

SEXUALITY AND GENDER BASED VIOLENCE

Acknowledging the
Elephant in the Room

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Nirantar

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INTRODUCTION

In the Indian women's movement, sexual violence has always been an important area for advocacy, activism and work on the ground. However, despite being at the heart of gender-based violence, and beyond the context of cases of sexual violence, issues of sexuality have not been acknowledged in greater depth by the women's movement.

In 2006, Nirantar¹ began to explore the idea of addressing issues of sexuality beyond sexual violence and particular identities, from a broader perspective of empowerment and justice. We believed that there were significant ways in which the lives of women were being impacted by issues of sexuality, which were not being addressed. We specifically wanted to engage with community-based NGOs who work with women from economically and socially marginalized communities. We, therefore decided to undertake perspective building through workshops as well as by developing teaching material on sexuality in Hindi which could be used by activists. This was particularly relevant considering the nature of engagement of the women's movements and organizations and the inaccessible content and language of the available material on sexuality. Under this 'Sexuality and Us' programme, Nirantar partnered with five community-based organisations to explore issues of sexuality within their work. The five organisations were Mahila Jan Adhikar Samiti, Rajasthan; Mahila Samakhya, Bihar; Vanangana, Uttar Pradesh; Grammonati, Uttar Pradesh and Action Aid, New Delhi. This initiative stemmed from a context in which interventions aimed at rights of women from poorer communities tend not to address sexual rights. Through trainings with field organisations, we better understood why players in the gender and development sector fear working on issues of sexuality and how we could build perspectives and capacities of NGOs in order that they might be able to be more responsive to how sexuality informs the realities of people's lives.

1. Set up in 1993, Nirantar works towards empowering women through education – by enabling access to information, promoting literacy and engendering education processes. They achieve this through direct field interventions, creating educational resources, research and advocacy, and training. Actively involved with the women's movement and other democratic rights movements, Nirantar brings concerns central to these movements into its educational work.

Over the course of eight months, 13 workshops were held with staff members and women from the community. Selected staff members from each of the five organizations, a majority of whom were in second-rung leadership positions, participated in three Training of Trainer workshops. These trainers went and trained 300 community women in total.

Gender-based Violence and Sexuality

The 'Sexuality and Us' programme enabled Nirantar to develop a grounded understanding that there are linkages between gender-based violence (GBV) and sexuality. In order to explore these linkages, Nirantar partnered with 4 organisations working on violence against women. These organizations are Mahila Samakhya Andhra Pradesh, Mahila Samakhya Assam, Mahila Samakhya Bihar, Vanangana. In this programme, 140 staff members across 4 organisations were trained, who in turn trained approximately 2,000 women. Nirantar conducted workshops with staff and helped select a pool of trainers in each partner organisation. After the initial set of trainings, the master trainers were asked to conduct workshops in their own communities, with handholding support for the first two workshops in their district. After this intensive process, each master trainer conducted workshops independently at the district, block and village level.

Gender-based Violence versus Violence against Women

Nirantar has been working on sexuality and gender based violence from a feminist perspective. Sexuality from a feminist perspective refers to a political and a positive approach to sexuality. This approach seeks to build an understanding of why sexual norms exist. This understanding is necessary in order to strengthen the ability to resist and challenge norms and to build solidarity among those who do so by establishing that there are others who fall outside the norms who are posing a challenge to them. In our explorations of sexuality and gender-based violence from a feminist perspective, Nirantar acknowledges that it isn't only women who face violence due to patriarchal institutions. Transgender people also face violence because they break gender norms, thereby challenging patriarchy. If one is to work against violence from a holistic feminist perspective, one has to include all those who are marginalized on the basis of gender and not just those who have been assigned female at birth. Thus, in this paper we prefer to use the language of 'gender-based violence' or GBV.

Methodology

In this paper, we highlight some of our findings on the linkages between GBV and sexuality. The findings are based on focus group discussions (FGDs) from the workshops and trainings, interviews held with selected participants and a baseline/endline survey conducted at the beginning and end of the programme, to map the situation and the changes thereof, if any. This report looks at GBV only in the context of domestic violence.

Interviews

Before the programme on GBV and Sexuality began, Nirantar conducted interviews with survivors of violence and staff members to understand the lived realities and linkages between GBV and sexuality. Interviews were also conducted after the trainings were over with selected participants. Nirantar conducted interviews with 4 participants from all organizations.

Trainings

Nirantar developed a 5-day training programme to explore the linkages between GBV and sexuality. Through multiple activities and small-group discussions, the trainings pushed participants to look at sexuality in their own lives and how they, as case workers, consider (or do not consider) sexuality in their case work. In these trainings, participants shared stories from their work and personal experiences which helped deepen our own understanding of these linkages.

Baseline/Endline Survey

A need for a baseline emerged when Nirantar began working on GBV and Sexuality. This baseline has enabled us to understand the realities in which the cases are being resolved by case workers and also their attitudes towards various cases and different categories of women. The baseline was conducted with the staff and caseworkers of the four partner organisations. An endline survey was conducted after the trainers conducted their rounds of trainings at the field level.

