'middle level' space between national and local policy enactments, and to tackling at national, district, school and community levels the norms and inequalities at the heart of gender-based violence.

METHODOLOGY

The study adopted a desktop methodology. Desk research refers to secondary data or that which can be collected without fieldwork. Desk research is basically involved in collecting data from existing resources hence it is often considered a low-cost technique as compared to field research, as the main cost is involved in executive's time, telephone charges and directories. Thus, the study relied on already published studies, reports and statistics. This secondary data was easily accessed through the online journals and library.

RESULTS

The results were grouped into various research gap categories namely as conceptual, contextual, and geographical.

Conceptual Gaps

Studies by Ozcurumez, Akyuz and Bradby (2021), Parkes, Ross and Heslop (2020), Lugova, Samad and Haque (2020), Parkes (2016) had a conceptual framework gap. The implementation of Sexual Gender-Based Violence policy was not established by any of the research cited. The research did not provide a clear breakdown of the of the sexual gender based violence policy implementation. Because of this, the current work aims to fill in these conceptual gaps.

Contextual and Geographical Gap

Studies by Ozcurumez, Akyuz and Bradby (2021), Parkes, Ross and Heslop (2020), Lugova, Samad and Haque (2020), Parkes (2016) had geographical gap because they weren't actually done in India. This suggests that the findings may not be applicable in India due to the fact that the methods employed in each country vary. This study was undertaken with the intention of filling that void.

CONCLUSION AND RECOMMENDATIONS

Conclusion

The study concluded that SGBV targeting the woman was prevalent in India. The study further found out that this could be attributed to the fact that the woman is seen as a weaker sex. Moreover, the study found out that rape was the main form of SGBV. For SGBV policy implementation, the study showed that indeed public awareness was the most effective strategy to use to implement SGBV policies.

Recommendations

The findings and recommendations of this study could help policy makers, for example, Gender and Social Workers in dealing with SGBV. The findings of this study reveal the persistence of SGBV in India despite the measures taken by the civil societies to address it. The study further pointed out the loopholes that exist in the implementation of these policies in India and provided strategies of strengthening the policy implementation. The study could at the same time inform individuals particularly women that there are laws protecting them from the vice and encourage them to demand assistance. Resource theory may be used to categorize the key work design factors which may relate to implementation of Sexual Gender-Based Violence policy in India that are important to this study.

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