

SEXUAL VIOLENCE IN MARRIAGE AND INTIMATE RELATIONSHIPS: SYNTHETIC VIEW ABOUT MACEDONIA¹

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Abstract: Violence against women, including sexual violence, is one of the most serious forms of violation of human rights - the right to life, the right to physical and mental integrity, the right of equal protection and the right to protection from all forms of discrimination. Following the preliminary knowledge of the frequentness of sexual violence in marriage and intimate relationships, which because of its sensitive nature is rarely reported and even harder to prove, the purpose of this work is, through a discursive analysis of the social context and structures in which it manifests itself, to penetrate deep into the roots of this form of violence, which can not be treated as a private issue of intimate partners. Also, through the analysis of the legislation in the Republic of Macedonia, as well as the existing mechanisms and the concrete measures taken, this work should also show what has been done and what needs to be done in terms of dealing with this form of gender-based violence.

Keywords: sexual violence, marriage, intimate relationships, patriarchy, gender stereotypes.

Introduction

Sexual violence in marriage and/or in intimate relationships is a form of domestic violence, and more widely, it is a form of violence in general. Domestic violence is no new phenomenon. As a fundamental unit of society, the family is not always a warm home and an environment which provides

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emotional, social and material support to its members. It can also be a violent environment in which the most fundamental human rights are brutally violated.

Studies around the world show that more than 80% of the victims of domestic violence are women, which leads to the conclusion that violence is gender-based, rooted in the structural relationships of inequality between men and women (In-depth study on all forms of violence against women, 2006: 35). That in turn speaks of the still existing discrimination based on gender. In the Republic of Macedonia every second woman is a victim of psychological violence, one in six women have been physically abused and one in ten women have been sexually abused by their partners (www.semejnonasilstvo.org.mk.)

Concluding from the knowledge that a large number of women experience sexual violence within marriage and intimate relationships, and due to the sensitive nature, it is rarely reported and even more difficult to prove, this work is dedicated precisely to this form of violence, which can not be treated as a private problem of intimate partners. Hence, the purpose of this work is through a discursive analysis, to clarify the reasons for the still existing discriminatory practices within intimate relationships and the tolerance of violence against women.

1. What is sexual violence in marriage and/or intimate relationships?

One of the most common forms of violence against women is precisely that of the husband or intimate partner. However the term domestic violence does not cover violence in intimate relationships, outside of family relationships, which is similar to the dynamics, because the victim and the abuser are in an intimate relationship. Thus, for example, domestic violence is defined as "the behavior of an intimate partner or family member who uses physical violence, coercion, threats, intimidation, isolation or emotional, sexual or economic abuse to control the other partner/family member in the relationship/household" (Netkova and Rogers 2010: 13). Therefore, we believe that the term "violence in intimate relationships" is more suitable than the term "domestic violence", because it covers all forms of abusive behavior between partners who are in different kinds of relationships, including family relationships.

Intimate partners can be: current or former spouses (including those not legally married) who are living or not living together, and girlfriends and/or boyfriends, regardless of whether the relationship has ended or is still on, how long it lasted or how long it will last, or whether the partners are in a heterosexual or homosexual relationship (Kening 2011: 181).

Violence in intimate relationships always presents the abuse of power in relationships that are based on inequality. One of the forms in which violence in marriage/intimate relationship is manifested is sexual violence, which above all involves forcing sexual intercourse or another sexual activity, regardless whether it is done by verbal threats (psychological coercion) or by use of physical force (In-depth study on all forms of violence against women, 2006: 38). Sexual violence includes various acts such as: rape, unwanted sexual intercourse, humiliating sexual intercourse, forced to watch pornographic films and pimping (Združenje za emancipacija, solidarnost i ednakvost na ženite na Republika Makedonija [ESE] 2008; ESE 2010; ESE 2015). According to the research conducted in the Republic of Macedonia, the dominant form of sexual violence is unwanted sexual intercourse, reported by 85.5% of women victims; humiliating sexual intercourse was reported by 6.6% and cases of rape by 3.9%. The least present are pimping and forced watching of pornographic films. Even though these last forms of sexual violence are the least present (in total 13.8%), they essentially represent serious violations of the dignity of women. (ESE 2008: 8)

