

Family & Intimate Partner Violence

SIXTH EDITION

Heavy Hands



Denise Kindschi Gosselin

Sixth Edition

FAMILY AND INTIMATE PARTNER VIOLENCE

HEAVY HANDS

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This edition is dedicated with love to Dr. Richard and Mrs. Allyson Gosselin, & Lillian for the joy and inspiration that you bring to me.

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PREFACE

NEW TO THIS EDITION

- To address the changing protections available under the VAWA for immigrants seeking asylum as domestic violence victims, NEW to Chapter 1 is a discussion on asylum law with information on the U & T visas.
- Chapter 3 is revised to update the theoretical perspectives in family violence. Having gained prominence in domestic violence theory, the perspective of *Coercive Control Theory* is NEW.
- NEW to Chapter 4 is the cooperative nature of child abuse investigation with information on the role of the first responders, in addition to the investigation processes of both the police and child protective services.
- Noting the current emphasis on multidisciplinary team child abuse investigations, a NEW section on the *Children's Advocacy Center Model* is included in Chapter 5.
- Chapter 6 is entirely NEW. To address adolescent and young adult victimization this new chapter discusses human trafficking, teen dating violence, college dating violence, rape, and more. This new chapter reflects the most current concerns in the field of family violence with survey results and research from prominent academics.
- NEW information on *survival sex* and *couch surfing* among homeless youth is included in Chapter 7 on adolescent perpetrators and consequences of abuse.
- Changes in the field of intimate partner violence influenced the NEW sections in Chapter 8 on economic control, *gaslighting*, male partner reproductive coercion, IPV victimization of men with disabilities, and the domestic violence green card.
- Chapter 9 is now appropriately entitled LGBTI Partner Abuse and updated to reflect the legitimacy and domestic status of the community due to the Supreme Court decision in *Obergefell v. Hodges* (2015).
- Assignments with links to Internet research at the end of each chapter have been tested and updated. The wealth of information available to our students from legitimate Web sites can be daunting. Encouraging the use of these resources is recommended.

It has been over a decade since the first edition of *Heavy Hands* was published. The first edition was called “groundbreaking.” It was the first text for a course not then taught in college classrooms. This classic has been tried and found true for hundreds of courses. It is used in the United States and abroad. Over a decade later, *Heavy Hands* has grown up and kept pace with the fast-changing field of family violence.

There have been so many important changes in family violence practice, policy, and research. We have seen its criminalization and the resulting controversy. Domestic violence protection orders are now a common source of protection for the survivors of intimate partner violence. Offenders are routinely referred to treatment programs. We now recognize that abuse in later life may come from a spouse or close family member and not merely from stressed caregivers. Child abuse has gained recognition as an important criminal justice and police investigation focus. Rates of intimate partner violence and homicide have declined. Violence against males and LGBTI populations is now acknowledged. No longer is there an expectation for the one-size-fits-all response. Things have changed.

Criminal justice has evolved as a profession that values higher education and research. This sixth edition has evolved as well. It includes current information on numerous topics of interest within the field of family violence. While it cannot cover everything, this text provides all of the essential information for a course on family violence. It is comprehensive, yet easy to understand. The text has been reorganized so that each chapter stands alone, as part of the larger issue of family violence. This should allow students and instructors to more easily find the information of interest to them. Each chapter ends with a practical scenario that poses a question for students to consider. The answer will be provided within that chapter. This will allow students to test their knowledge through a real-life situation.

INSTRUCTOR SUPPLEMENTS

Instructor’s Manual with Test Bank. Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.

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Sheryl Van Horne, Arcadia University

Thank you to the many victims who have confided in me about atrocities too horrible to recount. I *STILL* remember you. You taught me the value of dignity and the importance of equal enforcement of the law. To the women, men, boys, and girls who have suffered from domestic crimes, I marvel at your resilience and applaud your survival.

Austin Provost of Western New England University contributed to the end-of-chapter questions for the fifth edition. In the third edition, Melissa Kliesch and Jeffrey Huguenor assisted. I owe a debt of gratitude to Kathy Arenstam, whose contribution in the first edition provided consistency. Thank you, Danielle D. McIntosh, for the research on elder law. To my friends and colleagues at Western New England University, who encouraged my efforts, thank you. In particular, Professor Janet Bowdan whose reading and editing on the first edition was invaluable.

