

Women and Violence

Violence affects the lives of millions of women worldwide, in all socio-economic and educational classes. It cuts across cultural and religious barriers, impeding the right of women to participate fully in society.

Violence against women takes a dismaying variety of forms, from domestic abuse and rape to child marriages and female circumcision. All are violations of the most fundamental human rights.

In a statement to the Fourth World Conference on Women in Beijing in September 1995, the United Nations Secretary-General, Boutros Boutros-Ghali, said that violence against women is a universal problem that must be universally condemned. But he said that the problem continues to grow.

The Secretary-General noted that domestic violence alone is on the increase. Studies in 10 countries, he said, have found that between 17 per cent and 38 per cent of women have suffered physical assaults by a partner.

In the Platform for Action, the core document of the Beijing Conference, Governments declared that "violence against women constitutes a violation of basic human rights and is an obstacle to the achievement of the objectives of equality, development and peace".

The Work of the Special Rapporteur

The issue of the advancement of women's rights has concerned the United Nations since the Organization's founding. Yet the alarming global dimensions of female-targeted violence were not explicitly acknowledged by the international community until December 1993, when the United Nations General Assembly adopted the Declaration on the Elimination of Violence against Women.

Until that point, most Governments tended to regard violence against women largely as a private matter between individuals, and not as a pervasive human rights problem requiring State intervention.

In view of the alarming growth in the number of cases of violence against women throughout the world, the Commission on Human Rights adopted resolution 1994/45 of 4 March 1994, in which it decided to appoint the Special Rapporteur on violence against women, including its causes and consequences.

As a result of these steps, the problem of violence against women has been drawing increasing political attention.

The Special Rapporteur has a mandate to collect and analyse comprehensive data and to recommend measures aimed at eliminating violence at the international, national and regional levels. The mandate is threefold:

- To collect information on violence against women and its causes and consequences from sources such as Governments, treaty bodies, specialized agencies and intergovernmental and non-governmental organizations, and to respond effectively to such information;
- To recommend measures and ways and means, at the national, regional and international levels, to eliminate violence against women and its causes, and to remedy its consequences;
- To work closely with other special rapporteurs, special representatives, working groups and independent experts of the Commission on Human Rights.

Incest, Rape and Domestic Violence

Some females fall prey to violence before they are born, when expectant parents abort their unborn daughters, hoping for sons instead. In other societies, girls are subjected to such traditional practices as circumcision, which leave them maimed and traumatized. In others, they are compelled to marry at an early age, before they are physically, mentally or emotionally mature.

Women are victims of incest, rape and domestic violence that often lead to trauma, physical handicap or death.

And rape is still being used as a weapon of war, a strategy used to subjugate and terrify entire communities. Soldiers deliberately impregnate women of different ethnic groups and abandon them when it is too late to get an abortion.

The Platform for Action adopted at the Fourth World Conference on Women declared that rape in armed conflict is a war crime -- and could, under certain circumstances, be considered genocide.

Secretary-General Boutros-Ghali told the Beijing Conference that more women today were suffering directly from the effects of war and conflict than ever before in history.

"There is a deplorable trend towards the organized humiliation of women, including the crime of mass rape", the Secretary-General said. "We will press for international legal action against those who perpetrate organized violence against women in time of conflict."

A preliminary report in 1994 by the Special Rapporteur, Ms. Radhika Coomaraswamy, focused on three areas of concern where women are particularly vulnerable: in the family (including domestic violence, traditional practices, infanticide); in the community (including rape, sexual assault, commercialized violence such as trafficking in women, labour exploitation, female migrant workers etc.); and by the State (including violence against women in detention as well as violence against women in situations of armed conflict and against refugee women).

In the Platform for Action adopted at the Beijing Conference, violence against women and the human rights of women are 2 of the 12 critical areas of concern identified as the main obstacles to the advancement of women.

Commitments by Governments

Governments agreed to adopt and implement national legislation to end violence against women and to work actively to ratify all international agreements that relate to violence against women. They agreed that there should be shelters, legal aid and other services for girls and women at risk, and counselling and rehabilitation for perpetrators.