However, we should always keep in mind that any sexual relationship between intimate partners, which is in any way forced, represents rape. Namely, the term rape implies "any unwilling sexual intercourse without the consent of a person, or contrary to the will of the person, performed by a current or former spouse, intimate partner or partner with whom the person lives out of wedlock" (Kening 2011: 117). Most often the victim of rape in intimate relationships is the woman. During rape, they use force to control the partner, or use coercion or manipulation in the form of a threat to force the victim to have sex (Mahoney Patricia). It is estimated that one in five women experience rape or attempted rape in their lifetime. According to studies carried out in the EU, the largest number of women rape victims do not report the case (Svetska zdravstvena organizacija [SZO] 2002: 19).

Unlike cases of rape by an unknown person, which always involve a certain degree of physical force, many cases of rape in the marriage/intimate relationships include only coercion and only enough force to control the victim. An additional problem is that such attacks are not one-off cases, but are repeated, because many victims remain with their partners after being raped. (Marital rape)

The reason for sexual violence can be to satisfy sexual needs, but it is often an expression of showing power, domination and keeping control over the victim. So, sex and sexuality are used as an instrument to manifest force by inflicting pain (humiliation, intimidation, shame), physical injury (from small and momentary injuries to death) or damage (sexually transmitted diseases) (SZO 2002).

In the Republic of Macedonia, according to official statistics from departments for persecution, sexual violence is present in 2.8% accounted cases, followed by psychological violence with 10.2% and physical violence is most prevalent with 87% (Nacionalna strategija za zaštita od semejno nasilstvo 2008-2012 [NSZSN] 2008: 7) However, the percentage of reported cases does not reflect the actual rate of sexual violence. Because of the sensitive nature, women are reluctant to openly talk about this kind of violence. According to a survey conducted in 2006 by the Association for Emancipation, Solidarity and Equality of Women of Macedonia, one in three women (32.6%) of the 1432 interviewed did not answer the question about sexual violence. 27.8% of the women indicated that their sexual integrity had been violated (three to ten times) within the family, while 13.2% of the interviewed women experienced sexual violence more than 20 times. Also worrying is the low level of reported sexual violence (10.6%), especially given the fact that 43% of the victims said that physical violence was often followed by forced sexual intercourse. (ESE 2008: 8-9) This indicates that women are exposed to both physical and sexual violence, and that sexual violence is much more common than the number of reported cases.

2. The roots of sexual violence in marriage/intimate relationship

Violence against women is deeply rooted in the patriarchal system of establishing relationships between the sexes, relationships of subordination and domination, relationships of "slave and master" the weaker and stronger, and so on. Patriarchy is a system of ideologies, concepts, structures and networks through which the control of man over woman is maintained, implemented and nurtured. The traditional patriarchal system of worth promotes male dominance in all segments of society. In the home, in the family and in intimate relationships and it tolerates the use of violence in order to establish control.

The traditional ideologies about gender, sexual roles and "sexual scenarios" of male superiority and female passivity produce norms and standards for appropriate and legitimate male and female sexual aims and behaviors. (DFPA and IPPF, 2013) This produces various rules and double standards about sexual behavior of men and women. (Bordini and Sperb, 2013)

In the long patriarchal tradition, it is almost unimaginable for sex within marriage to be considered as forced. Therefore, rape within marriage is rarely recognized as sexual violence. The traditional normative notions of the wife's "marital duties", including the notion that she should always "satisfy" the sexual needs of the husband, regardless of her own wishes and needs, have an effect in the long run and are one of the reasons that sexual violence is so

widespread and not talked about. For example, according to the research conducted by the ESE, 29.8% of the examinees believe that "it's the wife's duty to make love to her husband even when she doesn't want to," which in turn says that women still have a subordinate role in the sexual sphere (particularly among the older examinees). It is especially alarming that one in three women (28.3%) approve of violence against women in certain cases. (ESE 2008: 13-14).