ABOUT THE AUTHOR



A pioneer in law enforcement, the author was the first uniformed female officer in her hometown, Lunenburg, Massachusetts, and the first female campus police officer at the community college she attended. The Massachusetts Senate honored her in 1978 as the first woman appointed constable for the City of Fitchburg. In 2011, Dr. Gosselin received accolades as *Alumna of the Year* at Mt. Wachusett Community College where she now serves on its Board of Trustees.

Dr. Denise Gosselin graduated in the 61st Recruit Training Troop of the Massachusetts State Police in January 1980. During the years that followed she served as a uniformed officer performing route patrol activities, as an instructor at the Massachusetts State Police Academy, and as a detective in major crime investigations. Recognized as a local expert in child abuse investigation, she has spoken on cable television and radio. She appeared on the *America's Most Wanted* television show in connection with a fugitive in a case she was investigating. She has made many presentations at professional meetings with the Department of Social Services, Department of Mental Health, and Office of the District Attorney. She has testified in numerous major crime cases in both criminal and civil hearings.

Dr. Gosselin served as a faculty member and Department Chair in the Criminal Justice and Sociology Department at Western New England University until her retirement as Professor Emerita in 2017. Her other publications include *Interviewing and Interrogation: Smart Talk*, currently in its second edition and *Crimes and Mental Disorders: The Criminal Justice Response*. Dr. Gosselin has contributed to the *Encyclopedia of Police Science*, the *Encyclopedia of Juvenile Justice*, and the *Encyclopedia of Domestic Violence*, as well as chapters to *Women, Law, & Social Control* and *Policing & Victims*.

Dr. Gosselin is an experienced Criminal Justice Program Reviewer. Her major presentations and invited lectures have been at the 12th United Nations Congress on Crime and Criminal Justice in Salvador, Brazil; the Massachusetts State Police Academy, at West Point Military Academy, Campbell University, NC, and at Gwynedd-Mercy College, PA.

As a life-time member of the *Academy of Criminal Justice Sciences* (ACJS), Dr. Gosselin has served as Region One Trustee 2013–2016 and ACJS Trustee-at-Large 2009–2012. As a member of the *Northeastern Association of Criminal Justice Sciences*, she has served as President, Vice President, and Secretary. She is also a member of the European Society of Criminal Justice and is a co-founding member of the Everywoman Everywhere Workgroup, from the Harvard Kennedy School project of the International Commission on Violence Against Women and Girls.

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Global Violence Against Women

CHAPTER OBJECTIVES

After reviewing this chapter, you should be able to:

1. Describe the forms of violence against women and its definition.
2. Discuss the scope of *violence against women*.
3. Explain the three forms of immigration relief established by the VAWA.
4. Discuss the status of female genital mutilation as a global concern.
5. Differentiate between female feticide and femicide.

KEY TERMS

Bride burning

Female genital mutilation

Female feticide

Femicide

Honor killing

Refugee

Trafficking in Persons

Violence against women

INTRODUCTION

Even without an exact count of the numbers of victims, it can be easily said that family violence affects millions of women, men, and children across the United States and around the world. It is not simply a problem for the family experiencing the violence, but, as you will note throughout this text, it is a crisis that will affect us all. The manner in which we respond depends on the nature of the violence as well as the cultural, economic, social, and political contexts. The consequences of this violence affect society as a whole, the community, and its children. Additional costs beyond the human toll include lowered economic production as well as political and social instability through intergenerational transmission of violence.