The baseline was divided into two sections. Findings were culled from a form filled by staff and a FGD. The form had several questions about the nature of cases that come to organisations, categories of women who have been accessing these programmes, their (staff members of organizations who are also case workers) understanding on issues related to marriage, inter-caste

marriage, homosexuality, disability etc. In the FGD, varied case studies (related to choice and sexuality, and all created out of real-life incidents) were narrated one by one and then there was a discussion within the group.

A total of 140 participants participated in the baseline and endline surveys and the FGDs.

This paper is divided into three sections: the first presents the findings related to the linkages between gender-based violence and sexuality; the second looks specifically at the way in which the institution of marriage mediates cases and work on GBV with a sexuality perspective. The last section makes recommendations for organisations working on GBV to strengthen their work with a sexuality perspective.

SECTION A: LINKAGES BETWEEN GENDER BASED VIOLENCE AND SEXUALITY

This section of the paper presents the findings related to the linkages between gender based violence and sexuality.

In the findings, please refer to this chart for reference:

Almost everyone	90-95%
Most	75-80%
Some	35-40%
Few	10-15%

1. BEYOND SEXUAL VIOLENCE: SEEING SEXUALITY IN GENDER BASED VIOLENCE

As mentioned before, we felt that it was importance to acknowledge linkages of sexuality and GBV that go beyond sexual violence. In the workshops, participants were asked to list out the causes of violence. Some of the causes listed were: No children, wife is 'too' attractive, wife goes out to work and husband stays at home, wife does not cook fresh food, wife does not perform her household 'duties' as a wife, husband suspects wife of having an affair, wife says no to sexual relationship, wife wants sex but husband is unable to satisfy, wife is unable to satisfy, relationship outside marriage (wife or husband), young woman chooses her own partner, wife having had a previous relationship in her youth, giving birth to a girl, early marriage, the girl does not know how to perform her role as wife, woman considered to have brought bad luck on the family, dresses up 'too much', wife does not bring dowry and many more.

Some of the causes of violence directly link with sexuality and we asked participants to list these. These included: wife being too attractive, husband suspects wife etc. Some of the causes have indirect linkages with sexuality. For instance, wife not getting dowry leads to calling off the 'first night' when the

marriage is consummated. In our analysis, we wanted to see if and how many causes of violence are linked to sexuality. In the baseline forms, it was seen that 92% of the causes of violence were linked to sexuality. This is testament to how closely sexuality is linked to gender-based violence beyond sexual violence. It is important to understand that sexual violence is a form of violence, but sexuality as a cause of violence against women needs to be underlined.

2. MANY SURVIVORS OF VIOLENCE DO NOT HAVE ACCESS TO GBV INTERVENTIONS

In the trainings, to understand the access of different categories of women to VAW interventions, we had questions in the baseline survey form on age, marital status, religion of the survivors who came to their intervention. Participants also did a participatory rural appraisal (PRA) where they reflected on the different categories of women who access the services provided by the organisation. Through this exercise, participants realised that their interventions are primarily accessed by a limited set of women, and exclude many categories of women and trans people.

Age

According to the National Family Health Survey, 58% of girls get married before age of 18. In all organisations it is clear that over 70% people who access VAW services are between the ages of 20-50. Women below the age of 20 and above the age of 50 have very limited access to these services². Women who are married off at a young age are among the most vulnerable to violence. Thus, it becomes important to reflect on whether VAW interventions are prepared and equipped to deal with young women's issues.

Religion

In both the survey and the PRA exercise, it emerged that the overwhelming majority of people accessing VAW services is Hindu. Almost 80% of the women who come to these VAW interventions are Hindus. This provokes questions of whether enough space is being created for women from other religions and how it can be ensured that women from marginalized religions have equal access to VAW interventions.

2. Ministry of Health and Family Welfare, Government of India, National Family Health Survey III, VOL II, p.212. 2007

Marital Status

In the baseline survey, 76% of women accessing VAW services were married, and 22% were single (unmarried, widowed or divorced). The numbers warrant the question: Do VAW organisations treat single women in the same way the rest of society does? We live in a society that awards the 'good, loyal married woman' privileges that empower her to ask for her rights. Further, since the women's movement is united on issues of domestic violence and has been working on this for over 20 years, there is more space for the married woman to come forward with her issues. In this heteronormative and marriage-centric context, the single woman continues to be marginalised.

It was interesting to see how single women were not even part of the collectives in one district where an organization worked. After the trainings, single women began to join collectives.

3. ATTITUDES OF CASE WORKERS TOWARDS DIFFERENT ISSUES / DESIRES/ RELATIONSHIPS

Attitudes of case workers and trainers towards certain kinds of women, issues, sexual acts and relationships have considerable bearing on who can access the programme.

Sex work

An important part of the sexuality trainings was the discussion about the politics of sex work. More than half of the total participants responded by saying that sex workers should do different kinds of work, other than sex work. While more than 80% of the participants readily acknowledged and accepted that sex workers should have human rights, almost all the participants had a hard time acknowledging the right of people to do sex work as a profession.

During the PRA exercise and in analysing the baseline forms, it was interesting to note that not one of the cases reported included a woman doing sex work. It is not that sex work does not exist in these areas or that sex workers don't face violence. However, under the patriarchal pressure to be a good woman and social worker, case workers ignore issues of sex workers, a population that is highly vulnerable to violence. If VAW interventions claim to work for women, then why are sex workers excluded from these interventions? Often people are afraid that working with sex workers will taint their own reputation or that

sex workers are 'bad women' and hence, deserve any amount of violence they face. It is important for a perspective to be built that every individual has a right to a life free from violence and fear, regardless of their occupation or sexual preferences.

