

VIOLENCE AGAINST WOMEN: NEW CHALLENGES



**BEIJING AT 10 :
PUTTING POLICY INTO PRACTICE**

The Review and Appraisal of the Implementation of the Beijing Declaration and Platform for Action



Critical Area D. Violence against Women¹

Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed.

-Beijing Platform for Action D.112

Violence against women (VAW) is a manifestation of the historically unequal power relations between men and women that is perpetuated through socialization and legitimization of violence as an acceptable form of conflict resolution. VAW is exacerbated and kept hidden by the fear of stigmatization; women's lack of access to legal information, aid or protection; the inadequate implementation of laws that prohibit violence against women; the failure to reform existing laws; scarce efforts on the part of public authorities to promote awareness of and enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence.

The definition of violence against women varies, but the most widely accepted definition is that established by *Declaration on the Elimination of Violence Against Women*, adopted by the UN General Assembly in 1994, which defines violence against women as "...any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."² This definition encompasses physical, sexual and psychological violence "occurring in the family, [...] within the general community, [and violence] perpetrated or condoned by the state."³ It also establishes the practices of forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection as acts of violence against women.

Facts and figures suggest that – despite all the efforts made during the last decades to prevent and eradicate VAW – it is and will remain one of the most pressing global concerns. The Beijing Platform for Action calls on the international community to

¹ Prepared for INSTRAW by Sybille Koenig

² UN General Assembly, *Declaration on the Elimination of Violence against Women*, Resolution A/RES/48/104, 23 February 1994.

³ UN General Assembly, *ibid.*, art. 2.

take integrated measures to prevent and eliminate violence against women, which was deemed such a damaging, pervasive and insidious global problem that it has been addressed in over ten different international conventions, declarations and other agreements, including: the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974);⁴ the Convention on the Elimination of All Forms of Discrimination against Women⁵ (CEDAW, 1979); the Convention on the Rights of the Child⁶ (1979); the Vienna Declaration and Programme of Action⁷ (1993); the Declaration on the Elimination of Violence against Women⁸ (1994); the Cairo Programme of Action⁹ (1994); the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women¹⁰ (1994); the Copenhagen Programme of Action¹¹ (1995); the Beijing Platform for Action¹² (1995); the Optional Protocol to CEDAW (1999); the Millennium Declaration¹³ (2000); Security Council Resolution 1325 on Women, Peace and Security¹⁴ (2000); Declaration of Commitment from the UNGASS on HIV/AIDS¹⁵ (2001) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2003).

The twenty-third special session of the UN General Assembly "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century", also known as Beijing + 5, reiterated that violence against women is a priority concern. The outcome document of this session appeals to governments to eliminate discriminatory legislation by 2005 and reaffirms governments' commitment to adopt measures to end traditional or customary practices affecting the health of women and girls. As 2005 marks the tenth anniversary of the Beijing Platform for Action, it is an excellent opportunity for the United Nations, the international community, UN Member States and civil society to stop and reflect on the actions, programmes and projects undertaken over the last decade in pursuit of the elimination of violence against women.

Many positive jurisprudential and structural developments have taken place since 1995. Through the **United Nations Millennium Declaration** (2000), UN Member States pledged to "...combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women" as part of a commitment to implementing the principles and practices of human rights, including the rights of women.

The international community has developed precise legal standards that confirm that rape and other acts of VAW can constitute war crimes, crimes against humanity, and components of the crime of genocide, as well as torture or other cruel, inhuman and degrading treatment.¹⁶ The entry into force of the Statute of the International

⁴ <http://www.unhcr.ch/html/menu3/b/24.htm>

⁵ <http://www.unhcr.ch/html/menu3/b/21.htm>

⁶ <http://www.unhcr.ch/html/menu2/6/crc/treaties/crc.htm>

⁷ <http://www.unhcr.ch/html/menu5/wchr.htm>

⁸ [http://www.unhcr.ch/huridocda/huridoca.nsf/\(symbol\)/A.RES.48.104.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(symbol)/A.RES.48.104.En?Opendocument)

⁹ http://www.unfpa.org/icpd/icpd_poa.htm

¹⁰ <http://www.oas.org/iuridico/english/treaties/a-61.htm>

¹¹ <http://www.un.org/esa/socdev/wssd/agreements/index.html>

¹² <http://www.un.org/womenwatch/daw/beijing/platform/index.html>

¹³ <http://www.un.org/millennium/declaration/ares552e.htm>

¹⁴ http://www.un.org/events/res_1325e.pdf

¹⁵ http://www.unaids.org/html/pub/publications/irc-pub03/aidsdeclaration_en_pdf.pdf

¹⁶ For more information about violence against women in situations of conflict, see the INSTRAW Beijing Progress Report on Women and Armed Conflict

<http://www.un-instraw.org/en/index.php?option=content&task=view&id=930&Itemid=204>

Criminal Court (**ICC**), known as the Rome Statute, which entered into force on July 1st 2002, now specifically defines rape and other acts of gender-based violence as constituent acts of crimes against humanity and war crimes.¹⁷ According to the Special Rapporteur on Violence against Women, “the Rome Statute’s gender provisions are an encouraging example of how the development of the international women’s rights movement is positively impacting international human rights and humanitarian law despite the strong influence of conservative political forces.”¹⁸

While the **Committee against Torture** has recently considered specific forms of torture and ill treatment, including trafficking in women, domestic violence and rape, one of the conditions for the application of the Convention against Torture in the case of VAW is that the perpetrator must be a state or a representative of a state.¹⁹ The Committee against Torture should therefore promote a wider interpretation of Article 1 of the Convention in order to include acts perpetrated by individuals.