Women are the most frequent targets of intimate partner violence, a significant form of violence against women (refer to the photo in Figure 1-1). This chapter looks at the larger picture of violence against women to prepare students for the subsequent chapters on violence in the family. This chapter outlines the prevalence of violence against women in 15 countries around the world; most of the violence occurs behind closed doors at the hands of an intimate partner. From this chapter, it is possible to understand the current global concern

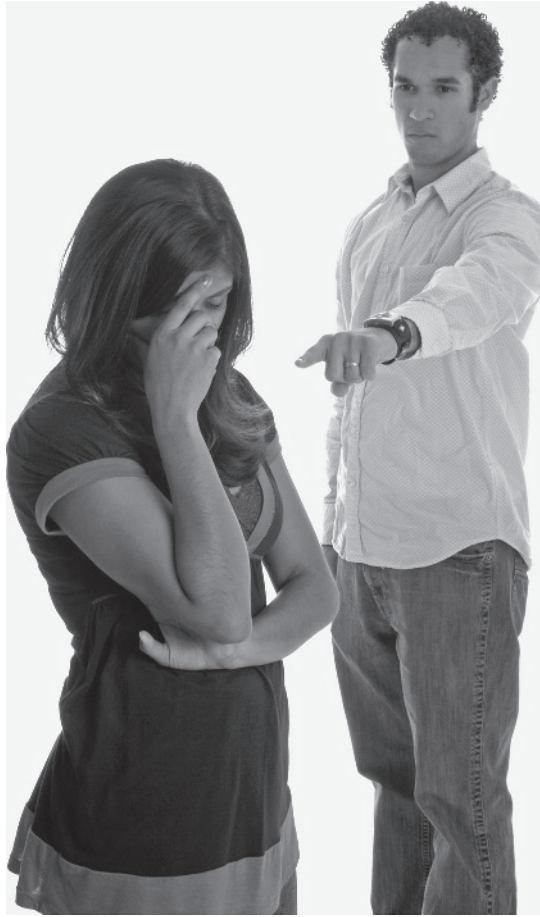


FIGURE 1-1 Eliminating violence against women begins with an examination of patriarchal attitudes. Jason Stitt/Shutterstock

over the treatment of women within the home and outside. Later in this text, various forms of violence will be defined, along with response options available in the United States. Theoretical explanations are included. An in-depth examination of the criminal justice response to family violence will follow.

The United Nations (UN) Secretary-General's in-depth study on all forms of violence against women reported that the most common form of violence that women experience globally is intimate partner violence, commonly referred to as spousal abuse (UN, 2006). Violence against women within families is a pervasive and long-standing problem, although it was not considered as such until quite recently. Violence against women is recognized as a global crisis of staggering proportion.

VIOLENCE AGAINST WOMEN: A GLOBAL CONCERN

Violence against women is an international epidemic of global concern. Women are not safe from brutality in any country of the world. Acts of violence include threats of violence, coercion, or arbitrary deprivation of liberty, whether occurring in public or

private life. Any definition of violence against women includes, but is not limited to, the following forms:

- Physical, sexual, and psychological violence occurring in the family, including battering, sexual abuse of children in the household, dowry-related violence, marital rape, female genital mutilation (FGM), and other traditional practices harmful to women, and violence related to exploitation.
- Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work and educational institutions and elsewhere, trafficking in women, and forced prostitution.
- Physical, sexual, and psychological violence perpetrated or condoned by the state, wherever it occurs.

Advocates recognize that the violence against women in the United States affects a staggering one in four American women. The rates are even more astonishing for women and girls globally. On average, the World Health Organization (WHO) estimates that 18 women suffer death due to gender-related violence every day (WHO, 2013). Globally, WHO estimates that an intimate partner commits more than 35 percent of female murders.

Out of 10 countries surveyed in a 2005 study by the WHO, more than 50 percent of women in Bangladesh, Ethiopia, Peru, and Tanzania reported experiencing physical or sexual violence by intimate partners (García-Moreno, Jansen, Ellsberg, Heise, & Watts, 2005). The authors found figures reaching a staggering 71 percent in rural Ethiopia. Only in one country (Japan) did less than 20 percent of women report incidents of intimate partner violence. Among women ages 15 to 44, violence against women accounts for more death and disability than cancer, malaria, traffic injuries, and war put together. The Council of Europe has stated that intimate partner violence is the primary cause of death and disability for women ages 16 to 44 in Europe—more than cancer or traffic accidents (Love, 2005). The 2014 European Union survey found that one in three women has experienced a form of physical and/or sexual violence by intimate partners (Bonewit, 2016).