There are also some who believe that rape within marriage does not cause such trauma as rape by a stranger. Also, women raped by their intimate partners often look for excuses to justify the rape, blaming themselves for unwanted sexual relationships. Because of this, sexual violence is followed by numerous myths, which as specific forms of beliefs, but lacking true facts, are formed and maintained in the patriarchal tradition. These myths "provide suitable, but much simpler explanations of complex social phenomena, which when repeated often enough, become "social wisdoms" and begin to be characterized as well-grounded facts" (Mihov and Frišćić 2008: 15-16). In a patriarchal environment, such as in our society, myths are an integral part in the attempt to justify sexual violence in marriage. In fact, the goal is to shift the blame to the woman who is the victim.

So, for example, one of the most widespread myths is the "she was asking for it" form of violence, that she somehow "deserved" it, i.e. that the husband was "provoked" by his wife's behavior (she's untidy, constantly complaining, doesn't know how to attract him, etc.). So it turns out that "something is always wrong" with the wife, but never with her bullying husband. This belief is reflected deeply on women themselves, who do everything to prevent violence from their partners, forgetting that they're not the ones causing the violence and that they're not responsible for the violent behavior of their partners. (ESE 2015; Mihov and Frišćić 2008).

Another myth is that women "enjoy" violence or that "women enjoy forced sex", because otherwise the partner would leave them. And it's a fact that no one enjoys being abused. In this way, women are seen as "masochists", without taking into account the circumstances in which the violence occurs (ESE 2015). Here we find another myth that "women say no, when they really mean yes", which in turn encourages the belief among men that when women are opposed to sex, in fact, they want it, and women are convinced that they are sending wrong signals, or that they are "bad women" if they do not enjoy sex against their will.

With such widespread myths, the core of the problem is bypassed, the responsibility shifts to the victims and they seek external reasons and justifications for the violent behavior of their partners. This in turn further supports the myth that sexual violence was an isolated problem that occurs only

in intimate relationships that are dysfunctional, which contributes to the victim passively accepting the situation.

It's exactly this conviction, that sexual violence in marriage/intimate relationships is a private matter that is one of the biggest obstacles in dealing with this serious social problem. Due to various reasons (fear, shame from other people, financial dependence, worrying about the children, lack of support from the community, blaming themselves, as well as the problem of recognizing or accepting that her husband is actually a rapist) women decide not to report this form of domestic violence and ask for help (Mahoney Patricia; ESE 2015). An additional problem is that in a case of rape, usually the victim is blamed, and the act itself is difficult to prove, because it may require eyewitnesses and visible evidence (bruises, wounds). Even if there is evidence, it is difficult to prove the truth. There are also cases in which women are out for revenge or have some other reason to destroy their husband's life, falsely testifying that they were raped, which in turn, hinders the investigation into rape in marriage/intimate relationship (Stritof Sheri).

In any case, sexual violence is more common in places where people believe that men have more sexual rights, where gender roles are more rigid, and in countries with high rates of other types of violence. Also, among the factors that contribute to this kind of violence are; poverty, living in a community that tolerates sexual violence and inefficient legal sanctions against rape.

3. The impact of sexual violence on victims

The consequences of being exposed to violence in marriage/intimate relationships are numerous and are reflected not only on the victims of violence, but on other family members and on the whole society as well. Apart from physical injuries, victims suffer from many other psychological problems: shame, guilt, low self-esteem, stress, anxiety, depression or aggression, even attempts of suicide, addiction, unstable relationships, reduced working abilities, etc.

Women victims often believe that they can stop the fury of their partners and they accept the blame for their actions. They believe in all the myths about abusive relationships, they have traditional views about gender and sexual roles, and use sex as a way of establishing intimacy. They also believe that no one can help them solve their problem. That's why they endure long suffering, frustration and passively accept their partner's behavior. As a result of the extended exposure to violence, women victims are socially isolated; they lose contact with family and friends, and believe by temporary accepting violence, they will solve their problem. (ESE 2015; Mihov and Frišćić 2008)

In fact, women suffer injustice because of their gender and are thus more exposed to physical, sexual or psychological abuse. Hence, violence against women represents a serious social problem. The fight for the rights of women implies the elimination of all forms of discrimination, including those that occur in the private sphere and those which are related to domestic violence, rape and sexual abuse.

