

March 1992

# divya

volume 3, issue 2

A Quarterly Journal of South Asian Women



# diva

## A Quarterly Journal of South Asian Women

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*If you are a young woman of South Asian descent who is a survivor of child sexual abuse and would like to participate in a support group contact DIVA at:*

427 Bloor Street West  
Toronto Ontario  
M5S 1X7

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## **AGAINST SEXUAL VIOLENCE**

**A two-day Canada-wide conference  
of South Asian women, survivors,  
activists, & service providers.**

*To link the issue of sexual violence with racism, class & privilege,  
pornography, sexism in media, women's health and cultural values.*

Organized by DIVA, the conference will bring together women to share our experiences, to discuss strategies to empower women and to prevent violence in our lives.

For more information, contact:

***DIVA***

427 Bloor Street West  
Toronto, Ontario M4L 3B7





# On Behalf of the Editorial Collective

by LEELA ACHARYA

**P**utting together this issue of *DIVA* helped us contend with some of our pain as it relates to sexual abuse, incest, rape, rape within marriage, or date rape. In the process we were able to acknowledge our pain and feel the building of strength and empowerment against denial within. The outcome of the process has been to reaffirm that the issues of sexual assault, incest and rape are not just "personal" or "private," but political and central to women's well-being. As women, we need to talk about these issues, so we can heal, understand, and fight back; to create safe environments and live in a society that is free of sexual violence and other oppressions.

This issue of *DIVA* carries testimonies of women's experiences which represent the diversity of our experiences in content and in form. We only wish we could print more voices of South Asian women. It has taken us so much time to even say what we as women, have said so far, and the more we hear each other, the more we can say.

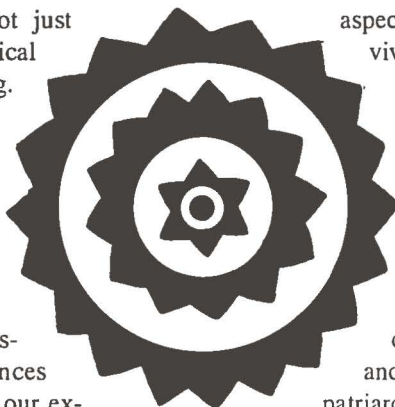
The violation of body and trust that occurs in an act of sexual violence against children is

experienced by females and males. Therefore, we locate the sexual abuse of male children in the broader context of patriarchal violence against girls, boys, adolescents or women. Perpetrated by men, it is damaging to individuals and communities. As South Asian women we want to be instrumental in organizing around the issues of sexual violence in a way that links with all aspects of the complexity that survivors experience.

The contributions from South Asia connect us with the struggles women in our countries of origin are waging against patriarchal states. It is in the context of religious fundamentalism, economic dependence and exploitation, caste/class, rural-urban divisions and inter-communal violence that patriarchies are attacking women there.

Here, we could only compile struggles of women at one level i.e. the struggle for basic rights under the law of that particular country. We express solidarity with women fighting at all levels of society against the violence we experience as women.

In Canada, sexism, racism, homophobia and



class-based oppression has created a difficult situation for many women. Any support developed for women around issues of sexual assault, incest and rape, is not equipped to serve most women of Colour, including South Asian women. An interview with a counsellor from the Toronto Rape Crisis Centre speaks to this issue along with the partiality of rape law here.

Recently two South Asian, male doctors were charged by the state for committing sexual assaults against female patients. Dr. Chickmangalur Mohan of North Bay, Ontario has been charged with sexual assault and has lost his license to practice medicine. Dr. Kunwar Singh of Sarnia, Ontario was also charged and faces a pending loss of license. The heinous crimes committed by these men deserve a LOSS of license to practice medicine for LIFE. However, this does not appear to be the case. One doctor has lost his license for six months, while the other may face a loss of up to five years. Although the state appears to be taking up these issues, we question their seriousness on this one.

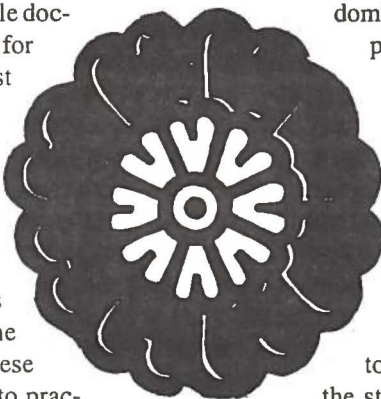
At a time when sexual violence is receiving attention from the media, we want to make it clear that we question the fact that the first targets for charges of sexual violence are mostly non-white men. We are familiar with power and vested interests found in the cases against Clarence Thomas and William Kennedy Smith. And we will

soon be witnessing charges of up to 60 years imprisonment, against Mike Tyson.

While it gives us great strength to see the gains of women's movements and struggles reflected now at this level of the state, regarding sexual exploitation of women, we feel we must challenge the inherent racism of the state and its institutions.

We question the legitimacy of a white male-dominated state in this matter. The state proceeds by appeasing some of the demands made by women against sexism but turns this into an opportunity to perpetuate racism by targeting non-white men first. For example, the number of white, male doctors in Canada far exceeds the number of male doctors of Colour put together. However, when it comes to convicting them for sexual assault, the state protects the privilege of white males by targeting men of Colour. The media then jumps in and perpetuates racist myths leading people to believe that criminals, sexual offenders and rapists are indeed men of Colour. Are we to believe that within Canadian society, where the majority of men ruling each profession are white, none of them has ever committed sexual violence against women?

We not only challenge such racist assumptions but also find such efforts of this state and its institutions to be a cover-up dedicated to maintaining the illusion that it is eliminating sexual violation of women by men, when in actuality, by





targetting men of Colour first, it is mainly legitimizing and keeping intact the power of white men.

*DIVA* has decided to give regular space for issues of sexual violence, racism, heterosexism/homophobia and wife assault/woman abuse. We want to integrate these more, with a class analysis in all our thematic issues. In time, we will get together and see how we can develop supportive environments for more South Asian women.

*DIVA* will be organising a Canada-wide conference of South Asian women against sexual violence (sexual assault, incest, rape). We hope South Asian women active in our communities will attend. The purpose of the conference is to draw up outreach strategies for public education, support, the development of resources appropriate to our needs and lobbying. Women who would like to get involved, please contact *DIVA*.

**AURAT DURBAR** lists some of the available resources on sexual assault, incest and rape. The listings are not comprehensive or complete.

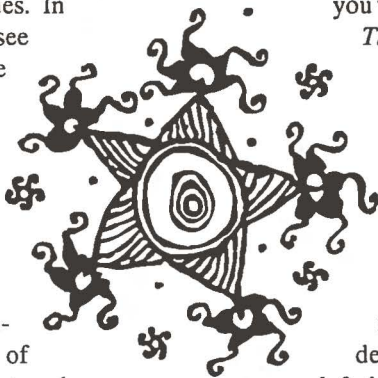
We also want to remember Ismat Chughtai, the Urdu short story writer who recently died. She was an outspoken woman writer in conflict with the status quo. Ismat Chughtai began writing at a time

when the voices of women writers were still muffled, and any attempt on their part to write poetry or fiction was viewed as intellectual vagrancy. In 1944, Ismat successfully defended herself against a charge of obscenity for her short story *Lihaaf (the Quilt)*, in which she explored areas which were considered taboo. We hope

you will enjoy Ismat Chughtai's story of *The Quilt* which we reprint here as a memorial to her. *The Quilt and Other Short Stories* (Kali for Women, 1990) is an English translation that forms some of her well-known contributions as a South Asian writer.

We would like to close with a few words about Suman Goyal, a founding member of *DIVA* and desk-top publisher who has recently left the editorial collective. We wish to express our gratitude, warmest regards and solidarity with her. Thanks Suman for all your hard work and energy.

We want to remind you of our next issue on Health with a focus on HIV/AIDS and South Asian Women, and we still have plans for an upcoming Humour issue. Dateline for contributions is July 15, 1992. *DIVA* has found a new home in The Centre - Trinity St. Paul, 427 Bloor St. West, Toronto, Ontario, M5S 1X7. May the year 1992 be a peaceful and inspiring year for all of us.



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*This year's International Women's Day was led by Native Women in Toronto. The theme for this year was 1492-1992: 500 Years of Resistance - Women Reclaiming and Healing Our Peoples, Our Lands, Our Lives. We are in solidarity with our Native sisters. It was disgusting, however, to see that the mainstream media did not even mention this year's theme for International Women's Day. It once again reminds us of the racist nature of this state.*



# 1492-1992

## 500 YEARS OF RESISTANCE

### WOMEN RECLAIMING AND HEALING

#### *OUR PEOPLES*

#### *OUR LANDS*

#### *OUR LIVES*



**SATURDAY, MARCH 7th**

**SUNRISE CEREMONY**

*Queen's Park: 6:30 am*

**BREAKFAST**

*Trinity St. Paul Centre: 8:30 am*

**MARCH**

*From Native Canadian Centre to  
Queen's Park: 11 am*

**RALLY**

*Queen's Park: 11:30 am*

**MARCH**

*Queen's Park to Ryerson: 12:30 pm*

**FAIR** (with the support of the Ryerson  
Women's Centre)

*Ryerson, Jorgenson Hall: 1-5 pm*

**EVENING SOCIAL AND DANCE**

*St. Lawrence Market North Hall,  
Social is Free: 6:30*

*dance: 9:30*

*tickets: \$10 or sliding scale  
available at: Women's Book Store, DEC Bookroom*

*All events are wheelchair and washrooms accessible.*

*Childcare is provided.*

*Sign language interpreters are provided.*



THE DAY AND ALL EVENTS ARE ALCOHOL FREE

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## INTERNATIONAL WOMENS DAY • MARCH 7th. 1992

Here, Now.

## Coming Together

*These pages are for any woman who would like to use them. There is no limitation of space or any dateline to follow. We share whenever we want, however we want.*

### Testimony 1

## Any Evidence?

by **Leela Acharya**

*A Public Declaration Of A Religious Experience? Certainly Not. A Statement? Yes. First Hand Authentication Of Facts? Yes.*

1.

I was three years old. The military had made its way to Port Harcourt. I couldn't quite understand why Amma and I hurriedly boarded an expatriate ship and left Port Harcourt for Lagos.

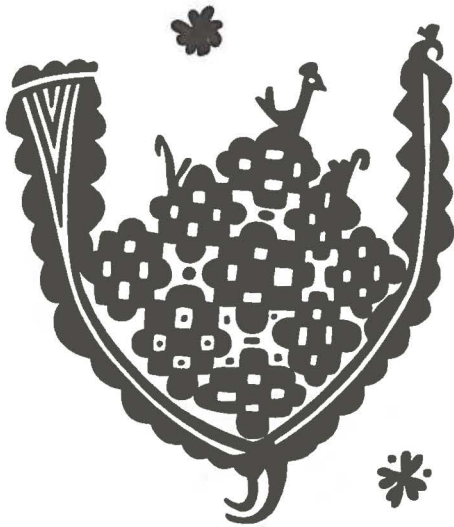
In Lagos we were together again with Appa and then transferred to Warri.

Appa was a ship surveyor in the Nigerian government. In those years we visited Europe on holidays. We were once in Germany. We stayed with a German family in Hamburg. It was the summer of 1966. Appa knew the Gayen family well, from his days as a shippy with the Indian Merchant Navy. Even Krishnamma, my grandmother has mentioned fond things about the Gayens.

Mr. Gayen was a tall man with a large forehead. There was also Mrs. Gayen, a warm lady and two grown daughters. It was Mr. Gayen that took me swimming in a big, outdoor swimming pool. At one side of the swimming pool there were changing booths. The ones with four wooden sides, protecting you all around and a gap at the bottom, so everyone's feet are showing.

Inside the change rooms, a situation of trust, this man, who brings me swimming, takes off my bathing suit. As he dries my body, while crouched down on one knee, he





also places his mouth along my lower body. Throughout his actions, he very casually continues to talk to me as though nothing out of the ordinary is taking place. I was made to feel his behavior was just a part of going swimming. I really don't know how I felt at the time this took place, but I might have felt very uneasy.

*Any Evidence Available To Prove  
Sexual Abuse, Child? No*

## 2

The military made its way to Warri and I again did not know why we packed up, in the middle of the night to leave back to Lagos. This time I had to abandon Brownie,

my puppy. It felt so bad to desert a helpless puppy, in the dark.

The newspapers reported of a missing Indian army plane in the Himalayas. V. Mama, Amma's brother, had been aboard that plane. Amma and I urgently left Lagos to go back to Madras. We arrived at Pati's house (my other grandmother) and Amma was in tears as Pati and Shanthi came out to greet us.

Amma and I were living for some time in Pati's house with Pati, P. Mama, Manni, Shanthi, Ravi and Asha. I was four years old then.

I remember Pati as a devout woman who went to the temple at the end of the road early every morning. Sometimes, I would go along with her and carefully watch her conduct her daily rituals. I tried to emulate Pati's every movement in the temple. After her morning worship she would sit in the vassal (verandah) and read the Tamil paper. Then she would get on with all the work to be done in her busy household.

Pati's presence was something I could feel in every part of her house. From the koot, sambar and thayar sadam we ate daily, to the freshly scrubbed hallway floors, the dim corners that we passed, the walls we leaned against, the ceiling fans, the pooja area, even the well. They were all a part of Pati herself.

Shanthi, Ravi and Asha were all much bigger than me. Sometimes, they would play with me or take me to the beach and we would eat kadalai, mangai and sundal.

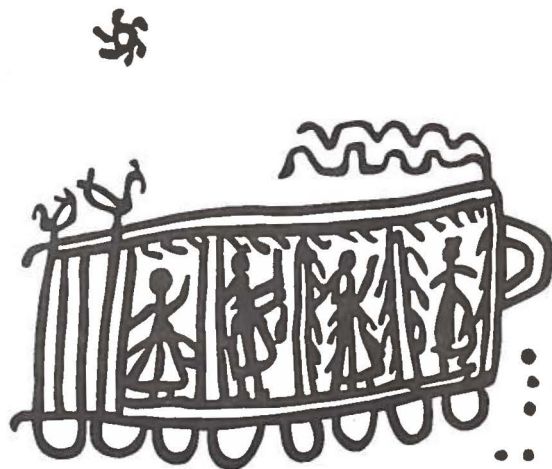
We used to nap at home, after lunch. All the women, Pati, Manni, Shanthi, Asha and Amma would be lying on mats in the front room or in an adjacent space. P. Mama was at his workplace. In another room, in a situation of trust, I was with Ravi, then a teenager of 17. When everyone was fast asleep, Ravi would place his thing in me and continually rub and thrust. If it appeared that someone was going to walk into the room, Ravi would jump off me and quickly pick up his reading



book, pretending nothing was taking place but his reading, as I lay quietly beside him. Then, Ravi would slowly manoeuvre his way back on top of me. I used to watch Ravi manoeuvre on and off me. I don't know how I felt when this happened but I could have been uncomfortable, not understanding what to do.

*In Pati's house...a home so many family members have passed through at some time, and remain attached to in some way.*

*Sworn Statements? Any Witness? None*



3

It was the first time a white boy, someone older than myself, asked me out. In fact, because I didn't know him but had only seen him once before, it wasn't even he that asked me about the 'date'. Instead, Jackie, a girlfriend of mine at the time, said "Grant thinks you are good looking, would you like to come out with us?"

At fifteen, I was in an environment of values that try and tear at your very being. But at that time, his comment was all it took for me to begin to feel more positive about myself.

The morning after the 'date', I awoke with a blank feeling. I had to really stretch my mind so I could begin to remember in detail the events of the past night. We were in the Southside. Somewhere very south, near the Calgary Trail. We were in a house, the basement, playing music, drinking shots of Tequila, smoking. I passed out that night. But Grant, who was quite alert, pursued to have intercourse with me although I was drunk and falling asleep. I remembered how he pulled my jeans off me, pushed himself on me, against me, over and over, while I was lying there, in deadness to the world I was really in.

On this morning after, I lay in my bed wondering how this absolute stranger, who said I was "good-looking", violated me of any sense of myself. I realized what had taken place the night before. But I did not fully understand what it meant because it did not have a name then. I want to name it now, date rape.

*Testimony in progress...*

## Testimony 2

### C & C

by *Domenica Dileo*

Cigar, Cigarettes, the former stinks  
the latter clouds  
I am sitting in the room that is clouded  
and it stinks,  
biting the wet southern  
Italian bread covered with the fresh  
tomatoes, juicy red onions, a touch of olive  
oil and a taste of oregano

I am tasting a culture that denies for a woman to be  
in a smokey room, let alone for her to smoke  
I write, having fun bastardizing my culture  
all of a sudden, I cry, hearing my mother say  
"Figlia mia (my daughter), come home through the alley way,  
people can not see you in this space, you are not a man."  
I yell mom, I am in prison, I can't come out

I am left all alone, crying  
I am back in the womb  
I feel safe .... but my mom is gone.



## Testimony 3

### I Am Five Years Old

by *Neesha Sukhi Virk Dosanjh*

I am sitting on a high stool, my hands clasped in front of me. I am watching the other kids kicking around a soccer ball. Laughing. Having fun.

An old man standing next to me, moves closer. Children are laughing. I feel his hand harmlessly placed on my back. Children having fun. His hands moves, his fingers find the hem of my pants and trace the hem to the front. Children kicking the soccer ball. I feel his fingers probing, prodding, pushing and shoving me in my pants. The repulsive odour from his breath drifts to my nostrils and I clench my teeth against the wave of nausea that passes over me.



I am not sure what is going on. Slowly, I realize that as I am sitting on the stool I also am rising up and hovering over this whole scene that is taking place. I am sitting, actually it seems more like floating, somewhere between the floor and the ceiling watching that old man doing strange things to a little girl who looks like me. I know he is hurting her. I know she is in pain. I know she wants to cry. But she does not.

I am also separated from other kids because of the counter. But that is not stopping me from playing with the kids. I am kicking the ball around with them and having fun. All of that painful and confusing stuff is actually happening to the other little girl who looks like me, who is in pain, who wants to cry, but does not cry.

I am sitting on the stool, I am playing with a soccer ball and I am floating between the floor and the ceiling. It never occurs to me that it is not possible for people to be in three different places at the same time. Nobody had told me that. Nobody told me I could not do it. So, I did.

So here I am, playing ball and having fun. Laughing. Not even noticing the girl on the other side of the counter. Sitting beside the big scary man, with a beard and moustache. The man who looks like all the gurus in every framed picture at my home.

And there I am in the corner of the ceiling watching everything that is going on down there with the little girl on the stool sitting beside the man who looks like gods.

I'm sitting on the stool not daring to turn my head to look at the man towering over my body, with his hand down my pants. It hurts, it hurts, it hurts.

But a point came when it starts to feel good. My body starts to respond to whatever this man is doing in my pants. I don't understand. Maybe my body has a mind of its own. It starts to squirm. What is it doing, what is it doing to me? Why won't it listen to me? Why would it not know that I'm feeling hurt? It wants more, I'm horrified. It wants more, but it hurts. How could my body want more? Why does it feel good?

Daddy never touches me like this. Daddy never touches me at all. But it feels good to be touched. Is this what love feels like? Is this how it feels when a man loves a woman?

Mummy never hugs me or kisses me, or tells me I love you. She just hits me or beats me up or calls me a slut or a bitch.

Mummy leaves me at the temple every morning with these big men. She tells me "do what they say, don't be a nuisance, be a good girl." I'm supposed to trust them, they take care of me when mummy and daddy are at work. They touch me like mommy and daddy never do. They make me touch them. They make me touch places that I don't know the names of. They play lots of games and they tell me not to tell anybody because it's a secret. These games are just between us.

"You are lying. Lying. Lying."

Echoes rebounding off the walls inside my skull, squirming through each crevice of my brain.

"Who would ever believe a thing like that?" Nobody. Nobody.

Over and over and over, that phrase in my father's voice eats away at my heart, my lungs, my insides like an acidic poison coursing through my veins.

Who would believe that Daddy? I'll tell you who would believe that.



The little girl in me believes it.

My little girl sits in the pit of my stomach. Still screaming, still crying, still hurting.

It was she who saw and felt the rough fat finger of the "Patti" (Priest) ram up inside the walls of a young, innocent, soft flesh, developed only to the point that five years of life could develop a body.

It was she who after years and years of believing that love was equated with fear, pain, humiliation and abuse from man-gods, had the courage to struggle, survive and to live.

"Men are like that. You have to learn how to deal with it. Don't do anything to provoke them. How many times must I tell you not to dress like that? If you wear clothes like that what do you expect?"

What?!! Mommy how many times did I hear you throwing blame at me? It was your father who would come into my bed at night.

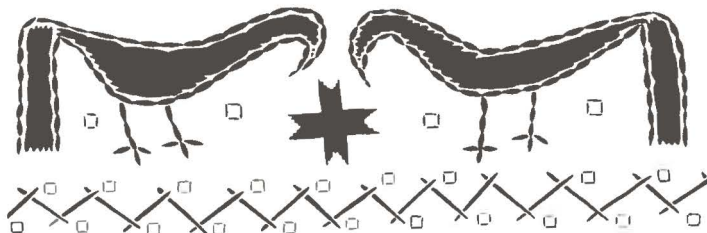
I knew if I ever told you exactly, in detail what he did to me, what any of those men at the temple did to me, it would drive you over the edge. So I protected you. I did not tell you. You worked so hard everyday. You cried every night. I took in your criticisms, I took in your abuse. I took in your blame, your self-hatred, your guilt, your shame. You beat my little body black and blue because you hated it. You hated it because it reminded you of your body when it had been abused. The same body you would drop off at the temple on your way to work the next day. The body you would leave in the hands of those men.