In one of the districts visited, there was a community of sex workers who have been historically doing this as their work (Nat-tola). Today, many people from the community don't do sex work anymore and even look down upon those who still do sex work. In the first training, there were people (staff) from this district who were very reluctant to visit the community, even to do literacy work because they were afraid they too would be seen as 'bad women. Additionally, there were also some participants from the community who were part of committees working to end sex work and ostracized members of their own family who did sex work. After the training, the participants from the sex worker community decided to engage with sex worker's rights, disbanded the committees against sex work and mended relationships with their sex worker family and friends.

Same-sex desire

In the baseline forms, participants had to answer questions related to same-sex desire. They were given statements which they had to mark true or false. With 62% of the subjects stating that homosexuality is unnatural in the baseline, lesbian and bisexual women are clearly unable to come out and express their sexuality and seek help, especially if they are facing violence because of their sexual orientation. This ends up creating violent and oppressive spaces for lesbian and bisexual women. This homophobia denies a section of women access to VAW services and this was clearly addressed in the sexuality inputs. A clear shift in attitudes was seen in the endline, with an encouraging drop to 29% of respondents holding that homosexuality is unnatural. This suggests that with some perspective building and support, there is a possibility for more space for lesbian and bisexual women to access VAW interventions.

When we conducted the PRA, no lesbian and bisexual women were mentioned. When participants were asked why there are no lesbian or bisexual women who accessed these services, they responded that lesbians just don't come or that perhaps there weren't any such people in their locality or village. On further discussion, it emerged that it is easy to put the onus and responsibility on the

marginalised community to seek support when actually we, as case workers need to be the ones making space for people marginalised on the basis of their identity or preference. While the importance of actively creating space for people marginalized on the bases of their sexuality was discussed in the initial trainings, case workers still had a hard time taking this concept back to their communities. Homosexuality was a difficult issue for most case workers in community-level trainings. There was lot of resistance from the participants and trainers found it difficult to answer questions related to same-sex desire. One organization did not conduct any sessions on same-sex desires while conducting their community-level workshops for fear of backlash. This was a setback to Nirantar's programme, as Nirantar has been working with this organization on issues of sexuality since the Sexuality and Us programme. The difficulty to address issues of same-sex desire can also be understood in the context of fears and anxieties that the trainers themselves have on these issues. It is important to talk about same-sex desires within women's organisations and VAW interventions because small towns and villages do not have the privilege of having a separate organization for queer women. Unless these VAW interventions, address these issues, queer women will be left out of these interventions.

There were some heartening stories as well. In the endline survey, the trainers were asked to share back the experiences of the trainings that they had conducted in their districts. In one district, after the community-level training, the women shared that they had been involved in throwing out two lesbian women from their village, and they subsequently regretted what they'd done and decided to go back to those women and talk to them. In another village, there were two women who were living together. One was forcefully married to a man. However, after some months, she left her husband and the women started living together. After the training, women from the community decided to go and talk to the couple and offer support. In another community-level training, a case worker shared that while participants were not very expressive about same-sex relationships, a few same-sex couples attended the training, and some even shared their experiences of being in a same-sex relationship³. Unfortunately, the confidentiality of the training space was not respected and two women who were in a relationship with each other were outed to their respective husbands. The husbands were physically violent, pushing them to run away from home and come to the organisation for help. The organisation allowed the women to stay in their office for 8 days, a situation which would probably not have occurred before training.

3. In village communities, mostly people know about relationships outside of marriage of fellow community women. This is a phenomenon we noticed during our workshops.

Right to choice, intercaste and inter-religious cases

Though marriage is the only institution that gives one the social sanction to act on one's desires, it is important to note that only marriage that happens in the same caste, same religion and same class is accepted by society. Marriages that are determined by choice (of the people concerned) are also not accepted by the society. In the VAW interventions the number of cases addressed where couples have exercised their right to choice is very low.

In the baseline, participants were asked to mention the advantages and disadvantages of inter-caste and inter-religious marriages/relationships. The intent of the question was to assess if they were able to see inter-caste and inter-religious marriages for the structural challenges they pose to patriarchy. The responses were mixed. Almost 40-50% of the people spoke about economic benefits from the government, available to those who marry outside their caste and religion. While this may be a positive strategy of the State, as case workers, it is important to understand the linkages of caste, religion and class with patriarchy and to articulate and challenge these relationships. Most of the inter-religious and inter-caste cases which come to organizations are also Right to Choice cases. As mentioned above, in the PRA exercise, it was seen that very few Right to choice cases come to organizations, and this also included inter-caste and inter-religious marriages.

After the trainings, the attitudes of staff towards right to choice cases also became more affirming toward young people exercising their sexual and romantic agency. One of the case workers shared the case of a girl who was brought to their office by a tempo driver. The girl was the youngest of three sisters, two of whom were married to the same man. She herself was in love with the younger brother. When the older brother died, her two sister became widows and the boys' family didn't want a marriage with another girl from this family. When the girl still persisted in wanting to be with the younger brother, she was badly beaten up by her parents and brother. This is when she ran away and the tempo driver found her. The case workers counseled her for some time and then decided to help the boy run away. One day, at midnight, they helped the boy run away and let the couple stay in their office. Initially, the couple was given separate rooms, but when the case worker saw the girl go over to the boy's room, she decided to allow them their right to exercise their sexual agency even before their wedding. The case worker admitted that she had become less moralistic after trainings about sex before marriage. (While narrating, she was being very matter of fact and not at all moralistic.)

