

SEXUAL ASSAULT REPORT™

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Feminists' Alliance With the State: Retrospectively Evaluating Sexual Violence Strategies

Kristin Bumiller

In my book, *In an Abusive State* (Duke University Press, 2008), I raise concerns about the alliance that arose between the feminist movement and the state in efforts to address sexual violence. In the United States and other western democracies, reform campaigns to address the prevalence of rape and domestic violence were coincident with the growth of neoliberalism. As a result, many of these reforms are incorporated into a highly punitive criminal justice apparatus and a retrenched social welfare system.

Neoliberal politics since the late 1970s have brought about numerous changes, including the professionalization of the social service sectors, an inordinate rise in incarceration rates, increased economic and social stratification, and rising levels of insecurity and regulation of the poor and minorities. This era was also marked by notable sex crime trials, including cases of inter-racial gang rape. One of the most significant was the Central Park gang rape trials, now widely understood as a gross miscarriage of justice, which sensationalized racial stereotypes of rapists and publicized prosecutorial narratives about perpetrators

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Aftermath of a Gang Rape: Legislative Reforms and the Public Response

Richa Sharma

"Human development, unless engendered, is fatally endangered."

—Mehboob ul Haq,

Founder of the Human Development Report, Justice Verma Interview With NDTV, January 30, 2013

The Assault and Its Aftermath

A perception poll of 370 gender specialists, conducted by the Thomson Reuters Foundation, concluded that among the G20, India is the worst country to be a woman. The assessment was based on India's record on infanticide, child marriage, maternal deaths, and violence against women (Baldwin, 2012). This scathing assessment was personified in December 2012 as reports of the brutal gang rape and death of a 23 year old physiotherapy student sent shockwaves around the country. On her way home with a male companion after watching a movie in a southern locality of Delhi, Jyoti Singh was gang-raped by six men for nearly an hour on a moving bus, and penetrated with several blunt objects, leaving her with fatal injuries. Her companion was severely beaten and knocked unconscious with iron rods. Presumed to be dead, both the victims were thrown out of the bus without any clothes on. The bus driver

allegedly tried to drive over Jyoti's body, but she was pulled over to the side of the road by her companion. Both were found there by a passerby who called the police. Before Jyoti Singh died from her injuries two weeks later, she described her ordeal to the police and identified the six men, including a minor, who raped her. The men were arrested shortly after and are awaiting trial. In early March, one of the accused was discovered hanging in his jail cell. The authorities suggested that he had committed suicide.

As news of the brutal attacks made headlines nationally and internationally, thousands of Indian women and men all over the country took to the streets to show their anger and demand justice for the victims. While some called for the death penalty for the rapists, many displayed their anger at the government and the police for failing to protect Indian women. Others, however, chided the protestors and blamed the victims. While Indian President Pranab Mukherjee's son claimed that the protests had "very little connection with ... reality," a self-proclaimed spiritual guru, Asaram Bapu, claimed that the victim was to blame for her own assault,

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and that she could have stopped the attack if she had “chanted God’s name and fallen at the feet of the attackers” (Daniel & Bhat-tacharijya, 2013). Some leaders proposed that to avoid being raped, young girls should not be allowed to wear skirts to school. Others claimed that women should not go out late at night (Roy, 2012).

As such remarks drew immense criticism among the protesting public and increasing international pressure, Indian politicians were quick to condemn the heinous crime. Mamata Banerjee, the chief minister of West Bengal, called for a special session in Parliament and speedy trials for rape victims. Leaders of the opposition and other party leaders called for reforms to the sexual assault laws. While there were discussions about creating a public database for rapists and sexual crime offenders, Roy (2012) demanded that “this naming and shaming database should start at home”—with the politicians. It was discovered that six current members of the legislative assembly (MLAs) have active rape charges against them and 36 MLAs have charges against them for crimes against women. In the last five years, a total of 27 candidates who have had charges of rape filed against them were able to run in state elections (Roy, 2012).

A Note From the Publisher

As regular readers know, after ably co-editing **Sexual Assault Report** for five years, Joanne Archambault and Kimberly A. Lonsway stepped down as editors following publication of our July/August 2013 issue. We know our readers benefitted from their insights, and those of the authors whose articles they presented over the years.

