

# Home is Where the Hurt is

By Ava Vivian Gonzales

Aside from mastery over opposable thumbs, the exchange of women in marriage sets men apart from animals—as does their proclivity to inflict violence on female members of the household. What seems to be evident from historical accounts on marriage and the human family is that these institutions evolved from various property relationships. The word “family,” in fact, is derived from *fammulus*, which referred to the total number of slaves owned by a man. Today, even with women’s inevitable rise out of property/slave status, her transformation from property into person continues to challenge the foundations of intimate heterosexual relationships, especially within marriage.

The Beijing Platform for Action (BPFA), which came out of the Fourth World Conference on Women in 1995, identifies violence against women as one of the 12 critical areas of concern, declaring it “an obstacle to the achievement of equality, development, and peace” which “violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms” (Sec D.112).

The BPFA recognises that “in many cases, violence against women and girls occurs in the family or within the home, where violence is often tolerated. The neglect, physical and sexual abuse, and rape of girl-children and women by family members and other members of the household, as well as incidences of spousal and non-spousal abuse, often go unreported and are thus difficult to detect. Even when such violence is reported, there is often a failure to protect victims or punish perpetrators.” (Sec. D.117)

Further strategies for implementation adopted at the Beijing +5 Review in June 2000 underscore the involvement of men. A call is made to increase research and specialised studies being conducted on gender roles, in particular

on men’s and boys’ roles (Sec. D. 140), along with provision of avenues for redress, appropriate punishment for the aggressors, and actions that will break the cycle of violence (Sec. 130 e).

The anticipation of steps women and women’s groups will take to fulfil these strategies is enough to lift the spirit of Thai feminist activist and academician Virada Somswasdi. “Despite the lack of official statistics on the rising horrible problem of domestic violence against women after the economic crash of 1997,” she explains, “the mass media [have been informing] the public of the extreme form of violence and the close relationship between perpetrators and victims.” Abusers include in-laws and true blood relatives, and they may be as young as the early teens. Some victims, on the other hand, could be little children two to three years old. One recent case was that of a paralytic grandmother in her late seventies who was raped by her great-grandson.

Virada is among the handful of individuals who maintain a “zero-tolerance” stance on violence against women versus her country’s longstanding “no-action policy” regarding domestic

violence. When the 1997 Thai Constitution was being drafted, women's and human-rights groups launched a vigorous public campaign and lobbied with the Drafting Committee, successfully pushing for a provision on equal rights, and a clause on state protection against domestic violence for children, juveniles and family members. "This gives Thai society ammunition to demand state intervention in domestic violence," Virada comments.

But while Thailand's constitution now guarantees security from domestic violence as a citizen's right, it is a protection that Thai women must learn to invoke, since most of them are still unwilling to press charges. "Thailand's criminal laws and judicial system are by design exclusive of women's specific interests and sociocultural conditions," according to Virada.

She pointed out that while the perpetrator may be found guilty and receive a prison sentence, it is his victim—whose rights and safety have been severely damaged by the act of violence—who has to endure the socio-economic consequences of that punishment. She is criticised for having reported the crime that led to her husband's arrest. She has to assume the role of lone breadwinner for the family; suffer the psychological trauma of seeing a loved one in prison; and risk the chance of another episode of violence after he returns home, because the husband's violent behaviour may not have been corrected during his time in jail.

Another factor to consider, Virada says, is Thailand's punitive approach to the problem of male hostility at home, which at best postpones the cycle of violence. "Perpetrators of domestic violence are subjected to jail terms but not to any programmatic activities that would put an end

to their violence-prone nature. In the medical and psychiatric professional fields, services for violent men are limited. Rather, available services concentrate on servicing victims of violence: they receive counselling on how to cope with the violent nature of their partners."

Such an approach to domestic violence cannot put a stop to the recurrence of violence in the home, she continues. "It is a Band-Aid approach, which emphasises the traditional view that women should take care of the wrongdoing of others."

Research findings and experience of agencies working on domestic violence indicate that the majority of Thai women would prefer not to press charges against their violent husbands or partners, and want to preserve the relationship while ending the violence.

It is against this backdrop that Virada suggests analysing "the entire culture creating the current male role and identity, or masculinity." It is her belief that doing so would make men more conscious of gender, because "it does affect their lives as well as those of women, and is a first step towards challenging gender inequalities and eliminating violence against women."