In another incident, a staff member was in a relationship with a man. She would drop letters, photos of herself etc from the 3rd floor of the hostel (she stayed in a hostel with other staff members) for him. One day, she got caught. The resource persons at the cluster level who had undergone this training was tolerant, but the coordinator got very upset and took a moralistic stance, almost firing the woman. The issue was that the coordinator, who hadn't participated in the training, went against decisions made by workers below her. The resource persons ended up taking the help of an older coordinator who had undergone this training to prevent the staff member from losing her job. Their attempts were successful.

Transgender persons and gender transgression

Gendering is the process by which rules of gender (in terms of dress, behavior, interests etc) are assigned to and enforced on the individual by family, friends and larger society. If one follows all the rules of gender, i.e. if one is a masculine man or feminine woman, then one is awarded benefits by society, while if one breaks the rules of gender, one is severely punished. For example, if a girl decides to cut her hair short, she is teased by friends, scolded by elders and is told that she is unattractive and no man will want to marry her. That said, it is important to acknowledge that many of us transgress gender norms: we go out at night, we laugh out loud. There are some people who are punished for breaking gender norms too.

'Women', Transgenders, and genderqueers (people who do not identify either as male or female, but outside of these gender categories) are punished for one common reason: for breaking the norms laid down by patriarchy. That is, 'boys' should behave like 'boys' and 'girls' should behave like 'girls'. Patriarchy makes sure 'women' and 'men' stay in the 'fixed' boxes assigned to them. Those who transgress these norms is punished and possibly face violence. Thus, it is not only women, but also transgender people who break or challenge gendered norms who are punished. Then why are we, who fight against patriarchy every day, silent about gender-based violations on others – those who identify as genderqueer or transgender?

When the PRA exercise was conducted with participants, case workers admitted that no transgender people access their service. This is a glaring gap, as

transpeople face a lot of violence and often have nowhere to go. As mentioned earlier, small towns and villages do not have the privilege of having separate groups and services for queer women and also transgender people.

During the FGD in the baseline workshops, a case study was shared about a transgender person called Mohan who faced assault from neighbourhood men while going to the field. Mohan loved to dress up and everyone teased him for this. Once the case study was shared, participants were asked for immediate responses and whether they think this constitutes GBV. In one of the states, almost all participants said that Mohan faced violence because he (sic) dressed up like a woman and the assaulters mistook him for a girl. "*Sharab ke nashe me samajh hi nahi paaye honge ki ladka hai ya ladki* (They were so drunk, they could not even make out if he was a boy or a girl)", said one case worker. Another case worker said, "*Ladka hai, lekin ladki ki tarah sajna-savarna hai. Samaj mein dekh kar usko ladkiyo ki tarah chuski liya hai. Unko farak nahi padta ladka hai ya ladki. Ladki nahi mili toh usko yehi sahi laga*". (He is a boy, but he dresses up like a girl and for some people, it does not matter. They could not find any girl, so he was assaulted).

One woman in the baseline workshops came close to an analysis in terms of patriarchy. She spoke about how society divides the responsibilities and roles of men and women in society and everyone is meant to follow those norms. She said that society feels bad when someone breaks these divisions, since it is important for these 'social' and 'natural' norms to be maintained to keep the balance of power within patriarchy.

In the endline, not everyone could make the linkages between GBV and gender transgression. However, they shared several case studies and incidents. In one of the districts, transgenders who would come to community meetings were asked to leave. However, after the training, they were allowed to come and be part of the meetings. In another state, case workers/trainers called transpeople 'ladies' before the training. Women from the collectives (Sanghas) would also tease the transpeople. After the training, they said they would go back and speak to the male-to- female transperson (assigned male at birth, but identify as female).

During the baseline trainings, after the session on transgenders and rights violations of transgender people, almost everyone said that there are transgender people in their villages or localities. However, most of them were stories of male-to-female transgender people. In only one organization, participations

spoke about female-to-male transgender people. In the endline workshops, few participants said that they had interacted with some transgender people in their areas. One of the case worker shared, "The interesting part in the training was about transgenders and to know how patriarchy influences them. Patriarchy influences men and women equally if they challenge patriarchy. We never thought that patriarchy influences transgendered people."

Non-Normative Sexual Acts

A large number of women approach GVB interventions because their partners want sexual acts that they consider to be 'unnatural' such as anal or oral sex. These desires are perceived by the women to be violative per se, whether the partners coerce them into engaging in these acts or only express a desire to engage in them. While case workers are clear about consent and chastise the man, they are often unable to engage in a manner that recognizes that many women have not had the opportunity to explore their own desires. The women and the case workers both have notions regarding 'natural' and 'normal' sexuality. The situation is illustrated in the case below.

