

## Violence against women

The Commission on the Status of Women (CSW) plays an important role in promoting and protecting women's human rights. As part of its ongoing program of work, the CSW oversees and promotes the follow up by states and other actors of the Beijing Declaration and Program for Action as well as the outcome document from the 2000 Special Session of the UN General Assembly (Beijing+5).

The previous Special Rapporteur on violence against women, its causes and consequences Special, Radhika Coomaraswamy stated that there has been great achievement in awareness-raising and standard-setting in the struggle to eradicate violence against women.<sup>1</sup> However, she further noted that “despite these successes [...] very little has changed in the lives of most women”; for the vast majority violence against women remained “a taboo issue, invisible in society and a shameful fact of life”. She urged that governments and the international community to focus on implementation of existing standards, laws and measures as the main priority in the struggle to eradicate violence against women. In particular she recommends that governments:

- Ratify all instruments for the protection and promotion of the rights of women, including the Rome Statute of the International Criminal Court (Rome Statute) and the Convention on the Elimination of All Forms of Discrimination against Women (Women's Convention) and its Optional Protocol;
- Exercise due diligence including to prevent, investigate and punish all acts of violence against women, to take measures to empower women and strengthen their economic independence; and to enact, reinforce or amend domestic legislation to enhance the protection of victims of violence;
- Take or strengthen measures to address the root causes of VAW, including poverty, under-development and lack of equal opportunity;
- Support women's participation in peace processes, in accordance with Security Council resolution 1325 (2000), without threat of further violence.<sup>2</sup>

### **Amnesty International's campaign to stop violence against women**

One of the key goals of Amnesty International's campaign to stop violence against women is implementation of existing standards and declarations aimed at eradicating violence against women. Through this campaign the organization is calling on all governments as well as private actors, on institutions as well as individuals, to take immediate steps to put a stop to violence against women and to redress the suffering it causes. Violence against women is neither legal nor acceptable and must never be tolerated or justified.

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<sup>1</sup> The Special Rapporteur lists among these achievements, the standards with regard to violence against women in wartime developed by the Rome Statute, the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons. At the regional level, such developments include the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Para), the Additional Protocol on women's rights in Africa to the African Charter on Human and Peoples' Rights and the Convention on Preventing and Combating the Trafficking in Women and Children for Prostitution adopted by the South Asian Association for Regional Cooperation.

<sup>2</sup> For a full list of recommendations by the Special Rapporteur, please see paragraphs 84-104 in E/CN.4/2003/75.

**AI's campaign on stopping violence against women will aim to secure:**

- **The abolition of laws that support impunity for violence against women and laws that discriminate against women.**
- **The enactment and implementation of effective laws and practices to protect women from violence in conflict and post-conflict situations, and to ensure that impunity is ended for combatants that commit violence against women, and their commanders.**
- **The individual and collective accountability of states for their existing obligations under international law to prevent, investigate, punish and redress all acts of violence against women whether in peacetime or armed conflict.**
- **Effective action to stop violence at the community level by local governments and civil society, including religious bodies, traditional and informal authorities.**

The campaign will focus on violence against women in the family and armed conflict. However, during this campaign, AI will establish gender equality at the core of its human rights research and advocacy so that acts of violence against women in the full range of contexts are addressed. Within the framework of international human rights law AI will campaign to hold governments to their commitments and urge them to effectively implement laws to protect and respect women's human rights in times of peace as well as conflict. Throughout the campaign, AI will show that the right of women to be free from violence is integral to the UDHR -- until violence against women is eradicated, the promise of the UDHR remains unfulfilled.

### **Violence against women in the family**

The Special Rapporteur on violence against women has stated: “[v]iolence against women in general, and domestic violence in particular, serve as essential components in societies which oppress women, since violence against women not only derives from but also sustains the dominant gender stereotype and is used to control women in the one space traditionally dominated by women, the home.”<sup>3</sup> Violence is both rooted in discrimination and serves to reinforce discrimination, preventing women from exercising their rights and freedoms on a basis of equality with men. The Declaration on the Elimination of Violence against Women<sup>4</sup> states that violence against women is a “manifestation of historically unequal power relations between men and women, and that this is “one of the crucial social mechanisms by which women are forced into a subordinate position compared with men”.