Governments also pledged to adopt appropriate measures in the field of education to modify the social and cultural patterns of conduct of men and women. And the Platform called on media professionals to develop self-regulatory guidelines to address violent, degrading and pornographic materials while encouraging non-stereotyped, balanced and diverse images of women.

Defining Gender-based Abuse

The Declaration on the Elimination of Violence against Women is the first international human rights instrument to exclusively and explicitly address the issue of violence against women. It affirms that the phenomenon violates, impairs or nullifies women's human rights and their exercise of fundamental freedoms.

The Declaration provides a definition of gender-based abuse, calling it "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".

The definition is amplified in article 2 of the Declaration, which identifies three areas in which violence commonly takes place:

- Physical, sexual and psychological violence that occurs in the family, including battering; sexual abuse of female children in the household; dowry-related violence; marital rape;

female genital mutilation and other traditional practices harmful to women; non-spousal violence; and violence related to exploitation;

- Physical, sexual and psychological violence that occurs within the general community, including rape; sexual abuse; sexual harassment and intimidation at work, in educational institutions and elsewhere; trafficking in women; and forced prostitution;
- Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Groundwork Is Laid in Vienna

The importance of the question of violence against women was emphasized over the last decade through the holding of several expert group meetings sponsored by the United Nations to draw attention to the extent and severity of the problem.

In September 1992, the United Nations Commission on the Status of Women established a special Working Group and gave it a mandate to draw up a draft declaration on violence against women.

The following year, the United Nations Commission for Human Rights, in resolution 1993/46 of 3 March, condemned all forms of violence and violations of human rights directed specifically against women.

The World Conference on Human Rights, held in Vienna in June 1993, laid extensive groundwork for eliminating violence against women. In the Vienna Declaration and Programme of Action, Governments declared that the United Nations system and Member States should work towards the elimination of violence against women in public and private life; of all forms of sexual harassment, exploitation and trafficking in women; of gender bias in the administration of justice; and of any conflicts arising between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.

The document also declared that "violations of the human rights of women in situations of armed conflicts are violations of the fundamental principles of international human rights and humanitarian law", and that all violations of this kind -- including murder, systematic rape, sexual slavery and forced pregnancy -- "require a particularly effective response".

Kinds of Violence Against Women

Domestic violence

Violence against women in the family occurs in developed and developing countries alike. It has long been considered a private matter by bystanders -- including neighbours, the

community and government. But such private matters have a tendency to become public tragedies.

In the United States, a woman is beaten every 18 minutes. Indeed, domestic violence is the leading cause of injury among women of reproductive age in the United States. Between 22 and 35 per cent of women who visit emergency rooms are there for that reason.

The highly publicized trial of O. J. Simpson, the retired United States football player acquitted of the murder of his former wife and a male friend of hers, helped focus international media attention on the issue of domestic violence and spousal abuse.

In Peru, 70 per cent of all crimes reported to the police involve women beaten by their husbands.

In Pakistan, Prime Minister Benazir Bhutto strongly defended a 35-year-old mother of two who was severely burned by her husband in a domestic dispute.

"There is no excuse for such a behaviour", the Prime Minister declared after visiting the hospitalized victim. "My presence here is to send a message to all those who violate Islamic teachings and defy laws of the land with their inhuman treatment of women. This will not be tolerated."

According to the Human Rights Commission of Pakistan, in the 400 cases of domestic violence reported in 1993 in the province of Punjab, nearly half ended with the death of the wife.

According to the Special Rapporteur's report, many Governments now recognize the importance of protecting victims of domestic abuse and taking action to punish perpetrators. The establishment of structures allowing officials to deal with cases of domestic violence and its consequences is a significant step towards the elimination of violence against women in the family.

The Special Rapporteur's report highlights the importance of adopting legislation that provides for prosecution of the offender. It also stresses the importance of specialized training for law enforcement authorities as well as medical and legal professionals, and of the establishment of community support services for victims, including access to information and shelters.

Traditional practices

In many countries, women fall victim to traditional practices that violate their human rights. The persistence of the problem has much to do with the fact that most of these physically and psychologically harmful customs are deeply rooted in the tradition and culture of society.

Female genital mutilation

According to the World Health Organization, 85 million to 115 million girls and women in the population have undergone some form of female genital mutilation and suffer from its adverse health effects.