A case worker Rani (name changed) narrated the case of a woman Shanti (name changed) who had come to the organization for redressal. The woman was 18-19 years old. She said that her husband used to beat her a lot. Rani then asked her about her sex life. (According to Rani, it is after the workshop on sexuality with Nirantar, that she has started asking survivors of violence questions related to sexuality). It was only then that the woman said that her husband beat her because she did not consent to certain sex acts that the husband wanted. On further enquiry the woman said that the husband forces her to have 'unnatural' sex and makes her 'ghoda'(horse) and 'gadha' (donkey) –referring to anal sex. When we as members of Nirantar interviewed her Shanti said: "She came to us because her husband used to beat her up. She also said that her husband does not support her financially. We tried to ask her if she had other problems. She did not mention to us any matters related to sex or sexuality." Shanti told Rani about the anal sex aspect only when Rani asked her in detail.

In our baseline, we shared this case study with participants and asked what Shanti should do and what they thought about this case. Almost everyone said that anal sex is unnatural and the husband might have some psychological

problem. There are also health risks associated with anal sex. The woman might end up getting infected. On being asked as to what else do they think about anal sex, they said, "How can anyone have anal sex, its so dirty"! Almost everyone was of this opinion. They also said that the woman suffers a lot in this kind of sexual activity as it is very painful.

In the trainings, there was indepth discussion on different sexual acts and their linkages with patriarchy. The participants were asked why peno-vaginal sex is at the top of hierarchy and other sexual acts are below. We took the participants down the hunting-gathering phase and saw how with the coming of settled agriculture and private property, there was a need to establish the paternity of the child and therefore control was sought over women's sexuality. Because of this reason peno-vaginal sex is at the top of hierarchy as against other sexual acts.

In the endline, we asked them how they would handle such cases. One participant who was very resistant in the first phase said, "It is important to note the reasons for women not accepting that particular sexual act. If women come to us, we need to first assess the information level of that woman by asking questions such as: why don't you like it? Is there a specific reason? We did not know peno-vaginal sex also before marriage. We did it even though it was new to us. In the same way, we can try anal sex." "Purush ko kaho ki patni ko tayyar kare. Lekin patni ke marzi ke bina kuch nahi ho sakta. Dono se hi baat karna padegi." (Ask the husband to help the wife be prepared for it. But it is important to take the consent of the wife. We have to talk with both of them). They even asked Nirantar where they can get gels and lubricants for anal sex. The trainers from one state shared a case where a woman came with a complaint against her husband. The woman said that the husband showed her pornographic videos and demanded to have sex with her in different positions. The case workers counseled both the husband and the wife. They counseled the woman saying that it is alright to participate in different sexual acts and also to watch porn as long as there is consent. To the man they said that he cannot force his wife to have sex without consent.

4. INTERVENTIONS ILL EQUIPPED TO DEAL WITH THREE-PARTY CONFLICT

In VAW interventions, it is seen that women who access these services the most are married heterosexual women who are also first wives. In the baseline forms

and the PRA it was seen that 8 to 10% of the women who come for counseling or support are the lover/second wife. This is probably because like the rest of society, the case workers too look at the second woman or the lover through a moralistic lens, judging her for 'breaking the sacred institution of marriage'. As a result, if this woman (the lover) faces violence or discrimination, she has very few places to go to where her issues will be seen from a rights-based approach. If one is married, one is awarded benefits, rights and space by society. VAW interventions perpetuate this trend by working mostly with cases of married women. It is important to question why single women, widows and divorcees cases do not find a space in these interventions.

Access is closely linked with attitudes of case workers towards different categories of women who are in non-normative relationships. To understand the attitudes of case workers/trainers towards relationship outside marriage, and towards the second wives/lovers and men, a focussed group discussion was conducted in the baseline in which the following case study and questions were shared.

Phoolbai's daughter got married to a man, who fell in love with someone else. Phoolbai complained to the 'sangathan' (collective) she is a part of. The sangathan leaders summoned the husband, accused him of leaving his wife and ordered him to take her back. In spite of repeated requests from him that he loved the other woman, the sangathan women held that since he had married one woman, he should stay with her and forget the other one, otherwise his face would be blackened and he would be made to sit on a donkey.

Questions:

1. *Whose rights were violated?*
2. *In which situations are relationships outside marriage valid and in which is it wrong?*

Responses to question 1:

Wife's rights are violated:

In the baseline workshops, almost everyone (98%) said that the wife's rights are violated. '*Patni ko dhoka diya gaya hai*' (The wife has been betrayed), said a

case worker. The sangathan women replied that the wife's rights are violated. '*Sita ke adhikaro ka hanan. Sita ke pratishtha ka hanan. Sita ke zindagi ke saath khilwad.* (Sita's rights are violated. Violation of Sita's stature. Sita's life is being played with), said a sangathan woman. The participants also identified themselves with the first wife. They said '*Hamari bharpaai kaise hogi.* (Who will support me?)

Lovers rights are violated:

In the baseline, almost everyone felt that the lover's rights are and will not be violated as she has herself chosen this life. However, few (10%) of them felt that the lover's rights are violated because they assumed that the husband had relationship with her without letting her know about his marital status. One sangathan woman said, '*Premika ka adhikaar ka hanan isliye hua hai, kyunki Shaadi jo kiye pati ne, vo sirf patni ke saath kiye. Aur premika ke saath sirf sharirik sambandh banaya. Usko samaj ke saamne lekar nahi dikhaye. Chupke-chupke sambandh bana rahe hai.*' (The lover's rights are therefore violated because the husband only married his wife, and he maintained only physical relationship with the lover. She was not shown to the society and the husband maintained a hush-hush relationship with the lover.)