The United States is committed to combating violence against women around the world. In 2012, the United States released its first-ever strategy to prevent and respond to gender-based violence globally (U.S. Department of State, 2012a). Efforts to raise the status of women and girls around the world are the cornerstone of the government's commitment to preventing and responding to gender-based violence. The strategy outlines four key objectives: (1) to increase coordination of gender-based violence prevention and response efforts among U.S. government agencies and with other stakeholders; (2) to enhance integration of gender-based violence prevention and response efforts into existing U.S. government work; (3) to improve collection, analysis, and use of data and research to enhance gender-based violence prevention and response efforts; and (4) to enhance or expand U.S. government programming that addresses gender-based violence.

Included in this heightened effort is the integration of gender-based violence prevention for police and military training outside of the United States. For example, the U.S. Police Training and Advisory Team, assisted by four interpreters, teaches practical, hands-on training to Afghanistan police trainees in the spirit of our leadership role. Refer to the illustration in Figure 1-2 (Myers, 2008). During the training, police officers learn to investigate intimate partner violence in addition to techniques



FIGURE 1-2 Navy Petty Officer 2nd Class Jovener R. Mironchik of the Kunar Provincial Reconstruction Team gets handcuffed while Navy Seaman Brian L. Boyd Jr. watches during a training session with Afghan National Auxiliary Police students at the Kunar PRT’s training facility near Asadabad, Afghanistan. U.S. Navy Permissions Department, Academic Publishing

for traffic accident investigation, weapons familiarization, vehicle searches, community policing, explosives detection, the penal code, baton training, handcuffing, and a variety of other law enforcement skills.

Istanbul Convention

The 2011 Council of Europe Convention on preventing and combatting violence against women and domestic violence, commonly referred to as the Istanbul Convention, defines the term “**violence against women**” as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological, or economic harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life (Council of Europe, 2011). The economic costs of violence against women in the European Union in 2011 were estimated to be 228 billion euro each year, roughly 247 billion in U.S. dollars (Bonewit, 2016). Of this total, 45 billion euro is needed for services for victims, 24 billion for the loss of economic output, and 159 billion on pain and suffering.

REFUGEE AND ASYLUM PROTECTIONS

The international refugee protection response followed atrocities from World War II and the failure to protect Jews and other victims of the Holocaust (Musalo, 2014). The treaty known as the 1951 Convention Relating to the Status of Refugees and its

1967 Protocol defined the international **refugee** as an individual with a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion.” This protocol pre-dated the UN concerns of women’s rights; therefore, its application to gender violence in the United States is still evolving. The 1996 *Illegal Immigration Reform and Immigrant Responsibility Act* expanded this definition to include persons who have been forced to abort a pregnancy, undergo a forced sterilization, or have been prosecuted for their resistance to coercive population controls (Burt & Batalova, 2014). There are currently 147 countries, including the United States, which are parties to the Refugee Convention, its Protocol, or both (Musalo, 2014).

Asylum seekers must also show that one of the refugee grounds was, or will be, at least one central reason for their persecution (Matter of ARCG, B.I.A. 2014). The primary difference in the United States between refugees and asylum seekers is the location of the person at the time of application. Refugee status applies to persons who are outside of the United States when considered for entry. Asylum status applies to someone who is already in the United States or at a U.S. port of entry.

Immigration authorities in the United States have long struggled with the question of whether victims of domestic violence qualify for asylum under the 1951 Refugee Convention. No official statistics exist in the United States regarding the number of individuals who seek asylum with claims for protection involving domestic violence (Bookey, 2013). In an examination of the Center for Gender and Refugee Studies (CGRS) database at the University of California, Bookey found claims coded under domestic violence to include child abuse, threats of forced marriage, threats of sale into human trafficking by family members, female genital cutting, and intimate partner violence. Narrowing the focus to 206 cases that involve intimate partners, Bookey notes different and arbitrary outcomes to applications of asylum across the nation. Until recently, there has been a lack of guidance from U.S. courts on the necessary elements for asylum to be granted when relief is sought due to a claim of domestic violence.

