

Violence and Women's Human Rights Violations: The Case of Honor Killings, Wartime Sexual Violence Against Women and Sex Trafficking in parts of Asia, Africa and the Middle East

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Abstract

It is an acknowledged fact that women's rights and human rights are indivisible and inseparable. Although human rights have been understood to apply to all humans globally, the record for achieving women's human rights has been disappointing. Indeed, there is broad agreement within the international community that achieving global gender equality remains a challenge. Women's Human Rights incorporate a broad range of issues some of which deal with personal safety, bodily security and authority; equal access to education, healthcare, employment and equal wages, liberty to own property and vote; and the right to be elected to political office and positions of authority. This paper focuses on violence against women's human rights such as Honor Killings (the killing of a female family member or social group by either members who believe that the victim has brought shame to the family or community; Wartime Sexual Violence (rape or other forms of sexual violence frequently committed against women by combatants during war to humiliate the enemy) and Sex Trafficking is the trade in women and children for the purpose of sexual slavery or commercial sexual exploitation for the trafficker and Basically, the latter crimes against women occur in non-democratic societies or those countries transitioning to democracy in Asia, Africa and the Middle East or by some immigrants from these regions who have settled in the West. The study is divided into three sections – Section I investigates the reasons why Honor Killings, Wartime Sexual Violence and Sex Trafficking occur against women in different developing societies. Section II examines if these violent acts are influenced by religious or cultural beliefs and sheds light on some of the measures international organizations have adopted in an attempt to eradicate these crimes against women. Section III concludes by offering recommendations to reduce violence against women and the positive role the international community can play to improve women's human rights in the non-western world.

Introduction

Women's rights and human rights are indivisible and inseparable. In 1945 the UN Charter granted men and women equal economic, social, cultural and political rights. Similarly, the Universal Declaration of Human Rights, a declaration adopted by the UN General Assembly in 1948 called for applying human right equally, "without distinction of any kind such as race, color, sex, language...or any other status."¹ Based on the latter criteria, Women's Human Rights incorporate a broad range of issues some of which deal with personal safety, bodily security and authority; equal access to education, healthcare, employment and equal wages, liberty to own property and vote; and the right to be elected to political office and positions of authority. Although human rights have been understood to apply to all humans globally, the record for achieving women's

¹ "Women's Human Rights: A Fact Sheet," Amnesty International USA, July 20, 2005, pp.1-2

human rights has been disappointing. Indeed, there is broad agreement within the international community that achieving global gender equality remains a challenge for women from developing countries. There are several factors that prevent women from reaching equality with men in non-western nation states. First, many women from developing countries have been relegated to a subordinate status in the private sphere. Thus, for the most part they have been excluded from recognized international definitions and interpretations of human rights. Since most of the violence has been committed by non-state actors such as employers, partners, husbands, families and community members, the government considers most of the violence against women to be in the private realm – and therefore allows the violence to continue. Unfortunately, this sends a wrong message – that violence against women is condoned.² This is particularly true in certain regions of Asia, Africa, and the Middle East where there is a weak rule of law as many governments are authoritarian and non-democratic or where the nation states are in the process of transitioning to democracy. Second, in war torn regions of Africa, Asia and the Middle East, most casualties of war are women and children. The majority of the world's refugees and displaced persons are women and children in addition to most of the world's poor that also happen to be women and children.³ Thus for the most part the experiences of the women and girls with human rights have been dismal. Third, Women's human rights violations are also justified in some societies that place an emphasis on cultural values and traditions. Traditions sometimes put women at a disadvantage as many cultural values have their origins in past unequal power relations between men and women. Therefore, this inequality systematically denies women of civil, cultural, economic, political and social rights.⁴ Finally, violence against women also occurs because of a global culture that discriminates against women and denies them equal rights. For example, women earn less than men, own less property; have less access to education, healthcare, employment and housing.⁵

This study focuses on violence against women's human rights such as Honor Killings which involves the killing of a female family member or social group by either of the latter members who believe that the victim has brought shame to the family or community; Wartime sexual violence against women which constitutes rape or other forms of sexual violence frequently committed against women by combatants during war to humiliate the enemy; Sex Trafficking which is the trade in women and children for the purpose of sexual slavery or commercial sexual exploitation for the trafficker; and In the following paragraphs we will examine the causes of the three types of violence against women mentioned above.

Honor Killings: Causes

Human killings usually involve the killing of a female family member or social group by either members who believe that the victim has brought shame to the family or community.

² Ibid

³ Ibid

⁴ Ibid

⁵ Ibid

According to Human Rights Watch, Honor Killings are defined as acts of vengeance, usually death, committed against female members, who are held to have brought dishonor upon the family.⁶

However, sometime men can also be victims of honor killings by members of the family of a woman who consider him guilty of having had an inappropriate relationship with a female from their family.⁷ Furthermore, men are also victims if they are found to have engaged in a homosexual relationship. Thus, an “honor killing” may apply to the killing of both men and women in societies that engage in the practice.⁸

Nonetheless, in most instances honor killings are directed towards women. It is a practice where male members kill a female relative who in their eyes has damaged family honor. Her death restores the honor of the family.⁹ It is a murder that is intentional and malicious and is judged by family and society as a legitimate killing of a girl or woman when she is suspected of breaking the family honor code. Primarily, the public display of the murder of the person who brought dishonor to the family is supposed to restore family respect.¹⁰

The methods utilized for honor killings include forced suicide, stoning, stabbing, beating, burning, beheading, hanging, throat slashing, lethal acid attacks, shooting and strangulation.¹¹

Historically speaking records of stoning as a method of execution may be found across cultures and religions. The origins of honor killings can be traced back to ancient Roman law that justified Honor Killings of women who committed adultery. Ancient Greeks also executed adulterers and prostitutes by stoning. Stoning is also mentioned in the Torah and Talmud and in the Old Testament of the Bible. While the Quran does not mention stoning, it is authorized in the Hadith for both men and women.¹² In China during the Ching dynasty, fathers and husbands also had the right to kill females who had dishonored them.¹³

Geographically most honor killings occur in the countries of the Middle East and South Asia and among immigrant families from these countries residing in Europe, the United States and Canada. In Latin America, crimes of passion have been compared to honor killings. In such situations the murder of a woman by a husband, boyfriend or family member is often sanctioned or condoned.

