

Colloquium Report: Violence against Girls and Girls as Human Rights Defenders

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Abstract

This report is a summary of the arguments and views expressed at an expert colloquium on the subject of preventing the various forms of violence against girls. The event was held at the University of Essex on 31st May and 1st June 2009 and was hosted by the University of Essex Human Rights Centre with the support of the UK-India Education and Research Initiative (UKIERI). Twenty three participants representing a wide variety of professional backgrounds came together. A number of the underlying and determinant causes of gender violence were discussed in detail during the conversation, after which solutions to difficult culturally entrenched practices that harm women and girls were prop. The report briefly gives a background to the subject and discusses the major cross-cutting issues debated at the beginning of the colloquium. Then, the discussion of the types of harm that most commonly affect the girl-child are summarised. Among the most compelling themes that emerged during the colloquium was the possibility of victims being empowered as human rights defenders through social support networks.

1. Introduction

Still today in most parts of the world, women and girls face discrimination, exploitation and violence. This reality is a major obstruction to the pursuit of universal enjoyment of human rights. As many professionals working on behalf of women and girls agree, change is not happening quickly enough and new ways must be sought to improve the situation of the girl child around the world. To this end, with the support of the UK-India Education and Research Initiative (UKIERI), the University of Essex Human Rights Centre hosted a roundtable colloquium on how to confront violence against women and the girl child. The purpose of the colloquium was to increase cooperation among a variety of professional sectors currently working separately to improve the lives of girls. The participants sought to formulate a research agenda and a framework for action to supply policy makers and practitioners with the information they need to curb harmful practices. The conference took place from 31st May to 1st June 2009 and was organised by Professor John Packer, Director of the Human Rights Centre, and Fernne Brennan, Senior Lecturer of the School of Law and member of the Human Rights Centre.

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The colloquium was targeted towards achieving a fuller understanding of the issues behind violence against women and the girl child, both from a victim's perspective as well as from the standpoint of organisations and institutions working with gender violence in the field. This was to be achieved through better collaboration on certain issues and a mutual understanding of the needs and goals of various actors working for women and children. It is with this purpose in mind that 23 participants representing a wide variety of professional backgrounds (including health professionals, community outreach workers, lawyers, law enforcement officials, NGO staff, academics, and teachers) came together.

The two-day colloquium was held at the Wivenhoe Conference Centre on the campus of the University of Essex in Colchester, UK. It was organised thematically into four key categories of threats to the enjoyment of human rights protection by women and girls: (1) domestic violence, including forced marriage and honour-based killing (HBK); (2) lack of education; (3) trafficking, prostitution and domestic servitude; and (4) mental and physical health, including sexual abuse and female genital mutilation (FGM). Plenary discussions were followed by breakout sessions during which smaller groups discussed practical solutions to broad problems discussed in the larger group. In order to best represent the views of the participants in the original contexts within which they were voiced, this report will be structured in the same way the conference was organised.¹

2. Opening thoughts and cross-cutting issues

The experts began by discussing some examples of core problems stemming from deeply embedded cultural practices that affect women and girls. These complex, cross-cutting issues were acknowledged by participants while discussing their own experiences working with young women facing abuse.

The first issue mentioned was the relationship of law to harmful cultural practices such as forced marriage or FGM. Often, the legal approach to addressing these practices involves super-imposing norms without the involvement of communities within which the abuse takes place. This approach is often not effective on its own and can lead to reactionary defence of cultural practices that can increase the harm to women and girls. The problem to overcome is, on the one hand, how to compel domestic governments and international bodies to address violence against the girl child and, on the other hand, how to ensure that there is appropriate participation within the decision-making process.

The second major crosscutting issue the experts discussed was the question of how to empower young women at an early age when the course of their entry into adulthood is often determined by men; pre-conceived roles are defined for them and in some cultural settings accepting abuse is part of that role. Conference organisers invited participants' views on and experiences with these issues and there was wide agreement that the inability for girls to decide their own futures plays one of the most significant roles in facilitating and perpetuating abuse against women and girls.

¹ The views discussed in this report are entirely those of the participants. However, as agreed by the participants, neither the names nor the affiliations of the participants are revealed in the discussion of the outcomes of the colloquium.