Violence in the family includes battering by intimate partners, sexual abuse of female children in the household, dowry-related violence, marital rape and female genital mutilation and other traditional practices harmful to women. Abuse of domestic workers -- including involuntary confinement, physical brutality, slavery-like conditions and sexual assault -- can also be considered in this category.

In some countries, personal status laws may condone violence against women. Some obedience and modesty laws require a wife's submission to her husband and give the

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<sup>3</sup> E/CN.4/1996/53, para 27.

<sup>4</sup> Adopted by General Assembly resolution 48/104, 20 December 1993.

husband an explicit or implicit right to discipline his wife, and in some countries women are considered to be the property of their fathers or husbands. In parts of Kenya, for example, on the death of her husband, a woman is likely to be “inherited” by his brother or a close relative.

Impunity for violence against women is complex – many women are unwilling to pursue intimate partners through the legal system because of emotional attachments and the fear of losing their homes or the custody of their children. Women are also discouraged from seeking justice through the courts because too often criminal justice systems hold them responsible for violence, asserting that it was “incited” or “instigated” by the woman’s own behaviour. Since women are often denied equal access to economic and social rights, many do not have the financial resources to access the legal system.

There are flaws in the legal framework of some countries which contribute to impunity. For example, even though constitutional provisions may affirm women’s right to a life free from violence, the definition may not cover all forms of violence against all women. Among the forms most frequently absent from legislative prohibition is sexual harassment in the workplace or in school. In some countries laws allow so-called “honour crimes” or allow a defence of honour to mitigate criminal penalties, putting the right of the family to defend its honour ahead of the rights of individuals in the family.

In some countries, family and customary law covering inheritance, property rights, marriage, divorce and custody deny women the same rights as men. By denying women their economic, social and cultural rights these laws make it harder – in many cases, impossible - for women to escape situations of violence.<sup>5</sup>

### **Violence in armed conflict**

Armed conflict leads to an increase in all forms of violence, including genocide, rape and other forms of sexual violence.<sup>6</sup> Violence against women is often used as a weapon of war, in order to dehumanize the women themselves, or to persecute the community to which they belong.

Natalie was 12 years old when her village in the Democratic Republic of Congo was attacked. *“I saw how many soldiers raped my sisters and my mother. I was scared and I thought that if I joined the army I would be protected. I wanted to defend myself...I was only 12 years old, but I was frequently beaten and raped during the night by the other soldiers. When I was just 14 I had a baby. I don’t even know who his father is. I ran away...I have nowhere to go and no food to give to the baby”.*

In a 2002 report, the World Health Organization noted that “in many countries that have suffered violent conflict, the rates of interpersonal violence remain high even after the cessation of hostilities -- among other reasons because of the way violence has become more socially acceptable and the availability of weapons.”<sup>7</sup>

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<sup>5</sup> Acknowledged by Commission most recently in resolution 2003/22 on “Women’s equal ownership, access to and control over land and the equal rights to own property and to adequate housing”, 22 April 2003

<sup>6</sup> See also *Report of the Secretary-General on women, peace and security (S/2002/1154)* which in paragraph 7 states: “During conflict, women and girls are vulnerable to all forms of violence, in particular sexual violence and exploitation, including torture, rape, mass rape, forced pregnancy, sexual slavery, enforced prostitution and trafficking.”