⁶ “Violence Against Women and Honor Crimes” (http://www.hrw.org/press/200104/UN_oral12_0405.htm) Human Rights Watch (accessed 12/15/14).

⁷ “Afghan Couple Stoned to Death”, Central and South Asia (<http://english.aljazeera.net/news/middleeast/2010/08/201081617111539711.html>). Al Jazeera English (August 16, 2010) (accessed 12/15/2014).

⁸ “Teen Lovers killed in India Honor Killing” (http://www.live.leak.com/view?i=eeb_1221748350) Live Leak.com (accessed 12/12/2014). (accessed 12/12/14).

⁹ Honor Killings Its Causes and Consequences: Suggested Strategies for the European Parliament. Human Rights Policy Department External Policies, Directorate General External Policies of the Union, Dec 2007, ii

¹⁰ <http://www.fountainmagazine.com/Issue/detail/honor-killings-November-2013>.

¹¹ http://genevadeclaration.org/fileadmin/docs/co.publications/femicide_A%20Global%20Issue%20that%20demands%20Action.pdf (accessed 12/15/2014)

¹² Sarah Henderson and Alana Jeydel, *Women and Politics in a Global World*, 3rd Edition (New York: Oxford University Press, 2014) p. 342

¹³ <http://hbw-awareness.com/history/> (accessed 12/15/2004).

There are several reasons why honor killings have occurred against women. First, in instances where girls refused to accept arranged marriages. Often families demanded to decide the future of their daughters through the age old tradition of arranged marriage, and the daughters challenged the decision by refusing to follow their dictates. Consequently family members felt humiliated and insulted. Second, young women began dating young men and wanted to choose their own partners. Such behavior was considered to be general moral misbehavior and in some instances these women were suspected for having indulged in premarital sex. In such instances, the women were forced to break the relationships and agree to forced marriages. In the case of a premarital relationship there was no recourse left for women but to face death by stoning. Third, women who were victims of a sexual assault hardly received any sympathy for the terrible ordeal she experienced. Instead, the family and society blamed the assaulted victim for not taking adequate steps to protect herself. The situation became worse if she got pregnant as many single mothers were afraid to keep the infant and abandoned the child born out of wedlock at a public place. Sometimes, the innocent infant was stoned to death for being born out of wedlock. Fourth, many women have faced honor killings simply because they wanted to leave their abusing and violent husbands. Fifth, an honor killing may also be due to the spread of global social media. Some women in the conservative societies of the Middle East, such as Saudi Arabia have faced death after being caught chatting with a stranger on Facebook. In these conservative communities women are not allowed to talk, meet or date men. Their lives and relationships are totally controlled by their families. Any move towards showing independence is perceived as a threat to family honor. Women are pressured and intimidated to be obedient, and to surrender their will.¹⁴

A final reason is patriarchy. Strong patriarchal views of women and their submissive role in society is often a cause of honor killings. Basically in traditional societies women are dependent on their fathers before marriage and thereafter on their husbands they strictly ordered to obey. In such community oriented societies, the concept or notion of individualism does not exist, women are considered property of males in their family regardless of their class, ethnic or religious group. Thus, the male owner of the property can decide the fate of the woman under his domain.

Furthermore, anthropological studies of Arab societies show that men of the family, clan or tribe seek control of reproductive power in a patrilineal society. Women are viewed as a factory for making men. The honor killing does not involve controlling sexual power or behavior. Rather, it is the issue of fertility or reproductive power.¹⁵

Wartime Sexual Violence Against Women: Causes

Wartime Sexual Violence is rape or other forms of sexual violence is a crime often perpetrated by combatants during armed conflict or war; throughout the duration of military occupation as spoils of war; and during times of ethnic conflict.

¹⁴ http://www.drsohail.com/new_creations.aspx/creations/honor_killing_of_women. (accessed 3/16/2015).

¹⁵ Suzanne Ruggi, "Commodifying Honor in Female Sexuality: Honor Killings in Palestine (<http://merip.org/mer/mer206/commodifying-honor-female-sexuality>). Middle East Research and Information Project (accessed 12/15/2010).

Wartime rape is a serious present-day atrocity that affects millions of women and children.¹⁶ Sexual violence may also include gang rapes of women and girls by soldiers and rebel groups in addition to rape with objects such as firewood, weapons and umbrellas.¹⁷ These women and girls are also forced to serve as sexual slaves and soldiers “wives” in addition to being involved in combat and fighting.¹⁸ Often, sexual rapes have also been committed by government soldier’s rebel forces and even government and international peacekeeping forces.¹⁹ Women and girls are also sexually assaulted in refugee camps by locals from the country in which the camps are located.²⁰ In addition, girls and women are also subject to forced prostitution during conflicts with the complicity of governments and military authorities.²¹

The history of wars and conflicts is replete with incidents of sexual violence against vulnerable women. Virtually rape has accompanied warfare in every known historical era. The Greek and Roman armies engaged in war rape that is documented by various ancient authors such as Homer. During the Middle Ages the Vikings who colonized wide areas of Europe were known to have plundered and raped settlements in Britain and Ireland. War rapes and female slavery were also common during the medieval Arab slave trade. The Mongols also looted, pillaged during their conquests of Eurasia.²² In the European colonial era, German soldiers frequently engaged in gang rapes in German South-West Africa. Similarly, during the Boxer Rebellion in China, thousands of Chinese women were raped by Western Forces. Sexual assaults during World War I and World War II also took place. The more well-known was the case of the estimated 200,000 Korean, Chinese, Japanese, Taiwanese and Filipino women who were forced to work as prostitutes in Japanese military brothels.²³ In the aftermath of World War II, the Soviets raped 2 million German women after the Nazi defeat. Moreover, many Asian women were also involved in prostitution in the Vietnam War.

