

Co- Chairs of the Open Working Group on Sustainable Development Goals



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consequences**

Excellency

It is an honor for me to engage with the work of the Open Working Group as regards the development of SDGs post-2015. This submission reinforces the view that violence against women is a major obstacle to development goals and it requires urgent attention in your deliberations, whether as a stand-alone goal or a target subsumed under the gender equality and women's empowerment goal.

I. Violence against Women is Integrally Linked to Development

Violence against women is one of the most pervasive violations of human rights in all societies. It affects one in three women globally and is one of the foremost causes of death and disability for women. Crucially, gender-based violence is a major obstacle to social and economic development, and to the achievement of sustainable development goals.

Gender-based violence serves to impoverish women and their families, saps public resources and lowers economic productivity.¹ When women and girls experience violence, they are denied access to fundamental human rights, such as education and health, which significantly undercuts their capacity to participate meaningfully in the development of their communities. Violence against women undercuts sustainable development by obstructing women's participation in development and undermining the goals of development.

Violence against women mediates against achievement of such development goals as education. For instance, the fact that 60 million girls worldwide are assaulted travelling to and from school prevents many girls from attending². Many adolescent girls are also forced to withdraw from school due to child marriage and school-related violence, while sexual violence increases rates at which girls drop-out of school and undermines educational achievement.³ Additionally, while MDG1 aimed to eradicate extreme poverty and hunger, as the Beijing Platform for Action notes, the fear of gender-based violence is a major constraint on the mobility of women and limits their access to resources and economic activity.⁴ The major causes of women's poverty are embodied in unequal power relations between women and men, intertwined with patterns of gender-based violence.

Current development goals to reduce child mortality and improve maternal health – called for in MDG 4 and MDG 5 – cannot be achieved in a context of violence against women. Gender-based violence has long lasting adverse consequences for women's reproductive health, which includes maternal and infant death and related injury and

¹ For example, the CDC estimates that intimate partner violence in the United State alone costs \$5.6 billion annually. CDC Reports Costs of Violence Against Women, <http://usgovinfo.about.com/cs/healthmedical/a/violencecosts.htm>, accessed February 2014.

² USAID EQUATE Project, 2008.

³ U.N. World Report on Violence against Children, 2006.

⁴ Beijing Platform for Women, 1995, p. 75: "The fear of violence including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into subordinate positions."

sexually-transmitted infections.⁵ FGM and child marriage substantially increase the risk of maternal injury or death and increase child mortality. Unwanted pregnancy, pregnancy complications, miscarriage, low birth weight and maternal mortality are also associated with domestic violence.

Further, while MDG 6 commits governments to combating HIV/AIDS, exposure to HIV is positively correlated with gender-based violence and poverty. For example in Sub-Saharan Africa, women in the 19-24 age group are twice as likely to be infected as men, due to sexual violence and related inequality in decision-making and autonomy, and rates of infected girls have increased due to sexual assault related to myths on prevention of HIV/AIDS.⁶

The connection between violence against women and development has been highlighted by a number of U.N. documents and bodies. As aforementioned, the Beijing Declaration linked gender-based violence with the achievement of development goals, stating that “violence against women is an obstacle to the achievement of the objectives of equality, development and peace...In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of violence against women.”⁷

As far back as 1985, the Nairobi Forward-Looking Strategies for the Advancement of Women also linked gender-based violence with development, holding that “violence against women exists in various forms in everyday life in all societies...such violence is a major obstacle to the achievement of peace and [equality and development] and should be given special attention.”⁸

The International Conference on Population and Development’s (ICPD) Programme of Action calls on countries to “take full measures to eliminate exploitation, abuse, harassment and violence against women,”⁹ and the ICPD plus 5 further states that “governments should give priority to developing programmes and policies that foster norms and attitudes of zero tolerance for harmful and discriminatory attitudes..”¹⁰ Importantly, the U.N. Conference on the Environment and Development (Rio 1992) stated that “the achievement of development goals is impossible without the elimination of violence against women.”¹¹

II. Need for Appropriate Goals and Targets

The Millennium Development Goals for the first time established a set of global goals, targets and indicators regarding development. MDGs 2, 3, 4, 5 and 6 all concerned

⁵ See e.g., World Health Organization, *Addressing Violence Against Women and Achieving the Millennium Development Goals*, Chapter 7 (2009), available at http://www.who.int/gender/documents/women_MDGs_report/en/index6.html.

⁶ UNFPA, *Combating Gender Based Violence: A Key to Achieving the MDGs*, March 2005, pg 17.

⁷ Beijing Platform for Women, 1995, para 112.

⁸ Nairobi Forward Looking Strategies for the Advancement of Women, para 258.

⁹ International Conference on Population and Development, Programme of Action, para 4.9.

