



# Ending Impunity for Violence against Women and Girls

Violence against women and girls is increasingly recognized as one of the most serious and urgent challenges of our times. In all parts of the world, its very real and harmful effects on women and girls have been seen to impede the pursuit of development, peace and gender equality. The international community and civil society together have concluded that there are no circumstances that can excuse violence that targets women and girls — it is always a violation of their human rights, it is always a crime, and it is always unacceptable.

All too often, perpetrators of violence against women and girls go unpunished. Such impunity — viewed by many as equally widespread, and equally unacceptable, as the violence — is a key element in perpetuating that violence and discrimination. As long as impunity for violence against women and girls is accepted and tolerated by society, so too will society continue to accept and tolerate acts of violence.

But despite growing awareness of the magnitude of the problem, its dimensions, forms, consequences and costs — to both the individual and society at large — the political will to end the culture of impunity, and to effectively prevent and address violence against women and girls, has not yet materialized.

## The right to a life free from violence

The specific recognition that women and girls have a right to a life free from violence is fairly recent. Historically, women's struggles against violence, including the impunity that so often protects its perpetrators, have been closely intertwined with their fight to overcome discrimination. As standards and norms to prevent, punish and eradicate violence against women have been elaborated, many advances in global standards were made within the United Nations system itself.

It was women's efforts that led to the 1979 adoption of the United Nations Convention on the Elimination of all Forms of Discrimination against Women, the principal international human rights instrument for women and girls. In its opening paragraph, the Convention reminds us that the United Nations Charter "...reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women...". It then goes on to define discrimination against women as any "distinction, exclusion or restriction made on the basis of sex which has the effect ... of impairing or nullifying the recognition, enjoyment or exercise by women ... on a basis of equality of men

## UN Secretary-General's in-depth study on all forms of violence against women

At the request of the United Nations General Assembly, the UN Secretary-General carried out an in-depth study on all forms of violence against women. Presented to the Assembly in October 2006, the study reviews the causes and consequences of violence against women, assesses its costs, identifies gaps and challenges in collecting useful data and looks at the effectiveness of various methodologies for assessing the prevalence of various forms of violence. It also assigns specific responsibilities to States to address and prevent violence against women and presents a blueprint for action by all stakeholders — including States at the national level and intergovernmental bodies and UN entities at the regional and international levels — to make measurable progress in preventing and eliminating violence against women.

In December 2006, the General Assembly drew on the study's recommendations to adopt a comprehensive resolution on the "Intensification of Efforts to Eliminate All Forms of Violence against Women". The resolution urges Member States to take action at many levels to address and eliminate all forms of violence against women, and it calls upon the bodies of the United Nations system to intensify efforts and enhance coordination in this regard. For more information, please visit: [www.un.org/womenwatch/daw/vaw](http://www.un.org/womenwatch/daw/vaw).

## Human rights conventions

A woman's or girl's right to a life free from violence is enshrined in various human rights treaties. Under these treaties, some of the rights to which women and girls are entitled include: life, liberty and security of person; freedom from torture and cruel, degrading or inhuman treatment or punishment; freedom from slavery and servitude; equal protection under the law; equality in marriage and family relations; an adequate standard of living; just and favourable conditions of work and the highest attainable standard of physical and mental health. A list of treaties and international agreements pertaining to women's rights is available on-line at [www.un.org/events/women/iwd/2007](http://www.un.org/events/women/iwd/2007).

and women, of human rights and fundamental freedoms...” The Convention, as well as many other legal instruments and negotiated outcomes of international conferences, upholds the rights of women and girls to a life free from violence.

Based on many international agreements, States have a recognized duty to respect, protect, promote and fulfil human rights. The crucial recognition that women's rights are human rights extended the State's responsibility to protecting women and girls from violence that targets them, which is an act of discrimination and violates their human rights. Thus, women and girls have a right to a life free of violence.

Violence against women and girls is rooted in inequality and discrimination against them, in both the private and public spheres. At major conferences in 1975, 1980, 1985 and 1995, the United Nations brought together the nations of the world to discuss strategies and policies to achieve equality for women and girls, and to end violence against them. The 1993 United Nations Declaration on the Elimination of Violence against Women called violence against women and girls “... a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men...”. The same year, the Vienna Declaration and Programme of Action affirmed the universality of women's rights as human rights and called for the elimination of gender-based violence.

These processes led to the adoption of the Beijing Platform for Action — a global blueprint to achieve gender equality. The Beijing Platform reiterates that violence against women and girls violates their human rights, and prevents them from fully enjoying their “fundamental freedoms”. A central strategy in the Platform is to mobilize national and local governments and civil society to end impunity.