Such trends have continued in contemporary conflicts today. Indeed, according to Amnesty International, women’s bodies have become part of the terrain of conflict. The pillage and rape of previous centuries has been replaced in modern conflict as a deliberate military strategy and a weapon of war.²⁴

So what motivates the military soldiers, state-backed troops or irregular military to commit such horrific sexual violence against civilians mainly women? First of all it is not done for sexual gratification, rather rape during war is about the display of power and letting the enemy know who is in control. Although the motives for displaying this power may vary.²⁵ Thus within the latter context, rape is often:

¹⁶ www.un.org/en/preventgenocide/rwanda/about/bgsexualviolence (accessed 5/23/2015)

¹⁷ Sarah Henderson and Alana Jeydel, op.cit, p.318

¹⁸ Peter W. Singer, *Children at War* (Berkeley: University of California Press, 2006), pp.33-34

¹⁹ Sarah Henderson and Alana Jeydel, op.cit

²⁰ Ibid

²¹ <http://www.unicef.org/sowc96pk/sexviol.htm>

²² http://en.wikipedia.org/wiki/wartime_sexual_violence (accessed 2/3/2015).

²³ For further details see, Maria Rosa Henson, *Comfort Women* (New York: Rowman & Littlefield Publishers, 1999).

²⁴ <http://news.bbc.co.uk/2/hi/4078677.stm> (accessed 3/31/2015)

²⁵ Sarah L. Henderson and Alana S. Jeydel, op.cit., p 318

- Committed in front of male relatives to humiliate and bring shame on them because they have failed to protect their women.
- Committed while women are fleeing conflict zones and detention camps as a form of political terror.
- Committed against women as a way of terrorizing communities to accept the aggressor or to punish them for assisting opposing forces.
- Committed against women who had been in positions of power before the war.
- Used as a method of revenge inflicted on the women of the oppressor's ethnic group in ethnic conflicts.
- Utilized as a method of ethnic cleansing. Women are often forced to bear the children of the enemy so that the child would be of the nationality of the male, who committed the rape.²⁶

Sexual violence-whether a woman is raped at gun point or trafficked into sexual slavery have far reaching, consequences. Survivors face emotional torment, psychological damage, physical injuries, disease, social ostracism and many other negative impacts that can devastate their lives.²⁷ For instance, the physical impacts are pregnancies and rape victims are frequently forced to carry the pregnancy either to term due to a lack of healthcare or societal pressure and end up being single mothers and shunned by society. In some cases, victims of rape have committed suicide where children outside of marriage are not accepted. This has occurred in some Islamic societies.

Other physical impacts are the spread of sexually transmitted diseases (STD's) including HIV/AIDS accompanies all sexual violence against women and girls. The constant movement of refugees, the pillaging and raiding military units as well as a breakdown in the health services and public education makes the spread of disease worse with practically no chances for treatment.²⁸ For example, during the civil war in Uganda in the 1980s, the exchange of sex for protection was the contributing factor to the high rate of AIDS in that country.²⁹

Furthermore, women who have been raped also suffer from additional traumas that are emotional and psychological. They suffer permanently from shock, intense fear, anger, shame, disorientation and confusion. In the case of Bosnia in the 1990s such symptoms were found in 75 percent of Bosnian female refugees. Hence, the emotional and psychological scars of war suffered by women who have been sexually violated should not be ignored.

Last, women who have been raped during wartime also face rejection by their families and communities. They become social outcasts and are blamed by "offering themselves to the attacker." Thus, many women never report the rape or seek medical attention.³⁰

Although, there are numerous reported cases of sexual violence against women during or after armed conflicts in every international or non-international war-zone in the past few decades, the

²⁶ Ibid

²⁷ Laura Smith-Spark, "How did rape become a weapon of war?" <http://news.bbc.co.uk/2/hi/4078677.stm> (accessed 3/31/2015).

²⁸ "Sexual Violence as a weapon of war". <http://www.unicef.org/sowc96pk/sexviol.htm> (accessed 5/18/2015).

²⁹ Ibid

³⁰ Sarah Henderson and Alana S. Jeydel, *opcit.*, p.326

most horrific sexual assaults occurred in the former Yugoslavia, Rwanda and the Democratic Republic of the Congo. The following paragraphs will now focus on the three cases just mentioned.

The Former Yugoslavia

During the conflict in the former Yugoslavia, it is estimated that between 20,000 and 50,000 women were raped.³¹ In the early 1990s, Yugoslavia disintegrated into several independent states along ethnic divisions. Under the leadership of President Slobodan Milosevic of the Federal Republic of Yugoslavia, the army led campaigns to unite ethnic Serbs into a “greater Serbia” in an effort to eliminate the Muslim population in neighboring republics.³² Detailed accounts of sexual violence during the Bosnian War (1992-1995) and the Kosovo War (1996-1999) were particularly alarming to the international community. In the Bosnian war Serb soldiers drove 1.5 million non-Serbs (mainly Muslims) from their homes and villages as part of a well-planned strategy of ethnic cleansing.³³ There were numerous reports of the existence of deliberately created “rape camps” where Muslim and Croatian women were impregnated and held captive aimed at giving birth to a new generation of Serb children.

Similarly, during the Kosovo war later, rape was used as a weapon of war against thousands of Albanian women living in the Kosovo region of Serbia. The Albanian population was forced to flee in response to the “ethnic cleansing” policy of the Serbians.³⁴

Rwanda

In the Rwanda genocide in 1994 between 250,000 and 500,000 women and girls were raped and targeted for sexual assaults by the military leaders who were from the Hutu tribe.

During the Rwanda genocide, victims of sexual violence were primarily attacked on the basis of their gender and ethnicity. Hutu women were part of the anti-Tutsi propaganda that portrayed Tutsi women as tools of the Tutsi community and as sexual weapons that would be used by the Tutsi to weaken and destroy Hutu men. Gender based propaganda also included cartoons in newspapers that portrayed Tutsi women as sexual objects.³⁵ Overall, the perpetrators of war rape during the Rwanda genocide were mainly members of the Hutu militia that also included the Rwandan Armed Forces (FAR) as well as the Presidential Guard.³⁶

³¹ <http://www.un.org/en/globalissues/briefingpapers/endviol/> (accessed 3/31/2015).

³² Sarah Henderson and Alana S. Jeydel, op.cit., pp. 320-321

³³ Ibid

³⁴ For more details, see Alexandre Stiglmayer, *Mass Rape: The War Against Women in Bosnia-Herzegovina*/ Edition I, Lincoln, NE: University of Nebraska Press, 1994.