I'm completely unable to forgive you for not protecting me. For beating me and then leaving me with abusive men to "take care of me."

Didn't you see the cum stains all over my clothes? How do you think those stains got on my undershirt and underwear, but not on my sweater and pants?

Mommy and daddy you came to this country for a better life. So your kids could have opportunities you never had. You worked hard. Your money increased as your health and self-esteem decreased. People at work made fun of you, called you Paki, humiliated you, laughed at you. This country was cold. People spoke a different language and you were only good enough to wash their cars.

They wrote "Pakis go home" on the walls of your home and set it aflame. The people in your community who are your friends now didn't talk to you then. When you were of no use to them. You struggled, you continued to make money for the survival of your kids. We just happened to survive. We were one of the lucky ones I guess.



## Testimony 4

# What Was Wrong?

by Bibi

It took me many years to figure out, what was wrong?

I had heard many myths about it, some people used to say it was frigidity, some said its the economic pressure, sometimes I used to think that it was because of children.

When I got married, from the first day, I was not able to enjoy sex with my partner. Night after night, I had to go through this painful and pathetic experience of being helpless and silent. Every single night when I had to perform a sexual role in the bed, my mind had to leave my body alone on the mercy of that man who never bothered to ask me if I wanted to have sex, ever.

It was not in my training or in my religion to say no to your man when he has the urge for sex.

I started blaming myself for being lazy, not enough of a woman, frigid and all those lousy blames of what kind of a woman I was who could not keep her man happy.

This pattern went on for six years. He never recognized what was going on inside of me, because I never said anything to him. In other words he had no problems with his sexual life.

When I totally got fed up of this routine of life which was turning me into a vegetable, I started reacting to his behaviour and started saying no. Very politely in the beginning which he did not take seriously at all, and then a little seriously, that I could not do this when I did not want to.

It was clear to me that it was not my fault.

He could not take it, he just could not even bear the thought that a woman could say no when his dick is erect like a rock. He thought it was a direct attack on his manhood. His reaction to my saying no was like an animal; he blamed me for all the things that could possibly come into his mind, that I was a whore, I was having affairs with somebody, I did not like him, my children were not his children and that I was not faithful to him at all. He even became physically violent to me.

I just could not understand it. Was I being punished because I felt I had some right to my own body, for saying a simple NO, for not wanting to have sex when I don't feel like it?



# I Don't Want To Die

by Anon



When I think back to that horrible day, the predominant feeling is one of disgust and shame and then anger. Anger, that is now beginning to frighten me in its intensity. When I see those “animals” I have this irresistible urge to kill them and kill myself – the only way I think I can end this nightmare.

I knew this man as one from our own community. We had met several times at social gatherings. One day, he came to my home and asked me if I could lend him my passport as he was hoping to get a cousin from our country over here. I refused as I was scared that I might get into trouble. He became very angry and started verbally abusing me and then he left. Later that night, somebody banged on my door. I opened the door slightly to see who it was before opening the door. Four or five men forced open the door and came in. One of them was the friend who had come earlier asking for the passport. All of them were very drunk. They attacked me.

I remember struggling and then I remember being held by one of them while another injected something into my arm. When I came to my senses, I felt very dizzy, my eyes couldn't focus properly and my whole body ached. What was left of the clothes on me was torn. There were bruises on my hands, breasts and thighs. Two or three days later there was an anonymous phone call and the voice said that four men had raped me to teach a lesson. I was scared. What terrified me the most was my inability to remember anything. The more I tried to recollect, the more my body and head ached.

Everytime I think of that incident, I wish I had been conscious to fight back, to scratch their eyes out, to kick, to bite, to stab, stab again, stab and stab again. But all I did was probably lie unconscious while those animals.....I even hate myself. Suddenly its like I'm no longer one person but two people. And the two people are angry and shouting at each other, blaming each other.

A few days ago I saw them. The four of them usually hang out together. I can't bring myself to look at them. It's a mixture of anger and shame. I have this sudden urge to shout, shout out and tell everyone what they have done to me. Maybe I can prevent it from happening to another woman. I open my mouth, but no words come out. They smile. Knowingly. God I wish I had died that day. How can I go on for the rest of my life?

The other day I sat and thought about giving an anonymous call to the police. But when I thought about all the questions that might follow, the possible retaliation by the four men, my vulnerability as a woman, the chance of the incident being repeated, I gave up.

It seems that I can never sleep peacefully again. The slightest sound keeps me awake all night. The thought of ending my life has been constantly on my mind. Then I think, why should I die for what they did? They should suffer, be punished, not me. I have a friend with who I talk and she supports me. I don't want to die. I want to live. I want to be able to love a man.



## *Testimony 6*

# **My Personal Horror**

*by P. G.*



Incest. I have faced it. Sexual Assault, I know deeply.

For men who committed atrocities against me, I was nothing more than a lifeless toy, without feeling or perception.

It was a long time ago. I remember it as a dream. Bodies shifting slowly, each movement carrying a weightless scream as the unbelievable becomes my personal horror.

The history still encircles my neck like some gold locket which if I open, will explode in my face.

If a woman has never faced the trauma and humiliation through some form of sexual assault, rape or incest, she can be called privileged. How many such women do exist? Cannot be many.

## *Testimony 7*

# **Some Aspects Of The Heroic Death Of A Woman-child**

*by Saheban*

I accept already whatever is in here, as mine. Why then a part of me remains un-owned, out of my reach? It attacks me all of a sudden, leaving me shattered. It is so hard to keep on taking the pain, again and again. Whatever is in here, is like a silent volcano of erupting fire, contained forever by me, from breaking out.

How painful can it be? As painful as it was the first time around?

I don't know. What I do know is that this pain is of a different kind. Severity might be the same. Or more. Less, maybe. Definitely seems harder to take. Because now there is an understanding of what actually did happen, some idea of how it happened, when it happened, and some reclaimed and restructured memory of the devastating but glorious war between a grown-man and a woman-child.

No, don't take me wrong. It was not one on one. The system was on his side, Allah was on his side, time was on his side, people around me were on his side. My mother

was a captive. Sadness spreads in me when I think of her. She let me down. But they betrayed me. Him, Allah, time and people. It was she, who let me down.

It is complicated. Think of it this way, she was an adult captive, I was a child captive. When I decided to rebel, I went and told her. She did not believe me. If she did, she did not help me. She did not join me. Compromise is the biggest shame. Or is compromise a betrayal?

That feeling comes back again. One of the visitors, you see. The feeling around the fact that you never WANTED it to happen. The feeling of being a coerced, exploited, tortured and betrayed child. There is congestion in my chest.

Something is being forced on me again. Remember, reclaim, resolve. But I do not WANT to remember it in the first place. Why do I HAVE to?

I do not WANT any thing to be forced on me, ever again.

*April 15, 1990*

I am scared. Plain and simple. Scared of losing it.

How do I feel? I feel panic spreading in me like fire. About to engulf my sanity, emotional stability and my abilities to shape my life.

All I am able to do is to try to contain the fear.

At this stage, rationality of my mind is seriously impeded, so I can not rationalize and evaluate my plans to keep on containing the fear. I am now doing it purely on an instinctive level. Almost like I did when I was eleven or twelve years old. Fought the panic, through instinct alone, from spreading to engulf my sanity, emotional stability and my ability to shape my life.

*OR CAN YOU REASON IT OUT AT AGE 11 OR 12?*

*Question shouted within, highest volume possible*

*Received echo back from times away, CAN YOU?*

*The answer, a wimpy hanging NO.*

It is scary to have to totally depend on your instincts for survival. And that too in a situation of absolute disadvantage. Children trust their instincts. I am not used to using them any more.

*The 'rational', 'objective', 'scholarly' bloody 'discourse' of this system 'informs' our instincts making them numb so that we remain predictable and controlled. Is it so dangerous to develop a trusting relationship with our instinctive powers?*

The absence of trust in my instinctive powers here adds into my situation of total panic. I begin to fall into a deep empty well when I realize that I am defending myself with so little.

I am 11 or 12 years old. Scared, alone and betrayed. Forced, in that condition, into defending my body, mind and sanity. Defending against a man, my father. The shame is mine too. The shame of being violated, the shame of 'owning' a father so disgusting.

*Congratulations, I can write the words 'father' and 'disgusting' again.*

My father, my shame.

*He read the Holy Quran so reverently that people walking on the road outside would stand by the gates for hours, listening to him.*

Years later, I suddenly begin reading The Tales of Narnia. Beautiful fantasies. So comforting. Or is it to celebrate the life and death of a woman-child?

Yes, I am scared. I feel I am on the verge of madness. Or destruction. I feel ill. Doing any thing is a chore. I do not want to make a composition of flowers, wood and ceramic. The words I now make when trying to play Scrabble with my son are as long as four letters. I can not stop if I begin crying. Many women in Toronto, friends and strangers alike, have seen me cry carrying the body of a woman-child, sickly as death. And I mourn her impending death 1-5 times a day.

I am sitting tight. Long enough for this attacking visitor, panic [and fear], to retreat. I am not accepting defeat. Hold on till the enemy retreats. Time as a weapon.

I carry such a mean enemy within me. Fear and panic. Fear and panic experienced by an 11 or 12 year old girl. Guilt, humiliation. Feeling dirty. There was no anger in it at the time. There is no anger in it at this time. Helplessness. Betrayed out of my life. Helpless.

Anger came later on. Why was it delayed?

I think, this time when I overcome this little girl, I will be a learned person. A peaceful, humble and learned person.

*February 1991*

I am falling rapidly into the deep and empty well. My partner comes after me half way through. While we are falling together he gives me a tiny flower. The flower looks like an orange rose and smells like musk. The rose is my mother and the musk, him. The colour/orange, my children. I hold the flower in my hand.

My mother, tall, big and beautiful. My mother, a brave woman. A lioness. Cowers down in front of me for the shame of a forced compromise.

Ami, your child dies in me.

Be free of the dead, my daughter.

The child blamed you, I do not.

I let you down, too.

No, Ami no. You never let me down. I am honoured to have lived with a woman like you.

I want to be close to you.





I feel an immense peacefulness. A light chadder of the colours of the rainbow begin landing on me, softly. It goes into my mind and my body turning each flame of the fire into the glowing light of joy.

Amma, there is always a tunnel between us. I see my daughter sitting across from me. I remember my son rushing towards me, throwing a rubbery frog in my direction from a 'safe' distance and then running for his life. And my baby daughter who stands against any person, big or small, to claim possession of whatever she thinks is hers at the time, Amma is mine. I feel the warmth of my partner beside me. The immense feeling of inner joy and peacefulness.

It only stayed for an instant.

I froze our downward motion.

March 1991

*(My desire to share my feelings with DIVA women was so great that I was able to re-enter this territory.)*

## SEXUAL ASSAULT

*Dispelling the myths.*

### True or False?

*If a man - for example, a husband, boyfriend or acquaintance - buys a woman dinner or drinks or gives her a present or does her a favour, she owes him sex.*

**False.**

No one owes anyone else sex as a payment for such gestures.

### True or False?

*The best way for a woman to protect herself from sexual assault is to avoid being alone at night in a dark, deserted place, such as an alley or parking lot.*

**False.**

Most sexual assaults occur in a private home (60 per cent), and the largest percentage of these (38 per cent) occur in the victim's home. The next most common location is someone's car.

Ontario Women's Directorate

## A Conversation With Nadene Elliott

### *From The Toronto Rape Crisis Centre*

**Q** We believe that the Rape Shield Law, which was recently struck down by the Supreme Court of Canada, offered women protection. Would you support that?

**A:** Okay, in terms of offering women protection, what it did was that a woman's past sexual history could not be brought into question, or her past sexual reputation, could not be brought into question, which means that for one, if the woman had slept with anyone, or whomever she had slept with in the past, would have no bearing on her case.

That's what the law said. Although, I've seen in courts, in practice, that it didn't work because women were asked about their past, and were asked in different ways. What I'm talking about is what's written down in principle and on documents, is quite different from what you get in the court room. There are questions asked about who the woman is, her reputation, what she's all about and questions would be asked about whether she had a psychiatric history, blah, blah, blah.

So there are always things through which they try to say, "we can't believe her." But, what the Rape Shield Law did, was provide some barrier, in that lawyers couldn't come out and say "isn't it true that you slept with John, Friday, at this time and date?", "so when you slept with John, his friend, only assumed that you would sleep with him..."

So it did provide some protection for women. It gave women at least the hope that they "could" report sexual assault. And that did help because we know instances of sexual assault are under-reported. Only 10% are actually reported. So when police officers boast about how good a job our men in blue are doing, we have to know that they are only basing that on the 10% of women that are reporting.

**Q** So you are saying, that although the Law was there, it provided only minimal protection for us?

**A:** Yes, it wasn't a blanket protection for us.

**Q** And usually in court, questions would come up that were linked to a woman's past?

**A:** Definitely. Questions are asked and were asked, in courts with women where their histories, their past was brought up, although we know that it has nothing to do with whether a woman was sexually assaulted or not. One woman was asked questions about her psychiatric history. I mean what does that have to do with sexual assault? Are we saying that if a woman has a psychiatric history, she can't be raped?? It sends off wrong messages.

In this atmosphere, a lot of charges of sexual assault were being thrown out of the court in the summer because of a "bureaucratic backlog." These cases were literally thrown out and this told us that "they are not going to deal with it." This is as if not even giving women a choice to say well, maybe. It gave them some hope, "maybe I'll report this.."

Although we at the Centre don't tell women not to report and we don't tell them to report, we really leave it up to women. But what we try to do is to give as much information as possible, so that an informed decision can be made and women know what it involves. She knows that once she signs that statement it's out of her hands, it's viewed as a crime against the state and not her as an individual, so she can't go back and drop the charges, and if she tried, she could be charged with mischief, or public mischief.

So we give her all the necessary information she needs and let her know that when she calls, there are no guarantees that she'll get a police officer from her culture, or a woman officer. And that when they do come, the police have a discretionary power over whether or not they believe you. They really do. And if they don't believe you, that's it. Then they send a detective.

This is some background as to how it ties in to why the Rape Shield law existed, and gave women some hope to report. I can tell you, after the law was struck down, I didn't get one call on the crisis line...I did not get one request from one woman who said she wanted to report to the police. And I think women were going through the motions of "what does this all mean for me now?" Another wrench was thrown into it shortly after, which was, "should we have live television coverage and allow the media into the courtroom?"

So, all these dynamics are playing into stripping away a woman's sense of any possibility to report and to remain unopen to the public. Women need support when they are to report and when they actually go through the process, because it's not a pleasant thing. I've seen women in court and just how they really are being victimized again by the system. So that part, the wrench, got thrown in. So the Law is not struck down and women are wondering "what does this really mean for me?"

And, as women of Colour, the options for us to report, to a certain extent is not a real option at all. Because we as women of Colour have a lot of other dynamics we have to think about before we report. And we've learned through the years, "to grin and bear it", for the lack of a better phrase. Which means that although I'm being sexually assaulted, constantly, because I'm a domestic worker, my fears of being deported are greater. Me



wanting to have an opportunity, because those opportunities do not exist in my country, or have been taken away from me, means I will grin and bear it.

Another complication for women of Colour is that men in our communities are the target for police violence and racism constantly. So if we're in such a situation, and I've seen it happen, where people wonder, "well why did she drop the charges against this man, that has been beating her, abusing her and her children?", "why is she so stupid?", people, meaning white, middle-class, mainstream society can only see it from this tunnel vision. For the black woman, it's like, I'm being hurt, I want to do something for myself, but, I'm constantly torn with other factors. "Should I report?" "When he is reported, I know what's going to happen to him..." this person that the woman probably has some emotional attachment to, especially in an abusive relationship, where there is a dependency that develops because of her isolation, which he had created for her.

So, there's dependency and the emotional attachment and I'm a black woman, I've been sexually assaulted, can I report this? I decide not to, because for me, I have to deal with the attitudes of the police officer when I report, I have to deal with my own fears about confronting these police officers because I've seen how they treat my people, in a larger society, how we're perceived by them, and how I as a woman am already perceived stereotypically. So, there are so many other steps I have to take before I get to the step of reporting and I say NO.

## **Q** Would you say that sexual assault being reported now, is mainly being reported by white women?

**A:** As far as I know, that hasn't been analysed. Or maybe it has, but I don't have knowledge of what percent of that 10% is women of Colour or how that's been figured out. And anyway, there are women of Colour reporting, and I think for each individual woman there are different things. Which is something important to talk about, that is, what you plan to get out of the case, because we know that the maximum sentence a man gets for sexual crimes is two years. And if he robbed a store, he'll get a lot more. It doesn't make sense, property is worth a lot more than our bodies.

So all those sort of dynamics, if I am an Indian woman from India, for example, I have to think about my community, I don't want anyone to know about this, if I'm a virgin or not, so who can I trust? I don't want people to label me, I don't want my community to kick me out, I can't trust anyone.

It's not easy for me to report. And I have to deal with their pre-conceived stereotypes of me. So, even the actual process of reporting is harder for a woman of Colour.

So when I talk of the Rape Shield Law, and the stuff that's being done now, in terms of defining the lines so it's a clear "NO means NO" within the law system, it's fine and dandy that those steps are being taken, but what I'm saying is that, for women of Colour, there are still hurdles in front of us that we have to overcome to get to those places. These aren't hurdles we've put up for ourselves, but they are real barriers and it has to be more than a Rape Shield Law that will eradicate those for us.

**Q Does the new definition of consent then really mean No means No and that sex without consent is a crime?**

**A:** According to the proposed legislation consent would be given when the accused abuses a position of trust or authority over the victim. The whole idea of NO is not just a verbal thing, it requires women to be really free and to be sharing equal power with men to say NO. By itemising consent according to particular circumstances, it can help clear up some of the grey areas.

“The victim expresses by words or conduct a lack of agreement,” so when a woman is kicking and screaming, she means NO. “Victim shows signs of wanting to revoke agreement to having sex,” means I may agree to fondling and touching, but I don’t want intercourse. You assume, as a man, that my agreeing to fondling and kissing is also agreeing to intercourse, and I haven’t. So, it’s not like some articulate men I’ve heard who say, “she turned me on, and well she deserved it.”

It’s that kind of thinking, and to get at that kind of thinking is a positive step. The work around consent, would be something that’s in place that gives a woman hope that if she goes to court now there is something there, a possibility that she can be heard. In addition, a woman’s lack of being verbal is not going to be seen as consent, because silence does not mean consent.

Women will be more in a place where they are thinking that “if I did decide to report to the police, at least I could, there is an option.” So that part of it is good. At the same time, although women might consider pressing charges, the questions about a woman’s past sexual history or sexual relations are still going to be brought up. Because if you are dealing with a jury, a jury of people insensitive to the issues of sexual assault, then a lawyer could say “listen, this woman has slept with 15 men in the past three months, she’s a...slut, she’s a loose woman, she’s...a promiscuous woman,” or however they want to put it, the jurors will begin to interpret that in their own way, and they will come out with their verdict on the basis of their own values, regarding women.

Which is to say that even with this particular law, the already-existing structures are still in place. Education just hasn’t taken place within the court system itself. The judges that are judging and trying these cases, like the judge in B.C., who said the two year old girl “enticed” the man, there’s not enough being done. And yes, we are applying band-aid solutions, but the real structures are still there and few attempts are being made to change those.

**Q Are women’s needs being met in the courts?**

**A:** Based on the percentage of women reporting, we can say NO. Our experience as women is based on the past history of sexual assault cases being thrown out of court; based on things like a woman’s psychological history being brought up; based on whether or not she had sex with this one guy before hand; it is these things that are brought up and taken to mean automatic consent by a woman. This attitude is based on society still believing



it's a woman's "conjugal duty" to provide sex for her husband or her man, and judges and the people in power still seem to believe in that, so I don't think so.

### **Q Tell us a bit more about the Rape Crisis Centre**

**A:** We deal with a lot of cases and there is no screening system we use in the sense of rape or incest. Women call, they say this is where I'm hurting, this is where I've been abused, I need help, I want to talk with somebody. Then we take it from there.

Sometimes a woman comes in and talks about a rape that happened to her months ago, or you may find out through the process of counselling, that she has been sexually assaulted as a child. So there are many dynamics involved and you try to deal with it as it comes. It is important that we don't create a format or a "blueprint." When a woman comes to see me and she wants counselling I will tell her what we can offer her and give her as much information as I can. My emphasis will be on working in cooperation with her. Because I want to support a woman, I cannot impose or say "well I think this will work for you." She knows best what will work for her. I'm just there to help her go through with her feelings.

So that is somewhat our approach to it. We are not therapists. And it's important to make that distinction. There tends to be a power relationship in many of the therapist/client type situations. We don't refer to women here as clients. We have short-term and long-term counselling which is free of cost. And if a woman does not turn up for her appointment we do not chase after her and ask her why she did not come. If she doesn't come, she hasn't come, and there's a reason why. She might come back three months later.

But there are times where women say they want ongoing counselling, so we establish that with women. We see women once a week, once every two weeks, or for only one hour. We also do court accompaniment and advocacy for women in any way we can through support, demonstrations, etc. There is a wide spectrum in terms of what we do, there are different places we work in coalition with, to eradicate all forms of violence against women.

### **Q What kind of support and services are out there for women survivors of sexual assault, incest and rape?**

**A:** Services are developing more and more. For example, one of the black community organisations now has one counselor dealing with survivors. So that's a new service in the black community.

