

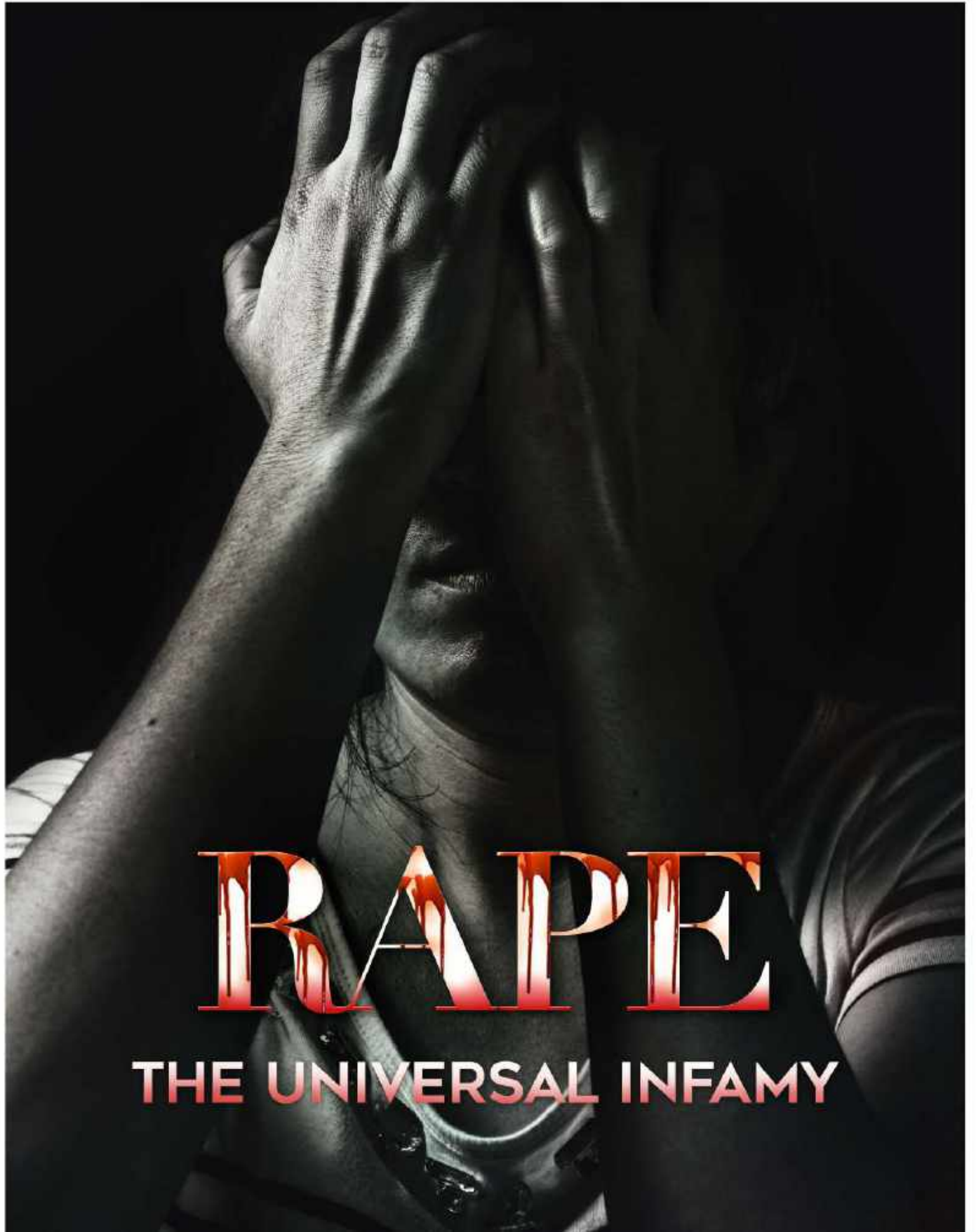
Bimonthly

# Pax Lumina



Vol. 3 | No. 2 | March 2022

A Quest for Peace and Reconciliation



# RAPE

## THE UNIVERSAL INFAMY



Vol. 3 | No. 2 | March 2022

# Pax Lumina

A Quest for Peace and Reconciliation

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fostering peace with a multi-pronged approach.



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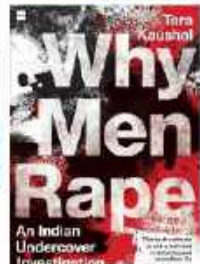
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# RAPE

## The Universal Infamy

**R**ape is a universal infamy. It happens all the time, from high noon to midnight. It happens everywhere, from the mighty precincts of the high, holy and the hallowed to the lowly backyards of the metros, cities, towns and villages. Thus, it is the most perverse equalizer except that the victim is always the same, the powerless, irrespective of class, caste, race and colour. Rape is the uncontrolled application of power with the well-defined objective of the total annihilation of the other.

*We have chosen this topic as the focus of this issue of Pax Lumina because of its pervasive presence in all fields of human interaction. Interaction with other humans, non-humans, nature, matter and spirit. If you can forgive the malodorous comparison let me admit the subject has forced itself on this issue.*

*Our courageous contributors have withstood the agony of witnessing and dissected the phenomenon, its various biological, psychological, legal, economic and social manifestations, some visible and bloody, and others, mostly unseen and hidden except for the perpetrator and the victim. They do this because they believe change is possible. #We Too.*

*The first step in any scientific endeavor is seeing. Seeing leading to observation. Seeing with one's eyes open, without psychological, cultural, ideological or moralistic blinkers. Then asking the question: who are on both sides of the power arrow? Then deciding who you are with and what you are going to do about this total annihilation of humanness. At the most primary level, it is violence against women and children who are in definable roles of powerlessness. Even here, our writers show justice is immensely difficult. From the lodging of the First Information Report, through the harrowing stages of the trial when the victim is paraded naked and shamed, and finally to, I am sorry to say, the ultimate acquittal of the criminal. Liberation rarely happens to the victim. Then there are economic, cultural, religious, institutional and legal cobwebs which smother the victim. Our readers can, if their eyes are still open, look around and identify the web addresses of these hapless flies bound in spiders' thread. Actually, this thread is proteinous silk and can be broken easily but not by the fly alone.*

*We move to the international scene but again it is the bell of human misery that tolls here too. From the 1937 painting, 'Guernica' by Pablo Picasso, which is discussed in the Art and Peace section to the real-time reports of war in Ukraine, the story of rape, in this case, the destruction of a collection of human beings rather than a single one, is also discussed.*

*All in all, the situation is bloody and dark. But we cannot close our eyes. Nor numb our minds. This is the time for peacemaking. Wish you Godspeed.*

**Jacob Thomas**  
Editor



# National



*Blaming the victim  
is an act of refuge  
and self-deception.*

*It allows  
the blamer to  
sit in judgment,  
imagining some  
mystical justice  
that means bad  
things happen only  
to bad people, thus  
ensuring their  
own safety.*

- Una



**Flavia Agnes**  
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*Pax Lumina 3(2) / 2022 / 08-12*

# Redefining the Rape Law in India





**T**his open letter was the trigger for the anti-rape campaign which received wide media publicity and ultimately resulted in bringing changes in the rape laws. **This was a path-breaking victory, as the rape laws had remained unchanged for over a century since the IPC was first formulated in 1860.**



## **T**he Catalyst - **The Supreme Court Ruling in the Mathura Rape Case**

During the early 1980s, rape became the pivot around which the emerging Indian women's movement galvanised its campaigns. The catalyst was the Supreme Court judgment in the Mathura rape case.

Mathura, a 16-year-old, illiterate, orphan, tribal girl was raped by two policemen, while on duty, within the vicinity of the police station. The young girl had eloped with her boyfriend and was brought to the police station due to a complaint filed by her brother. So, she was viewed as a woman of loose character.

Since there were no marks of injury the Sessions Court termed her a liar. Her evidence regarding the rape was disbelieved. On appeal, the Bombay High Court set aside this judgement on the ground that a quiet acquiescence is not consent and convicted the policemen. However, the Supreme Court reversed the High Court ruling and acquitted the policemen.

The judgement shocked some law teachers of the Indian Law Institute, Delhi, who wrote an open letter to the Chief Justice of India condemning the judgement. They

felt that such a judgement would 'snuff out all hopes of justice for millions of Mathuras in the country'.

This open letter was the trigger for the anti-rape campaign which received wide media publicity and ultimately resulted in bringing changes in the rape laws. This was a path-breaking victory, as the rape laws had remained unchanged for over a century since the IPC was first formulated in 1860.

## **The salient features of the 1983 rape law amendments and their impact**

The central concerns regarding the moral character and sexual history of the victim had been sidetracked, but the State had acquiesced to the demand for a deterrent punishment and laid down a mandatory minimum punishment of seven years for general rapes and ten years for rapes of an aggravated nature – gang rapes, custodial rapes, rape of children under 12 years, and pregnant women.

The demand for shifting the burden of proof regarding consent was conceded to partially - in custodial situations – police lockups, prisons, public hospitals, rescue and remand homes, and government-run educational institutions. The amendments also introduced a new offence and made consensual sexual intercourse in certain custodial situations punishable.

But these amendments did not help changing the adverse court culture and rape trials continued to be harrowing for the victims. The victim-blaming game continued and it was as though the victim/survivor was on trial rather than the accused. While convictions were rare, the courts seldom awarded the mandatory minimum punishment stipulated by the amendment.

In subsequent years, further changes were brought about. In 2002, the provision that a victim's past sexual history could be used as a defence for the accused was deleted. In-camera trials became the norm to protect the victim and ensure confidentiality. It became an offence to reveal her identity in newspaper reports and even in reported judgements.

In the intervening years, there was a steady increase in reported rape cases while the rate of convictions remained low. An acquittal was equated with 'false case' and the popular notion that most reported cases are false persisted.

A new definition to include the complexities that emerged as activist groups started following up cases on the ground.

One of them is child sexual abuse, and more specifically rape of young children within the family, as well as in children's shelter homes. There were also cases of abuse by paedophiles, particularly foreigners.

Since the 1990s it was obvious that a new and complex definition of sexual assault had to be evolved to impart justice to these vulnerable segments whose concerns had not been focused upon during the first phase of the anti-rape campaign.

From 1993 to 2013, there were several efforts to redefine sexual crime within the context of these emerging concerns. Finally, in 2012, child rights groups succeeded in securing a law to deal with child sexual abuse, titled Protection of Child from Sexual Offences Act, 2012 (POCSO), which was enacted on November 14, 2012.

This comprehensive statute covers a range of sexual offences, including penetrative sexual assault, aggravated penetrative sexual assault, sexual assault (non-penetrative), aggravated sexual assault, sexual harassment, using children for pornographic purposes as well as using such pornographic material for commercial use. It also lays down the



**T**his law prohibits any sexual contact with a minor, even with consent. Unfortunately, most people are unaware of it. Even our educational institutions do not address the issue of adolescent sexuality within their institutions. **The result is that many cases of consensual sex among minors come within the scope of this stringent legal provision.**



minimum and maximum punishment for each category of offence and leaves little room for judicial latitude. Even non-reporting of a case of sexual abuse of a minor is a crime.

This is a gender-neutral law. All children under the age of 18 are brought under its purview. This law prohibits any sexual contact with a minor, even with consent. Unfortunately, most people are unaware of it. Even our educational institutions do not address the issue of adolescent sexuality within their institutions. The result is that many cases of consensual sex among minors come within the scope of this stringent legal provision.

The Act also stipulates that special courts must be set up to try the offences. It lays down child-friendly procedures for trial in these special courts and shifts the burden of proof upon the accused.

After the gruesome gang rape and murder of a paramedic in Delhi, popularly referred to as the 'Nirbhaya case', there was a demand for a stringent law to address the issue of rape. The clamour was for the death penalty. But the amendment which was brought about in April, 2013, the Criminal Law Amendment Act (CLAA), 2013, stopped short of the death penalty, even while prescribing stringent punishment (though the death penalty was introduced for repeated incidents of rape).

The amendment extended the definition of rape beyond the earlier premise of peno-vaginal penetration and broadened it to include insertion of the sexual organ into any bodily orifice such as anus and mouth or insertion of any object into a victim's body, though the law has retained its gender-specific character and also retained the term 'rape'.

The focus of the reforms continued to be stringent punishment, such as life imprisonment for the remainder of life and the death penalty in certain extraordinary situations. However, the protective measures stipulated under the POCSO Act did not find a place in the CLAA, such as the constitution of special courts and special procedures for investigation and trial.

## **Re-victimisation during investigation and trial**

During the anti-rape movement, the demand for law reform was made in the context of the humiliation and re-victimisation which a victim is subjected to in a court. There was also the intersectionality of gender and caste which resulted in the violation of the dignity of women of the lower class, abuse of power by people in authority, institutional violations of children, and child sexual abuse within the family.

While the issue of rape and sexual abuse is the focus of media reports and television debates, a question that ought to have been central to our exploration is whether the

**W**hile the issue of rape and sexual abuse is the focus of media reports and television debates, a question that ought to have been central to our exploration is whether the reforms **which have been introduced during the intervening four decades have succeeded in addressing the concerns with which the anti-rape movement was launched in the early 1980s.**



reforms which have been introduced during the intervening four decades have succeeded in addressing the concerns with which the anti-rape movement was launched in the early 1980s.

What was needed was the certainty of the verdict so that it does not swing from one extreme to the other, based on the sensitivity of the judicial officer while appreciating the same evidence placed before him/her. Of even greater concern was the need to ensure that a victim is not subjected to re-victimisation during the process of investigation and trial. But the response of the State has been to make the law more stringent by introducing harsher punishments rather than introducing protective measures to help

the victim negotiate the daunting criminal legal system and preventive measures to make homes and neighbourhoods safer for women and children.

Ironically, even after the public discourse post the Delhi gang rape, and the law reform that followed, the humiliation inflicted upon Mathura at the hands of the judiciary, continues. A popular saying coined during the anti-rape movement, “Mathura was raped twice, first by the police, then by the courts” continues to ring true even today.

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*Pax Lumina 3(2) / 2022 / 13-24*

# HEALING THE DAMAGED



The Coordination and  
Methodological  
Centre in Slovakia



## **W**hat is considered as sexual violence?

Sexual violence is considered one of the worst crimes in the Slovakian judiciary system. In all of its forms and manifestations, it is about violating someone's mental and physical integrity and assaulting or denying them their freedom.