<sup>7</sup> World Health Organization (WHO), Geneva, 2002, *World Report on Violence and Health*, p. 15

### **Violence in post-conflict situations**

The level of violence does not necessarily reduce once the conflict has abated.<sup>8</sup> In the USA, domestic violence and murder by soldiers returning from combat is emerging as a serious issue. One study, conducted by the US Army, found the incidence of “severe aggression” against spouses three times as high in army families as in civilian ones.<sup>9</sup>

Post-conflict societies have seen an increase in violence against women associated with the presence of international peace-keeping forces. Women from neighbouring countries have been trafficked into Kosovo for forced prostitution since the deployment of the international peacekeeping force, KFOR,<sup>10</sup> and the establishment of the UN civilian administration, UNMIK,<sup>11</sup> in July 1999. Trafficking was identified as a problem soon after UNMIK’s arrival, but the number of premises where trafficked women are forced to work as prostitutes has continued to rise, reaching more than 200 by July 2003. The UN has taken steps to address this; however, implementation remains a challenge.<sup>12</sup>

Peace processes have routinely failed to include women and to deal with gender issues, which can result in gender-based persecution and violence being rendered invisible in peace agreements and not taken into account in their interpretation and implementation. For example, an AI delegation which visited Sierra Leone in 2000 reported that the process of disarmament, demobilization and reintegration of former combatants was failing to address the experiences of the many girls and women who had been abducted by armed opposition groups and forced to become their sexual partners. It appeared that when they reported for disarmament and demobilization, they were often not interviewed separately from their “husbands” and not offered a genuine opportunity to leave the armed forces, if they wished to do so. These women and girls, many either pregnant or with young children, required support to either return to their families where possible or to re-establish their lives together with their children.<sup>13</sup>

In October 2000, the Security Council adopted a landmark resolution on women, peace and security.<sup>14</sup> Building, *inter alia*, on the Women’s Convention, the Beijing Declaration and Platform for Action, and the outcome document the twenty-third session of the General Assembly, the resolution reaffirmed women’s right to protection in conflict and post-conflict situations, urged all actors involved in negotiating and implementing peace agreements to adopt a gender perspective, and urged increased participation by women in all peace processes.

### **Abuses by armed political groups**

Over the past several years, armed groups operating in all regions of the world have been responsible for some of the worst human rights abuses, including brutal and systematic acts of violence against women, such as rape and other forms of sexual violence.

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<sup>8</sup> See also *Report of the Secretary-General on women, peace and security* (S/2002/1154) which in paragraph 7 states: “A proliferation of small arms increases the risk of interpersonal violence, including domestic violence, which often continues after the conflict.”

<sup>9</sup> Cited in Jon Ellison and Catherine Lutz, “Hidden Casualties,” *Southern Exposure*, 15 May 2003.

<sup>10</sup> Kosovo Force, led by NATO.

<sup>11</sup> UN Interim Mission in Kosovo, established on 10 June 1999, Security Council resolution 1244.

<sup>12</sup> Following serious allegations of widespread sexual exploitation and abuse of refugee and internally displaced women and children by humanitarian workers and peacekeepers in West Africa, a task force was established by the Inter-Agency Standing Committee (IASC) to address this issue. The task force established six core principles representing agreed principles and standards of behaviour to be incorporated into the codes of conduct and staff rules and regulations of IASC member organizations (A/57/465).

<sup>13</sup> See also *The Voices of Girls Child Soldiers and Girl Soldiers: Challenging the Assumptions*, both issued by the Quaker United Nations Office in October and November 2002, respectively.

<sup>14</sup> Security Council resolution 1325, adopted 31 October 2000.

Cherifa Bouteiba, a 20-year-old woman from Algeria, was abducted by armed men on 2 June 2001. She was forced to walk into the mountains where she was repeatedly raped by several men over a two-day period. On the third day she was able to escape. She had been pregnant at the time of her abduction and subsequently miscarried. Her husband divorced her on the grounds that she had soiled his honour. Cherifa Bouteiba fears her assailants may come back for her. She believes some of the men who assaulted her gave themselves up to the authorities in 2002 and were granted immunity from prosecution. Ever since she saw some of her attackers walking freely in the area where she lives, is hiding behind her veil, hoping she will not be recognized.

### **Refugees and asylum-seekers**

Women refugees and asylum-seekers often find themselves caught in an inescapable cycle of violence. Fleeing from one dangerous situation, many women are abused during their flight in search of safety. Government officials such as border guards, smugglers, pirates, members of armed groups, even other refugees, have all been known to abuse refugee women in transit. Women and girls are sometimes not even safe from sexual and other exploitation by humanitarian aid workers -- the very people charged with responsibility for the welfare of refugees and the displaced.

