Literature Review

1. **Dyson T (1983)**: The evil practice of dowry is widely prevalent in India. As a result, daughters are considered to be an economic liability. The dowry system is more rigid in the northern states of India which is likely to contribute to the lesser child sex ratio. Women have little control over economic resources and the best way for a young north Indian bride to gain domestic power mainly comes from her ability to produce children, in particular, sons.

2. **El-Bushra and Mukarubuga (1995)**: Rape begets food insecurity. This occurs particularly in societies where women are responsible for working the fields, procuring food and water and collecting firewood. By raping women while they are working or collecting wood or water, the food supply for the entire community is disrupted.

3. **Stark & Flitcraft, (1996)**: In the specialized literature, domestic violence is defined as “a threat or production of physical injury, in the past or the present in the cohabitation with a partner. Physical or sexual assault may be accompanied by intimidation and verbal abuse; destruction of personal property of the victim; her forced isolation from the rest of the family or friends or other people who could be a potential aid for the victims, including children; spreading threats and terror around the victim; controlling access to money or personal items, food, means of transportation, telephone and other sources of protection and care that the victim-women could benefit from”.

4. **Chesterman (1997)** argues that the treatment of sexual violence in international law ‘impos(es) a definition that depends not on experience but on the legally validating circumstances in which that experience obtains a context’. He goes on to argue that ‘the legal response to rape in war’ is based on ‘the effacement of the feminine subject, and her selective appropriation into the discourse of war crimes as the bearer of
essentialized feminine virtues (protecting men’s interests in "their" women)


6. **Hay C (2001)**: Interventions based on the theory of reintegrative shaming have been explored empirically with adult and adolescent offenders, showing mixed but promising results. These findings suggest that the combination of clear messages that a behavior is wrong, coupled with opportunities to be forgiven and to recreate social relationships, reduces subsequent recidivism

7. **Census (2001)** Even in India, the child sex ratio is not uniform across states. In the states of Haryana, Punjab, Delhi, Himachal Pradesh and Gujarat and union territory of Chandigarh, this ratio has declined to less than 900 girls per 1000 boys. In India’s capital Delhi, the sex ratio has declined from 915 in 1991 to 865 in 2001. The lowest ratio of 845 has been recorded in the southwest district of Delhi. In contrast, the northeastern states report a higher sex ratio of above 950.

8. **George SM (2002)** Facilities of sex determination through "clinic next door" are now conveniently available with the families willing to dish out any amount that is demanded of them. The easy availability of mobile scanning machines has translated into brisk business for doctors. Sex selection techniques became popular in the western and northwestern states in the late 70s and early 80s whilst they are becoming popular in the South now.

9. **Join Together (2003)** Policies restricting educational benefits to people with histories of substance abuse have also been widespread in recent years. In 1998, Congress amended the Higher Education Act to include
provisions denying Federal education assistance to individuals convicted of drug charges

10. **Central Bureau of Health Intelligence (2003)** Pregnancy-related morbidity and mortality account for 136,000 maternal deaths annually [8] and tend to further distort sex ratios. A steep decline in the sex ratio in recent years has coincided with an increased availability of ultrasound machines.

11. **Bandyopadhyay S (2003)** Gender discrimination: The bias against females in India is grounded in cultural, economic and religious roots. Sons are expected to work in the fields, provide greater income and look after parents in old age. In this way, sons are looked upon as a type of insurance. In addition, in a patriarchal society, sons are responsible for "preservation" of the family name. Also, as per Hindu belief, lighting the funeral pyre by a son is considered necessary for salvation of the spirit.

12. **Mertus (2004):** Although the terminology of 'honour' has been expunged, women’s experiences of sexual violence continue to be interpreted through national, communal and predominantly patriarchal lenses. The effects this has are multiple and profound. Rather than radically de-linking women and honour, modern ICL has potentially reinforced women becoming visible in the high status public sphere of international law through her ethnic or national identity rather than her gender identity, even though it may be her gender that is primarily determinative in terms of her life experiences in both war and peace. ICL has also arguably created a new role for women to play in service of the nation – that of testifying at international tribunals about the victimisation of her national or ethnic group and the criminality and barbarity of the ‘other side’

13. **Bardia A(2004):** Given the traditional preference for a male child, it is not surprising that right from the first census of 1871, India has consistently
shown an abnormal sex ratio (940 women for every 1000 men). The abnormal sex ratio runs counter to the greater longevity expected of female species who are supposed to be more resilient. It must be remembered that this is possible only if females get equivalent nutrition and access to healthcare. Pregnancy-related morbidity and mortality account for 136,000 maternal deaths annually and tend to further distort sex ratios.