Sexual assault occurs when someone abuses power and sexually crosses another person's boundaries without that person's permission. This is not just about physical contact or sexual intercourse, but also psychological forms of pressure like, for example, innuendo or ogling. In short, it is anything that crosses someone's boundaries in a specific situation.

'Sexual violence is unwanted behaviour with a sexual subtext that the victim finds unpleasant and unwelcome. On the one side, there is the person performing the behaviour, and on the other side, is a person who disagrees with the behaviour and expresses disagreement with it.'

This citation is from the official government web site: 'Zastavme násilie' ('Let's stop the violence') which offers information concerning sexual violence, professional and legal counselling, contact information, forms of aid and social services, information on laws and strategic frameworks, service provision, as well as the activities of the Coordination and Methodological Centre (CMC) for Gender and Domestic Violence and the Ministry of Labour, Social Affairs and Family of the Slovak Republic in the field of prevention and elimination of violence against women.

Under the National Action Plan for the Prevention and Elimination of Violence against Women for 2014-2019, the mission of the CMC is to create, implement and coordinate a comprehensive national policy.

The CMC was established in 2015. At present, its activities are financed by the European Social Fund within the national project *Prevention and Elimination of Gender Discrimination*.

## **Statistics and administrative data in the Slovak Republic**

The data from the official government sources illustrate the long-term development in the field of violence against women. In terms of time development, the data show a general decrease in violent crime, and, accordingly, a decrease in violence against women. There is a significant upward trend in the reporting of crimes in the area of sexual violence as well as partner violence, which, however, due to prevalent research, may mean higher confidence of victims in the system and thus the higher number of reported and prosecuted acts.

The total number of women victims (2010-2018) of selected violent and moral crimes concerning sexual abuse (Source: Statistics of the Police Presidium of the Slovak Republic)

**T**here is a significant upward trend in the reporting of crimes in the area of sexual violence as well as partner violence, which, however, due to prevalent research, **may mean higher confidence of victims in the system and thus the higher number of reported and prosecuted acts.**



<https://www.zastavmenasilie.gov.sk/statistiky/>

## **Forms of sexual violence and how they relate to the law**

All forms of sexual violence are considered by our society to be inhuman and illegal behaviour that the Penal Code includes under crimes against human dignity.

The following description of violent sexual acts shows what each specific crime and other forms of violence specifically involves.

## **Sexual abuse**

This involves various forms of sexual behaviour targeting children. A child is exposed to inappropriate sexual contacts or interactions in which the child is used to sexually stimulate the perpetrator or a third party for the offender to possibly achieve sexual arousal and gratification. The sexual abuse of children results in harm to their mental, physical and social development and can even kill them.

The child's sexual maturity or virginity is irrelevant, and it is also irrelevant which party to the incident initiated the interaction, who was the more active party, whether the act was based on an emotional relationship, or whether it was performed with the consent of or at the express request of the child who

has been abused. These factors apply only when sentencing is being considered.

## **Forms of sexual abuse**

Sexual abuse can also occur without physical contact - the offender does not have to touch the child to become aroused/satisfied. This kind of abuse includes voyeurism, exhibitionism and Verbal sexual abuse .

The sexual abuse involving touch happens when there is direct physical contact between the child and the offender. This includes fondling, touching breasts and genitals, kissing the body, rubbing against the child's skin (imitating the motions of copulation), and intercourse (i.e. penetrating a child's body with the fingers, with objects, or with the penis).

Other forms of sexual abuse are perpetrated by parents as part of raising their children. This may involve parents photographing their naked children in stylised poses, the ritual shaving of their children's genitals, or the delivering of punishments - for example, a father spanking his daughter's bare buttocks and becoming aroused as he does so. While these forms of abuse do not completely overlap with the objective definition of this felony, such activities and others similar to them may meet the definition of other legal provisions, such as endangering a child's upbringing or seducing a child to participate in sexual intercourse.

Sexual abuse can take place over a long time, perhaps for years, or can be a one-off assault. It can take place between people of the opposite sex or the same sex.

## Rape

Rape is one of the most serious sexually-motivated crimes and is defined as forced sexual intercourse through violence or the threat of violence or other grievous harm, or by abusing the victim's defenselessness.

Rape is understood to mean sexual activities that penetrate any intimate area of the rape victim, e.g., anal and oral sexual practices, in addition to completed sexual intercourse.

Just forcing someone to engage in sexual intercourse without actually succeeding is prosecuted as attempted rape.

Rape victims can be persons who have previously voluntarily engaged in sexual intercourse with the perpetrator, who live with the perpetrator in a marriage, or as common-law spouses, or in a registered partnership.

Forcing consists of the perpetrator using violent behaviour to overwhelm the seriously-meant disagreement of another person to sexual intercourse, or using violence when the victim is unable to resist for any reason. It is irrelevant how the victim got into such a state of being unable to resist or whether the victim got into that state as a result of the perpetrator's endeavours or not. States in which victims are unable to resist include deep sleep, drunkenness, a high fever, the influence of drugs, and physical confinement or restraint.

For behaviour to be considered rape, it is not enough that the perpetrator wants to perform sexual intercourse or some other sexual contact with another person against that person's will.

The law requires that the perpetrator want to achieve this intention through violence or the threat of violence.

Resistance to rape sometimes can be very intensive, but does not have to be, and depends on the temperamental characteristics of the victim and the forms of violence the





People are also considered defenceless when, given their minor age, they are not sufficiently mature enough to be able to assess the importance of resisting forced sexual intercourse. **It does not matter whether the person is in a vulnerable position due to a physical condition or as a result of another person's intervention.**



assailant intends to use to overcome the victim's resistance. Just because a victim sees no other way out and does not know how to continue defending herself or himself does not mean the victim agreed to the attacker's conduct, even in cases when the victim persuades the assailant to use a condom for protection from the side-effects of rape.

The result of violence or the threat of violence is that the victim, after expressing seriously-meant disagreement and showing resistance, then refrains from any further resistance due to exhaustion, to the apparent hopelessness of the situation, or to a well-founded fear that the perpetrator of the violence will make good on the threat.

Using deceit to induce a victim to fall into a state of defenselessness is also considered violence. Causing someone to hold an erroneous belief or exploiting an erroneous belief to achieve the objective of rape is considered such a subterfuge.

Through deceit, the other person must have been put into a vulnerable position, such as by giving them alcoholic beverages, narcotics or psychotropic substances when the person is not capable of effectively fending off the perpetrator. Such states are primarily considered unconsciousness as a result of disease, fainting, or the ingestion of alcoholic beverages.

Other states of defenselessness include the person being bound or otherwise physically unable to prevent the attack, as well as persons suffering from mental disorders such that they do not understand the meaning of the offender's conduct or a person who is in deep sleep. People are also considered defenceless when, given their minor age, they are not sufficiently mature enough to be able to assess the importance of resisting forced sexual intercourse. It does not matter whether the person is in a vulnerable position due to a physical condition or as a result of another person's intervention.

## Sexual coercion

Sexual coercion implies the use of violence, or threats of violence, or threats of other serious harm, or exploitation of a victim's vulnerability i.e., it is like rape, but unlike rape, coercion is perpetrated to commit indecent exposure, sexual self-satisfaction, or other comparable conduct, not intercourse.

In some cases, the offender abuses a victim's dependency or the offender's position and the credibility and influence resulting from that position to coerce the victim into the sexual behaviour described above. The difference in these cases is that some means, other than violence, is used to perpetrate sexual coercion. Dependency is a condition that takes many forms, but what they all

have in common is that the victim is in some way dependent on the offender, for example, as a debtor, an employee, a pupil, or a student, such that the victim cannot act freely or independently. A perpetrator abusing credibility is similar, in that the credibility may have many different causes, including natural authority, popularity, or professionalism.

## **Sexual intercourse between relatives**

To the public, this concept is better known as incest, although the legal order does not use that concept. This offence consists of performing sexual intercourse with relatives who are directly related to oneself in line of descent or with one's siblings. If both participants in incestual sexual intercourse are adults, both are considered perpetrators of the crime. In the case of sexual intercourse between persons who are directly related in line of descent or who are siblings, if one participant is younger than 15, this is not the crime of sexual intercourse between relatives but is considered sexual abuse.

For the objective definition of this crime to be met, either attempted coitus or fully achieved coitus must have been committed. Other sexual practices such as those included in the crime of sexual abuse, do not meet the definition of this crime.

Although, in some cultures, it is common for the closest of relatives to enter into intimate relationships or to marry, in the Czech environment such behaviour is considered morally unacceptable and is prohibited by law. This approach stems mainly from the recognition that the offspring of such incestuous unions are frequently degenerate. However, another purpose of anchoring this prohibition in law is also to protect values other than that of health, particularly values concerning ethics and human dignity.



The sexual abuse of children often involves incest as a form of sexual violence. Most of the time this is committed by an older member of the family against a younger member. The perpetrator can be an adoptive or biological grandparent or parent or sibling. Sexual intercourse performed between half-siblings or step-siblings is criminally evaluated the same way as sexual intercourse performed between biological siblings. Marriage in the Czech Republic cannot be concluded between offspring and parents or between siblings; the same applies to persons who become relatives through adoption.

## **Child pornography**

Pornography is the depiction of sexual motifs to cause sexual excitement.

Child pornography depicts a child or children or realistically depicts a non-existent child or children (i.e. any person younger than 18) participating in either feigned or real sexual activities such as displaying their genitals, engaging in sexual intercourse, or masturbating, irrespective of the method used to depict such representations, as long as it is primarily intended for sexual purposes.

**D**ependency is a condition that takes many forms, but what they all have in common is that the victim is in some way dependent on the offender, **for example, as a debtor, an employee, a pupil, or a student, such that the victim cannot act freely or independently.**



Child pornography includes not just visual works - drawings, films, photographs, sculptures - but also audio or literary depictions, e.g., fantasy stories, recordings of children's voices.

## **Crimes related to prostitution**

The offence of prostitution endangering the morals of children is defined as especially involving prostitution occurring in the vicinity of facilities and locations that are suitable for children.

The offence of pimping is defined as an offender enticing, forcing, hiring, luring, or procuring someone into prostitution or profiting from others' prostitution. If, however, a child is used for prostitution, such behaviour is assessed as the crime of human trafficking.

## **Sexual harassment**

Sexual harassment is one manifestation of discrimination in the labour market or, for example, within the framework of an academic environment. It is generally perceived as inappropriate, insulting or unwelcome behaviour with sexual overtones that the victim perceives as undesirable. The perpetrators of sexual harassment are mostly men, whether the colleagues or superiors of the women they harass, but it cannot be ruled out that a woman might also commit sexual harassment. Female

perpetrators tend to commit minor, mostly verbal forms of sexual harassment.

Harassment is not just about physical contact and is not narrowly confined to sexual intercourse. It includes various forms of psychological pressure, such as treating someone differently on the grounds of sex, displaying materials depicting men or women as sexual objects, making inappropriate comments about someone's appearance and body, telling suggestive jokes, making embarrassing or humiliating remarks, and paying unwanted attention to someone through harassing e-mails or unwanted sexual advances.

Harassment is the conduct of a sexual nature in whatever form which the affected employee rightly perceives as inappropriate, insulting or unwelcome, the consequence or intention of which is to lead to a reduction in someone's dignity, to create a degrading, hostile or uncomfortable environment in the workplace, or to create conditions for decisions that will affect the harassed person's work.

## **Who are the victims of sexual violence?**

Sexual violence can happen in a victim's home, at a victim's school, at a victim's workplace, or anywhere in public. The truth is that anyone can become a victim. Although most people imagine a stranger when they picture a perpetrator of sexual violence,



the sad truth is that violence is most often perpetrated by people close to the victim - be that a boyfriend or girlfriend, a parent, a spouse or a close family member. This does not, however, rule out the possibility of rape being committed by a person who is completely unknown to the victim. In terms of criminal law, sexual violence committed by someone close to the victim is considered just as severe a violence as committed by a stranger.

The predominant, typical form of such violence is perpetrated by men against women. However, there are also cases where women commit sexual violence against men, and there are cases of sexual violence between persons of the same sex, or between generations of the same family. Specific groups targeted for such violence include, among others, people living with disabilities. Nonprofit organisations aiding the victims of rape and sexual abuse also provide services to such persons.

## **What does a victim of sexual violence experience?**

Coping internally with such a traumatic life experience tends to follow a predictable course. However, this is a demanding process. It happens that some people do not undergo all the stages of coping, and therefore, develop post-traumatic stress disorders. In these cases, the trauma experienced has not yet been meaningfully incorporated by the victim into her/his life story and is therefore painfully and repeatedly recalled.

People who have experienced sexual trauma are caught between the desire to tell someone about their experiences and other feelings of disgust, fear and shame. They are caught between blaming themselves and wishing they would die. They are not open to those around them. They do not express any emotions, and they want to create the impression that everything is fine with them.

Their inner feelings, however, are just the opposite of fine. They are angry with themselves. They are unable to forget the trauma. It returns to them in the form of

The group is based on sharing and solidarity. The members both give and receive feedback about each other's life stories and provide each other with good examples of what it is like to give and receive support. **This leads to the development of self-confidence and self-esteem.**



anxiety attacks, fear, flashbacks, nightmares and panic. They sometimes have problems with food and sleep. They are eager to enjoy life and forget what happened, but at the same time, they are unable to do so. This contradiction leads to the victims experiencing powerful waves of anger that are either never displayed externally or are only partially displayed externally. On the contrary, the victims turn that anger against themselves to a greater extent, and it has a destructive power.

The Coordination and Methodical Centre provides several services.

These include:

## **Legal counselling**

The legal advisors provide information from the areas of administrative, civil, criminal, family and social law related to the individual situation of each client. The basic principle is to aid clients in assessing their options and deciding how to solve their problems - naturally, following their legal obligations and rights. Sometimes, it is appropriate, as part of resolving such a situation, to take legal action. The legal advisor consults this option with the client and compiles a legal document for taking such action should the client be interested. Such legal actions might be lawsuits, preliminary injunction complaints, motions to a court, appeals, or providing formal testimony.

## **Psychological counselling**

Through psychological counselling, the psychologists' aid clients in orienting themselves in their current life situations and support them in seeking options for resolving situations involving violence. They offer support in overcoming demanding life situations related to violence in the family. They map what the client's inner resources are as well as resources in the outside world that can aid in resolving the situation. They also highlight for the client what the obstacles to resolving the situation are. They support clients in assessing and deciding what starting point to choose for resolving their situations and together they seek the various steps that will lead to that solution.