In 2014, the first case to find that women who are victims of severe domestic violence in their home countries might be eligible for asylum was decided by the U.S. Board of Immigration Appeals in the *Matter of ARCG* (B.I.A. 2014). Asylum was granted to a Guatemalan woman who had been severely beaten and raped by her husband for more than 10 years, and that the abuse occurred in a country where society failed to protect victims of intimate partner violence. The Board held that an asylum seeker might qualify as a “member of a particular social group,” in this case, of married women in Guatemala who are unable to leave their relationship (Matter of ARCG, B.I.A. 2014). While *ARCG* clarifies how the law of asylum applies to applicants within the domestic violence context, it fails to analyze the extent of harm amounting to persecution (Harv. L. Rev., 2015). Claims for asylum in the United States due to domestic violence are still expected to be difficult as no general rules exist on when domestic violence rises to the level of persecution (Chow, 2016).

VIOLENCE AGAINST WOMEN ACT (VAWA)

U.S. federal law provides numerous forms of protection for vulnerable immigrant women and men. According to the American Immigration Council (2012), the Violence Against Women Act (VAWA) established three forms of immigration relief. Protections are available under a “self-petitioning” option for survivors of family violence: for

victims of violent crime the “U” visa, and for victims of sexual assault or trafficking the “T” visa. The *Violence Against Women Reauthorization Act of 2013* (VAWA) amends the Immigration and Nationality Act (INA) regarding noncitizen family members in cases of domestic violence.

The first form of immigration relief established by the VAWA of 1994 is a process called “self-petitioning.” Abused spouses, children, and parents of U.S. citizens (and certain permanent residents) can now self-file a petition for an immigrant visa without the abuser’s knowledge (U.S. Citizenship and Immigration Services, 2016). The self-petitioning option recognizes that abusive spouses who file immigration petitions often delay or revoke petitions for their family members and may threaten to report them to immigration authorities. Qualifying family members who have suffered extreme cruelty or harm by a U.S. citizen-family member (spouse, child, or parent) may apply for eligibility to work in the United States and to file for green card. The VAWA equally applies to men and women, and is dependent on a good faith marriage and residence with the abusive family member.

The U Visa

The U visa is the second form of relief, created by VAWA under the Victims of Trafficking and Violence Prevention Act of 2000, effective in 2007. To qualify for a U visa, a noncitizen must have suffered substantial physical or mental abuse as the result of certain criminal activity and be willing to cooperate with a government official in the investigation or prosecution of the criminal activity. Examples of criminal activities covered under the U visa provisions include domestic violence, torture, trafficking, female genital cutting, incest, rape, and any substantially similar crime. There is no requirement that the survivor be legally married to her abuser or that the abuser be a U.S. citizen or permanent resident. The U visa is valid for up to four years and may be extended. After three years of continuous presence in the United States an individual may apply for lawful permanent resident status.

The T Visa

In 2000, Congress created the T visa to provide immigration relief to victims of severe forms of human trafficking, the third form of immigration relief under VAWA. U.S. Immigration and Customs Enforcement (ICE) defines **Trafficking in Persons** as a commercial sex act induced by fraud, force, coercion, or in which the victim is younger than 18 years of age, or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through use of force, fraud, or coercion for the purpose of subjection to involuntary servitude or slavery. A T visa protects victims from removal and permits them to work in the United States. Applicants have access to the same benefits as refugees, including cash assistance, food stamps, and job training. Victims over the age of 18 are required to assist law enforcement in the investigation or prosecution of the traffickers. The T visa lasts for four years and may lead to lawful permanent resident status after three years of continuous physical presence in the United States under specific circumstances.

THE UNITED NATIONS

The UN leads the effort to protect vulnerable women and girls worldwide. One of the most important actions in this field consists of the adopting of the 1979 Convention on

the Elimination of All Forms of Discrimination Against Women (CEDAW) (A/34/46), which provides that state parties will perform the following:

- Embody the principle of the equality of men and women in their national constitutions and ensure the practical realization of this principle (Art.2 (a)).
- Adopt appropriate legislative measures prohibiting all discrimination against women (Art. 2 (b)).
- Establish legal protection of the rights of women on an equal basis with men (Art. 2 (c)).
- Modify or abolish existing laws, regulations, customs, and practices that constitute discrimination against women (Art 2 (f)).
- Repeal all national penal provisions that discriminate against women (Art. 2 (g)).
- Accord women equality with men before the law, a legal capacity identical to that of men and the same opportunity to exercise that capacity (Art. 15).