At the fifty-seventh session of the UN General Assembly (2002), Resolution 57/179 “Working towards the elimination of crimes committed in the name of honour” was adopted without a vote. The Special Rapporteur on Violence against Women welcomed this act, calling it an “important step forward” in the fight against gender-based violence.²⁰ Recent surveys from the United Nations Children’s Fund (UNICEF) indicate that about 130 million girls and women have undergone **female genital mutilation** (FGM), most of them living in twenty-eight African countries (particularly in Djibouti, Egypt, Mali, Somalia, and Sudan), in parts of Asia (particularly in the Republic of Yemen), the Middle East and some diaspora communities in the West.²¹ In December 2003 the UN General Assembly approved resolution A/RES/58/147 on the “Elimination of domestic violence against women,”²² in which states pledge “Not to invoke any custom, tradition or religious consideration to avoid their obligations to eliminate violence against women.”

Strategic Objective D.1

“Take integrated measures to prevent and eliminate violence against women”

Actions to be taken by governments, international and non-governmental organizations and other actors include: to enact and/or reinforce penal, civil, labour and

¹⁷ Article 7, Rome Statute of the International Criminal Court, available at <http://www.un.org/law/icc/statute/romefra.htm>, viewed 1 Oct. 2004.

¹⁸ UN Special Rapporteur on Violence against Women. *Integration of the Human Rights of Women and the Gender Perspective: Violence against Women*. Report no. E/CN.4/2003/75/Add.1, UN Economic and Social Council, 2003 [http://www.unhcr.ch/huridocda/huridoca.nsf/AllSymbols/A9C6321593428ACFC1256CF0038513F/\\$File/G0311304.pdf?OpenElement](http://www.unhcr.ch/huridocda/huridoca.nsf/AllSymbols/A9C6321593428ACFC1256CF0038513F/$File/G0311304.pdf?OpenElement), viewed Sept. 25 2004.

¹⁹ Article 1, Convention Against Torture

²⁰ Coomeraswamy, *ibid*.

²¹ http://www.unicef.org/protection/index_genitalmutilation.html and <http://www.emro.who.int/rhrn/part5.htm>

²² A/RES/58/147 <http://www.un.org/Depts/dhl/resquide/r58.htm>

administrative sanctions to punish any form of violence against women and girls; to create or strengthen institutional mechanisms so that women and girls can report acts of violence against them in a safe and confidential environment; to formulate and implement plans of action to eliminate violence against women; to provide well-funded shelters, relief support and medical, psychological and other counselling services and free or low-cost legal aid; and to organize and fund information campaigns and educational and training programmes to sensitize girls and boys and women and men to the personal and social detrimental effects of violence

Despite the important legal framework set up by the UN, regional organizations and national governments through resolutions, guidelines and reports condemning all forms of VAW, the UN Secretary-General recently affirmed that the collective response to violence against women is “inadequate” in comparison to the magnitude of the problem.²³ According to recent surveys, at least one in every three women, or up to one billion women, have been beaten, coerced into sex, or otherwise abused in their lifetimes. Usually, the abuser is a member of her own family or someone known to her.²⁴

There is a need to focus increasingly on the implementation of these laws and principles at the international, national and local levels. Vast quantities of guidelines on preventing or eliminating VAW, such as the World Health Organization’s *Guidelines for Medico-legal Care for Victims of Sexual Violence*²⁵ have been developed but have not been put into practice. The shifts in consciousness that led to the establishment of laws, conventions and declarations on violence against women need to be translated into shifts in behaviour.

According to a 2003 report of the UN Special Rapporteur on Violence against Women at least fifty-four countries have discriminatory laws against women. In her 1994-2003 review, the UN Special Rapporteur highlighted some of the problems of law enforcement in almost all of the reviewed states, citing a total of seventy-nine countries that have no (or unknown) legislation against domestic violence. Marital rape is recognized specifically as a crime in only fifty-one countries as far as information was available.

