

**Key issues for consideration in the Secretary-General's in-depth study
on violence against women**

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What has been called feminism's "second wave" of the 1970's was able to bring to light different forms of violence against women. At the time, it was essentially so-called "domestic" violence that was denounced, the mistreatments which made women victims in the private sphere, be it at the hand of the husband, the domestic partner or the ex-husband or former domestic partner. Feminists then brought other forms of violence to light. Sexual harassment was one of these forms. These denunciations lifted a taboo. I would like to insist on the continuum of the forms of violence to which women are subjected. Physical forms of violence are the result of an anthropological, historical, and cultural construction of the sexes.

We cannot bring the international community to an awareness of the reality of the forms of violence that strike against women because they are women and have the potential of making a victim of each and every woman, unless we attempt to understand the anthropological roots of these forms of violence and the possibility of changing certain of their elemental features.

1. Does violence have a specific sex?

We believe the answer to this question has to be no. There are non-violent men. No doubt the majority of them are. And there are violent women. No doubt a minority of them are. But if violence does not have a sex, it does have a gender. Violence is inscribed in an anthropological and social configuration. Anthropologically: human groups, whatever they may be, classify individuals according to their age and to their biological sex. And sex is fundamental to this classification. Socially: the position of each of the sexes may vary but, as a general rule, the feminine sex is attributed less value than the masculine sex, thus legitimizing masculine domination.

At this point, we confront the basic root of violence against women as a (social and anthropological) category. As the word violence is not in the Convention on the Elimination of All Forms of Discrimination against Women, the Committee has adopted a General Recommendation on violence against women (GR 19). In article 5, the Convention insists that social and cultural patterns must be modified to eliminate sex role stereotypes and notions of the inferiority or superiority of either sex.

This is an essential article, yet it is difficult to attend to its practical applications, even if the Committee does make recommendations in the matter. The struggle against stereotypes in effect demands a strong political mobilization and a strongly favourable national political context. Indeed, States often recognize the existence of such stereotypes in their reports to the Committee. For now, I'll give three citations of reports that will be examined in the next session:

Togo : "Traditionally, men are the incarnation of authority. The husband is the head of the family. He exercises his power in the common interest of the couple and their children. In that capacity, it is he who represents the family to the outside world, makes decisions, enjoys certain forms of consideration and has a preferential entitlement to education."

Mali : "Within the household, the man is the head of the family. He decides where the family will live and the wife is expected to follow (under the existing Marriage Code). A good wife is submissive, docile and faithful: she leaves her parents and her family to live with her husband, who is expected to support her. Her role as a wife and mother imposes certain obligations in running the household (preparing foodstuffs, getting meals ready, keeping house, etc.)".

Cambodia : “In much earlier times, there was a custom within Cambodian society that women were the heads of the household. The wife was a respected member of the household who resolved family and social problems and had much influence over her husband. This power and prestige was reinforced by the practice that land was handed down to daughters as inheritance and by the fact that a husband would often go to live in the house of his wife’s family so as to show the virtue to his wife's family with satisfactory manner before marriage. Even though the customs have considered the women as heads of the family, but after that custom and practice in Cambodian society have gradually made women inferior to men and no equality between men and women. They are expected always to devote to their husbands and never dispute their opinions.”

Stereotypes hold not only in developing countries. In most developed countries, the image of women in schoolbooks, in the media, in advertising continue to encourage negative stereotypes of women.

2. Forms of violence that make victims of women because they are women

Stereotypes and the fact that women are seen as inferior have multiple consequences which are in and of themselves capable of generating certain forms of violence.

Symbolic forms of violence

The fact of being devalued because one is a woman generates low self-esteem, a diminished capacity for undertaking certain tasks, a diminished capacity to denounce the discriminations of which one is a potential victim. This question could be treated in the context of domestic forms of violence. But the forms of violence that I call symbolic occur daily to women. The scarcity of women in decision-making positions, a consequence of their being devalued, contributes to this phenomenon.