## **Social counselling**

Social counselling most frequently concerns orienting clients in the welfare system - giving them information about the kinds of benefits available; mapping their family situations, financial situations, and welfare eligibility; aiding them with completing applications and during consultations with the authorities.

In the area of housing issues, this involves finding shelter and negotiating access to it, applying for a municipally-owned apartment, consulting municipal housing departments, orienting the client in the

area of rental housing. This can also involve providing the client information in the area of employment - how to get oriented on the labour market, how and where to look for work, aid with writing a CV and how to formulate a response to a job advertisement, training in the skills necessary for finding work.

## **Self-help group for victims of sexual violence**

As part of these self-help groups, women who have the experience of some form of sexual violence in common can also meet separately. Because of these experiences, they feel when they participate in the group that they have found others who understand them, which is important for their processing of the violent experience.

The group is based on sharing and solidarity. The members both give and receive feedback about each other's life stories and provide each other with good examples of what it is like to give and receive support. This leads to the development of self-confidence and self-esteem.

The meetings focus on topics the women themselves define. The progress of each group is adapted to its members' current

situations and how in tune they are with each other. Staff are usually present at the group's meetings but intervene as little as possible to provide sufficient room for the members to communicate. The female clients who join this group get the opportunity to share their emotions and experiences with people who genuinely understand them because they have experienced something similar.

## **Accompanying the client to negotiations with the authorities, courts, police**

Accompanying the client means a staffer assists the client in dealing with the authorities and other institutions. The staffer provides the client with professional and psychological support when dealing with third parties involved in the case.

Clients are especially accompanied in cases where the negotiation is complex and requires increased support, or in situations where previous negotiations have been repeatedly unsuccessful for various reasons. Most often, the staffer accompanies a client during questioning by the police, during meetings with child welfare authorities, to negotiations with municipal misdemeanour commissions,



**A**lthough, in some cultures, it is common for the closest of relatives to enter into intimate relationships or to marry, in the Czech environment such behaviour is considered morally unacceptable and prohibited by law. **This approach stems mainly from the recognition that the offspring of such incestuous unions are frequently degenerate.**



when accessing official documents, to the local authority when negotiating welfare benefits, and when going to court.

### **Visiting clients in the field**

Visiting clients in the field involves visiting a client's home or providing consultations at a contact point or other agreed location.

Field work without the client's presence

This is a service in which, after prior agreement with the client and the institution or third party involved, a staffer acts on behalf of the client outside the office without the client being present. Frequently, this work concerns access to official documents or dealing with authorities and other professionals wherein the staffer, with the consent of the client, delivers documentation to a third party, including commentary about the current course of the client's work, to ensure follow-up services will be provided by the third party to the client.

### **Sociotherapy**

Sociotherapy leads to clients developing or maintaining the interpersonal social skills that support their social inclusion. This is not purely about providing advice in the areas of law, psychology, or the social system. For clients who require a greater degree of support because they fail to apply the information they obtain to resolve

their difficult situations, the use of socio-therapeutic methods develops their ability to apply it, among others.

Sociotherapy is characterised by its aim, which is to find the means and ways that will allow clients to use their resources to become able (once more) to function better in daily life and society. Sociotherapy is provided by psychologists and social workers who are also trained in crisis intervention.

### **Representation in court**

This is a service whereby the organisation's legal advisors represent clients in judicial proceedings as general proxies (i.e., not as the client's attorney, which entails certain limitations). If necessary, the conditions of this service are discussed with the client during an in-person meeting, and if the service is found to be warranted, it will be provided.

### **Mediating follow-up services**

This service includes arranging for and coordinating the services of other organisations or workplaces that collaborate with our clients to resolve their difficult situations. It involves contact by email, in person or by telephone by the relevant professional familiar with the specifics of the client's life situation and reaching new

agreements regarding the facilitation of follow-up services.

## **Solutions and options of the Coordination and Methodical Centre**

### **What to do when...**

If you have been raped, do the following as soon as possible:

- Get to a safe place and stay there. If possible, avoid any further contact with the perpetrator and do not end up alone with the perpetrator again.
- Do your best to find a trustworthy person in whom you can confide - if possible, contact a counselling centre, call a crisis hotline, etc.
- Visit a gynaecologist as soon as possible after the rape - it is best not to bathe, shower or otherwise wash before you are examined.
- If you are afraid, you have been impregnated, find a pharmacy and get advice about the effects of Postinor (72-hour anti-conception pill). This is emergency birth control you can buy if you are 16 years of age (be prepared to show your identification) without a prescription.
- Carefully consider whether you want to report the rape to the police. When filing a criminal report, you will be subjected to interrogation yourself. This can be a harmful, very unpleasant experience. On the other hand, rape is a crime, and reporting it can be an important step toward coping with this traumatizing event.
- Save everything that is evidence of the rape even if you would prefer to destroy it. Should you decide to report



the rape to the police, all evidence will be essential. Items of evidence can be any clothing, underwear, bedding, or other items the perpetrator came into contact with. Keep these pieces of evidence - the best way to do this is to put each item separately into a plastic bag and then store them somewhere safe.

### **Why you should go to a gynaecologist after you have been raped:**

- To treat any injuries, you have sustained.
- To get advice on how to prevent an unwanted pregnancy.
- To arrange for the prevention or treatment of sexually transmitted disease.
- You can acquire evidentiary material for an eventual criminal proceeding if you are examined in time.

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*Dr. Martin Shebo is a Jesuit Theologian from Slovakia*



# SAKHI

## Rehabilitating the Victims of Rape and Domestic Violence

*E*stablished in 1984, in Kochi, Kerala, the Cultural Academy for Peace (CAP) is committed to nurturing a society based on peace, justice, reconciliation and respect for life. It engages in human rights activities and programmes through legal literacy, redress mechanism and capacity-building to address violence against women and children. The academy brings together peace activists, educators and community leaders striving to augment awareness and create a culture of peace and social justice in Asia, especially in India.

*It focuses on various channels of advocacy, lobbying from the Panchayat to the Parliament and networking with the government, national and international organisations to work for nonviolent social change and build up a peaceful society.*

*Beena Sebastian, the founder of CAP, speaks to Pax Lumina on Sakhi and its activities for the victims of rape and domestic violence.*

## ? How did you get the inspiration to start the Cultural Academy for Peace?

I was born and brought up in an ecumenical community (Ashram) in central Kerala. My parents, Acharya K.K. Chandy and Mary Chandy were two of the founding members. They committed their lives to building an ecumenical society. My dad was a professor at Madras Christian College, Chennai. Deeply taken up by the poverty of the people around him, he resigned from his job and returned to Kerala to get involved in social work. I got the inspiration for a social commitment from my parents and also from my community living experiences.



**M**ost often, these victims were treated roughly by the secular society which labelled them

**as prostitutes or women of bad character.** No one ever questioned the 'how and why' of the problem? Instead, the victims were always isolated and stigmatized.

The academy was started in 1984 when there was no adequate support system for the women victims of rape and domestic violence. Most often, these victims were treated roughly by the secular society which labelled them as prostitutes or women of bad character. No one ever questioned the 'how and why' of the problem? Instead, the victims were always isolated and stigmatized.

In the early 1980s, a woman with three children came to see me. A victim of domestic violence, she was wounded and bleeding. She told me about her husband's brutal attacks on her. In fact, she wanted to commit suicide. After listening to her story, I thought, what would I have done if I were in her place? By then I had completed my master's in social science and was married. I discussed the matter with my husband, Sebastian Koluthara who is also a trained Social Worker.

We took the woman and the children to the hospital and offered them shelter in our own home. Thereafter, several victims started coming home. That was indeed the beginning of Sakhi and Shanthy Bhavan of CAP in Kochi.





**U**ltimately, the aim is to provide socio-economic independence

**comfort to women survivors, through rehabilitation and counselling.** Awareness of legal literacy and women's human rights are also imparted to prevent further victimisation.

### ? **Could you highlight the functioning of Sakhi and Shanthi Bhavan?**

Shanthi Bhavan is a rehabilitation and rescue centre. It provides support to victims of rape, human trafficking and domestic violence and offers them a safe and secure stay with holistic approaches. It functions as a Home away from home to lend a helping hand to women in distress and need.

Sakhi is a counselling centre. Appointed by the Kerala State Social Welfare Board, it functions also as a service provider under the 'Protection of Women from Domestic Violence Act-2005.' Under the supervision of Sakhi, eminent psychiatrists, psychologists and psychotherapists offer services like occupational therapy, trauma healing, skill training and physiotherapy. This is to create physical and emotional restoration and rejuvenation. The professionals cater to the needs of individuals and families, with problems in interpersonal relationships or psychological problems free of cost. The counsellors also give online counselling to those who cannot reach the centre regularly.

Regular services are extended to the local Anti-Harassment Cell of the City Police in Kochi, to the Urban Poverty Alleviation Department of the Corporation of Kochi, to various groups of the local governing body like the panchayats, to educational institutions and corporate organisations. The High Court and the Chief Judicial Magistrate Court refer cases to the Centre.

Ultimately, the aim is to provide socio-economic independence comfort to women survivors, through rehabilitation and counselling. Awareness of legal literacy and women's human rights are also imparted to prevent further victimisation.

### ? **What kind of legal aid is offered?**

- The academy aims at empowering the vulnerable, especially the women and children with knowledge of laws, their rights and their duties. It also makes them aware of the ways to seek redress for human rights violations. Around one-third of women worldwide have experienced physical and or sexual violence by their intimate partner. According to United Nations Office on Drugs and Crime, on average a woman or girl is killed by her own family members or intimate partners every 11 minutes.

Awareness programmes on legal literacy are given in collaboration with stakeholders like the Women and Child Department of the State Government and Legal Service Authority. Classes are conducted on various ACTs which include the Protection of Women from Domestic Violence Act (DV Act), Protection of Children from Sexual Offences Act (POCSO Act), Sexual Harassment of Women in Work Places (POSH Act), and The Immoral Traffic Prevention Act (ITPA). Legal literacy provides better awareness of the legal provisions helping citizens implement and exercise their rights.

Complaints can be filed by any woman who has been subjected to any act of violence

by the offender or any person may file a complaint on her behalf. The academy provides legal advice and expertise with the firm support of the police department and legal counsellors.

Apart from providing direct service to women, the centre conducts awareness programmes on legislation and violence prevention. Counsellors engage in outreach programmes for the public to provide awareness on atrocities faced by women and the related legislation. The Centre engages in non violent conflict management and mediation in collaboration with High court of Kerala.

## **What are the ways and means to empower the victims and enable them to be self-sustainable?**

Our inmates are given opportunities for social interaction, creativity, self-help and occupational skills. We have initiated a Community College with certified programmes such as Hospitality Management, Cosmetology



**Apart from providing direct service to women, the centre conducts awareness programmes on legislation and violence prevention. Counsellors engage in outreach programmes for the public to provide awareness on atrocities faced by women and the related legislation.**

Therapy, Wheels for Women, Food Technology, Tailoring and Community Services Course to make them self-supporting and self-sustainable.

The Wheels for Women is a novel initiative to empower and bring women to the mainstream of society by giving them training in driving.

The major aim is to empower victimised women and enable them to earn a steady income. This is also open for destitute and the economically-disadvantaged sections in the rural areas. We launched this project at a time when auto rickshaw driving was considered a taboo for women. The project has been running successfully for the past few years. We have trained more than 20 women till now. Our initiative has motivated the state government to start the project.

## **How much support do you get from the government?**

The government has various departments and several schemes for the victims. For example, the Women and Child Department provide multiple schemes for the rape victims and the victims of domestic violence. But the issue is the inadequacy in implementing those schemes. They do not reach the actual deserved who are unidentified by the schemes. 'Woman-child department', is the least priority for any governments. The funds set apart for the social sector is the minimum. The funds issued by the Centre have to pass through the various elements of the state government to reach the implementing agencies.

The financial and political motives are major concerns. Proper monitoring and transparency are required both at the policy level and the execution level. The municipal corporation has also a welfare department for women and children. Unfortunately, bureaucratic proceedings for sanctioning various schemes are time-consuming.



## ? How to prevent the evil of rape?

Rape is on the increase. It happens in every sphere of our lives, in families, in offices and workplaces. We get 40-45 cases every month. In our centre, we have rehabilitated more than 10,000 victims till now. The issue of rape and other forms of violence have to be addressed holistically. Commodification of women's body is one of the major causes of violences. An appropriate punishment mechanism for perpetrators will be a warning to the society.

First of all, it is a social evil based on gender. Rape is a gender-based violence. Women are treated as physically and economically weak. To overcome this, the world view of the community has to be changed. No one is born as a rapist. His childhood, upbringing, social environment and to a certain extent, their genetical aspects are the prime factors of this serious social issue.

One of the means to prevent rape is organising awareness programmes for the public against

gender based violence. We organise it on four levels: prevention, curative, palliative and restorative levels. This is a challenging mission that cannot be carried out by a few social organisations. What is required is networking among different sectors. We need to have efficient networking with the government, legislature, executive, judiciary, police and other institutions.

Legal reform is another concern. There are several loopholes in our legal system. According to the present Acts, every cases of rape and domestic violence must be settled and final verdict has to be done within 45 days which never happens. Some of the major Acts like the Prevention of Sexual Harassment at Workplace Act 2013(POSH), Domestic Violence Act 2005, Anti Human Trafficking Act 2018, Dowry Prohibition Act, 1961 are not being implemented effectively, in spite of serious issues are happening around. Hence, overcoming this social evil is a collective responsibility to be taken up by the government, legal-political-educational systems, religions and families.

## ? How hopeful are you of building up a peaceful and non-violent society in future?

I have been engaged in peace-building for the past four decades. We have conducted hundreds of awareness programmes for the wider public. Despite this, the attitude of society remains male-dominating. Change is yet to come. A radical change is needed in the patriarchal mindset of the people. And that change is only possible if it happens within oneself. This reminds me of Mahatma Gandhi's quotation, "Be the change you wish to see in the world". There is still a hope and we have to travel along way to reach up to this goal.

*Beena Sebastian is the founder of the Cultural Academy for Peace, Kochi.*



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# SAATHI

## Serving the Sufferers of Gender-based Violence in Nepal

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**S**aathi, a non-profit and non-governmental organisation, is committed to the eliminating of all forms of violence against women and girls in Nepal. Established three decades ago, the organisation was a pioneer in raising a voice against domestic violence and successfully advocated its criminalisation. Since then, Saathi has expanded its working areas extensively in addressing Sexual and Gender-Based Violence (SGBV) as a whole.

