



Division for the Advancement of Women



***"Violence against women: Good practices in
combating and eliminating violence against women"***

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In identifying good practices, OHCHR would emphasize that respect for human rights should be a central consideration. Programmes designed to address violence against women should contribute towards the overall achievement of respect for women's human rights and the full equality of women, both de jure and de facto. While programmes to combat VAW can focus principally on different sectors (justice, health, social services, etc.), the programmes we characterize as "good practice" will fully involve women affected by violence, in order to reflect their concerns and priorities, as well as work towards a situation where women enjoy equality and experience less violence.

The human rights framework is an essential element to be considered in evaluating good practices concerning VAW. At the international and regional level, the past decades have witnessed remarkable progress in standard setting to better protect women's human rights. The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol form the core international human rights treaties addressing women's human rights, and have been interpreted to cover VAW as a manifestation of discrimination. The Declaration on the Elimination of Violence against Women further elaborates VAW as a violation of human rights and calls on States to exercise due diligence in the prevention, investigation, and punishment of VAW. At the regional level, the Convention of Belem do Para, adopted by the Inter-American Commission on Human Rights (1994), and the more recent adoption by the African Commission on Human and Peoples' Rights of the Protocol to the African Charter on Women's Rights in Africa, represent further good practices in standard setting. It would be interesting to hear from participants about what international developments have resulted in useful tools for combating VAW at the national and local levels.

Great strides have been made in national legislative and policy reform to address the many forms of VAW. The 2003 report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, a 400 page document, reviews international, regional and national developments since 1994, with a particular focus on national legislative reform (E/CN.4/2003/75/Add.1). The former Special Rapporteur pointed out that although much progress had been made in reforming laws, the key future challenge lies in improving the implementation of these laws and policies. She observed that "A few women have benefited from these changes, but for the vast majority, VAW remains a taboo issue, invisible in society and a shameful fact of life. Statistics continue to show high rates of violence and abuse." (E/CN.4/2003/75) The Special Rapporteur also highlighted some best practices in that report, which have been attached as an annex to this paper.

In addition to legislative reform, some national courts have used international human rights standards in cases related to VAW. For example, in India (*Vishaka v. State of Rajasthan*, 1992), the Supreme Court relied on General Recommendation 19 of CEDAW in a case involving the gang rape of a social worker. In South Africa, the Supreme Court (*The State v. Godfrey Baloyi*, 1999) specifically recognized domestic violence as a form of discrimination against women, using the Universal Declaration of Human Rights, the Declaration for the Elimination of Violence against Women and CEDAW as support, and found that the State had a positive obligation to eliminate discrimination against women. Many civil society groups are also doing important work to raise awareness about VAW using international human rights standards. Still,

we must do more to ensure that VAW is more consistently treated as a human rights violation and as a matter of discrimination.

Regarding implementation, OHCHR would encourage experience sharing on good practices on amending procedural and evidentiary requirements related to VAW in penal legislation. It has been widely acknowledged that even the most comprehensive laws are meaningless to victims of violence if the reporting, investigation and judicial procedures represent an occasion of further trauma. We have observed some positive experience with regard to the availability of women police officers, the passage of rape shield laws, and training of police and judiciary personnel in addressing cases of VAW, among other initiatives. However, these practices are not widespread. Also, we must consider how laws against VAW interact with other laws, such as child custody, property, and civil status laws. Police must not only be trained to handle cases of VAW with sensitivity but they must also be able to work together with other sectors (particularly health and social services) to ensure women are provided with comprehensive assistance.

An examination of good practices should highlight that different forms of violence warrant a different response - thus, there is no "good practice" that applies to all forms of VAW. For example, we may advocate for the inclusion of all forms of VAW in defining VAW as a crime, but also recognize that the response to different forms of violence must take account of the surrounding context and the nature of the violation. The victim's perspective and effectively reducing the incidence of VAW should be core considerations in developing these varied responses.