The third major issue was how to protect women within their own homes, notably how governments and practitioners can intervene appropriately and effectively. One important issue that must be raised with respect to all of these difficulties has to do with victims becoming human rights defenders through social support networks. This involves encouraging victims to form support groups within which they have a safe space to speak out against the perpetrators whether they be in the family or wider community.

These three issues were put forward by participants as intractable issues that policy frameworks aiming to reduce harm to women and girls must address. All three of these issues impact the four following themes addressing the major vulnerabilities girls encounter worldwide. These underlying causes of each type of violence against women and girls discussed in the colloquium are important to finding a solution to harmful practices and identifying the appropriate response in concrete and effective terms.

3. Domestic violence including forced marriage and honour-based killing

Because of the severity of the epidemic of domestic violence in many parts of the world and because it is a broad topic involving several important cross-cutting issues, this theme was given a substantial focus and afforded considerable time.

The first matter discussed during the plenary session for this topic was the availability and accessibility of security and support for victims of domestic violence. The police provide a direct, confidential line to a police officer for these cases, but they are nevertheless receiving few calls reporting cases of domestic violence despite the fact that it is widely believed to be occurring nonetheless. One of the reasons, it was suggested, is that tradition can be so deeply engrained that girls often seek approval, or fear disapproval, from their families. In addition, it was generally observed that although there are specialised workers specifically trained to work with vulnerable persons such as the girl child, victims usually first see mainstream workers, such as the police. Specialised workers may be better equipped to overcome the victims' physiological needs for familial support even in spite of domestic violence.

It was suggested that child protection is too often approached as a welfare issue rather than as an issue of rights. An example is the fourth report of the UK to the United Nations Committee on the Rights of the Child (CRC), in which there was no indication of a rights based approach to child protection.² It was pointed out that although the women's rights movement has been relatively successful, child rights have not enjoyed the same degree of success. One consequence of the absence of rights discourse from child welfare is the fact that the notion of gender is lost when designing child protection programmes. The conflation of age and gender can also complicate attempts to develop a system of protection for young women faced with domestic violence and abuse. First, there is age – a fact – and then there is gender – socially constructed rules. Laws often do not address both the age and the gender dimensions of violence against

² CRC, Consideration of Reports Submitted by States Parties under Article 8, Paragraph 1, of the Optional Protocol to the Convention on the rights of the Child on the Involvement of Children in Armed Conflict, Initial reports of States Parties, United Kingdom of Great Britain and Northern Ireland, UN Doc. CRC/C/OPAC/GBR/1 (2007). Available at <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPAC.GBR.1.pdf>. Last access 25 October 2010.

women and girls.³ It was submitted that the lack of a comprehensive approach to addressing violence against girls as a unique problem has been a mistake. Some participants placed the blame on the failure to adopt a ‘rights’ lexicon and others on the failure to distinguish between problems facing children in general and those uniquely facing the girl-child.

The UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), however, does have more specific provisions focused on children. The problem then becomes how to implement the recommendations from international treaty bodies in a meaningful way; few states have implemented non-binding interpretations of the human rights standards enshrined in the treaties they have ratified, and in many contexts there remain several serious practical barriers to be overcome. In India, given as an example, there is an absence of political will to implement the necessary reforms considering their would-be effects on the deeply engrained caste system and traditions of honour-based violence. As with many difficulties that have arisen concerning women’s and children’s rights, this shows how wide the gap between conceptual issues and practical issues can be.

Deeply engrained cultural practices present the greatest practical difficulty for preventing violence against and abuse of girls. An expert on the Indian system gave the example of the caste structure which is reinforced by the traditional patriarchal social structure. Social structures like these are often difficult to penetrate, because they are often reinforced within the family. The family, generally as an institution, has played a unique role, on the one hand, acting as the ‘natural, fundamental, basic unit of society’ and conversely, it has been a safeguard for some of the most harmful practices. The speaker submitted and others agreed that law is in some ways adequate to address these issues and in other ways not. The law puts prohibitions into place, yet creating a system of implementation presents an additional challenge. These cultural practices have become social problems which the legal approach alone has proven inadequate to deal with. In lesser developed countries and regions, where neither the state nor the local community can provide support for individuals, the family steps in and acts as guardian. The families become the source of trust and confidence making it more difficult for women to trust outsiders. It was suggested that perhaps the reason why the law has been slow to adapt to the need for intervention in cases where family values and other institutions may be part of the problem is the absence of information about the problem due to the ‘culture of secrecy’ that surrounds matters of domestic violence. This problem was addressed in the discussion on education.

