

Gender-based Violence and Sexuality

An examination of the linkages

Introduction:

This policy brief aims to better inform policies and interventions to address gendered forms of violence by exploring the linkages between gender-based violence (GBV) and sexuality. These linkages have been identified during the course of Nirantar's capacity building work with organisations involved in case-based interventions to address instances of GBV across four states in India (Andhra Pradesh, Bihar, Assam, and Uttar Pradesh). The findings draw predominantly from focus group discussions and in-depth interviews with over 140 field-level staff across four organisations engaged in GBV interventions.

The concepts of gender and sexuality are inextricably and crucially linked, and cannot be used as meaningful frames for analysis in isolation. Gender and sexuality co-construct one another continually, particularly through an interaction of their norms: gender is produced and maintained through the policing of both gender and sexual norms. Sexuality and its norms, in turn, are contextually constructed on the basis of hegemonic notions of certain sexual behaviours ascribed to 'good women' and 'good men'.

The preservation of gender and sexual norms through gender-based violence, therefore, needs to be interpreted and addressed not just from a gender perspective, but also through a sexuality lens. While there is an increasingly sophisticated discourse around the gendered dimension of violence, its linkages to sexuality have been vastly underexplored, and are in most cases limited to understanding sexual violence as a form or articulation of GBV.

There are deep and complex challenges to working on GBV that a gender perspective alone does not suffice to understand or account for. The phenomenon of individuals returning to abusive spouses/partners, and the challenges associated with negotiating 'shame' and 'taboos' to access justice are just some of the elements of GBV that could be demystified through a sexuality lens. This brief constitutes an effort to explore potential linkages between GBV and sexuality, and draw out their implications for efforts to address this global challenge.

It is important to highlight that our findings are based largely on experiences of working on domestic or spousal violence. While this is a limitation of the study, it is typical of the majority of interventions on GBV which continue to focus around this rather limited scope, much to the detriment of individuals who suffer forms of violence that lie outside this realm.

Conceptualising Sexuality and GBV:

Before examining the linkages between these concepts, it is important to establish what we mean both by sexuality and GBV, as both remain contested within the academic as well as practitioner domain.

Sexuality:

A key struggle within the development sector has been, and continues to be, the liberation of sexuality from its limited association with sexual identities and orientations. Expanding this understanding involves promoting a political understanding of sexuality, much like gender, beyond biological sex or intercourse. A political approach to sexuality entails not simply an awareness of the norms of sexuality, but an understanding of why they exist, who defines and polices them, and the various ideological and material contestations in their construction and preservation. 'Political' here means understanding and challenging the structures of power that surround sexuality, and recognizing that challenging sexual norms constitutes a subversion of these established structures.

A central element of this feminist political project around sexuality is contesting the false dichotomy between sexuality and violence, between pleasure and pain. Not only is this binary false, but it obscures the possible linkages between sexuality and violence, as this brief seeks to highlight.

Gender-based Violence:

Gender-based violence is conceptualized as the violent preservation and policing of norms of gender and sexuality. An important shift in understanding this form of violence has been the change in vocabulary from VAW (Violence against Women) to GBV. While VAW identified the crucial role of gendered power in the exercise of such violence, it failed to appreciate that such violations are not restricted to women alone, but can affect anyone perceived to violate gender and sexual norms (particularly trans individuals). Further, shifting the framework from VAW to GBV helps understand how violence interacts with men and masculinities, as well as sexuality. A GBV frame essentially lends itself better to recognizing the complex linkages that gendered violence has with all the articulations of patriarchy.

With this understanding of sexuality and GBV, the effort of this brief is to draw on various field interactions to identify the linkages between GBV and sexuality beyond sexual violence as a form of GBV, and explore how these linkages can inform more effective and inclusive strategies for intervention.