I don't think that we can ever say we have enough services for women. Even within the existing services for women, they have been primarily designed for white women and haven't taken into consideration cultural and ethnic differences.

At this point, some services are beginning to look at this and to see how to make their services more accessible to women. We're talking about the Rape Crisis Centre too, and that's part of the reason why I'm here and why women of Colour are now beginning to show up in here.



I would like to see more services for women and for women of Colour that are really sensitive to our needs. Services where staff have sensitivity towards what it's like for a woman of Colour or a certain community, what she's saying, and what can she do about it. Just to take in the particular dynamics of who this woman culturally is, where she's coming from, her background and other factors.

I don't think there will ever be enough services; the hostels, shelters all have waiting lists, it's ridiculous.

## **SEXUAL ASSAULT**

*Dispelling the myths:*

### **True or False?**

*Sexual assaults are most often committed by strangers.*

**False.**

It is estimated that the majority of women (68.5 to 83 per cent) are sexually assaulted by men they know.

### **True or False?**

*Men who sexually assault women are either mentally ill or sexually starved.*

**False.**

Sexual assault is a crime of power, control and violence. Men who assault are not 'sick', mentally ill or sexually starved. Studies and research on the psychological profiles of rapists overwhelmingly reveal that they are 'ordinary, normal' average men.

*Ontario Women's Directorate*

# Rape in Sri Lanka:

## A SOCIO-LEGAL OVERVIEW OF RAPE LAWS AS A FORM OF **VIOLENCE AGAINST WOMEN**

by **KAMALINI WIJAYATILAKE**

**T**he main objective of this article is to examine the statutory legislation related to rape as well as to highlight the perceptions of those involved or affected by the offence. Particular attention has been paid to the responses of victims, their families, law enforcement authorities, lawyers and judicial officers. Doctors, para-medical personnel, social workers and the community itself were the basis of information. Data was also gathered from law reports, statutes, newspaper articles and news items published in the press.

Most women hesitate to stay late at the office to work alone, to venture out at night without a male escort, to live alone, to undertake certain jobs, due to the persistent fear of rape. Perhaps this particular underlying fear in a woman is only shared by men in prison who live with the threat of homosexual rape. The fear of rape also reinforces the power that men have over women, and it heightens the dependency of women upon men.

The law regarding rape, and the practical application of the law, both influences and is influenced by gender relationships in society. Any critique on these laws should take into account this phenomenon. It is believed that wide protection is given to women under Sri Lankan statutory law against violations such as rape. But it is also possible that rather than protecting the women, these laws as they are presently conceived might in fact handicap the victim by hindering the prosecution of rapists, and by widening the inequality between men and women.

Under the Penal Code of Sri Lanka, rape is punishable with imprisonment, up to a period of twenty years.<sup>1</sup>

The Penal Code of Sri Lanka defines rape as sexual intercourse between a man and a woman without her consent or against her will.<sup>2</sup> Furthermore, the Code also provides that, even in situations where a victim gives her consent due to deception or blackmail, or when under intoxication or while being of unsound mind or if the victim is less than twelve years of age, the offence of rape is deemed to have been committed.<sup>3</sup> In view of this it could be reasoned that rape is 'the act of penetration of the female person against her will or without her deliberate and conscious consent'.

According to the statutory definition of rape, it is clear that the offence could be committed in several

ways.<sup>4</sup> However, the most common way of committing rape is using force which is usually met with resistance from the victim, often resulting in injuries.

In order to elucidate this further, the following known situations could be taken into consideration. Firstly; when blackmail or deception is used on the victim. In one instance, the victim, a sales girl in a textile shop, was given to petty pilfering. The supervisor, who had his ulterior motives, turned a blind eye until he was able to collect enough evidence against her. On a day when both of them happened to be working overtime, he threatened to expose her to the employer unless she succumbed to his demands. In this instance, there would have been no visible evidence of forcible rape, since there would have been an absence of physical injuries.

A second situation occurs when the victim is threatened or intimidated with serious bodily harm. A situation of this type occurred when one late evening, three men entered a house occupied by an old woman and her grand daughter. They tied up the old woman and prevented her from raising cries while they raped the granddaughter, and threatened to kill both of them if they complained to the police.

A third situation occurs when the victim is under hypnosis, under the influence of drugs, asleep or when she is in a state of shock. A recent report in the print media,<sup>5</sup> focused attention on the incident of a 15 year old 'hole-in-the-heart' patient being raped in the General Hospital. Deepani had been fast asleep in the corridor of Ward No. 25 of the Colombo General Hospital. The time was past midnight 'Suddenly someone came to me and began stripping off my clothes. That person threatened me with death if I didn't give in. I was screaming in pain. When I tried to turn around, I heard sounds of screaming from the other girls who were sleeping beside me in the corridor. I saw three or four shadows in the darkness'. Through fear she did not reveal the incident to her parents. The ensuing pregnancy was discovered only when she had to be hospitalised because of abdominal pains. She breathed her last at the Panadura Hospital while giving birth. The verdict at the inquest was that death was due to respiratory failure following pregnancy and labour. The social stigma attached to such an incident prevented the parents from seeking redress from the authorities. It is indeed a matter worthy of interest, how this could happen to a defenceless girl, in a government hospital where there is tight security and where not even a female of the patient's family was allowed to stay with her.

The fact which is common to all these situations is that there will obviously be a lack of physical injuries. However, it is regretfully noted that in certain instances, medical evidence concludes that since there is no evidence of injury, rape could not have been committed. This fact could be very readily challenged, since in all the above mentioned instances, there could hardly be any visible injuries. Hence it is unjust and not in the best interests of justice to prematurely conclude that, there has been no rape where there is an absence of physical violence. As such, it will only discredit the victim if she claims that force was used on her to be in keeping with the general norm that physical violence should be a necessary ingredient of rape.

In the above instance the medical examiner bears a great responsibility to ascertain the case history of the incident. Then he could determine the particular injuries he should look for in contradiction or corroboration of the alleged victim's claim. For example, a victim alleges that rape was committed on her while she was unconscious, when under post surgical anaesthesia; and due to her being unaware of

*It is regretfully noted that in certain instances, medical evidence concludes that since there is no evidence of injury, rape could not have been committed.*



the offence being committed, she had not shown resistance. It is unjust and unfair to examine her only for evidence of physical injury; since her claim bears testimony to the fact that rape has been committed under circumstances which did not necessitate physical injury.

When the victim herself alleges that rape was committed in a manner that does not leave evidence of violence, her allegation should not be discredited merely on the lack of this kind of corroborative or supportive evidence. An incident which took place in a rural area provides a good insight to this kind of situation. The police officer who received a complaint from a teenaged girl, of rape, was under the impression that she would be disbelieved by court since she had no visible physical injuries. Reasoning thus, he persuaded the girl and had forcible sexual intercourse with her. He made her believe that he did it for her benefit. In other words, he fabricated the evidence of the use of force. However, the girl was truthful when being questioned by the medical examiner, and fabrication of evidence against the alleged accused was averted. In this instance, had she lied, there could have been corroboration. But since she was honest, there was no corroboration. Thus it is seen that honesty may not always be a means to justice. Whereas on the other hand, fabrication or lying may sometimes bring about the desired end.

In the practical application of the law with regard to rape, the courts always look for independent corroboration. However, when considering the views of counsels for the prosecution and the defence in actions for rape, it appears that the requirement of corroboration does not act as a barrier against instituting these actions. Their view is that, supportive or corroborative evidence is not essential. Although there is no rule of law requiring corroborative evidence in such an action, the court always gives a warning or cautions the jury not to convict an accused solely on uncorroborated evidence. As such, the requirement of corroboration from an independent witness has become almost a rule of law.<sup>6</sup>

However, since this particular offence is almost always committed under circumstances which do not leave room for eye witnesses, the existence of injuries have to be relied upon by the courts as circumstantial corroboration. As pointed out before in the absence of such corroboration, though technically a conviction can be sustained, in practice, the situation is the opposite; the accused is almost always acquitted either at the original or appellate courts, due to lack of corroboration. In two reported cases<sup>7</sup> even though court maintained that the accused could be convicted on uncorroborated evidence of the victim, both accused were acquitted on the basis that they could not be convicted on the uncorroborated evidence of the prosecutrix alone! On the whole we think it is safer that the conviction should not be allowed to stand. Even in a case where the accused admitted the offence,<sup>8</sup> he was acquitted in appeal on the ground that the trial judge did not warn the jury sufficiently against convicting the accused on uncorroborated evidence on lack of consent on the part of the victim.

In this event it is seen that, instead of protecting the interests of the alleged victim, this practice allows the accused to get away on an acquittal. It is clear that under these circumstances, a victim of rape is required to be corroborated merely for the reason that she is a woman who alleges that a man has committed the most serious offence against her modesty. This is discriminatory and often results in the miscarriage of justice.

The reason which upholds the requirement of corroboration is that 'an allegation of rape is easy to make and difficult to rebut'. However, this reasoning is hardly justifiable, in that it could be applied to several other offences, including kidnapping, theft, abduction, extortion, unlawful restraint, hurt, force, assault, criminal breach of trust, misappropriation and cheating. There is no distinction worthy of consideration between the offence of rape and the aforementioned offences. Nevertheless except in the offence of rape, the others do not carry with them the requirement of independent corroboration warning or caution.

Moreover, the allegation alone does not result in the punishment for rape. Such accusations will be subject to the provisions of the Criminal Procedure Code and will only initiate proceedings against the accused. This probably may not lead to a trial which could result in a conviction, only on the event of the case being proved beyond reasonable doubt. It is only at this juncture that punishment is imposed. During the pendency of the trial, each and every bit of evidence will be examined closely, and the case will be judged on its own merits. Hence it will be in vain to infer that allegations of rape are easy to make.

Similarly, the difficulty envisaged in rebuttal is obscure, since every accused is presumed to be innocent until proven guilty. Only in the event of the prosecution establishing a prima facie case, will the defence be called. The accused also has the right to call witnesses, lead evidence and address in reply to the prosecution. Finally it will only be at the end of all these proceedings that the accused may be convicted and sentenced, and that too only if the prosecution has proved its case beyond all reasonable doubt.

In consequence it is noted that the rules of practice in cases of rape are based on speculation rather than on reason, and only hinders the conviction of the guilty rather than safeguard the innocent.

Statutory rape, where the victim is under the age of 12 years, and where consent is immaterial, is found in many instances. There have been many incidents where young children have been raped by friends of the family, uncles and other male relatives. In one instance it was revealed that the 10-year-old daughter of a Middle East migrant worker, who was being looked after by her grandparents, had been frequently subjected to sexual assault by her grandfather. In another instance, the divorced mother of

three children, discovered that her teenaged son had been having sexual intercourse with his 12 year old younger sister. In both these cases the victims had not realised that a wrong had been committed against them. However, in most of these instances the facts are not brought to light due to the covering up by the rest of the family, who fear shame and humiliation in the eyes of society. Therefore it has been found to be difficult to prove such incidents of statutory and custodial rape.

About one fifth of the complaints of rape made to the police do not end up in the courts of justice. In other words the police, for various reasons, advise against prosecution. In these instances it has been found that one or more of the following factors are found in these complaints; when the victim has delayed in reporting the offence, when there is evidence of the victim's intoxication, the victim's refusal to submit to a medical examination, insufficient physical evidence to corroborate the allegation, or the relationship between the victim and the alleged offender. The police also hold back a prosecution in situations where the victim is too emotionally upset, too young to cooperate or too afraid to go through the long ordeal of police procedure. Even though most of these factors are irrelevant as to whether rape has been committed or not, they are nevertheless pertinent to obtaining a conviction in court.

Though police officers more often than not perform their duties as far as the preliminaries are concerned, there have been instances when they have allowed prejudice to overcome their official functions. For example, a young unmarried woman complained to a police officer that she had been raped by three guards when she went to meet a government officer at his place of work on an official matter. However, the police officer concerned opted to disbelieve her due to his bias towards the alleged rapists.

*About one fifth of the complaints of rape made to the police do not end up in the courts of justice. In other words the police, for various reasons, advise against prosecution.*



He believed their version of the incident that the woman had been found loitering within the premises, charged her with loitering under the Vagrancy Ordinance and subsequently brought her before the Magistrates' Courts. In this instance, the police officer allowed himself to overlook the possibility that her version may be true.

In cases where a victim either withdraws consent from an original agreement to have sexual intercourse or is caught in a vulnerable situation, it could weaken an otherwise 'fool-proof' case against the accused. In these situations the police generally hesitate to proceed with the complaint since there is a very slim chance of obtaining a conviction. Perhaps this kind of situation might even lead the alleged rapist to feel free from guilt, and such individuals may even commit the offence more than once, particularly when they know that the victim is vulnerable and helpless. Most judicial officers and prosecutors have been seen to look upon the victim as having invited the rape on herself by being out unchaperoned at night, being dressed in a manner which could be deemed to have been 'inviting', or having behaved in a manner which appeared to have encouraged the rapist. A woman is made to feel that somehow she has brought it upon herself due to the above mentioned reasons as well as many others. As a result the woman may react with considerable guilt or have a feeling of culpability and refrain from reporting the incident to the police.

With regard to the attitude of judges in actions for rape, it is found that when a judge has read a brief before hand, and is pre-determined in his views on the case in question, it is more difficult to dislodge his foregone conclusions than when he has not done so. In such instances, a judge who has come on the bench with an open mind, has been found to be far more amenable to adjudicate justly. It is also revealed that lack of corroboration weighs heavily on the judge, and that he would go out of his way to warn the jury to acquit.<sup>9</sup> Sentencing is prone to be on the heavy side. However, this does not rule out the possibility of a lesser offence being given a light sentence.

The attitude of Counsel for the defence generally seemed to be that they would definitely try to obtain an acquittal, even if it meant that they got an acquittal on a mere technicality. Most lawyers considered actions for rape not to be worthy of special consideration towards women; they would take the stance of a typical defence counsel, in that they should by all means try to obtain an acquittal for their client. Hence they would not hesitate to unearth even an obscure point in order to discredit the prosecutrix or to rely on a technicality to get an acquittal.<sup>10</sup> In other words, the accused gets value for his money. The reason that not many women lawyers appear in defending alleged rapists could be the dearth of women lawyers practising in the High Courts. However, it was revealed that if retained, they would not hesitate to appear for the accused in such a case.

It was found that even though most rapes tend to be violent and planned, very few reached the prosecution stage. Furthermore, even if the accused is prosecuted very few are convicted. The reasons for failure to charge and convict could be attributed to the social and legal attitudes towards rape; such as the different roles played by the law enforcement authorities, the immediate family of the victims as well

*The attitude of Counsel for the defence generally seemed to be that they would definitely try to obtain an acquittal, even if it meant that they got an acquittal on a mere technicality. Most lawyers considered actions for rape not to be worthy of special consideration towards women.*



as the social ostracisation of the victim. These attitudes have produced a network of formal and informal restraints on the actions of the police, prosecutors, judges and juries that hinder prosecutions for forcible rape.

In conclusion it could be deduced that the rules of practice applied in actions for rape are unreasonable and discriminatory. An entire legal framework of preconceptions unrelated to reality has been in force. This gulf between myth and reality necessitates re-evaluation of rape laws. A reconstruction of these laws with careful attention to the reality of rape could not only make the disposition of rape charges and convictions more effective and more fair, but it could also serve to promote a much needed change in society's attitude toward rape.

### Notes

1. Penal Code Sec. 364.
2. *ibid* Sec. 363.
3. *ibid* Sec. 363.
4. *ibid* Sec. 363.
5. **Silva, Manjula.** '15 year-old girl was raped in the General Hospital'. *Mirror Magazine* 22nd October, 1989.
6. King Vs. Atukorale 50 NLR 256  
Rajaratnam Vs. Republic of Sri Lanka 78 NLR 63
7. King Vs. Themis Singho 45 NLR 378  
Premasiri Vs. Queen 77 NLR 86
8. Karunasena Vs. Rep. of Sri Lanka 78 NRL 63
9. King Vs. Ana Sharief 42 NLR 169 at 171  
King Vs. Marthelis 43 NLR 500  
Regina Vs. W.G. Dharmasena 58 NLR 15  
Karunasena Vs. Rep. of Sri Lanka 78 NLR 63
10. Karunasena Vs. Rep. of Sri Lanka 78 NLR 63



### ***This paper also draws materials from:***

**Goonesekera, Savitri.** *The Convention of Elimination of Discrimination against Women, some aspects of the Sri Lankan Situation.* CENWOR 1989.

**and,**

**Dharmawardene, Kolitha.** *Victims of Rape -! Law & Medical Jurisprudence in relation to the absence of physical injuries.* 1988.

# Laws On Rape

by LINA GONSALVES

**W**omen have fared miserably under the law, not only in the decisions which went against us, but even in the cases that went 'for us' and we are deluding ourselves if we think that women can get justice in the courts. The record of court decision, statutes, constitution, legislature interpretation; all these are written by men. And until they begin to be written by feminist women and feminist men, women will never achieve equity in our legal system.

If we see the law of rape in operation we see how the law treats the woman victim as the accused.

The most famous case was of Mathura, a young tribal girl from a village in Maharashtra. She was about 16 years old and in love with a man called Ashok who wanted to marry her. Her elder brother objected and lodged a complaint at the Desaiganj police Station stating that Ashok and his family had kidnapped Mathura. At about 9 in the night Ashok and his aunt and uncle along with Mathura were brought to the Police Station on March 26, 1972. Her brother was also present there and the police recorded everyone's statement and told them to leave. As Mathura was

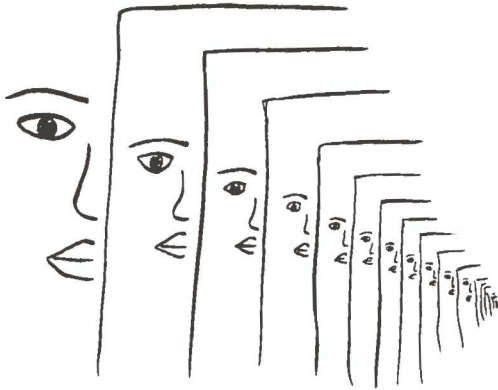
also leaving, head constable Ganpat stopped Mathura from going out of the Police Station.

The lights of the police station were turned off and Ganpat raped Mathura in the latrine and Police constable Tukaram molested her. By this time Ashok and other relatives were waiting outside the police station.

A complaint against the policeman was lodged and Mathura was medically examined. On examination it was found that the girl had no injury on her person and the hymen revealed old ruptures. The trial court held that the prosecution failed to prove its case and declared the policemen were innocent and Mathura a liar. It held that even if there was sexual intercourse there was no rape

because there was no proof that Mathura had resisted. In a rape case the victim has to prove that she did not consent.

The High Court reversed the judgment and held that it was a case of 'passive submission' and relied upon the circumstances that at the relevant time the girl was in the Police Station where she felt helpless in the presence of the person in authority and that her submission to the act of sexual



intercourse must be regarded as the result of fear and therefore no consent in the eye of law.

Sec. 375 of Indian Penal Code which defines the Offence of Rape:

A man is said to commit 'rape' who except in the case here in after excepted, has sexual intercourse with a woman under circumstances falling under any of the 6 following descriptions.

(i) Against her Will.

(ii) Without her consent.

(iii) With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death and/or of hurt.

(iv) With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man and to whom she is or believes herself to be lawfully married.

(v) With her consent, when at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance she is unable to undertake the nature and consequences of that to which she gives consent.

(vi) With or without her consent when she is under 16 years of age,

Explanation: Penetration is sufficient to constitute the sexual intercourse necessary for the offence of rape.

Exception: Sexual intercourse by a man with his own wife, the wife not being under 15 years of age is not rape.

The matter was taken up to the Supreme Court and the Supreme Court Judge restored the decision of the Sessions Judge. In restoring the decisions of the Sessions Judge does the Supreme Court of India really believe that Mathura had invented the story of rape and even the confinement in the

police station in order to sound 'virtuous' before her lover?

Does the Supreme Court believe that Mathura was so flirtatious that even when her brother, her relatives and her lover were waiting outside the Police Station, she could not let go the "opportunity" of having fun with two policemen and that too in the area adjoining the Police Station latrine? The Supreme Court of India also believed with the Sessions Judge that Mathura was 'Habituated' to sexual intercourse to such an extent that she would not let go the opportunity of having fun. Her sexual habits made the court disbelieve the story of rape altogether. We also find it surprising that the Supreme Court should have only focused on the 3rd component of Section 375 of I.P.C. which applies when rape is committed with the woman's consent, when her consent has been obtained by putting her in fear of death or hurt. But the 2nd component of Section 375 is when rape occurs without her consent. There is a clear difference in law and common sense, between 'submission and consent'. Consent involves submission, but the converse is not necessarily true. Nor is absence of resistance necessarily indicative of consent. It appears from the fact as stated by the court and its holdings that there was submission on the part of Mathura. But where was the finding on the crucial element of consent?

Women all over the country organised protests and demonstration. They began studying the law and discovered some startling facts about the bias in law. Women demanded that the law of rape be changed. Under the pressure the government asked the law commission to go into the question and the law commission submitted the 84th Reports and the recommendations included:

- the law must recognize that a man can rape his wife (and marriage does not give the man the right to have sexual intercourse with his wife against her wishes).
- the previous sexual history of the woman should not be brought on record (as they



did with Mathura)

- If the police do not record the woman's complaint it should be treated as a major offence on the part of the police.
- No woman should be arrested at night or kept at the police lock up.
- If the woman states she did not consent to sexual intercourse the court should pre-

sume that the victim did not consent.