Social reinforcement is one of the ways that children can both be victims and the solutions to the problems of domestic abuse and forced marriage. Many colloquium participants submitted that the support of peers is an important way to overcome difficult social problems. The peer support movement for both boys and girls has been developing over the past several years, and is capable of helping young women to become more resilient with the help of the peers. One participant recounted a story about a group of girls in an Indian community, some of whom had experienced forced marriage, had spoken out about forced marriage in their community and were held up as symbols by campaigners working against forced marriage – which effectively led to the abolition of the practice in the community. Girls who are socially accepted and supported become empowered as a group and therefore reinforce efforts to challenge traditional practices that may

³ One example given by a participant is the discrepancy between marriage laws and laws governing the minimum age one must reach to have sexual intercourse; one law is concerned with gender and the other is concerned with age and, in this way, the two work against each other.

harm women and girls. These programmes require reinforcement from schools and the local communities.

The breakout sessions for this theme consisted of three groups: domestic violence, forced marriage, and honour-based violence including killing.

The domestic violence group sought to agree on a series of steps to be taken that would improve the accessibility of safe places for women who have experienced domestic violence, as well as other institutional reforms needed to improve the capacity of institutions working for the rights of women and the girl child to intervene in cases where it has occurred. First, in improving access to safety and support, it was agreed that in some institutions (such as refuges in the UK) girls cannot access adequate support. One reason is the lack of funding; another is that some refuges would not allow girls under 18 to be admitted. Also, the denial of public funds to asylum seekers in the UK could leave women dependent on men for support, which is an issue that affects disadvantaged communities in particular. It is important that a system of protection provide a choice to women suffering abuse where otherwise it would not be available. Second, on the institutional front, it was agreed that UK and Indian laws on the matter are well-defined but not generally understood by the public. Awareness-raising is one immediate step that should be undertaken to combat violence against women and girls. In this way, law needs to be ‘brought down’ to a community level and it was emphasised that an element of participation is needed to ensure that good practice is internalised at the local level. It was pointed out that women are not using the law for themselves, and so along with outreach support, women also increasingly need legal support.

The group focusing on forced marriage sought to envision an action plan to combat forced marriage concentrating on improving the status of girls generally. One way of accomplishing this is to give grants for women to start businesses and to invest in women generally. A major obstacle currently is the historically low value afforded to women due to liabilities they create for parents, including the supposed inability for women to do hard labour and the need to pay a dowry. As a result of this stigma, girls are ‘disadvantaged even in the womb’. There are three main ways to overcome this obstacle. First, action must be taken as a collective, requiring awareness raising and campaign activities across genders. Second, leaders and grassroots movements need support. Third, girls need to be organised to empower themselves and thereby to act as human rights defenders on their own behalves and for others.

Finally, the group on honour-based violence expressed their concern that many people continue to make money from violence against women. For instance, if there are no girls, then there is no need to pay a dowry. Sharing the views of the other group with respect to the fundamental causes of the problem of violence, the group agreed that developing a strategy for women’s empowerment and building capabilities for women and girls should be a priority for a plan of action to address this matter which extends well beyond the especially egregious acts of killings to all kinds of other serious forms of violence including mental anguish which sometimes results in women and girls taking their own lives. Economic development alone, it was cautioned, should not be the only way forward.

4. Education

This discussion took place in the form of a brainstorm where various avenues were explored on how to educate both targeted groups and the general public about the extent of the problem of violence against young women. Part of the threat that the girl child faces in contemporary societies is a lack of general public awareness about the extent of the harm to which girls are subjected as well as a lack of knowledge of how to stop it. Education involves making public the various factors that lead to violence against women and mainstreaming the possible solutions. In many cases, research has been done, but it is often not read by the people who need to read it.

The principal questions addressed were: who are we seeking to educate, about what, and for which aim(s)? It was agreed that policymakers need to be educated about the positive and negative effects of their policies. The UK Department of Health, for instance, seeks statistics from community outreach organisations working with minority communities who have undergone FGM. The problem is that medical facilities, law enforcement and other public officials are not asking people whether they have undergone FGM. Without knowing what questions to ask, policymakers would not be able to gather all the necessary data. Accurate data and sufficient and reliable statistics are vital to assuring the appropriate funding for these kinds of services. The absence of appropriate data has threatened resources for protection programmes according to one participant working with girls who have undergone FGM. Education should ensure that the right agencies ask the right questions so that data can be supplied to inform and secure support for core protection programmes.