More than half of the participants strongly felt that she should not have fallen in love with a married man and said that the lover was in an 'illegal relationship'. One participant said, "her own family members might not accept her and she will not be able to get married. Her family will not support her and she might not get any benefits with regard to property."

Husband as violator versus his rights:

In the baseline workshops, there were very strong sentiments against the husband. "*pati kharab hai, bahut harami hai... dand milna chahiye, shadi ke baad prem nahi karna chahiye*" (the husband is bad, he is a bastard. He should be punished. People should not fall in love after marriage),"*Satta istemal kar raha hai. Yeh dikhana chahta hai ki mein do patni rakh sakta hu*"(he is using power, he wants to show that he can keep two wives).

There were some other sentiments, the undertone of which reflected that the husband was a violator. One case worker said, "*Dono ko rakhe aur dono ki yaunik aur aarthik icchayeji puri kare* (he should keep both of them and should fulfil the sexual and economic needs of both). This statement also shows how

the husband is seen as a violator and he should pay penalty for falling in love outside marriage. Participants made a mockery of the husband, and made comments like this, "*do nau pe per rakhega to taang to phat jaayega hi* (if he keeps his feet astride two boats, obviously they will tear apart)".

In the endline, this scene was different. About the wife's rights, participants agreed that, "*Sita ka hanan ho raha. Pyar hi nahi mil raha hai.*" (Sita's rights have been violated because she isn't getting love) However, they were more empathetic to the lover and the man. It was evident from the way they talked about other's rights. In the endline, almost all the participants said that in cases of relationships outside marriage, they will talk to the wife that there are options of living outside marriage. They also said that marriage is made the centre of everything. It is important for the case workers to critique marriage so as to support the wife in situations where either the husband is having a relationship outside of marriage or there is some other situation which necessitates leaving the marital home, and to give her options outside of marriage.

While it is important to acknowledge that the husband has patriarchal privileges as compared to the wife, it is also important to address the rights violation that he might/or faces. In the endline, almost everyone acknowledged that the husband is a violator, but they also spoke about his right to fall in love. More than half of the participants clearly said that the husband's rights are violated because the sangathan, family etc were not allowing him to live his life with his lover. One participant said, "*Pati ki iccha ka hanan ho raha. Iccha ka dabav ho raha hai. Mansik hinsa... Icchaon par hinsa* (the husband's desires are violated, his desires are suppressed, mental violence, violence of suppression of his desires)". Some participants felt that the husband should divorce his wife and give her maintenance after which he can live with his lover.

Almost everyone said that the lover's rights are also violated. Some of the participants said that since no one supports the lover, her rights are violated most. Most of the participants in all states were of the opinion that the wife has some societal and emotional support but the lover has no such support. They seemed concerned for the lover and wondered what will happen to her if the husband leaves her ever.

Responses to Question 2:

In which situations are relationships outside marriage alright and in which are they not alright?

In the baseline, almost everyone said that it's better if people don't maintain relationships outside marriage. However, almost all said that if one of them is not satisfied, has health problems or cannot bear children then, the other (husband) can have a relationship outside of marriage. There was an assumption that only husbands have relationships outside of marriage. In one of the organisations, only two people thought that a relationship outside marriage in any context is wrong.

In the endline one participant from an organization said that "*ab humare ghar me sab kuch hota hai, to kya hum bahar jaake nahi khaate. Pet bhar ke khaana khaane ke baad bhi biscuit khaane ka man karta hai.*"(what if you have everything at home, don't you want to go and eat outside? Even if you fill up your stomach, you still may feel like you would like to eat a biscuit.) The understanding of sexuality became more nuanced after rounds of trainings. Desire in itself became important for the participants. Earlier, in the baseline, participants said that when the man cheats on the woman, the woman can go out for sex/relationship. In the endline, they articulated desire as something which is very intrinsic to their lives, something that should not be suppressed.

Therefore, even if the husband or the wife is a loving person, if one of them falls in love or has intense desire for someone else, then according to some of the participants, it was alright for the husband or the wife to have this relationship. One respondent said, "*Dil lagi gadhe se, to pari kya cheez hai?*"(what if you have an angel by your side if your heart has been given to a donkey?)

Some of them said that in situations where there are children within marriage, then relationships outside of marriage are wrong. Few people also shared that getting pregnant outside of marital relationship is also wrong. To this others said that they need to use condom. "*Condom lagaate rahe, gaadi chalti rahe.*" (Use a condom to keep the car running). Almost everyone agreed that the man should not hide his marital situation from the lover. A woman should also not hide her marital situation if she is having a relationship outside of marriage.