However, we must simultaneously refuse to accept any justification of VAW or justification for a weak response to VAW based on cultural, traditional, or religious grounds. Article 4 of the Declaration on the Elimination of Violence against Women provides that "States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination." Additionally, the recent decision of the Committee on the Elimination of Discrimination Against Women in *A.T. v. Hungary* found a violation of Article 5(a), in conjunction with Article 16, of CEDAW, where the petitioner had been subjected to severe domestic violence and the State had not taken appropriate action to provide her with protection from her abusive husband. Article 5(a) of CEDAW provides that "States Parties shall take all appropriate measures . . . [t]o modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

Finally, we are faced with a difficult challenge in examining good practices. Identifying the elements of what makes a practice "good" is not always evident. It seems that one key element would be whether the practice has led to a decrease in VAW. However, impact assessment requires time, resources, and expertise that are frequently unavailable. Another important aspect of identifying a good practice may be the extent to which the programme or initiative involves the women who have experienced violence and responds to their feedback. Additionally, in many instances, "good practices" are context specific - depending on the environment in which the program is implemented, the personalities involved, the political context, etc. It might be useful to consider examining "worst practices" or common mistakes - as these may be easier to identify and attention to such common mistakes may at least ensure a minimum baseline in how we implement programs on VAW.

Annex – Excerpts from the 2003 Report of the Special Rapporteur on Violence Against Women

III. BEST PRACTICES IN FIGHTING VIOLENCE AGAINST WOMEN

2147. The following section illustrates a number of initiatives, which can be considered “best practices” or “good practices” as they lead to actual change, contributed to a policy environment more conducive to gender equality and/or have broken new ground in non-traditional areas for women. The purpose of this section is also to highlight the variety of measures that can be taken to effectively fight violence against women.

International

2148. International civil society networks are increasingly well-organized; they play an active role in lobbying at conferences and have historically made important contributions to the formulation and advocacy of women’s rights. One of the most significant achievements of the Women’s Caucus for Gender Justice was lobbying for gender-based language in the Rome Statue. Other human rights non-governmental organizations have worked at the international level including Human Rights Watch, Equality Now, Rights and Democracy (ICHRD). Since 1996 World Organization Against Torture (OMCT) started a specific program for the protection of women from gender-based violence around the world. Particular emphasis is put on the prevention of serious abuses against women through urgent appeals on violence against women and providing reports on country situations to the United Nations treaty-monitoring bodies. Amnesty International launched an international campaign on violence against women in 2002.

2149. Worldwide campaigns have been launched to galvanize support for the elimination of violence against women, including the World March of Women 2000, an unprecedented series of actions in 157 countries against poverty and violence against women. The petition campaign, demanding that the United Nations and its Member States take concrete measures to: eliminate poverty and ensure a fair distribution of the planet’s wealth between rich and poor, and between men and women; and also to eliminate violence against women and ensure equality between women and men. The work of the march was grassroots, with no sponsorship or sanction from Governments. The demands of the march challenge patriarchy by demanding redress of women's lack of political representation and access to wealth. Many groups use the network that was created through the march to further their work. The networking was also interpersonal, and showed the ability of women to communicate with and support each other beyond borders. Women from around the globe are linking arms to demand that their local governments and international financial institutions like the World Bank and the International Monetary Fund (IMF) address these two issues in a more concrete and pro-active manner. Professional advocates and grassroots activists issued an unprecedented call for more programmes that feed, house, educate and provide healthcare for people in need. More than 65 women representing 35 countries met in Montreal in October 2001 to continue the feminist international action network known as the World March of Women. Representatives from an additional 50 or so other countries want to continue the work of the World March but were unable to send delegates to the international gathering.

2150. Women's rights activists have used key days as opportunities to lobby internationally for the elimination of violence against women. Between Valentine's Day (V-Day) on 14 February and International Women's Day on 8 March, many women's activists linked up with one of the most radical political, social and theatrical campaigns the International V-Day College Campaign to end violence against women and girls.ⁱ Furthermore, between the International Day for the Elimination of Violence Against Women (25 November)ⁱⁱ and Human Rights Day (10 December) many activists around the world have creatively used this time for 16 days of activism to end gender-based violence.

2151. Another important form of activism has been Women in Black an international peace network, a means of mobilization and a formula for action. Women in Black vigils were started in Israel in 1988 by women protesting against Israel's occupation of the West Bank and Gaza. Women in Black has developed in countries such as Italy, Spain, Germany, England, Azerbaijan, Colombia, and in Yugoslavia, where women in Belgrade stood in weekly vigils since 1991 to protest war and the Serbian regime's policies of nationalist aggression. Women in Black groups have formed in many cities in the United States since 11 September 2001.