14. **BRA (2006)** In the criminal penal system in Sweden, women constitute around 20% of all convicted persons. The proportion of all women registered in the Swedish criminal justice database, who are charged with drug offences are in 2005 approximately 15%, a figure that has remained very stable over the past 10 years.

15. **Loncar et al. (2006)** noted above, most of the women revealed psychological trauma. The most frequent psychological symptoms were depressiveness, avoidance of thoughts or conversations associated with trauma, and suicidal ideas. None of the women in this study had a psychiatric history before the rape, but at the time of the study, over 76% suffered from depression, 75% from social phobia, almost a third from post-traumatic stress disorder and a quarter of the women in the study had sexual dysfunctions.

16. **Guilmoto CZ (2007)** India has yet a long way to go in her fight against pre-birth elimination of females. Time is quickly ticking away. A shortage of girls would lead to a shortage of eligible brides thus making the girl a "scarce commodity". According to UNFPA projection, by the year 2025 a significant share of men above 30 would still be single, and that many will never be able to marry at all.

17. **Giddens, (2007):** Rural areas in Albania have major problems in terms of poverty, access to police, or other state institutions. While the culture for reporting to police or other institutions or organizations that deal with
these problems is their mentality, biggest problem is that a large part of domestic violence is currently tolerated, even accepted.

18. Maria Goretti (2007): Reality shows that the legal community in Indonesia has not provide optimal protection of the rights of women. Some laws actually provide opportunities for violations of women's rights and gender-based inequality. Various forms of discrimination and violence against women worsening the living conditions of women and impede women's equal rights. It is appropriate that women are treated fairly and do not accept discrimination and violence.

19. Tri Sulistiyono (2008): Unrest toward substantive law, legal culture and structural confirmed by Tri Sulistiyono that the need for the demolition of the substance of the law is still a lot to save injustice against women, particularly which puts women in the domestic sphere and are in an unequal power with men both in households and in the wider community. The substance of the law and the policies that favor women, which is already owned at this time should be followed by the empowerment of the apparatus in law enforcement institutions (prosecutors, judges, police, and lawyers).

20. Redress (2008): The raped woman witness is of great value during the trial, but if patriarchal constructions of womanhood remain uncritiqued, she returns not as ‘national hero’, but instead takes up her position as a ‘raped woman’; sullied, without honour and of little or no value in future life. Redress Africa, a British based NGO, interviewed several Rwandan women who had testified about sexual violence at gacaca (the domestic special courts set up to respond to the mass violence of the genocide). One woman complained that ‘Wherever I went, people mocked and made fun of me. It affected me so much that I became sick and remained bed-ridden for a long time’

21. Sahuri Lasmadi (2010): Restorative justice approach is a model that appeared in the era of the 1960s in solving criminal cases. In contrast to
the approach used in conventional criminal justice system, this approach emphasizes the direct participation of the offender, the victim and the community in the process of settlement of the criminal case. Restorative justice is another form of dispute resolution either formal or semi-formal, which reflects today's trend of individualism and reduce the function of the state

22. Grewal (2010): While women appear before International Criminal Law (ICL) due to violations of their bodies and minds, rather than of her modesty or honour, a woman still does not appear as an autonomous rights bearing subject. As several scholars have persuasively argued, ‘sexual violence is not in and of itself an international crime

23. Diniz D(2010) : In Brazil abortion is forbidden by the 1940 Penal Code. There are three exceptions in which women will not be prosecuted: in the case of rape, risk to the life of the woman, and foetal anencephaly. Even in this restrictive legal frame, the magnitude of abortion is high. A 2010 national survey showed that one in five women at the age of 40 have had at least one abortion

24. Agus Wantoro (2011): The existence of the law if it is explored further is inseparable with the legal system that includes substance (legislation, including customary law), structure (institutional and law enforcement), and the legal culture (people’s behavior). Based on this research, the effect of variable competence and commitment is significant to the variable settlement of complaints

25. Henry (2011) : There is also an argument to be made that to acknowledge rape in war poses a risk to ‘higher order’ goals and the protection of the nation and polity: exposing the rape of women and girls unsettles nationalist narratives of the soldier as hero, the selfless and innocent defender of the nation and its values
26. **Antonius (2011):** The law is not there to confirm the existence of the law itself, but the law is there to order, tranquility, peace and justice. So if by without presenting the law, the conditions can be created, why not.