The public perception of gender-based violence is generally a physical attack and sexual assault. However, the psychosocial aspect is even more aggravating. Besides the harm in physical health, the social stigma faced by the survivors affects their life and livelihood; the opportunities in their life are reduced; their freedom is curtailed, and their self-esteem is under attack.

The survivors, particularly those who face sexual violence, are looked down upon as debased, unchaste and unworthy throughout their life. The male-dominated society as well as gender bias and harmful cultural practices ensure that women remain submissive and weak. Bold girls and women, who come out against violence, are treated harshly by their families and society.

Nepal is progressive in terms of legal provisions in dealing with SGBV. The new criminal code, introduced in 2017, has provisioned a punishment for sexual violence, up to lifelong incarceration, depending on the severity of the crime.

However, the implementation is always lackadaisical. Rising impunity in SGBV cases, the politicisation of the issue and pervasive victim-blaming has exacerbated

**The male-dominated society as well as gender bias and harmful cultural practices ensure that women remain submissive and weak. Bold girls and women, who come out against violence, are treated harshly by their families and society.**





the situation of the survivors. It has forced a culture of silence among the survivors making them hesitant to report the abuse because they have lost faith in the law.

Most of the women and girls coming to our safe house are survivors of rape and incest. A high level of stigma, attached to survivors, makes it all the more challenging.

**With the low level of social acceptance and high chances of re-victimisation, it is hard for organisations like ours working to address sexual violence to ensure successful reintegration of the survivors back into society.**

Youngsters are increasingly opting for cohabitation. This is not addressed fully by the law in Nepal. It has also posed challenges in addressing SGBV. With the low level of social acceptance and high chances of re-victimisation, it is hard for organisations like ours working to address sexual violence to ensure successful reintegration of the survivors back into society.

Moreover, in our experience, incest survivors, those abused by their close family members, including their father, uncle and brother, are permanently banished from their homes and live in constant fear and insecurity. They are denied citizenship certificates from the family and live without any succour. Their safety, security, empowerment and reintegration has been a concern.

Despite the challenges, Saathi has been crusading against SGBV since its inception in 1992. Saathi provides safe house services for women and girls faced with violence. Especially for those women and girls who are stigmatised in society, insecure at home, or disowned by families merely because they faced violence. The survivors at our safe house are provided with psychosocial first aid to help heal their trauma and stress. In addition, they are also provided with health







services, and opportunities to enhance their personal and professional capacities. They also receive legal services ensuring their access to justice. The safe house service is focused on the economic empowerment of the resident survivors so that they can be reintegrated back into society.

Saathi has rehabilitated 8023 survivors from our women shelters till 2021. We sustain our work with support from donor agencies, individual philanthropists and in recent times we are building local government's responsibility in catering to the needs of the survivors. This movement has resulted in increased reporting of cases. However, the misogynist behaviour on public platforms including online is far from subsiding. The effective implementation of the law, a change in patriarchal mindsets, reform of harmful traditional practices and ensuring quality education for girls will be a positive outcome in tackling SGBV. Enabling a social environment for the survivors to come forward and speak against the violence, family support and government initiatives for the purpose is equally important.

The existing retributive justice system also needs a revision in dealing with the perpetrators who are subject to punishment

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as written in law. Additionally, bringing up boys and girls and giving them equal opportunities, far from gendered norms and behaviour would also provide a base for generation equality.

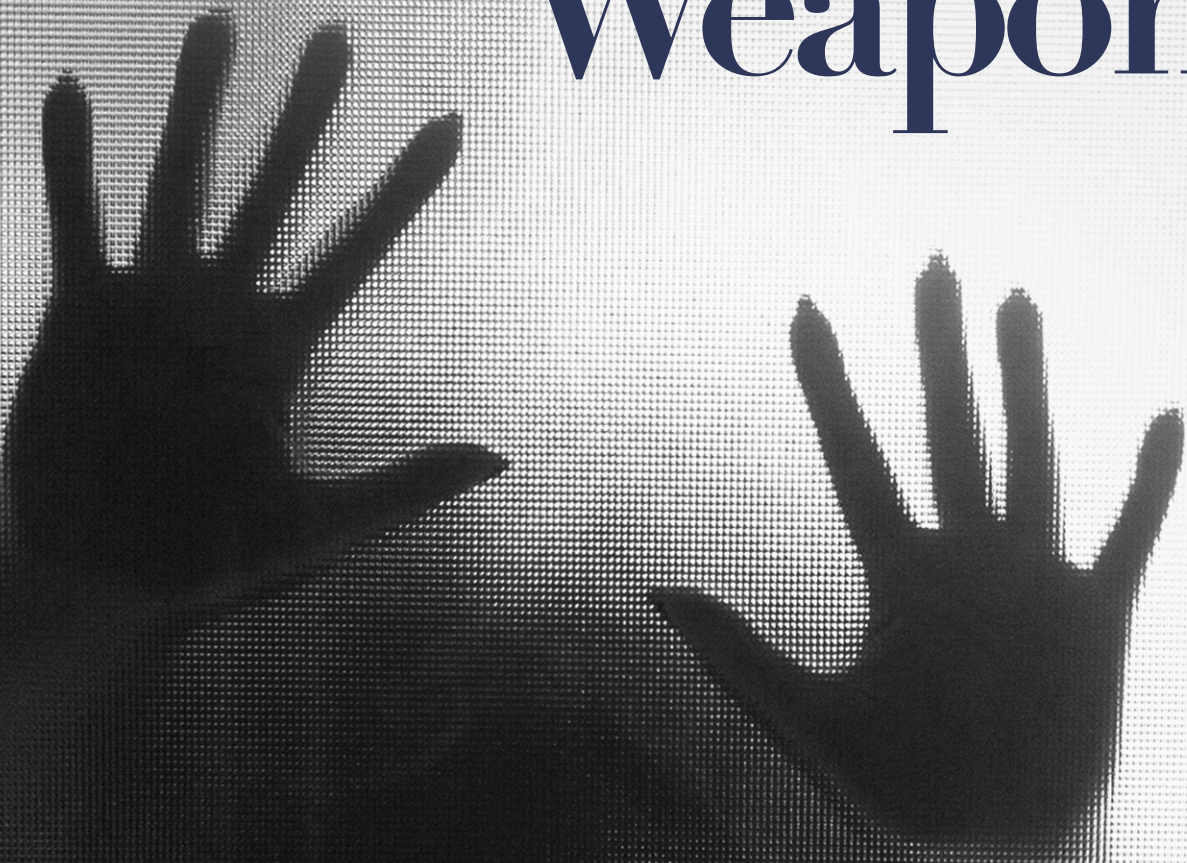
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# Her Voice Is Her Best Weapon



“**W**hy didn't she shout for help?”  
“Why were there no injury marks on her body, or signs of struggle?”

“She is habituated to sexual intercourse.”

These were some of the observations about a rape victim, made by the courts, including the Supreme Court, while acquitting various rape accused. Not just the common man in the street, even the honourable judges have wrongly preconceived notions of how a rape victim should behave, during the incident and after. In recent years, learning from behavioural science has helped shed new light on the behaviour of a rape victim.

## Why do many victims not fight back during a rape?

Rape is a horrifying experience for women. During those emotionally traumatic moments, there is a hormonal flood in the victim's brain and body. These chemicals in the brain inhibit parts of the prefrontal cortex that allow humans to perform 'If this, then that' rational thinking. A victim's brain is just not geared to think clearly during those terrifying moments. It is also impossible for a woman to explain why she did something or why she didn't do something during this highly stressful situation. The memory-recording ability of the brain acts very erratically during these traumatic events.

It is a disturbingly common belief that persons who are raped should respond in two ways - fight or flight. Unknown to many is that the natural reaction of humans faced with stress and the fear-filled situation is to freeze. A rape can trigger a shutdown of the body. A victim in this state cannot move or will not even be able to shout for help.

**U**nknown to many is that the natural reaction of humans faced with stress and the fear-filled situation is to freeze. **A rape can trigger a shutdown of the body. A victim in this state cannot move or will not even be able to shout for help.**



According to the study, 'Tonic immobility during sexual assault' by Swedish professor Anna Moller and others, 70 per cent of the victims experienced significant immobility during a sexual assault.

Another surprising data is that more than 90 per cent of the rapes are 'acquaintance rape' - rape committed by persons known to the victim. The fact that someone she knows very well, really cares for, has indulged in this horrific act numbs her, both emotionally and physically.

## Why is there not much physical evidence?

The victim feels violated and shamed, immediately after the rape. She feels dirty. In such a situation, a behaviour reaction called the 'Macbeth Effect' sets in. The Effect is said to occur when induced by a feeling of disgust, a strong tendency to a cleaning act occurs. But our legal system has not understood this human response of a victim. It expects her to rush to the nearby police station, with all the body fluids of the rapist still intact on her body.

Can the victim continue to have a normal relationship with the rapist even after the event?

**I**t is a sad truth that many rape victims do not have the psychological, financial and social wherewithal to walk out of their existing relationship with the rapist. **So sadly, the rape continues unabated, hundreds of times. And the outside world does not hear the victim's cries.**



After being raped, as much as 95 per cent of survivors experience feelings of stress so severe that it can be qualified as 'Post Traumatic Stress Disorder', a psychological disorder experienced after any strong traumatic event.

But post the rape, the victim tries to move into what is referred to as the 'outward adjustment' phase, where the survivor tries her best to continue with life as usual. This stage is characterised by portraying an outward illusion of normalcy while the survivor, deep inside, is trying her best to suppress all memories and feelings about the tragic event. So, it is not surprising to find a victim continuing to indulge in normal activities, even having normal interactions with the person who raped her.

This situation creates even more turmoil for the victim. The 'normal behaviour' of the victim gives extra confidence to the rapist that the victim will not complain about the incident. The silence of the victim is taken by the rapist as tacit approval to continue his horrific acts.

## **Why does the victim allow herself to be raped multiple times before she lodges a complaint?**

In a society where women's virginity is seen as a virtue, a rape complaint is seen by many as destroying the future marriage prospects of the victim. So, it is not surprising that the first reaction of parents and those close to the victim will be to persuade her from filing a complaint 'for her good'.

If a leaf falls on a thorn or a thorn falls on a leaf, it is always the leaf that gets damaged will be the oft-repeated 'advice' she will hear from those around if she decides to file a police complaint against the rapist.

Around 94 per cent of the rapes are done by those known to the rape victim, persons with whom the victim has an existing relationship. It could be a blood relationship, an employment relationship, or a spiritual relationship. There is always a fear that this relationship will be broken if a complaint is filed against the perpetrator. For example, many women silently tolerate several instances of marital rape because she is not confident of building a life beyond the confines of their violent husband.



It is a sad truth that many rape victims do not have the psychological, financial and social wherewithal to walk out of their existing relationship with the rapist. So sadly, the rape continues unabated, hundreds of times. And the outside world does not hear the victim's cries.

## Why is it so difficult to talk about one's rape?

It is difficult to talk to someone - to a police official, to a set of strangers in a courtroom, even to those you know, about rape. It is because there is no vocabulary to explain a male or female sexual organ, and sexual intercourse in most languages. The existing vocabulary is either Sanskrit words that are not commonly used or words that are considered so vulgar that it is considered indecent.

Most women, even in her conversations with her gynaecologist, will at best describe her vagina as 'the place I use for peeing'. Survivors describe the rape act at best as 'he did bad things to me'. The defence lawyers feast on a women's inherent reluctance to talk about her rape. The legal system has to acknowledge that for a woman to talk about her experience clearly and consistently is a difficult proposition.

Studies show that 70 per cent of the time, the police ask the victim about the clothes she wore and if there was anything else she did to 'provoke' the assault. This shows that not just the man on the street, but even the police do not want to believe the victim. The aim of the larger society is to believe that 'this is something she brought upon herself'.

Every time a victim recounts her rape, from the time of filing a complaint to going through court procedures, she has to relive the emotional turmoil of that incident, several times over. It opens more wounds in the victim's psyche.



## Conclusion

During a rape and after it, the victim is in a state of psychological turmoil. The larger society, even the law enforcement system hasn't understood the complexities of a rape victim's behaviour. No wonder, the conviction of rape crimes is one of the lowest among all crimes. Only if the conviction rates go up, more women will be willing to file complaints. The larger society has to create a more conducive environment for a victim to speak up. Her voice is the best weapon a woman can have, to protect herself from a rapist.

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*Biju Dominic is a professional with more than three decades of experience, solving significant human behaviour problems in business and society.*



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# From RAPE to SURVIVAL

## A Tortuous Journey

**B**harti was the eldest child of a government employee. Her mother was a housewife. She had a younger brother and sister. They lived a comfortable life in Delhi. But the sudden death of her father left them in the lurch. Her mother was ill-equipped to provide for the family. The life ahead became a big question mark.

Bharti was a beautiful girl. During the years when she was in school, she was often selected as an anchor for various programmes. The payment she got was sufficient to sustain the family.

Once she completed her Class 12, the opportunities to be an anchor dwindled. That was because she could not go to college, because of financial constraints. She joined a fashion boutique run by a woman called Mary, who took good care of her.

**B**harti did not tell her mother about what had happened. She continued to work and live a 'normal' life. **Mary noticed that Bharti appeared to be less lively and energetic.**





In Delhi, they had a distant relative, Aarush. He was a doctor who lived with his wife and two children. Aarush belonged to an affluent and well-connected family. He was a regular visitor to Bharti's house. One day, when Bharti complained about a wart growing on her palm, Arush offered to take her to a friend's clinic to get it removed. Bharti's mother sent her along with Aarush on his scooter.

At the clinic, the friend removed the wart. After that, Bharti noticed that Aarush and his friend exchanged furtive glances. The friend brought some liquid medicine. He asked Bharti to drink it. As soon as she took it, Bharti felt dizzy, and her limbs become paralysed.

Bharti saw the friend leave the room. At that moment, Aarush jumped on Bharti and raped her. No noise came out of Bharti's mouth. After the act, Aarush dipped her head many times in a bowl of water. Slowly, she regained her senses. Aarush took her back to her house.

Bharti did not tell her mother about what had happened. She continued to work and live a 'normal' life. Mary noticed that Bharti appeared to be less lively and energetic.

After a few weeks, Bharti fainted in the boutique. Mary took her to a hospital. The doctor said Bharti was pregnant. Bharti confided to Mary about the rape.