Africa

2152. UNDP Africa Regional Gender Programme is a long-term, multifaceted programme that targets some of the more formidable obstacles to gender equality and equity in Africa. The Regional Bureau for Africa (RBA) has a number of programmes to fight violence against women and girls. These include: (a) support to women's rights networks such as Women in Law and Development in Africa (WILDAF) for community-level networking, advocacy and training, and legal literacy; (b) funding research, including the work of the Council for the Development of Social Science Research in Africa (CODESRIA, Senegal) and its 1997 Gender Institute Programme on "Men, Women and Violence"; (c) work with groups such as Femmes Africa Solidarité (FAS) and the Federation of African Women in Peace (FERFAP) to promote women's contributions to decision-making processes for peace-building and conflict resolution in Burundi, Rwanda, Ethiopia and Eritrea; and, (d) participation in the inter-agency project committee for the UNIFEM Trust Fund on Violence. For example, RBA is working with an NGO on a training and advocacy programme for women survivors of sexual violence in Congo-Brazzaville. It also collaborates with UNIFEM's African Women in Crisis Programme (AFWIC) to develop innovative advocacy approaches with women refugees. RBA is also active in the recently launched Interagency Public Awareness Campaign on violence against women in Africa, along with UNIFEM, UNICEF, UNESCO, DAW, UNIC, ADB, ECA, FAO, OAU, WHO and the World Bank. UNDP media resources in the pipeline include a video on violence against women in Zambia, and materials on sexual violence in Namibia.

2153. In Nigeria, BAOBAB for Women's Human Rights, is working for women's human rights and legal rights under religious laws, statutory laws, and customary laws. BAOBAB works with legal professionals and paralegals, policy makers, women's and human rights groups, other NGOs, and members of the general public. Its programmes promote human-rights education, particularly women's human rights. BAOBAB sponsors women's rights training and education projects, and programmes to enhance understanding of women's rights with the goal of influencing social and government policies.

2154. In Sudan, the Badya Centre for Integrated Development Services puts on community plays on women's rights, performed by school children for communities in the Nuba Mountains region, with special attention to "honour killings." Additionally, workshops are held for local administrative religious and women leaders and teachers from which a network will be formed to facilitate sharing of experiences on combating violence against women.

Arab region

2155. In the Arab region, advocacy campaigns have been successfully organized to address gender-based violence, including its more sensitive forms of female genital mutilation, sexual harassment (propositions for integrating this issue in legislation and in progress amendments have been made in Morocco); and honour killings. In the case of Jordan, advocacy efforts and campaigns contributed to the amendment of the Penal Code - the infamous article 340ⁱⁱⁱ in December 2001. The new version stipulates that "honour killings" are no longer considered as anymore as justified/excused "crimes" with extenuating circumstances with the penalty of prison sentence between three and 12 months, as previously exercised. It is considered now as a crime that could be condemned with death penalty as specified by penal law for homicides. The amendment also established "Gender Equality" in case of adultery; specifically the right to, and empowerment of the wife, to bring her husband to justice in cases of violation of the marital bond.

2156. AMAN, the Arab Regional Resource Centre on Violence against Women, was established in October 2000 in Amman, Jordan.^{iv} The aim of AMAN is to improve the quantity and quality of information available to professionals and decision-makers working on combating violence against women by organizing and centralizing the location of such information, and making it more readily accessible.^v

2157. In 1999 a UNIFEM study was conducted to highlight the points of conformity between the rights of the Moslem women as stipulated in the Islamic Shariah, and in the Convention. This formed the discussion paper of the regional roundtable workshop, which opened a dialogue on the subject of the Convention and Shariah. Opening this space has afforded a unique opportunity to support and facilitate the ratification, implementation and removal of reservations in the region, and to support governments to create effective mechanisms for implementing the Convention obligations. More efforts are needed to continue this process.^{vi}

2158. The Permanent Arab Court To Resist Violence Against Women (The Women's Court)^{vii} is a symbolic popular court that aims at fighting all forms of violence practised against women in Arab societies. The Court has both plays an advocacy role and provides direct support to women subjected to any form of violence. The Women's Court raised awareness on the personal status codes existing in the Arab counties in order to reveal to the public the injustice that these codes are inflicting on women.

Asia/Pacific

2159. Five *Nari Adalat* or women's courts have been holding regular sessions one day a week in five villages in the western state of Gujarat, India, for the last five years. At a time when the formal judicial system seems to have become increasingly remote and inaccessible to the poor people, especially women, this alternative judicial system renders justice through a process of social censure, cajoling,

argument and persuasion. They hear, mediate and adjudicate cases of divorce, fights between women and their mothers-in-law, complaints about drunkenness, domestic violence, rape, dowry extortion, maintenance for abandoned or divorced women, inheritance and the treatment of widows and the elderly. Many of the court officers are barely literate but they have learned about the law, its implications and limitations.^{viii}

