

Violence against  
women in  
indigenous,  
minority and  
migrant groups

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**G**ender-based violence refers to violence that targets individuals or groups on the basis of their gender. In much policy and programme work, the term is used interchangeably with ‘violence against women’, as the majority of this violence is directed against women, although it would be more accurate to class violence against women as a *form* of gender-based violence. The violence may involve physical, mental or sexual harm or suffering, or the threat of such acts; coercion; and other deprivations of liberty. The high personal, psycho-social and economic cost of violence, however, not only affects women themselves, but also their husbands and partners, children, extended families, communities and wider society. As such, it is a major public health issue, with implications for economic and social development.

Despite actions by international organizations and governments, violence against women continues to affect women in all parts of the world. At its most basic level, it is both symptomatic of, and active in, sustaining gender inequality, but it can also serve to sustain other forms of inequality, based on minority or other social status. Minority and indigenous status are recognized by the United Nations Entity for Gender Equality and Women’s Empowerment (UN Women) as compounding factors in cases of violence against women, while the 2010 report on the 54th Session of the Commission on the Status of Women, states that:

*‘in the design, planning and monitoring of laws, policies and programmes to achieve gender equality, it is important to address fully the multiple forms of discrimination and marginalization that particular groups of women continue to face, in particular rural, Indigenous and older women, women belonging to ethnic minorities and women with disabilities.’*

This chapter focuses on violence perpetrated toward indigenous, minority and migrant women. While indigenous peoples reside in many countries, we explore indigenous women in a postcolonial ‘settler’ society context (Australia). The chapter addresses violence against women in the context of ethnic, religious and linguistic minority women, but we acknowledge that, within these groups, there may be women who constitute minorities within a minority, on the basis of their (dis)ability, HIV status, sexual identity, occupation or marital status.

In addition, we recognize that women in indigenous, minority and migrant groups experience a whole spectrum of violence, perpetrated by those within their community groups, as well as by outsiders. This includes violence either perpetrated and/or condoned by the state and/or military; violence arising from wars and conflicts; and violence in post-conflict settings.

In general, there is a lack of disaggregated data on prevalence rates of violence towards women based on minority and indigenous status, and this remains a barrier to effectively addressing violence against these groups of women. Insufficient data is in part due to the difficulties of collecting robust and comparable data on such a sensitive issue, as Denise Hines and Kathleen Malley-Morrison pointed out in a 2007 article in the *Journal of Interpersonal Violence*. Compounding this is the fact that indigenous and minority women are much less likely to report violence voluntarily, due to their marginalized status in society.

In addition, the low prioritization and resources given to promoting gender equity in many national budgets inhibits the collection of data on gender-based violence disaggregated by gender and ethnicity. For example, while most Pacific Island countries and territories have signed the Convention on the Elimination of All Forms of Discrimination Against Women, only 6 out of 21 had a policy in place to promote gender equality in 2010. The Beijing+15 review process (to assess the implementation of the Beijing Platform for Action) found that national women’s machineries are typically under-resourced and marginalized in government structures, relying heavily on donor support to implement programmes. With limited resources for gender equality programming overall, the needs of minority women, including with regard to the violence they experience, are likely to be overlooked entirely. As a result, many initiatives to combat gender-based violence in minority communities in the global South come from local organizations, many of which are funded via bilateral aid and small grants programmes. While their work contributes significantly to promoting equality, its scope is inevitably limited by agency size and funding availability.

The level of public awareness of gender-based violence and the commitment shown by governments towards combating such violence

influence how much is known and documented about the issue. As Lenore Manderson and Linda Rae Bennett pointed out in their 2003 volume *Violence against Women in Asian Societies*, research is more likely to exist in countries that encourage open discussion on sexual and reproductive health and human rights, and where enabling government frameworks exist to address violence.

This chapter uses four case studies to illustrate a diverse range of issues relating to violence against minority and indigenous women, and to provide insights into both global North and global South perspectives. The case studies are: family violence within indigenous communities in Australia; violence against Indonesian women in Malaysia as a migrant worker minority; violence against Dalit women from outside the community in India due to their position in the caste system; and violence against Muslim women in the United Kingdom as a religious minority.

