

Resolution on violence against women and girls – Q&A

Why a resolution on eliminating violence against women and girls focusing on domestic violence?

Domestic violence is the most common form of violence against women and World Health Organization (WHO) reports¹ that 15% to 71%, of women have experienced physical violence, sexual violence, or both, by an intimate partner.

Domestic violence can encompass many forms of violence, not just physical violence, and many of those violations are gender-specific and target or disproportionately affect women, such as femicide, marital rape and sexual abuse, Female Genital Mutilation and forced prostitution.

The adoption of a robust resolution focusing on domestic violence would be a critical achievement for upholding the Declaration on the Elimination of Violence Against Women which clearly calls for 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, and the Beijing Declaration and the Platform for Action.

Why should the resolution recognize marital rape/intimate partner violence and sexual and reproductive health and rights of women?

Although national data are scarce, a number of studies indicate that intimate partner violence is an important factor affecting women's sexual and reproductive health and rights. An essential requirement for breaking the cycle of domestic violence is that women are able to make empowered decisions about their lives and control their bodies, including to have access to contraception and the full range of reproductive services. . Unwanted pregnancies are significantly more common amongst women who have reported intimate partner violence compared with those who have not. Pregnancy has been shown as a factor of increased control by abusers and intimate partner violence during pregnancy has been found to be associated with fatal and non-fatal adverse health outcomes for the pregnant

¹ World Health Organization (WHO), Global and regional estimates of violence against women, 2013: <http://www.who.int/reproductivehealth/publications/violence/9789241564625/en/>

² Article 1 of 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.” Id.art. 1. Article 2 of the Declaration also provides a non-exclusive list of actions that fall within this definition, including “physical, sexual and psychological violence occurring in the family...marital rape...other traditional practices harmful to women” and “physical, sexual and psychological violence occurring within the general community...” Id. art. 2

woman and her baby due to the direct trauma to a pregnant woman's body³. WHO studies also show that a significant number of women experiencing domestic violence also experience sexual assault and report significantly more gynecological conditions. When sexual assault results in pregnancy, the harm experienced may be exponentially exacerbated. The WHO has clearly indicated that women who become pregnant as a result of rape should have access to safe abortion services.⁴ Survivors of sexual violence should also have access to emergency contraception.⁵

In addition, given the links between domestic violence and sexual violence, it is crucial for States to recognize marital rape and intimate partner violence as a serious violation of a woman's bodily integrity. Marital rape is a form of gender-based violence condemned in the Declaration on the Elimination of Violence Against Women⁶ and in the Beijing Platform for Action⁷. The WHO study on domestic violence⁸, which encompasses marital rape, found that intimate partner violence is the most common form of violence in a woman's life – much more common than assault or rape by strangers or acquaintances. Including marital rape in the resolution would send an important signal that there is no spousal exemption to rape and that marital rape should be described as rape and sexual abuse and not as a spouse's prerogative.

Why is it critical to acknowledge the links between gender-based stereotypes/roles, gender inequality and violence against women?

Socialised understandings of the appropriate roles, attitudes and actions of men and women create and reinforce inequalities, wherein women are viewed as subordinate to men and have lower social status and less decision-making power. The inequalities often make women and girls more vulnerable to intimate partner violence and undermine their ability to leave violent situations.⁹ It has been clearly established that eliminating domestic violence requires addressing the root causes of this violence, which means changing social and

³ World Health Organization (WHO) Intimate partner violence during pregnancy, information sheet : http://whqlibdoc.who.int/hq/2011/WHO_RHR_11.35_eng.pdf

⁴ WORLD HEALTH ORGANIZATION (WHO), SAFE ABORTION: TECHNICAL AND POLICY GUIDANCE FOR HEALTH SYSTEMS 92 (2011) ("The protection of women from cruel, inhuman and degrading treatment requires that those who have become pregnant as the result of coerced or forced sexual acts can lawfully access safe abortion services.").

⁵ Committee on the Rights of the Child (CRC Committee), Concluding Observations: Costa Rica, para. 64(e), U.N. Doc. CRC/C/CRI/CO/4 (2011)

⁶ Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, art. 2(a), U.N. Doc. A/RES/48/104 (Feb. 23, 1994).

⁷ Platform for Action, §113, "violence against women encompasses but is not limited to the following: (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, **marital rape**, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation"

⁸ Id.

⁹ World Health Organization, Violence Prevention: the Evidence, (2009) p. 4, available at: http://www.who.int/violence_injury_prevention/violence/gender.pdf,

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cultural attitudes and behaviors about the roles of women and men and increasing gender equality in all aspects of political, social and cultural life.¹⁰

¹⁰ Id.