³⁵ http://en.wikipedia.org/wiki/wartime_sexual_violence (accessed 2/3/2015).

³⁶ Ibid

Democratic Republic of the Congo

In the Congo the prevalence and intensity of rape and other sexual violence is known to be the worst in the world. Since 1998 ethnic strike and civil war erupted, it is believed that over 200,000 women have suffered from sexual violence. All parties involved in the war believed that rape was a cheap weapon for all parties as it was more obtainable than bullets or bombs. In addition to women, the rape of men is also common. Those males who admit to being raped risk ostracism and criminal prosecution for homosexuality – which is a crime in 38 African countries.³⁷ Despite a peace process that was signed in 2008, rape and sexual violence continue to be used as a war strategy by all parties in the conflict prone areas.

Sex Trafficking: Causes

Sex trafficking is an issue that has emerged over the last 30 years as one of the fastest growing crimes in the world. It is a situation in which a person is in a state of forced sexual labor. This usually targets younger women, but some young men are also victims of this. Since the collapse of the Soviet Union in 1991, international sex trafficking has boomed in Eastern Europe, and this has caused the issue gain the attention of many international organizations, such as the United Nations and World Health Organization.³⁸ The United Nations define sex trafficking as:

“the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs”³⁹

While the scope of sex trafficking is global, it is worst in the underdeveloped countries.

Specifically looking at countries in Asia, the Middle East and Africa, sex trafficking has a long and barbarous history in these areas.

It is important to understand that there is no one cause for sex trafficking in any country. Not only is there no single cause, sex trafficking is not performed the same way in every country. Take for example India, the second largest country in the world and one of the largest hubs of sex trafficking in the world. It is surprising to find that the sex trade in India is not international so much as regional, with most of the trafficked young girls being brought into India from neighboring countries such as Bangladesh and Nepal.⁴⁰ The vast majority of sex trafficking in India is

³⁷ Ibid

³⁸ World Health Organization. (2006). *Understanding and adressing violence against women*. Ohio Public Safety, Ohio Office of Criminal Justice Services.

³⁹ United Nations. (2004). *United Nations Convention Against Transnational Organized Crime And The Protocols Thereto*. New York.

⁴⁰ Sarkar, Kamallesh, Baishali Bal, Rita Mukherjee, Sekhar Chakraborty, Suman Saha, Arundhuti Ghosh, and Scott Parsons. "Sex-trafficking, violence, negotiating skill, and HIV infection in brothel-based sex workers of eastern

consumed domestically, with very few being sent to the international market. Contrast this with the situation in Eastern Europe, where the former states of the Soviet Union have become a premier location for finding young girls and trafficking them into Western Europe and North America.⁴¹ In any case, sex trafficking has one characteristic that defines it, and that is that it takes away a person's freedom and forces them into a situation that is both exploitative and often inescapable.

There are many means by which a person can be caught in sex trafficking. The most common form is debt bondage. This occurs when the trafficker provides a service for the victim, such as smuggling them from a poorer country into a wealthier one, and in return the victim is forced to pay an unrealistic sum to the trafficker. This sum is used to extort the victim into forced labor, and for women this often ends up being prostitution or other work in the sex industry.⁴² Debt bondage is the most common method used to ensure that the victims remain profitable, as the interest on the sum is often higher than the income brought in by the victim, and the threat of violence against the victim or the victim's family ensures that they will work. Even when the actual cost of trafficking the victim is met, they are still kept under the illusion of debt bondage to the trafficker.

In some cases, families in areas will sell their daughters to traffickers for money. This is particularly likely in poor, rural areas found in India and Southeast Asia. The sex trade is not as stigmatized in some countries, and in any country where it has a somewhat legitimized status it is very common for families to sell their unwanted daughters in order to make some additional income. In many underdeveloped countries, there is a cultural phenomenon known as "boy preference", a discrimination against girls when resources are limited. In a situation such as this, if a family does not have the resources to send all of their children to school, they will send the boys. Alternatively, in order to gain the resources to send their boys to school, parents may send their girls to work in agriculture or sweatshops.⁴³ Other cases show that even with sufficient resources, parents will refuse to send girls to school so that they may do housework for the family. This boy preference, combined with the need for money, will often leave girls in more vulnerable to being trafficked. In a study examining the sex trade in northern India, it was found that 8% of the victims had been forced into the profession by a spouse or family member.⁴⁴ Surprisingly, it was found that 68% of the sex workers had joined the profession willingly. This would seem to indicate that in an area where the sex trade is somewhat legitimized, trafficking is less important to the trade, as there are enough women willing to risk that dangers of prostitution for the monetary returns. It is also worth noting that the study found a much lower incidence of violence against the women who joined willingly as opposed to those who were trafficked.

Another way in which victims are trafficked is via kidnapping, although this is a small amount compared to those who are sold. Kidnapping may seem to be the most obvious method of

India, adjoining Nepal, Bhutan, and Bangladesh." *Journal of health, population, and nutrition* 26, no. 2 (2008): p. 223.

⁴¹ Kligman, Gail, and Stephanie Limoncelli. "Trafficking women after socialism: From, to, and through Eastern Europe." *Social Politics: International Studies in Gender, State and Society* 12, no. 1 (2005): pp. 118-140.

⁴² See Belser, Patrick (2005). *Forced Labor and Human Trafficking: Estimating*. International Labour Organisation.

⁴³ Hennink, Monique, and Padam Simkhada. "Sex trafficking in Nepal: context and process." *Asian and Pacific migration journal* 13, no. 3 (2004): pp. 305-338.

⁴⁴ Sarkar, Kamallesh, Baishali Bal, Rita Mukherjee, Sekhar Chakraborty, Suman Saha, Arundhuti Ghosh, and Scott Parsons. op.cit., p.223

trafficking, but in areas where families are desperate for money it is often easier to purchase their victims directly. In many developing countries, the governments do not take a very strong stance against sex trafficking, as it generates a large amount of revenue and does not have any directly negative side effects to the government's agenda.⁴⁵ This frees traffickers from having to resort to kidnapping tactics and engage in a more entrepreneurial approach.