The minimum punishment has been raised in cases where public servants are involved such as policemen, jail or hostel superintendents and staff members of a hospital in a rape of women under their charge or custody.

- Provision for a summary trial.

## SEXUAL ASSAULT

*Dispelling the myths.*

### True or False?

*Even though a woman says no, she secretly enjoys being forced to have sex.*

**False.**

When a woman says no, some men don't listen. They think she means "maybe" or "yes". Some men even believe that women secretly want or deserve to be raped. This is not true. "No" means "no" - whatever the situation.

### True or False?

*If a sexually assaulted woman is not physically harmed, she will not suffer any long-term effects.*

**False.**

Even if they have not been physically harmed, women who have been sexually assaulted often suffer from severe psychological and physical health problems. These problems may include depression, confusion, nightmares, eating disorders, anxiety and flashbacks. One in five sexual assault victims attempt suicide.

*Ontario Women's Directorate*

# THE OFFENCE OF RAPE

## in the Islamic Law of Pakistan

by RUBYA MEHDI



**I**n 1979 the Islamic regime of Pakistan introduced changes in the law of rape, providing Islamic standards of proof and punishment for this crime. The law concerning rape was made part of an ordinance called The Offence of Zina (Enforcement of Hudood) Ordinance VII, of 1979 (the term zina encompasses adultery, fornication, rape and prostitution). The ordinance also deals with the crimes of fornication and adultery, which are not regarded as illegal in most western countries, but are major crimes in the eyes of Islamic jurists. In almost every other country in the world rape is categorized as a crime different from fornication and adultery but the ordinance of 1979 makes fornication and adultery a crime similar to that of rape in Pakistan. This has complicated the already complex law of rape.

In 1977 General Zia took power after a military coup. When he failed to fulfill his promise of holding elections, he tried to justify his rule on the grounds that God had given him a special responsibility to turn Pakistan into a truly Islamic state. He made vast changes in the criminal law as well as in

the constitution of Pakistan. Apart from zina, he introduced Islamic punishments for theft and the drinking of alcohol, among other things. General Zia's rule of ten years became known as a period of Islamization. He died in an air accident in 1988 and was succeeded by Benazir Bhutto. Her election programme included the undertaking to abolish all laws discriminatory to women. But until now she has not been

successful in reverting any of the laws passed under the movement of islamization.

There was little discussion about the law of rape in Pakistan before 1979. Maybe because feminists in Pakistan found other problems more important than the issue of rape (feminism in the context of Pakistan is not yet defined; roughly it means women fighting for women's problems). The changes to the Islamic law of rape in 1979 made women in Pakistan react strongly, because it posed a direct challenge to them. The definition of rape provided in the Islamic law of 1979 is similar to the definition provided in section 375 of the Pakistan Penal Code, prior to 1979, with the exception that the earlier law protected girls under the age of fourteen with whom sexual intercourse was prohibited with or without her consent. Zina ordinance does not provide any protection to girls of less than fourteen. Moreover, the law before 1979 declared that rape in marriage is not considered as rape if the wife is over thirteen years of age. The major difference between the two laws is that the Islamic law has changed the punishment of imprisonment and fine (ten years' imprisonment and fine) into the punishment of whipping and stoning to death. The other major difference concerned the evidence about the offence of rape. In the 1979 ordinance very hard and fast rules have been prescribed for a witness, for example Tazkia-al-shahood enjoins upon a Qazi (muslim judge) to inquire into the character of a witness and his credibility. The court must be satisfied that the witnesses are truthful and abstain from major sins. Moreover, only muslim male witnesses are accepted which was not the case before 1979.

My purpose in this article is to focus on the issue that fornication and adultery have been made crimes similar to the crime of rape in the zina ordinance and subsequently emphasis on the crime of rape has been reduced. In a male dominated society such as Pakistan, this has given more power to men over women's bodies in spite of the increase in severity of punishment. The Islamic Government of Pakistan maintained that the new law was in accordance with the Quran (the holy book of Muslims) and Sunnah (sayings and deeds of prophet Muhammad), while feminists said that this was a misinterpretation of the Quran. It may be that traditional Islamic law laid more stress on fornication and adultery than rape, because the phenomena of rape might not have been common in the early period of Muslim history. But whether or not this is the case, the traditional Islamic concept of rape is not applicable in Pakistan today, where women demand protection against rape.

The law of rape is unique in its nature, in the sense that its victims are female, and in practice the distinction between consensual sex and rape is very difficult to define in most cases, because non-consent is so difficult to establish legally. In western countries the main problem concerning this crime is the issue of how vulnerable the victim made herself to the rapist; thus it is easy to place the responsibility of the crime on the victim by focusing blame on her. The dilemma facing the western legal system is that on the one hand a rapist should not go free; on the other hand an innocent man should not be convicted on the basis of an allegation made by a woman who consented to sexual intercourse.

The most usual form of rape in Pakistan (as far as we know at present) is the situation in which the rapist does not know his victim beforehand and a woman is suddenly attacked. The situation in which a man knows his victim is typically a landlord and peasant-women relationship. Young girls are also exposed to rape offences. As a priority, women in Pakistan want protection from the forms of rape which are those in which there can be no question of consent on the part of the woman. Those forms of rape in which the question of consent arise are usually very common in Pakistan because of the segregation of sexes, seclusion of women within their homes and the non-existence of free sexual morality.

I feel that criminologists and sociologists should not try to look at rape in Pakistan the way it is looked at in western societies. Of course there are universal facts about the situation of women, but the problem



should be looked at within the perspective of each individual country. For example, in the West the problem of rape is surrounded by discussions about genuine consent and victim-precipitated rape etc. (Smart, 1976; Clark & Lewis, 1977; Snare, 1984; Carstensen et al, 1981). These are the issues which are found in almost all rape discussions in the West, whereas these issues are not relevant for Pakistan at all. What is important to focus on when analysing rape in Pakistan is the political situation, because changes in rape law, along with other aspects of criminal law, were definitely made with political intentions. The Government used Islam as a means of obtaining legitimacy, i.e. to justify unconstitutional and illegal usurpation of power by a military dictator. In the process the Government used Islam to deny women their rights. Women were made special victims of these laws.

The next issue which is relevant for Pakistani and for western women is the gender role system and the need to understand patriarchal culture and male/female sex-role socialization. Pakistan is a Muslim patriarchal society, where a feminist interpretation of Islam has not really developed. The process of the islamization of laws has reinforced the already deeply rooted and staunch notions of male domination in Pakistani society. It has affected men's attitude towards women to the extent that when the movement of islamization started and orders were issued for the women in government service to wear the chador (a piece of cloth to cover their heads) incidents were reported, where men slapped women's faces in public places for not covering their heads. This shows how islamization made men feel powerful enough to control women. Therefore to look at rape with reference to gender role and patriarchal social structure is as important in Pakistan as anywhere else. Feminists in Pakistan have not yet analysed the rape phenomena within these terms of reference. Mostly they are engaged in agitating against the injustice done to women in particular rape cases.

***The Government used Islam ...to justify unconstitutional and illegal usurpation of power by a military dictator. In the process the Government used Islam to deny women their rights. Women were made special victims of these laws.***

The law of rape becomes more complicated when consensual sexual intercourse without valid marriage (i.e. fornication/adultery) is also considered a crime similar to that of rape in Muslim countries. Let us see the offence of rape as given in the Zina (Enforcement of Hudood) Ordinance VII of 1979 of Pakistan.

Rape is defined, in the ordinance, as different from consensual sexual intercourse. It is defined as "... if he or she has sexual intercourse with a woman or man, as the case may be, to whom he or she is not validly married in any of the following circumstances, namely;

- (a) against the will of the victim,
- (b) without the consent of the victim,
- (c) with the consent of the victim, when the consent has been obtained by putting the victim in fear of death or harm, or
- (d) with the consent of the victim, when the offender knows that the offender is not validly married to the victim and that the consent is given because the victim believes that the offender is another person to whom the victim is or believes herself or himself to be validly married."<sup>2</sup>

In the non-Muslim world it is established that victims of rape are always female. But the zina ordinance

makes females legally punishable for committing rape; in other words, the victim of rape *could* be a male. What it really means is not clear, since there has been no case where a would-be accused is freed on grounds that the woman may have seduced him. But since seduction implies consent on the part of man, as opposed to rape which is pure force, a woman can not be termed a rapist. Yet, ours is the only country where a woman can actually be punished for raping a man (1989).

Moreover the definition of rape excludes the possibility that a man may be guilty of rape if he has sexual intercourse with his wife knowing that she does not consent.

The ordinance, in accordance with traditional Islamic law makes rape liable to hadd punishment and to tazir punishment. The former are severe punishments in comparison to the latter. Hadd punishment for example includes stoning to death, amputation of limbs and whipping, while tazir punishment includes only whipping, imprisonment and fines etc. (for details explaining hadd and tazir see Lippman et al., 1988). Rape categorized as liable to hadd is really of an academic nature, as the standards of proof required for it are so difficult to meet that there is very little possibility that a rapist would ever be punished for rape liable to hadd. Proof of rape liable to hadd could be in two forms. First, if the rapist makes a confession before the court. The confession can be retracted at any time before the execution or punishment, in which case it cannot be carried out. Second, if there are at least four Muslim adult male witnesses, about whom the court is satisfied having regard to the requirements of Taziyah-al-shuhood which is also very severe and difficult to meet, bearing in mind the moral situation of Pakistani society.<sup>4</sup> The rapist, knowing the law, would try to commit the offence when no men, at least Muslim men, were around. When even the evidence of the raped woman is not acceptable, this puts the offender in a very privileged position and it should be noted further that four pious male witnesses must have seen the actual penetration during the act of intercourse. It is not enough if three of them have seen the actual penetration during the act of intercourse. It is not enough if three of them have seen the actual penetration and the fourth one has only seen the rapist running away from the place of the offence.

For punishment liable to hadd, the status of the offender is a basic consideration. If the offender is a married person he would be stoned to death ("such the witnesses who deposed against the convict as may be available to shall start stoning him and while stoning is being carried on, he may be shot dead, whereupon stoning and shooting shall be stopped").<sup>5</sup> If the offender is not a married person he would be punished with one hundred lashes in a public place and with such other punishment including the sentence of death as the court may deem fit, having regard to the circumstances of the case.<sup>6</sup>

As I have mentioned to the ordinance, if the required standard of proof for hadd is not available, the offender would be liable to tazir, on the basis of other evidence.<sup>7</sup> Punishment for rape liable to tazir is twenty-five years' imprisonment and thirty lashes. This is the working law of rape as almost all the cases are tried under tazir. For the purpose of punishment under tazir no difference is made between a married and unmarried offender.

This is the law of rape, as it stands in the zina ordinance. The next aspect is to view the ordinance on fornication/adultery. Lucy Carroll (1983), an American scholar, provided some defence for the ordinance, that sufficiently differentiates the two offences. She was right to the extent that the punishment for rape is twenty-five years' imprisonment as opposed to ten years' imprisonment for adultery/fornication in tazir.<sup>8</sup> If an unmarried rapist confesses in order to attract hadd punishment, punishment in that case is not confined to one hundred lashes (as in adultery/fornication), but he would also be subject to "such other punishment, including the sentence of death". In spite of these two distinctions, the ordinance in practice fails to make a distinction between two offences. As we can see, the standard of proof provided



for in both offences is the same. Moreover, in practice the ordinance has confused both issues; one which is with the consent of the parties involved, and the other which is without the consent and entails violation of the victim's mental and physical integrity. By making fornication/adultery in itself a crime, the ordinance reduces the stress on rape as a heinous crime, since fornication/adultery are also similar crimes in the eyes of the ordinance (at least the punishment in hadd for fornication/adultery is the same as for rape).

In the case of fornication/adultery, men and women are medically examined, the man for sexual potency and the woman for the condition of the hymen and existence of tears, and vaginal swabs are taken to see if they are stained with semen. The medical examination of the victims of rape is also done in the same way.

In the cases of fornication/adultery, the woman might plead non-consent on her part (that she was raped) in order to avoid punishment. A man, on the other hand, would be in a better situation if convicted for fornication/adultery instead of rape, as he would prefer a punishment of ten years to that of twenty-five years. He cannot avoid thirty lashes in either situation. In fornication/adultery he would also be liable to a fine, which is not imposed on a rapist.

By making fornication/adultery a crime, the ordinance has created hardship for women. The law confuses the issue of rape with fornication/adultery. The demarcation line between the two offences is so thin in practice that when a woman comes into the court with a case of rape, the onus of providing proof in a rape case rests with the woman herself. If she is unable to prove her allegation, bringing the case to court is considered equivalent to a confession of sexual intercourse without lawful marriage. And if the woman is also pregnant, as the result of rape, this is a further proof that sexual intercourse without lawful marriage has taken place. Now if she fails to establish a case of rape, she is in danger of being punished for a maximum prison sentence of ten years, thirty lashes and a fine for fornication/adultery. This happened in the case of *Safia Bibi v. The State*.<sup>9</sup> Where the bare confessional statement of the girl was the only evidence, the male accused could not be convicted on her confession. The victim in this case was a blind girl. This case received considerable publicity in the national and international press. Her conviction was, however, set aside because of public pressure.<sup>10</sup> In a similar case a thirteen year old girl became pregnant as a result of rape. Unable to convince the court that rape had occurred and since her pregnancy was taken as a proof that sexual intercourse outside marriage had taken place, she was awarded the tazir punishment of thirty lashes and three years' imprisonment. She gave birth to the child in the prison. Her sentence was later reduced by the appellant court. Because of this situation women are more afraid than before to bring a case of rape to court, and in turn this could, of course, encourage rapists.

Combining the offence of rape with fornication and adultery is also reflected in the official data about

*A thirteen year old girl became pregnant as a result of rape. Unable to convince the court that rape had occurred and since her pregnancy was taken as a proof that sexual intercourse outside marriage had taken place, she was awarded the tazir punishment of thirty lashes and three years' imprisonment. She gave birth to the child in the prison.*



these crimes provided by the Bureau of Police Research and Development, Ministry of Interior, Government of Pakistan, which published the number of cases in the year of 1983 on fornication, adultery and rape under the one heading of zina, again categorizing rape with fornication and adultery.<sup>11</sup>

The law of rape in a society shows its attitude towards women. In the Pakistani male dominated society where great stress is laid on women's modesty and chastity, a woman is more likely to be blamed for making herself vulnerable to the rapist or introducing an element of stimulation for him. (The act of going out alone at night and not covering her body properly could easily be attributed by the courts as provocation on the part of the woman.) This attitude is reflected in most of the cases decided under the ordinance. In the case of rape, it is considered important that she should show strong resistance, as a result of which marks of violence should be visible on her body.<sup>12</sup> In the case *Bhaadur Shah v. The State*<sup>13</sup> the conviction of rape was converted into fornication/adultery, because the female doctor while examining the victim "...did not observe any injury on the thighs, legs, elbows, arms, knees, face, back and buttocks of the victim", and it was held that "she was bound to sustain injuries like bruises, contusions, scratches or abrasions on different parts of her body as she was supposed to put up resistance." Torn clothes and other injuries to the victim are also an important element in a case of rape, because the universal contention is that it is important that a woman is not falsely accusing an innocent man of rape due to her own sexual and emotional problems. Therefore actual physical violence is considered by legal practitioners to constitute proof that consent did not take place. As anywhere else in the world, courts in Pakistan are more likely to put the blame on a woman in cases where strong resistance is not visible.



There is no doubt that in Pakistan men are fully guarded against any false accusations of rape, while women are more vulnerable to being made a victim of rape and then accused of sexual crime. In Pakistan, there are cases where the rape been carried out in a very brutal way and in which considerable physical injuries were inflicted on the victim. Whenever there is a delay in reporting the case, or in the medical examination, the accused gets the benefit of the doubt.<sup>14</sup> Asma Jahangir (1989), a woman lawyer in Pakistan, has noted the increase in police involvement in rape cases. She reported 15 incidents during 1988/1989 where women in police detention were raped by police officers. Moreover, she has mentioned a study of women prisoners in Multan, according to which 43% of women convicts complained of sexual exploitation by the police. In the case *Abdul Kalam v. The State*<sup>15</sup> bail was granted to a police officer for an alleged rape since the victim was found to be "habitual". No explanation was provided for the word "habitual". This increase in police crimes against women might be because of the general attitude of the law to protect rapists.

In conclusion I would say that the situation in rape cases in Pakistan is very alarming. First, it is impossible to inflict the severe hadd punishment on the rapist because of its high standard of proof. Hadd

punishment, in fact, could only be inflicted if rape were committed in public. (Because of the extreme vulnerability of women in rape cases, one section of women in Pakistan has demanded severe punishments for rapists while others regard these Islamic punishments as inhumane and demand a different kind of law altogether.) Secondly, the testimony of rape victims has less weight than the testimony of Muslim males. For hadd punishment, a woman's evidence has no value. Thirdly, for punishment of rape under tazir a woman runs the risk of being implicated as an accused in fornication/adultery if she fails to convince the court that rape has taken place. Fourthly, the offence of fornication/adultery lies so close to the offence of rape that the severity of the rape offence as a heinous crime is reduced. This reflects the social attitude of legislation towards women, which was also reflected in the policies of the former Islamic regime of Pakistan.

Two trends are already visible in the Pakistani feminist movement in reaction to the shariat laws. The first trend is the movement which is an opposition force to the implementation of Islamic laws. According to these feminists classical Islamic laws are outdated and they should be replaced by another kind of law altogether. The second trend is the movement which holds the idea that confused with a patriarchal social structure.

It is doubtful if the first trend could be popular in Pakistan, keeping in mind the social and cultural reality of Islam in the country. Therefore feminists in Pakistan argue that an Islamic framework for the women's movement is necessary. This trend has already given rise to feminist interpretation of Islam, and would pave the way for women theologians in future (Khawar & Shaheed, 1987).



*Rubya Mehdi is a founding representative of Diva outside Canada. She just completed her Doctorate in Law – congratulations Rubya! – at the Institute of Criminal Science, University of Copenhagen, Denmark. This article was first published in the INTERNATIONAL JOURNAL OF THE SOCIOLOGY OF LAW, 1990, 18, 19-29.*

## Notes

1. Adultery was a crime before 1979, to the extent that if a man had intercourse with the wife of another person without his permission, he would be punishable for adultery. Women are not punishable for this form of adultery. Punishment for such adultery was imprisonment for a term which may extend to five years, or with a fine, or both. See section 497 of the Pakistan Penal Code 1860.
2. Offence of Zina. (Enforcement of Hudood) Ordinance VII of 1979. Section 6.
3. Ibid. Section 8.
4. Tazkiyah-al-shudood is an obligation on the part of the gazi (muslim judge) to ascertain the righteousness of witnesses, that they are truthful persons, and abstain from major sins. Major sins are, for example, adultery, theft, drinking alcohol, embezzlement, murder and false accusation.
5. Ibid. Section 7.
6. Ibid. Section 5 (2).
7. Ibid. Section 10 (3).

8. Ibid. Section 10 (2). With this reference the case of *Ghulam Rasool v. The State*. PLD. 1982 Federal Shariat Court 209, is interesting, when it was discussed whether a fine should be imposed on a rapist as well as on a fornicator and adulterer/adulteress.
9. PLD. 1985 Federal Shariat Court 120
10. See also the case of *Jehan Miva v. The State*. PLD. 1983 Federal Shariat Court, in which the pregnancy of a woman was held as proof of her sexual intercourse with someone outside marriage. She could not establish a case of rape and was convicted for zina. She was sentenced to three years plus ten lashes. But considering her state of pregnancy it was held that giving birth to and rearing a child is essential, and therefore the sentence of whipping and imprisonment was suspended by the Federal Shariat Court until the child reached the age of two.
11. Ch. Abdul Majeed A. Auolakh. *Crime, punishment and treatment in Islamic Republic of Pakistan*. Lahore 1986. p. 54.
12. *Abid Hussain v. The State*. PLD. 1983 Federal Shariat Court 200. The court found the appellant woman to be of easy virtue accustomed to sexual intercourse. Conviction for rape was set aside. See also: *Khoedad Khan v. The State*. PLD. 1980 Peshwar 139.
13. PLD. 1987 Federal Shariat Court 11.
14. See *Sanaullah v. The State*. PLD. 1983 Federal Shariat Court 192. *Khoedad Khan v. The State*. PLD. 1980. Peshwar 139.
15. NLR 1986 SC 61.

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*To be sure, in the world of male fantasy, woman's body serves as the ideal site for the crime*

*—Alain Robbe-Grillet*



## **Violence Unveiled**

*by Sudha Coomarasamy, March 8, 1992*

In all our daughters we instill  
to grow with caution and live with fear.  
In peace or in war  
there's not a moment's respite -  
from the danger that lurks in the form of man,  
for women who walk, jog, work, study or sleep.

Stereotyping to sexist jokes,  
sexual harassment to assault and rape,  
one in ten women victims of wife battering -  
this is herstory - yours and mine.  
Unwilling to acknowledge even grammatical options  
patriarchal pigheadedness plods on.

Women killed here and there,  
one by one or in a war.  
then by misogyny fourteen chosen,  
aimed at teaching all feminists a lesson.  
'Feminists' - A proclamation or condemnation?  
Since the creation of patriarchy it's been a condemnation,  
A century ago it became a proclamation.

As long as women are silenced sufferers,  
isolated and alienated from their sisters,  
the beast that is male will feast on.  
Break the silence and announce the denial,  
unite and together speak and seek,  
from collective unconscious to public articulation -  
the declaration of war on Violence Against Women.