Violence against women and girls continues to receive attention by governments at the United Nations. Security

Council resolution 1325 on women, peace and security, adopted in 2000, brought the issue of sexual and gender-based violence in armed conflict and post-conflict situations, and the importance of protecting women and girls in those circumstances, into the heart of the global discourse on peace and security.

World leaders gathered together at the 2005 World Summit reaffirmed their conviction that progress for women is progress for all, and recognized the importance of eliminating all forms of discrimination and violence against women and girls, including by ending impunity.

These international legal and policy frameworks, as well as related regional and national frameworks, reaffirm that violence against women and girls is a violation of their human rights, rooted in discrimination. They provide a strong foundation, with tools for States to protect the rights of women and girls and eradicate not only the violence but also the discrimination upon which it is based. They also reaffirm that States have a duty to prevent violence against women and girls, to investigate acts when they do occur, to prosecute and punish the perpetrators, and to provide redress and relief to victims.

## Impunity: the challenge to break the cycle

The acceptance of violence against women and girls — either explicitly or tacitly — creates a culture of impunity, which perpetuates that violence. When the State fails to hold perpetrators accountable, it contributes to a culture of impunity in which justice is denied and the roots of gender inequality grow deeper. Abuses continue, violence against women and girls is normalized and accepted, and inequality is reinforced, creating a vicious cycle.

Discriminatory laws and policies are one factor contributing to a culture of impunity. Some laws fail to fully criminalize all forms of violence against women and girls. Some definitions

## United Nations Action Against Sexual Violence in Conflict

A new cooperative initiative involving several UN agencies and offices is working to curb the use of sexual violence as a weapon of warfare. The initiative, UN Action Against Sexual Violence in Conflict, will engage with national Governments and NGO partners to increase public awareness about sexual violence as a weapon of war and identify ways to prevent it, end impunity for perpetrators, and improve services for survivors. It also aims to counter-act the long-term impacts sexual violence has on communities and on national development. For more information, please visit: [www.stoprapenow.org](http://www.stoprapenow.org).

of rape are based on the use of force, rather than on the victim's lack of consent. Rape may be seen as acceptable within the context of marriage, and domestic violence laws may be too narrow, encompassing only physical violence.

Laws that treat sexual violence as crimes against the family or crimes against decency, rather than violations of a woman's right to bodily integrity, also contribute to the culture of impunity. Sentences for perpetrators of sexual violence may be reduced for reasons that have nothing to do with protecting a woman's rights or her bodily integrity. A rapist who agrees to marry his victim may be treated with leniency. Family members who are guilty of violence, even murder, may also be treated with leniency — when the murder was committed in the name of "honour". States can also contribute to impunity by failing to enforce otherwise appropriate legislation.

For States to fully realize their obligations to protect the rights of women and girls, they must do much more than enact legislation that criminalizes all forms of violence against women. They must do more than enforce such legislation. To bring new norms into being, States must directly address the attitudes and prejudices that foster the culture of impunity.

A number of States have made significant strides in their efforts to prevent or respond to violence against women and girls, and from their efforts good or promising practices have been identified. These include implementing clear policies and laws with strong enforcement mechanisms, and

working closely with society at large to establish effective processes that cut across all sectors of governance. The national action plans that have been found to work best encompass the broadest array of measures and actors, from putting in place legal reforms and prevention strategies

— such as making education more accessible to girls, and enlisting the support of men and boys — to ensuring safer, more equitable law enforcement and courts, and higher quality support services for victims.

### **Making justice safe and accessible**

An international consensus has emerged for how best to address violence against women and girls, as reflected in the instruments and agreements that make up today's legal and policy framework. Impunity for violence against women and girls cannot be ended until justice is made more accessible to the victims — and the process of seeking justice is made safer. States must take steps to protect victims and shield their privacy — when they are reporting violence and during court proceedings. They should also take steps to facilitate the prosecution of crimes of domestic violence. Finally, those found guilty

of sexual crimes must be given appropriate penalties.

Investigation and reporting processes, including rules of procedure and evidence, must be non-discriminatory, and financial assistance should be available to those who require it to obtain legal representation. All stakeholders, including women and girls themselves, should be educated on their rights to be free from violence and discrimination.

Coordinated, multi-sectoral support services, such as hotlines, shelters, safe houses and crisis centres, including victim support centres with both medical and psychological services, should be available, and should be given adequate resources.