4. The effectiveness of state protection from sexual violence

The Republic of Macedonia, as a signatory to several international documents on human rights, is bound to ensure equal rights for men and women and to take the necessary measures to eliminate all forms of discrimination against women, including domestic violence.

Starting from the constitutional regulations on gender equality and in accordance with international standards and recommendations for harmonizing and sensitizing of the criminal and civil law since 2004, when the normative regulation of domestic violence began, steps are being continuously taken to deal with such violence through a range of legislative reforms, national strategies, action plans, public awareness campaigns, etc. In the period from 2004 to 2008, with the amendments to the *Family Law*, the *Criminal Code* and the *Law on Social Protection*, the different forms of domestic violence: physical, psychological and sexual violence have been specifically defined and incriminated.

With the amendments to the *Family Law* (2006 and 2008), the application of temporary measures for protection of victims have increased, and in 2008 social work centers and NGO institutions were engaged in order to create a more efficient coordinative system of protection (article 94-g). This expands the network of institutions in charge of providing assistance and support to victims, and the emphasis is placed from the formal to the informal system of protection. In 2014 the new *Law on Prevention and Protection from Domestic Violence* was put forth, which provides primary support to victims of domestic violence. Furthermore, article 27 of this law provides free legal assistance and representation to victims through social work centers, and one of the preventive measures provided for in article 17 is to promote social and cultural values of conduct, based on the equality of women and men.

Except in the civil law system, there are also additions in the criminal justice system. With the *Criminal Code* of 2008, domestic violence is treated as a serious form of criminal offense and allocates a prison sentence for crimes related to domestic violence. Sexual violence is a crime punishable in the same way as rape. Article 186, states: "the victim of domestic violence is free to decide

to have sexual intercourse or other sexual acts and if the victim of domestic violence does not want to have sexual intercourse with her husband or unmarried companion, such a decision should be respected by her husband or unmarried companion, and if the abuser does not accepted the will of the victim of domestic violence, he is committing a crime." The same article 186 (1) includes a prison sentence of one to ten years for those who use force or threats "to attack the life or body of a person close to him, or force them to have intercourse." The same article includes specific penalties for grievous bodily harm during rape (paragraph 2), as well as for forcible intercourse with serious threats (paragraph 3).

Along with the improved legislation and in cooperation with NGOs working in the field of domestic violence, many strategic documents⁴ have been developed, in which violence against women is treated as gender-based violence and suggest measures and activities for its suppression. However, the first strategic document which in an integrated form defines the strategic directions and priorities for prevention of domestic violence is the *National Strategy for Protection against Domestic Violence 2008-2011*. Its successful implementation is proved by the introduction of a national SOS line and 27 care centers; the campaign for raising national awareness (October 2009) entitled "A real man never hits a woman"; the pilot program (May 2010) for economic strengthening by providing subsidies for employment of women victims of domestic violence, etc. (State's response to domestic violence)

In order to further develop a comprehensive and effective system to prevent domestic violence, were adopted the *National Strategy for Prevention and Protection against Domestic Violence 2012-2015* and the *National Plan for Prevention and Protection against Domestic Violence 2012-2015*. In 2011 the Convention of the of European Council on preventing and combating violence against women and domestic violence was signed, with which our country is obliged to protect women from violence, rape and forced marriage.

Conclusion

Following the continuity of the steps taken, there is no doubt that the Republic Macedonia has made significant steps forward in the efforts to prevent and eradicate domestic violence. However, despite the improvement of legislation and the concrete measures taken by opening centers to help victims of violence, counseling, SOS lines, conducting campaigns, etc., various forms of

⁴ National Action Plan for Gender Equality 2007 - 2012; Strategy for Gender Equality 2013-2020, and the National Action Plan for Gender Equality 2013-2016.

domestic violence are still widely prevalent. That, in turn, speaks of the existing barriers that impede dealing with domestic violence, particularly sexual violence.