Every year an estimated 2 million young girls undergo this procedure. Most live in Africa and Asia -- but an increasing number can be found among immigrant and refugee families in Western Europe and North America. Indeed, the practice has been outlawed in some European countries.

In France, a Malian was convicted in a criminal court after his baby girl died of a female circumcision-related infection. The procedure had been performed on the infant at home.

In Canada, fear of being forced to undergo circumcision can be grounds for asylum. A Nigerian woman was granted refugee status since she felt that she might be persecuted in her home country because of her refusal to inflict genital mutilation on her baby daughter.

There is a growing consensus that the best way to eliminate these practices is through educational campaigns that emphasize their dangerous health consequences. Several Governments have been actively promoting such campaigns in their countries.

Son preference

Son preference affects women in many countries, particularly in Asia. Its consequences can be anything from foetal or female infanticide to neglect of the girl child over her brother in terms of such essential needs as nutrition, basic health care and education.

In China and India, some women choose to terminate their pregnancies when expecting daughters but carry their pregnancies to term when expecting sons.

According to reports from India, genetic testing for sex selection has become a booming business, especially in the country's northern regions. Indian gender-detection clinics drew protests from women's groups after the appearance of advertisements suggesting that it was better to spend \$38 now to terminate a female foetus than \$3,800 later on her dowry.

A study of amniocentesis procedures conducted in a large Bombay hospital found that 95.5 per cent of foetuses identified as female were aborted, compared with a far smaller percentage of male foetuses.

The problem of son preference is present in many other countries as well. Asked how many children he had fathered, the former United States boxing champion Muhammad Ali told an

interviewer: "One boy and seven mistakes."

Dowry-related violence and early marriage

In some countries, weddings are preceded by the payment of an agreed-upon dowry by the bride's family. Failure to pay the dowry can lead to violence.

In Bangladesh, a bride whose dowry was deemed too small was disfigured after her husband threw acid on her face. In India, an average of five women a day are burned in dowry-related disputes -- and many more cases are never reported.

Early marriage, especially without the consent of the girl, is another form of human rights violation. Early marriage followed by multiple pregnancies can affect the health of women for life.

The report of the Special Rapporteur has documented the destructive effects of marriage of female children under 18 and has urged Governments to adopt relevant legislation.

Violence in the community

Rape

Rape can occur anywhere, even in the family, where it can take the form of marital rape or incest. It occurs in the community, where a woman can fall prey to any abuser. It also occurs in situations of armed conflict and in refugee camps.

In the United States, national statistics indicate that a women is raped every six minutes. In 1995, the case of a Brazilian jogger raped and murdered in New York City's Central Park drew international attention once again to the problem. The incident occurred only a few years after an earlier sensational jogger-assault case in which the victim -- an American assaulted in the same general area of the park -- barely survived after her assailants left her for dead.

Relations between residents of the Japanese island of Okinawa and American GIs were thrown into turmoil in 1995 after two marines and a sailor allegedly kidnapped and raped a 12-year-old girl.

The Special Rapporteur's report underlines the importance of education to sensitize the public about the special horrors of rape, and of sensitivity training for the police and hospital staff who work with victims.

Sexual assault within marriage

In many countries sexual assault by a husband on his wife is not considered to be a crime: a wife is expected to submit. It is thus very difficult in practice for a woman to prove that sexual assault has occurred unless she can demonstrate serious injury.

The report of the Special Rapporteur noted that light sentences in sexual assault cases send the wrong message to perpetrators and to the public at large: that female sexual victimization is unimportant.

Sexual harassment

Sexual harassment in the workplace is a growing concern for women. Employers abuse their authority to seek sexual favours from their female co-workers or subordinates, sometimes promising promotions or other forms of career advancement or simply creating an untenable and hostile work environment. Women who refuse to give in to such unwanted sexual advances often run the risk of anything from demotion to dismissal.

But in recent years more women have been coming forward to report such practices -- some taking their cases to court.

In her report, the Special Rapporteur stressed that sexual harassment constitutes a form of sex discrimination. "It not only degrades the woman", the report noted, "but reinforces and reflects the idea of non-professionalism on the part of women workers, who are consequently regarded as less able to perform their duties than their male colleagues."