Linkage 1: Sexuality as a Cause for Violence

Violence is often exercised to limit expressions of sexuality or as a tool to inhibit sexual agency in order to police various gender and sexual norms. While this has implications across genders, there are disproportionate restrictions to women's sexual liberty. Women are more frequently victim to the violent policing of sexual and gender norms through GBV. This violent policing of norms also affects others across the gender spectrum - something that becomes increasingly visible when

we see how sexuality itself is constructed on a normative basis. The hegemonic normativity attributed to heterosexuality, for instance, affects those who transgress this norm across genders, as do various other non-normative behaviors.

An expanded frame of sexuality beyond sexual identity brings to immediate light the vast spectrum of what could be considered GBV caused by expressions of sexuality. This could include cases of tangible (particularly non-normative) sexual behavior, such as engaging in sexual relations outside of marriage, suspicion of extra-marital engagements, lack of sexual satisfaction, denial of sex due to a mismatch of sexual desires and sexual insecurity/ jealousy etc. Violence linked to sexuality-related causes is not limited to responses to explicit sexual behaviors, but can also be a reaction to far more subtle (real or perceived) sexual expressions, including men routinely abusing their 'more attractive' spouses for dressing up and 'attracting attention' to themselves. In these cases, particular instances or eruptions of violence might not present a visible link to a sexuality-related cause, but deeper interrogations uncover chronic patterns of men constructing and preserving their masculinity through the violent exercise of power over women's sexual expressions.

Significant linkage reported from the field:

In our discussions with case workers, we found that an overwhelming number of cases of GBV (over 90%) were related to issues of sexuality. Reasons ranged from the wife expressing a lack of sexual satisfaction or a lack of sexual interest or willingness, jealousy and suspicion of adultery, manner of dressing and public conduct, etc.

Understanding sexuality (in the form of sexual expressions or an exercise of sexual agency) helps better identify cases of GBV, and establishes a key linkage of sexuality as a cause of violence, expanding the more mainstreamed association of sexual violence simply as a form of violence. Rape, sexual assault and other forms of encroachments on the physical body of a sexual nature are examples of sexuality as a form of violence. Sexuality as a cause of violence on the other hand, highlights the factors, such as sexual insecurity or unfulfilled sexual desire etc., that contribute to triggering gendered violence, irrespective of whether the nature of the violence is sexual or otherwise.

Incorporating this notion of sexuality as a cause of violence into policy and programming can help better identify sites of violation as well as potential victims, and help design better targeted interventions.

Linkage 2: Norms of Sexuality as a Moderator for Access to GBV interventions

An awareness of sexuality as a possible cause of GBV makes evident the reality that individuals who transgress sexual norms are differentially exposed to gendered violence. This category could include sex workers, LGBT individuals, second wives or sexually engaged non-married women (particularly the 'other woman' to a married man), or various other non-conforming categories of sexual identity or real or perceived sexual behavior.

The heightened vulnerability of this category to GBV is further problematic given the compromised access they have to GBV interventions. Through various surveys, interviews and FGDs with field staff engaged with issues of GBV, it emerged that

Exclusion of entire communities

Field workers with an organisation in Bihar refused to engage with cases involving women from the Matt Thola community, a dalit (lower caste) community traditionally engaged in sex work. Notions of the 'good' or 'worthy' victim, excluding those in any manner associated with sex work, precluded these women from access to any form of support from the organisation when faced with GBV.

these persecuted persons were also disproportionately left out of GBV intervention strategies. According to our data, 76% of people accessing GBV interventions are heterosexual, married, first wives. The VAW frame, as opposed to the GBV frame, not only limited interventions to women but also very carefully circumscribed the 'good woman', worthy of help and recourse, conforming to the many norms governing

her gender and sexual expressions and behavior. The expansion of the frame from VAW to GBV marks a significant departure in the inclusion of other gender identities, in particular trans identities, and an additional effort to break the narrow view of the categories of individuals, .e.g. the 'good woman' who are traditionally recognized as a victim of such violence.