We will now turn our attention to investigate if Honor Killings, Wartime Sexual Violence and Sex Trafficking are influenced by cultural or religious beliefs and also shed light on what steps and measures international organizations have adopted in an attempt to eradicate such crimes against women.

Honor Killings: Religious or Cultural Influences?

Honor Killing is frequently perceived to be an Islamic practice or a violent act that is condoned by Islam since it primarily occurs in Muslim majority societies. In reality however, honor killing is forbidden in Islam as there is no mention of this practice in the Quran or in the Hadiths. Islam strongly prohibits the killing of any person without lawful reasons and does not allow any person to take the law into their own hands and to commit murder. Furthermore, there were no cases of honor killings during the early period in Islam.⁴⁶

Indeed, even today there is little evidence that this repulsive practice in some Muslim-majority countries such as Malaysia and Indonesia. According to the UN Commission on Human Rights honor killings have been documented in Bangladesh, Britain, Brazil, Ecuador, Egypt, India, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, Turkey, Uganda, the USA and Yemen.⁴⁷ In Europe and the USA honor killings are committed by immigrants from Asia, Africa and the Middle East who have settled in the West. Honor killings, as evidence has shown primarily occurs in strongly patriarchal societies that exist in the Middle East, the Balkans, the southern Mediterranean and South Asia. In traditional patriarchal societies inheritance is patrilineal and the family or next of kin is the basic social economic and political unit.⁴⁸ The longevity and continuity of the latter structure depends on the women of the family to bear legitimate children. This explains the intense hold by the family on the women's sexual and reproductive powers. The concept of individualism does not exist in traditional societies. Hence in patriarchal societies legally speaking, women remain minors just switching from being property of their father's family to being the property of their husband's family. They have no independent voice.⁴⁹

In addition, in societies where honor killings occur, there are strict codes of honor in place, that is, what is and is not "honor." Honor relates to the outside world's view of a person and can be both won and lost.⁵⁰ The community has the obligation to respect a person as long as the code is followed. Once broken, the strategies adopted by the patriarchal society must be comprehensive

⁴⁵ Kristof, Nicholas D., and Sheryl WuDunn. *Half the sky: Turning oppression into opportunity for women worldwide*. JS, 2010.

⁴⁶ <http://www.questionsaboutislam.com/women-in-islam-honor-killing.php> (accessed 3/16/2015).

⁴⁷ Sarah L. Henderson and Alana S. Jeydel, op.cit., p. 345.

⁴⁸ Honor Killings its Causes and Consequences: Suggested Strategies for the European Parliament, op.cit., p.9

⁴⁹ Ibid.

⁵⁰ Ibid, p.10

not only dealing with the incidents themselves but also with the root causes that brought about dishonor.⁵¹ As lost honor is made public it can only be restored by a collective response that is collusion of family members in the death of a woman who is viewed by the family and outside world to have brought shame on the family.⁵²

In societies inclined to tolerate honor killings, such acts do fall under laws dealing with murder. However, at the same time rules of defense that relate to provocation and extenuating circumstances are also embedded in their penal codes. The latter provisions were borrowed from the old Colonial penal codes where honor killings were treated as “crimes of passion”. Therefore, the sentencing is based not on the act itself, but on the feelings of the perpetrator. If defense of family honor is considered to be an extenuating circumstance, then killing for family honor may incur a sentence of a few months only.⁵³

It is extremely difficult to obtain meaningful statistical information and estimates on honor killings as they vary widely. In most instances data on the honor killings is not collected systematically and many killings are reported as by the families as accidents or suicides. Nonetheless, in 2000 the United Nations estimated that there were 5,000 women who were victims of honor killings each year.⁵⁴ But in 2013, according to the British Broadcasting Corporation, women’s advocacy groups suspected that more than 20,000 were killed as murder was not the only form of honor crime, but other crimes such as acid attacks, abduction, mutilations, and beatings were also a form of honor crimes.⁵⁵

Honor Killings: International Responses

Since the First World Conference on Women that was organized in Mexico in 1975, there has been an ever increasing attention devoted to the issues of women’s empowerment and gender equality by international organizations, national government and international NGOs. Within this overall movement the problem of violence against women that incorporates honor killings has gradually been recognized as an important human rights issue.

The first milestone in addressing patriarchal violence against women was the: Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979).

Often referred to as the “international bill of rights for women” the (CEDAW) was a major landmark in redressing the recognized gender bias in international human rights legislation. It obligates governments to promote as well as protect the rights of women. The convention not only defines what constitutes discrimination but also obligates State Parties to regulate actions of the public and private organizations and individuals. Thus the provisions makes the state responsible to regulate action in the private sphere such as manifestations of Gender-based violence (GBV) or Violence against Women (VAW. Honor Killing is a dramatic manifestation of both.⁵⁶

⁵¹ Ibid.

⁵² Ibid.

⁵³ http://en.wikipedia.org/wiki/Honor_Killing (accessed 12/15/2014).

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Honor Killings its Causes and Consequences: Suggested Strategies for European Parliament, op.cit., p.14

CEDAW Recommendation on Violence Against Women (1992)

This convention proposed additional recommendations and instructs states to pay primary attention to gender based violence and violence against women which reflects discriminatory cultural patterns and values. Recommendations call for “effective legal measures including violence and abuse against women in the family.” Also calls upon countries to promote “preventive measures including public information and education programs to change attitudes concerning the roles and status of men and women.”⁵⁷

UN Declaration on the Elimination of Violence Against Women (1993)

This declaration constitutes an important in defining violence against women as “any act of gender-based violence against women that results in physical, sexual or psychological harm or suffering to women including threats or coercion or deprivation of liberty in public or private life.”⁵⁸

UN Special Rapporteur on Violence Against Women (1994)

The appointment of a Special Rapporteur to the UN Office of the High Commissioner for Human Rights was a significant step. Her mandate is to seek out and report incidences of violence from governments, treaty bodies, intergovernmental organizations and NGOs and to recommend measures at national, regional and international levels to eliminate violence against women. In 1999, in her report to the UN Commission on Human Rights she dealt with honor killings.