Strategies designed to enforce existing laws, protect women and girls from violence, or assist the victims of violence are still lacking, or are sometimes contentious and even inappropriate, such as the issue of mandatory reporting. Even though many measures, such as National Action Plans, awareness-raising campaigns or gender-sensitive training and education programmes have been taken at UN and at regional and national levels to combat VAW, an objective assessment and evaluation of the actual impact of such measures is often missing. A general overview indicates that, despite numerous initiatives, we are far from achieving a truly **integrated** response to the problem of VAW. An integrated response brings multiple sectors: law enforcement, the judiciary, the military, education, health and social services, community and women’s organizations, and the international community together to design and implement a holistic response that addresses both prevention and treatment of violence from the perspective of the victim, her safety and her needs. An integrated response implies sensitization and training for all those people that are

²³ United Nations (2004). *Report on Women and Peace and Security*. New York. <http://www.un.org/Docs/sc/sgrep04.html>

²⁴ L. Heise, M. Ellsberg et M. Gottemoeller. "Ending Violence against Women". Population Reports. Series L. No. 11. Baltimore, Maryland.

²⁵ Guidelines for medico-legal care for victims of sexual violence. Geneva: World Health Organization, 2003. <http://www.who.int/gender/documents/en/>

involved in addressing VAW: teachers and students; counsellors; doctors and nurses; police and other law enforcement officers; lawyers, judges and other judicial officials; government officials and other policy and law-makers; and soldiers and other armed forces personnel. An integrated approach is necessary to ensuring not only that VAW becomes universally regarded as an unacceptable and criminal violation of women's human rights, but also that victims of sexual, physical and psychological violence receive the attention and support that they need to be able to escape and resolve their situation.

The lack of financial and material resources that result from inadequate national and international commitment, as well as so-called "Donor Fatigue" is the main obstacle to the successful implementation of an integrated response to VAW. In Bosnia and Herzegovina, and in Rwanda, for instance, nearly every women's NGO today relies on international funding, often from a single donor. In light of the gradual withdrawal of international organizations and agencies from these countries, many NGOs are facing the risk of a complete loss of funding for their programmes.

Successful pilot projects carried out at the local level are not often replicated and implemented at the national level. For example, a pilot project implemented in Zenica (Bosnia and Herzegovina) in 1999, for instance, attempted to influence the police and judicial response to cases of domestic violence, using training and multi-sectoral actions to support and empower existing mechanisms for preventing, stopping and punishing violence against women.²⁶ A number of international organizations (including OHCHR and OXFAM) were involved in this programme together with local NGOs (Medica and the Centre of Legal Assistance for Women), the Ministry of the Interior and the local police department. Though the feedback from police, who had for the first time worked on a project with NGOs, was positive, NGOs deplored that "there is no funding for a replication of the programme in Bosnia and Herzegovina."²⁷

Legislation, policies and other formal commitments to address VAW abound. However the most significant advances in the struggle to eliminate VAW have come from sustainable funding commitments, and from the design and implementation of concrete, practical and innovative strategies for addressing VAW at multiple levels, and through specific services and institutions (emergency room guidelines, media campaigns, community support groups, police and judicial training modules etc.).

At the international level, several United Nations **peacekeeping missions** have implemented or initiated concrete measures to address violence against women, including the United Nations Peacekeeping Mission in Afghanistan (UNAMA), in Democratic Republic of Congo (MONUC), in East Timor (UNMISSET), in Kosovo (UNMIK) and in Liberia (UNMIL).²⁸ The UNMIL gender unit raises awareness about violence against women, and plans to train all UNMIL personnel on gender issues and gender-based violence. The gender office of MONUC developed a strategy in 2003 to address sexual violence in the Democratic Republic of the Congo.²⁹

The United Nations Development Fund for Women (**UNIFEM**) was mandated in 1995 to strengthen its activities aimed at eliminating violence against women, in order to

²⁶ Kvinna til Kvinna, *Engendering the Peace Process*, pp. 37-38, <http://www.iktk.se/publikationer/rapporter/pdf/nuDayton.pdf>

²⁷ Kvinna til Kvinna, *ibid.*, p. 37.

²⁸ UN Secretary-General, "Violence against Women", report, 20 August 2004 <http://www.un.org/ga/59/documentation/list2.html>.

²⁹ Secretary-General, report, *ibid.*, p. 16.

accelerate the implementation of the recommendations set out in the Beijing Platform for Action. Established in 1996, UNIFEM's Trust Fund in Support of Actions to Eliminate Violence against Women is the only small-grant mechanism of its kind on gender-based violence in the United Nations System. So far the Project Appraisal Committee has granted US\$7.4million to 157 initiatives in more than eighty countries worldwide.³⁰ UNIFEM is also working in South Africa both to address the linkages between gender-based violence and HIV/AIDS through awareness-raising workshops, and to work with Southern African women judges to address issues of VAW in the context of legal reforms. In Benin, Gambia, and Guinea, UNIFEM is involved in advocating for the elimination of Female Genital Mutilation (FGM), with a strategy of community mobilization, promoting alternative rites of passage other than FGM and involving religious leaders, policy makers and the media.