Attitudes must also be changed. Campaigns to raise awareness can increase public sensitivity to the vulnerabilities of women and girls

### **Sexual violence becomes a war crime**

Two courts set up in the aftermath of horrific ethnic violence — the International Tribunals for the former Yugoslavia and for Rwanda — have recognized sexual violence, including rape, as acts of torture and crimes against humanity. The International Criminal Tribunal for Rwanda has specifically recognized that "sexual violence is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact."

The Special Court for Sierra Leone has indicted persons for forced marriage. The Rome Statute for the International Criminal Court established jurisdiction to try crimes of sexual violence, such as rape, sexual slavery, enforced prostitution, forced pregnancy and enforced sterilization, as crimes against humanity when committed as part of a widespread or systematic attack directed at a civilian population.

### **UN Trust Fund supports work to end violence against women**

In 1996, the United Nations General Assembly established a multi-national trust fund to support local, national and regional efforts to combat violence against women. Managed by UNIFEM, the UN Trust Fund in Support of Actions to Eliminate Violence against Women began operations in 1997, and in its 10 years of existence this multilateral grant-making mechanism has distributed nearly US\$13 million to 226 programmes in more than 100 countries. For more information, please visit: [www.unifem.org/campaigns/trust\\_fund\\_10th\\_anniversary](http://www.unifem.org/campaigns/trust_fund_10th_anniversary).

### **Case study: Liberia's plan to fight violence against women**

After over a decade of conflict in which women and girls were subjected to high levels of violence, particularly sexual violence, Liberia has developed a national action plan to fight gender-based violence that sets goals for preventing such violence and improving the availability of appropriate care and services for survivors. Working with other stakeholders, the Government has identified strategies to overcome key challenges, and indicators to evaluate the impacts of violence against women and girls and to monitor programme outcomes. The plan's objectives include: economic empowerment; building capacity for health care providers; strengthening the criminal justice system; and developing an integrated national protection system to prevent and respond to violence.

to violence. Public discussions of violence, particularly with men and boys, can help to foster the recognition that violence is a violation of the rights of women and girls. Such a recognition can lead to a broader commitment to ensure that accountability for violence against women receives priority attention, and impunity is ended.

### **Action needed at all levels**

Despite many efforts by States, UN organizations and agencies and civil society, progress on the ground in fighting violence and impunity has been insufficient and inconsistent in all parts of the world. Violence against women and girls cannot be eliminated unless there are sufficient resources and political will to effect change. Elimination of violence must be a priority at all levels — local, national, regional

and international — and commitment demonstrated at the highest levels through sufficient resources and determined efforts.

Ending violence against women and girls is not the responsibility of the State alone but extends to everyone. It will take urgent action at all levels, collectively and individually, to secure gender equality for women and girls, and to end the complacency which so often accompanies violence against them in the private sphere, allowing it to be seen as culturally acceptable or as inevitable. It is necessary to support and sustain a political and social environment in which violence against women and girls is not tolerated — an environment in which friends, family members and neighbours, men and women together, will intervene to ensure that no perpetrators go unpunished.

### **One-Stop Centres**

First developed in Malaysia, One-Stop Centres are models for providing to victims and survivors of domestic or sexual violence the services of many agencies in one location. After medical treatment, the victim-survivor receives counseling. If returning home could place the victim in danger, alternative arrangements are made, such as admitting her to an emergency shelter or a hospital ward. Victim/patients are encouraged to file police reports and to follow up with appropriate service providers at a later date. In cases involving serious injury, police can record the patient's statement in a medical setting to initiate an investigation. This model is currently being replicated in much of Asia as well as in other countries, including South Africa.

### **The White Ribbon Campaign: Men working to end violence against women**

In what has become the largest effort in the world by men to end gender-based violence against women and girls, the white ribbon symbolizes a man's pledge to never commit, condone or remain silent about violence against women and girls. Originally consisting of one week of awareness-raising a year, the White Ribbon Campaign has evolved into a year-round effort on every continent, in over 55 countries.

The genesis of the Campaign was a particularly heinous gender-based crime that brought the issue of violence against women to the forefront of Canada's collective consciousness. On 6 December 1989, 14 women at the École Polytechnique in Montréal were murdered in cold blood because they were women. The symbol of the white ribbon was born in 1991, as the second anniversary of the event approached. Three men in Toronto, feeling compelled to act to end gender-based violence, spoke out about the role of men and their collective responsibility. In that first year, nearly 100,000 men donned a white ribbon, and thousands more contemplated the issue for the first time.

The Campaign has spread exponentially in its five years of existence. Across the globe today, as it focuses on identifying policy questions, educating men and boys and raising public awareness, it challenges men directly on their actions, ideas and beliefs.

For more information, please visit [www.whiteribbon.com](http://www.whiteribbon.com).