Honor Killings: Recommendations

In recent years, awareness of honor based crimes has risen worldwide, and a growing number of people within communities where this outdated patriarchal norm occurs, are engaged in a fight to eradicate them. In addition, the right approach needs to be developed to ensure that the guilty are apprehended and given stiff sentences.⁵⁹

First, homicide detectives at the global level should be aware that aside from greed, jealousy, and other factors that lead to murder, families may also kill one of their own-involved in a scandal just to restore their honor within the community. Second, in developing societies where police officials and magistrate are often prejudiced, legislators have the responsibility to provide a more women-friendly legal framework. This should be in line with their country’s international commitments particularly with the (CEDAW). Third Women at the grassroots level need to be more aware of their rights. However, empowering them and providing them to protect and support themselves is just the first step. Dialogue should be encouraged with all segments of the society including religious leaders and tribal chiefs –who wield enormous influence.⁶⁰ In addition, major reforms

⁵⁷ Ibid., pp.14-15

⁵⁸ Ibid.

⁵⁹ Nicole Pope, *Honor Killings in the Twenty-First Century*, (New York: Palgrave Macmillan, 2011), pp.205-206.

⁶⁰ Ibid., pp.207-208

should be brought about in the traditional legal system by making it consistent to basic human rights.⁶¹ Fourth, there should be large-scale awareness across society highlighting basic human rights and the illegality of honor crimes with the active support of the government, mass media and political leadership. Last, introducing reforms in the state's judicial system and making it more transparent and efficient for the general masses.⁶²

Wartime Sexual Violence Against Women: Gender Inequality.

Although wartime sexual violence is not confined to a specific culture, region or country there are varied reasons why soldiers rape. In the case of the Democratic Republic of the Congo that has rich resources and minerals, corruption and gender inequality are responsible for the high levels of sexualized violence. Within the Congo sexual violence has been committed against women working in the fields who live below the poverty line. Land grabbing gives the militias a chance to exert power and claim dominance ultimately laying claim, to power, house by house, field by field and woman by woman.⁶³

Nevertheless, the major roots of sexual violence against lie in the persistent discrimination against women and girls across several developing societies. Over the past few years, there has been an increasing interest from various national and international human rights advocacy groups to transform norms and attitudes that have normalized and legitimized sexual violence. In particular, in societies with weak legal sanctions for sexual violence send the message that such violence is condoned. This has made it all the more imperative to change attitudes both within and between countries.⁶⁴

Several studies done by UN agencies and elsewhere have shown that gender inequalities increase the risk of violence against women both sexual and physical. The latter thesis also applies to sexual violence in wartime.⁶⁵ Statistical evidence has also shown that gender inequality increases the probability of conflict-related violence. Two studies published by academics in 2005- one by Mary Caprioli and the other by Erik Melander support the latter argument. Caprioli's study found that the higher the level of gender inequality within a state, the greater the likelihood that the state will experience internal conflict.⁶⁶ Melander on the other hand examined the impact of gender equality on the deadliness of conflict and came to the conclusion that gender equal societies "are associated with lower levels of armed conflict."⁶⁷

⁶¹ Habib Ulhaq, Asad Ullah, Muhammad Ibrar, *Honor Killings: Its Causes and Socio-Legal Controlling Mechanisms* (Saarbrücken, Germany: Lambert Academic Publishing, 2013) p. 59

⁶² Ibid.

⁶³ <http://www.womenunderseigeproject.org/blog/entry/why-soldiers-rapeand-when-they-don't...> (accessed 3/31/2015).

⁶⁴ www.hrsgroup.org/human-security-reports/2012/overview.aspx. P.59.

⁶⁵ Ibid. p.56

⁶⁶ M. Caprioli, *Primed for Violence: The Role of Gender Inequality in Predicting internal Conflict*, *International Studies Quarterly* 49, no. 2 (2005), 161-178

⁶⁷ Erik Melander, "Gender Equality and Intrastate Armed Conflict," *International Studies Quarterly* 49, no. 4 (2005), 695-714.

In addition, there is cross-national evidence to support the thesis that where women have higher levels of income and education-they are at less risk of sexual violence.⁶⁸

Nonetheless, with respect to reducing wartime sexual violence, the challenges remain an uphill battle.

Wartime Sexual Violence Against Women: International Responses

Although the Fourth Geneva Convention of 1949 prohibited wartime rape which were reinforced by the 1977 Additional Protocols to the 1949 Geneva Convention, no person was ever charged of the crime of wartime rape. It was not until 1992 when the world learnt of the massive rapes of women in the former Yugoslavia, that the UN Security Council declared the “massive, organized and systemic detention and rape of women in Bosnia and Herzegovina” an international crime. Thereafter, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY, 1993) incorporated rape as a crime against humanity alongside other crimes such as torture and extermination directed against the civilian population. In 2001 the ICTY became the first international court to render a verdict and convict three military Serbian leaders for their role in the rapes of women during the war in Yugoslavia. They received stiff sentences from 12, 20, and 28 years respectively. Subsequently, the International Criminal Tribunal for Rwanda (ICTR, 1994) also declared rape as a war crime and crime against humanity.⁶⁹ The Rome Statute of the International Criminal Court that has been in force since 2002 also includes rape, sexual slavery, and any other form of sexual violence as a crime against humanity.⁷⁰

Furthermore, in recent years, the United Nations Security Council has issued several resolutions to raise awareness and trigger action against sexual violence in conflict. They are the following: **Security Council resolution 1325 (2000)** called on member states to increase the participation of women in the “prevention and resolution of conflicts” and in the “maintenance and promotion of peace and security.”

Security Council resolution 1820 (2008) called for an end to the use of acts of sexual violence against women and girls as a tactic of war and an end to impunity of the perpetrators, and to invite the participation of women in all aspects of the peace process.⁷¹

Security Council resolution 1888 (2009) detailed measures to further protect women and children from sexual violence in conflict situations. It also called for the appointment a special representative to lead and coordinate the work of the UN on the issue.

Security Council resolution 1960 (2010) requested the UN Secretary General to list parties responsible for committing crimes of sexual violence. Also called for the establishment of monitoring, analysis, and reporting arrangements specific to conflict-related sexual violence.

Security Council resolution 2106 (2013) called for the prevention and monitoring of sexual violence in conflict.

