



### D47 From this Day Forward: To Have and to Hold – Spousal Rape of Asian Immigrant Wives

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After attending this presentation, attendees will better understand salient elements germane to select cases of immigrant spousal rape, and understand gaps and deficiencies in care, evaluation, and guidance for marginalized victims of sexual trauma. This presentation will also heighten awareness and promote collaboration among medical, legal, and

other professionals who may encounter immigrant victims of spousal sexual trauma.

This presentation will impact the forensic science community by contributing to the understanding of sexual violence in marginalized groups of women, e.g., Asian immigrant victims of spousal rape, improving collaboration among all professionals who intersect victims of immigrant spousal rape, and providing a framework for the forensic evaluation of victims of immigrant spousal rape.

During the 1970s, concomitant with the rape crisis movement, society finally admitted the possibility of rape within marriage. It was 1993 before marital rape became a crime in all 50 states. Differences exist in how states implement the laws (NCVC: 2010). In 1993, California's law was amended. The reporting period was expanded to 1 year (vs. 3 years for non-spousal rape). A comprehensive body of research exists on marital rape. What can be said about men who target females that they believe embody mythical stereotypes of Asian women?

*Asian Mail-Order Brides – The Circuit of Culture*, explored the historically-prized Asian mail order bride industry. Both mass-produced paper catalogues and countless web pages continue to depict a seemingly infinite supply of eager young Asian prospects for marriage. They are, according to Ms. Ho, “submissive, obedient, loyal, soft-spoken, and meek.” Other images that come to mind are the “geisha girls, China dolls, Miss Saigons, and the Comfort women that fill the media, books, and popular culture.” (Christine Ho, USAsians.net: 2003).

Regardless of their real-life personality traits, a myriad of factors can increase the vulnerability of these women to fall prey to those with the motivation to control and victimize. While mail-order brides are targeted products that advertise cultural stereotypes, these stereotypes are not exclusive to the mail-order bride business.

Barriers exist for all victims of marital rape. For groups that are marginalized, e.g., immigrant women controlled by abusive spouses, the web is a tightly woven noose. Along with expected stressors of sexual trauma, they face fear of deportation, possibility having to leave their children or new, loving relationships.

From the lens of altered cultural perspectives, marginalization, and marital rape, two young Asian women who were likely perceived not as *mail-order*, but perhaps *made-to-order*, by their assailants, legal American citizens will be discussed. Both cases occurred in Northern California; both sexual assault victims faced deportation back to their country of origin. The discussion includes steps taken by the FCNS by a San Francisco Bay Area legal advocacy caucus. The Criminal Investigative Profiler provides a conceptual framework about the assailants to understand the dynamics of the assailants.

**Materials and Methods: Case 1:** 33-year-old Asian female; an aunt introduced her to her future husband in East Asia. She was approaching age 30 and under family pressure to marry. After dating in her country for a year, they married in the United States. The spousal assaults began shortly afterwards. The duration was 15 months and often included daily episodes of painful anal penetration. The FCNS evaluation occurred 1.75 years after the last episode of sexual assault.

**Case 2:** 33-year-old Asian female. Three years earlier, an aunt introduced her via email to an American male. She later visited her aunt in California and met the man in person. Forced sexual acts, including sodomy, commenced shortly after the marriage, a few months later. She later learned that her marriage was not legal. Fifteen months after the last sexual assault, she was evaluated by the FCNS.

**Discussion:** *Cracks, Gaps, Barriers, or a Need to Change?* These cases cross more than national and cultural boundaries. Superimposed upon the myriad sequelae of sexual assault trauma are a host of ubiquitous factors such as language barriers, lack of medical insurance, isolation, lack of funds, and cultural disparity. Most tragically poignant may be the disbelief that even in America, marital obligation is synonymous with endurance, even with criminal activity. The words of one Asian woman perhaps best summarize the pathos:

*“Life felt like a daily torture but I did not know what to do about it. I never imagined that my married life would be like this, but thought that I had to endure the pain because it was my duty as his wife.”*

Numerous roadblocks were encountered in efforts to evaluate the first case; lessons learned sped the



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evaluation of the 2<sup>nd</sup> case. They also confirmed the glaring gaps in our provision of care and services to these women.

These cases are discussed in an effort to clarify gaps and missed opportunities by the medical-legal system. All women, regardless of their background, language, culture, or circumstances, deserve assistance, and support after such intense levels of prolonged intimate sexual violence.

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