In Sudan the United Nations Population Fund (**UNFPA**) is supporting community-based health projects to build awareness on the harmful aspects of FGM. Through the provision of micro-credit, midwives and traditional birth attendants are supported and economically empowered in order to discourage them from performing FGM. Moreover, groups of volunteers are working within their own communities to raise awareness about this practice.³¹ The United Nations Development Programme (**UNDP**) office in Egypt collaborated with the National Council for Childhood and Motherhood in leading a coalition of national and international organizations against FGM to eliminate the practice in 60 villages. This is a pilot project for dissemination on a national scale.³² The UNDP office in Nepal adopted a rights-based approach to eliminating harmful traditional practices with strategies that include policy advocacy and awareness-raising.³³

Over the last decade, international NGO networks have played a crucial role in promoting respect for and defence of women's human rights. One of the most significant achievements of the Women's Caucus for Gender Justice, for instance, was the inclusion of gender-based language in the Rome Statute. Other human rights NGOs have worked at the international level, including Human Rights Watch, Equality Now, and Rights and Democracy (ICHRD) to raise awareness about and advocate for actions to address VAW. World wide campaigns have been launched to galvanize support for the elimination of VAW, including the World March of Women 2000, an unprecedented series of actions in 157 countries, demanding that the United Nations and its Member States take concrete measures to eliminate poverty and ensure fair distribution of the planet's wealth between rich and poor, and between men and women; and to eliminate violence and discrimination against women.

At the national level, several states such as Bangladesh, Jordan, Paraguay, and the Syrian Arab Republic reported to the UN Secretary General that they had established **National Action Plans** to combat violence against women. Some states, such as Mexico and Saudi Arabia, for instance, also stated that they had established Special Commissions for the assistance and protection of victims of violence. Several national awareness-raising campaigns on VAW were launched in countries such as China, Malaysia and Mexico during the last few years. These very States also introduced new educational programmes for academics, policy makers and NGOs on

³⁰ To learn more about the Trust Fund, see http://www.unifem.org/filesconfirmed/2/283_at_a_glance_trust_fund.pdf

³¹ http://www.unfpa.org/gender/faq_fgcm.htm#24

³² <http://www.undp.org.eg/programme/Gender/FGM.htm>

³³ <http://www.undp.org.np/gender.htm>

ways to eradicate various forms of violence against women. Training courses on women's rights issues were provided to judges, police and security forces in China, Mexico and Morocco.³⁴ Many Member States including China, Jordan, Malaysia, Mexico, Morocco and Paraguay reported on the existence of specialized centres for victims of violence, as well as legal, medical and psychological assistance and counselling, and support networks.³⁵

At the local level, hundreds of examples of successful programmes, or "best practices" exist in terms of mainstreaming gender in relief and development work in order to prevent or eradicate violence against women.

The Polyclinic of Hope (POH) in **Rwanda** is a centre for women victims of rape and other violent crimes based in Kigali that offers free medical treatment and solace to women, and that was jointly established in 1995 by Rwandan returnees and resident women.³⁶ The Polyclinic is now a project of the Rwandan Women Network (RWN), a national community development network organization specifically targeting survivors of sexual and gender-based violence. In order to lower the effects of social stigma, POH social workers regularly visit affected patients, providing home-based care and training, involving entire communities in supporting families and building solidarity with the victims.³⁷ For its efforts, the Polyclinic of Hope was included among the first forty projects nominated by the renowned "Dubai International Award 2002 for Best Practices to Improve the Living Environment."³⁸

Medica Zenica in **Bosnia and Herzegovina**, though choosing a very different work approach, can be said as being equally successful. Recognizing the extent of the psychological damage that gender-based violence had caused on women, Medica made trauma counselling a priority of its work in that country. A new centre was established especially for working with traumatized women and girls, and Medica developed a professional counselling method in order to appropriately meet the psychological needs of its patients. Medica Zenica is one of the few organizations in Bosnia and Herzegovina that has recently become quasi-independent from its German parent organization, Medica Mondiale. It is now run by local women, provides vocational training for women wanting to work in the field and actively involves the families and communities of the victims in its projects.³⁹

The positive impact of advocacy campaigns launched by national and international women's organizations can be seen and felt at all levels, and in nearly all parts of the world. In the Arab region, for instance, campaigns addressing controversial issues such as honour killings or female genital mutilation were sometimes able to bring about important legal and social changes. In the case of Jordan, advocacy efforts contributed to the amendment of the Penal Code (article 340) in December 2001, which now stipulates that "honour killings" are no longer considered "justified"/"excused" crimes, and are punishable by a prison sentence of between three and twelve months.⁴⁰ In India, special "women's courts" (*Nari Adalat*) have been set up

³⁴ UN Secretary-General, *ibid.*, p. 8.

³⁵ UN Secretary-General, *ibid.*, p. 9.

³⁶ Rwandan Women Network, information document prepared for the "Dubai International Award 2002 for Best Practices to Improve the Living Environment", obtained from a RWN staff member as an answer to the aforementioned questionnaire, 4 August 2004.

³⁷ Rwandan Women Network, *ibid.*.

