

ENDNOTE 5: GENDER-BASED VIOLENCE

There are three working definitions of gender-based violence: 1) history of sexual abuse in childhood, 2) sexual abuse/rape, and 3) domestic violence. In 1993, the United Nations adopted the first international definition of violence against women. The declaration stated that violence against women includes:

☞ **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 deprivations of liberty, whether occurring in public or private life.¹**

By referring to violence as “gender-based”, the definition highlights the need to understand violence within the context of women’s and girls’ subordinate status in society. Many cultures in the Pacific condone and perpetuate violence against women. Such violence cannot be understood, therefore, in isolation from the norms and social structure and gender roles in the community, which greatly influence women’s vulnerability to violence.

Domestic violence

- ➔ Domestic violence is an assault or threat against you by someone you live with. This may be your husband, boyfriend, father or other family member.
- ➔ Although domestic violence usually takes place in the home, it is still a crime.
- ➔ An assault can be slapping, pushing, hitting or kicking. All of these actions are crimes. In some countries, non-physical forms of violence, such as verbal threats, are also considered crimes.
- ➔ Domestic violence is the most common form of violence and needs to be made a public issue.
- ➔ You should not think that because it is your husband, your boyfriend or a member of your family who assaults you that it is not important.

By law, this is the same as an assault by any other person. Courts may fine or imprison any person guilty of these crimes.

Why do women often remain in violent relationships?

- ➔ Fear – fear of retaliation from the one who is violent against you if you try to do something about the situation.
- ➔ Isolation – feeling that there is no one who can help you, and that even if you told other people they would not believe you and in some cases would criticise you for talking badly about your husband, boyfriend, father, etc.
- ➔ Economic dependence – feeling that you cannot leave because he has all the money.
- ➔ Frequency and severity of abuse – if the assaults are frequent and/or severe, you feel you have no choice but to stay out of fear, or to please him so that he does not assault you any further (or so that the beatings become less).
- ➔ Childhood experiences – if you have grown up in an abusive environment, you may be more tolerant of abusive behaviour than someone who has not grown up in an abusive environment. Because you have grown up in this environment, you may think that the use of violence is normal behaviour for resolving problems and conflicts (women who grow up in abusive environments are often abused later in life, or become abusers themselves).

What are some of the false ideas about domestic violence?

Many people have a false ideas about domestic violence. These make it very hard for women who suffer the abuse of a violent partner or family member. Not only do the women suffer from the brutality, but they also often don’t get the support and understanding they deserve. The false ideas often blame the woman for the abuse and find excuses for her violent attacker. Here are some of the false ideas, and the true facts.

¹ Source: www.ippfwhr.org/publications/serial_article_e.asp?SerialIssuesID=2&ArticleID=2.

False idea: Some people think that what happens inside your marriage is private and if your husband beats you it is no one else's business.

Fact: If your husband beats you it is a criminal offence. Your husband should be reported to the police and taken to court just like any other criminal.

False idea: Some people say that women whose husbands beat them are bad wives or that they deserve to be beaten because of their behaviour.

Fact: No one ever deserves to be beaten and there is no excuse for violence. The law says it is illegal to assault another person. All citizens should uphold and support the law. If a husband does not like his wife's behaviour then there are many other ways for him to deal with the problem without assaulting her. If a husband assaults his wife he is a criminal.

False idea: Some people say that men can't control their violence.

Fact: Most men who beat their wives or female relatives don't assault people outside their home. This means that they can control themselves when they want to. They choose to be violent to the women in their home.

Forms of domestic violence

Domestic violence can take many forms other than slapping, kicking and hitting. Here are some of the other forms of violence in the home:

- ➔ Sexual violence – forcing you to have sex when you do not want to
- ➔ Verbal violence – shouting, cursing, calling you names and putting you down to make you feel bad about yourself
- ➔ Social violence – confining you to the house, not allowing you to visit family or friends, constantly checking on you wherever you go
- ➔ Economic violence – keeping all the money away from you so that you have no choice but to ask him for money or for him to buy you what you need
- ➔ Spiritual abuse – using parts of scripture from the Bible to make you feel bad or feel that you are a sinner or bad person

Most, if not all, countries of the Pacific accept violent punishment, mockery, ridicule, public humiliation and severe verbal abuse of boys and girls as valid forms of discipline. Even in countries where corporal punishment is illegal, such as the Marshall Islands and Fiji, violent punishment of children is accepted both at home and at school. A study of parental practices in Fiji found that in punishing children, smacking and hitting with a stick or other object were almost as frequently employed as verbal scolding. However, the study found that violent punishment was more frequently administered to boys, and that girls were somewhat more likely to be punished by being given arduous tasks such as weeding or cutting grass.

What can you do about it?

You must decide what is best for you in your situation. You may have already tried to get help from your chief or from a church or family member. If there is a women's centre in your area, you can talk to a counsellor about what to do.

If you have children, you should also try to think about what is best for them. Many women stay in relationships because of the children, but it is important to think about what effect it has on them to see or know that their father is assaulting their mother. Will your daughters think that they too must expect to be beaten when they are married? Will your sons assume that this is how they should treat their wives? Is the violent person also violent to the children or likely to become violent towards them in the future?