27. **Savenco, (2011):** A serious fact that can be established today is that most women who are victims of violence do not report their experiences, neither to police nor any organization supporting victims. Fear, shame partner commitment, hope that the situation will change, keeping the family image are barriers that stand in the way of going to the police or to the judicial bodies. To these are added often a series of pressures from the family, the aggressor and / or children and some community obstacles emphasizing the vulnerability of women such as insecurity, bureaucracy, lack of financial resources, poverty and lack of social resources.

28. **Palmieri et al. (2012):** Rape of women has long been an endemic feature of war. For centuries, perpetrators of sexual attacks during conflicts have enjoyed effective impunity. Public narratives of war tend to focus on the victories and defeats of military troops or perhaps on the impacts on a de-gendered civilian population, such as displacement or death as ‘collateral damage’.

29. **Rena Yulia (2012):** The criminal justice system is expected to realize the needs of people to obtain justice. But in fact many people are disappointed with the results of the workings of the criminal justice system. It has to do with too dependency of court system to power and authority, so as if the law belongs only to the ruler and does not belong to the community, with such conditions, it justify weakness of people by the presence of the ruler so that the criminal justice system in favor of the ruling government

30. **Buletin Komisi Yudisial (2012):** Restorative justice is a model that puts the completion of the criminal case the recovery of victims, offenders and
the community. The main principles of restorative justice is the participation of victims and perpetrators, citizen participation as a volunteer mediator or facilitator for resolving cases.

31. Ainal Mardiah (2012): Mediation process conducted related to the criminal act is commonly known as penal mediation. Philosophically, the penal mediation can be achieved form of justice that is fast, simple and inexpensive because the parties involved are relatively less than through the judicial process by the Criminal Justice System components. Penal mediation can be studied from a sociological perspective, in accordance with the local knowledge of Indonesian society.

32. Santana DS etal (2012): The popular use of illegal misoprostol has changed the levels of infectious and haemorrhagic outcomes of unsafe abortions in Brazil; nevertheless, illegal and unsafe abortion is still a significant cause of morbidity in Brazil.

33. Lent Hirsch and Wolfe (2012): Moreover, in some sites, magic plays a role, some men have reported beliefs that raping women will cure them of AIDS, make them undefeatable in battle, or that they had been overcome by the devil or spirits and directed to rape.

34. Mazurana and Proctor (2013): These gender roles however are not spontaneously created at the outbreak of fighting, rather they are pre-existing and deeply embedded in patriarchal notions of the family, community and nation. When conflict erupts gender roles become narrowed and amplified. Hegemonic masculinity is aggressive, brave, conquering and powerful; whereas the corresponding femininity is the symbol of purity, the keeper of honour and home, the goodness worth fighting, killing and dying for. That these forms of masculinity and femininity may not be an accurate reflection of actual people matters not, for the hegemony needs simplicity and clarity, a clear demarcation of ‘good’ and ‘evil’ for it to mobilise into action.
35. **Septa Candra (2013):** Restorative justice puts a higher value associated with the involvement of the parties. Victims can restore control elements, while actors take responsibility in fixing an error caused by a crime they did and in building social value system. So the role of government in criminal cases to monopolize settlement can be reduced. Restorative justice requires the cooperative efforts of the government and the community to create an environment where victims and perpetrators can reconcile their conflicts and repair injuries suffered.

36. **Alberto Pereira Madeiro (2015):** Even though abortion is on the agenda of reproductive and sexual rights in Latin America, there is no reference to female sex workers' vulnerability to unsafe abortion. The regular offer and use of contraceptives among female sexworkers has the potential to reduce the magnitude of abortion, but the focus of the Brazilian public health policies has been the HIV/AIDS infection and the use of condoms. A national health policy on contraceptive and barrier methods targeting the sex worker population would be efficient in reducing their vulnerability to unsafe and illegal abortions.