Mary accompanied Bharti to her home and narrated the incident to the mother. The mother felt that the family honour would be lost, and the future of the younger siblings would be jeopardised. She asked Bharti to leave the house.

Mary was kind enough to give her shelter. The boutique owner informed Aarush's wife Hema (name changed) about the incident. Hema had already been aware of Aarush's misbehaviour with women. At the earliest opportunity, she fled to her native place along with their children.

After the desertion by his wife, Aarush contacted Bharti and asked her to marry her. She rejected the proposal. But after persistent efforts, he succeeded in getting Bharti to say yes. Aarush took her to a friend's house in South India. The next day, he took her to a nearby temple, tied a thali around her neck and 'married' her.

Aarush got a job in a tea estate in Kerala. They started living together. But soon, Bharti came to know that Aarush was having illicit relationships with many girls in the estate. He was drunk most of the time. Eventually, he began to beat Bharti. Several months and years went by. Two daughters were born to them. Being a north Indian, she had no social network.

The family moved to Kochi. In all his workplaces, Aarush was charged with sexual misconduct. The hospitals forced him to resign, to protect their image. Aarush kept on switching jobs. But the money kept coming in from the rent that he got from a few apartments he owned. Losing and switching jobs was not a problem for him. His philandering continued unhindered.

Aarush stopped giving money to Bharti. Life became unbearable for her. But Bharti managed to get a job in a boutique. The owner, Jaya, was a divorcee and could understand Bharti's plight.

With the salary from the boutique and occasional help from Jaya, Bharti was able to pull on with her life. Occasionally Bharti used to break into tears. Once while Bharti was crying, a regular customer, Maya, a lawyer enquired about her. On learning about her vulnerable situation, she offered free legal aid. Bharti decided to file a divorce petition.

But after a few weeks, Maya demanded money from Bharti. The case was progressing at a snail's pace. Bharti kept paying Maya. A senior advocate, Najeeb knew about the unethical dealings of Maya. He did not

**T**his then is one story. In India, there are thousands of similar stories. **In 2018, a survey by Thomas Reuters Foundation made India the most dangerous country for women.**



know Bharti, but his wife had once been a colleague of Aarush. So Najeeb told Bharti to take the help of a legal activist, Shanthi, whose acumen and integrity he was sure about.

Bharti approached Shanthi. One difficulty faced by Shanthi was that Bharti was not able to provide a logical sequence to her narration nor give the full details of her traumatic journey. It took several sittings for the story to emerge.

Bharti broke down into uncontrollable spells of weeping each time she recounted her experiences.

Shanti told Bharti she would have to get the copies of all petitions and the relevant documents from Maya. It took a couple of months before Maya gave the documents. When Shanti studied the documents, she realised that there remained only one or two chances for Bharti to make a submission before the court.





Noticing some major omissions made by Maya in the argument note, Shanti helped Bharti to make crucial submissions before the court. This included a demand for a place to stay, since Aarush owned more than five houses, a monthly maintenance, protection from violence, and photographs of the 'wedding'. This was the only evidence of marriage. In response, Aarush submitted that Bharti was his mistress.

After several hearings, the court ruled that Bharti could stay in one of Aarush's houses, and he had to pay a monthly allowance of Rs 15,000. The court observed that even if a legal marriage did not exist, Bharti was eligible for residence and maintenance from Aarush.

This then is one story. In India, there are thousands of similar stories. In 2018, a

survey by Thomas Reuters Foundation made India the most dangerous country for women.

According to the 2019 annual report of the National Crime Records Bureau, about 32,033 rape cases were registered across the country. This worked out to an average of 88 cases daily. But there are so many cases that are not reported, because of the fear of a stain on the family's reputation. So, these figures are just the tip of the iceberg. Sadly, the conviction rate is below 30 per cent.

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# Rehabilitating RAPE SURVIVORS in Kenya





**G**ender-based violence is any act that results in physical, sexual or psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

It is perpetrated against a person based on socially ascribed (gender) differences between males and females.

Violence is a common method used to dominate power relations.

One-in-three Kenyan women and one-in-five males have experienced an episode of sexual violence before attaining the age of 18. About 41 per cent of married women have experienced physical or sexual violence, while 11 per cent of married men have experienced either form of violence.

St. Martin Catholic Social Apostolate is a faith-based organisation working in Laikipia, Nyandarua and Baringo counties. We work with vulnerable groups of people,

**T**here have been attempts by the Kenyan government in the recent past to develop a one-stop service centre for the survivors of violence within the police stations called 'Policare'.

**We are lucky to have one in Laikipia county. When it opened up, it helped the service providers to offer services promptly and in a watertight system.**



including those recovering from addiction and mental health, children in need of care and protection and the survivors of violence and other human rights violations.

The community programme of Peace and Reconciliation uses a multi-sectoral-survivor centred approach while supporting survivors of sexual violence. Over the years there have been several capacity-building sessions on best practices when it comes to handling survivors of sexual-based violence (SBV). This has been done for various stakeholders and duty bearers. The stakeholders include the police officers manning the police-gender desk, clinical officers and nurses, teachers, church leaders, and the public. We have had

**A**wareness is one of the strategies employed by the organisation to pass information and enhance knowledge in the community. With information on sexual gender-based violence the community, through trained volunteers in the targeted areas, assists the survivor. **These include hosting, making relevant referrals and follow-up. This makes the survivor cope easily.**



discussions with survivors, capacity building, debriefing and counselling sessions, and offered legal advice.

This has enhanced the working relationship on matters of SBV, especially the referral system. There have been attempts by the Kenyan government in the recent past to develop a one-stop service centre for the survivors of violence within the police stations called 'Policare'. We are lucky to have one in Laikipia county. When it opened up, it helped the service providers to offer services promptly and in a watertight system.

The members of St. Martin CSA sit in various forums where gender-based violence issues are deliberated. The participants include the Court users committee, the Laikipia civil society organisations forum, Laikipia county gender technical working group and the Children Institutions Forum. On some occasions, we have had forums with the members of the county assembly on matters of mental health and the plight of vulnerable groups of people.



Sexual violence often takes a significant long-term toll on the survivors' mental and physical health, increasing the risk not only for depression, anxiety, and post-traumatic stress disorder but also high blood pressure and sleep loss.

The effects of sexual harassment are not easy to deal with, but with integrated support, the survivors can recover.

After a traumatic event (sexual violation), it is typical to have feelings of anxiety, stress, or fear, making it challenging to adjust or cope for some time especially when the survivors hear some self-blaming statements. We address this through sessions of counselling with the help of a trauma and grief counsellor, ensuring safety nets, and quality medical support, rescue to places of safety when the need arises and offering legal aid for redressal.

Awareness is one of the strategies employed by the organisation to pass information and enhance knowledge in the community. With information on sexual gender-based violence the community, through trained

volunteers in the targeted areas, assists the survivor. These include hosting, making relevant referrals and follow-up. This makes the survivor cope easily.

There are Acts in the legal framework that responds to the issue of rape. For example, the Sexual Offences Act (2006). The bill of rights in the Constitution of Kenya (2010) under Chapter 4 gives guarantees for a wide range of rights and fundamental freedoms. The Children's Act (2001), and the protection against Domestic Violence Act (2015) protects survivors of GBV.

The framework creates an environment for understanding violence by highlighting the various forms of sexual and gender-based violence in detail. It has analysed the existing legislative and policy responses, community interventions as well as their efficacy and weakness and gives directions for future actions to end domestic violence.

St. Martin CSA also has a sexual harassment policy and child protection policy that governs the staff, stakeholders and volunteers who are recruited and trained to serve the





community. More needs to be done to assist and integrate the survivors back to life.

Some of the things that can be enhanced are:

- Continuous awareness on preventive measures, response and referral system in case of sexual violence.
- Advocate for safe houses where survivors can be placed during the intervention of their cases.
- Advocate for incorporating GBV training sessions (handling of survivors) in the professional training of (police, nurses, teachers) and other relevant authorities.
- Enhance counselling and life skill training in the education curriculum.
- Fast track the implementation of the already-passed Sexual Offences Act and other legal instruments that are in place.
- Have more judges/magistrates handling sexual gender-based violence cases to fasten the trials of perpetrators. This will reduce the dangers of survivors killing witnesses, withdrawal and corruption of the cases as some take very long in court.

Justice delayed is justice denied.

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# International

A dramatic, high-contrast image showing two hands shaking in a fiery, glowing environment. The hands are dark and weathered, and the background is a mix of dark, smoky tones and bright, fiery light. The overall mood is one of intense energy and conflict.

*I appeal for  
cessation of  
hostilities, not  
because you are too  
exhausted to fight,  
but because war is  
bad in essence.*

- Mahatma Gandhi.



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# **RUSSIA-UKRAINE WAR**

## **CAUSES AND CONSEQUENCES**





Putin has spoken about the 'de-Nazification' and 'demilitarisation' of Ukraine. He has questioned in public its very right to exist as a separate nation. Rhetoric is, alas, part of politics. **But the toxic variety, thereof, can cause wars.**



The unfolding Greek tragedy in Europe, unscripted and without any visible end, raises a few questions. Obviously, this war is not a just war a la St. Augustine. It is a war on the Ukrainian people conducted in flagrant violation of the Geneva Convention. What is worse is that it is an unnecessary war. But it is a war of choice.

To understand what is happening in 2022, it might be useful to go back to 1962 when the Cuban missile crisis took humanity to the brink of a nuclear Armageddon. In April, 1961, the CIA carried out the notorious Bay of Pigs operation against Fidel Castro who had wrested power from the US-supported dictator Fulgencio Batista in 1959. The operation was a study in incompetence.

As the CIA continued with its assassination projects on Castro, he persuaded Prime Minister Nikita Khrushchev to place missiles in Cuba to deter or to retaliate to U.S. aggression. When President John F Kennedy came to know about the missiles, he demanded their immediate withdrawal. He argued that missiles were too close to the US.

The hardliners in Washington wanted Kennedy to take a tough line with Moscow. Khrushchev too had hardliners advising him. Fortunately, the two leaders had the wisdom and diplomatic skills to negotiate a way out of the crisis. The missiles from Cuba and Turkey were removed in succession. Kennedy had genuine difficulty in giving any undertaking to remove missiles from Turkey. Khrushchev did not insist on any written undertaking.

We are reminded of Blaise Pascal (1623-1662) who wrote: 'Cleopatra's nose, had it been shorter, the whole face of the world would have been changed.'

If presidents Vladimir Putin, Joe Biden, and Volodymyr Zelenskyy had the wisdom of Kennedy and Khrushchev there would have been no war.

Putin has spoken about the 'de-Nazification' and 'demilitarisation' of Ukraine. He has questioned in public its very right to exist as a separate nation. Rhetoric is, alas, part of politics. But the toxic variety, thereof, can cause wars.

However, the crux of the matter is that Russia does not want NATO/American missiles too close to its borders. Putin's position is the same as that of Kennedy. It does not follow that what Putin has done is right.

Putin has reservations about NATO's eastward expansion and wants the deployment in States adjacent to Russia to be reduced.

Let us look at the pros and cons of NATO's eastward expansion:

1999  
Czech, Hungary, and Poland

2004  
Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia

2009  
Albania, Croatia

2017  
Montenegro

2020  
North Macedonia

Question: Was Russia threatening to attack any of these countries? No.

NATO, founded in 1949, in the context of the Cold War, was meant to 'keep the Soviet Union out and Germany down'. After the collapse of the Soviet Union in 1991, preceded by the end of the Cold War when Michael Gorbachev came to power in 1985, what was the need for NATO to continue?

When the Soviet Union collapsed in 1991, there was a window of opportunity to induct Russia into a cooperative system of security in Europe after dissolving NATO. This opportunity was not availed of because the military-industrial complex in America stood in the way.

President Dwight Eisenhower, in his valedictory address in 1961, had warned his compatriots not to let the complex

**R**ussia has come under severe sanctions. The rouble is in free fall, the stock market closed, and ATMs are in high demand. Foreign companies have suspended operations. **It will be wrong to say that sanctions hurt only Russia. The West too is badly affected.**



acquire more clout. Alas, his advice fell on deaf ears. The complex has had cancerous growth. It is now the military-industrial-Congressional complex. The merchants of death chase profit at any cost. For them, peace is to be avoided at any cost.



Coming to President Biden, he has abstained from diplomacy. Putin made two demands in December 2021 in writing about the non-inclusion of Ukraine in NATO and the reduction of military deployment in States adjacent to Russia.

The first demand being the more important one, Biden publicly asserted that Ukraine had every right to ask for admission to NATO, which had every right to keep an 'open door'. The meetings following that assertion were fruitless as expected.

Two comments are in order. First, by the argument advanced by Biden, Cuba had every right to retain the missiles in 1962. Second, NATO does not want to admit Ukraine and Georgia whose applications, considered in the 2008 Bucharest Summit, were not accepted.

Putin had objected then. Four months after the summit he invaded Georgia in support of separatists in South Ossetia and Abkhazia. NATO refused to intervene; the separatists won. It was wise on NATO's part to have refrained from taking on Russia as the latter has a considerable local military advantage in that part of Europe. That position has not changed much. Increased

supply of weapons to Ukraine is unlikely to significantly reduce Russia's advantage.

In short, Biden has chosen public diplomacy at the cost of normal diplomacy. Swift correction is required. There is no sign that Biden is aware of the need for correction.

Coming to Zelensky, we should admire his courage and charisma. However, the Western media's portrayal of him as David against Goliath is irresponsible. Russian tanks can roll over killing those who stand in the way. His public demand for a NATO-enforced No-Fly-Zone was rejected, as expected. Does he know that it might be better to make such demands in public after preparing the ground diplomatically?

What is even more telling is that NATO has been unable to send military hardware to Ukraine in proportion to repeated announcements.

NATO seems to believe in the virtue of conducting negotiations on sensitive matters publicly. Zelenskyy wanted some Soviet-era aircraft. Secretary of State Blinken said that Poland would supply the same to Ukraine with the US sending new ones to Poland in replacement. The matter will be, Blinken added, discussed further within NATO before finalising it.

Poland is scared of Moscow. So, it said that it would send the aircraft to American bases in Germany for transfer to Ukraine. In other words, Poland does not want to risk retaliation from Putin who has announced a grading up of nuclear weapon readiness.

Russia has come under severe sanctions. The rouble is in free fall, the stock market closed, and ATMs are in high demand. Foreign companies have suspended operations. It will be wrong to say that sanctions hurt only Russia. The West too is badly affected. The total exposure has been worked out at \$1200 billion.