³⁸ Rwandan Women Network, *ibid.*.

³⁹ Mischkowski, Gabriela, co-founder of Medica Mondiale, Interview on the work of Medica Zenica and Medica Mondiale, 12 August 2004.

⁴⁰ Coomeraswamy, Radhika, report, *ibid.*, p. 394.

to supplement the formal judicial process which has become increasingly inaccessible to the poor, especially women.

In Eastern Europe, “The greatest amount of work for raising public awareness and for decreasing domestic violence has been done by local women’s NGOs throughout the region”, says a study on Bosnia and Herzegovina, undertaken by the Swedish organization Kvinna till Kvinna.⁴¹ According to recent research, at least eleven organizations in Bosnia and Herzegovina were found to have an exclusive emphasis on democracy and human rights.⁴² Activities undertaken by women’s groups in this area include roundtable discussions, advocacy campaigns, media spots, free legal aid to women, and the production of educational materials on rights issues. Domestic violence and trafficking in women – considered as two of the major problems still affecting Bosnian women – are seen as priority issues by many Bosnian women’s organizations.⁴³

Areas for Future Action:

- The UN, government sectors such as health and the judiciary, and NGOs should coordinate their activities in order to develop an integrated response to VAW that involves a variety of actors and proceeds from holistic perspective.
- All governments should consider ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and focus on the development of concrete actions to ensure the implementation of the Convention,
- Governments should accelerate the development of comprehensive legislative frameworks to criminalize all forms of violence against women and ensure that violence against women is prosecuted and punished. Crimes against women committed in the name of honour must likewise be criminalized and prosecuted
- Education and awareness campaigns should be carried out at national and local levels to publicly denounce violence against women and condemn harmful cultural and societal practices.
- In post-conflict societies, violence against women and women’s security should be addressed as priority issues.
- A guide to best practices (successful experiences) in addressing VAW in different economic, social and cultural contexts should be produced as a reference point for future initiatives.

Strategic Objective D.2

“Study the causes and consequences of violence against women and the effectiveness of preventive measures”

⁴¹ Kvinna till Kvinna, *ibid.*, p. 34.

⁴² Walsh, Martha, “Women’s Organisations in Postconflict Bosnia and Herzegovina”, in Kumar, Krishna, *Women and Civil War: Impact, Organisations and Actions*, Boulder, London, Lynne Rienner Publishers, 2001, pp. 165-185.

⁴³ Kvinna till Kvinna, *ibid.*, p. 35.

Actions to be taken by governments, international and non-governmental organizations and other actors include: to promote research, collect data and compile statistics on the prevalence of different forms of violence against women; to encourage research into the causes, nature, and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women; and to encourage the media to examine the impact of gender role stereotypes, including those perpetuated by commercial advertisements which foster gender-based violence and inequalities.

There is not one country in the world that can boast accurate and reliable data on the nature, prevalence, and consequences of violence against women. Despite the existence of numerous reporting obligations and forms, trainings and other attempts to gather data, there is a persistent lack of reliable information as a result of under-reporting, misreporting, under-estimation, ad hoc data collection and analysis methods, lack of national systematization, and a general unwillingness to address the issue of VAW in a concrete manner. As of May 14th 2004, only twenty-six UN Member States had responded to the Secretary-General's request for information on the implementation of General Assembly resolution A/RES/57/181 on the elimination of all forms of violence against women.⁴⁴ Moreover, responses were often limited to general remarks about legislative or policy achievements. Little detail was given as to the implementation of concrete measures and strategies for dealing with VAW, its perpetrators, and its consequences.

With regard to **crimes against women committed in the name of honour**, only twenty-three member States had responded to the Secretary-General's request for information on the implementation of General Assembly resolution A/RES/57/179 on this issue.⁴⁵ Several of these Member States indicated that crimes committed in the name of honour did not exist, or were not known to exist, and that no specific legislation covered this type of crime on their territory.

The Beijing Platform does not provide **concrete indicators** on how to implement its principles at national and local levels. Though negotiations and research efforts have been made in this direction, international agreement on how to "measure" and evaluate the impact of implementing measures taken by governments and civil society is still lacking, thus hindering efficient monitoring of the Platform's implementation.

Even though UN Human Rights Treaty bodies, such as the Committee on the Elimination of Discrimination against Women, for instance, are mandated to monitor steps taken by each State party to the Convention on the Elimination of All Forms of Discrimination against Women, monitoring is carried out principally by examining reports submitted by the State parties, and thus often lacks the objectivity necessary to evaluate the actual situation of women in these countries. The possibility of consulting NGOs and other independent institutions on the issue is usually not sufficiently taken into account.