2160. A new section was added in the Indian Evidence Act (sect. 114A), which made sexual intercourse by persons in a custodian situation (policemen, public servants, managers of public hospitals and remand homes and wardens of jails) an offence. In such cases, once a woman proves that sexual intercourse took place and states on oath that she did not consent, then the burden of proof would shift to the accused.^{ix}

2161. Recognizing the key role that men can play in fighting violence against women and in changing stereotypes detrimental to gender equality, Population Services Philippines Inc. and the Philippines partner for Marie Stopes International have sought to involve men in efforts to eliminate violence against women in the Philippines. In order to do this, they organized a series of workshops with the objective of selecting strategic segments of the adult male population and engaging them in raising awareness on violence against women. The programme targeted men, particularly members of the police force and elected male village heads.^x

2162. The Hospital-Assisted Crisis Intervention to Women Survivors of Violent Environments (HAVEN) in the Philippines provides medical and legal services and serves as a drop-in centre for victims of violence against women. Project HAVEN has been envisioned as a 'one-stop-shop' where all services needed by the survivor could be provided. These include counselling, temporary shelter, and legal assistance, financial assistance for medical treatment, psychiatric support and social services. The Centre was initially run by an NGO and was supported by the government in 1997. This also motivated the Department of Health to issue an administrative order mandating all public hospitals to establish Women and Children Protection Units.^{xi}

2163. In Fiji, a Taskforce on Violence Against Women has been created. It includes various departments like the Law Reform Commission, Ministry for Women, Social Welfare Departments, Police, Health, Disabled People's Association and the Justice Ministry. Being violence against women a multifaceted phenomenon, a variety of services is needed to combat it. Joint strategies will tackle the problem in various aspects and will help to expedite the process of eliminating violence against women.^{xii}

2164. The National indigenous family violence community awareness campaign, called 'Walking into Doors', was launched in April 2001 in Australia. The campaign features indigenous musicians who talk about the experience of violence in their lives and those of indigenous families and perform a range of songs. These activities are aimed to generate public awareness and people's action for the prevention, intervention and elimination of violence against women.^{xiii}

Americas

2165. Various non-profit groups and governmental entities provide judicial training on matters of violence against women in the United States of America. The National Judicial Education Program to Promote Equality for Women and Men in the Courts (NJEP) was established in 1980.^{xiv} NJEP creates model curricula, and consults on

gender bias in the courts for judicial organizations, bar associations, law schools, and legal and lay organizations across the country. Understanding Sexual Violence: The Judicial Response to Stranger and Non-stranger Rape and Sexual Assault, the NJEP's model curriculum on rape trials, was published in December 1994 and has been presented in more than 20 states, as well as abroad. A self-directed video version of this curriculum and an adaptation for prosecutors are also available.^{xv} NJEP was a catalyst for a series of task forces established by state chief justices and federal circuit councils to examine gender bias in their own court systems, including the efficacy of protection orders and enforcement of other domestic violence legislation.^{xvi}

2166. Verizon Wireless in the United States has developed an initiative to put wireless products and services to work to combat domestic violence. Its HopeLine® program donates cellular phones to victims of domestic violence so that they can remain in communication with police and others for safety purposes.^{xvii}

2167. The role played by the police stations for women in Latin America has been quite relevant to encourage women to break silence and seek for information and services. At the same time this experience has been quite useful to obtain data and statistics on the magnitude of domestic violence. The Inter-American Commission for Human Rights, the Inter-American Court of Justice contributed to strengthen the plight of women to access to justice.

2168. A recent successful initiative in Latin America is the one implemented by the Pan American Health Organization (PAHO). It is based on a model that considers intra-family violence a severe threat to women's mental and physical health. The initial detection point is located in health services. Men are involved in the initiative through reproductive health programmes, which include sensitization on violence within the family. Two regional projects are being implemented.^{xviii}

Europe

2169. In 1997 the European Women's Lobby (EWL)^{xix} developed the European Policy Action Centre on Violence against Women, to provide a forum for women's NGOs to enable them to take a leadership role in engaging policy and decision-makers to take responsibility for violence against women. In the initial period, an "observatory on violence against women" was formed, which is an expert group composed of 15 women, one from each of the current EU member States with extensive expertise in the area of violence against women. The task of the Observatory is to advise the EWL on strategies to address violence against women within the EU, hence extending beyond national boundaries to achieve European-wide responses and policies to address and combat violence against women. The work of the EWL/Policy Action Centre on VAW with the input of the experts of the observatory has been instrumental in facilitating and developing a co-ordinated approach to VAW within the European Union. With the input of the experts, two studies were carried out, which led to the publication of "Unveiling the hidden data on domestic violence in the EU" and "Towards a common European framework to measure progress in combating violence against women". This latter document contains a table of indicators to measure government's progress and is being used by the EWL/Policy Action Centre to collate information and data on violence against women with the EU member States.

