

VIOLENCE AGAINST WOMEN



Violence against women affects women everywhere. It impacts women’s health, hampers their ability to participate fully in society, affects their enjoyment of sexual and reproductive health and rights, and is a source of tremendous physical and psychological suffering for both women and their families.

Recent research has shown that women who have been subjected to violence by their partners have greater chances of having a low birth weight baby, are at much greater risk of depression, and more likely to have an induced abortions. They are also more likely to be living with HIV.¹

International standards recognize violence against women as a form of discrimination and require States to exercise due diligence to prevent, investigate and punish all acts of violence against women perpetrated by any actor, including both State or non-State actors.

The Declaration on the Elimination of Violence against Women 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.” The Declaration requires States to “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.”²

The Committee on the Elimination of Discrimination Against Women has recognized gender-based violence as a form of discrimination that impairs or nullifies women’s enjoyment of human rights and fundamental freedoms such as the right to life; not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; to liberty and security of person; to equal protection under the law; and to the highest standard attainable of physical and mental health.³



Women’s rights movements have been instrumental in ensuring that the international community keeps discussing violence against women as a human rights concern on the global, regional and national agendas. At the International Conference on Population and Development in 1994, States recognized the need to eliminate all forms of violence against women⁴ and committed to “take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children.”⁵ Similarly, the Beijing Platform for Action establishes that women’s rights include their right to “sexual and reproductive health, free of coercion, discrimination and violence.”⁶

Most recently, the Commission on the Status of Women has recognized the adverse consequences of violence against women on their sexual and reproductive health and rights. The Commission has underscored that protecting and fulfilling reproductive rights “is a necessary condition to achieving gender equality and the empowerment of women in order to enable them to enjoy all their human rights and fundamental freedoms, and to prevent and mitigate violence against women.”⁷

MORE THAN ONE IN THREE WOMEN (35.6%) GLOBALLY REPORT HAVING EXPERIENCED PHYSICAL AND/OR SEXUAL PARTNER VIOLENCE, OR SEXUAL VIOLENCE BY A NON-PARTNER



GLOBALLY, 38% OF ALL MURDERS OF WOMEN ARE COMMITTED BY THEIR INTIMATE PARTNERS



42% OF WOMEN WHO HAVE BEEN PHYSICALLY AND/OR SEXUALLY ABUSED BY A PARTNER HAVE EXPERIENCED INJURIES AS A RESULT OF THAT VIOLENCE



7.2% OF ADULT WOMEN HAVE EXPERIENCED SEXUAL VIOLENCE BY A NON- PARTNER

Source: WHO, London School of Hygiene and Tropical Medicine, South African Medical Research Council- Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence (2013)

KEY ISSUES

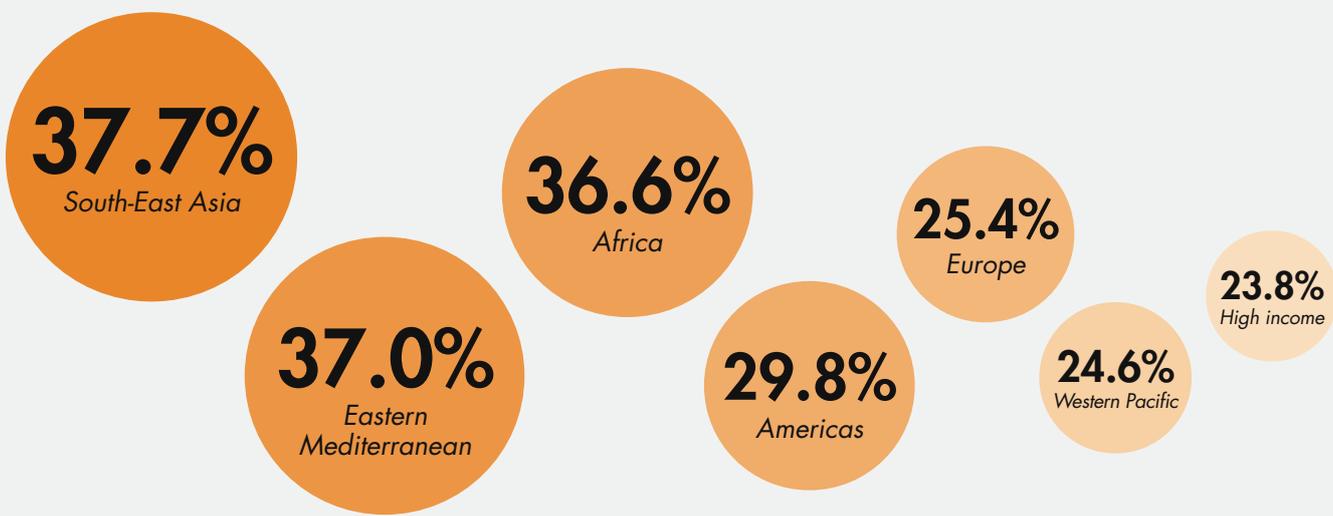
1 VIOLENCE AGAINST WOMEN IS A FORM OF DISCRIMINATION AND A HUMAN RIGHTS VIOLATION

Violence against women is a manifestation of historically unequal power relations between men and women.