Insufficient knowledge about the nature, causes and consequences of violence against women can lead to ill-conceived and inappropriate projects and laws aimed at protecting women, addressing their needs, and eliminating VAW. In certain countries, for instance, authorities suggested levying a "man tax" to cover the social

⁴⁴ A/RES/57/181 <http://www.un.org/Depts/dhl/resguide/r57.htm>

⁴⁵ A/RES/57/179 <http://www.un.org/Depts/dhl/resguide/r57.htm>

cost of violence against women, which raises several problems. First, taxes are usually imposed on practices which are – even if some of them appear undesirable – legal and socially acceptable to some extent (such as drinking or smoking). Violence against women is a violation of women’s human rights and humanitarian law and should therefore be prohibited and punished by law, not sanctioned by taxes. From a methodological point of view it would also be difficult to impose such a tax, as VAW remains largely under-reported and hidden from view, and the perpetrators remain unknown. If the tax is imposed on all men however, many might wonder why they should refrain from violence against women if they have to pay for it in any case. A higher understanding of the root causes and consequences of VAW is essential in order to understand and effectively and appropriately address the problem.

The establishment of the United Nations **Special Rapporteur on Violence against Women** (1994) has been an important step forward in the collection, analysis and dissemination of information about VAW across the world. The Special Rapporteur makes trips to specific countries every year in order to collect information from a variety of sources, including governments, treaty bodies, specialized agencies and intergovernmental and non-governmental organizations. Using the data collected as a foundation, the Special Rapporteur is also empowered to make international, national and regional recommendations aimed at eliminating VAW.

Several country offices of the United Nations Children’s Fund (**UNICEF**) are concerned with commercial sexual exploitation of women and children, early marriage, and female genital mutilation. They have conducted research on these and other related topics that has led to the implementation of workshops, national strategies, and training on protecting women and children from sexual exploitation and abuse in humanitarian crisis situations, and HIV/AIDS.

The World Health Organisation’s (**WHO**) multi-country study on women’s health and domestic violence against women is the first to gather data on the prevalence of violence against women and women’s health that are comparable at a cross-country level.⁴⁶ WHO has also produced guidelines for establishing medico-legal services for victims of sexual violence that are designed to enable health-care workers to provide comprehensive care to survivors of sexual assault. Moreover, during 2002 WHO undertook a comparative study of national penal laws on sexual violence in twelve countries. With regard to domestic violence, the World Health Organization maintains a database on intimate partner violence and physical violence against women and it has issued a groundbreaking report, the “World Report on Violence and Health” that includes chapters on intimate partner and sexual violence.⁴⁷ WHO has also been supporting ten African countries in the establishment of a Multidisciplinary Collaborating Group on Female Genital Mutilation to assist in data collection, documentation and promotion of interventions for the elimination of this practice.

UNIFEM has produced a publication on lessons learned from the ongoing work undertaken worldwide to end gender-based violence and identifies “innovative and successful strategies with potential for wide replication.”⁴⁸ UNIFEM’s *Progress of the World’s Women 2002: Ending Violence against Women*, as well as its recent publication *Not a Minute More: Ending Violence against Women* (2003) shows that

⁴⁶ Secretary-General, report 2004, *ibid.*, p. 17.

⁴⁷ http://www.who.int/violence_injury_prevention/violence/world_report/en/

⁴⁸ Coomeraswamy, Radhika, Special Rapporteur on Violence against Women, *ibid.*, p. 15.

interventions designed to combat violence against women will not be effective until political will and resources match the scale of the problem.

The Economic Commission for Latin America and the Caribbean (**ECLAC**) has developed a set of indicators to measure the incidence and trends of domestic violence against women. The indicators focus on women aged 15 years and older and document various social and economic factors such as age, economic participation, structure of the family/household, education level and area of residence.⁴⁹

Other key information resources include the Johns Hopkins University Centre for Communications Program's *Ending Violence against Women* (1999), which looks at the global impact of VAW from a variety of different perspectives, and the World Bank's study on *Violence against women: The hidden health burden* (1994), which looks at the impact of VAW in terms costs to the public health system.

The International Committee of the Red Cross (ICRC) study *Women facing War* is an extensive reference document on the impact of armed conflict on the lives of women. The study explores the problems faced by women in wartime, including gender-based violence, and some of the coping mechanisms employed by women victims. The study also includes a review of ICRC's operational response to the needs of women as victims of armed conflict.⁵⁰

Many **national and international research institutes** have made violence against women central to their work. The US-based International Center for Research on Women (ICRW), for instance, completed a series of studies in Bulgaria, India, Mexico and the Russian Federation to explore the impact of domestic violence on development. Some of the initial findings have illuminated the interwoven effects of class, education and economic independence.⁵¹

Areas for Future Action:

- UN agencies and national statistical offices should work on developing common and systematically implemented indicators and data collection processes for the measurement and reporting of violence against women, including those that capture the economic, social and health costs of violence, in order to effectively guide local and national initiatives to address VAW.
- Governments, international and regional organizations, research institutions, women's and youth organizations and other NGOs should also increase their efforts to conduct and disseminate research on the effectiveness of, or the gaps in, the state, community, and individual response to VAW, focusing specifically on whether women are receiving the medical care, legal services, and protection they require to be able to address their situation.
- Data, research and other information should be disseminated widely in order to increase the visibility, and the public understanding of VAW as human rights and public safety issue

⁴⁹ <http://www.cepal.org/search/temas2.asp?id=12>

⁵⁰ See <http://www.icrc.org>.