# International Women's Day

by SHARMINI PERIES



**I**NTERNATIONAL WOMEN'S DAY was built by women in struggle. Many of them are marching in solidarity with us throughout the world today.

International Women's Day is rooted in the struggles of women of First Nations, of women of Colour and of Immigrant women.

It is also rooted in the struggle for the women's vote, rooted in the struggle against sexual and economic exploitation of women and their children, and it is rooted in the struggles of women workers.

International Women's Day is also rooted in New York, in the winter of 1908.

In the midst of massive strikes and shut downs, many women died in a garment factory fire. The fire trapped them and they were unable to get out of the building, because the fire exits were sealed shut with iron bars, to prevent workers from stealing spools of thread from the factory. The women were forced to burn to death or jump to death.

This tragic event politically mobilized and organized women of New York in massive proportion. On March 8, 1909 fifteen thousand women protested, chanting on the streets of New York, in rage over the women that died. And today, I would like to share with you one of their chants;

*In the black-of-winter 1909*

*When we froze and bled on the picket-lines*

*We showed the world that we could fight*

*We rose and won the women's might!*

*Hail the Waist Makers of 1909!*

But International Women's day is undoubtedly built on struggles of women all over the world. And all over the world women are organizing, women are mobilizing, women are building a social movement.

In Sri Lanka, the country of my birth, women of the Mother's Front are organizing against the militarization and violence in the region and the loss and disappearance of their children.

In South Africa women are fighting against the forced separation of their families because of working

conditions in the gold mines that favour the Western Capitalism. South African women are struggling against a racist state, against separate education policies and separate housing policies for blacks and whites.

In Ethiopia and Somalia women have organized massive resistance against genital mutilation of young women.

In Nairobi, where last year 19 school girls were subjected to violent deaths by male students, outrage has generated action and demands for reform in the public school system that reinforces gender inequality.

In South America, in Chile and Argentina women are in rage over the disappeared and the loss of their partners and children to regimes of brutal state power.

In Guatemala and El Salvador the women have organized not only to far the land, but also to reform politics and the Church, to mobilize for peace and justice, and to end political suppression and corruption. In India women protesting against the subordination of women to men in law, Women have taken leading roles in politics and have resisted the human degrading practices of suttee, the fetal male selection.

And in Canada, the celebration of International Women's Day itself has become the most exuberant day of mass action for the women's movement. It is a day to celebrate women's accomplishments, to show women's resistance, and to highlight key demands for social change.

Today in Canada we as immigrant women and as women of colour from the Aboriginal community, the Black community, the South Asian community, the Asian community, the Caribbean, Spanish speaking and Middle Eastern communities, must build a women's movement by making alliances with our sisters around the world, around the country, and around this city, in fighting and demanding our rights.

As my sisters in this audience who have occupied this podium in past years, Carolyn Egan, Linda Lee Gardner, and Judy Vashti Persad have said,

*We have recognized that our shared oppression as women is only a starting point. The contradictions of race, class, and sexuality have made it perfectly clear that sisterhood is not enough. If we are to build a lasting unity, we must recognize the difference between us. We must make a commitment to work to overcome the manifestations of racism, and heterosexism in our personal interactions, political agendas, and organizations structures, as we forge a strong political force against the state in our struggle.*

(in Politics of Transformation):

*We must struggle against every manifestation of racism and sexism, poverty and prejudice, the struggle against assertion of heterosexism as the only convention for loving relationships, the struggle against the assertion for women with disabilities being denied rights in this so called just society.*

But our Campaign and our mandate is to demand change for our needs. The needs for food and shelter, for freedom to walk the streets, for freedom to bear – or not to bear – children, for freedom to work, for freedom for the equal access to that work, and for equal pay for that work – for the freedom to organize our labour.

But many of us do not have those rights. History has proven that just as in times of War, so too, in recessionary times, women, immigrant women and women of colour suffer and carry the brunt of the times.



We are now suffering from eight years of the Tory trickle-down economics. This is the theory that says that when the rich benefit, there will be enough left over for the rest to benefit too! So, let me ask, Where are these benefits? What has trickled down to you? And what has trickled down to the poor? And where is the benefit for the poorest of the poor, for immigrant women, for native women, the women in the shelters and on the streets? What goods are left over from the Tory rich man's table, that have trickled down to you?

There have been thousands of lay offs – and the majority are women, and of those, majority are immigrant women and women of colour – layoffs have affecting garment workers, factory workers, child care workers and domestic workers.

The Torys recently introduced an immigration bill that has already had a devastating effect on domestic workers. These requirements mandate education standards for domestic workers that cannot, and could not be required for MPs – for some of them would not qualify because they could not meet requirements imposed on domestic workers. It is clear that this legislation serves only the rich. This is an act of exploitation of domestic workers and it reeks of racism.

In the recent Tory budget we are given the choice between child care or alleviation of child poverty. This choice is terrible for women.

By cancelling day care we cannot work, without work we are locked into a cycle of poverty

We demand that the Tory and NDP platform promises be kept. We want universal child care!

For these choices are not good enough! And as women of colour, we rise up and protest that this is no choice – that this is exploitation and victimization – of women, and of our children.

#### *Links Between the Self Determination of Native Peoples & the Women's Movement*

This year we are asked to celebrate 500 years of exploitation and victimization.

The First Nations in North America are not celebrating the year of Columbus. We as immigrant women stand beside you in resisting the conquest of 500 years of exploitation. As immigrant women, and as women of colour and as subjects of colonial oppression we join you in your struggle for self determination.

The conquest of European patriarchy, like colonization, is the history of exploitation, of the rape of the land, the rape of its resources, the rape of its peoples. We have been marginalized and abused, and condemned to be second-class citizens, in the name of opening up the land, in the name of the cultural mosaic.

We must organize against this oppression as Aboriginal women did in 1979, against the Indian Act, when they protested by organizing a 100 mile Native Women's Walk from the Oka reserve to Parliament Hill demanding that women who marry outside the reserves maintain their native status. As you know this was one of the many struggles that native women have won!

But there are many struggles to win,

***THE WOMEN'S MOVEMENT MUST BUILD ALLIANCES WITH OTHER SOCIAL MOVEMENTS, WITH LABOUR, WITH ANTI-RACIST MOVEMENTS, AND WITH ALL MOVEMENTS FOR SELF DETERMINATION FOR THE PEOPLES OF THE FIRST NATIONS.***

As women we are not alone. We stand today with many thousands of our sisters across this country. And we stand with thousands of our sisters around the world. And we stand with many thousands of our brothers to who support us and work with us in our struggle.

We stand in solidarity with those women who work for change and reform and transformation in our

conditions.

We must make demands for justice in our conditions of employment, for change in our conditions in the work place, for changes in our conditions under the law, and for changes in every aspect of the social and economic order.

In order to build a broad-based social movement that incorporates all our struggles to achieve social change we need to reach out as sisters to all who will struggle with us. We need to identify our allies. And we need to identify our enemies – and we should not confuse them!

And yet speaking out in rage is not enough. We must be organized and rally around our demands as we are doing today.

We march today to affirm our solidarity with women throughout the world who share our vision and join in our cause. Our cause is just, and we cannot rest until our vision becomes a reality, until our fight is successful, and our struggle wins its reward!

## SEXUAL ASSAULT

*Dispelling the myths.*

### True or False?

*A woman who has agreed to have sex previously with the same partner (for example, her husband or boyfriend) cannot be raped.*

**False.**

**Sexual assault occurs whenever a person does not want to have sex but is forced to do so.**

### True or False?

*Women provoke sexual assault by their appearance or behavior. Women who are sexually assaulted "ask" for it.*

**False.**

**Women always have a right to say no to sexual involvement. What a woman wears, where she goes, what she drinks or whom she talks to does not mean she is inviting sexual assault. The idea that women "ask for it" is often used by men who assault to rationalize their behavior. This attitude is also reflected in the media's portrayal of women and in pornographic material.**

*Ontario Women's Directorate*

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•Print Resources

Toronto, Canada

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## Aurat Durbar

Aurat Durbar is a regular feature of DIVA to serve as a networking resource among South Asian women. Any information for this slot will be received with eagerness and warmth.



English, Booklet, Reprinted  
from California Law Review,  
Vol.79, No.2, 1991, USA  
Sakthi Murthy

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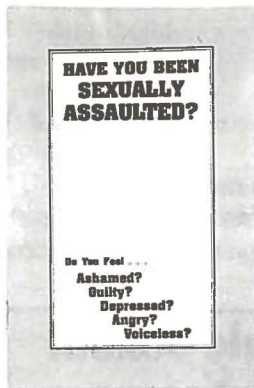
### Rejecting Unreasonable Sexual Expectations

#### *Limits on Using a Rape Victim's Sexual History to Show the Defendant's Mistaken Belief in Consent*

Murthy critiques the Laws of rape in the USA exploring the rationale behind legal stipulations where an attacker is found 'not guilty' in a sexual assault case, because, HE 'reasonably' believed that the victim consented to having sexual intercourse with him even if she did not, in fact, consent. The standard argument offered here is that HE KNEW that the victim was 'promiscuous' and that this LED HIM [even if mistakenly] TO BELIEVE that SHE CONSENTED.

Murthy finds it unreasonable that a woman's consent to having sex is based on a mere perception of 'promiscuity'. To her, reasonable behaviour in a sexual context would require communication between partners, rather than gender-biased stereotypes. Exploring the role of gender socialization in creating stereotypical views of male and female sexuality, the writer argues that these harmful stereotypes should not be condoned and perpetuated by the justice system.





## Have You Been Sexually Assaulted? Do You Feel...

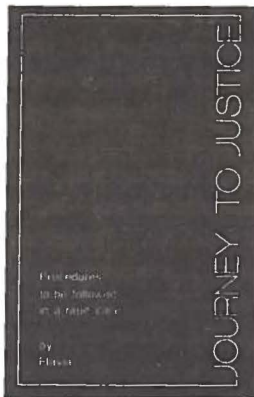
### *Ashamed? Guilty? Depressed? Angry? Voiceless?*

This pamphlet addresses the legal and social factors as well as the individual powers available to women in India to protect themselves against sexual violations, in particular, rape. DIVA finds the pamphlet very useful. Not only does it convey important information about sexual abuse with the use of illustrative cartoons, it also tries to address some of the complexities of survivors' experiences in simple, identifiable ways – an empowering resource!

Although printed in English, we hope it is available in some South Asian languages.

English, Booklet,  
New Delhi, India  
Jasjit Purewal &  
Naina Kapur,

Printed by Design and Print,  
Rs.3/B-5/197 Safdarjung  
Enclave, New Delhi, 110 029



## Journey to Justice

### *Procedures to Be Followed In A Rape Case*

This booklet facilitates an understanding of rape laws in India from legal and experiential standpoints. It is meant to assist women who are ready to approach the courts for justice. The booklet traces a woman's quest for justice from the time she is raped till the judgement, where she confronts apathy, inertia and indifference combined with hostility and misogynist biases at every step - home, neighbourhood, police, hospitals and court rooms - and tries to view the system through a woman's eyes. By illustrating the constraints and barriers a woman undergoes in her quest for justice, this step-by-step guide charted out to help a woman systematically follow-up a rape case through various stages of investigations and trial. DIVA finds this to be another empowering resource and we hope it is available in some South Asian languages.

English, Booklet,  
Gender Justice Series:  
Book 1  
by Flavia

Government Printed Resources

Sexual Assault ! It's A Crime

It's a crime.

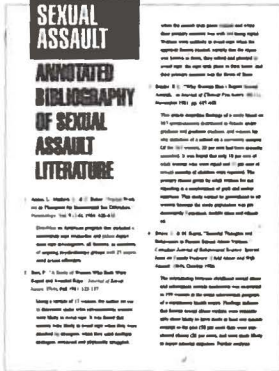
This pamphlet contains the facts about sexual assault. It will help us understand and start talking about this serious problem. One page flyer contains basic information about sexual assault as a crime. Free.

English, pamphlet, Ontario Women's Directorate

Sexual Assault

Annotated Bibliography Of Sexual Assault Literature

A useful listing of print resources on the subject. Basically provides information relevant to white women. Fifty-three listings, only two by and about women of colour. The lack of printed resources or support services for women of Colour indicates that the OWD needs to focus on supporting the efforts of women of Colour in developing such culturally appropriate resources/services that can help survivors of sexual violence in various communities.



SEXUAL ASSAULT

ANNOTATED BIBLIOGRAPHY OF SEXUAL ASSAULT LITERATURE

When the assault took place (child and wife...)

Author: J. M. Baker, "Child Abuse..."

Editor: J. M. Baker, "Child Abuse..."

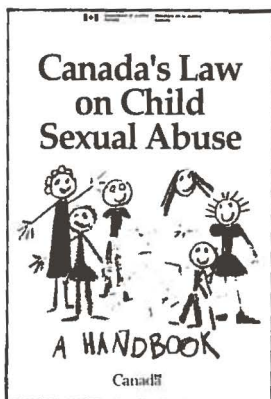
Editor: J. M. Baker, "Child Abuse..."

Editor: J. M. Baker, "Child Abuse..."

Editor: J. M. Baker, "Child Abuse..."

English, Booklet, Ontario Women's Directorate

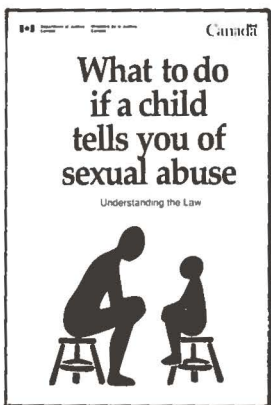
**Government Printed Resources**



**Canada's Law On Child Sexual Abuse: A Handbook**

English, Handbook,  
Minister of Justice and Attorney General of Canada 1990

A legal guide to Canadian laws and regulations around child sexual abuse.



**What To Do If A Child Tells You Of Sexual Abuse**

*Understanding the Law*

English, Booklet,  
Minister of Justice and Attorney General of Canada, 1989

Deals specifically with the complexity and seriousness of disclosure and sets some guidelines on how to deal with it.

**....After Sexual Assault...**

*...Your Guide to the Criminal Justice System*

English, Paperback,  
Minister of Justice and Attorney General of Canada, 1988

Describes in detail the procedures in laying charges against sexual violence.



from Victims to  
Survivors



NEW OPTIONS  
FOR WOMEN  
- SEXUALLY -  
ABUSED IN -  
CHILDHOOD

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## From Victims To Survivors

### *New Options for Women Sexually Abused in Childhood*

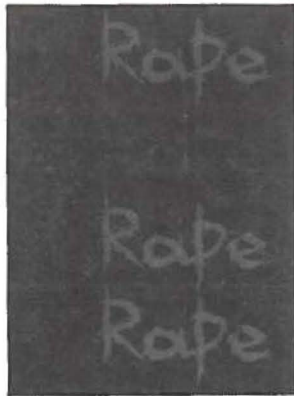
English, pamphlet, The Canadian Congress for Learning Opportunities for Women (CLOW), 1988

This pamphlet discusses some of the factors arising from women's experiences of childhood sexual abuse and advocates women's right to information and help. The pamphlet carries short personal accounts of women's experiences to try and reach shared understandings of common experiences and feelings to help women break their isolation and silence. Statistics on sexual abuse, along with listings of resources available to women in Quebec are included. This pamphlet is probably trying to address the needs of all women and will likely remain inaccessible to the cultural/linguistic needs of Immigrant/Refugee/Women of Colour.

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## Sakhi for South Asian Women

Organisation, Legal advocacy, Referrals, Support, Resource Centre  
Sakhi is a non-profit organization for South Asian women in New York. The main concern of Sakhi is domestic violence within our communities. Sakhi thereby supports and helps empower battered women. DIVA has had the opportunity to meet some of the women from Sakhi. We are looking forward to meeting with them again to share our strategies as South Asian women against violence.



## **Rape in Pakistan**

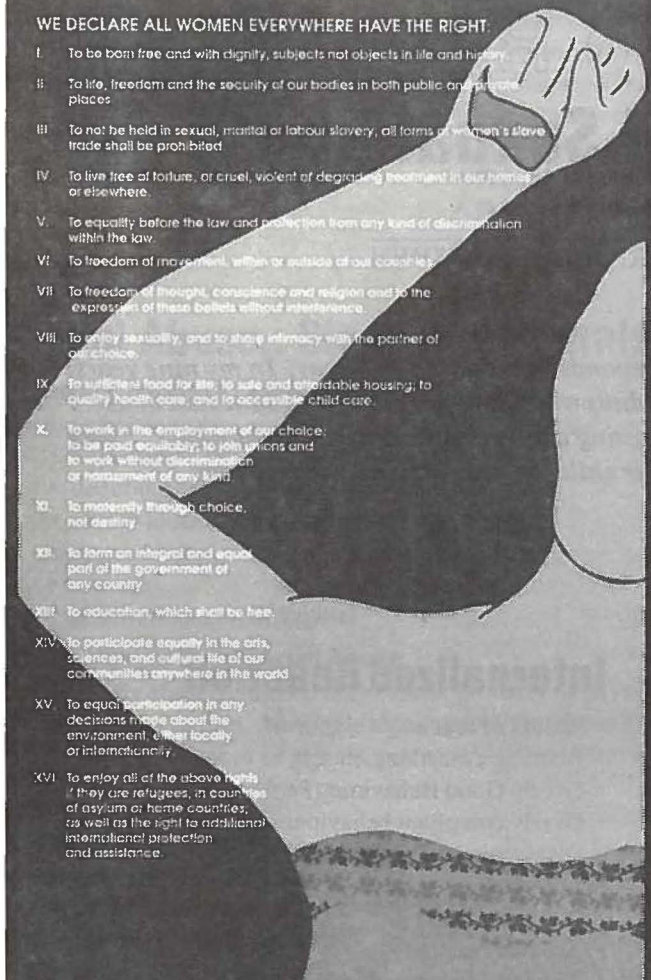
An excellent resource on rape in Pakistan, this publication links the male bias of the justice system, law enforcement agencies, and pornography, and debunks many myths about women and about rape. The booklet brings plenty of evidence reprinted from daily newspaper reports, and bursts with energy striving for change. We all need to have a copy of this booklet.

English, Booklet,  
Written & produced by the  
Simorgh Collective &  
Shazreh Hussein, 1990  
Ordering Info: Simorgh  
Women's Resource and  
Publication Centre,  
P.O. Box 3328, Gulberg II,  
Lahore 54660, Pakistan

WHEREAS IN 1948, the United Nations pledged the promotion of universal human rights,

WHEREAS, IN 1991, women from around the world declared violence against women to be the most pervasive and least recognized human rights violation,

WE DECLARE ALL WOMEN EVERYWHERE HAVE THE RIGHT:

- 
- A stylized illustration of a woman's profile in silhouette, facing right. Her right arm is raised, with her fist clenched. The background is dark, and the woman's features are defined by white and light grey lines. At the bottom of the illustration, there are faint, light-colored hills or mountains.
- I. To be born free and with dignity, subjects not objects in life and history.
  - II. To life, freedom and the security of our bodies in both public and private places.
  - III. To not be held in sexual, marital or labour slavery, all forms of women's slave trade shall be prohibited.
  - IV. To live free of torture, or cruel, violent or degrading treatment in our homes or elsewhere.
  - V. To equality before the law and protection from any kind of discrimination within the law.
  - VI. To freedom of movement, within or outside of our countries.
  - VII. To freedom of thought, conscience and religion and to the expression of these beliefs without interference.
  - VIII. To enjoy sexually, and to share intimacy with the partner of our choice.
  - IX. To sufficient food for life; to safe and affordable housing; to quality health care; and to accessible child care.
  - X. To work in the employment of our choice; to be paid equitably; to join unions and to work without discrimination or harassment of any kind.
  - XI. To maternity through choice, not destiny.
  - XII. To form an integral and equal part of the government of any country.
  - XIII. To education, which shall be free.
  - XIV. To participate equally in the arts, sciences, and cultural life of our communities anywhere in the world.
  - XV. To equal participation in any decisions made about the environment, either locally or internationally.
  - XVI. To enjoy all of the above rights if they are refugees, in countries of asylum or home countries, as well as the right to additional international protection and assistance.

WOMEN'S RIGHTS  
ARE HUMAN RIGHTS

## WOMEN'S RIGHTS ARE HUMAN RIGHTS

Poster produced by  
**Education Wife Assault**  
with the support of the  
**Ontario Women's Directorate**

Design and Illustration:  
Hazelle Palmer



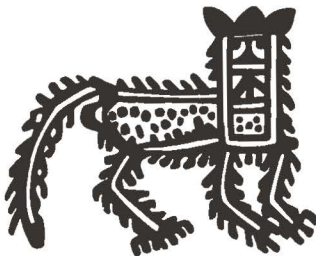
# Extreme Reactions to Child Sexual Abuse

by COLETTE BROWN

*Every child is unique and responds in his or her own way. In my nine years, working with children and adults who have experienced child sexual abuse, I have observed similar contrasting and extreme reactions to the abuse. Some children internalize and other children externalize these reactions.*

## Internalized Reaction

- Phobia of touch
- Blaming everything on self
- Overly Good Behaviour (Perfect!)
- Overly compliant behaviour
- Disassociated from feelings
- Withdrawn
- Refusal of food
- Asexual reaction
- Secrecy preoccupation
- Compulsive cleaner of self!
- Fear of taking clothes off
- Social Butterfly attached to no one





## Externalized Reaction

- Overly affectionate behaviour
- Blaming & overly critical of others
- Defiant Behaviour!
- Extremely controlling behaviour!
- Explosive rage ! Unprovoked anger
- Hyperactive
- Overeating to excess when anxious
- Sexual preoccupation
- Lack of Boundaries
- Poor personal Hygiene
- Provocative display of body!
- Multiple personality

## Sexual Abuse.. Signs And Signals

### Specific Forms of Child Sexual Abuse:

- exhibitionism
- voyeurism
- disrobing for voyeurism purposes
- sexual touching or fondling
- masturbation
- oral sex
- penetration-anal or vaginal

### Indicators of Child Sexual Abuse

Sexually abused children may exhibit a variety of physical and behavioral signals. No single sign is proof that abuse has occurred, but given in groups of signals, you may be alerted that something may be wrong.