### **Family violence and indigenous women in Australia**

Violence against women is considered to be a widespread problem within many indigenous communities in postcolonial 'settler' societies, including First Nations peoples in Canada, Native Americans and Alaska Natives in the United States, Māoris in Aotearoa/New Zealand, and Australians of Aboriginal or Torres Strait Island descent. Domestic or 'family violence' – that is, violence from women's intimate partners and other family members – is arguably the most widespread form of violence that women from these indigenous groups experience, as opposed to violence from outside groups.

The apparent 'normalization' of family violence within these indigenous communities is a product of the past and present impacts of colonization. In these settings, family violence is in part a function of the stress, isolation from mainstream society, and disempowerment experienced by these communities, driven and compounded by loss of lives, identity, health, land, family and community structures over time. Monique Keel, writing in a 2004 report for the Australian Centre for the Study of Sexual Assault, argues that violence has become a mechanism to compensate for a perceived lack of control over life and future options, and consequent low self-esteem. As such, it reflects the wider ongoing struggle of indigenous peoples in settler

communities and elsewhere, over dispossession, marginalization and disempowerment.

In Australia, although accurate and robust data on family violence, including the sexual abuse of indigenous children, are difficult to obtain, all available studies indicate that the level of violence among the indigenous population 'is disproportionately high in comparison to the rates of the same types of violence in the Australian population as a whole' (as stated in a 2001 report by Paul Memmott, Rachael Stacy, Catherine Chambers and Catherine Keys). In its Concluding Comment on Australia (adopted on 30 July 2010), the UN Committee on the Elimination of Discrimination Against Women (CEDAW committee) noted with concern that indigenous women were hospitalized as a result of intimate partner violence at 35 times the rate of non-indigenous women. The data contained in the Australia Productivity Commission 2009 *Report on Government Services* on rates of hospitalization also indicate that alcohol is a key factor in family violence in indigenous communities.

Attempts made to address family violence in indigenous communities in Australia through the mainstream social welfare and criminal justice systems have to date had limited impact. In addition, Kyllie Cripps (in a 2010 book on mental health issues in the indigenous community) reported that several indigenous academics and human rights activists have claimed that 'women's refuges, criminal justice responses, and therapeutic programs have mostly been culturally inappropriate and ineffective'.

Indigenous people in Australia have a complex relationship with the state due to the legacies of colonialism. This includes a welfare state that has a chequered history in 'protecting' Aboriginal people in post-colonial times, most notoriously in regard to systematically removing Aboriginal children from their families in a policy that continued until the 1960s. Today, indigenous women are less likely than non-indigenous women to apply for protection from the state, and alongside indigenous men, are much less likely to attend court to respond to protection orders than non-indigenous women and men, according to Chris Cuneen, writing on responses to domestic violence in Queensland's indigenous communities in 2009.

Criminal justice responses to family violence have tended to emphasize addressing the behaviour of

the perpetrator, by separating or removing them, without simultaneously addressing the historical and cultural context of violence. While removing the perpetrator can ensure the safety of victims, in some situations inter-community conflict and violence has ensued, with retributive measures taken by either a perpetrator's family or a victim's family, potentially placing the victim at further risk of violence. In the event that women want to continue living within their community and extended family, it is essential for responses to violence to restore family and wider community relationships, while at the same time ensuring the safety of victims.

As reported by Heather Nancarrow in a 2006 study, the views of influential indigenous women support this approach. In their role as members of a government taskforce on violence in indigenous communities, indigenous women felt that public responsibility for addressing violence should be located within affected communities rather than in state institutions, except in the case of homicide, child sex abuse and serious assaults. They also expressed preference for restorative justice approaches as the primary response to violence, prioritising the restoration of relationships and increased awareness that violence is wrong over holding men accountable for wrong doing. Their reasons related to the historically oppressive and violent role of the state in indigenous communities, and of the criminal justice system that had reinforced control over, and separation of, indigenous families.