⁵¹ <http://www.icrw.org/html/issues/violence.htm#>

Strategic Objective D.3

“Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking”

Actions to be taken by governments, international and non-governmental organizations and other actors include: to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour; to step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking; to allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking; and to develop educational and training programmes and policies and consider enacting legislation aimed at preventing sex tourism and trafficking

Trafficking in women and girls is one of the most corrosive forms of violation of human rights. It results in gradual and total destruction of a woman's personal identity and her right to live as a free human being in a civilized society. Victims are subjected to violence, humiliation and violation of personal integrity, which in many cases leaves them with the lifelong effects of mental and physical trauma. It is a denial of the right to liberty and security of the person, the right to freedom from torture, violence, cruelty or degrading treatment, the right to a home and a family, the right to education and employment, the right to health care. Trafficking has been rightly referred to as a modern form of slavery.⁵²

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was approved in 1949. The Convention currently has seventy-four States parties, and fourteen signatories.

In November 2000, the General Assembly adopted both the **Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children**, which came into force at the end of 2003. These agreements require the countries that become States Parties to recognize trafficking in persons as a criminal offence, paying particular attention to women and children. Thus far ninety-three States have ratified or acceded to the Convention and seventy-five States have ratified or acceded to the Protocol. Finally sixty-four States have ratified or acceded to the Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted by Resolution A/RES/55/25 of November 15th 2000. A recent breakthrough was made with the adoption in 2003 of the Additional Protocol to the Convention against Transnational Organized Crime,⁵³ which specifically punishes the trafficking of women and children.

Extremely little is actually known about the extent and nature of trafficking of women, but most available information indicates that this phenomenon is still on the

⁵² <http://www.un.org/womenwatch/daw/egm/trafficking2002/reports/Finalreport.PDF>

⁵³ Additional Protocol to the Convention against Transnational Organized Crime <http://www1.umn.edu/humanrts/instraw/trafficking.html>

rise ten years after it was addressed in the Beijing Platform for Action. Growing international migration, increasingly permeable national borders, and conflict, unrest and displacement have been major contributing factors to the growth in the trafficking of human beings.

As is the case with violence against women in general, most of the advances made in addressing trafficking of women have been in the realm of legislation and policy. While a comprehensive legal and policy framework is an essential component of an effective and appropriate response to trafficking of women, it is only the first step. Much less has been done in terms of enforcing these laws and policies, and translating them into effective actions to address and eliminate trafficking, and provide support and aid services to the survivors. Part of the problem is that human trafficking is often closely related to drug trafficking and other networks of transnational crime, which make it equally difficult to identify and prosecute. Moreover, globalization has increased the demand for cheap labour in both developed and developing countries, which has fuelled the growth of the trafficking industry.

Trafficking of women is fundamentally a manifestation of violence against women in that women with little access to education, employment, financial resources or social support networks, in other words vulnerable women, are predominant among the victims of trafficking. Trafficking itself also perpetuates violence against women when trafficked women often end up in situations of sexual, physical or psychological abuse such as forced labour or prostitution. The response to victims of trafficking has been uneven and often inappropriate; they are frequently treated as illegal immigrants rather than survivors of violence, and incarcerated until they can be deported to their countries of origin.

Public awareness of trafficking remains low as information and awareness campaigns have not been a priority. Moreover, the lack of training on trafficking for immigration officials, police, social and health services personnel, community leaders, government officials and others means that few are aware of how to recognize, prevent and address it.

The UN Office on Drugs and Crime (UNODC), in collaboration with the United Nations Interregional Crime and Justice Research Institute, designed "**The Global Programme against Trafficking in Human Beings**", launched in March 1999. The Programme assists Member States in their efforts to combat trafficking in human beings, promoting awareness-raising of trafficking, strengthening institutional capacity, training law officers, prosecutors and judges, and strengthening victim and witness support.⁵⁴

In November 2002, the **United Nations Division for the Advancement of Women** (DAW), in collaboration with the UNODC, organized an expert group meeting on trafficking in women and girls to contribute to further understanding of the issue, identify strategies and programmes to combat trafficking, and provide input to the report of the Secretary-General to the Commission on the Status of Women.⁵⁵

⁵⁴ http://www.unodc.org/unodc/en/trafficking_human_beings.html

⁵⁵ See footnote 50.