2170. The South-Eastern European Women's Legal Initiative (SEELINE) was initiated by B.a.B.e (Be Active, Be Emancipated), a group in Zagreb, Croatia, which works for the affirmation and implementation of women's human rights. Experience of monitoring Croatian laws, introducing changes in legal system and lobbying for desired gender-sensitive legislation made them recognize the need to work in the framework of a regional South-Eastern European network. To influence legislation on a regional level and make it more gender-sensitive, unified and balanced. SEELINE will provide an opportunity for women's advocates to meet and work together to exchange strategies that have worked in their respective countries, as well as start the work on unification and balance of legislative systems within the region. It is hoped that the work of the regional network will force Governments and parliaments to be more accountable and to incorporate gender mainstreaming and gender sensitive provisions within legal systems and in the national machinery of protection of women's rights.^{xx}

ⁱ The V-Day College Campaign brings student productions of "*The Vagina Monologues*" to colleges and universities around the world to raise awareness about violence against women and girls and funds for local anti-violence groups and women's organizations. The "V" in "V-Day" stands for victory over violence, Valentine's Day and vagina. For more information see www.vday.org/college.

ⁱⁱ In December 1999, the 54th session of the United Nations General Assembly adopted Resolution 54/134 declaring November 25 the International Day for the Elimination of Violence Against Women. The origins of November 25 go back to 1960, when the three Mirabal sisters from the Dominican Republic were violently assassinated for their political activism. The sisters, known as the 'Unforgettable Butterflies,' became a symbol of the crisis of violence against women in Latin America. November 25 was the date chosen to commemorate their lives and promote global recognition of gender violence, and has been observed in Latin America since the 1980s.

ⁱⁱⁱ "Extenuating circumstances" legally justified the killing of women to protect the "honor" of men, family or community, in the majority of cases without any evidence on their guilt.

^{iv} AMAN was co-founded by SIGI Jordan (Sisterhood is Global Institute-Jordan) and The Hinrich Boel Foundation.

^v See <http://www.amanjordan.org/english/index.htm>

^{vi} http://www.unifem.undp.org/global_spanner/arab.html

^{vii} The Court was established by a group of Arab NGOs and distinguished personalities gathered in Rabat, Morocco on 30th November and 1st December 1996.

^{viii} Kalpana Sharma - Women's Enews Inc., July 29, 2002.

^{ix} Information received by the Lawyers Collective, Women's Rights Initiative, July 2002.

^x Information received by Virgilio Pernito, Programme Director, Population Services Pilipinas Inc.

^{xi} Information received by the Women's Crisis Centre, Manila at the NGO Consultations held for the UNSRVAV by APWLD.

^{xii} Written Report submitted to the UNSRVAV by the Fiji Women's Crisis Centre, August 2002.

^{xiii} Information received by the Commonwealth Office of the Status of Women, June 2002.

^{xiv} ^{xiv} See <http://www.nowldef.org/html/njep/index.htm> for further information.

^{xv} In 1996, NJEP published *Adjudicating Allegations of Child Sexual Abuse When Custody is in Dispute* to assist judges in dealing with this subject by providing the current, empirical information on assessing child sexual abuse allegations in the custody context. *When Bias Compounds: Insuring Equal Justice for Women of Color in the Courts*, published in 1998, addresses problems faced by women of color as litigants, witnesses, defendants, court employees, lawyers, and judges.

^{xvi} For a list of task force reports, see <http://www.nowldef.org/html/njep/PDFdocs/taskforce.pdf>.

^{xvii} For more information, see Verizon Wireless, HopeLines Fact Sheet, at

http://www.verizonwireless.com/jsp/aboutus/community_service/hopeline_fact.jsp (last visited October 10, 2002).

^{xviii} In Central America (Belize, Costa Rica, El Salvador, Nicaragua and Panama. Another project in the Andean region (Peru, Bolivia and Ecuador).

^{xix} EWL is a coalition of women's NGOs in the European Union (EU) representing over 3,000 affiliated organisations from the current fifteen Member States of the EU as well as European-wide women's organisations. It was established in 1990 to achieve equality between women and men and to ensure that gender equality and women's rights are taken into consideration and mainstreamed in all EU policies.

^{xx} See <http://www.seeline-project.net>