In a number of countries, asylum-seekers are detained in regular prisons where they are effectively treated as criminals. AI and other human rights organizations have documented incidents of abuse of women and girl refugees and asylum-seekers in detention and conditions which amount to cruel, inhuman or degrading treatment. Women have been humiliated, raped, and in some instances driven to attempt suicide or commit acts of self-harm.<sup>15</sup>

When women return to their countries of origin, they may find themselves living alongside the perpetrators of the abuses that forced them to flee. Returning from exile, women and girls may also encounter a new set of problems. The breakdown of community structures and traditional roles that often results from conflict and flight presents new challenges in a post-conflict society.<sup>16</sup>

Reports in 2002 by the Office of the UN High Commissioner for Refugees (UNHCR), together with Save the Children-UK, documented serious allegations of sexual abuse and exploitation of women and children by humanitarian workers in camps for refugees and displaced people in Sierra Leone, Liberia and Guinea. Allegations included humanitarian workers deliberately withholding food and services in order to extort sexual favours. In Nepal, it was acknowledged by UNHCR that Bhutanese refugees in camps were found, in at least 18 cases, to have been victims of sexual abuse and exploitation by refugee aid workers. The victims included a seven-year-old girl and a woman with disabilities.

### **Amnesty International calls on the CSW to:**

- Ensure an inclusive and effective review of the Beijing Declaration and Program for Action, as well as the outcome document from the 2000 Special Session of the UN General Assembly (Beijing+5), at the 49<sup>th</sup> session of the CSW with a view to continue to facilitating further implementation, the sharing of best practice and further capacity building of government and other relevant actors;

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<sup>15</sup> See for example *USA: Lost in the labyrinth: detention of asylum-seeker* (AI Index: AMR 51/51/99) and *Lebanon: AI reiterates its concerns on the situation of refugees and asylum-seekers* (AI Index: MDE 18/005/2002)

<sup>16</sup> See for example *Afghanistan: Out of sight, out of mind: The fate of the Afghan returnees* (AI Index: ASA 11/014/2003)

- Urge governments to take steps, including through national action plans and gender specific budgets, to ensure the protection of women's human rights, including full and prompt implementation of the Women's Convention, its Optional Protocol, the Rome Statute and other international standards;
- Call on those governments that have yet to do so to ratify the Women's Convention, i.e. Brunei Darussalam, the Holy See, Iran, Kiribati, the Marshall Islands, Federated States of Micronesia, Monaco, Nauru, Oman, Palau, Qatar, Somalia, Sudan, Swaziland, Tonga, United Arab Emirates, the United States of America;
- Call on all states parties to the Women's Convention which have entered reservations to re-examine these with a view to withdrawing them;
- Call on all states parties to the Women's Convention to ratify its Optional Protocol without making a declaration under Article 10 to opt out of the inquiry procedure;
- Call on all governments to enact, reinforce or amend domestic legislation in accordance with international standards to protect the right of women and girls to freedom from violence; to provide gender-awareness training to professionals who deal with victims of domestic violence, including law enforcement personnel, health workers and the judiciary; and to review, as a matter of urgency, those practices and factors which discourage women from taking action to escape from violence and seek redress;
- Call on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse; to investigate all acts of violence against women during war, to bring to justice those responsible and to provide full redress to the victims;
- Urge governments to ensure full and speedy implementation of Security Council resolution 1325 (2000) on women, peace and security as well as the recommendations contained in the study by the Secretary-General on women mandated by that resolution;
- Welcome the resolution by the General Assembly to mandate the Secretary-General to prepare an in-depth study on all forms of violence against women and to urge governments and UN bodies, including the Special Procedures of the Commission, the treaty monitoring bodies and the OHCHR to participate fully in this process by submitting relevant information, including best practice, and making recommendations for eradicating violence against women.