⁶⁸ www.hrsgroup.org/human-security-reports/2012/overview.aspx. P.57 (accessed 6/9/2015)

⁶⁹ “Background Information on Sexual Violence used as a Tool of War,” <http://www.un.org/en/preventgenocide/rwanda/about/bgsexualviolence.shtml> (accessed 5/27/2015).

⁷⁰ Ibid.

⁷¹ Ibid.

Security Council resolution 2122 (2013) reiterated the importance of women's involvement in conflict prevention, resolution and peace-building.⁷²

Wartime Sexual Violence Against Women: Recommendations

In addition to all the above resolution the UN has adopted, a second approach that the UN has adopted in its peace operations deals with direct protection of women and girls in war-torn areas. They involve:

- Using peacekeepers to escort women who are attending markets and doing various chores away from home.
- The creation of mobile stand-by Rapid Reaction Force units that can be rapidly deployed to deal with threats to peace-including rape.
- The establishment of protected safe havens
- Gender sensitive design and management of Internally Displaced Persons (IDP) and refugee camps.⁷³

At the present time, the most effective strategies for reducing the incidence of conflict-related sexual violence globally appear to be international action. The international community may have some immediate leverage to pressure the leaders of the government, or rebel forces from committing crimes against women. Such pressures could include threats to withhold aid to governments, to impose sanctions or to push for indictments in the International Council Court.⁷⁴ Already several guilty individuals have been charged for war crimes such as rape and been give prison sentences. In 2012, the ICC appointed its first ever female Chief Prosecutor. Overall, enormous progress has been made-though at times slow-but definitely in the right direction.

Sex Trafficking: Religious or Cultural Influences?

Sex trafficking, unlike honor killings and wartime sexual violence, is rarely a direct result of a religious or cultural mandate. While in some countries where caste systems dictated that certain people were fated to be sex workers, outside of this there are very few instances where religion and culture have any direct influence on sex trafficking. The examples that can be observed tend to be in places where a strong patriarchal systems were previously in place or remain. An excellent case for this is India, where the Hindu caste system was used to place people into their professions at birth. Thus, if a prostitute had a daughter than that girl was to grow up to follow in her mother's footsteps. Likewise, if the child was male, than he would grow up in the brothel as a house servant. Today, the sex trade in India is booming, as the government has proved to be weak in its efforts to halt traffickers from crossing the border, and the local police have been unwilling to crack down on the brothels in the red light districts. It is not uncommon for the police to be receiving bribes from the brothels owners to avoid any legal trouble. This also dissuades the police from being receptive of pleas by NGO's to shut down the worst brothels. This issue is highlighted in the documentary *Half the Sky*, in which it is shown how involved the local police can be with brothels and the lack of cooperation NGO's receive when they ask for police intervention.⁷⁵ The phenomenon of boy preference is also a cultural influence on sex trafficking, as briefly mentioned

⁷² Ibid.

⁷³ www.hrsgroup.org/human-security-reports/2012overview.aspx. p.50

⁷⁴ Ibid., p.43

⁷⁵ Kristoff, Nicholas. *Half The Sky*. Documentary. Directed by Chermayeff Maro. 2012. Blue Sky Films

previously. The attitude that girls are worth less than boys puts girls at greater risk for being trafficked. It is only a contributing factor to be sure, but a powerful one.

One of the few examples of religiously mandated sex trafficking is a practice called Trokosi in Ghana, Togo, and Benin. Trokosi is a word from a local Ghanaian dialect which when translated literally means slavery to the Gods. It is a religious practice in which a family gives one of its young girls over to a shrine or temple to atone for another family member's misdeeds. These girls are then made slaves to the priests for life, and are routinely raped and beaten.⁷⁶ Girls who escape to their families are returned to the shrines in order to fulfill their duty to their gods. Trokosi is an eternal penance that the family must fulfill, which includes supplying more girls when the original one dies. Often this practice can affect several generations of a family for a minor offense. The people who follow this practice do not see it as trafficking, seeing it as the girls' duty to be "married to the gods" to atone on behalf of the family. Despite this claim, it is clearly a form of sex trafficking, as the shrines where the girls are kept differ little from actual brothels. The more casual name for the girls is Fetish Slave, and their masters are called Fetish Priests.⁷⁷ There are variations on this tradition in Togo and Benin, but they follow the same general form as Ghana. Despite laws put into place against the practice, it is not enforced and the practice continues.

Despite the examples of sex trafficking influenced by religion or culture, the primary motivator behind the practice in the majority of cases is the simple economics of supply and demand. The problem that is faced is that while buying sex is illegal in most countries, selling sex is not. These countries tend to have a high rate of sex trafficking as well as child trafficking. However, in places where both the buying and selling of sex were made illegal, there is a drop in sex trafficking. An excellent case for this takes place in Sweden. Sweden is a country in which the selling of sex was made illegal, not just the purchasing of it.⁷⁸ It was a conservative movement aimed at eliminating prostitution and the harm that goes along with it, both to society and to the victims. This policy quickly cut down on the number of sex trafficked individuals being brought into the country, as well as reduced the number of local prostitutes.⁷⁹

Attempts have been made in other countries such as India towards combating sex trafficking in a more liberal direction, by legalizing and regulating prostitution. In the book *Half the Sky*, author Nicholas Kristof describes a case in which a legalize-and-regulate model was put in place in an attempt to curb the rise in child prostitution, the spread of HIV/AIDS, and reduce sex trafficking. It is known as the Sonagachi Project, named after the city it operates in. Sonagachi is the largest red light district in Asia, with an estimated 11,000-13,000 prostitutes operating out of hundreds of brothels. The project began as a means to increase the rights of the sex workers in Sonagachi, and it has met with some success in this regard. It operates with support from the World Health Organization, as well as CARE and the Bill and Melinda Gates Foundation. Originally, the results of the project were promising. A local sex workers union called the DMSC (Durbar Mahila Samanwaya Committee) was formed to help ensure the rights of the workers. The union worked to ensure that its members were treated fairly by brothel owners reported any brothels that were

⁷⁶ Hawksley, Humphrey. (2001, February 08). *Ghana's Trapped Slaves*. Retrieved from BBC World News

⁷⁷ Aird, Sarah C. "Ghana's Slaves to the Gods." *Human Rights Brief* 7, no. 1 (1999): pp. 6-9.