This issue of **SAR** is guest-edited by Alisa Klein, MAIPS, a consultant who provides management, programmatic, and organizational development services to values-based non-profit organizations working on social justice issues, to help them become stronger and more effective. She has worked in the field of sexual

violence prevention and response for many years. We think you will find the articles she presents here of great benefit to your work.

Beginning with our November/December 2013 issue, **SAR**’s new co-editors will be Stephanie Frogge, MTS, and Karen Kalergis, MA. Stephanie is the assistant director of the Institute for Restorative Justice and Restorative Dialogue at the University of Texas at Austin, School of Social Work. Karen is the Associate Director for Education and Communications for the Institute on Domestic Violence and Sexual Assault at the University of Texas at Austin. We will introduce them more fully in our next issue. ■

Ignoring the calls to check politicians’ criminal records, the government instead commissioned a panel under former Supreme Court Chief Justice Jagdish Sharan Verma (Commission) to make recommendations for legal amendments on sexual violence (Raman, 2013).

The Justice Verma Report and the Ordinance

Drafted within a month of Jyoti Singh’s rape and murder, the 630-page Justice Verma Report (Justice Verma Report or Report) was

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during the exam and after discharge. While the clinician's relationship with patients is limited to the point of care, victim advocates may continue to work with them long after the exam is completed. Providing that initial contact at the time of exam increases the likelihood of a more positive exam experience for our patients and creates the introduction needed for the formation of a long-term relationship with advocacy.

There are a wide range of additional updates to the protocol, including revised or new content related to medical screening exams, quality assurance, exam payment, inclusion of civil legal matters that impact victims, evidence collection, and toxicology in drug and alcohol facilitated sexual

assaults. SAFE's, in conjunction with other members of the multidisciplinary response, can use the release of the Second Edition as a backdrop for examining local policies and procedures. For more information about the scope of the changes, please refer to the *National Protocol for Sexual Assault Medical Forensic Examinations, 2nd Edition*, available at <http://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>, and the accompanying *Major Updates Fact Sheet*, available at http://www.ovw.usdoj.gov/docs/safe_fact_sheet_long_final.pdf

End Notes

1. U.S. Department of Justice (2013). *National Protocol for Sexual Assault Medical Forensic Examinations, 2nd Edition* [hereinafter *National Protocol*]. Available at <http://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

2. *Id.* at 83.

3. See National Sexual Violence Resource Center's Health and Sexual Violence Online Resource Colleges for examples at <http://www.nsvrc.org/projects/healthcare-initiative/health-and-sexual-violence-online-resource-collection>

4. *National Protocol*, *supra* note 1 at 91.

5. *Id.* at 93.

6. DuMont, J. & White, D. (2007). *The uses and impacts of medico-legal evidence in sexual assault cases: A global review*. Geneva: World Health Organization.

7. Campbell, R. (2006). Rape survivors experiences with legal and medical systems: Do rape victim advocates make a difference? *Violence Against Women*, 12(1), 30-45; Campbell, R. & Bybee, D. (1997). Emergency medical services for rape victims: Detecting the cracks in service delivery. *Women's Health*, 3, 75-101.

8. *National Protocol*, *supra* note 1 at 48. ■

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based on the Commission's interactions with women's organizations, United Nations bodies, universities, numerous non-governmental organizations (NGOs), advocates, law scholars, members of various government institutions, trafficked girls, and abused children. Hailed by many as a progressive direction for Indian legislation, the recommendations included a categorical rejection of the death penalty for rapists on the grounds that it was regressive, and would make it harder to convict rapists. The Commission also

from the Report, the bill recognized stalking and acid attacks as punishable crimes for the first time. Deemed as an important victory for women demanding legal justice, the victim's "moral character" and sexual history would not be scrutinized and would no longer bear any influence on the conviction (Raman, 2013). The Bill further included a broader definition of sexual assault, including all manner of non-penetrative sexual assault as recommended by the Commission; however, it included a caveat that any range of acts such as penetration or touching may not be determined as sexual assaults if