In work on domestic violence within indigenous communities in Australia, it is increasingly accepted that responses must be developed that go beyond dealing with the behaviour of the individual perpetrator, and take into account the wider community and family-level responses and implications. Additionally, halting violence in these communities appears most effective when framed within indigenous understandings of violence, taking into account both the capacities of communities to act, as well as the barriers for action. In Australia, holistic responses to family violence are beginning to take shape, based on the existing successes of community-run men's groups, men's spaces, time-out spaces and healing centres. The common approach used within these spaces is healing, which recognizes the interconnectedness of racial and gendered oppression, and not only

addresses the impacts on the survivor and her family, but also takes steps to heal the perpetrator, maintain family relationships and address the impacts of violence across the community.

In 2009, the government appointed the National Council to Reduce Violence Against Women and their Children, and released a proposed national plan of action (POA) to address family and domestic violence. This POA broke ground by recommending national funding for a network of healing centres. Shortly afterwards, the indigenous-controlled national Aboriginal and Torres Strait Islander Healing Foundation was formed, followed by the National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) in 2010, with the mandate 'to bring forward the concerns and issues from their communities, in their own words, with their own agendas, and their own solutions'. These changes reflect increasing national commitment to providing spaces for indigenous voices and approaches to inform solutions to gender-based violence. Continued government attention and financial commitment to improving socio-economic development outcomes, particularly in the areas of health, housing, employment and education, are arguably equally important.

Only time will tell whether or not these approaches are effective, and if so, how the lessons learned might be transferable to indigenous communities in Canada, the US and New Zealand.

### **Indonesian women migrants in Malaysia: violence on the basis of labour market position, gender and ethnicity**

Migrant domestic workers in Malaysia (as elsewhere), the majority of whom are women, are at risk of abuse and violence on the basis of their gender, their nationality, and their dependence on their employers for accommodation and immigration support.

Recruited from relatively poorer states in the global South, foreign domestic workers or 'maids' can provide the low-cost, unregulated household labour that frees up middle-class women's time to participate in the formal economy, and thus contribute to national economic growth. Acquiring a maid can thus enable middle-class women greater opportunities for economic empowerment, as well as higher social status. However, the arrangement can

simultaneously serve to reinforce poorer women's low status, as reproductive work such as care of the elderly and children, cooking and cleaning are often not valued as contributing to the 'real economy', and, as such, employment conditions are often not covered by state regulation and legislation. The invisibility of the work, its unregulated nature, and an unusual working environment which often requires living in the employers' home, combine to make domestic workers particularly vulnerable to psychological, physical and economic abuse. Racial stereotypes can compound these vulnerabilities. The country of origin has a strong bearing on a maid's potential wage and conditions, with racist stereotypes about work ethic, skills, commitment and intelligence enabling Filipino maids, for example, to earn twice as much as Indonesian maids in countries such as Malaysia and Singapore.

From 2009 to 2010, the Malaysian migrant advocacy agency, non-governmental organization (NGO) Tenaganita, documented over 1,050 cases of human rights abuses of domestic workers, ranging from rape to physical abuse and mental torture. This abuse is not new. In its 2004 report *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, Human Rights Watch (HRW) interviewed recruitment agencies, employers, government officials and 51 domestic workers. The report detailed multiple cases of abuse, perpetrated by women and men, including that of Ani Rukmonto, a 22-year-old domestic worker:

*'Every day something made [my employers] angry ... Sometimes she said I was stupid, or like a bull. I didn't have anyone to turn to and I was afraid. I was beaten every day and swollen. I was beaten badly three times, and the third time, my head was bleeding and my body broke and then I lost consciousness.'*

The report also provided examples of employers restricting maids' mobility and communication with outsiders, as well as starving and overworking them, depriving them of sleep and forcing them to sleep in uncomfortable places. The risks were not confined to the employment context; migrant domestic workers also faced risks of physical, sexual and emotional abuse during the recruitment, training, transit and return phase of their foreign work experience. In some cases, women are caught in situations of trafficking and forced labour.

At the time, HRW called on Malaysia to take decisive action to protect and monitor the treatment of migrant workers. A Memorandum of Understanding developed in 2006 between Malaysia and Indonesia has since been criticized for failing to create clear employment standards, penalties or enforcement mechanisms. Indeed, cases of abuse continue to be documented by NGOs and the trade union movement, and to be profiled in the media.