A participant who is a case worker reported how her approach to case work changed after attending a sexuality training:

Shanti came to the organization with a complaint that her husband was having an affair with another woman, Pinky and wanted to start living with her. I initially tried to convince the man to stay with Shanti, yelling at him sometimes. When he didn't listen and insisted on moving in with Pinky, we threatened him with public humiliation. He still didn't listen, so we started putting social and police pressure on him to at least give Shanti divorce and maintenance. We talked about the man in a derogatory manner and kept insulting him every chance we got. During the sexuality training, we were made to question our way of dealing with such cases. I realized that the man has a right to have a relationship outside marriage and we never consider that. Plus, I realized that we never consider the rights of the second woman because we are so focused on protecting the rights of the first woman. We only judge the second woman for being a 'bad woman' and 'marriage breaker'. From now on, I will try to talk to the second woman also, just to let her know that she has a non-judgement space where she can share her side of the story. And in the future, if she has issues she can come to us as well. In a case of relationship outside marriage, we need to work from the perspective that all three people involved have rights.'

5. MARRIAGE AS AN INSTITUTION AND ISSUES OF RECONCILIATION

One section of the form was dedicated to discussing the institution of marriage. While many thought the main advantage of marriage was to gain respect in society and pass down the family name, 55% in the baseline and 77% in the endline answered that the biggest disadvantage of marriage were the restrictions placed on the woman. Nearly 85% of subjects recognized that even when one is married, the only way to reap the benefits of marriage was by following all the rules of society and being a 'good woman'.

In the trainings, hours were spent discussing the pros and cons of the institution of marriage. Throughout the discussion, it was evident that many participants were reluctant to critique marriage even while they understood the disadvantages of marriage for a woman.

In the discussions, there was a lot of emphasis on talking and communication. The participants were of the opinion that the husband and the wife should always communicate as communication saves marriages. While encouraging

and sometimes facilitating dialogue between the couple is important, it can become problematic if it is done with the perspective of holding together the institution of marriage at any cost. The participants from two organizations admitted that in almost 60% of the cases they dealt with, they pushed for the reconciliation of the couple. This push for reconciliation is directly linked with the fact that the institution of marriage is placed on a pedestal.

The importance given to the institution of marriage did not lessen all of a sudden after a few trainings. However, participants were ready to challenge marriage and recognize the rights of the lover and the husband. They have also started looking at marriage from a critical angle in their process of counseling, which has resulted in making the survivor less shattered when the marriage ends. One case worker who is a trainer shared, "In the beginning of the training process, when we discussed the institution of marriage, I was uncomfortable. I didn't want to oppose the institution as such. But now I completely understand the importance of questioning it."

6. SURVIVORS GOING BACK TO ABUSIVE HUSBANDS

One of the linkages between sexuality and violence against women is that survivors of violence often go back to abusive husbands. In case work on violence against women, this is a common phenomenon. The women's movement and case workers have been struggling to understand and deal with this. At present the understanding related to survivors going back to husbands includes the factors of economic insecurity, stigma, honour of the family etc. However, linkages with sexuality are often not recognized and therefore, not addressed properly. A case shared below demonstrates the significant of this linkage.

Amba (name changed) is a woman between the age of 30-35. Her husband was younger than her and he often went to Surat for work. The husband did not have sex with her after they were married. She developed a relationship with a neighbor and one day her brother in-law found them engaging in sex. The brother in law called the police and reported that the neighbor was forcing Amba to have sex with him. She was later thrown out of the marital home. She came to one of the organizations for redressal. When the husband was summoned, he told the case worker that he does not want Amba in the house and that he wanted a divorce. Amba was at first hesitant but later agreed to the divorce. With the help of the organisation, she recovered the Rs 60,000 given at the time of the marriage as well as the jewellery. However, the case worker who had dealt with her case said that when the divorce happened, Amba cried her heart out and said that she wanted to go back to her husband. The case worker said whenever she thinks of the situation, she shudders.

When members of Nirantar interviewed Amba she said that she was not happy with the divorce. She said '*Ghar ke kisi kone me padi rehti, maarta to kya hua*' (I could have layed in some corner of the house, so what if he used to beat me.) We asked her why and she spoke about how it is difficult to live in society as a woman who has been 'left' by her husband. It was only after we repeatedly asked her why she wanted to stay with an abusive husband that she said in one sentence that sex outside marriage is a taboo and she wanted sex.

One participant said, "In the past, we've talked about violence, food, clothes but never talked about sexuality. When a woman wants to go back to her husband after a beating, we generally did not agree. But now we see that maybe she needs sex also."

7. CONSTRUCTION / DECONSTRUCTION OF THE GOOD 'VICTIM'

We interviewed a survivor of violence who had come to the organisation for help. She was a divorcee and she came with her mother to the organisation. After her divorce, she came back to her natal family and insisted on staying at the 'Khalihaan' (fields) for a few months. After a few months, she became pregnant. Her mother brought her to the organisation and said that she was raped. The woman when asked said that she was raped but she did not see the face of the rapist, as he was wearing a black mask. The case worker, who had been part of some sexuality trainings by Nirantar interrogated her separately and told her to be honest with her. After some time the survivor said that she was not raped but had sex with consent. However, she said that she does not want to convict the man and requested the case worker to not to talk about it. The case worker told the mother what her daughter had requested. When members of Nirantar interviewed the survivor, she repeated the same story of a man in a black mask raping her. We tried to let her know that she would not be judged in any way if she had anything else to share, however, we were given the same answer.

This made us realise that there are multiple narratives of a survivor. It depends on her mental state but also on the case workers' notion of 'right' and 'wrong'. To get a real picture, the caseworker needs to also address issues of sexuality, which are considered taboo. It is also important to understand that to be able to access services of justice, the survivor at times need to project herself as a

'good woman': often women who break sexual norms do not get access to these services as they are judged by case workers/service delivery mechanisms.