Prostitution and trafficking

Many women are forced into prostitution either by their parents, husbands or boyfriends -- or as a result of the difficult economic and social conditions in which they find themselves. They are also lured into prostitution, sometimes by "mail-order bride" agencies that promise to find them a husband or a job in a foreign country. As a result, they very often find themselves illegally confined in brothels in slavery-like conditions where they are physically abused and their passports withheld.

Most women initially victimized by sexual traffickers have little inkling of what awaits them. They generally get a very small percentage of what the customer pays to the pimp or the brothel owner. Once they are caught up in the system there is practically no way out, and they find themselves in a very vulnerable situation.

Since prostitution is illegal in many countries, it is difficult for prostitutes to come forward and ask for protection if they become victims of rape or want to escape from brothels. Customers, on the other hand, are rarely the object of penal laws.

In Thailand, prostitutes who complain to the police are often arrested and sent back to the brothels upon payment of a fine.

The extent of trafficking in women and girl children has reached alarming proportions, especially in Asian countries.

Many women and girl children are trafficked across borders, often with the complicity of border guards. In one incident, five young prostitutes burned to death in a brothel fire because they had been chained to their beds. At the same time, sex tours of developing countries are a well-organized industry in several European and other industrialized countries.

The Special Rapporteur has called on Governments to take action to protect young girls from being recruited as prostitutes and to closely monitor recruiting agencies.

Violence against women migrant workers

Female migrant workers typically leave their countries for better living conditions and better pay -- but the real benefits accrue to both the host countries and the countries of origin.

For home countries, money sent home by migrant workers is an important source of hard currency, while receiving countries are able to find workers for low-paying jobs that might otherwise go unfilled.

But migrant workers themselves fare badly, and sometimes tragically. Many become virtual slaves, subject to abuse and rape by their employers.

In the Middle East and Persian Gulf region, there are an estimated 1.2 million women, mainly Asians, who are employed as domestic servants. According to the independent human rights group Middle East Watch, female migrant workers in Kuwait often suffer beatings and sexual assaults at the hands of their employers.

The police are often of little help. In many cases, women who report being raped by their employers are sent back to the employer -- or are even assaulted at the police station.

Working conditions are often appalling, and employers prevent women from escaping by seizing their passports or identity papers.

The report of the Special Rapporteur draws attention to the fact that there are many international instruments that can be used to prevent abuse against migrant women and suggests some measures to protect the human rights of migrant women.

Pornography

Another concern highlighted in the Special Rapporteur's report is pornography, which represents a form of violence against women that "glamorizes the degradation and maltreatment of women and asserts their subordinate function as mere receptacles for male lust".

Violence perpetrated or condoned by States

Custodial violence against women

Violence against women by the very people who are supposed to protect them -- members of the law enforcement and criminal justice systems -- is widespread.

Women are physically or verbally abused; they also suffer sexual and physical torture. According to Amnesty International, thousands of women held in custody are routinely raped in police detention centres worldwide. The report of the Special Rapporteur underlines the necessity for States to prosecute those accused of abusing women while in detention and to hold them accountable for their actions.

Violence against women in situations of armed conflict

Rape has been widely used as a weapon of war whenever armed conflicts arise between different parties. It has been used all over the world: in Chiapas, Mexico, in Rwanda, in Kuwait, in Haiti, in Colombia.

Women and girl children are frequently victims of gang rape committed by soldiers from all sides of a conflict. Such acts are done mainly to trample the dignity of the victims. Rape has been used to reinforce the policy of ethnic cleansing in the war that has been tearing apart the former Yugoslavia.

The so-called "comfort women" -- young girls of colonized or occupied countries who became sexual slaves to Japanese soldiers during the Second World War -- have dramatized the problem in a historical context. Many of these women are now coming forward and demanding compensation for their suffering from Japanese authorities. "Such rape is the symbolic rape of the community, the destruction of the fundamental elements of a society and culture -- the ultimate humiliation of the male enemy", the report by the Special Rapporteur noted. It stressed the need to hold the perpetrators of such crimes fully accountable.