None of the study's respondents reported any instance of GBV interventions targeting a sex worker or LGBT individual. Ironically, non-normative sexual actors (i.e. anyone but a first wife) have compromised access to various alternative avenues of recourse, including natal families, their immediate communities, local governments (e.g. Panchayats in India), the police and other law enforcement apparatus, etc. While support for LGBT individuals does exist in various forms and levels, it is often limited to urban areas and particular classes, leaving out significant chunks of the rural and urban-poor populations. An important reality here is that case workers involved in GBV interventions are often members of the communities they work with, and often they themselves reproduce and police the norms that make particular groups particularly vulnerable. Unless GBV interventions seek to address this ground-level reality, they will forever be limited in their reach.

Key to the moderation of access to GBV interventions is the construction of marriage as the only legitimate space for sexual engagement. Within this frame, it is mostly married women who are viewed as legitimate victims, and primarily married women who are able to make claims, and approach and receive assistance from organizations working directly with communities at the field level on GBV. The sanctity of the institution of marriage is so deeply institutionalized within GBV interventions that the selective acceptance and handling of cases almost legitimizes or sanctions violence against

Stigmatising 'bad women'

A partner organisation shared the case of a girl who, after marriage, realised that she was the second wife to her partner. After repeated instances of sexual violation by her husband, she returned to her natal home where she faced severe stigma from the family and community. She rapidly gained a 'bad reputation' for talking to and striking up liaisons with other men. Members of the women's group, while aware of her case, had not engaged with her prior to the training on sexuality and GBV.

the 'other woman' who might pose a threat to the institution. The centrality of marriage as the only recognized space for sexual conduct also renders invisible various instances of natal violence. Through a sexuality lens, however, we can see how marriage constitutes the point of a handing over of sexual policing from the natal to the marital family, making visible the possibility of, and providing opportunities to address, natal violence as well. Until the reification of the institution of marriage as having a monopoly on legitimate sex is itself tackled at an advocacy and policy, as well as an academic level, victims outside of the institution will struggle to find recourse.

Linkage 3: The role of sexuality in differentiating consent and coercion

The scourge of familial pressure

Ramsakhi (name changed) and her mother approached a partner organisation to file rape charges. After her divorce, Ramsakhi was living with her natal family. It was reported that Ramsakhi was sleeping in the *khaliyaan*, a room located away from the house in the fields when a man wearing a black mask raped her. Ramsakhi was pregnant and her mother said it was crucial that the rape case was pursued to ensure the possibility of her eventual re-marriage. When the case worker spoke to Ramsakhi separately and at length, it emerged that she was in a consensual sexual relationship, and that she did not want to press charges lest her lover be apprehended.

Within contexts such as some in India, the honour of families, and often entire villages and communities is tied to the sexual regulation of their women. Sexual engagement by unmarried women is considered particularly shameful, and is often violently policed with the complicity of local governance - a frame well and widely understood and recognised. Given the staunch and rigorously enforced stigma against such acts, cases of violence against women filed by family

members are often motivated by the protection of the family's honour rather than an actual act of violation, and the woman involved is often forced to be party to the case due to severe pressure and a lack of options. Here also we find the centrality of marriage precluding the possibility of sexual satisfaction for women who do not participate in marriage (e.g. widows, unmarried women, young unmarried girls etc.), even within a non-violent/ non-abusive frame. Within these contexts, it is particularly challenging to discern and distinguish between cases of consent and coercion/non-consent. Women are often under immense pressure to play the role of the 'good woman' in order to have access to justice. Thus, while honour and its related implications is already a part of the GBV discourse, the manner in which this complicates questions of consent and coercion, is a crucial issue to be considered in policy and programme design.