The issue of domestic-worker abuse is not only a human rights and women's rights concern; it also has implications for national economic growth. After a series of high-profile cases of the abuse of Indonesian maids by Malaysian employers in 2009, Indonesia suspended labour programmes to Malaysia and advised citizens to avoid seeking work as domestic helpers there. Negotiations with the Malaysian government have included establishing a compulsory day off per week and rights for workers to hold their own passports. At the time of writing, negotiations were stalled over the setting of minimum wages. Failure to negotiate acceptable conditions is likely to have significant economic implications, as Indonesian domestic workers represented almost 85 per cent of the more than 300,000 foreign workers in Malaysia's reproductive work sector in 2010, and media reports claim that 35,000 families are currently on waiting lists for maid services.

### **Dalit women in India: violence on the basis of caste, class and gender**

Structural discrimination against Dalit men and women in India, Nepal and Sri Lanka stems from an entrenched hierarchical caste order in South Asian societies. Victims of the oldest surviving system of social stratification in the world, Dalits, or 'untouchables', are perceived as belonging to the 'lowest' social category, according to traditional caste values within the Hindu religion. They are also one of the most socio-economically marginalized groups in India, due to occupational discrimination.

Dalit women's oppression is deepened via ingrained patriarchal values and norms. Violence against Dalit women in India has thus been described as serving as 'a crucial social mechanism to maintain Dalit women's subordinate position in society, [that] is the core outcome of gender-

based inequalities shaped and intensified by the caste system', according to a 2006 publication by the National Campaign on Dalit Human Rights, National Federation of Dalit Women and the Institute of Development Education, Action and Studies. As a minority, Dalit women are thus subject to a 'triple burden of inferiority' based on caste, class and gender. This combination of structural factors renders Dalit women vulnerable to some of the most abhorrent forms of physical violence. Beyond this, because beliefs about the low status of Dalits are pervasive among the general population in India, and more or less condoned by the state, the psychological violence that women (and men) experience is also severe.

Dalit women in India are vulnerable to murder, rape (including gang rape), custodial torture, and stripping and parading in public spaces. Upper-caste men are the main perpetrators of physical and sexual abuse, as well as members of the Indian police force and men in other societal positions of power and authority. Physical violence is often used as a method of dispelling dissent among the general Dalit population; or to force consent or confessions, or as a means of control and intimidation. According to the 2007 HRW report *Hidden Apartheid: Caste Discrimination against India's 'Untouchables'*, Dalit women are reported as being sexually abused during police raids or in custody, to 'punish Dalit communities as a whole' and 'as a means of exerting pressure on their male family members to surrender, give false evidence, retract their complaints, or silence their protests regarding police mistreatment'. The *State of Human Rights in India Report 2010*, produced by the Asian Human Rights Commission (AHRC), details a case of custodial violence and torture that occurred in Delhi, in May 2010. As stated in the report:

*'the officers forced Mala [name changed] to strip naked in front of her minor son who was detained at the station, and ordered her to have sex with [her son]. Upon refusal, one of the police officers demanded Mala to have sex with him. Mala, a slum dweller had gone to the police outpost with her husband to enquire as to why her two sons were detained at the police station.'*

Assisted by a local human rights organization, Mala lodged a complaint; to date, however, no charges

have been laid.

Far from being an isolated incident, the authors of the report argue that this case reflects the ongoing abuse by police officers toward Dalit women in India today. In the 2006 study by the National Campaign on Dalit Human Rights et al. mentioned above, involving 500 Dalit women across four provincial states in northern India, in 40 per cent of violent incidents, women were unable to obtain either legal or non-legal recourse for the violence. In addition, perpetrators of violence against Dalit women were reported as being convicted by the courts in less than 1 per cent of all cases.

Legislation does exist in India to protect Dalits and other minority groups from discrimination, in the form of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989. Sadly, there is little effort on the part of the Indian state to implement this law via its judiciary and law enforcement agencies, and hence legal avenues of justice for Dalit women victims of violence are largely ineffectual. As stated in the 2007 HRW report, state and private actors enjoy virtual impunity for crimes against Dalit women. As a result of this situation, and according to its 2010 annual report, the National Campaign on Dalit Human Rights continued its efforts for the 'proper implementation of legislation and ... ensuring the effectiveness of future legislative measures'.