If you want to use the law, here are some of your choices.

1. Going to the police

- ➔ Any crime should normally be reported to the police. If you want the police to prosecute (bring to court) the person who assaulted you, then you should make sure that the police have a written statement of what happened, signed by you. If you only talk to the police, they may not bring the attacker to court. Instead of prosecuting the

attacker the police may only talk to him and give him a warning.

- ➔ If you have any injuries, you should get a medical report as soon as possible.
- ➔ The police have a form that you should take with you to the hospital or doctor. This will help you to prove to the court when and in what way you were injured.
- ➔ Even if you are not going to ask the police to bring the attacker to court, you should get a medical certificate. You may change your mind in the future and the certificate will show that you have been assaulted before.
- ➔ Also, the certificate can be useful for other things:
 - If you want to ask for compensation from the man who assaulted you, you will need a medical certificate to prove your injuries.
 - A medical certificate and a criminal conviction against your husband for assault or a restraining order against him will help you to convince the court that you need a divorce or custody of the children.
- ➔ If you are afraid that you will be assaulted again after you have reported the attacker to the police, or that you might be threatened and forced to withdraw your complaint, you should tell the police this. Ask the police to put bail conditions on the attacker.
- ➔ Bail means that the attacker is not kept in prison until the case is heard but is allowed to live his normal life. However, restrictions (called conditions) are usually placed on him and if he breaks these restrictions he can be held in prison until the court hears his case. Bail conditions will often say that he must not do such things as contacting you or threatening you.
- ➔ Sometimes the police will ask you to have a meeting with the attacker at the police station. You don't have to go to this meeting if you don't want to. If you don't want to, you should explain this to the police, telling them your reasons.

2. Getting a restraining order

A restraining order is a court order that stops the attacker from doing certain things. You decide what protection you need and ask the court to make the order in those terms. Orders often say that the man must not:

- ➔ assault, threaten or harass you
- ➔ contact you, approach you, or try to communicate with you
- ➔ go to your home or workplace
- ➔ damage property belonging to you

Assaulting or threatening you and damaging your property are crimes even without a restraining order. The most useful part of a restraining order is that it stops the man from coming near you. Without it, you may have to wait until you are hit or some damage is done before you can get the police to help.

You will need a lawyer to help you get a restraining order. The women's centre in your area can help you, or you can go to the Public Solicitor's Office or a private lawyer. In places where there is no lawyer or other help, you may be able to ask the court clerk to assist you or you may be allowed to bring the matter before a magistrate or judge without the usual paperwork.

In some countries the court charges fees to get a restraining order, with additional fees if you want the court to give the papers to the attacker. If the court gives you a restraining order, you can ask them to order the attacker to pay this money back to you. You will have to appear in court to give evidence and you may have to appear twice. The man will also be given a chance to appear in court to tell his story.

What happens if your attacker breaches bail conditions or a restraining order?

- ➔ If your attacker breaches (breaks) a bail condition you must report it straight away to the police. In most cases, you can also report it to the Public Prosecutor's Office if you know that the office is bringing the case against him for assaulting you.
- ➔ If you have a restraining order and your attacker breaches it, you should report this to your lawyer

or, if you don't have a lawyer, to the police and the court. A breach of a restraining order is called a 'contempt of court'. This means that your attacker has not respected the court's order and the court will punish him for his disrespect.

➔ If the breach is also a criminal offence, such as

another assault, you should report it to the police and make a further complaint against the attacker.

➔ It is very important that you report breaches of bail conditions and restraining orders as soon as possible. Your attacker needs to know that any breaches will be dealt with seriously.

Who can you talk to?

The Pacific Regional Rights Resource Team (RRRT)	Private Mail Bag 2nd Floor, Pacific House, Butt St, Suva, Fiji Tel: (679) 330 5582 Fax: (679) 330 6582 Website: www.rrrt.org
UNICEF	Private Mail Bag Third & Fifth Floor, Fiji Development Bank Building 360 Victoria Parade, Suva, Fiji Tel: (679) 330-0439/1091/1881/1918 Fax: (679) 330.1667 Website: www.unicef.org
UNIFEM	Pacific Regional Office Private Mail Bag Level 5, Vanua House, Victoria Parade, Suva, Fiji Tel: (679) 330-1178/ 1118 Fax: (679) 330-1654 Website: www.pacific.unifem.org
Cook Islands	Punanga Tauturu Inc. (Cook Islands Women's Counselling Centre) PO Box 205, Rarotonga, Cook Islands Tel: (682) 21133 Fax: (682) 21131 Mobile: (682) 551349 Email: lrto@pti.org.ck
Federated States of Micronesia	National Women's Advisory Council of FSM Pohnpei, FSM FSM Women's Association Network P.O. Box PS 78, Palikir Pohnpei 96941 Phone: 691 320 5133/691 320 5379 Fax: 691 320 5854 Email: FSMFRC@mail.FMS Chuuk Women's Advisory Council c/o HIV and STI Program PO Box 400, Weno, Chuuk State 96942 Tel: (691) 330-4777/2579 E-mail: chuukhivaidsprogram@yahoo.com