The experts then discussed the data that is currently available and how it is being used. In addition to not being adequate or available, the data is often not disaggregated by age or gender. Therefore, the data gathering system in place is not sophisticated enough to provide experts with answers to their questions. There is a great deal of administrative and police data available, but often it is not useful to organisations working on behalf of victims. The police in the UK, for instance, keep meticulous records, but the Home Office demands only data regarding serious offences, such as offences against the person, but the rest of the data just ‘sits there’, according to one contributor. The information, it was observed, is generally not applied or used effectively to combat violence against women and girls.

One debate that emerged during the discussion was over the value and the emphasis that was to be placed on data collection. One participant cautioned the group that overemphasis on biometrics should put the desire for quantitative data into perspective. Another submitted that quantitative data is not a panacea, but it can be quite useful for charting patterns of abuse in different locations. Moreover, data must be gathered with a view not only to encourage victims for the purpose of complaining of abuse, but also for delivering a remedy.

The group concurred that an important part of education is the need to have women and girls tell their own stories to identify and detail the full dimensions of the difficulties they face. Questions must be asked in a way that does not intimidate and ways must be found to eliminate the stigma that prevents issues from being discussed.

5. Trafficking

Human trafficking is shrouded in mystery largely due to the complexity of the situations that result in women being taken away from their homes (often across international borders) and find themselves in situations amounting to slavery. One expert explained that women leave their countries of origin with men who will promise them work, study or other opportunities, or because women believe they are following their boyfriend. Women too can play a role in this process. Trafficked persons are taken away from their homes and are placed in predominantly male environments (often in the sex trade) where their passports can be taken and they may be told that they must work off a substantial debt. In India, it has been reported that children have been forced to work as mid-skilled labour once trafficked. Women and girls in this situation experience a form of contemporary slavery where HIV is prevalent, slave-like conditions are the norm, and where they are perpetually vulnerable to exploitation. Asylum seekers and undocumented migrants are especially at risk due to their inability to access public services and/or their fears of being deported or harmed.

A particular problem that was recognised during the colloquium is the absence of knowledge on what to watch for. Unless people in UK have direct contact with statutory services, these issues never come to their attention. Practitioners need to be aware of the possibility that trafficking is happening and they need to know what to guard against. Without adequate knowledge, these cases will go undiscovered. It comes down to asking the right questions and training practitioners and public agents to recognize the warning signs and moments of risk such as when unaccompanied minors arrive into the country. In India, on the other hand, public services do not exist to address such situations; thus, trafficking is not such a public issue. Fundamentally, the availability of services must be a priority in order effectively to tackle the problem of trafficking in a meaningful way.

It was submitted that the home countries of trafficked women should take responsibility for prevention of trafficking instead of placing the burden entirely on the receiving country to respond to cases already occurring. It was agreed that trafficking should be addressed by state institutions as well. To challenge the system effectively, trafficking must be viewed not only as a result, but as a process with an order and hierarchy of operations on various levels which need to be addressed individually and collectively.

Three discussion groups looked at particular aspects of trafficking and prostitution. The first group examined ways to prevent internal trafficking. They concluded that providing an opportunity for a better life was among the most important ways of raising the age at which girls can be trafficked. This means providing more incentives for girls to stay in school. The second group examined the phenomenon of international trafficking. They agreed that international trafficking needed to be increasingly viewed as a process and the various routes by which women come to be trafficked need to be uncovered. It was observed that there is a wall of silence surrounding the issue and practitioners and authorities must identify trafficking through warning signs, or trafficking rings will continue to operate under the radar. Finally, the third group examined cases of domestic servitude. It was observed that most of these cases are discovered by accident. Some solutions to this dilemma include training traffickers in another profession since it sometimes comes down to poverty, and also to suggest that airports and other ports do a better job of screening potential cases of trafficking. One participant stated: ‘this is a child protection issue, not an immigration issue’.

Empowerment was a widely discussed theme at the colloquium. A debate ensued over whether or not ‘empowerment’ was an appropriate term when discussing ways of overcoming the secretive and closed nature of the trafficking world. One participant observed that empowerment is a term that can miss how women and girls give strength to each other through sharing their own experiences, and we should therefore use the term with caution when developing strategies for addressing violence. Ultimately, the group agreed that empowerment is important generally, but it is equally important that it should be a participatory process.