**India has taken a principled position at the United Nations. Whether in the Security Council or General Assembly it will be wrong to say that India voted for Russia or against America.**





Airbus has leased aircraft to Russia. If Airbus demands the aircraft back, Russia can ask Airbus to come and take away the aircraft even as its airspace is closed.

We do not know how Biden's decision to ban the import of hydrocarbon energy from Russia is going to impact the price of gas at the pumps. Incidentally, unlike in the case of an oil ban from Iran, there are no secondary sanctions on foreign companies importing from Iran. Washington is looking at the limits of its sanctions policy.

The law of diminishing returns and that of unintended consequences have started to apply. Biden's sanctions on Russia have raised food prices in the Middle East and Africa as Russia and Ukraine account for about a third of global wheat exports.

Coming to Zelenskyy, he has chased a mirage. NATO does not want to admit Ukraine. His demand for a no-fly zone has been rejected. It is not worth getting human beings killed in support of an abstract right to join NATO which does not want to admit Ukraine.

It is always important to apply KYC (Know Your Customer) norms to international affairs. Zelenskyy could have and should have foreseen Putin's response to his (Zelenskyy's) words and deeds. Never push your adversary into a corner.

The foreign minister-level talks in Turkey on March 10, 2022, have proved unproductive. Putin had the option to declare victory on day 2 or 3 and say that he was prepared to talk. He seems to have an agenda that might include the capture of Odessa making Ukraine a landlocked country.

India has taken a principled position at the United Nations. Whether in the Security Council or General Assembly it will be wrong to say that India voted for Russia or against America.

The human suffering caused by political leaders who cannot get their act straight is enormous.

The Holy Father, deeply distressed by the plight of fellow human beings, has appealed for a cease-fire to be followed by negotiations.

To my mind, none of the three presidents responsible for the unfolding tragedy, not necessarily in equal measure, is at present eager for an immediate cease-fire.

It is difficult not to recall the Roman poet Ovid:

*Video Meliora, proboque,  
Deteriorasequor  
(I see better things and approve.  
I follow the worst.)*

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**INTERVIEW**

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# UKRAINE CRISIS and THE UN

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A former Permanent Representative of India to the United Nations T.P. Sreenivasan speaks to Pax Lumina about whether the institution has any role to play today.





**In the cold war situation, because of this particular provision that any permanent member could veto any decision, the UN was totally paralyzed.**

In most places, the role of UN was shifted from peacebuilding and peacemaking to peacekeeping and peace enforcement.

**? There is a widespread feeling that the United Nations (UN) is not playing an effective role in peacemaking, as is being witnessed in the ongoing Ukraine war. What are the constraints the UN faces in its peacemaking efforts?**

This question is not new. This has been heard ever since the United Nations was established in 1945. The objective at that time was to rid the world of the scourge of war. Because the devastating second world war had just ended, everybody was in a mood to agree to any institution which would prevent wars in future. All were very optimistic that it could be done. The core idea was the resolution of disputes, prevention of war and, if necessary, going to war for the success of good against evil.

But a structural deficiency was created at the same time when it was decided that every decision had to be approved by the five permanent members (China, America,

Britain, France and Russia) of the UN. This was inevitable because they were the winners of the war. They wanted to dominate the world even afterwards. Therefore, they enshrined it in the charter in such a way that without their agreement nothing could be done.

Soon after the world war, the cold war was born. In the cold war situation, because of this particular provision that any permanent member could veto any decision, the UN was paralysed. In most places, the role of the UN was changed from peacebuilding and peacemaking to peacekeeping and peace enforcement.

However, the original proposal was, as in chapter six of the UN Charter, the settlement of disputes and preventive diplomacy and thus prevent any kind of war. That was the principle. But in effect, because of the veto, a warlike situation developed and the UN became part of the peacekeeping force. The role envisaged in the Charter evolved into a different kind of role.

As a result, there have been 800 wars in the world since the UN was established. Each of these could have been prevented one way or the other if there was a provision for the UN to be just. For example, take the Kashmir issue. We went to the UN thinking that it was a body created to settle disputes in a just manner. Indian Prime Minister Pandit Jawaharlal Nehru did not want to have a war. He said that he would go to the UN because that was the body created to prevent war. He could have finished the issue in one or two days by driving the aggressor out of Jammu and Kashmir. But that idealistic thinking turned out to be futile. Because the UN is not a judicial or democratic body. It is a political body where each party, particularly the bigger powers, found this as an instrument to protect their policies and interests, looking for allies, partnering with somebody and turning it around in their way rather than solving problems. This mode of operation continued. There



were only a few exceptions to this rule.

Soon after the cold war, we had the Gulf War - I. But Gulf War - II was totally outside the UN. The newfound unanimity among the permanent members enabled the UN to wage a war to liberate Kuwait. This has not happened before. This may not happen in future. It is this structural deficiency that the permanent members have to agree on a decision that stands in the way of the UN becoming a peacemaking body. Consider the recent cases. When the pandemic arrived, China vetoed the meeting of the Security Council. Most recently, when the Ukraine crisis came, Russia vetoed the decision of the Security Council. Therefore, the institution has become hostage to the permanent members.

### ? **How is the present decision-making structure of the UN (especially the role of the Security Council) responsible for this?**

Yes, the present decision-making structure of the UN is responsible for this. First of all, the Security Council does not represent the reality of the global situation today. It looks like the 1945 global power equations. In that, Germany, India, and Japan were

excluded. There is no way that they can be brought into the decision-making process unless the other five agree. But they will not do so because they would like to retain their superior positions in the UN. So, the structural problem is still the same.

### ? **How can the interventions of the UN be made more effective?**

The purpose of the UN is to rid future generations of the scourge of war. It also talks about 'beating swords into ploughshares'. Unfortunately, the ploughshares have been made into swords. All this is because of the inadequacy of the UN. But it is not true to say that it is ineffective. A certain amount of preventive diplomacy is taking place. The division among the permanent members becomes obvious only when there is a voting situation. But there are many occasions when these countries can work together without having to pass a resolution. And that is where the role of the Secretary-General comes in.

The Secretary-General is not just the chief executive. He is the conscience-keeper of mankind. He does not need the authorisation of the Security Council to bring his good offices to play in any situation.



## **The Secretary-General is not just the chief executive of the UN. He is**

**the conscience keeper of the mankind. He does not need the authorization of the Security Council to bring his good offices to play in any situation.**

Successes we do not hear about. We only hear about failures. There have been a hundred situations where the Secretaries-General talked to the parties concerned without having a formal meeting of the Security Council to solve the issues. Of course, he has to inform the members of the Council and take their support. But he has a mandate to solve problems. Only that he has to report immediately. Therefore, there have been several successes and failures.

For example, consider the Falklands War in the 1980s. Perez De Cuellar, the then Secretary-General, almost resolved it. He took it to heart that there should be no war between the UK and Argentina in Latin America. He had the blessings of the Security Council to do this, and almost stopped the war. It was only the strident position adopted by UK Prime Minister Margaret Thatcher that the war took place. She wanted to send her armada to Argentina. That took about a month or so. So, she just kept the Secretary-General engaged so that the ships could reach Argentina.

Such behaviour will not be naturally conducive to solutions to problems. But preventive diplomacy is possible with the support of the Security Council. When it comes to voting, the east and the west vote differently.

## **? In addition to the UN, who are the persons or institutions that can play a positive role?**

Several agencies and individuals can help. In the Ukraine crisis, many people in the NGO world are committed to stopping a war. They would not even look into the merit of the case. Their first approach is to stop the war. Even in Russia, there is a big movement against war. So, such ideas have great value and have a big impact on people. I am sure that Russian President Vladimir Putin has seen his people on the streets asking that the war be stopped. It will have an impact on him, however strong or determined he may be. It is not only in the case of war.

If you take the environment, for example, the NGO world is far ahead of the UN in talking and alerting the world on the dangers to the environment and even taking voluntary action. Likewise, there are many actions on human rights being done outside the UN. With the paralysis of the Security Council, regional organisations like the African Union, have become more significant. For example, there is no veto power in the G20 group of countries. There is no veto power in the European Union (EU). Hence, there is a certain amount of equality.

Sometimes the issues are left to regional organisations like the African Union to solve. Unfortunately, we don't have an organisation like this in South Asia, because we are always fighting among ourselves. But the Association of Southeast Asian Nations (ASEAN) has done a lot of work.

Indonesia would have never left East Timor if ASEAN had not put pressure.



But in Myanmar, ASEAN was not able to do anything because the military is sitting there and dictating to the world.

Concerning persons, Pope Francis has played a dramatic role. He brought US President Barack Obama and Cuban President Fidel Castro together. There may be other roles that he has played which we are not aware of. Likewise, the Hindu leader, Sri Sri Ravi Shankar has also been playing a role.

Ravi Shankar is not only a peacemaker but also a humanitarian who brings people together and gives relief in crises. So, all of them have a role to play. We are always looking for alternatives. But it should not happen that these mechanisms just take over the UN. Remember, these are not representative of the whole world.

The only organisation in which everybody participates is the UN. Its prominence should not be lost sight of. So, we have to play in different stages in different ways and orchestrate in some way to get success. We have done so in many cases.



**But it should not happen that these mechanisms just take over the UN.**

**Remember, these are not representative of the whole world.** The only organisation in the world in which everybody participates is the UN. Its prominence should not be lost sight of.

## **? Is India's position and strategy regarding Ukraine the best available option?**

We look at every crisis from the point of view of peace and conflict resolution. However, our first consideration is our national interest. The final decision that we take depends on our interests. When people ask why India abstained from voting, I say India voted for India. It should not have voted any other way. Because, we have a lot to thank Russia for, particularly the Soviet Union. At least the four vetoes that the Soviet Union cast saved India from international embarrassment. In issues related to Kashmir, Goa, Bangladesh and Afghanistan, the Soviets vetoed in our favour.

The veto has a certain value to make sure things do not go out of control. The Soviet Union has been with us and has supported us in several things like basic industries, military structures, and the Indian Institutes of Technologies. That we cannot forget. At the same time, we cannot forget the gross violation of the international law they have done by invading another country. Remember, when the Soviet Union invaded Afghanistan on December 24, 1979, we stood with the Soviets. Even though, at that time, we were under tremendous pressure from the US to change our position. Our relationship with the US collapsed at that time.

Now, with danger lurking in the Himalayas from China, we need strong and stable friends. Therefore, we have built the cooperation of the Quad. Within the Quad, out of four countries, India voted differently and the other three voted for the resolution. We are not ashamed of it. We stand alone. The US understands it, even though they don't like it. So, our position on this could not have been different. We exercised strategic autonomy in the interest of India.



**In the explanation given after the vote Mr. T.S. Tirumurti said very clearly about four or five principles which were all against Russia's action. He said all those principles of peacemaking are in violation and for these reasons we are going to abstain. That abstention was more like in support of the resolution.**

## **? Is India's position ethically correct?**

● That's where you have to read the explanation of votes delivered in the Security Council. What we did was we gave something with our right hand and took it away with the left. The mechanism is designed like that. There is a provision for a statement before the vote and a statement after the vote in the Security Council as well as in the General Assembly.

Before the vote, you are alerting the world about your position and trying to canvas for their support. We did not do that in the case of Ukraine. We did not want to influence other people. But in the explanation given after the vote, Permanent Representative of India to the United Nations, TS Tirumurti said clearly about four or five principles that were all against Russia's action. He said that Russia was in violation of those principles of peacemaking. That abstention was neutral, but not a rejection of the resolution.

## **? How do you think the war will unfold in the days to come as more nations get involved?**

It will have to end with a Russian victory. Whether anybody enters or not enters, whether short or long war the conclusion is clear. There has to be a change in the way of Ukraine. There has to be a change in the relationship between Russia, NATO and the United States. These are the given conclusions to the war.

Otherwise, there was no need for a war. What was Putin asking for? He was asking for security for Russia by way of not taking his close associates and counties into NATO which is designed to fight communism. But there is no communism in Russia today which is now synonymous with a non-communist state called Russia. So, NATO itself has no reason to destroy it.

There is no ideological connection there. It's a matter of practicality. At the time of the break-up, NATO had assured the Soviet Union that they would not move eastward. But almost 14 of them, like Hungary and the Czech Republic, joined NATO. These countries were earlier part of the Soviet Union. That was the time when Russia was weak. There was no Putin there to raise a voice. After 20 years, having built a base for the country, Putin is feeling confident enough to challenge them on what they had promised. Therefore, this was considered legitimate.

Remember, the western countries did not say no to him. They were not willing to give him an ironclad guarantee that they will never be taken. That they cannot do. Because we do not know how the world is going to be changed. But he repeatedly said that he will go to war if Ukraine joins NATO. There was no provocation. He could have waited. He was hasty. Otherwise, he could have done this without the war.



War has not helped in any way except to destroy a country that he has to support and build in the future. That is where I find it illogical what Putin has done.

We have no idea how many people will lose their lives, how the country will be destroyed, how many sacrifices will have to be made by the leadership, till the war ends.

One good thing is that NATO and the US have taken a position that they will not intervene militarily. But their sanctions appear to be much more effective than war. A country can be destroyed by sanctions, particularly in a situation where the EU has been working with Russia on many issues like energy and so on. By closing down the pipes they are not only harming EU, but also themselves.

It is good that they have not gone into war and that won't happen. It will happen within the framework of a peaceful resolution with some understanding of the concerns of Russia and at the same time preserving the freedom of Ukraine.

 **One good thing is that NATO and the US have taken a position that they will not militarily intervene. But their sanctions imposed appear to be much more effective than war.**

**A country can be destroyed by serious kind of sanctions particularly in a situation where the EU has been working with Russia on many issues like energy and so on.**

# ART as METAPHOR

*Guernica (Pablo Picasso 1937) oil on canvas*



The painting raises many political and moral questions. These are unanswered even today while a war is being fought in Ukraine. Is it technology, coupled with the hubris of the human mind, **which leads to the destruction of powerless humans as Guernica portrays?**



**G**uernica was painted by Picasso in 1937. It is oil on canvas, huge in size (about 11½ feet by 25½ feet) and extremely disturbing in content. It is sombre in colours, just black, grey and white. Picasso was 55, and at the height of his artistic powers when he painted this. He had already experimented with different styles but he chose his unique version of Cubism for this painting.