In the Criminal Law Amendment Ordinance Bill, the terms "victim" and "perpetrator" were referred to in gender-neutral terms. While this recognized the need to address sexual violence against transgender people and boys, this terminology caused an uproar among many women's groups who argued against the suggestion that women could potentially be charged for the offense. Mehra noted, "Rape as we know it is a crime largely defined as male violence against women, with absolutely no evidence of women as perpetrators. This is in disregard of the Justice Verma recommendations too, and is totally unacceptable" (South Asia Citizen's Web, 2013). Furthermore, there was major disappointment regarding the Bill's silence on addressing marital rape and cases of rape and sexual abuse by the armed forces in conflict areas, as explicitly demanded by women's groups and recommended by the Commission. Lastly, the Bill also approved the death penalty for repeated rapists, despite the recommendation against it. The decision to disregard some of the Commission's progressive recommendations was explained by legislators as necessary in order to respect the institution of family and marriage. For instance, the Bharatiya Janata Party leader Rajiv Pratap claimed, "Imagine if the woman I have been married to for 20 years one day turns around and says I have raped her. It will shake the institution of marriage if marital rape is recognized as rape" (Raman, 2013).

Even though this new Bill is an immensely diluted version of what the Justice Verma Report recommended, it was nevertheless hailed by some groups as a "step in the right direction."

recommended criminalizing acid attacks and marital rape while broadening the definitions of sexual assault. The new definition would include voyeurism, stalking, assault with intent to disrobe a woman, and acts or gestures that constitute a threat of sexual assault. The Commission included in the Report suggested amendments to address rape by military personnel and rape by minors (Malhotra, 2013).

Within a week of the release of the Justice Verma Report, legislation called the Criminal Law Amendment Ordinance Bill (Ordinance or Bill) was introduced in Parliament. Following some of the recommendations

"such penetration or touching is carried out for proper hygienic or medical purposes" (Mitta, 2013). While no such exemption was proposed in the Justice Verma Report, the caveat in the Bill was loosely drafted, giving rise to the possibility that an accused person may be able to claim the assault was actually medical intervention. Feminist lawyer Madhu Mehra described this exemption as absurd, "given that the penetration of penis into vagina or anus is never done for hygienic or medical purposes, and given that consent is anyway mandatory for all medical procedures" (Mitta, 2013).

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Despite the glaring omissions in the Ordinance and the demands by women's groups for President Mukherjee to not sign it, the Ordinance was approved on February 4, 2013 and went into effect immediately (Prabhu & Ghosh, 2013). Even though this new Bill is an immensely diluted version of what the Justice Verma Report recommended, it was nevertheless hailed by some groups as a "step in the right direction" (Subramanya, 2013).

Law Reforms: No Silver Bullet

Despite the protests, new law, and increased awareness, reports of rape cases continue to dominate Indian headlines. The Delhi Police Commissioner, Neeraj Kumar, reported that the number of rape cases in Delhi has doubled since December, and molestation cases have increased six times over. He attributed this rise in numbers to increased reporting (Nolen, 2012). Since January, there were on average four rape cases reported a day in Delhi alone, with 181 rapes registered between January and February (Press Trust of India, 2013). Reported rapes included the following: three sisters, ages six, nine and 11, were raped, killed, and thrown into a well in a village in the state of Maharashtra (Goswami, 2013); a British woman had to jump out of a hotel window in Agra in order to escape from the hotel owner's insistence on offering a "free massage" by him at 4 a.m.; a Swiss woman on a cycling tour with her husband across central India was gang raped by a group of seven men while her husband was beaten and tied (Simpson, 2013). When questioned about the assault on the Swiss woman, the police spokesperson was quick to blame the woman and her husband for travelling through the area without speaking to the police, saying: "No one stops there. Why did they choose that place? They were in the wrong place at the wrong time. They would have passed a police station on the way to the area they camped. They should have stopped and asked about places to sleep" (Sieczkowski, 2013).