Interventions to address GBV often fail to both actively consider the sexuality of victim-typified women, as well as recognise the patriarchal structures that often force the reporting of cases as coercive when they are brought to the attention of the concerned woman's family/community. If interventions remain blind to these realities, and fail to challenge pervasive norms forcing stigmatisation of female sexuality, distinguishing between cases of consent and coercion will remain challenging, and the very real problem of false reporting and persecution of innocent boys will continue to plague related interventions.

A further complication to the consent-coercion distinction is the complete non-consideration of the possibility of consent in non-penile vaginal sexual acts. Due to the pervasive hegemony of patriarchal reproductive logic, non-penile vaginal sex is considered necessarily unnatural and almost inevitably treated as violence (this position is reinforced by the criminalisation of non-penile vaginal sex by Section 377 of the Indian Penal Code). Given women's compromised exposure, especially within various Indian contexts, the exclusive legitimacy ascribed to penile-vaginal sex is also about exercising norms to limit the possibilities of female sexual pleasure. Explorations for pleasure initiated by men, even when non-coercive, when brought to the attention of case workers are typically characterised as violent and coercive without broader conversations on the deeply layered and complex terrain of consent.

Criminalising non penile-vaginal sex

A women's group in Andhra Pradesh lodged a case of violence against a man who had shown his wife pornographic footage and suggested non penile-vaginal sex. When the incident came to light during a session conducted by the organisation, the case workers determined it was a violation on the basis of its 'unnatural form', without any conversation about consent with the woman concerned.

A positive political interpretation and understanding of sexuality, if taken to these cases, can help provide a possible frame to mediate questions of consent and coercion. Spaces (including women's groups, organisations working on GBV, as well as informal structures allowing conversations around such issues) informed by such an understanding of sexuality present non-judgemental platforms to facilitate crucial conversations between women and case-workers during which the consent/ coercion distinction can be carefully and meaningfully unpacked and addressed. In our own experience, intensive capacity building over a sustained period of time showed demonstrable shifts, with caseworkers engaging in constructive conversations about consent in a sensitive and non-judgemental manner.

Policy Implications:

Benefits of taking the sexuality lens to GBV:

- A sexuality perspective highlights the policing of sexuality as a crucial underlying cause of instances of GBV. This frame could help better identify (previously invisible) potential or extant instances of violence used to regulate sexuality, and address them through GBV interventions.
- Working closely with field-level staff handling GBV cases on broadening their sexuality perspective can help sensitize them to the particular vulnerability and precariousness of various gender and sexual identities, as well as other individuals (including sex workers) who transgress sexuality norms, to GBV. This is crucial to ensure broadened access to GBV interventions, particularly

for classes of individuals excluded from other institutional and non-institutional forms of redress.

- A sexuality perspective could enable case workers and field level staff to better navigate the consent-coercion divide, and provide safe spaces for women to have open and candid conversations around sexuality, including but not limited to personal contact with case workers, women's support networks that ensure anonymity etc.

How can this inform broader advocacy and policy framing around GBV?

- Recognize and address gaps in sexuality perspectives at the field level. This involves an acknowledgement of the reality that case-workers handling GBV are often part of the communities they work with, and often subscribe to the very norms that result in the perpetuation of gendered violence. Intensive training and perspective building around sexuality is crucial to comprehensively address GBV, and ensure interventions benefit the most marginalized communities.
- Work to challenge the monopoly of marriage as sole site for socially sanctioned expressions of sexuality, and challenge the impunity of the institution as a space for policing women's sexual expression and behavior. There needs to be an increasing awareness of the role of marriage as a tool to control women's sexuality, and the link between sexuality and oppressive and damaging practices like early and child marriage. This crucially entails supporting women, particularly through collective action, to challenge the legal and social structures that limit their ability to express their sexuality and assert agency.
- Advocate to enable creation of new narratives about sexuality to challenge existing norms and promote alternative expressions. This includes systematically making visible the patriarchal rationale underpinning current norms, and contesting their relevance and legitimacy, while constructing and propagating a political, positive discourse around sexuality.