### Physical Indicators:

- difficulty in walking or sitting
- pain, swelling or itching in genital area
- bruises, bleeding, lacerations of genital or anal area, breasts or thighs
- torn, stained or bloody clothing
- sexually transmitted disease, especially in pre-adolescence
- recurring vaginal infections in a child under 12 years
- constant sore throat of unknown origin



Sexual abuse may occur where none of these indicators are present.

### **Behavioral Indicators: (under 5 years of age)**

- nightmares or disturbed sleep patterns
- excessive fatigue (dark circles under the eyes)
- fear states or phobias (eg. fear of the dark)
- regression to more infantile behaviour such as bedwetting, thumb sucking, or excessive crying
- hyperactivity (uncharacteristic of the child)
- re-enactment of abuse, using dolls, drawings, or friends
- fear of a person, or intense dislike at being left somewhere or with someone

### **Behavioral Indicators (School age child)**

- withdrawal from peers
- uncontrollable emotional outbursts from a normally easy-going child
- inappropriate sexual play
- unusual interest in or knowledge of sexual matters, expressing affections in ways inappropriate for a child of that age
- sudden school difficulties
- prostitution
- females may state that relationship with mother is poor; may be angry because mother does not protect her
- constant reluctance to go home
- reluctance to change in front of others
- eating problems – loss of appetite, obesity

### **Behavioral Indicators: (adolescents)**

- excessive seductiveness
- role-reversal – child may assume role of protector
- chronic depression, poor self-esteem, psychosomatic pains
- running away, aggressive or disruptive behaviour

There may be other reasons for these changes.





# Sexual Assault and Rape Crisis Centres Across Canada

## **Sexual Assault Centre - Guelph**

380 Woolwich Street  
Guelph Ont  
N1H 3W7  
02290

## **Sexual Assault Centre - London**

388 Dundas Street  
London Ont  
N6B 1V7  
00315

## **Sexual Assault Crisis Centre - Kingston**

33 Rideau Street  
Kingston Ont  
K7K 2Z5  
00303

## **Sexual Assault Support Centre Ottawa-Carleton**

Station E  
P.o. Box 4441  
Ottawa Ont  
K1S 5B4  
00308

## **Toronto Rape Crisis Centre**

21 Baldwin Street  
Toronto Ont  
M5T 1L1  
01692

## **Sexual Assault Centre Hamilton And Area**

Station A  
Hamilton Ont  
L8N 3P9  
00318

## **Sexual Assault Crisis Centre Essex County**

Unit G  
1407 Ottawa Street  
Windsor Ont  
N8X 2G1  
00355

## **Sexual Assault Crisis Centre - Sudbury**

156 Durham Street  
Sudbury Ont  
P3E 3M7  
00327

## **Timmins Sexual Assault Centre**

2nd Floor - Front  
91 Pine Street South  
Timmins Ont  
P4N 2K1  
00414

## **Halton Sexual Abuse Project**

461 North Service Road West  
Unit B  
Oakville Ont  
L6M 2V6  
03220

**Scarborough Agencies  
Sexual Abuse Treatment Program**  
1530 Markham Road  
Suite 500  
Markham Ont  
M1B 3G4  
03149

**Kingston Sexual Assault Crisis Centre**  
P.o. Box 1461  
Kingston Ont  
K7K 5C7  
03137

**Thunder Bay Physical And Sexual  
Assault Centre**  
215 Camelot Street Thunder Bay Ont  
P7A 4B9  
01287

**Plummer Memorial Public Hospital  
Sexual Assault Treatment Centre**  
969 Queen Street East  
Sault Ste. Marie Ont  
P6a Grosvenor Street  
London Ont  
N6A 4V2  
01884

**St. Joseph's Hospital  
Sexual Assault Treatment Centre**  
519 King Street West  
Chatham Ont  
N7M 1G8  
02420

**Sudbury General Hospital  
Sexual Assault Treatment Centre**  
700 Paris Street  
Sudbury Ont  
P3E 3B5  
02886

**The Mississauga Hospital  
Sexual Assault Treatment Centre**  
100 Queensway West  
Mississauga Ont  
L5B 1B8  
01886

**Sexual Assault Care Centre  
Scarborough Grace Hospital**  
3030 Birchmount Road  
Scarborough Ont  
M1W 3W3  
01308

**Sexual Assault Treatment Centre  
St. Joseph's Hospital - Chatham**  
519 King Street  
Chatham Ont  
N7M 1G8  
00706

**Sudbury Algoma Hospital  
Sexual Assault Treatment Centre**  
680 Kirkwood Drive  
Sudbury Ont  
O3E 1X3  
01889

**The Hospital For Sick Children  
Sexual Assault Treatment Centre**  
555 University Avenue  
Toronto Ont  
M5G 1X8  
01890

**The Whitby General Hospital  
Sexual Assault Treatment Centre**  
Gordon Street  
Whitby Ont  
L1N 5T2  
01891

**Alexandra Marina Hospital  
Sexual Assault Treatment Centre**  
120 Napier Street  
Goderich Ont  
N7A 1N5  
03193

**Chedoke McMaster Hospitals  
Sexual Assault Treatment Centre**  
M.P.O. Box 2000, Station "A"  
1200 Main Street West  
Hamilton Ont  
L8N 3Z5  
01882

**Grey Bruce Regional Health Centre  
Sexual Assault Treatment**  
1400 8th Street East  
P.o. Box 1400  
Owen Sound Ont  
N4K 6M9  
02629

**Le Rempart General Hospital  
Sexual Assault Treatment Centre**  
Gordon Street  
Whitby Ont  
L1N 5T2  
01892

**Community Counselling Services  
Pembroke General Hospital**  
705 Mackay Street  
Pembroke Ont  
K8A 1G8  
00743

**Brockville General Hospital  
Sexual Assault Treatment Centre**  
75 Emma Street Brockville Ont  
K6V 1S8  
01881

**Dufferin Area Hospital  
Sexual Assault Treatment Centre**  
32 First Street  
Orangeville Ont  
LOW 2E1  
01887

**Guelph General Hospital  
Sexual Assault Treatment Centre**  
115 Delphi Street  
Guelph Ont  
N1E 4J4  
01883

**Mississauga Hospital  
Sexual Assault Team**  
100 The Queensway West  
Mississauga Ont  
L5B 1B8  
00221

**Peterborough Civic Hospital  
Women's Health Care Centre**  
411 Water Stree  
Peterborough Ont  
K9A 3L9  
00083

**Victoria Hospital  
Sexual Assault Treatment Centre**  
800 Commissioners Rd. East  
London Ont.  
N6A 4G5  
01885

**Women's College Hospital  
Sexual Assault Treatment Centre**  
1st Floor  
76 Grenville Street  
Toronto Ont  
M5S 1B2  
00387

**Sexual Assault Treatment Centre  
Whitby General Hospital**  
Gordon Street  
Whitby Ont  
L1N 5T2

**Planning & Hospital Services  
York Central Hospital**  
10 Trench Street  
Richmond Hill Ont  
L4C 4Z3  
00733

**Barbra Schlifer Clinic**  
Suite 503  
489 College Street  
Toronto Ont  
M6G 1A5  
00059

**Chatham-Kent Sexual Assault Centre**  
405 Riverview Dr., Unit 101  
Riverview Place  
Chatham Ont  
N7M 5J5  
01820



**Niagara Region Sexual Assault Centre**  
5017 Victoria Avenue  
Niagara Falls Ont  
L2E 4C9  
00307

**Ottawa Rape Crisis Centre**  
Room 101  
119 Ross Street  
Ottawa Ont  
K1Y 4J4  
00268

**Sarnia-Lambton Sexual Assault Crisis Centre Inc.**  
118 Victoria St. N.  
Sarnia Ont  
N7T 5W9  
00328

**Barrie And District Rape Crisis Line**  
8 Essa Road  
Barrie Ont  
L4N 3K3  
00066

**Halton Rape Crisis Centre**  
676, Appleby Line Unit E1-12  
Burlington Ont  
L7L 5Y1  
02330

**Ontario Coalition Of Rape Crisis Centres**  
Unit 1  
302 King Street West  
Peterborough Ont  
K9J 7S4  
00280

**Scugog Rape Crisis Centre**  
Apt #6  
146 Queen Street  
Port Perry Ont  
L9L 1B7  
00316

<b>Call for Papers</b>	<i>Canadian Woman Studies/les cahiers de la femme</i>
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**"South Asian Women: Lives, Histories, and Struggles" (Fall 1992)**

The Fall 1992 issue of *CWS/cf* will be devoted to the lives and experiences of South Asian women living outside their country as well as experiences of South Asian women living in South Asia. The aim of the issue is to construct an anti-imperialist, anti-racist, feminist view of South Asian women's experiences and histories. Members of the guest editorial board for this issue are Himani Bannerji, Brenda Cranney, Amita Handa, Arun Mukerjee and Anita Sheth. Topics for consideration include: political and cultural representation of South Asian women in the West (e.g. media representation—film, news, art, video; social and political organizing, multiculturalism); South Asian film and art both in the West and in South Asia; indigenous peoples of South Asia; South Asian women and religion; caste; sexuality; organizing; labour; women's history; the environment; health; reproductive technology; politics; racism; colonialism; class and patriarchy; violence against women (dowry, rape, police violence, sati, etc.). Poetry and artwork are welcome. **Deadline: May 1st.** Please contact the Journal office for submission guidelines: 212 Founders College, York University, 4700 Keele Street, North York, Ontario. Tel. (416) 736-5356.

# The Sexual Harassment of Women

## FACTS TO CONSIDER

**I**n 1983, the Canadian Human Rights Commission conducted a survey on unwanted sexual attention and sexual harassment. The survey was based on a sample of 2,004 persons, including both women and men. Forty-nine percent of the women reported unwanted sexual attention.

### Sexual Harassment at work

- A study conducted among women union members by the British Columbia Federation of Labour and Women's Research Centre revealed that 90 per cent of the respondents had experienced sexual harassment themselves. Over half of the women surveyed saw sexual harassment as a problem for working women and/or knew of other women who had been harassed.
- Surveys conducted among women ministers found that 35-39 percent of them had been victims of sexual harassment.
- A study of women who work on the assembly line in the auto industry found that 36 percent of the 138 women interviewed had experienced sexual harassment.
- In a survey of 469 female nurses in the United States, 76 percent of the nurses reported that they had been sexually harassed at work. Their harassers were most often physicians and patients.
- A study of women in traditionally male occupations found that 75 percent of the women had been sexually harassed.
- A survey of 319 female social workers in the U.S. found that 27 percent reported sexual harassment at work. This study also found that the victimization rate for females was 250 percent higher than for males.



### Sexual Harassment in Housing

- A Montreal survey of discrimination and harassment in housing found that over 68 per cent of the 297 female tenants interviewed had experienced discrimination and/or harassment. Of these, 15 per cent had been sexually harassed.

This low figure, however, is probably due to under-reporting of sexual harassment related to housing: the survey found that many respondents were reluctant to discuss the issue. The survey found that the majority of the harassers were landlords or their agents (76.8 per cent) followed by neighbours (23.2 per cent.) The incidence of harassment was highest for single mothers (63.3 per cent) and women who are on welfare (61.1 per cent.) This is not surprising given that women make up 95.5 percent of people who are both heads of single-parent families and on welfare.

### Sexual Harassment on the Street

- Although sexual harassment on the street has not been fully documented, it has been reported that it makes up well over 60 per cent of the harassing incidents experienced by women.



# Sexual Assault

## IMPACTS ON HEALTH

### Facts to Consider

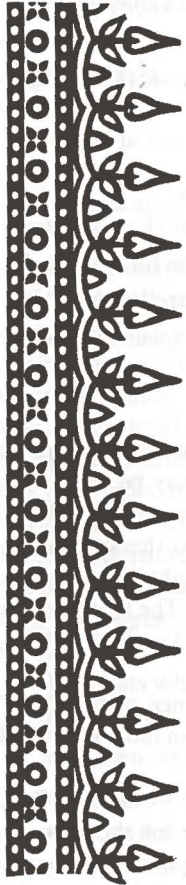
Women who have been sexually assaulted often suffer from severe psychological and physical health problems. These problems can be even worse for an elderly woman or a woman with disabilities.

The psychological effects of sexual assault may include:

- depression
- confusion
- sleep disturbances, including nightmares
- erratic mood swings
- eating disorders
- anxiety
- flashbacks
- In addition, a U.S. study indicates that one in five victims of completed rape attempts suicide, compared with a rate of one in 50 for non-assaulted women.
- Victims of sexual assault are physically hurt in at least 60 per cent of cases - 20 per cent seriously enough to require medical attention, often for injuries such as bruises, abrasions, lacerations and fractures.
- Sixty percent of clients receiving treatment for drug and alcohol abuse at a women's substance abuse treatment centre were found to be victims of sexual assault. This percentage increases if other forms of violence such as physical or emotional abuse are included.
- Estimates of the number of male therapists sexually involved with their patients are as high as one in five. Ninety per cent of patients involved sexually with their therapists suffered some kind of damage, ranging from an inability to trust another therapist, to depression, to suicide.
- A study on women with disabilities indicates that 63 per cent had been assaulted by someone in the medical system.







# Value Differences & Therapy

by BHUPINDER GILL

**V**alue differences between client and therapist can create value conflicts. This is due to assumptions made on part of the therapist and client about each other's background. Assumptions are, of course, always present between individual who do not know each other, but they are especially heightened between people of different cultural backgrounds.

Sue and Sue (1972) believe that counselling is a white middle class activity. Values from this system may be in direct contrast to that of individuals from a different class or from another ethnic group. Following are some of the assumptions that may be made by the white middle class value system (Sue and Sue, 1981).

1. Counsellors may expect the client to be psychologically minded. The theories used by them emphasize verbal, emotional and behavioural expressiveness.
2. As a result of 1, the client is expected to talk about intimate aspects of her life.
3. Because of 1 and 2, the client is expected to participate actively where she is able to discuss her problems openly.

The above values require that the client self-disclose intimate aspects of her personal life. The assumption made is that gaining of insight into the self will help the individual to resolve her problems and conflicts. But, because time orientation of most ethnic groups, other than white, is focused on the present, the resolving of concrete immediate problems will be more relevant to the client than achieving abstract philosophical goals such as learning to verbalize more openly (Ho, 1978). As a result, clients may find the therapist's expectations and goals to be threatening to her. Moreover, clients may be reluctant to even seek counselling due to a number of different reasons:

1. Clients are not familiar with the concept of counselling and may not use it (Chandra, 1979).

Even if there is knowledge of such services, mental health counselling may not be considered a solution to the emotional and family problems (Ho, 1978).

2. Clients may turn to family, peer and social services. Therefore, counselling may not fit into their support system (Ho, 1978). The therapist, in fact, should utilize the family as an additional support system for the client especially if it does not impede the client's progress for problem solving.
3. Seeing a mental health care professional may mean a loss of status as it is not valued or recognized (Chandra 1979). Children of Indian families are taught to guard the honour of the family. Many do not like to admit that they have any problems: social, mental, or academic (Chandra, 1979).
4. Not having the money to seek counselling.
5. Not having the time to seek counselling due to family obligations (Ho, 1978).
6. Language barriers (Ho, 1978). Clients may be reluctant and embarrassed to seek counselling due to difficulty in speaking the language of the therapist. This is especially true for the elderly.
7. Distrusting therapists, especially white therapists (Ho, 1981). Terrell and Terrell's (1984) study, for example, support the finding that black clients do not trust white therapists and therefore, tend to end counselling sessions prematurely.
8. Related to 7, racial barriers (Ho, 1978).

The above are impeding factors to self-disclosure. The expectations of the therapist and the beliefs of the client can create potential problems for a therapeutic relationship. The client may be reluctant to disclose personal information. Therefore, the goals of the therapist and client will be in conflict with each other. The therapist may label or perceive the client as being difficult, resistant to therapy, lacking motivation, being passive etc. In fact Szaza (1979) argues that "white therapists might impute greater maladjustment to minority patients, thereby short-changing and stigmatizing them." The therapist may question her/his skills and perhaps rightfully so if she/he is ignorant of a client's background and/or of her/himself in imposing her/his values on the client.

In such situations, the therapist should either be willing to admit her/his ignorance of the client's background and be willing to learn from her/him or refer the client to someone who can more effectively help her to reach her goals.

The client may feel that the therapist is useless and does not understand her. For example, a South Asian woman had a home visit from a white nurse. She was upset at this visit as she felt the nurse was assessing her parenting practices from the perspective of the North American value system. The mother was in a post partum depression. The nurse visited her at home to try to see if she could be of any help in easing the depression. The mother was not happy with the visit as she felt the nurse was asking questions which were more relevant to the white value system than her background i.e. the nurse asked whether she might need a break from her family, the mother thought this question was ridiculous as she was happy to be home with her children.

With respect to the disclosure of personal information, most of us are reserved. We do not feel comfortable discussing problems with strangers including therapists (Chandra, 1979). We feel that restraint of strong feeling is important and that intimate revelations should only be discussed with close friends or family members (Sue and Sue, 1981). In fact an admission of social/emotional problems may



be perceived in the client's eye "as shame brought on their families" (Chandra, 1979).

Western therapy often focuses on the individual and her needs. "The criteria of self-awareness, self-fulfilment and self-discovery are important measures of success in most counselling" (Pederson, 1987). In many non-white groups, the welfare of family comes before the welfare of an individual, especially if the individual in question is a woman. Individual counselling is even perceived as being destructive of society as it promotes personal well being of an individual at the expense of the community (Kleinman, 1979; Pederson, 1987). This difference can be problematic for us. For us, the family and its obligations take precedence. Therefore, individualistic desires or values are not emphasized. If the therapist counsels according to her/his value system, cultural conflicts can either be intensified or created. Therefore, if independence of client is encouraged it may be met with strong parental disapproval at home. In fact some helping professionals or agencies may even be perceived as being "home breakers" if, for example, they encourage a woman to be independent of an abusive spouse.

Another example of a situation in which individualistic desires are discouraged is the selection of a marriage partner. Partners are usually approved and/or chosen by parents and individualistic choice is strongly discouraged.

Of course, one cannot automatically assume that because the therapist and client are of the same cultural background, they will share the same values, perceptions and ideas. People from different areas of the same country can have basic similarities but different values. One cannot assume that all South Asian people think alike. For example, our children are in conflict with parents values/cultural heritage while others are content to follow their parents' "footsteps." From my personal observations, I feel that South Asian people coming from the city tend to be more open-minded than those from rural areas. Those who come from India may, in some instances, be more open-minded than those raised in Canada. I have often observed this to be true and have been told by people that this comes from facing racism and the fact that in Canada, we remain fearful of losing our heritage and therefore hold onto our values and traditions more tightly.

In some cases, similar background of client and therapist can also cause value conflicts. This can be due to the degree to which an individual (client) identifies with her culture. Chandra (1979) identifies four instances with respect to this:

1. Clients who are sensitive to the view of the dominant culture may reject their own cultural background. Therefore, the client's reference group is that of the dominant culture and the client may then reject either the therapist of the same cultural background or the values of the therapist of the same cultural background or the values of the therapist (Chandra, 1979). For example, negative transference can occur towards the therapist.

Several years ago, I saw an Indian counsellor. I terminated the relationship after the first session because at that point in my life I was in conflict with my cultural background and the therapist reminded me of my parents. Therefore, she actually represented a source of stress for me as I felt she could not get an objective perspective on my problem.

2. Those who reject the North American values and emphasize their ethnic identity. Parents for example, may be uncomfortable with their children attaining values of the dominant culture. A therapist can create conflicts at home for children if she is not aware of the value placed on cultural background.



3. Those in between two extremes. There is partial assimilation and synthesis of both the American and Asian cultures. The client coming from this group would probably be comfortable with a therapist of the same or different cultural background. Individuals in this category may have an inability to identify with either the dominant or ethnic culture.

4. Those who develop their own hybrid culture of immigrants. The reference group would be of other minority groups. Clients may, therefore, see a therapist of any ethnic background.

At this point in my life, I feel most comfortable with the above category.

In the past I thought I would be in category 3 as I do feel very much a part of the dominant culture I live in along with having some very strong Asian values. But through experience, I have found that the greatest empathy and understanding comes from other cultural groups.