In April 2013, when the 80 year old Justice Verma passed away, protestors once again demonstrated over the brutal rape of a five year old child over two days by her neighbors (Mahr, 2013). However, this time, the protests lacked the zeal apparent at the beginning of the year; the protestors were fatigued by a "weary numbness" (Nolen, 2013). Nilanjana Roy, a feminist commentator reported:

We're cutting through decades of mainstream denial about the extreme violence that women in Indian often experience. But there's a risk that we are setting up

a weighing scale of horror, deciding which rapes deserves our empathy ... The routine gang rape of Dalit women, the brutal rapes of children too young to have learned the word for "vagina," the everyday rapes of women in major cities: Which one of these gets the candle-light vigil of the week? (Nolen, 2012).

Despite the recommendation of the Justice Verma Report to establish penalties for members of the police force who fail to act on preventing sexual assaults or filing a report, the Ordinance as passed did not include such provisions (Malhotra, 2013). While the report recommendations highlighted the need for better training and scrutiny of police, police neglect in addressing the five year old girl's rape was evident as they tried to bribe her father to "go away and not make trouble." In addition, videos surfaced showing police officers beating the mother of a six year old girl who was

sexual violence, when those meant to implement the new laws themselves evade it.

Demanding Social Change

Women's rights activists have repeatedly insisted that laws alone cannot change the prevalence of rape in India, unless accompanied by a change in the social mindset. In a survey conducted by the International Center for Research on Women in Delhi, half of the men surveyed reported having sexually harassed or perpetrating violence against women, while 78% were silent witnesses to acts of violence in public spaces (Verma, 2013). In an informal discussion with young men on violence against women in the western state of Goa, Gethin Chamberlain from the weekly newspaper *The Observer* reported the views of the men interviewed to be "alarming" and "frightening." One of the men stated: "Our culture is different. Girls are not allowed outside after

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raped and killed, as well as a senior police officer slapping women who were protesting against the police who had tried to bribe the five year old girl's father (50 Million Missing Campaign, 2013).

Reports of police officers failing to arrest relatives of fellow officers and high profile politicians who have perpetrated sexual assaults, and of police officers harassing rape victims and their families who try to file sexual assault complaints are commonplace throughout India (*Id.*). Fighting against systematic police apathy in handling rape cases, the 50 Million Missing campaign has created a petition to fire the Delhi Police Commissioner for refusing to take responsibility for corruption and violence in the recent rape cases (50 Million Missing, 2013). Mounting evidence on the complacent attitude of police in addressing reports of sexual violence, and inappropriate behavior towards rape victims and their families significantly undermine the recent legal efforts to dismantle India's culture of immunity for perpetrators of sexual violence. These attitudes and behaviors further highlight the limitations of a singular focus on law reforms as the answer to curbing

6:00 p.m. because anything can happen—rape, robbery, kidnaps. It is the mentality of some people. They are putting on short and sexy dresses, that's why. Then men cannot control themselves" (Chamberlain, 2013). Even though the group recognized that there "is no difference between girls and boys," some of the men suggested that women's families should be stricter and prevent them from going out at night. None of the young men could understand why the medical student who was gang-raped was out alone at night with her boyfriend and got onto a bus. One interviewee was quoted as saying: "You don't go as a single boyfriend and girlfriend in a late bus at 8.30 p.m. At that time anything can happen, because no one is in the bus" (Chamberlain, 2013).

Such views have come under heavy scrutiny among many pockets of Indian youth, especially young men who are contesting victim blaming. For instance, in a protest called "Skirt the Issue," 25 young men in Bangalore dressed up in skirts to demonstrate that wearing a particular style of clothing is

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not an invitation for rape. Campaign co-organizer Adithya Mallya said, "I wanted to show people that if a guy won't get molested if he wears a skirt, then a girl shouldn't too" (Boocock, 2013). Another male protester said, "Nobody holds me up for my choices, but women are held accountable for the clothes they wear and the choices they make. They should have the same rights as every man" (Boocock, 2013). Young men in the "India for Integrity" campaign and the "Delhi Bikers" took to the streets to offer a "public apology from Delhi men to Delhi women," and stated their public commitment to address inequitable gender attitudes and take personal responsibility for speaking out against violence against women (Sugden, 2013). Such contrasting views demonstrate an increasingly polarized debate and

to ensure safety and security of women and children ... Our universities and academic institutions must take a lead in imparting education which will help us meet the moral challenge of our time. (The Times of India, 2013)