Legal forms of violence

I quote Jessica Neuwirth, president of Equality Now: “Wife obedience is mandated by law in Mali, and wife beating is permitted by law in Northern Nigeria...and under the laws of evidence in Pakistan, the attestation of a woman regarding financial obligations is worth half the attestation of a man.” These examples are taken from former national reports to the CEDAW Committee. But here again, it is not only the least developed countries that uphold discriminatory laws.

I will again quote Jessica Neuwirth: “Yet almost all of these states have ratified the CEDAW... and all of them participated in the United Nations Fourth World Conference on Women in 1995 that adopted the Beijing Declaration and Platform for Action. Although both CEDAW and the Platform for Action explicitly call for the repeal of laws that discriminate against women on the basis of sex, sex discriminatory laws remain in force, making a mockery both of the legal obligations that governments have undertaken in acceding to CEDAW and, in many states, of constitutional equality provisions prohibiting discriminations on the basis of sex.”

In many countries, the law can therefore produce or authorize forms of violence against women, and this in spite of international statutes that run from the United Nations Charter,

through the conclusions of the Vienna Conference on Human Rights in 1993, to the ten year anniversary of the Beijing Fourth World Conference on Women.

Physical forms of violence

These forms of violence are the ones that generally attract the most attention even when they are the consequence of symbolic forms of violence and juridical inequalities.

In several countries (Canada, Sweden, France, Spain...), scientific inquiries have been carried out in attempts to measure these forms of violence. It is, however, still difficult to give a comparative evaluation. Three elements nonetheless seem to hold true. The first is that the forms of violence to which women are victim are, in peace-time situations, largely committed in the private sphere. A study I carried out on questions of gender at a local level thus shows that men are mostly victims of violent acts in the street while women are victims of violent acts in the home. The second element is that the evaluation of domestic violence remains a difficult task since many women hesitate to speak out. The third element is the very definition of violence. In France, a 2000 investigation into the subject was greeted by a polemic. The study showed that, in the months preceding the investigation, one woman in ten had been a victim of violence, from verbal threats to physical abuse. Was it necessary, certain academics and even certain people considered as feminists asked, to consider verbal threats as violence?

3. The continuum of gender violence

We believe that there is a continuum in forms of violence. It is because women, as women, are seen as inferior to men that they are eliminated in certain countries before even being born; it is more “worthwhile” to have a boy. It is because less hope is placed in them that they are less educated. It is because they are considered as harbouring a dangerous sexuality that they are submitted to genital mutilation. It is because they need to be controlled and because they would not be able to live autonomously that, when their husband dies, they are submitted to levirate marriages, or even immolated. It is because they give birth that rape is a weapon of war. It is because they are in a position of dependence, especially economic dependence, that they become the object of trade as prostitutes.

There is a causal link that runs from insult to physical violence that can sometimes result in murder.

In her book “Masculine-Feminine,” the anthropologist Françoise Héritier, a student of Claude Lévi-Strauss, argued for the idea that the inequality between the sexes was both general and unsurpassable, permanently in the process of being reconstructed. Several years later, she revised her theory in order to accept the idea that what Erving Goffman calls “the arrangement between the sexes” is both temporally and spatially variant. The concept of gender elaborated by Ann Oakley and developed by the historian Joan Scott has allowed us to get rid of a naturalising conception of humanity, to show that the relations between the sexes are the result of social constructions. The sexes are not stable, and can therefore vary according to time and space. Masculine domination is not a fatality. If masculine domination is often perfectly apparent under certain political conditions—in periods of conflict, for example, or after natural catastrophes—it can also recede as long as the political impetus for this change exists. But, even under these circumstances, these forms of violence are only the continuation of less spectacular forms of violence. Domestic forms of violence are, in this respect, revealing. Even if they are still poorly measured, all indications lead us to believe that

they are universal and concern all social categories. But also to believe that they can be fought. Recent Spanish legislation, and the debate that took place in that country; is proof of that.

The struggle against the forms of violence that make victims of women because of their sex thus demands action against all the forms of inequality to which women are subjected. It demands the construction of a culture of equality. A legal apparatus to translate it. And practices that would allow us to measure its efficiency. In these aspects, the CEDAW Committee has a major role to play.