Many other bodies and organizations at the national and international level have spoken out on the issue of violence against Dalit women, urging the Indian state to take action, including the UN Special Rapporteur on violence against women. The Indian state, however, has refused to properly acknowledge and attend to the concerns raised by the Dalit rights organizations or international community. Meanwhile, many NGOs within India continue to work to secure Dalit human rights and dignity, and some focus specifically on Dalit women. For example, All India Dalit Mahila Adhikar Manch – an organization formed in 2006 by the National Campaign on Dalit Human Rights– aims to advocate for Dalit women representatives in local government, and to build the leadership skills of the few Dalit women who do gain seats, to ensure that their voices are heard in the effort to keep the multiple axes of discrimination against Dalit women on the political agenda.



### **Muslim women in the UK: violence against women on the basis of their gender and religion**

According to data collected in the 2001 census, at approximately 3 per cent of the population, and from highly diverse ethnic and national origins, Muslims represented the second largest religious group in the UK after Christians. Of these, 46 per cent were born in the UK.

Muslim communities have long faced

discrimination on the basis of race and religion in the UK. However, the events of 11 September 2001 and subsequent indiscriminate attacks elsewhere have served to compound existing Islamophobia. According to the 2005 report, *Intolerance and Discrimination against Muslims in the EU*, Muslim and minority rights organizations have criticized media agencies for spreading misconceptions about Islam and creating stereotypes of Islam as a ‘monolithic and one-dimensional religion that is



**Left:** Gauri, a Dalit woman from the Kutch region of India, was savagely beaten after making an official application to worship at the local temple. *Andy Martinez.*

'The media is responsible for the negative views about Islam – it's always attacking and stereotyping Islam, giving the impression that Muslim women are oppressed, suppressed and depressed!' The impacts of negative media and political representations of Islam are evident elsewhere in Europe. In Germany, for example, in an Allensbach polling agency survey in 2004, 93 per cent of survey respondents linked the word 'Islam' with 'oppression of women', and 83 per cent linked it to 'terrorism'.

Concurrent with increasingly negative perceptions, there has been an increase in seemingly paternalistic policy-making in Europe, focusing around the protection of 'helpless' Muslim women against oppression that is perceived to be sanctioned by and inherent within Islam, according to Jane Freedman, writing in 2007 in *Review of International Studies*. An example of this apparent paternalism is the French government's move to ban the wearing of veils that cover the face in public spaces (announced in September 2010), on the basis of promoting gender equality and a secular state.

Stereotypes of widespread violence against Muslim women within their communities are fuelled by broadcast incidents of forced marriages, domestic violence and crimes in the name of 'honour'. Some Muslim women have reported encountering service providers and criminal justice officials who have stated that violence against Muslim women is a part of their 'culture'. In response, there have been numerous calls from activists for a zero tolerance policy towards violence against Muslim women, and for recognition that cultural practice is the root cause of violence, rather than Islam.

Paradoxically, while public opinion may be largely opposed to the supposed oppressive and violent nature of Islam, some individuals and groups have used violence to intimidate and punish Muslim communities in the UK. A survey undertaken by ICM Research in 2004 indicated that out of 500 Muslims interviewed, 33 per cent said that they or their family members had experienced hostility and abuse because of their religion. Muslim women who wear the *hijab*, *niqab* or *burqa* are often at

fundamentalist and threatens western democratic values'. Political leaders and parties have also been criticized for contributing to negative stereotypes through misinformed public statements, and by undertaking anti-terrorism and security measures that stigmatize Muslim communities.

Stereotypes about Muslims in the UK extend to assumptions regarding gender roles. According to one female participant of the 'Listening to Muslim Women Consultations' held in the UK in 2006,

greater risk of Islamophobic attacks than Muslim men, due to their recognizable Muslim dress and perceptions of their perceived inferiority, passivity or vulnerability.