Also, the UN General Assembly adopted the Declaration on the Elimination of Violence Against Women in 1993. This declaration emphasizes that violence against women is a violation of human rights and recommends strategies to be employed by member states and specialized agencies to eliminate it. The UN's Fourth World Conference on Women took place in Beijing in 1995. Highlighting the problems of violence against women, the UN conference signified a worldwide effort toward ending intimate partner violence.

The active movement by the UN toward eliminating female violence has prompted action toward that goal. The UN Development Fund for Women (UNIFEM) was created to provide financial and technical assistance for innovative programs and strategies that promote women's human rights, political participation, and economic security. UNIFEM promotes gender equality and links women's issues and concerns to national, regional, and global agendas by fostering collaboration and providing technical expertise on gender mainstreaming and women's empowerment strategies. As a result of UNIFEM-supported training, police throughout Cambodia work more closely with village chiefs, and men who exhibit violence toward their wives are required to sign a contract stating they will discontinue their threatening behavior. The contract is used as evidence against the man in court if the violent behavior continues.

One initiative that resulted from the 1995 UN Fourth World Conference on Women in Beijing was the formation of Women Against Violence Europe (WAVE).

More About It: Female Genital Mutilation

The term “**female genital mutilation**” (FGM) refers to all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for nonmedical reasons. Almost exclusively, the term is used to describe a procedure for which parents must give consent due to the age of the minor. The practice is harmful to women and girls in many ways. In addition to the pain involved, the procedure interferes with normal functioning of the body and causes several immediate and long-term health consequences. FGM has been reported to occur in all parts of the world. More than

90 percent of women ages 15 to 49 have been mutilated in Djibouti, Egypt, Guinea, and Somalia (UNICEF, 2013). Prevalence of FGM/C among women ages 15 to 49 varies widely, from 98 percent in Somalia to 1 percent in Cameroon, Uganda, and Zambia. The United States is not immune to this human rights issue. An estimated 507,000 women and girls in the United States are at risk or have been subjected to FGM (Mather & Feldmann-Jacobs, 2016). Although FGM is illegal in the United States, a few have been mutilated in the United States or sent abroad to undergo this procedure.

In the News: First U.S. Federal Case Involving FGM

In April 2017, CNN reported that the first federal case involving FGM in the United States was filed against two Michigan doctors and the wife of one doctor charging them with performing FGM on two 7-year-old girls (Cuevas, 2017). Assistant U.S. Attorney Sarah Woodward has stated in court that it is possible that Dr. Nagarwala performed nearly 100 procedures over the 12-year period between 2005 and 2017. Currently, the federal penalty for the charge is five years. U.S. Representatives David

Trott and Carolyn Maloney have introduced the *Stopping Abusive Female Exploitation (SAFE) Act*, which would increase the penalty to 15 years in prison and require public education on the topic.

Do you think that the government has the right to interfere with this “religious practice”?

Read more at <http://www.cnn.com/2017/04/26/health/fgm-indictment-michigan/index.html>.

National membership of WAVE now stands at 46 countries and over 4,000 women’s help organizations. Operating from its office in Vienna, Austria, the organization participates in the UN study on violence against women and other research projects. In addition to collecting and disseminating data on violence against women and children, it manages the European Info Centre Against Violence, acting as a point of contact between organizations that aid women in Europe.

In December 2012, the UN General Assembly accepted a resolution on the elimination of FGM (World Health Organization [WHO], 2013). FGM procedures that intentionally alter or cause injury to the female genital organs of girls and women for nonmedical reasons without any health benefits are banned. The UN acknowledged that FGM nonmedical procedures typically occur between infancy and age 15, causing severe bleeding and problems urinating, infections, infertility, as well as complications in childbirth and increased risk of newborn deaths.