6. FGM and other harmful practices

With many of the important causes and underlying issues behind violence against women and girls previously discussed under other sections, this discussion focussed on possible solutions to problems common to many of the other themes previously discussed.

FGM is a way of enforcing chastity by fundamentally altering a woman’s body. There is a common misunderstanding that it is a Muslim practice, when in fact it is a practice dating back before Islam in the North of Africa. There is legislation against it in the UK, but it is a phenomenon about which little is known in India according to an expert on India at the colloquium. FGM presents a major problem because that it is deeply rooted in traditional cultural practices so much so that there are people who come from other countries to perform these operations (illegally) in countries such as the UK. In India, knowledge about these issues has been blocked by a cultural taboo about discussing these kinds of issues; for example, when the film ‘The Vagina Monologues’ came to India, they were asked to change its name to ‘The Womb Monologues’. This taboo is clearly an obstruction to recognising that the practice exists.

Like issues of domestic violence and trafficking, it is important that services seeking to prevent FGM provide approachable safe spaces where women will be listened to, not judged. The problem, however, is often that the procedures are performed on girls of a very young age and girls may not be able to seek out these safe spaces. As in other cases, peer support and networking are vital to encouraging women to speak out against their families when compelled to undergo FGM. A core theme that emerged from the colloquium is that through peer support and networking, girls who are victims of harmful practice can also become human rights defenders by engaging others who have fallen victim to the practice and by speaking out against it – providing a means by which the cycle of violence can be broken.

Another problem is that human rights defenders sometimes face a backlash from communities within which these practices are customary. The struggle against FGM is a ‘suppressed campaign’, according to one UK-based expert on the subject. The campaign is sometimes framed in a way that it appears to be a fight against religious institutions and cultures where this is practiced. As a result, hostility towards campaigners ensues and human rights workers are confronted. Protecting human rights defenders becomes a vital part of confronting the practice of FGM. Many communities become resistant and hostile towards those who work against it in their communities. One activist working with victims of FGM stated that she needs to keep a ‘panic button’ under her bed.

The conversation then turned to steps, which could be taken to end these practices. The experts agreed that it is necessary to draw a line in the sand denoting what is right and what is wrong – what is sometimes acceptable and what is never acceptable. From there, examples of good and bad practices should enter the public conscience to better understand this division. Broad coalitions of government(s) and civil society are needed to develop a methodology for how to change people’s attitudes towards the rights of the girl-child. Most importantly, the home and the family should no longer be a safe haven for abusers; indeed, women are most vulnerable to abuse within their own homes, and intervention is needed when it occurs. The fact that the home is treated as a private space is an issue that impacts all of the aforementioned themes. Many participants at the colloquium were troubled by the fact that intervention in families and communities where FGM is practiced is sometimes considered racist or ethnocentric. Participants agreed that this is a stigma that must be removed.

Finally, women and girls should be encouraged to form support groups, and they should receive protection for the important work they do.

7. Final observations and future work

The experts generally found it useful to discuss these issues in the thematic format of the colloquium, which allowed for the underlying determinants of many factors impacting the rights of women and girls to be revealed. As a result, the cross-cutting determinants that impact multiple themes quickly became clear and so the discussion shifted promptly from an academic exchange about the root causes of violence against women to specific tasks to be accomplished in addressing practically – and ending – the violence.

The diversity of professional backgrounds among the participants was highly valued. While human rights have traditionally been the domain of lawyers, it was clear that many professions work for and have an impact on the rights of women and children. The inclusive approach of the colloquium allowed for a wide variety of viewpoints on particular issues to surface so that solutions could be devised factoring in all of the underlying causes.

The participants discussed the possibility of forming a network of practitioners to catalogue the variety of professional opinions on issues discussed at the colloquium as a way of raising awareness of the problems facing women and girls among potential stakeholders from a range of professional backgrounds, and to work through the underlying issues and possible solutions. The experts discussed various models of empowerment that could translate into vital programmes on the ground, such as giving effect to peer-support network solutions and other positive approaches. While each of the experts has been making individual progress towards finding solutions to persistent issues in their own fields, there was consensus that more cooperation among a variety of sectors is the way forward.