On the one hand, rape in marriage/intimate relationships is not treated as seriously as other types of rape, nor are services (police, social work centers and health facilities) sufficiently trained to cope with this kind of sexual violence. On the other hand, even though our country has centers for registration and care of victims, their number is still insufficient, which additionally complicates its reporting. And so the lack of resources and the predominance of patriarchal attitudes among the general population, public officials and legislators, prove to be the biggest obstacle in the effectiveness of state protection from sexual violence in marriage/intimate relationships and domestic violence in general. (State's response to domestic violence; Nacionalna strategija za sprečevanje i zaštita od semejno nasilstvo 2012-2015 [NSSZSN] 2012).

We also must note that in all the efforts to deal with the various forms of domestic violence, more emphasis is put on activities and measures to protect victims, rather than its prevention. Following from the thesis that "prevention is better than the cure", we believe that we should put more effort in exactly the prevention, and pay special attention to the prevention of sexual violence. For this purpose it is necessary to increase the awareness of the general population for this type of violence, as well as the legal regulations for protection against sexual violence. Moreover, it is particularly important to overcome the tabooing of sexuality, which is seen as part of a person's intimacy and primarily defined within established gender roles. The introduction of educational curricula in the educational institutions, which will address gender issues in order to develop skills for building healthy partnerships and strengthen media campaigns, can in turn contribute to changing the destructive patterns of behavior and attitudes towards sexual violence. We also need to continuously implement educational programs and campaigns in other social institutions (working communities, health institutions, etc.), in order to raise public awareness about sexual violence and its negative consequences. In fact, raising awareness about the various forms of domestic violence, violations of human rights and freedoms, is the basic strategic goal of the National Strategy for Prevention and Protection against Domestic Violence 2012-2015 (NSSZSN 2012: 29), which should to be put into action.

Since the existence of good legislation is a necessary condition for dealing with domestic violence, it is also necessary to change and expand the existing Criminal Code in our country with special and clearly distinguished regulations that strictly apply to rape in marriage/ intimate relationship, and which, as pointed out by Tanja Kikerekova (2013) will comply with the regulations on sexual violence and rape contained in Article 36 of the Convention of the European Council on preventing and combating violence against women

and domestic violence, as well as the practice of the European Court of Human rights.

