

“The struggle against gender violence seems to be posing some new questions and challenges which we might be better positioned to answer now than we were ten years ago. Maybe it is time to start re-thinking strategies, in order to strengthen the ones that are considered effective in each particular context; and to be creative and think about new solutions that might involve looking at places, actors and areas that we did not consider so clearly before, such as free trade and the underground illegal economies. Also it is clear that we could not get very far without the political will and commitment from governments. This is something that has been lacking in the Juárez cases.”

Lydia Alpizar Duran, Latin American human rights activist, on the cases of missing and murdered women in Ciudad Juárez, México, UNIFEM panel on Violence Against Women, Commission on the Status of Women, New York, March 2003

## An Agenda for Moving Forward

*a*s this report has sought to show, there has been notable progress in making violence against women visible and in establishing standards for ending it. Yet we live in a world in which unspeakable acts of such violence occur every day, and most women are not much more secure or safe than they were before intensified work on this agenda began. Governments and individuals can no longer view this as an acceptable

T-shirts created by survivors of domestic violence are displayed at a park in Las Cruces, New Mexico, United

States, 2002, as part of an annual Vigil for Victims of Domestic Violence.

PHOTO BY VLADIMIR CHALOUKKA—AP/WIDE WORLD



situation. More and more women will die, or will live blighted lives, unless there is a renewed, intensified commitment to honouring women's right to a life free of violence.

Solving the problem of violence requires solving the problem of gender inequality. It is a huge task, but the framework is there. Now, strategies must broaden and deepen, diverse groups must work together so that efforts can match the systemic and deeply embedded nature of the problem. Health sectors must partner with law enforcement and judicial systems. Educational campaigns must link to cultural and religious groups as well as community organizers. International donors must work with governments and civil society. And governments must make a serious commitment to ending the pandemic.

Clearly the task is possible as seen by the progress that has already been made in a relatively short time. The statistical evidence may not exist yet to show precisely whether or where the threat that women face has been reduced, but there is reason to believe that the tide has begun to turn. Despite lapses in implementation, and the sizeable gaps in resources and remedies available to women, important changes have occurred.

As different sectors learn how to work together more frequently and in new ways, it becomes possible to imagine a broad-based international movement that can reduce — and end — the staggering levels of violence women live with. As women take advantage of new laws and opportunities to demand their rights, it is possible for them to imagine a life free of violence.

## The Challenges Ahead

Over the last few years, the work that has already been done by advocates has illuminated several new areas of concern that must be dealt with. These include the impact of globalization, HIV/AIDS, state responsibility to implement human rights treaties, questions of cultural relativism and a deeper understanding of the linkages between various oppressions and gender-based violence.

### 1. Globalization

The UNIFEM regional scans frequently pointed to the impact of globalization on the changing nature of gender relations. The social and economic effects of this new order are both positive and negative for women *and* men. Globalization has made it possible for many women to move away from the limitations of tradition-bound societies, and has facilitated their entry into the broader world, particularly the world of work outside the home. On the other hand, for far too many people, globalization has also become synonymous with the growth of glaring inequalities in access to resources, information and power, which leads to bitterness, frustration and often increased levels of gender-based violence. As national economies are restructured and realigned, women not only bear the greatest burden of the decline in social services brought on by the privatization of public/state functions, they may also become the targets of alienated men who have not fared well in the transformations wrought by globalization. The inequities and alienation associated with the advance of globalization have, in some areas, encouraged the growth of various forms of fundamentalism and the call for a return to 'tradition'. Too often, a central aspect of this desire to return to the past focuses on the control over women's lives.