Despite the ongoing protests, petitions, media attention, and new laws, women in India are still being raped by men at alarming rates. Creating new laws has not proven to be a silver bullet in ending sexual violence. Unless accompanied by a change in social attitudes and mindsets, it is yet to be seen whether the new amendments in the law and the heightened call for social awareness on sexual violence will result in a sustainable change. Sharing lessons from a report published by the International Center for Research on Women, Ravi Verma concludes, "Allow time for attitude change; behavior change will

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attitudinal shifts away from traditional notions of masculinities, the changing role of women in a transitional society, and the epidemic of sexual violence in the country.

Navi Pillay, the United Nations High Commissioner for Human Rights, stated that in addition to seeking punishment and redress for crimes against women, "what we need is changed behavior. We need to prevent the underlying attitudes, stereotypes and discrimination that give rise to these specific forms of violence" (UN Human Rights, 2013). In their efforts to address behavior change, the global activist organization AVAAZ has recently launched a public education campaign across India aimed at changing deeply entrenched social and cultural attitudes to end violence against women (AVAAZ, 2013). Also employing an educational approach to preventing and ending sexual violence in India, President Pranab Mukherjee urged educational institutions to take the lead in disseminating moral education to address the country's crisis of sexual violence. He stated:

The recent increase in cases of brutal assault on women and child rape has shaken the collective conscience of the nation. These unfortunate incidents underscore the urgency for our society to pause and introspect at the erosion of values and repeated failure

follow" (Verma, 2013). But while we slowly take baby steps in the "right direction," these changes cannot come soon enough to prevent countless women worldwide from becoming victims of sexual assault.