¹⁰ ICPD +5, Key Action, para 48.

¹¹ United Nations Conference on Environment and Development, Rio 1992, Agenda 21, 24.2 (h).

issues of gender equality, and their adoption was effective in highlighting gender equality as an internationally important aim and consequently serving to direct funding into specific areas related to gender equality. However, “the MDGs have often been criticized for . . . the lack of grounding in human rights obligations and the accompanying lack of accountability, as well as their rather messy structure of targets and indicators.”¹² This was especially true of the indicators on gender equality. Furthermore, the choice of indicators often reflected consequences rather than causes of important problems.¹³ For example, while MDGs 2 and 3 targeted gender equality in education, none of the indicators addressed gender-based violence, which is often the reason that many girls are unable to complete their education.¹⁴ In general, gender-based violence is one of the root causes of gender equality, and the same critique regarding indicators can apply to the other MDGs as well.

Therefore, given the diffuse effects of violence against women, it will be necessary to adopt a clearly-defined global framework for assessing the full scope of the relationship between gender-based violence and sustainable development. This framework should incorporate the goals, targets and indicators necessary to glean a full understanding of the causes of violence against women and its effects on sustainable development. Goals, targets, and indicators should also be utilized to provide the international community with an effective means to evaluate the successes and failures states will confront in seeking to eradicate violence against women and its detrimental effects on sustainable development. This framework must therefore be broad enough to incorporate all forms of violence against women that affect sustainable development, but specific enough to articulate clear, concise and measurable standards all states may strive to achieve.

Clear objectives defined by codified goals are especially important in evaluating the relationship between violence against women and sustainable development, as diverging views on gender-based violence among states tend to be increasingly polarizing. Significant disagreement exists over both the status of women generally (that is, there is a vocal minority that questions whether advancing women’s rights is a desirable international goal at all), as well as over the specific strategies that should be employed in the fight against gender-based violence.¹⁵ The process of identifying goals requires the international community to work through any polarizing forces that threaten cooperation and to unite around the achievement of agreed-upon objectives.

Identifying goals is a necessary component of combatting violence against women and its detrimental effects on sustainable development. However, goals risk being ineffective if not accompanied by specific, measurable targets that states are required to meet by pre-established dates. Even more than goals, specific targets allow states to better allocate resources for the achievement of international objectives.¹⁶ Targets

¹² KRISTINA LANZ, INTERDISCIPLINARY CENTRE FOR GENDER STUDIES, GENDER GOALS TARGETS AND INDICATORS FOR SUSTAINABLE DEVELOPMENT - PROBLEMS AND OPPORTUNITIES: A BRIEFING PAPER FOR POLICY MAKERS, LOBBY GROUPS AND DEVELOPMENT PRACTITIONERS INTERESTED IN DEVELOPING GENDER-SENSITIVE STRATEGIES FOR SUSTAINABLE DEVELOPMENT 4 (2013).

¹³ See *id.* at 5.

¹⁴ See *id.*

¹⁵ See U.N. Secretary General, *In-depth study on all forms of violence against women: Rep. of the Secretary-General*, ¶ 58-59, U.N. Doc. A/61/122/Add.1 (July 6, 2006).

¹⁶ See U.N. System Task Team on the Post-2015 Development Agenda, *Statistics and indicators for the post-2015 development agenda*, ¶ ix, available at

have the ability to “challenge preconceptions of what is possible to achieve, and inspire concerted public efforts to meet them.”¹⁷ This is especially important in the context of gender-based violence and sustainable development. Given states’ lack of focus on the relationship between violence against women and sustainable development, specific targets are necessary to motivate states to implement the necessary infrastructure to achieve international goals, as well as to properly monitor states’ efforts to eradicate gender-based violence and its detrimental effects on sustainable development.

Further, it is difficult to measure whether targets are met without the establishment of proper indicators. Indicators provide policymakers and watchdog organizations with summaries of complex data that suggest whether or not goals and targets are being met, and, in doing so, are crucial to ensuring state-level accountability. Indicators on violence against women are also useful in creating awareness of gender-based violence, guiding legislative and policy reforms, ensuring access to social services and monitoring trends connected with specific targets and goals.¹⁸ Clear indicators are notably lacking regarding violence against women. As noted in the Secretary-General’s In Depth Report on Violence against Women, “[M]any of the prevalence estimates for intimate partner violence are not comparable because of methodological differences in the way that violence has been defined and measured. Moreover, there are enormous gaps in terms of geographic coverage, population groups addressed and types of violence measured.”¹⁹ It is also important to note that “monitoring cases and indicators to follow up and further modify policies” is considered a “basic guiding element[] in respect of the State responsibility to act with due diligence” to eliminate violence against women.²⁰ “The lack of monitoring and evaluation systems, which would include data collection and indicators, among others, . . . make[s] it difficult to assess effectiveness and also the impact of measures and interventions adopted [to address violence against women] Coherence and sustainability in data collection is essential for the effective development and implementation of laws, policies and programmes. It is also essential to include both quantitative data, to measure prevalence and forms, and qualitative data, to assess the efficacy of measures”.²¹