In 2004, the **UN High Commissioner for Human Rights** (UNHCHR) created the *Special Rapporteur on Trafficking in Persons, especially Women and Children*, whose mandate is to gather information and make recommendations about the treatment of the victims of trafficking, particularly the safeguarding of their human rights.⁵⁶ Moreover the **United Nations Department of Peacekeeping Operations** recruited a focal point to support its new anti-trafficking policy and develop mechanisms to assist its field missions to identify, prevent and address human trafficking.⁵⁷ The **Economic and Social Commission for Asia and the Pacific** in 2003 published a resource guide entitled "Combating human trafficking in Asia: a resource guide to international and regional legal instruments, political commitments and recommended practices."⁵⁸ Moreover **UNIFEM** is involved in supporting regional initiatives to develop the capacity of NGOs, academic institutions and professionals in interdisciplinary psychosocial services for trafficked women and children in South Asia.

Several countries have taken specific measures against trafficking. In **Colombia**, a law was adopted in 1996 to create an Interagency Committee against trafficking in women and children. In the **Czech Republic**, a database was developed to help the police investigate trafficking cases. In the Federal Republic of **Yugoslavia**, the National Coordinator on the issue of Trafficking launched the Initial Board for Combating Trafficking in Human Beings (2001) with the support of government representatives, national NGOs, international agencies and the media. This board has developed, in cooperation with the Organization for Security and Cooperation in Europe (OSCE) "Guidelines for a referral mechanism on trafficked persons in FRY". In **India**, an NGO network has been created for exchange of information about traffickers and the transport of victims, their rescue and other issues.⁵⁹

Areas for Future Action:

- Increased attention should be given to research and training on the treatment of trafficked women - who should be regarded as victims of a crime, and empowered in their rights, including the right to adequate and appropriate medical care and psychosocial support services, the right to protection under the law, and the right to participate or not in court proceedings, without fear of losing protection and support.
- Investigation and prosecution of trafficking should be prioritized in national and international law enforcement, with a focus on the development and dissemination of concrete methods based on existing experiences.
- A greater emphasis should be placed on the practical training of police officers, border and immigration officials, social and health workers, and other relevant actors to recognize trafficking and effectively assist victims.
- States should continue to ratify international instruments, and establish regional and bilateral agreements to combat trafficking, ensure and facilitate the prosecution of offenders, and share best practices in specific regions of concern.

⁵⁶ <http://www.unhcr.ch/html/menu2/2/60chr/draftreport.htm>

⁵⁷ [http://pbpu.unlb.org/pbpu/library/Human%20Trafficking%20Policy%20Paper%20\(03-2004\).pdf](http://pbpu.unlb.org/pbpu/library/Human%20Trafficking%20Policy%20Paper%20(03-2004).pdf)

⁵⁸ <http://www.unescap.org/publications/detail.asp?id=841>

⁵⁹ *Trafficking in women and girls*, Report of the Expert Group Meeting Glen Cove, New York, USA, 18 – 22 November 2002
<http://www.un.org/womenwatch/daw/egm/trafficking2002/reports/Finalreport.PDF>

- Increased research should be conducted on the root causes of trafficking, particularly those factors that make women vulnerable to traffickers such as poverty, displacement and violence

Conclusion

There must be no impunity for gender-based violence. Let me be clear. What we are talking about is not a side issue. It is not a special interest group of concern to only a few. What we are talking about are not only women's rights but also the human rights of over one half of this globe's population...Violence against women concerns not only women, but above all the rest of us.

-Sergio Vieira de Mello, former UN High Commissioner for Human Rights⁶⁰

Sadly, violence against women remains a serious, prevalent and largely invisible threat to human development. Human rights violations such as physical violence, human trafficking, and rape and other sexual abuses, still affect women and girls in nearly every society worldwide. In order to design and implement an adequate response to this problem, it is necessary first to understand it, for which we need reliable and consistent data and other information about the prevalence, the causes, the nature and the consequences of violence against women. Second, institutional, national and global information and knowledge on violence against women must be translated into effective and integrated action. Third, responses to violence against women should be broadened to include the participation of multiple sectors and social groups: the police, judicial officials, the health sector, community groups, men's groups, and above all women themselves. Finally, in order to effect a change in both consciousness and behaviour, responses to violence against women must be implemented at the community, municipal, national and international levels, so that a "community-based response" involves not just local, but regional and international communities as well.

Though a number of relevant laws, policies, guidelines, concepts, rules and definitions have been adopted, establishing a theoretical framework for the response to violence against women, the means to implement this framework have not been as forthcoming. The Beijing Platform constitutes an important basic agreement that sets out a list of concrete actions to be taken by governments, international and non-governmental organizations and other actors, but the agreement has not been fully implemented, nor have indicators to measure these actors' progress in achieving the Strategic objectives. The utility of periodic reviews of international commitments such as Cairo, Beijing, and the Millennium Development Goals is that we can re-evaluate these agreements to determine what we need to ensure their full implementation, be it financial and other resources, data and indicators, multi-sectoral cooperation, or simply a renewed sense of commitment.

⁶⁰ Cited in United Nations Development Fund for Women (UNIFEM), "Not a Minute More: Ending Violence against Women", New York, UNIFEM, 2003, available at http://www.unifem.org/files/confirmed/207/299_book_eng_01.pdf, viewed August 15, 2004.