References

- 50 Million Missing (April 21, 2013). "Delhi protests: 336% spurt in child rapes in India and police violence." Retrieved on April 25, 2013 from <http://genderbytes.wordpress.com/2013/04/21/336-spurt-in-child-rapes-police-beat-up-victims-families-and-supporters/>
- AVAAZ (February 16, 2013). "How India can end the attacks on women and children." Retrieved on March 5, 2013 from <http://en.avaaz.org/1334/how-india-can-end-the-attacks-on-women-and-children>
- Baldwin, Katherine (June 13, 2012). "The worst and best G20 countries for women." Available at <http://www.trust.org/item/20120613010100-sk134/?source=spotlight>
- Boocock, R. (January 16, 2013). "Indian men wear skirts to halt violence against women." Retrieved on April 26, 2013 from <http://www.newstatesman.com/world-affairs/asia/2013/01/indian-men-wear-skirts-halt-violence-against-women>
- Chamberlain, Gethin (March 24, 2013). "'If girls look sexy, boys will rape.' Is this what Indian men really believe?" Retrieved on March 25, 2013 from <http://www.guardian.co.uk/world/2013/mar/24/india-rape-disturbing-attitudes-men>
- Daniel, Frank Jack & Bhattacharjya, Satarupa (January 9, 2013). "Asaram Bapu's view on Delhi rape raises anger, but shared by many." Retrieved on April 26, 2013 from <http://in.reuters.com/article/2013/01/09/india-delhi-gang-rape-asaram-bapu-views-idINDE>
- E90809L20130109?feedType=RSS&feedName=topNews&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+reuters%2FInTopNews+%28News+%2F+IN+%2F+Top+News%29
- Goswami, Garima (February 22, 2013). "Three girls raped, killed and thrown in well in India, villagers demand strict action." *Darpan Magazine*. Retrieved on March 18, 2013 from <http://www.darpanmagazine.com/2013/02/three-girls-raped-killed-and-thrown-in-well-in-india-villagers-demand-strict-action/>
- Justice Verma Commission Report (January 23, 2013). 2013 Report of the Committee on Amendments to Criminal Law. Available at <http://ibnlive.in.com/news/full-text-justice-js-verma-committee-report-on-amendments-to-criminal-law/317383-53.html>
- Mahr, K. (April 24, 2013). "India remembers the judge who helped toughen up rape laws." *TIME World*. Retrieved on April 25, 2013 from <http://world.time.com/2013/04/24/india-remembers-the-judge-who-helped-toughen-up-rape-laws/?xid=rss-topstories>
- Malhotra, A. (February 5, 2013). "The government vs. the committee." *The Wall Street Journal*. Retrieved on February 13, 2013 from <http://stream.wsj.com/story/latest-headlines/SS-2-63399/SS-2-161519/>
- Mitta, M. (February 6, 2013). "Rushed, ordinance is half-baked, may help rapists." *The Times of India*. Retrieved on February 7, 2013 from http://articles.timesofindia.indiatimes.com/2013-02-06/india/36948592_1_sexual-assault-penetration-gender-neutral-offence
- NDTV (January 30, 2013). Your Call With Justice (Ret.) JS Verma: Full transcript. Retrieved on April 25, 2013 from <http://www.ndtv.com/article/india/your-call-with-justice-ret-js-verma-full-transcript-324315>
- Nolen, Stephanie (April 24, 2013). "Rape report calls for overhaul of Indian law." *The Globe and Mail*. Retrieved on April 25, 2013 from <http://www.theglobeandmail.com/news/world/rape-report-calls-for-overhaul-of-indian-law/article11539721/>
- Prabhu, S., & Ghosh, S. (February 4, 2013). Despite objections from women's groups, President Pranab Mukherjee signs ordinance on sexual assault. Retrieved on April 25, 2013 from <http://www.ndtv.com/article/india/despite-objections-from-women-s-groups-president-pranab-mukherjee-signs-ordinance-on-sexual-assault-325899>
- Press Trust of India (March 6, 2013). "Rape cases on the rise in Delhi in 2013, over 150 rapes between Jan and Feb 15." Retrieved April 26, 2013 from <http://ibnlive.in.com/news/rape-cases-on-the-rise-in-delhi-in-2013-over-150-rapes-between-jan-and-feb-15/376981-3-244.html>
- Raman, A. (March 21, 2013). "Violations of the spirit: A draft bill on women's security is bogged down trying to build safeguards for men." *Outlook India Magazine*. Retrieved on March 25, 2013 from <http://www.outlookindia.com/printarticle.aspx?284353>
- Roy, Sandip (December 31, 2012). "For politicians, shaming rapists should start at home." *Firstpost*. Retrieved on Feb. 13, 2013 from <http://m.firstpost.com/life-for-politicians-shaming-rapists-should-start-at-home-573922.html?sz=m&rfh=1>
- Sieczkowski, Cavan (March 18, 2013). "Swiss gang rape victim, husband partially to blame for attack, Indian officials suggest." *The Huffington Post*. Retrieved on March 19, 2013 from <http://>

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studies show that over a 30-year period (1980 through 2009) “high or very high levels of war-related rape were reported in nearly every region of the globe.”

3. Rape and other forms of sexual violence are believed common in ethnic conflicts. But in neither the Israeli-Palestinian conflict nor the Sri Lanka’s civil war is rape a particular consequence of these disputes.
4. Wartime reports suggest that “unruly and undisciplined rebel groups” typically commit acts of sexual violence. But recent surveys have found that armed state forces are more likely perpetrators of rape and other forms of sexual violence than either rebel groups or pro-government militias.
5. Men are always considered the perpetrators of wartime sexual violence. But recent events and studies at Abu Gharaib and in the Democratic Republic of the Congo, Haiti, and Rwanda have witnessed women committing acts of sexual violence.
6. Many believe that men, given the opportunity, will rape, reflecting peacetime practices. But “patriarchy cannot explain the variation in rape by armed groups in settings where those groups share the same or similar patriarchal culture.”
7. Wartime sexual violence is invariably considered a result of combatant behavior. But studies demonstrate that the frequency of combatant and non-combatant sexual attacks varies from conflict to conflict.
8. Many believe that women are always the victims of wartime rape and sexual violence. But studies, despite poor data, also show that men are targets of

rape, forced sterilization, forced nudity, forced masturbation, genital mutilation, and, more generally, blunt genital trauma.