If we cannot properly assess the prevalence of violence against women within States, it will be difficult to understand and articulate the full scope of the impact of violence against women on sustainable development. In order to ascertain whether targets and goals are being met, the international community must focus its attention on formulating clear indicators to fully measure the causes of violence against women

<http://sdg.earthsystemgovernance.org/sdg/publications/statistics-and-indicators-post-2015-development-agenda>.

¹⁷ See *id.* at ¶ vi.

¹⁸ See Henrica A.F.M. (Henriette) Jansen, U.N. Women, *Prevalence surveys on violence against women: Challenges and indicators, data collection and use*, at 2, U.N. Doc. EGM/PVAWG/INF.9 (Sept. 17-20, 2012), available at <http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/57/EGM/EGM-paper-Henriette-Jansen%20pdf.pdf>.

¹⁹ See U.N. Secretary-General, *supra* note 18, at ¶195.

²⁰ Special Rapporteur on violence against women, its causes and consequences, *Report to the Human Rights Council in its 23rd Session*, ¶23, U.N. Doc. A/HRC/23/49 (May 13, 2013).

²¹ *Id.* at ¶61.

and its effects on sustainable development.²² The framework should be broad enough to incorporate all forms of gender-based violence that affect sustainable development (including physical violence, structural violence, workplace harassment and any other form of violence against women that impacts development), but specific enough to articulate clear and concise standards.

Some suggested indicators may include:

- **Indicators for an international evaluation:**
 - National Demographic and Health Surveys that integrate questions on the prevalence of violence against women
 - Countries that integrate VAW in primary and secondary school curricula, as well as in teacher training, media training and health care personnel training institutions
 - Countries that have comprehensive legal frameworks, outlawing all forms of violence and discrimination against women
 - Countries with strong multi-sectoral service response for victims of violence (including legal services, health care, psychological care, reintegration, skills training etc.)
 - Countries that have ratified CEDAW without any reservations, as well as evidence of implementation (i.e. CEDAW periodic reports)

- **Indicators for evaluating a State's response:**
 - Ratification of the Convention on the Elimination of Discrimination against Women and other human rights instruments (including at the regional level)
 - Constitutional guarantees of women's equality and repeal of discriminatory laws
 - Plan of action/executive policy on violence against women with a strong evidence base and political will for its implementation, demonstrated by budgetary allocation, timelines and clear paths of responsibility
 - An effective legal framework, statute and procedural law that provides access to justice redress, protection and compensation
 - Criminalization of all forms of violence against women and the prosecution of its perpetrators
 - Increased awareness and sensitivity of professionals and officials
 - Resource allocation to ensure provision of support and advocacy services by NGOs, including shelters, helplines, advocacy, counselling and other services
 - Awareness-raising and prevention programmes
 - Addressing structural inequalities in the promotion of women's advancement

²² For a summary of suggested indicators assessing violence against women generally, see Kristina Lanz, Flurina Derungs, Brigitte Schnegg, *Factsheet: Violence Against Women—The Missing MDG?*, INTERDISC. CENTRE FOR GEN. STUD. at 18-19 (2013).

- Collection, collation and publication of data, including evaluation of policies and basic research programmes²³
- **Indicators for prevalence surveys conducted at the national level** (excerpted from the *Report of the Friends of the Chair of the United Nations Statistical Commission on Indicators on Violence against Women*):²⁴
 - Total and age specific rate of women subjected to physical violence in the last 12 months by severity of violence, relationship to the perpetrator and frequency
 - Total and age specific rate of women subjected to physical violence during lifetime by severity of violence, relationship to the perpetrator and frequency
 - Total and age specific rate of ever-partnered women subjected to sexual and/or physical violence by current or former intimate partner in the last 12 months by frequency
 - Total and age specific rate of ever-partnered women subjected to sexual and/or physical violence by current or former intimate partner during lifetime by frequency
 - Total and age specific rate of women subjected to psychological violence in the past 12 months by the intimate partner
 - Total and age specific rate of women subjected to economic violence in the past 12 months by the intimate partner
 - Total and age specific rate of women subjected to female genital mutilation or other traditional forms of violence²⁵
- Other national prevalence indicators may include:
 - Percentage of women and men who believe a woman can refuse sex to her husband (see WHO 2005)
 - Percentage of women and men who believe wife beating is acceptable (see WHO 2005)
 - Percentage of women and men who believe that FGM / early marriage / other traditional forms of violence against women are acceptable
 - Number of female murder victims²⁶

²³ See Report of the Special Rapporteur on violence against women, its causes and consequences, *Indicators on violence against women and State response*, ¶71 U.N. Doc A/HRC/7/6 (Jan. 29, 2008). The report also outlines sub-indicators for evaluating a State's response under each broader indicator listed above.