Picasso was living in Paris when the Spanish Republican government approached him with a commission to do a painting for the Spanish Pavilion in that year's World's Fair in Paris. The World's Fair was meant to showcase the technological advances of different nations. Being apolitical, Picasso was reluctant. The Republican government had been, for the last six months, in a civil war with the Nationalists led by the dictator Franco. However, when the small town of Guernica in northern Spain was bombed and destroyed by the Germans, who were supporting the Nationalists, Picasso decided to paint his pain and horror at the death and suffering of his innocent countrymen. Thus, Guernica the painting was born from the rape and murder of the village, Guernica.

The painting depicts the horrors of war. It also is a condemnation of the use of new

technologies against innocent civilians. The painting received a mixed reception in Paris. But as it went around the world and more and more people saw it, it came to be recognised as a powerful testimony against all wars. After the death of Franco in 1975, the painting was brought back to Spain. It is now on display at the Museo Nacional Centro de Arte Reina Sofia (Reina Sofia National Museum of Art). Thousands of visitors continue to view the painting every day. Probably, it is one of the most visited pieces of art in the world along with Da Vinci's Mona Lisa.

The painting contains many images of wailing women and children. Even animals, like horses, are not spared. Most bodies shown are fragmented. A timid lamp of peace is outshone by a bare electric bulb indicating advanced technologies of war.

The painting raises many political and moral questions. These are unanswered even today while a war is being fought in Ukraine. Is it technology, coupled with the hubris of the human mind, which leads to the destruction of powerless humans as Guernica portrays? After Guernica, Picasso also painted 'Weeping woman' in 1937. This seemed to indicate his continuing pain at the wounds inflicted on his mother country by war.

But the question remains: Can Art bring peace?

I am going to imagine another question.

Will a meeting between the war-leaders of Russia, Ukraine and their allies in the National Museum in Madrid before Guernica bring some respite to the madness of war, the suffering and death of women, children and men taking place while I write this?

If it can, Picasso would not have painted Guernica in vain.

*Weeping Woman (Pablo Picasso 1937) oil on canvas*



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*Editor, Pax Lumina*

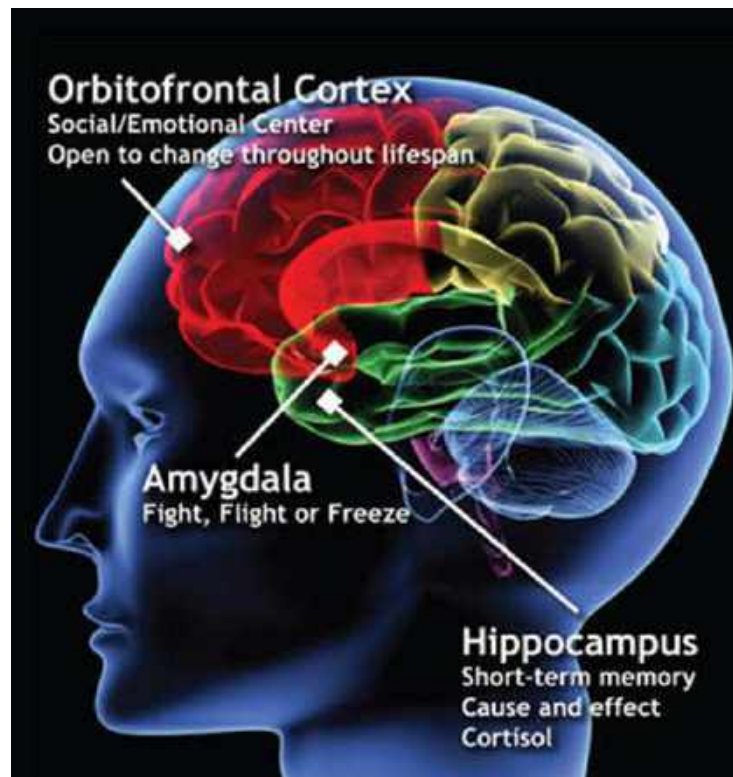


Baby Chakrapani and Dania Jose  
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# The Neurobiological Impact of Rape

**R**ape is one of the most severe crimes. It is a widespread problem. Yet our society treats rape as something victims bring upon themselves. Even in the 21st century, due to societal attitudes, religious stigma, and the pervasive ‘rape culture’ in society, most victims choose not to report it or dare to complain about it.

Rape culture is an environment in which rape is prevalent. Sexual violence against women is normalised and excused. In many countries, rape is grossly underreported. On an average, 86 per cent of the reported cases never go further than the police or prosecution. The notion of rape culture needs to be questioned; because rape is one of the most severe traumas a human being can face. It creates a lifelong mental and physiological impact on the victim. The cascade of physiological triggers during a sexual assault is commonly referred to as ‘sexual assault trauma’.

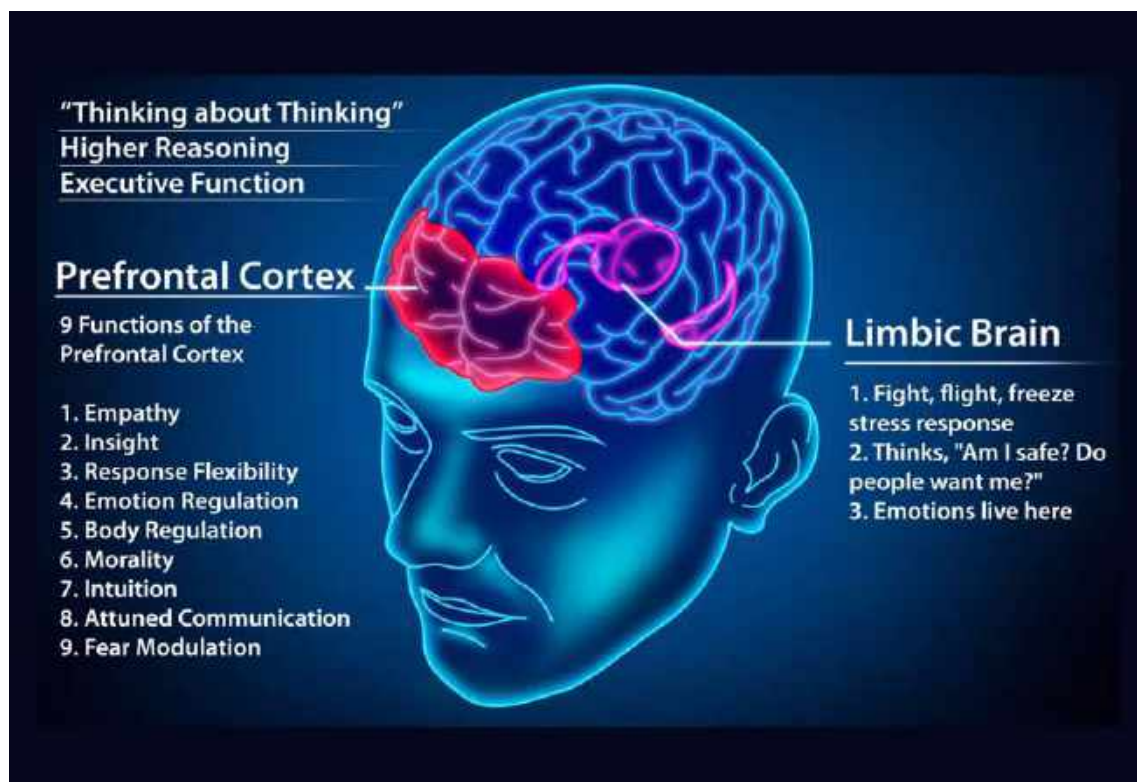


Currently, there are movements like 'Slutwalk' and 'Me Too' that have addressed the existing rape culture globally. These movements provided an online space for women from different societal settings to tell their stories through hashtags. The social assistance system wants to do its work and see justice done as effectively as possible. However, when victims seek assistance and place their trust in social system personnel, the first interaction between the victim and law enforcement becomes a 'secondary victimisation for the victim'.

As the literature shows, on an average, 90 per cent of victims encounter at least one 'secondary victimisation'. A secondary victimisation is a form of victimisation that refers to social service providers' attitudes, beliefs, and behaviours that the victim experiences as 'victim blaming'.

Further, the degree of secondary victimisation varies based on the ethnic minority and the low socioeconomic status of women, and religion. Most of the time, 80 per cent feel reluctant to seek further help due to

**F**light or fight response. This causes reduced activity in the hippocampus. There is poor memory encoding, and the ability to describe events regardless of the source of the trauma. **These recall issues are common, but unfortunately, the criminal justice system has been largely unaware of what's going on in the brain during and after a rape.**



the devastating experience. It exacerbates their trauma.

What happens to a victim is a series of traumas, apart from rape. This leads to chronic, life-long mental health problems like posttraumatic stress disorder, increased risk of suicide, depression, alcohol and drug dependence, sleep disorders, phobias, and other related issues that decrease the quality of life.

People often have difficulty understanding the common ways victims react during and after sexual assault in our society. Most of us do not understand why women who face sexual assault are unable to react or protect themselves. The major reason could be the 'neurobiological impact' that occurred on the brain during the sexual assault.

A knowledge of the neurobiology of sexual assault trauma may help remove the common rape myths in our society.

The brain is the most complex organ in our body. The brain can be categorised into cortical and subcortical regions. The neural pathways or circuits connect these regions to perform their functions.

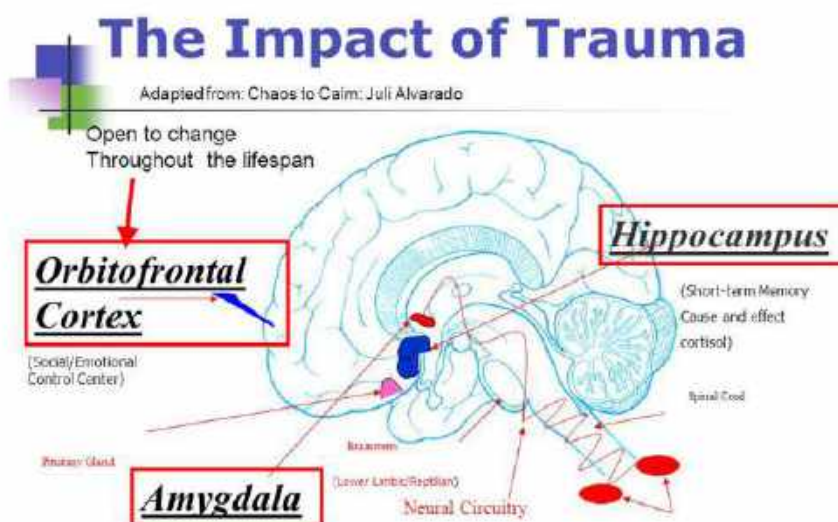
In a normal brain, the cortical and subcortical regions work in harmony.

According to research, trauma mainly affects three important parts of the brain:

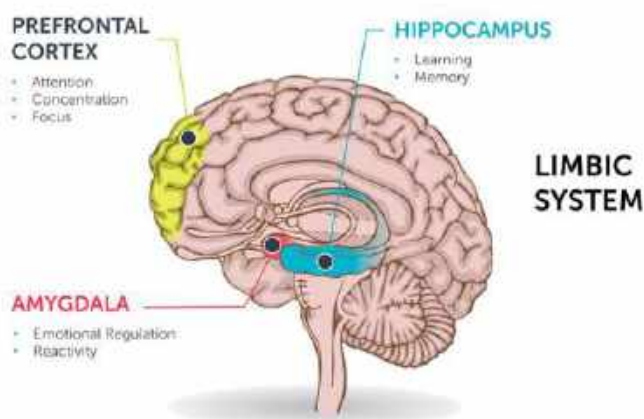
- a) The prefrontal cortex. This helps to regulate your emotions and impulses.
- b) The amygdala. This controls your emotional and instinctual centre.
- c) The hippocampus. This controls memory.

When a person encounters a sudden threat, the information perceived by the sense organs bypasses the cortex and goes directly to the defence circuitry. When the amygdala predicts dangerous stimuli, it sends messages to another part of the brain called the hypothalamus. This is the grand central station or the brain's switching station.

The hypothalamus signals to the pituitary gland and sends signals to the adrenals. This is called the 'Hypothalamic Pituitary Adrenal Axis' (HPA axis). When the signal reaches the HPA axis, the innate protective mechanism of the body gets activated. There will be a flood of stress hormones, mainly adrenaline and cortisol. Then, when brain and body processes are all dramatically altered in particular ways and the defence circuitry activation impairs the prefrontal cortex, there will be a temporary loss of executive functioning.







<https://psychosocialsomatic.com/trauma-the-brain/>

The first brain-based reflex response will be a freeze called tonic immobility (or rape-induced paralysis), which occurs in less than a second.

Flight or fight response. This causes reduced activity in the hippocampus. There is poor memory encoding, and the ability to describe events regardless of the source of the trauma. These recall issues are common, but unfortunately, the criminal justice system has been largely unaware of what's going on in the brain during and after a rape.

In most sexual assault cases, the survivors are often unable to recall specific details of the assault or have difficulty linearly recalling the events. It might seem like trauma does irreversible damage to your brain in many cases. But that is not true.

Our brain is extremely adaptable! 'Neuroplasticity' is the brain's ability to form new connections. It explains why we can rewire our brains to reverse trauma's damaging effects. During the healing process, you can actually rewire and retrain your brain to reverse the effects of trauma. You can reinforce your prefrontal cortex and get back to rationality and control. You can strengthen your hippocampus and help your memory work in the way it's supposed to. And you can subdue the hyperactive amygdala, which will help bring you peace. With time and the right help and

**'Neuroplasticity' is the brain's ability to form new connections. It explains why we can rewire our brains to reverse trauma's damaging effects. During the healing process, you can actually rewire and retrain your brain to reverse the effects of trauma.**



therapeutic methods, a rape victim can find a way to overcome trauma.

Today, sexual assault is a pressing issue. It needs immediate action at the level of prevention and rehabilitation. Sexual violence can happen anywhere. Rather than a selective crime, it is random in most cases. So, make personal safety a priority, educate the next generation, and protest against rape and rape culture. Make it a national priority.

Research observations show that negative social responses strongly correlate with increased psychological symptomatology, longer recovery time, and lower general well-being. We need to realise that they are people who walk within our midst, existing amongst our loved ones and they need our care and respect. So, make sure they get sufficient rehabilitation and not just monetary compensation.