Violence against refugee and displaced women

Women and children form the great majority of refugee populations all over the world and are

especially vulnerable to violence and exploitation. In refugee camps, they are raped and abused by military and immigration personnel, bandit groups, male refugees and rival ethnic groups. They are also forced into prostitution.

In her report, the Special Rapporteur proposes the following measures to be taken for the protection of women and girls in refugee camps: improvement of security, deployment of trained female officers at all points of the refugees' journey, participation of women in organizational structures of the camps and prosecution of government and military personnel responsible for abuse against refugee women.

Legal steps to criminalize violence against women

In recent years some countries have taken significant steps towards improving laws relating to violence against women. For example:

- In July 1991, Mexico revised its rape law in several important ways. A provision was eliminated that allowed a man who rapes a minor to avoid prosecution if he agrees to marry her. Now judges are required to hand down a decision regarding access to an abortion within five working days.
- On 9 June 1994, the Organization of American States adopted the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (also called Convention of Belém do Pará), a new international instrument that recognizes all gender-based violence as an abuse of human rights. This Convention provides an individual right of petition and a right for non-governmental organizations to lodge complaints with the Inter-American Commission of Human Rights.
- In Australia, a National Committee on Violence against Women was established to coordinate the development of policy, legislation and law enforcement at the national level as well as community education on violence against women.
- In 1991, the Government of Canada announced a new four-year Family Violence Initiative intended to mobilize community action, strengthen Canada's legal framework, establish services on Indian reserves and in Inuit communities, develop resources to help victims and stop offenders, and provide housing for abused women and children.
- In Turkey, a Ministry of State for Women was established whose main goals are, among others, to promote women's rights and strengthen their role in economic, social, political and cultural life. Legal measures are being adopted towards the elimination of violence against women. The establishment of special courts to deal with violence is envisaged. Psychological treatment for abused women is also planned, along with the establishment of women's shelters around the country. Specially trained female police officers could provide assistance to victims of violence.
- In Burkina Faso, a strong advertising campaign by the Government as well as television and radio programmes on the unhealthy practice of genital mutilation were launched to educate and raise public awareness about the dangerous consequences of such an

"operation". A National Anti-Excision Committee was established in 1990 by the present head of State. Today, the practice of genital mutilation has been eliminated in some villages of Burkina Faso. In others, there has been an incredible drop in the number of girls excised: only 10 per cent of the girls are excised compared to 100 per cent 10 years ago.

- Some countries have introduced police units specially trained for dealing with spousal assault. In Brazil, specific police stations have been designated to deal with women's issues, including domestic violence. These police stations are staffed entirely by women.

Ensuring That Laws Are Obeyed

These examples illustrate some steps taken at the national level towards the eradication of violence against women. Combating and eradicating this scourge require enhanced and concerted efforts to protect women at the local, national and international levels.

States have tended to adopt a passive attitude when confronted by cases of violations of women's rights by private actors. Most laws fail to protect victims or to punish perpetrators. Passing laws to criminalize violence against women is an important way to redefine the limits of acceptable behaviour.

States should ensure that national legislation, once adopted, does not go unenforced. State responsibility is clearly underlined in article 4 of the Declaration on the Elimination of Violence against Women, which stipulates that "States should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons".

Any approach designed to combat violence must be twofold, addressing the root causes of the problem and treating its manifestations. Society at large, including judges and police officers, must be educated to change the social attitudes and beliefs that encourage male violence.

Challenging Traditional Attitudes

The meaning of gender and sexuality and the balance of power between women and men at all levels of society must be reviewed. Combating violence against women requires challenging the way that gender roles and power relations are articulated in society. In many countries women have a low status. They are considered as inferior and there is a strong belief that men are superior to them and even own them.

Changing people's attitude and mentality towards women will take a long time -- at least a generation, many believe, and perhaps longer. Nevertheless, raising awareness of the issue of violence against women, and educating boys and men to view women as valuable partners in life, in the development of a society and in the attainment of peace are just as important as

taking legal steps to protect women's human rights.

It is also important in order to prevent violence that non-violent means be used to resolve conflict between all members of society. Breaking the cycle of abuse will require concerted collaboration and action between governmental and non-governmental actors, including educators, health-care authorities, legislators, the judiciary and the mass media.

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