### 2. HIV/AIDS

The link between violence and the spread of HIV/AIDS is particularly evident in conflict situations where women are subjected to untold rapes and sexual assaults, but women's inequality fuels the transmission of the virus in multiple overlapping ways during peacetime as well. Power imbalances between men and women in families, in education, in employment and in governance often make women particularly vulnerable to HIV/AIDS. As research has unfolded in this area, it has become clear that the virus, which strikes a growing number of women worldwide, is both a cause and a consequence of violence against women. Infection can result from rape and coercive sex, which are likely to occur without condoms and result in genital injury, abrasions and bleeding that provide an entry point for the virus. In many societies, women lack the power in relationships to refuse sex or to negotiate protected sex, and the threat of violence enforces their powerlessness.

In many communities and families, HIV positive status leads to violence as well. Women are more often the victims of this violence than men for a variety of reasons. In many areas, the majority of the people who are tested for HIV are pregnant women, who are then accused of bringing the disease into the family, even though they may have been infected by their male partners. In addition HIV/AIDS plays havoc with women's ability to care for their families. They may be infected and ill themselves yet still be expected to care for other family members who are HIV positive, or they may simply be unable to maintain the normal routines that keep their families together. The frustration and fear this induces in their partners or other adult members of the family has been shown to lead to violence.<sup>129</sup>

As HIV/AIDS continues to cut a swath through the world, often causing the greatest devastation in the poorest countries with the fewest resources, it is essential that governments create strategies for combating the disease that recognize the link between HIV and violence against women and that offer greater protection to women than they have had so far. The Positive Women's Network, an NGO in Southern Africa supported by UNIFEM and other agencies, has created a blueprint for helping to end the violence against women associated with HIV/AIDS through implementing broad policy changes:

- Working to end the stigma and discrimination women face in their communities;
- Providing resources for implementing grass-roots education programmes on women's empowerment and their right to equal access to education and employment;
- Creating national policies and laws that will support women's human rights.

### **3. State Responsibility and Due Diligence**

Despite important gains in the formulation of human rights norms and standards to address violence against women, there remains a significant gap in their application. Bridging the gap requires that standards be grounded at the local level. Communities must be engaged in the effort to translate international mandates into laws, plans and actions so that these mechanisms have meaning in daily life. This process is best served when the foundation of a clear legal framework and commitment to the rule of law exists, either through constitutional provisions or through reviews of existing civil, criminal or administrative laws and procedures.

In this context, the question of state responsibility for acts committed by private actors has acquired special importance. The decision by the Inter-American Court on Human Rights in the 1988 Velásquez Rodríguez case in Honduras has set a precedent that can have a profound impact for survivors of domestic violence. The court ruled that the Honduran Government was guilty of failing to exercise due diligence — the duty to prevent, punish or prosecute — in the case of the disappearance of a citizen at the hands of private paramilitary forces.<sup>130</sup> The ruling has been used by legal scholars to

**The reality is that the more women know of their rights, the greater the willingness among women and girls to come forward for help or to report to the police. Without a corresponding increase in service coverage and improvements in the quality of services available, women and girl survivors of violence will not be able to realize their rights to live free of violence and to seek adequate care to facilitate recovery.**

**–UNIFEM Regional Scan, Asia Pacific**

broaden the interpretation of state responsibility to include acts of violence against women carried out by private individuals. This interpretation suggests that under international law, States bear the duty to prevent and punish acts of gender violence by private actors.

The Special Rapporteur on violence against women has supported this approach, noting that “by failing to intervene, in particular if this failing is systematic, the government itself violates the human rights of women.”<sup>131</sup>

Nevertheless, questions about the applicability of the due diligence standard to cases involving acts of violence against women in the private sphere have surfaced in inter-governmental arenas recently, including the Commission on Human Rights and the Commission on the Status of Women. This is particularly worrying since research has shown that the family continues to be a major site of coercion, discrimination and violence as documented by global rates of domestic violence, incest, marital rape and female infanticide.

States’ responsibility must also include working to build a criminal justice system that is sensitive to gender and rooted in human rights principles. Advances at the

normative level can be undermined by the entrenched attitudes and bias that pervade many law enforcement and criminal justice systems. Changes at this level are all the more important since enforcement of the law can function as a powerful deterrent to perpetrators.