The Committee on the Elimination of Discrimination Against Women has asserted that violence against women is “violence directed against a woman because she is a woman or affects women disproportionately.”⁸ This violence seriously

inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men. Vulnerability to violence is understood as a condition created by the absence or denial of rights.⁹

REGIONAL PREVALENCE RATES OF INTIMATE PARTNER VIOLENCE BY WHO REGION (2010)



Source: World Health Organization

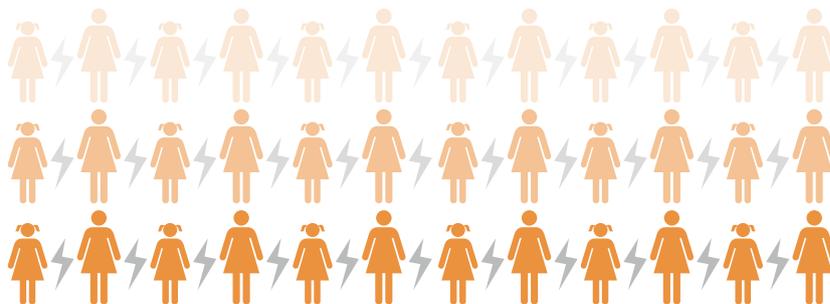
Violence is exacerbated by women's situation and the intersection of many socio-economic factors.

Women in all countries, irrespective of status, class, age, caste or religion, experience violence in virtually all spheres of life, whether in the home, the school, at work, on the street, in government institutions, or in times of conflict or crisis. Violence is also present throughout the lifetime of a woman, affecting girls and older women too. However, specific groups of women suffering from various forms of discrimination, such as women with disabilities, migrant women and lesbian, bisexual and transgender women, are particularly vulnerable to violence. For example, lesbian women face violence based on their sexual orientation or gender-identity. Both the Committee on the Elimination of Discrimination Against Women and the Special Rapporteur on violence against women have expressed concerns about lesbian women being raped to be "cured" of their sexual orientation.¹⁰ Also, women and girls with disabilities, especially intellectual disabilities, are particularly exposed to forced sterilization.¹¹

FORMS OF VIOLENCE AGAINST WOMEN AND GIRLS INCLUDE, witchcraft and dowry related violence and deaths; crimes committed in the name of so-called honour; femicide; domestic violence; harmful practices such as child, and forced marriage and female genital mutilation.

IT ALSO INCLUDES SEXUAL VIOLENCE AND ITS DIVERSE FORMS SUCH AS forced sterilisation; forced nudity; forced abortions; sexual harassment; incest, rape, including marital rape and gang rape.

While manifestations differ within societies, in peace and in conflict settings, they all have in common the socio-political and economic disempowerment of women.



2 VIOLENCE AGAINST WOMEN IS NOT A PRIVATE MATTER, BUT A HUMAN RIGHTS VIOLATION THAT GENERATES STATE RESPONSIBILITY

*States have an obligation to act with due diligence to address and respond to all acts of violence against women.*¹²

The Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of the Child have emphasized that States must “ensure that private actors do not engage in discrimination against women and girls, including gender-based violence.”¹³ The Committee on

the Elimination of Discrimination Against Women has further explained that States are required to “exercise due diligence to prevent, investigate, punish and ensure redress for the acts of private individuals or entities that impair the rights enshrined in the Convention.”¹⁴

States need to strengthen efforts to prevent violence against women.

The mandate of the Special Rapporteur on violence against women has highlighted the need to strengthen the work on prevention, including the obligation to transform patriarchal structures and values that perpetuate violence against women.¹⁵ Violence against women is preventable and States need to formulate comprehensive prevention strategies that take into account the particular contexts in which violence against women takes place.

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

In Sahide Goekce (deceased) v. Austria, communication No. 5/2005, the complainants claimed that the **State had failed** to guarantee the right to life and personal security of Ms. Goekce, who was killed by her husband after continued domestic violence that had been reported to the police. The police had been aware that her husband had a handgun and had threatened to kill her on several occasions.

In Fatma Yildirim (deceased) v. Austria, communication No. 6/2005, the victim had also been killed by her husband after several death threats, which had been reported to the police. The complainants claimed that the **State had failed** to take appropriate positive measures to protect the victim’s right to life and personal security.

In both cases the Committee recommended that the State party **strengthen its implementation and monitoring of national laws on domestic violence**, by “acting with due diligence to prevent and respond to such violence against women and adequately providing for sanctions for the failure to do so.” The Committee found that there had been a violation of the rights of the deceased to life and physical and mental integrity under article 2(a) and (c)–(f), and article 3 of the Convention read in conjunction with article 1 and its General Recommendation 19 (1992) on violence against women.