In 2016, the United Nations Children’s Fund (UNICEF) estimated that over 200 million women and girls had been subjected to FGM worldwide. The U.S. Congress passed laws making it illegal to perform FGM or for families to knowingly transport a girl outside of the United States for mutilation in their home countries (Mather & Feldmann-Jacobs, 2016). The practice has gained attention in the United States in part because of the rising number of immigrants from countries where FGM is prevalent. In 2017, Michigan became the 26th state to officially ban the practice of FGM, making it a 15-year felony (Eggert, 2017). Surgery performed for custom or religion is not a defense to the illegal practice.

VIOLENCE AGAINST WOMEN: AROUND THE WORLD

A legal analysis by the American Bar Association reveals that European countries have initiated legislative reforms to prevent intimate partner violence (Crohn, 2007). Two common points of law appear in the study:

1. All acts of intimate partner violence are recognized as crimes and fall under the provisions of the penal code. However, only two European countries—Spain and Sweden—criminalize intimate partner violence acts as specific offenses, whereas in other countries such as the United Kingdom, Germany, Austria, Belgium, Bulgaria, and Turkey, a relationship between the victim and the abuser aggravates the offense. In France, such a relationship can be either an aggravating factor or an element of the offense.

2. Victims can request measures of protection from the state. Such measures vary from financial assistance to the victim in Sweden to restraining orders issued against the abuser in the United Kingdom and Austria. In Canada, the violation of a restraining order can be an aggravating circumstance.

According to the Report of the Secretary-General of the UN in 2006, 89 states have some form of legislative prohibition on intimate partner violence, including 60 with specific intimate partner violence laws, and a growing number of countries have instituted national plans of action to end violence against women (UN, 2006). This is an evident increase in comparison to 2003 when UNIFEM did a scan of anti-violence legislation and found that only 45 countries had specific laws on intimate partner violence. There are still 102 states that have no specific legal provisions against intimate partner violence. Only 93 states (of 191 reviewed) have some legislative provision prohibiting trafficking in human beings.

For cases of marital rape, the UN study found that perpetrators may be prosecuted in at least 104 states, and 90 states have some form of legislative provision against sexual harassment. Marital rape is not a prosecutable offense in at least 53 states. In many places, laws contain loopholes that allow perpetrators to act with impunity. In some countries, a rapist can go free under the penal code if he marries the victim.

Afghanistan

Considerable legal reforms are evident in recent years in Afghanistan, despite the reality of life for women there. The Constitution of the Islamic Republic of Afghanistan (2004) and the ratification of the Elimination of Violence Against Women (EVAW) law in 2009 are touted as major achievements toward defining violence as a major crime and for the advancement of human rights, including women's rights (Hasrat & Pfefferle, 2012). No formal reporting on intimate partner violence occurs in Afghanistan; therefore, prevalence rates are nonexistent. Amnesty International's research indicates that country custom or tradition is used to legitimize the violent deaths and injury of women by family members.

Violence against women in Afghanistan is a dramatic problem that includes forced child marriages, physical and sexual abuse, public execution, and girls burning themselves to death out of despair due to impunity for abusers. Economic abuses in addition to practices such as forced divorce, high dowry requirements, denial of education, and expulsion from home make the country unique in its cruel treatment of women. The victim's husband commits 70 percent of all violent acts against women in Afghanistan (Hasrat & Pfefferle, 2012). Strangers commit approximately 10 percent of violence against women; an additional 20 percent is perpetrated by other family members of the victim, including parents, brothers, mothers, sisters, sons, and in-laws.

In the News: Honor Killings: When the Ancient and the Modern Collide

According to a story in the *San Francisco Chronicle* (Stillwell, 2008), throughout the United States, Canada, and Europe, young Muslim women are being targeted for violence. It might be thought that hate crimes are to blame, but it is, in fact, their own relatives who are the

perpetrators. While statistics are notoriously hard to come by due to the private nature of such crimes and the fact that very few are reported, the UN Population Fund approximates that as many as 5,000 women are murdered in honor killings each year worldwide.