### **Implications For Counsellors:**

Some of the implications for counsellors of the above are:

1. Self knowledge is extremely important in understanding others (clients). (Lauver, 1989) states, "if we are to know and understand something outside ourselves, there must be some cultural calibration of the data-gathering instrument, ourselves." As well, he also state that "white culture – is so interwoven in the fabric of everyday living that whites cannot step outside and see their beliefs, values and behaviours as creating a distinct cultural group" (Katz, 1985). Vontress (1969) proposes that counsellor training should allow counsellors to examine themselves to analyze their feelings. One way of doing this would be for the therapist to expose her to the client's culture so that she understands and becomes knowledgeable of it.
2. Chandra (1979) suggests that when working with Asians, the therapist should take particular points to make the client aware of confidentiality between the client and the therapist. This would facilitate the client speaking more easily about her problems.
3. On initial contact with the client, the therapist should be careful not to ask threatening or intimate questions too soon (ie. the first interview) unless the client indicates she would like to do so.
4. Allow the client to define her goals and to evaluate them as well. This decreases the risk of the client being judged by the dominant culture's definition of normality (Usher, 1989).
5. A counsellor must examine and evaluate her theoretical framework to assess whether it will meet the client's needs and values.
6. A counsellor should be flexible in her approach towards counselling. The therapeutic relationship is dependent upon the counsellor's flexibility in using techniques appropriate to the cultural group and the individual. Rederson (1982) states that "counsellors should be more active and change the system to fit the individual rather than trying to change the individual to fit the system."
7. The counsellor should always remember that the client's needs are a priority when referring her to someone else.

8. Some models of counselling focus on present events with the counsellor often ignoring the client's history. Helping professionals need to become aware of the importance of the past history of their clients and that it may offer a solution to the present problem.

9. We, the counsellors coming from a non-white background should be aware that they may be trained according to the white middle class value system. Henceforth, they should not assume they will understand the client regardless of her background.

Like anybody else, they too have to examine their values on their clients. As a mental health care professional, I am now starting to question my expectations of the client. For example, how realistic is it that I expect the client to disclose? Moreover, how realistic is it to measure progress of a client by the amount of self-disclosure?

### **Conclusion:**

The therapist who is not trained to be sensitive to cultural nuances may impose her own value system on the client due to her ignorance of the client's background.

Most counsellors are trained to meet the psychological needs of the white middle class North Americans. It is disturbing to note that their training does not facilitate counselling individuals from different racial, ethnic or socioeconomic groups (Morris, 1972; Walter, 1978). Cross-cultural training is extremely important to increase the counsellor's sensitivity to people of various cultural backgrounds. In fact "the American Psychological Association recommended in a conference in 1973 that counselling persons of culturally diverse backgrounds not trained to work with such groups should be regarded as unethical" (Walter, 1972; Pederson, 1976). Ethnic differences of clients and counsellor have related to premature termination of counselling. For example, as mentioned earlier, black clients assigned to a white therapist are more likely to terminate counselling prematurely than white clients with a white counsellor (Orne and Wender, 1968; Terrell and Terrell, 1984). Studies of Asian American students found, "that racial similarity was found to be a higher significant factor in determining how much credibility they assigned to the counsellor." (Atkinson, Marayama and Hasai, 1978). The Nation Association of Independent Schools (1980) also supported this study. It found that international students often do not seek help from counselling services as they feel the counsellor does not appear to understand nor relate to the student's background.

Counselling individuals of different cultural backgrounds is complex. Therefore, the counsellor and other helping professionals need to understand the unique problems that are inherent in an individual's cultural background. It is important for therapists to be skilled and open to go beyond the boundaries of their own "self-reference criteria to examine the problem or issue from the client's cultural perspective" (Kleinman, 1979; Pederson, 1987). As a helping professional, a counsellor should always be open to learning. If the client and therapist are open to each other, a teaching-learning relationship is facilitated whereby both parties can grow from any differences existing between them. The client, for example, can contribute to the therapist's knowledge of her own cultural background. Both individuals can eliminate prejudices and biases that they may have of each other's culture and background.



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# PORNOGRAPHY: THE LINKS

## Facts to Consider

- A study of sex offender reported that 56 per cent of the rapists and 42 percent of the child molesters in the sample said that pornography played a role in their offenses.
- A study of video pornography ('adult' videos and highly restricted, or 'triple-x', videos) found that 13 per cent of all the scenes involved sexual violence, including rape (53 percent), sexual harassment (35 percent), sadomasochism (1.5 per cent), and sexual mutilation (six per cent). This study also indicated that 'adult' videos had more portrayals of sexual aggression per movie than triple-x videos.

A national survey of Canadians' use of pornography indicates that:

- young people aged 12 to 17 years are the primary consumers of pornography
- 35 per cent of these young people expressed an interest in watching sexually violent scenes (rape, torture, bondage, etc.)

## SEXUAL ASSAULT

*Dispelling the myths:*  
Ontario Women's Directorate

### True or False?

*Women lie about being sexually assaulted, often because they feel guilty about having sex.*

**False.**

Sexual assault really happens - to people you know, by people you know. Findings from a research study conducted in Winnipeg indicate that 87 per cent of sexual assault victims did not report the crime to police. A further 12 per cent told no one at all. An American study found that 42 per cent of the victims surveyed never told anyone about the sexual assault.

## THE REALITY

### Facts to Consider

#### *Victims*

- A Winnipeg study of 551 women indicated that 27 per cent, or one out of every four women had been raped or sexually assaulted.

Research findings from a Canada-wide study indicate a much higher rate of sexual violation. This research estimates that about one in two females has been a victim of one or more unwanted sexual acts.

- A study conducted in San Francisco reported similar findings. This study concluded that approximately one-half of all women are sexually abused before the age of 18.

Women of all ages and physical types, from every culture, racial, religious and socio-economic background are sexually assaulted. This includes women with disabilities, elderly women, rural women, urban women, native women, immigrant women, and women of colour.

- Results from a recent Gallup poll indicate that 50 percent of women are afraid to go out after dark in their own neighbourhoods. Statistics also show that 55 per cent of women fear physical attack, and that 62 per cent of women who have been victimized feel unsafe walking alone after dark.

#### *Offenders*

- Statistics indicate that approximately 99 per cent of all sexual assaults are committed by men.
- A Canadian study of sex offenders reveals that they overwhelmingly represent the average male. The vast majority of men who assault are white (71.9 per cent) and Canadian-born (63.4 per cent).
- Research on sexual assault indicates that a large percentage of victims know the men who attack them. However, the actual percentage is unclear. A Winnipeg study places this figure at 68.5 per cent.
- In a landmark American study conducted over a ten-year period with a random sampling of 930 women, this percentage was found to be significantly higher (83 per cent).
- About 60 per cent of rapes and sexual assaults, according to research, occur in private homes. The majority of these (38 per cent) occur in the victim's home. Another common location is the attacker's car.
- A Seattle study found that 90 per cent of female children, adolescents and adults with disabilities who were surveyed had been sexually exploited by relatives or individuals they knew.



# GRAPPLING

by VINITA SRIVASTAVA

**V**inita Srivastava slowly sank underground. As she sank, her eyes slipped to the sign denoting the subway station. Occupying her mind with only tangible visuals, she non-committally noticed long winter coats and walking stereos on their way to work.

Subway signs look like tombstone markings.

Court today. Fourth bloody day.

Another sleepless night. (What would help – to spend it with you?)

Another sleepless night. Explanations don't expand from my tongue. I am alone on a busy street. So many kisses, and extended arms. If I were more alone would I want them? I am submarine. Armoured. Trapped in a smaller world. I am a caged animal, let out only to jump through fired hoops at the circus. Trained, fed and stalked.

There is a delay at the Doncaster subway. I should have walked.

Vinita fixed her eyes on the large yellow and black poster in front of her.

Join the fast track through courses at George Brown College. Join the fast track. Join the fast track. Join the fast track. George Brown College.

Join the fast track. At least a five minute delay they announce. Mob mentality last time the subway went out. I wish everybody had decided to throw out temporality. Spirituality sit. Instead it looked like Chicken Little was right. (The sky was falling.)

People running by - angry that you, too are not in a rush.

Storming off to life-saving-board-room-shelters.

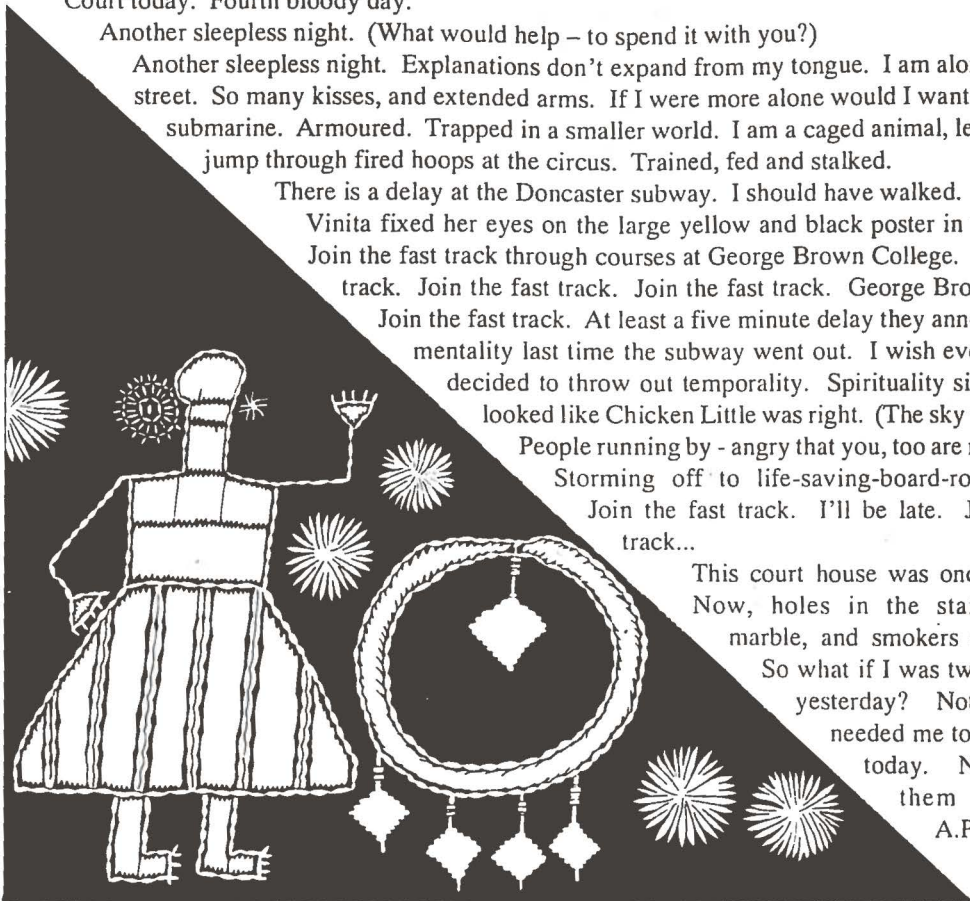
Join the fast track. I'll be late. Join the fast track...

This court house was once beautiful. Now, holes in the stairs, uneven marble, and smokers everywhere.

So what if I was two hours late yesterday? Not as if they needed me to testify until today. No need for

them to put an A.P.B. on me.

Vinita





approached Mr. looks-like-Michael-moustache.

Where were you? We were supposed to start at seven o'clock this morning!

Cop humour. Vinita smiled for him.

More people here today. Odd group. There's my bench. Empty. Mr. Moustache stands as usual. Strange how that worked. Those not remotely belonging to the judicial system sit, those who do, stand. Strange how it also splits up men and women. Pretty soon I'll be surrounded by suit legs, and pipes and cigarettes. Vinita takes a seat on the very hard bench outside court room number 126 in front of the No Smoking, Maximum fine of \$1000.00 sign.

Yes officer, I'd like to report three lawyers breaking the law on the second floor of Old City Hall.

Yes, all smoking. Yes, all male. Yes, all arrogant.

What's wrong. WRONG. What's wrong?

Yes, I'd like to report something strange going on in my street. Another battle. Fist on Fist. Scream. Inside I am growing, swelling, bursting, running through orange stomachs, hoping for a nice blue instead. The orange liquid concrete in my stomach and my shoulders slowly solidify. I have been thrown into a small blue pool. All four corners are visible. Then, as the concrete sinks, not at all.

The two young men in the odd group outside the courtroom harmonize to occupy themselves.

*I write the songs that make the whole world sing*

Wonder why everyone thinks they're here on drug charges? Vinita slowly swallowed the small group to her left. An old woman in a grey coat and slippers, three young women in pant suits and high heels, and two long haired young men in jeans. Together, a family. How can I file for divorce Mama?, the young woman asks.

*Amazing Grace*

*How Sweet the Sound*

What do you want a divorce for?

Steve. Vinita maintained her facade of reading her book as she waited to learn more.

Hush little baby don't say a word

He's dead, you don't have to divorce a dead man. You're a widow.

Vinita smiled. Getting up to relieve the wooden bench, Vinita strained to see inside number 126.

Look! There.

The glass window on the door to the courtroom. Feels like I'm looking through Jim's glasses. The egg-eyed Sergeant arrived bearing coffee, humourless jokes, The Toronto Daily Tabloid, and feigned concern. Psychology 101. But he must be good to have been made a sergeant. No.

A new assembly formed for the coffee. The four police officers, and the custodian/witness enveloped the sergeant. Vinita remained fixed, unsure. The janitor was still upset that he went outside in the cold to smoke, while the lawyers stayed warm.

Have some coffee, Vinita, the sergeant prescribed. But not too much or you'll be in the bathroom all afternoon. At least that's what coffee does to me, the sergeant chuckled looking up for approval. After the cream and sugar, the police officer dived on the Toronto Daily Tabloid.

Police officers ogling sunshine girls. I can't hide my disapproval anymore. It's too obvious. Chicken wings and beer and degrading woman jokes. Night out on the town. Damn.

Noticing Vinita's alienation from the group of men, the officers offered her the golden boy.

No thanks. (Small black and white versus full colour page.)

I don't read that OTHER paper. They're biased towards us, one of the officers justified to Vinita.

Oh. What about the other one? There ARE three, (Vinita clenched to casually continue.)

Look, the sergeant grazed, that's not the immigration truck that comes in here every morning. It's a truck full of city criminals coming to court. And they think WE'RE racist. Can't help it if there are more black criminals in this city.

Living in this city we are told that we are wonderfully multicultural. But I know this society of multi-cultures, as one culture of vultures circle above us looking for rotting meat.

Beat the rap man!, A black youth shouts to the black non-uniformed police officer sitting next to the Mr. Moustaches on the bench outside the courtroom.

An Indian women chokes out of court room 126. Crying, hiding her shame. She was the second one.

You'll be next, Vini TTA, the Sergeant warns, Make sure you're not chewing any gum, or they'll make you stick it on the end of your nose! The Sergeant shakes his head, marvelling at his own humour.

Vinita Sree vis ta va, a court guard announces struggling with the name, causing the court-room-waiters to look up at Vinita getting up from her wooden bench. Vinita stretches into court number 126. A black gown with red trimming envelops the white judge. Eagle face. Heard she's turned MAN. Mahogany everything. Kermit the Frog green. White faces. Large, old windows, beautiful, but ruined by the heating radiators underneath them. A large viewing gallery.

All rise.

I thought they only did that in movies.

The defendant makes a show of trying to rise out of his wheelchair. Asshole. He didn't need a wheelchair four months ago.

Hold the bible in your right hand and swear.

'Shit.' Funny. Just listen to the man. Hindu by birth, non-religious by choice. My anger swells. I wonder if they have a copy of the Koran, or the Bhagvad Gita, or, the Torah, or any other sacred documents besides the Bible? Aren't they supposed to offer us a choice?

Without too much apparent hesitation, Vinita picked up the pocket bible on her right.

Do you promise to tell the whole truth and nothing but the truth?

'No'?! How would they know if someone was lying? I thought all witnesses got some sort of chair. Even if it is some hard wooden one. But remain standing and uncomfortable please. Mr. Young Moustache told me to be extra polite to Mr. Weasel. Defense hates it when you answer their weaselly questions politely.

Spell your full name please.

-V-I-N-I-T-A S, as in Sam, R-I-, V, as in Victor, -A-S...

Next?!

Recount. Srivas

-T-A-V-A.

Miss Scr-Vis-tah; is that the correct pronunciation? The defense lawyer smiled as he looked directly at Vinita.

Uh no, but don't worry about it, Vinita looked down slightly.

The defense lawyer gave a large smile.

O! But we must.



Alright, if the weasel insists, (let's make him speak Hindi). The correct pronunciation is Vinita Shrevastahv(ah). Vinita pronounced with extreme rapidity.

Miss Shree vaas ta va? The defense attorney politely asked. Knew I'd get him. No victory.

No. Vinita smiled. Sh r r e vas tahvah(a) Vinita calmly replied with her grade-two-teacher-like voice. Slower, anglicized, articulated.

He still mispronounced it. Small victories. Pretty shallow. Weasel. Trying to make friends.

His smile looks phoney.

Do NOT return that smile. My tiny battles are turned big by new hatreds, useless victories. Why am I here?

Vinita, can you tell us what happened to you on the night of December 8th, 1988 at approximately 9:04 PM?

Seems like they already know what happened. Why am I here? They will not make me cry.

In detail? Vinita looked up towards the crown attorney for support, who offered none. Felt like I was being followed as soon as I left the subway.

A woman talks into a Darth Vader mask. Or maybe its more like an airplane oxygen mask. It looks smelly. For the record. A very small moustached man sits directly to her right. He is holding a small paperback. Probably Plato. What's he doing here?

What time exactly did you arrive on the subway platform?

EXACTLYYYYYYY? Who knows EXACTLY what time it is ever? It did TOO happen.

How many seconds were you on the platform before you noticed another man?

One Mississippi, two Mississippi. I don't know. Shut up.

When you first looked up, how far away was he?

Think. Wish I could close my eyes. I am afraid, was afraid. Ten feet, ten yards? Ten metres?

You've indicated that the platform was empty when he first yelled. and to be fair to you, I have used your word 'yell'. Would you say that if other people were there on the platform they would have heard this 'yell'?

Indicated. Said. Justice. Vantage points. I can't get another. I only know what I heard, I can't give you any information about someone else's vantage point. Vinita answered somewhat facetiously. The school of Philosophy, Thank You Socrates for your arrogance.

Describe your attacker.

My memory shuts off. Look. I said look. Come. I said come with me. I start with me in my Red jacket. No. Later, at home, I am wearing the Green. He wears a Charcoal grey coat just past or above his knees. Stubble. White. Charcoal hair. thin hair. Behind his ears. Mid fifties. Hands holding knife.

forget. forget. NO. I said forget.

Describe his voice.

It was gruff. Vinita replied, after a pause, directly to the defense lawyer, avoiding her peripheral view of the man in the wheelchair to her left.

What was the tone and how deep was his voice?

Tone. Timbre. Weasel. I am fed up, and I don't care. He RAN four months ago. What's he doing in a wheelchair?





Do you sing? He was an alto, and definitely not a baritone.

Vinita smiled into a giggle.

Weasel. Not so serious anymore. I still have concrete shoulders.

Back room watchers didn't think court was like this.

It is aggravatingly unclear. Just like the man with the charcoal coat. Just below his knees. And with a possible charcoal felt fedora hat. What does a grey and not quite black fedora hat look like anyway? It is all aggravatingly unclear.

Hands with knives and nicotine stains. Now, hands that turn the wheelchair. WHEELCHAIR.

I am an angry animal waiting to get out. I want to make him RUN now like he did before. RUN. Instead I jump through fire. I am trained. I am fed. I am stalked.

How big was his knife?

Confusion. The Weasel smiles, noting the confusion in my face. Well, was it uh, six inches, twelve inches, one, ... or..ah...two...inches thick? Surely you must have some idea? Vinita attempts to demonstrate with her two hands. But for the record, it must be said.

I am a locomotive labouring along. He must look so nice to those others, an elderly harmless man, with slicked hair, in a blue suit, in a wheelchair.

How was he holding the knife? Like this ... like this.. or maybe like this? The Weasel moves his hands in yet another position.

Is there anything else you can tell me about his hands?

Think. Was it really like this? High. yes. His hands are high in his chest.

You mean, you didn't notice all the nicotine stains, the brown spots, all over his hands?

Silence. The court feels silent. You Fool. Maybe his knife wasn't so big. Did I really see his hands? The Crown attorney looks like she's given up.

The knife, not the hands. The hands do not matter. I saw the knife.

I wonder if years from now people will say to the Weasel;

Remember when you put that guy in that wheelchair? That was the most brilliant move of your defense career.

I fall backward in time to the beginning.

I am not yet eleven years old. I remember my mother, my busy, caring, wonderful mother. We are shopping together. Stainless steel pans. Plastic boxers. Books and Toys. Mittens. Every aisle that I go to so does the man behind me. I am scared.

WHAT IS HE DOING?

Suddenly aching to find my mother or my sister who I do find in the Books and Toys. So does the man behind me.

Determined to find my mother I grab my sister and, calm and terrified, find shelter in the stainless steel with my unsuspecting mum.

I leap back to the present and realize that the face of the man in the wheelchair looks like the face of the man in the store.

I want to get rid of this man. Play judge. Why is killing someone a dream? I think about my drugstore psychology.

Yesterday a man on the bus stared, and stared. The woman across from me looked up to him, looked down again.

HOLD your head up. I silently scream.

She is reduced to ashamed embarrassment. He followed her off the bus – I wanted to come between them – but he was quick. I wanted to trip him.

I walk out of court room number 126. Determined. I am too angry to cry. Hold. I said hold your head up.

The sergeant comes to shake my hand.

I leave the court house. People walk around me and through me. Just like the cold wind that travels into my body. The cold air enters my body and then becomes warm air, and I am aware of the warmth that my body radiates.

Then I spot the Weasel.

I'm sorry I was so rough on you in there. But it's a job and somebody has to do it.

I say nothing to him. But I am filled with pride. Look, just look. He knows I am power.

I see through him. And he is shocked by my strength.

Like the stars grappling desperately for a space to be seen through the clouds, I burst into the space around me. Grappling. I am a resilient, reticent, glowing star.

My dance is quiet. Glorious. And I am power.



