



Ending violence against women: from words to action

Study of the Secretary-General

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Violence against women: unmet needs, broken promises

States have concrete and clear obligations under international law to address violence against women, whether committed by state agents or by non-state actors. While circumstances and constraints allow for different types of action to be taken by a State in addressing violence against women, they do not excuse State inaction. Yet States worldwide are failing to implement in full the international standards on violence against women. They are not challenging gender-based discrimination and are allowing crimes to be committed with impunity. Failing to hold perpetrators accountable not only encourages further abuses, but also gives the message that violence against women is acceptable or normal.

According to the Secretary-General's in-depth study on violence against women:

- Progress in the international legal and policy framework has not been accompanied by comparable progress in implementation. Despite a well-developed international legal and policy framework, violence against women persists in every country in the world, constituting a pervasive violation of human rights and a major impediment to achieving gender equality. On average, at least one in three women is subjected to violence in the course of her lifetime.
- Many States have yet to adopt legislation that criminalizes all forms of violence against women. Many States have not criminalized all forms of violence against women, particularly domestic violence, marital rape, incest, sexual harassment and traditional practices harmful to women, and lack comprehensive laws and policies on trafficking and a gender-sensitive approach in their asylum laws. There are 102 States that have no specific legal provisions on domestic violence. Marital rape is not a prosecutable offence in at least 53 states. Only 93 States (of 191 reviewed) have some legislative provision prohibiting trafficking in human beings.
- Existing legislation on violence against women is often inadequate in its scope and coverage and may contain inappropriate or discriminatory definitions and remedies. Where legislation on violence against women exists, there are often inadequacies in its scope and coverage. Examples include:
 1. Definitions of rape that specify use of force rather than lack of consent;
 2. Definitions of domestic violence that are limited to physical violence;
 3. Treatment of sexual violence as a crime against the honour of the family or against decency, rather than against women's right to bodily integrity;
 4. Use of the defence of "honour" to justify or mitigate acts of violence against women;
 5. Reduction of sentences in rape cases where the perpetrator marries the victim;
 6. Inadequate protection for trafficked women;
 7. Laws that allow early or forced marriage;
 8. Inadequate penalties for crimes of violence against women; and
 9. Penal laws that discriminate against women.



- Failure to implement laws effectively and gaps in the justice system allow violence against women to persist. Where adequate legislation on violence against women exists, such legislation is often not effectively implemented. Particular concerns include:
 1. The absence of regulations to implement legislation;
 2. Lack of clear procedures for law enforcement and health-care personnel;
 3. Attitudes of law enforcement officers that discourage women from reporting cases;
 4. Lack of adequate and consistent gender-sensitivity training for officials responsible for implementing legislation and policies;
 5. High dismissal rates of cases by police and prosecutors;
 6. High withdrawal rates of complaints by victims;
 7. Low prosecution rates;
 8. Low conviction rates;
 9. Failure of courts to apply uniform criteria, particularly in relation to measures to protect victims;
 10. Lack of legal aid and high costs of legal representation in courts;
 11. Practices that deny women legal control over their lives, such as detaining women for their “protection” without their consent; and
 12. Use of reconciliation proceedings between a perpetrator and a victim of violence in criminal and divorce cases to the detriment of the victim.

In addition, in countries where customary law prevails alongside codified law, the use of discriminatory customary law and practice persists despite laws enacted to protect women from violence.

- Many States do not have sufficient support measures in place for women victims of violence. Support measures, including access to services such as shelters and legal, medical and psychological support, are often inadequate, and lack sufficient and consistent funding and monitoring.
- Discriminatory traditions, customs and stereotypes persist to keep women in subordinate positions and place them at risk of violence. States have not taken adequate measures to address and eliminate discriminatory traditions and customs and gender role-stereotyping. In many countries, discriminatory customs and traditions that perpetrate or condone violence against women are allowed to persist, sometimes despite legislation outlawing such practices. In addition, discriminatory attitudes and stereotypes that view violence against women, particularly domestic violence, as a private matter that is acceptable or normal, remain common. Awareness raising, education and training on violence against women remain inadequate in many countries.
- Many countries lack systematic and reliable data on violence against women. Many State parties do not undertake systematic data collection on all forms of violence against women and lack data disaggregated by sex and ethnicity. Such information is urgently needed to evaluate how various forms of violence affect different groups of women and to devise meaningful strategies to address such violence. In addition, there is a lack of information to assess the measures taken to address violence against women and to evaluate their impact.

The continued prevalence of violence against women is testimony to the fact that States have yet to tackle it with the necessary political commitment, visibility and resources. Impunity for violence against women (by both State and non-State actors) results from States’ failure to implement international standards at the national and local level. Ending impunity and ensuring accountability for violence against women are crucial to prevent and reduce such violence. Work to end violence against women requires a clear demonstration of political commitment and systematic and sustained action, backed by adequate resources and strong, dedicated and permanent institutional mechanisms.