9. Commentators suggest that wartime sexual violence is adequately measured. But “we lack reliable basic data in the incidence and prevalence of rape in most conflict settings, a problem that frequently leads to mistaken overgeneralization.”
10. Commentators also suggest that rape occurs at especially high levels during wartime, often “as a strategy, tool, or weapon of war.” But the frequency of such events may be at odds with the use of them for such purposes. Strategic, for instance, does not mean massive.

Despite clarification of these misconceptions, important questions about wartime sexual violence remain unanswered. Behavior that is “torture” for men is often described as “sexual violence” with women. The overuse of convenience samples, such as hospital records for instance, raises problems concerning selection bias. Moreover, it is clear that too little is known about how much rape or sexual violence actually occurs in conflict zones. More positively, the authors found, “Systematically sampled surveys in conflict and post-conflict areas are increasingly common. In addition, researchers have begun to focus on interviews with combatants and perpetrators in their investigations, an important analytical move because it offers the possibility of understanding the causes and contexts of wartime sexual violence from the perspective of those who may have actually committed it.” Cohen, Green, and Wood conclude with a series of policy-oriented perspectives, including the following:

- Interventions that emerge from empirical analysis are more likely to achieve some success.

- Sexual violence in the midst of war is “far from inevitable.”
- Armed groups should be carefully monitored.
- Sexual violence can be prevented or mitigated.
- Combat and military organizations can be designed to effectively limit sexual violence.
- States should be held accountable for the actions of their combatant representatives.
- Both perpetrators and victims of sexual violence often do not match stereotypical expectations.
- General explanations for patterns of armed group rape and sexual violence are unlikely to emerge.
- Rapes may occur frequently without specific orders to do so.
- Rising costs associated with the revelation of sexual violence may help reduce its occurrence.

“Although open questions do remain,” the authors conclude, “enough is known to propose certain early warning indicators, though this list clearly does not encompass all situations in which sexual violence is observed. Groups that recruit by abduction are more likely to commit rape, and especially gang rape; some ethnic cleansing campaigns (as opposed to ethnic conflicts more generally) may be more likely to feature rape; and groups that detain prisoners may be more likely to engage in sexual mutilation and rape, particularly if they engage in other forms of torture.”

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www.huffingtonpost.com/2013/03/18/india-gang-rape-swiss-tourist_n_2900508.html

Simpson, Connor (March 19, 2013). “India’s rape problem is bad enough to jump out a window.” *The Atlantic Wire*. Retrieved on April 25, 2013 from wire.com/global/2013/03/india-rape-problem-jump-out-window/63284/

South Asian Citizen’s Web (February 2, 2013). President urged not to sign the ordinance by women’s organizations. Retrieved on February 3, 2013 from <http://www.sacw.net/article3637.html>

Subramanya, R. (March 20, 2013). “Rape is not India’s only story.” *The Globe and Mail*. Retrieved on March 21, 2013 from <http://www.theglobeand>

mail.com/commentary/rape-is-not-indias-only-story/article9982639/

Sugden, Joanna (March 16, 2013). “Delhi men say sorry.” *The Wall Street Journal*. Retrieved on March 21, 2013 from <http://blogs.wsj.com/indiarealtime/2013/03/16/delhi-men-say-sorry/>

Times of India (April 25, 2013). “Society should introspect: President on rising rape case.” Retrieved on April 25, 2013 from <http://timesofindia.indiatimes.com/India/Society-should-introspect-President-on-rising-rape-cases/articleshow/19723071.cms>

United Nations Human Rights (March 12, 2013). “Ending gender-based violence and discrimination: Youth as agents of change.” Retrieved on March 18, 2013 from <http://www.ohchr.org/EN/NewsEvents/pages/EndingGenderBasedViolence.aspx>

Verma, Ravi (March 15, 2013). “Ending violence against women: Start young before it’s too late.” International Center for Research on Women. Retrieved on April 29, 2013 from <http://www.icrw.org/media/blog/ending-violence-against-women-start-young-its-too-late>

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