It considered that, given the combination of factors, the police knew or should have known that the victims were in serious danger, and therefore considered that the police were accountable for failing to exercise due diligence to protect the victims.



3 ONE OF THE MOST EXTREME FORMS OF VIOLENCE AGAINST WOMEN IS THE GENDER-RELATED KILLING OF WOMEN AND GIRLS

Gender-related killings are those killings that have as a main motive or cause gender-based discrimination.

Terms such as femicide and feminicide, among others, have been used to describe these type of killings. The most obvious examples of gender-related killings include, inter alia, rape-murder, intimate-partner violence escalating into murder, dowry-deaths, crimes committed in the name of so-called honour and deaths arising from harmful practices or neglect. The Special Rapporteur on violence against women has reported that their prevalence is increasing and a lack of accountability

for these crimes is the norm. The Special Rapporteur has explained that these incidents are not isolated but represent the ultimate act experienced in a continuum of violence by women living under conditions of gender-based discrimination.¹⁶

Stopping gender-motivated killings requires a multifaceted approach including legal, administrative, policy and other measures to address the social, political, economic, cultural and other factors that perpetuate discrimination and violence.

The Special Rapporteur has recommended a holistic approach to preventing gender-related killings in all the measures taken by States to investigate and sanction violence, in particular in designing, implementing and evaluating legislation and policies. Such an approach encompasses: promoting societal transformation, including the eradication of harmful stereotypes; developing information systems and good quality data on gender-motivated killings; ensuring adequate enforcement by police and the judiciary of civil remedies and criminal sanctions; and ensuring an adequate provision of legal, social and health services for women victims of violence.¹⁷

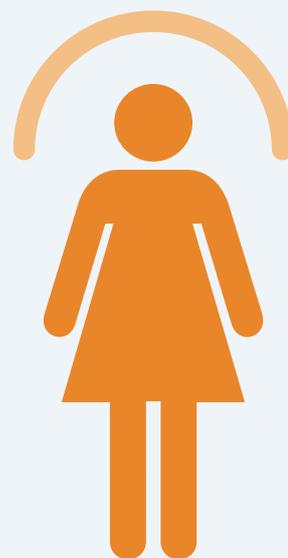


STATES HAVE OBLIGATIONS TO RESPECT, PROTECT AND FULFIL WOMEN'S RIGHT TO A LIFE FREE OF VIOLENCE

RESPECT State agents should refrain from committing acts of violence against women on the streets or in custodial settings. States should also abstain from enacting and implementing laws and policies that allow forced sterilization or virginity testing, as well as laws sanctioning forced marriages.

PROTECT The obligation to protect life requires that States exercise due diligence in preventing, punishing and redressing harm caused by private parties.¹⁸ The UN General Assembly has called on States "to ensure the effective protection of the right to life of all persons under their jurisdiction" and to investigate promptly and thoroughly all killings, including those motivated by the victim's sexual orientation or committed in the name of honour.¹⁹

FULFIL The obligation to fulfil requires the State to ensure an enabling environment where violence against women is prevented, and access to legal, health and social services is ensured in cases where violence does occur.



NOTES

- 1 World Health Organization, London School of Hygiene and Tropical Medicine, and South African Medical Research Council, *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence* (2013), pp. 21-30.
- 2 Article 4(c).
- 3 General Recommendation 19 (1992) on violence against women, para. 7.
- 4 International Conference on Population and Development, *Programme of Action* (1994), para. 4(4)(e) and Principle 4.
- 5 *Ibid.*, para. 4.9.
- 6 Fourth World Conference on Women, *Platform for Action* (1995), para. 96.
- 7 E/2013/27 - E/CN.6/2013/11 (2013). para. 22.
- 8 General Recommendation 19, para. 6.
- 9 United Nations Secretary-General, *In-depth study on all forms of violence against women*, A/61/122/Add.1 (2006), para. 65.
- 10 Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, A/HRC/19/41 (2011), para. 29.
- 11 Thematic study on the issue of violence against women and girls and disability, A/HRC/20/5 (2012), para. 22.
- 12 Committee on the Elimination of Discrimination Against Women, General Recommendation 19, para. 9; General Recommendation 28 (2010) on core obligations of States Parties, para. 13; Special Rapporteur on violence against women, its causes and consequences, A/HRC/23/49 (2013).
- 13 Joint General Recommendation 31 / General Comment 18 (2014) on harmful practices, para. 11.
- 14 General Recommendation 30 (2013) on women in conflict prevention, conflict and post-conflict situations, para. 15.
- 15 E/CN.4/2006/61 (2006), para. 15.
- 16 A/HRC/20/16 (2012), paras. 14-15.
- 17 *Ibid.*, paras. 103-116.
- 18 Human Rights Committee, General Comment 31 (2004) on the nature of the general legal obligations imposed on States Parties, para. 8.
- 19 General Assembly resolution 57/214 (2002), para. 6; General Assembly resolution 61/173 (2006), para. 5(b); General Assembly resolution 65/208 (2010), para. 6(b).