8. DISTINGUISHING CONSENT FROM NON-CONSENT

A significant manifestation of domestic violence is the curtailment of women's right to choice including the right to marry or not to marry. Often these cases involve violations inflicted by the family and community in the name of 'honour', often compelling the woman to become party to such a case. False cases of violence against women that are filed by family members because they are protecting the 'honour' of the family and community, are often taken at face value. It is often challenging in such cases to distinguish between consent and non-consent.

During the training, the Nirantar team shared a case study of a girl whose parents came to an organisation with a complaint that a boy from the next village raped her. The sangathan women went to the village and when they were inquiring about the house, the villagers said that the girl also used to roam around with the boy. They however went to the girl's house and talked with the girl in front of the parents. The girl confirmed that the boy had raped her and thus they lodged a complaint against the boy.

When asked to reflect on the counselling process, almost all participants regarded it as a case of non-consent. They said that due process had been followed except for some technicalities such as asking the girl to get a medical exam. Their main critique was that of the villagers who called the girl "*charitraheen*" (characterless) and that "*Ladki pe jhootha iljaam lagaya hai*" (the girl has been falsely accused).

After much discussion and trainings, the participants in the endline discussions were very clear that they need to talk to the girl separately. They acknowledged that the girl might be saying she was raped in fear of parental judgement/punishment. "*Kuch me sehmati hota hai, lekin parivaar, samaaj ke dar se kuch keh nahi paati.*" (there are some consensual cases, however, because of the fear the society, the girls cannot say anything).

When we asked why these girls and women deny having a consensual relationship, participants said that social taboos, family pressure '*dabang parivaar waale*', do not give women the space to express their sexual/romantic

desires. Due to the pressures of being a good woman and 'saving the family name', women sometimes are forced to lie about the status of consent in their sexual relations.

9. PERPETRATORS OF VIOLENCE

The Protection of Women Against Domestic Violence (PWDVA) address both natal and marital violence. However, in our study, people have reported over 80% of perpetrators of violence to be either the husband or from the marital family. Cases of spousal abuse form the majority while cases of violence from the natal family are very few. It is imperative to look at the absence of natal family violence in the cases that come to organizations. At this point, it is important to question the family unit. Perhaps, even after 30 years of the women's movement in India, the oppressive Hindu culture of 'Matrudevo bhava, Pitrudeva Bhava' (Mother is God-like, Father is God-like) is still upheld to the point that it creates blindspots and cases of natal family violence are either ignore or not given the space to come out. While case workers will readily go up in arms against spousal abuse, women facing violence from a father, uncle, or a brother, still have a harder time accessing VAW services. This might be because of a notion that parents have the right to control their child, well after she becomes an adult, a notion that is not challenged enough by the women's movement.

The study shows that only 4% of VAW cases being dealt with is perpetrated by the natal family. There is a need to explore whether Right to Choice cases, where parents and members of natal family are the main perpetrators, are being addressed properly.

SECTION B: RECOMMENDATIONS

It is important to understand that GBV and sexuality has several linkages beyond sexual violence. It is important to analyse GBV through a sexuality lens, along with other lenses like gender, caste, class. Without a sexuality lens, GBV work is incomplete and will also not address structural causes for violence against women.

Below are the recommendations for groups working on violence against women or GBV:

- Sexuality needs to be seen, not as an addition to the work that one already does, but a lens without which one's work remain incomplete.
- When we say we work on Violence against 'Women', who are the women we work with? We work with 'female assigned at birth' people who we think look and seem like women. If we work on issues of gender, and violence against marginalized people and against patriarchy, we have to also work with transpeople. Our work and understanding must be broadened, beginning with using the term 'Gender-based Violence' instead of violence against women.
- In documenting cases of violence against women, case workers should also include violations faced by transpeople.
- Intensive capacity building on sexuality, gender and the linkages of gender, sexuality with GBV are important.
- Greater recognition should be there for the need to enable and increase access for all survivors of violence, including those who are currently excluded because they are perceived to be breaking existing norms related to gender and sexuality (including lesbian and bisexual women, widows in sexual relationships, women in relationships that cross caste and religious barriers, young married women, transgender people, sex workers etc.)
- Wider range of choices based on women's needs and interests need to be offered to the survivor of violence (other than reconciliation with natal and marital families).

- The case workers need to develop skills and perspective to be able to distinguish cases of consent from non consent, particularly in situation where the so called 'honour' of the family is considered to be at stake and there is a construct of 'good women' and 'good victim'.
- Case workers also need to have a holistic perspective on sexuality so as to approach cases in which there is conflict of interest, such as in terms of sexual differences between two partners or in cases of multiple relationships and bigamy, in a more rights based and less judgmental manner. There should be nuanced understanding of why women return to abusive husbands (including women's sexual needs, a hitherto little understood factor) and therefore enhanced ability to respond to such situations.

Nirantar works towards empowering women through education by enabling access to information, promoting literacy and engendering educational processes.

We achieve this through direct field interventions, creating educational resources, research and advocacy, and training.

Actively involved with the women's movement and other democratic rights movements, Nirantar brings concerns central to these movements into its educational work.

Nirantar was set up in 1993.



Nirantar