# THE QUILT

by ISMAT CHUGTAI



**I**n the depth of winter whenever I snuggle into my quilt, its shadow on the wall seems to sway like an elephant. My mind begins a mad race into the dark crevasses of the past; memories come flooding in.

Begging your pardon, I am not about to relate a romantic incident surrounding my own quilt – I do not believe there is much romance associated with it. The blanket, though considerably less comfortable, is preferable because it does not cast such terrifying shadows, quivering on the wall!

This happened when I was a small girl. All day long I fought tooth and nail with my brothers and their friends. Sometimes I wondered why the hell I was so quarrelsome. At my age my older sisters had been busy collecting admirers; all I could think of was fisticuffs with every known and unknown girl or boy I ran into!

For this reason my mother decided to deposit me with an 'adopted' sister of hers when she left for Agra. She was well aware that there was no one in that sister's house, not even a pet animal, with whom I could engage in my favourite occupation! I guess my punishment was well deserved. So Mother left me with Begum Jan, the same Begum Jan whose quilt is imprinted on my memory like a blacksmith's brand.

This was the lady who had been married off to Nawab Sahib for a very good reason, courtesy her poor but loving parents. Although much past his prime, Nawab Sahib was noblesse oblige. No one had ever seen a dancing girl or a prostitute in his home. He had the distinction of not only performing the Haj himself, but of being the patron of several poor people who had undertaken the pilgrimage through his good offices.

Nawab Sahib had a strange hobby. People are known to have irksome interests like breeding pigeons and arranging cockfights. Nawab Sahib kept himself aloof from these disgusting sports; all he liked to do was keep an open house for students; young, fair and slim-waisted boys, whose expenses were borne entirely by him. After marrying Begum Jan, he deposited her in the house with all his other possessions and promptly forgot about her! The young, delicate Begum began to wilt with loneliness.





Who knows when Begum Jan started living? Did her life begin when she made the mistake of being born, or when she entered the house as the Nawab's new bride, climbed the elaborate four-poster bed and started counting her days? Or did it begin from the time she realised that the household revolved around the boy-students, and that all the delicacies produced in the kitchen were meant solely for their plates? From the chinks in the drawing-room doors, Begum Jan glimpsed their slim waists, fair ankles and gossamer shirts and felt she had been raked over the coals!

Perhaps it all started when she gave up on magic necromancy, seances and whatnot. You cannot draw blood from a stone. Not an inch did the Nawab budge. Broken-hearted, Begum Jan turned towards education. Not much to be gained here either! Romantic novels and sentimental poetry proved even more depressing. Sleepless nights became a daily routine. Begum Jan slowly let go and consequently, became a picture of melancholy and despair.

She felt like stuffing her fine clothes into the stove. One dresses up to impress people. Now, neither did Nawab Sahib find a spare moment from his preoccupation with the gossamer shirts, nor did he allow her to venture outside the home. Her relatives, however, made it a habit to pay her frequent visits which often lasted for months, while she remained a prisoner of the house.

Seeing these relatives on a roman holiday made her blood boil. They happily indulged themselves with the goodies produced in the kitchen and licked the clarified butter off their greedy fingers. In her household they equipped themselves with the cotton filling from her quilt each year, while Begum Jan continued to shiver, night after night. Each time she turned over, the quilt assumed ferocious shapes which appeared like shadowy monsters on the wall. She lay in terror; not one of the shadows carried any promise of life. What the hell was life worth anyway? Why live? But Begum Jan was destined to live, and once she started living, did she ever!

Rabbo came to her rescue just as she was starting to go under. Suddenly her emaciated body began to fill out. Her cheeks became rosy; beauty, as it were, glowed through every pore! It was a special oil massage that brought about the change in Begum Jan. Begging your pardon, you will not find the recipe for this oil in the most exclusive or expensive magazine!

When I saw Begum Jan she was in her early forties. She sat reclining on the couch, a figure of dignity and grandeur. Rabbo sat against her back, massaging her waist. A purple shawl was thrown over her legs. The very picture of royalty, a real Maharani! How I loved her looks. I wanted to sit by her side for hours, adoring her like a humble devotee. Her complexion was fair, without a trace of ruddiness. Her black hair was always drenched in oil. I had never seen her parting crooked, nor a single hair out of place. Her eyes were black, and carefully plucked eyebrows stretched over them like a couple of perfect bows! Her eyes were slightly taut, eyelids heavy and eyelashes thick. The most amazing and attractive part of her face were her lips. Usually dyed in lipstick, her upper lip had a distinct line of down. Her temples were covered with long hair. Sometimes her face became transformed before my adoring gaze, as if it were the face of a young boy...

Her skin was fair and moist, and looked like it had been stretched over her frame and tightly stitched up. Whenever she exposed her ankles for a massage, I stole a glance at their rounded smoothness. She was tall, and appeared taller because of the ample flesh on her person. Her hands were large and moist, her waist smooth. Rabbo used to sit by her side and scratch her back for hours together – it was almost



as if getting scratched was for her the fulfilment of life's essential need. In a way, more important than the basic necessities required for staying alive.

Rabbo had no other household duties. Perched on the four-poster bed, she was always massaging Begum Jan's head, feet or some other part of her anatomy. Someone other than Begum Jan receiving such a quantity of human touching, what would the consequences be? Speaking for myself, I can say that if someone touched me continuously like this, I would certainly rot.

As if this daily massage were not enough, on the days she bathed this ritual extended to two hours! Scented oils and unguents were massaged into her shining skin; imagining the friction caused by this prolonged rubbing made me slightly sick. The braziers were lit behind closed doors and then the procedure started. Usually Rabbo was the only one allowed inside the sanctum. Other servants, muttering their disapproval, handed over various necessities at the closed door.

The fact of the matter was that Begum Jan was afflicted with a perpetual itch. Numerous oils and lotions had been tried, but the itch was there to stay. Hakims and doctors stated: It is nothing, the skin is clear. But if the disease is located beneath the skin, it's a different matter.

These doctors are mad! Rabbo used to say with a meaningful smile while gazing dreamily at Begum Jan. "May your enemies be afflicted with skin disease! It is your hot blood that causes all the trouble!"

Rabbo! She was as black as Begum Jan was white, like burnt iron ore! Her face was lightly marked with smallpox, her body solidly packed; small, dextrous hands, a tight little paunch and full lips, slightly swollen, which were always moist. A strange and bothersome odour emanated from her body. Those puffy hands were as quick as lightning, now at her waist, now her lips, now kneading her thighs and dashing towards her ankles. Whenever I sat down with Begum Jan, my eyes were rivetted to those roving hands.

Winter or summer, Begum Jan always wore kurtas of Hyderabad Jaali Karga. I recall her dark skirts and billowing white kurtas. With the fan gently rotating on the ceiling, Begum Jan always covered herself with a soft wrap. She was fond of winter. I too liked the winter season at her house. She moved very little. Reclining on the carpet, she spent her days having her back massaged, chewing on dry fruit. Other household servants were envious of Rabbo. The witch! She ate, sat, and even slept with Begum Jan! Rabbo and Begum Jan – the topic inevitably cropped up in every gathering. Whenever anyone mentioned their names, the group burst into loud guffaws. Who knows what jokes were made at their expense? But one thing was certain – the poor lady never met a single soul. All her time was taken up with the treatment of her unfortunate itch.

I have already said that I was very young at that time and quite enamoured of Begum Jan. She, too, was fond of me. When mother decided to go to Agra she had to leave me with somebody. She knew that, left alone, I would fight continuously with my brothers, or wander around aimlessly. I was happy to be left with Begum Jan for one week, and Begum Jan was equally pleased to have me. After all, she was Ammi's adopted sister!

The question arose of where I was to sleep. The obvious place was Begum Jan's room; accordingly, a small bed was placed alongside the huge four-poster. Until ten or eleven that night we played Chance and talked; then I went to bed. When I fell asleep Rabbo was scratching her back. "Filthy wench", I





muttered before turning over. At night I woke up with a start. It was pitch dark. Begum Jan's quilt was shaking vigorously, as if an elephant was struggling beneath it.

"Begum Jan," my voice was barely audible. The elephant subsided. "What is it? Go to sleep." Begum Jan's voice seemed to come from a far.

"I'm scared." I sounded like a petrified mouse.

"Go to sleep. Nothing to be afraid of. Recite the Ayat-ul-Kursi."

"Okay!" I quickly began the Ayat. But each time I reached "Yalamu Mabain" I got stuck. This was strange. I knew the entire Ayat!

"May I come to you, Begum Jan?"

"No child, go to sleep." The voice was curt. Then I heard whispers. Oh God! Who was this other person? Now I was terrified.

"Begum Jan, is there a thief here?"

"Go to sleep, child; there is no thief." This was Rabbo's voice. I sank into my quilt and tried to sleep.

In the morning I could not even remember the sinister scene that had been enacted at night. I have always been the superstitious one in my family. Night fears, sleep-talking, sleep-walking were regular occurrences during my childhood. People often said that I seemed to be haunted by evil spirits. Consequently I blotted out the incident from memory as easily as I dealt with all my imaginary fears. Besides, the quilt seemed such an innocent part of the bed.

The next night when I woke up, a quarrel between Begum Jan and Rabbo was being settled on the bed itself. I could not make out what conclusion was reached, but I heard Rabbo sobbing. Then there were sounds of cat slobbering in the saucer. To hell with it, I thought and went off to sleep!

Today Rabbo has gone off to visit her son. He was a quarrelsome lad. Begum Jan had done a lot to help him settle down in life; she had bought him a shop, arranged a job in the village, but to no avail. She even managed to have him stay with Nawab Sahib. Here he was treated well, a new wardrobe was ordered for him, but ungrateful wretch that he was, he ran away for no good reason and never returned, not even to see Rabbo. She therefore had to arrange to meet him at a relative's house. Begum Jan would never have allowed it, but poor Rabbo was helpless and had to go.

All day Begum Jan was restless. Her joints hurt like hell, but she could not bear anyone's touch. Not a morsel did she eat; all day long she moped in bed.

"Shall I scratch you, Begum Jan?" I asked eagerly while dealing out the deck of cards. Begum Jan looked at me carefully.

"Really, shall I?" I put the cards aside and began scratching, while Begum Jan lay quietly, giving in to my ministrations. Rabbo was due back the next day, but she never turned up. Begum Jan became irritable. She drank so much tea that her head started throbbing.

Once again I started on her back. What a smooth slab of a back! I scratched her softly, happy to be of some assistance.

"Scratch harder, open the straps," Begum Jan spoke. "There, below the shoulder. Ooh, wonderful!" She sighed as if with immense relief.

"This way," Begum Jan indicated, although she could very well scratch that part herself. But she referred my touch. How proud I was!





"Here, oh, oh, how you tickle," she laughed. I was talking and scratching at the same time.

"Tomorrow I will send you to the market. What do you want? A sleep-walking doll?"

"Not a doll, Begum Jan! Do you think I am a child? You know I am.."

"Yes...an old crow. Is that what you are?" She laughed.

"Okay then, buy a babua. Dress it up yourself, I'll give you as many bits and pieces as you want. Okay?" She turned over.

"Okay," I answered.

"Here." She was guiding my hand wherever she felt the itch. With my mind on the babua, I was scratching mechanically, unthinkingly. She continued talking.

"Listen, you don't have enough clothes. Tomorrow I will ask the tailor to make you a new frock. Your mother has left some material with me."

"I don't want that cheap red material. It looks tacky." I was talking nonsense while my hand roved the entire territory. I did not realize it but by now Begum Jan was flat on her back! Oh God! I quickly withdrew my hand.

"Silly girl, don't you see where you're scratching? You have dislocated my ribs." Begum Jan was smiling mischievously. I was red with embarrassment.

"Come, lie down with me." She laid me at her side with my head on her arm. "How thin you are...and, let's see, your ribs," she started counting.

"No," I protested weakly.

"I won't eat you up! What a tight sweater," she said. "Not even a warm vest?" I began to get very restless.

"How many ribs?" The topic was changed.

"Nine on one side, ten on the other." I thought of my school hygiene. Very confused thinking.

"Let's see", she moved my hand. "One, two, three.."

I wanted to run away from her, but she held me closer. I struggled to get away. Begum Jan started laughing.

To this day whenever I think what she looked like at that moment, I get nervous. Her eyelids became heavy, her upper lip darkened and, despite the cold, her nose and eyes were covered with tiny beads of perspiration. Her hands were stiff and cold, but soft as if the skin had been peeled. She had thrown off her shawl and in the karga kurta, her body shone like a ball of dough. Her heavy gold kurta buttons were open, swinging to one side.

The dusk had plunged her room into a claustrophobic blackness, and I felt gripped by an unknown terror. Begum Jan's deep dark eyes focused on me! I started crying. She was clutching me like a clay doll. I started feeling nauseated against her warm body. She seemed possessed. What could I do? I was neither able to cry nor scream! In a while she became limp. Her face turned pale and frightening, she started taking deep breaths. I figured she was about to die, so I ran outside.

Thank God Rabbo came back at night. I was scared enough to pull the sheet over my head, but sleep evaded me as usual. I lay awake for hours.



How I wished Ammi would return. Begum Jan had become such a terrifying entity that I spent my days in the company of household servants. I was too scared to step into her bedroom. What could I have said to anyone? That I was afraid of Begum Jan? Begum Jan, who loved me so dearly?

Today there was another tiff between Begum Jan and Rabbo. I was dead scared of their quarrels, because they signalled the beginning of my misfortunes! Begum Jan immediately thought about me. What was I doing wandering around in the cold? I would surely die of pneumonia!

“Child, you will have my head shaven in public. If something happens to you, how will I face your mother?” Begum Jan admonished me as she washed up in the water basin. The tea tray was lying on the table.

“Pour some tea and give me a cup.” She dried her hands and face. “Let me get out of these clothes.”

While she changed, I drank tea. During her body massage, she kept summoning me for small errands. I carried things to her with utmost reluctance, always looking the other way. At the slightest opportunity I ran back to my perch, drinking my tea, my back turned to Begum Jan.

“Ammi!” My heart cried in anguish. “How could you punish me so severely for fighting with my brothers?” Mother disliked my mixing with the boys, as if they were man-eaters who would swallow her beloved daughter in one gulp! After all who were these ferocious males? None other than my own brothers and their puny little friends. Mother believed in a strict prison sentence for females; life behind seven padlocks! Begum Jan’s “patronage”, however, proved more terrifying than the fear of the world’s worst goondas! If I had had the courage I would have run out on to the street. But helpless as I was, I continued to sit in that very sport with my heart in my mouth.

After an elaborate ritual of dressing up and scenting her body with warm attars and perfumes, Begum Jan turned her arduous heat on me.

“I want to go home!” I said in response to all her suggestions. More tears.

“Come to me”, she waxed. “I will take you shopping.”

But I had only one answer. All the toys and sweet in the world kept piling up against my one and only refrain, “I want to go home!”

“Your brothers will beat you up, you witch!” She smacked me affectionately.

“Sure, let them,” I said to myself annoyed and exasperated.

“Raw mangoes are sour, Begum Jan,” malicious little Rabbo expressed her views.

Then Begum Jan had her famous fit. The fold necklace she was about to place around my neck, was broken to bits. Gossamer net scarf was shredded mercilessly. Hair, which were never out of place, were tousled with loud exclamations of “Oh! Oh! Oh!” She started shouting convulsing. I ran outside.

After much ado and ministrations, Begum Jan regained consciousness. When I tiptoed into the bedroom Rabbo, propped against her body, was kneading her limbs.

“Take off your shoes,” she whispered. Mouse-like I crept into my quilt.

Later that night, Begum Jan’s quilt was, once again, swinging like an elephant. “Allah”, I was barely able to squeak. The elephant-in-the quilt jumped and then sat down. I did not say a word. Once again, the elephant started convulsing. Now I was really confused. I decided, no matter what, tonight I would flip the switch on the bedside lamp. The elephant started fluttering once again, as if about to squat. Smack, gush, slobber – someone was enjoying a feast. Suddenly I understood what was going on!





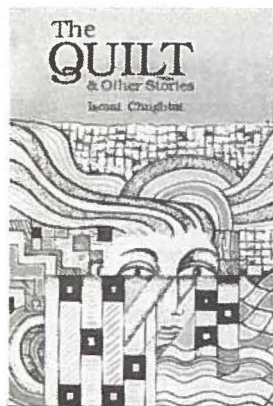
Begum Jan had not eaten a thing all day and Rabbo, the witch, was a known glutton. They were polishing off some goodies under the quilt, for sure. Flaring nostrils, I huffed and puffed hoping for a whiff of the feast. But the air was laden with attar, henna, sandalwood; hot fragrances, no food.

Once again the quilt started billowing. I tried to lie still, but it was now assuming such weird shapes that I could not contain myself. It seemed as if a frog was growing inside it and would suddenly spring on me.

“Ammi!” I spoke with courage, but no one heard me. The quilt, meanwhile, had entered my brain and started growing. Quietly creeping to the other side of the bed I swung my legs over and sat up. In the dark I groped for the switch. The elephant somersaulted beneath the quilt and dug in. During the somersault, its corner was lifted one foot above the bed.

Allah! I dove headlong into my sheets!!

What I saw when the quilt was lifted, I will never tell anyone, not even if they give me a lakh of rupees.



*Translated By Syeda Hameed*  
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*New Delhi 110 049*  
*Ismat Chughtai*





## Gay Pride Day

by *Domeneca Dileo*

What does it all mean!!!  
For whom,... family, sisters, brother... Society  
Proud within oneself ... the tears of others

But I still want to be proud  
Proud that I can, and do say no to all...  
That makes me cry...

I cry... but then laugh, laugh at the  
Pain that they are causing me  
I causing them... Feminism ... choice

Too abstract for me... I want to be loved  
But by who. Me, them, Me, them, Me, them...Me  
I want to love, to be loved without the  
Pain that being proud is causing me...

They make me feel insane... but who is sane  
Love is the feeling of sanity  
I want to be sane  
I will love to be sane

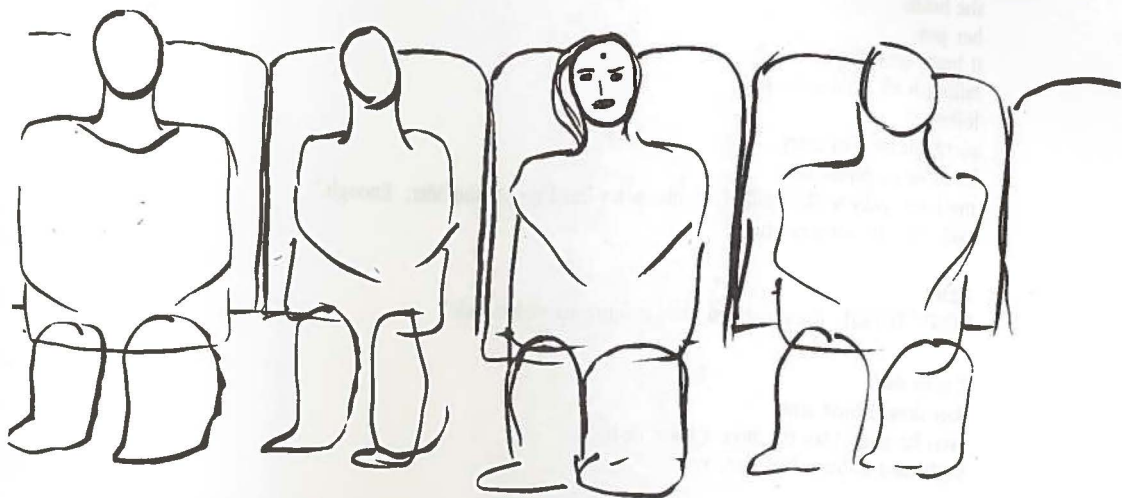


## Lonely

by *Nirmala Nathan*

Lonely in this great Big world.  
Helpless hopeless lonely me  
Longing for some love, compassion  
Though if just a smile maybe.

Do you think my longings fruitless  
hopeless darkness it may seem  
Not till caring sharing people  
Glow forth as a shining beam.



## Leaving Comfort

by Vinita Srivastava

MKD Jan/92

When she sank to the ground  
I knew it was over  
Don't touch me, and  
go away just go away  
in between her leaping sobs  
she gasps for air  
I am an impatient racer waiting for the gun  
I tuck her arm through mine,  
push him away this  
stereotype that I've read about  
in  
Woman/Abuse  
and Sexual  
Assault  
and slowly we  
walk away.

led by the camp lights  
I hear only crunching gravel  
and her very quiet, small,  
deafening sobs.

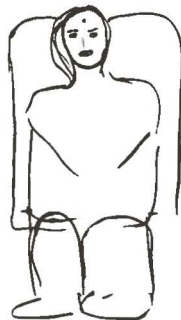
she holds  
her jaw.  
it hurts oh it hurts.  
falling back I notice he still  
follows  
sorry. please. I'm sorry.  
he looks so gentle now.  
my lover softly walks beside him, places his hand on his shoulder, 'Enough.'  
and I see the violence erupt

again  
DON'T TOUCH. the unwanted hand is flung across his body.

it is so dark  
they drag behind and  
even far away I see my lover: I know he is  
frightened to leave this man/alone.

We reach this camp comfort station  
oh comfort us.  
We search for ice, look for relief  
she cradles her red jaw  
oh comfort her.

I hold her  
tight.  
and watch her sobs turn into  
shock  
and anger.  
rolling a cold pop can  
across her jaw  
the tears do not stop.  
oh comfort  
us.







*Special Issue*

# **SEXUAL ASSAULT RAPE & INCEST**