Ranging from insults and ridicule to verbal abuse and physical violence, attacks against women have been increasingly perpetrated in public spaces since 11 September 2001. During the 'Listening to Muslim Women Consultations' hosted by the UK Muslim Women's Network in 2005, many women told of experiences of assault and verbal abuse against themselves, family or friends:

*'A car was driving past my friend and they opened the car door on her, just because she was wearing the hijab.'*

*'My mum wears the hijab. She's a little old lady in her sixties. She lives in a white area. Now young kids are throwing things at her – bottles and cans – every time there's something in the media about Muslim extremism.'*

In Scotland, a Muslim woman participant in the Muslim Women's Resource Centre 2007 listening events said:

*'Basically when they see the hijab, they know you are Muslim. Two girls attacked me in the town centre. It was in the evening. I am strong, but this girl just grabbed my hijab, she came towards me in a crowd. I snatched my bag and ran.'*

Further cases were documented in 2010 in the report titled *Islamophobia and Anti-Muslim Hate Crime: UK Case Studies*, produced by the European Muslim Research Centre at Exeter University.

Despite ongoing verbal and physical assaults against women, levels of reporting of violent incidents have been low. Documented reasons include: the frequency of incidents; difficulty in proving the incident took place; concern that incidents are too small to worry about; and family and community pressure not to speak out for fear of compounding their social alienation. Fear about police responses is also a significant barrier to reporting, and is a particular concern for migrant Muslim women who have had negative experiences of police in their country of origin, or women who have perceived police approaches to addressing security concerns in the UK as prejudicial to Muslim communities.

Consultations indicate that these so-called hate crimes have created a significant sense of fear and vulnerability in Muslim communities, which has affected women's sense of well-being, freedom of movement, safety, belonging and their sense of control over their lives. Many Muslim women have taken active steps to reduce the daily risk of violence, intimidation and abuse by limiting their movements, travelling with friends and family when outside of the house, and avoiding travel at certain times of day or in what they perceive to be dangerous areas. For some, risk-mitigation strategies have meant reluctantly removing Islamic dress all together in public places.

There remains some concern that, in an effort to minimize further public violence, Muslim women may become increasingly silent on the issue of domestic violence. Writing in the Australian context for the Women's Studies International Forum in 2007, Christina Ho states that by revealing cases of domestic violence, survivors of violence may be concerned that they will contribute to negative stereotypes about their culture and their men, which could result in increased racism and hardship for the Muslim community, and for Muslim women in particular.

Demystifying Islam in order to dismantle the public perception of it as an inherently violent religion will be an essential step in opening up spaces for women to talk about domestic violence, to ensuring a zero tolerance approach towards violence in Muslim communities, and to reducing violence perpetrated by strangers. In order to promote reporting of domestic and hate-motivated violence, poor relationships between the police force and UK's Muslim communities need to be addressed, and processes created to ensure sensitivity to Muslim experiences. Ensuring diverse Muslim women's representation in media reports and government consultations is also necessary to challenge misconceptions of passive and submissive women, and to raise awareness of the diversity of Muslim women's perspectives and experiences. As Shabana Mahmood, one of three Muslim women to be elected to the British parliament in 2010, stated: 'The image of the voiceless Muslim woman who cannot leave the house is just not true.'

## Conclusion

The case studies profiled in this chapter highlight

some of the key contemporary trends and issues facing indigenous, minority and migrant women who are subject to violence, as well as some of the justice strategies, and challenges in achieving justice. What is clear across the four cases is that structural factors drive much physical and psychological violence. For indigenous, minority and migrant women, some of these factors include legacies of colonialism, racism, religious and caste-based prejudices, unequal economic relations in the global economy, and patriarchy. Structural factors are difficult and complex issues to address. Change requires political will, creative and flexible approaches to justice and in some cases social transformation on behalf of the majority community. The struggle to overcome these barriers will continue to be an important and essential part of achieving justice and eliminating violence against women in the long term. There is clearly much good work being done on the ground, and much more work to be done. State and non-state actors must be involved in redressing violence and working toward generating social change. Our case studies highlight some examples of responses to redressing violence that demonstrate that indigenous, migrant and minority women themselves are not passive victims of violence. In many cases it is activism by these minority women that is creating awareness and revolutionising approaches to addressing violence in minority communities. Minority women's views, opinions and experiences must be taken into account in strategies to both prevent violence and to create effective pathways for justice for survivors of violence. ■