With a network of GOs, NGOs, and the academe, Virada hopes to help set up a Centre to End Domestic Violence against Women (CEDVAW) in the Muang district of Chiangmai province in Thailand. CEDVAW is envisioned to be an alternative correctional facility for first-time domestic violence offenders. It will also serve as a venue for a domestic violence intervention programme that will, among other things, propagate positive values to combat wrong societal attitudes on domestic violence.



Virada sees CEDVAW as a response to key areas for improvement in Thailand's efforts to end domestic violence. "It will facilitate a women-centred reform in the legal and judicial system by taking into account the specific interests of victims of domestic violence and the availability of psychiatric/medical assistance to perpetrators. These are needed for change in societal attitudes as a means to uproot domestic violence," she says.

If given the chance, CEDVAW will be jointly supervised by a network composed of legal professionals from the Thailand Criminal Law Foundation, and the Thailand Criminal Law Institute under the Office of the Attorney General. It will also involve the academe, like the Women's Studies Centre and Faculty of Social Sciences of Chiangmai University. Teeranat Kanjana-uk-sorn and the Office of the National Commission on Women's Affairs will also be tapped, as well as the Domestic Violence Prevention and Intervention Task Force.

Representatives of these organisations have already met twice to design CEDVAW's Plan of Action. The network has proposed the Domestic Violence Correction Programme, which seeks to encourage victims to seek assistance from state personnel by creating an alternative to mandatory imprisonment for domestic aggressors. This would mean psychiatric treatment in the pre-trial process.

The Domestic Violence Correction Programme has the following step-by-step components:

**A. Pre-trial Procedures:**

1. Identification of users of violence in intimate settings by police officers, hospital emergency-room personnel, and community authorities.



For Virada Somswadi, men who use violence should be charged in court and undergo a correction programme aimed at changing fallacious notions about men's masculinity.

2. Women victims will be encouraged to file charges. They will be informed of the Domestic Violence Correction Programme and receive legal counselling from legal aides trained by CEDVAW. However, in cases of severe violence, which need adjudication, victims will receive immediate legal assistance.
3. Victims and perpetrators of domestic violence will have to consent to participating in the Domestic Violence Correction Programme.

**B. Procedures during trial:**

1. Review of a domestic aggressor's violent behaviour by a designated psychiatrist, and submission of a treatment plan to the office of public prosecutors for approval.

2. If desired by the victim, the public prosecutor and/or judge will prescribe a treatment plan.
3. If necessary, a treatment plan for the perpetrator will be prescribed by public prosecutors and/or the judges.
4. Offenders will receive probation sentence and undergo psychiatric treatment provided by member organisations of the Domestic Violence Network.
5. Social workers and probation officers make home visits and monitor the offender's behaviours for a period of time as recommended by psychiatrists and the judge.
6. Reevaluation by the psychiatrists and completion of probation term.

Self-identified potential users of violence may ask for help through the emergency telephone hotline service, and participate in the correction programme at little or no expense depending on their eligibility.

To prepare for the implementation of this pilot programme, CEDVAW will carry out the following plan of action, as suggested by the network:

1. Capacity building and skills development workshops for public health officials, law enforcement personnel, and public prosecutors.
2. Production of a step-by-step manual for use by partner organisations.
3. Emergency hotline devoted to providing phone counselling and referral services to users of violence.
4. Campaign to raise public awareness of violence against women and targeting users of violence in intimate settings.
5. Documentation and monitoring of the domestic violence correction programme.

CEDVAW will push for the programme's eventual nation-wide implementation once it yields satisfactory results—provided it is given the resources to continue an advocacy that began at Beijing almost six years ago. After all, the Beijing Platform for Action is more than a description and less than a prophecy—they are articles of faith towards the kind of future that women want all over the world.

With more women like Virada Somswadi, men's violent tendencies towards their female partners may be a thing of the past—perhaps even a little sooner than Thai women have hoped for. ☺

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*Virada is a founding member of the Asia Pacific Forum on Women, Law and Development (APWLD) and was the Regional Coordinator from 1997 to 2000. She is currently the convenor of Women and Environment Task Force and member of the Program and Management Committee of APWLD and also, member of the Steering Committee of Asia Pacific Women's Watch (APWW).*

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