#### **4. Culture, Universality and Human Rights**

As the human rights focus on ending violence against women has taken hold, tensions have developed between defenders of the universality of human rights and proponents of cultural relativism. Cultural relativists have questioned the overall relevance of the human rights framework for addressing the subordination of women, claiming that some traditions are central to people’s cultural history and must be respected. The issue is not a new one. Time and again, cultural arguments have been used to justify practices that are detrimental to women or that reinforce oppression. The struggle has become a topic of concern both in the United Nations and in many individual nations. The Special Rapporteur on violence against women has observed that very few States feel that they can publicly declare human rights irrelevant to the conduct of their societies in

general, and that “it is only with regard to women’s rights, those rights that affect the practices in the family and the community, that the argument of cultural relativism is used.”<sup>132</sup>

Despite attacks by conservative and traditionalist forces, much of the strength of the women’s human rights movement comes from the fact that women from different regions, classes and cultures have all adopted human rights language and frameworks to articulate their demands for gender equality. Activists have pointed out that although traditional practices such as virginity tests, ‘crimes of honour’ and widowhood rites are specific to certain cultures and explicitly undermine women’s human rights, in all cultures violence persists because it is culturally acceptable. Around the world, most perpetrators of violence against women count on the fact that their community will not censure them for their behaviour.<sup>133</sup> Challenging this impunity and the almost universal acceptance of a culture of violence against women is central to diminishing the problem.

## **5. Intersectionality/Forms of Multiple Discrimination**

Many aspects of violence against women are complicated by the intersection of gender oppression with factors such as race, ethnicity, age, caste, class, religion, culture, language, sexual orientation and immigrant or refugee status (see also p. 47). Women’s advocates are recognizing the importance of looking at this convergence of oppression in understanding violence against women. The Special Rapporteur on violence against women points out that trafficking in women flourishes in many developing countries precisely because of the compound effects of poverty, gender discrimination and lack of access to resources, that “are maintained through the collusion of the market, the State, the community and the family unit.”<sup>134</sup> In the developed countries that women migrate to in search of work or asylum, they are especially subject to abuse, being both poor and ‘outsiders’. Thus, the failure to look at all the factors that affect women’s lives can result in inappropriate policies and remedies.<sup>135</sup>

The concept of multiple discriminations is rooted in the principle of the indivisibility of rights: Civil, cultural, economic, political and social rights are equally important for the dignity of all human beings. The UNIFEM regional scans highlighted the importance of understanding these linkages, spelling out time and again that to bring about gender equality and to overcome gender-based violence, women must be able to exercise the full spectrum of rights. Often, awareness-raising programmes created by women — tribunals, hearings and story-telling — use this intersectional methodology, by showing how certain women are targeted for violence because of their race, ethnicity or other factors in addition to gender.

## Not A Minute More

Progress depends on the ability to build on experience, to learn from each effort, no matter what the outcome. UNIFEM has undertaken this report to help all those dedicated to ending violence against women gain knowledge of what has been achieved, and what remains to be done. The progress made to date will help to chart future directions. New laws and policies have been adopted, but because of systemic gender discrimination and deeply ingrained attitudes they require a host of other supportive measures in order to be effective. The gap between rhetoric and practice must be bridged. Unless states put the full weight of their moral, legal and economic power behind end-violence work, legislation and action plans will be mere window-dressing. Above all, governments must commit the resources necessary to make change possible. Interventions will not be effective until the level of resources matches the scale of the problem.

Over many years of work with governments, international agencies, NGOs and local activists, it has become clear that violence against women must be made both legally and culturally unacceptable if it is to be eliminated. Many of the policies that can help change laws and behaviours and attitudes have been identified. What we need now are the resources and programmes that women have a right to — nothing less. We need to expand proven strategies and develop new approaches so that women and men can turn hope into reality and truly live lives free of violence. We need to create a world where power and courage are honoured in both women and men, and where both have the opportunity to reach their full potential.