BIBLIOGRAPHY

- Bordini, Sagebin Gabriela and Tania Mara Sperb. 2013. Sexual Double Standard: A Review of the Literature Between 2001 and 2010. *Sexuality and Culture*, 17: 686–704.DFPA and IPPF. 2013.Danish Family Planning Association and International Planned Parenthood Federation. *Comprehensive Sexuality Education in Practice: Critical Junctures*.
- ESE 2008. - Združenje za emancipacija, solidarnost i ednakvost na ženite na Republika Makedonija. *Zivot vo senka*. Skopje: ESE.
- ESE 2010. - Združenje za emancipacija, solidarnost i ednakvost na ženite na Republika Makedonija. *Vodic za psihološka pomoš i podrška na žrtvite na semejno nasilstvo*. Skopje: ESE.
- ESE 2015. – Združenje za emancipacija, solidarnost i ednakvost na ženite na Republika Makedonija. *Priračnik za postapuvanje na sudovite vo postapkite za zaštita od semejno nasilstvo*. Skopje: ESE.
- In-depth study on all forms of violence against women*. 2006. Report of the Secretary-General. Retrieved March 25, 2015 (<http://www.un.org/womenwatch/daw/vaw/violenceagainstwomestudydoc.pdf>)
- Kening, Nikolina. 2011. *Nasilstvo: rodova perspektiva*. Skopje: Filozofski fakultet.
- Kikerkova, Tanja. 2013. Predizvici vo ratifikacija na Konvencijata na Sovetot na Evropa za sprečuvanje i borba protiv nasilstvoto vrz ženata i domašnoto nasilstvo. *Makedonska revija za kazнено pravo i kriminologija*, 20 (1): 249-269.
- Krivičen zakonik*. 2008. Služben vesnik na RM 7/08. Skopje: Sobranie na R. Makedonija.
- Mahoney, Patricia. *The wife rape, fact sheet*. Retrieved March 30, 2015 (<https://www.musc.edu/vawprevention/research/wiferape.shtml>)
- Marital rape*. Retrieved May 15, 2015 (http://www.hiddenhurt.co.uk/marital_rape.html)
- Mihov, Stojan and Jasminka Friščić. 2008. *Vodič za postapuvanje na profesionalnite strukturi pri zaštita od semejno nasilstvo*. Skopje: Akciska zdruzenska i ESE.
- Netkova, Bistra i Teri En Rogers. 2010. *Priračnik za združenija na gragani vo obezbeduvanje pravna pomoš za zrtvi od semejno nasilstvo* Skopje: UNIFEM.
- NSZSN 2008 – *Nacionalna strategija za zaštita od semejno nasilstvo 2008-2012*. Skopje: Ministerstvo za trud i socijalna politika.
- NSSZSN 2012. - *Nacionalna strategija za sprečuvanje i zaštita od semejno nasilstvo 2012-2015*. Skopje: Ministerstvo za trud i socijalna politika.
- NPSZSN 2012. - *Nacionalnen plan za sprečuvanje i zaštita od semejno nasilstvo 2012-2015*. Skopje: Ministerstvo za trud i socijalna politika.
- SZO 2002. - Svetska zdravstvena organizacija. *Svetski izveštaj za nasilstvo i zdravje*. Zeneva: SZO.
- Stritof, Sheri. *Why is marital rape a controversial issue?* Retrieved May 15, 2015 (<http://marriage.about.com/cs/maritalrape/f/maritalrape3.htm>)
- State's response to domestic violence*. Retrieved May 15, 2015 (http://www.ecoi.net/file_upload/1997_1293116418_mkd36645.pdf)
- Zakon za semejstvo*. 2008. Služben vesnik na RM 84/08. Skopje: Sobranie na R. Makedonija.
- Zakon za semejstvo*. 2014. Služben vesnik na RM 153/14. Skopje: Sobranie na R. Makedonija.
- Zakon za prevencija, sprečuvanje i zaštita od semejno nasilstvo*. 2014. Služben vesnik na RM 138/14. Skopje: Sobranie na R. Makedonija
- www.semejnonasilstvo.org.mk.

СЕСУАЛНО НАСИЛСТВО ВО БРАКОТ И ИНТИМНИТЕ ВРСКИ: СИНТЕТИЧКИ ПОГЛЕД КОН МАКЕДОНИЈА

Сузана СИМОНОВСКА
Весна ДИМИТРИЕВСКА

Апстракт: Насилството врз жените, вклучувајќи го и сексуалното насилство, е една од најсериозните форми на прекршување на човековите права – правото на живот, правото на физички и ментален интегритет, правото на еднаква заштита и правото на заштита од сите форми на дискриминација. Различните и раширени форми на насилство врз жените се доказ за сè уште постојната родова дискриминација и тие се длабоко вкоренети во структурните односи на нееднаквост меѓу мажите и жените, формирани во долготрајната патријархална традиција што промовираше дискриминаторски практики и дискурси во однос на родовите улоги и односи. Традиционалниот, патријархален систем на вреднување ја промовира машката доминација во домот, семејството и интимните односи и ја толерира употребата на насилство како начин за воспоставување целосна контрола во домот и семејството. Оттаму, сексуалното насилство во бракот и во интимните односи не може да се третира само како индивидуално и меѓу-партнерско прашање, туку мора да го земем предвид општествениот контекст и структурите во кои тоа се манифестира. Тргувајќи од прелиминарното знаење за зачестеноста на сексуалното насилство во бракот и во интимните односи, кое, поради својата чувствителна природа, ретко се пријавува и уште потешко се докажува, целта на овој труд е, преку анализа на дискурс на општествениот контекст и структури во кои се манифестира, да се навлезе длабоко во корените на оваа форма на насилство, која не може да се третира како приватно прашање меѓу интимните партнери. Исто така, преку анализа на законите во Република Македонија, како и постојните механизми и конкретните преземени мерки, овој труд исто така треба да покаже што е сторено и што треба да се стори во однос на справување со оваа форма на родово насилство.

Клучни зборови: сексуално насилство, брак, интимни односи, патријархат, родови стереотипи