²⁴ It has been found that the best way of obtaining accurate estimates on VAW is to ask women, whether they experienced specific acts of violence (i.e. slaps, pushes, shoves; strangling, burning; threatened with a weapon, forced to have sex with someone etc.), rather than asking in broad generic terms (i.e. intimate partner violence, sexual violence, physical violence etc.). See Lanz et al., *supra* note 25 at 18-19.

²⁵ *Report of the Friends of the Chair of the United Nations Statistical Commission on Indicators on Violence against Women*, ¶8 U.N. Doc. E/CN.3/2011/5 (Dec. 8, 2010).

²⁶ See Lanz et al., *supra* note 25 at 18-19.

III. Challenges Faced in a Culture of Impunity and Lack of Accountability for VAW

As the Special Rapporteur on Violence against Women has highlighted, “Despite numerous developments, violence against women remains endemic, and the lack of accountability for violations experienced by women is the rule rather than the exception in many countries.”²⁷ Some common issues amongst States include the lack of acceptance of gender-based violence as a human rights issue; inadequate State responses; insufficient effort made to tackle the problem in a systematic, comprehensive and sustained manner; minimum time and resources devoted to the problem of violence against women; inadequate attention devoted to the investigation of patterns, causes and consequences of violence; and low levels of prosecutions and convictions in cases of gender-based violence.²⁸

As this indicates, some key failures in the protection of women victims of violence are situated in the responses of law authorities. Police often do not treat cases of violence against women with the same gravity as many other crimes, and this is exacerbated in cases of intimate partner violence. Officers may dismiss complaints, encourage informal resolution between the parties instead of arresting perpetrators, carry out dual arrests and generally allow their personal gendered views to influence their decisions on whether to detain perpetrators or dismiss a case.²⁹ Social services also frequently reflect gender biases to the detriment of victims of gender-based violence. In many countries, social services operate with an explicit focus on family reconciliation or reunification, sometimes to the point of jeopardizing victims’ safety.³⁰

Victims of violence against women also face challenges in the classification of crimes and charging patterns, which affect which cases manage to proceed to the court system. In many countries, even where intimate partner violence is classified as a criminal offence, it will be tried as a misdemeanor and treated as a minor offence.³¹ Further, judicial practices worldwide often do not reflect a crucial understanding of the dynamics of domestic violence or an appropriate sensitivity to victims of long-term violence.³²

The challenge of accountability must be met by looking at protective measures available in domestic law and evaluating, first, whether they are appropriate to respond to the situation of gender-based violence, and second whether they were appropriately employed. It is important to note that “it is not the formal existence of judicial remedies that demonstrates due diligence, but rather that they are available and effective.”³³

Impunity for violence against women is widespread, as noted by the U.N. Secretary-General, and we must emphasize that this lack of accountability has far-reaching

²⁷ UN Special Rapporteur on Violence against Women, Report to the Human Rights Council (2013), *supra* note 23 at ¶69.

²⁸ *Id.*

²⁹ *Id.* at ¶51.

³⁰ *Id.* at ¶57.

³¹ *Id.* at ¶54.

³² *Ibid.*, para 55.

³³ IACHR, *González et al. v. Mexico*, judgement of 16 November 2009.

effects beyond the individual victim. Lack of accountability for gender-based violence “compounds the effects of such violence as a mechanism of control. When the State fails to hold the perpetrators accountable, impunity not only intensifies the subordination and powerlessness of the targets of violence, but also sends a message to society that male violence against women is acceptable and inevitable. As a result, patterns of violent behavior are normalized.”³⁴ Lack of accountability for violence against women engenders a cycle of violence and systematically undermines sustainable development goals.

Yet despite the growing recognition of violence against women as a public health and human rights concern and evidence that gender-based violence affects and undoes progress on each of the MDG focus areas, this form of violence was not directly highlighted in the MDG development agenda. In order to truly achieve sustainable development goals post-2015, the integral connection between violence against women and development must be emphasized. Ultimately, “development can never be sustainable, if more than half of the world’s population are disadvantaged and discriminated against throughout their lives and if more than one third of all women experience violence.”³⁵

³⁴ See U.N. Secretary-General, *supra* note 18, at ¶76.

³⁵ INTERDISCIPLINARY CENTRE FOR GENDER STUDIES, FACTSHEET VIOLENCE AGAINST WOMEN—THE MISSING MDG? (Nov. 2013).