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*Dr. Baby Chakrapani is the Director of the Centre for Neuroscience, CUSAT and Dr. Dania Jose is a Post-doctoral researcher at the Centre.*



Pravitha K.  
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# Rebellion Against Subjugation

## A REVIEW OF THE FILM 'BREAKING NEWS LIVE'

In an age of experimental movies, 'Breaking News Live' is yet another breakthrough in creatively rendering the plight of women. Coming from Sudheer Ambalpad, an ad-film maker turned director; the movie is a truthful retelling of the notorious rape and murder of Soumya of Perumbavoor, Kerala that dominated the headlines years ago.

Released in 2013, the film stars Vineeth, Kavya Madhavan, Mythili and Mamukkoya. Adopting the real life characters from our society, the screenplay written by the director himself, magically blends sentiments, suspense, and humour in the right proportion while keeping the message intact.

The movie showcases some shocking realities prevalent in society. It sends a powerful message to people. Though the historical event serves as the fulcrum of the plot, the film, fully immersed in the realities of the present social circumstances, ironically mocks the political state of affairs in our country. The involvement of news media also comes up for discussion. The film ultimately reminds us of the need for essential reactions.

However, the nonlinear script has not completely succeeded in conveying the theme effectively. All the same, the songs sound good. The visualisation works well on the screen evoking sentiments of misery and helplessness.



The movie is a truthful retelling of the notorious rape and murder of **Soumya of Perumbavoor, Kerala that dominated the headlines years ago.**



Kavya Madhavan plays Nayana, a graduate in a catering college who is all set to marry her co-worker (played by Vineeth). Nayana becomes friendly with Swapna (Mydhili), who works in a tour operating company. Swapna, the sole caretaker of her aged grandmother (Sukumari) and a mentally retarded brother, is about to marry.

When Nayana returns from a college tour, she takes a train in which Swapna, and a host of travellers, including a women's hockey team, are passengers. During the journey, she finds a desperate Swapna calling out for help to escape the clutches of a tall and sturdy migrant worker.

Nayana remained in shock during the assault. She couldn't act on time. The rapist and Swapna fall off the train. Nayana keeps this episode a secret but is shocked later to hear the news that Swapna had fallen into a coma. When Swapna comes to the inevitable end, Nayana develops a regret that affects her life.

Director Sudheer presents certain fictitious propositions: what if Nayana stood idly watching Swapna fall off the train and get killed? What if she gathered courage to act when it was needed? For a moment, a gripping probability is soon shattered by a series of stretched-out sequences which is heavily populated with news hours and

Violence, rape and murder remain the tools of patriarchy to silence helpless women for centuries. Nothing has changed much in this modern world going by the reports that appear in the media. **It is in this context, 'Breaking News Live' evocatively speaks of the politics of female bodies and the effect of the freezing silence in the collective unconscious.**



television visuals. Nayana is shown as feeling helpless and guilty, so much so that revival seems impossible.

The movie gives an elegant message which is its highlight. This noble intention which calls upon the citizenry to awake and act at the needed time is well expressed in the narrative. However, with hand-held cameras the first half hardly impresses. But the last forty minutes the film is sharp, with well-made sequences that deliver the desired effect.

Violence, rape and murder remain the tools of patriarchy to silence helpless women for centuries. Nothing has changed much in this modern world going by the reports that appear in the media. It is in this context, 'Breaking News Live' evocatively speaks of the politics of female bodies and the effect of the freezing silence in the collective unconscious.

The feeble resistance is insufficient to wage a fierce battle against the values of patriarchy. But it is not the end point. The rays of hope for a reawakening and resurgence are cleverly woven together. It is a reassuring experience.

The movie indicates that the clamour for dignity and identity are not going to die down. It will resurface with renewed vigour and vigilance. The viewer is called upon to never remain a mute spectator anymore but to re-affirm our faith in humanity by raising our voices.

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*Pravitha K. is an Assistant Professor of Mass Communication, St.Xavier's College, Thiruvananthapuram.*

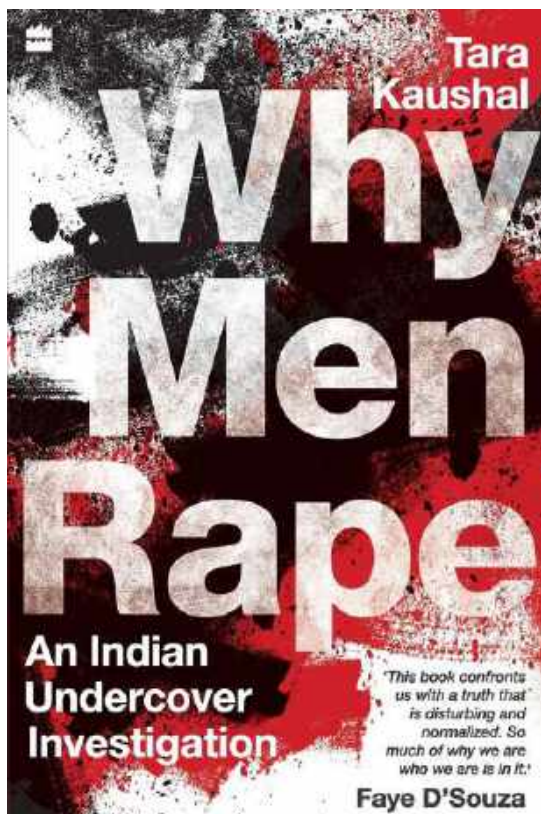




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# Why Men Rape - An Indian Undercover Investigation

by **Tara Kaushal**



All of a sudden, we are deluged with rape-revenge movies. Often the survivor herself ventures out to avenge the perpetrator. Having to live in one of the most unsafe places on earth is a reality for any woman in India now. Survivors seldom voice their complaints. Offenders from all strata of society walk free. Of late, we see that the legal systems are also trapped in the tradition vs. human rights quandary. Patriarchal compulsions that foray into the socio-political spheres in an unprecedented manner is a well-accepted premise. We are left with ourselves to be cajoled by implausible on-screen revenge themes.

Tara Kaushal is a writer, journalist and researcher focused on gender, sexuality, equality, and socio-cultural issues. Her recent book, 'Why Men Rape' is an adventurous journey into the psyche of the rapists, their environment, and their nuanced notions rooted in the socio-economic and cultural backdrop.



## Patriarchy is the Elephant in the Room

She picks nine men with different demographic and social profiles with the help of an accused inmate who is not named. They live among us as free citizens – having raped in the past, they will, in all probability, do it again with impunity.

Tara interviewed them, their friends, family members, and in some cases, their victims as well, travelling undercover to their places (with a male escort and WhatsApp SOS network in every place), asking them sensitive questions, and getting horrid responses. Fact checks had to be done to verify their motives. Using a multi-modal approach, Tara is trying to understand the ground realities, as she claims, ‘to fill up the gaps’ in the much-evolved academic work, in an interesting manner.

The stories are eye-opening and they will eventually swivel the guns in the direction of the society we are all a part of. The moral delinquency in some parts of society, is, in many ways, a creation of our apathy to equitable distribution of wealth and welfare. This is a reminder that deep inequality will hit back at us at some point.

Patriarchy, the elephant in the room, is at the centre of most of her arguments. Though it is not earth-shattering, how it wreaks havoc in the lives of these people is palpable from the account of their lived experiences. It aligns with the academic findings. She deconstructs the ‘monstrous villain of a rapist lurking behind the bushes’ in Bollywood movies.

Most accept their actions as wrong but say they feel a sanction using either the Bollywood-derived crude wisdom or an entitlement bestowed on them by the overarching patriarchy. This is constantly in battle with the emerging models of women empowerment. This is accentuated by the anger brewing from cruel parental abuse or abandonment, economic struggles, lack of stability and direction in life, freedom from danger and fear, and so on.

Tara quotes the Swedish concept of welfare, ‘Trygghet’, which rests on mental well-being as the foundation of individual health and happiness that holds good in decrypting her subjects’ lopsided ideas on women, sexuality, money, and power. This is derived from their lived experiences as migrants, runaways, pawns of politicians, and sole bread earners of large families, in a country pushed to the bottom 16 in the global hunger (101/116) and gender equality (140/156) indices.

All said the psychopathological model or the ‘nurture model’ in academic lines (raise boys right and they won’t perpetuate gender violence) falters in explaining the cases of two men from the upper strata of society indulging in rape.

Predatory motives are insidious, unpredictable, needing no cover of psychopathology always, but they have the agency of social status most of the time. Power, anger, and sexuality, are the three components present in varying degrees in all rapes. Many rapes are not even seen as rapes, especially marital rapes.

It is accentuated by the brazen impunity provided by the trio of power-politics-paisa, which goes hand in hand with patriarchy. 'Why Men Rape' discusses #Metoo movements as overdue corrections that exposed many powerful men, liberals included, well within the so-called nurtured lot. The fury of men is legitimised by our society. It justifies gender violence. The expression of masculinity can take different forms. The dominant ones are seething anger and burning ambition, to compensate for the underlying feeling of inadequacy - none of these applies to women though.

The rape of a lower-caste woman by an upper-caste man is condoned but the reverse will not be, underscoring the caste equation at play. Women may be raped for a multitude of reasons, more so for violating patriarchal behavioural norms, or, at worse, for the faults of those connected to them.

'Sex becomes a weapon and rape constitutes the ultimate expression of his anger,' in the hands of an 'anger rapist'. About marital rapes, Tara asks a pertinent question, "How many people would leave an abusive situation if housing was free?"

I think we have all the answers in it.

The devastating influence of excessive, unfettered porn to all, sadly, even to children, thanks to cheap data in the last few years has been a major factor in dehumanising women and normalising violent sex. The absence of sex education to children, particularly boys, unlike girls who get it from their home, exacerbates the situation.

"The idea of a righteous victim ties into the good woman/bad women binary," she says. Indian cops and the legal systems do not take rape complaints seriously before a victim clears this test. Probably, the most amplified cases in the media, treated with seriousness, were the ones where the brutality was beyond imagination and unprecedented. At its best, the system is more lenient

towards the privileged and upper castes, on the victim and the predator.

Tara attacks the elite English media's stark apathy to cases from villages where it is rampant. The bite-sized formats of Twitter, WhatsApp, and even television responses in rape cases fail to drill beneath the obvious. Media judgement in a jiffy is, in fact, a hindrance to fruitful inquiries.

The book has numerous insightful academic references and inferences. But they are mostly strewn amidst hyphenated, long-winding narratives, often mixed with local slang, uncommon chat acronyms, and sarcastic exclamatory remarks that interfere too frequently. It is a puzzling challenge to piece together the stories. Yet, a brave warrior of the 'pernicious rape issue of India' that she is, and a victim herself, Tara's book is, undoubtedly, a commendable effort in having a holistic snapshot of the scenario, where all hoopla ends with hanging a few selective offenders.

She calls for embracing egalitarianism, cultural liberalism, feminism (a deep understanding with its underexplored nuances), and love to have lasting changes. On a positive note, she urges you to shake the foundation of sexual violence - the right to shout out 'No', agitate for a comprehensive sexuality education (as the new moral science, in her words), and join the collective efforts, while ignoring the temporary setbacks, in pulling down the pyramidal patriarchy that looms large.

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*Dr. Jazeela Sherif is an engineer turned CFO who writes frequently on gender and equality. She also has long years of academic experience.*

# LETTERS TO THE EDITOR

Pax Lumina 3(2) / 2022 / 72



**D**ear Editor,

*I must compliment the entire editorial team of Pax Lumina on the excellent work done on this issue focused on Climate Change and the Poor. Not that other issues have been below par. They have all been very good too.*

*However, I would like to suggest that the editorial team consider toning down the weight of the language in articles if the aim is to increase readership.*

*The quality of English in some articles is excellent but the words used may not be understood by readers who do not have an excellent command over the language. Keep it simple is my suggestion.*

*All the best and keep up the good work.*

**Ranjan Kanthi**

*Wg Cdr, Thiruvananthapuram.*

**D**ear Editor,

*Congratulations to Pax Lumina Team and all concerned for another excellent and timely issue. Keep up the good work*

**Cedric Prakash**

*Delhi.*

**D**ear Editor,

*I am pleasantly surprised by the standard and scope of the volume. Congratulations on bringing out such a compilation on a topical issue. I shared it with our students and colleagues.*

**Dr. Ashok Karumuri, FNASc**

*Professor, Centre for Earth,  
Ocean and Atmospheric Sciences (CEOAS)  
University of Hyderabad.*

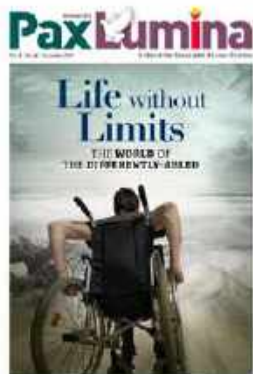
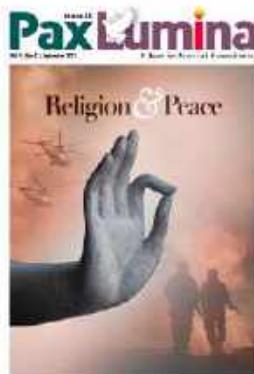
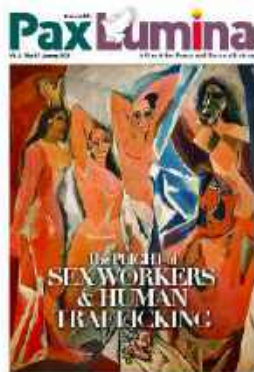
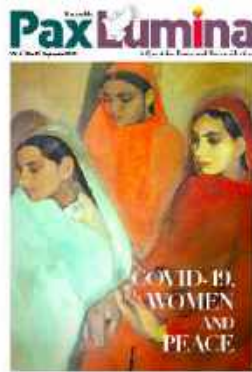
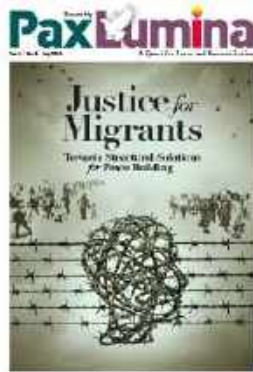
**D**ear Editor,

*Delighted to see the January 2022 issue of Pax Lumina. It is a ray of hope. The journal provides a thick description of the challenges to peace and the gossips to understand it. Peace now looks more hopeful and reconciliation more real. One senses the complexity of the task but Pax Lumina prepares a new generation to be ready for it. I want to Thank you.*

**Shiv Visvanathan**

*Global Jindal University, Hariyana.*







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