⁷⁸ Hughes, Donna. "Best practices to address the demand side of sex trafficking." *op. cit* (2004): pp. 33-35.

⁷⁹ Wahlberg, Kajsa, and Camilla Orndahl. "Situation Report 5: Trafficking in Women." *Stockholm, Sweden: National Criminal Intelligence Service, National Criminal Investigation Department* (2002).

housing underage prostitutes or trafficking victims. The DMSC reported that condom usage went up over 25% after the program took effect, and the HIV/AIDS prevalence is only 9.6%, almost 3% below the national average. However, when investigated more thoroughly, Kristoff found that the DMSC had become corrupted by some of the brothel owners, and it had become a front for the brothel owners to continue operating while circumventing scrutiny, evading inspections and continuing to use underage girls. Kristoff's own investigation into the Sonagachi Project led to some disturbing findings, as he personally recounted visiting a brothel which continued to specialize in minors, while claiming protection from the DMSC.⁸⁰ This would seem to indicate that the legalize-and-regulate model does not help suppress sex trafficking, but only forces it to work underground.

Sex Trafficking: International Responses

There has been a great deal of discussion on how to combat sex trafficking since its rise to public prominence after the end of the Cold War. Many of the solutions that countries have implemented are targeted at prosecuting traffickers, and to a lesser degree offering protection to victims. It is difficult for countries to find an adequate preventative measure, as the causal factors of sex trafficking are mostly due to poverty and lack of education. In addressing both sides of these solutions, the United Nations and the United States have been leading forces in applying them. In 2000, the United Nations issued the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol. The protocol established a set standard for countries to strive for in combating sex trafficking, as well as taking preventative measures by targeting issues such as poverty and education.⁸¹ The United States enacted the Victims of Trafficking and Violence Protection Act of 2000, a comprehensive law which aims to eliminate human trafficking by creating international and domestic grant programs for both victims and law enforcement.⁸²

Since its inception in 2000, the Palermo Protocol has transformed anti-trafficking practices across the world. The definition which the Palermo Protocol uses for human trafficking has served as a useful device for unifying terminology and presenting clear parameters for what constitutes human trafficking. It covers any forms of sexual slavery, forced labor, or any practices similar to slavery, including organ removal.⁸³ A critical feature of the Palermo Protocol is that whether or not a person consented to be transported, if there is any form of servitude or slavery involved then it is considered human trafficking. This benefits the victims of trafficking who might otherwise be considered criminals associated with smuggling. The success of the Palermo Protocol rests on the cooperation and participation of countries not only with the United Nations, but also with NGOs (Non-Governmental Organizations) working to eliminate human trafficking. Working with NGOs is helpful in dealing with human trafficking in cases where the local authorities have proven ineffective. In other cases countries are increasing prosecution of human traffickers, as noted in the United States Trafficking in Persons Report from 2014, with prosecutions of traffickers rising

⁸⁰ Kristof, Nicholas D., and Sheryl WuDunn. *Half the sky: Turning oppression into opportunity for women worldwide*. JS, 2010.

⁸¹ Chuang, Janie. "Beyond a snapshot: Preventing human trafficking in the global economy." *Indiana Journal of Global Legal Studies* 13, no. 1 (2006): pp. 137-163.

⁸² Siskin, Alison, and Liana Sun Wyler. *Trafficking in persons: US policy and issues for congress*. Congressional Research Service, 2012.

⁸³ Vlachová, Marie. "Trafficking in Humans: The Slavery of Our Age." *Quarterly Journal* (2005): pp. 1-16.

from 5,808 to 9,460 between 2006 and 2013. Convictions have risen nearly apace with prosecutions, from 3,160 to 5,776 in the same time.⁸⁴ With this in mind, there is still much room for improvement, and it is in countries that are failing to meet the standards set by the Palermo Protocol that this must occur.

At the same time that the United Nations was formulating the Palermo Protocol, the United States enacted the Trafficking Victims Protection Act, a federal statute targeted at increasing punishment for traffickers, as well as offering protection to their victims. One of the protections offered to victims of human trafficking comes in the form of a T-visa, which entitles victims with three years to a permanent residency, in exchange for cooperation with the prosecution of those who trafficked them.⁸⁵ As part of the TVPA, the United States has tier based system for grading countries in its annual Trafficking In Persons (TIP) reports, which examines their effectiveness in dealing with human trafficking. Additionally, the TIP report also lists any countries that are involved with the recruitment and use of child soldiers, as well as all foreign products made with forced or child labor. The TVPA has effects on foreign aid, with the goal of giving grants to increase other countries capability to prevent human trafficking, prosecute traffickers, and protect victims.⁸⁶

Sex Trafficking: Recommendations

With the pattern that has been observed so far, it can be said that the current strategies for combating human trafficking are working, and if more states were to adopt the stringent standards that have been set, then perhaps we will see a greater reduction in human trafficking. One strategy for doing this could be to create sanctions against countries that do not follow the UN recommendations. Another, less harsh method, would be to make human trafficking a topic in all diplomatic discussion, praising those who are leading the fight and shaming those who are refusing to take a stand against it. On a more grass roots level, people should be educated in what modern human trafficking looks like, and how they can provide help in combating it. There are many organizations, as well as government sources, that offer this information, and if it were to be widely disseminated it would aid in the recognition of human trafficking and the rescuing of victims. If we can get the public involved in reporting human trafficking, there will most likely be an increase in reported cases. One such benefit to this would be that by educating the public about the harms of human trafficking, it could reduce the number of individuals who support it through their purchases. By targeting young men in particular, they would be discouraged from joining a human trafficking network.

⁸⁴ United States. (2014). *Trafficking In Persons Report*. Department of State.

⁸⁵ Shirk, David, and Alexandra Webber. "Slavery without borders: human trafficking in the US-Mexican context." *Hemisphere Focus* 12, no. 5 (2004): pp. 2-3.

⁸⁶ Brusca, Carol S. "Palermo Protocol: The first ten years after adoption." *Global Security Studies* 2, no. 3 (2011): pp. 1-20.

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