



Patricia sweeping the yard, Uganda (2009). (c) Heather McClintock.

CLOSE THE GAP

HOW TO ELIMINATE VIOLENCE AGAINST WOMEN BEYOND 2015

At least one in three women worldwide will experience physical or sexual violence in their lifetime, often perpetrated by an intimate partner. Violence against women and girls is a fundamental human rights issue and a central challenge to development, democracy and peace.

Oxfam is concerned that efforts to eliminate violence against women do not match the scale of the problem. More needs to be done to tackle VAW within and beyond the future post 2015 development agenda.

1 INTRODUCTION: VIOLENCE AGAINST WOMEN

Violence against women (VAW) is the most widespread and persistent violation of human rights. According to a 2013 study from the World Health Organization (WHO), at least one in three women worldwide (35 per cent) will experience physical and/or sexual violence during their lifetime, usually at the hands of someone they know.¹ This means **more than one billion women** worldwide are affected by VAW. The WHO data found that an average of 25.5 per cent of women in Europe will be affected by violence and an average of 37.7 per cent of women in South East Asia will experience violence.²

Violence against women is defined by the United Nations (UN) 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.'*³

Around the world VAW has devastating long-term effects, not only on women, but on their families and society in general. Here are some of facts about VAW:

- The home is often the most dangerous place for women and many live in daily fear of violence usually perpetrated by an intimate. Intimate partner violence is the most common form of VAW and includes violence in married relationships as well as violence in unmarried, sexual relationships.⁴
- Violence affects women at all stages of their lives, from son preference, female infanticide and dating violence, to child marriage, domestic and sexual violence, Female Genital Mutilation (FGM) and widow-related violence.⁵
- In a multi-country study conducted by the WHO in 2005 up to 70 per cent of women aged 19-47 reported experiencing some form of violence.⁶
- Domestic violence is now outlawed in 125 countries, but 603 million women still live in countries where domestic violence is not considered a crime.⁷
- The systematic use of sexual violence is now a defining and deliberate tactic of war.
- Women who have experienced violence are up to three times more likely to be living with HIV.⁸
- It is estimated that more than 130 million girls and women alive today have undergone FGM, with two million girls a year at risk of mutilation.⁹
- Every year 60 million girls are sexually assaulted either at or going to and from school.¹⁰

As these facts show, VAW is wide-spread, persistent and global. The elimination of VAW is essential not only for realizing women's rights and gender justice, but for equitable social development. Under international law, states are required to exercise due diligence in confronting violence against women and girls (VAWG) wherever it occurs. The large-scale persistence of all forms of VAW and the continuing impunity of its perpetrators shows that the international community is failing women and girls on this issue. In fact, the scourge of violence points to a huge global gender gap.

There is an urgent need for political action to close this gap. This can be done through developing comprehensive, co-ordinated and multi-stakeholder interventions aimed at policy implementation. The post-2015 development agenda provides an opportunity to take a much needed first step towards tackling VAW. Oxfam has called for a stand-alone gender equality goal accompanied by a specific target to eliminate VAW.

In order to fully eliminate violence beyond 2015, Oxfam has proposed a Comprehensive International Action Plan. Oxfam believes such a plan could provide a due diligence blueprint for comprehensive and co-ordinated action by states to eliminate VAW. An international plan of action would also present a much needed roadmap for taking forward interventions by operationalizing them and establishing urgently needed monitoring mechanisms, such as timelines and targets to track progress in this area.

2 VIOLENCE AGAINST WOMEN AS A GATEWAY ISSUE: REPERCUSSIONS ON DEVELOPMENT

Women living in poor countries or societies with a high level of inequality between women and men lack control over their lives. Poverty and women's unequal status in society are shaped by different forms of discrimination against women, including violence. In its 2012 World Development Report, the World Bank identified VAW as a key issue that holds back societies from full development and growth for all, and gender equality for women.¹¹

Poverty and inequality reinforce patterns of violence. In turn, violence keeps women and girls trapped in poverty and marginalization. It limits women's choices and their ability to access education, earn a living and participate in political and public life. It also robs women of control over their own bodies and sexuality, as well as being a major cause of ill-health, disability and death.

The everyday consequences that result from violence against women and girls undermine development efforts and the building of strong democracies and just, peaceful societies. Addressing the many and complex root causes is a fundamental prerequisite for the empowerment of women and girls, the building of democracies, sustainable economies, development and peace.¹²

Unequal gendered power relations manifested in discriminatory laws, norms, standards and practices have been identified as one set of root causes for violence, poverty and inequality, and must be addressed to end the scourge of VAW. In everyday life, these factors are key to understanding the stereotypical attitudes and beliefs about gender roles and identities through which violence is perpetuated. For example, in South Asia men admitted to raping their intimate partners, often their spouses, because they felt it was their right to have sex without the consent of women.¹³ The belief in women's subordination is also linked to impunity for men using VAW.¹⁴ Violence at the household level has an enormous impact on the level of acceptance of violence and its reproduction from generation to generations.¹⁵ Together with a lack of formal gender equality it makes VAW acceptable.¹⁶

VAW not only reinforces inequality and poverty, but it also comes at a huge financial cost. In the EU alone, where one in four women experiences violence in her lifetime, the annual cost of this violence was estimated at €228bn (\$400bn) in 2011. This includes €24bn (\$40bn) of lost economic output and €45bn (\$60bn) in costs incurred to public services.¹⁷ A study in Uganda estimated costs at the household level of \$5 per incidence of violence.¹⁸ While this might seem small, many poor households live on no more than \$2 a day or less. In Egypt, the women's rights organization Karama together with the Egyptian Association for Community Participation Enhancement estimated the costs of VAW at more than 785 million Egyptian Pounds (more than \$112m) per annum.¹⁹

3 INSUFFICIENT MECHANISMS FOR ELIMINATING VIOLENCE AGAINST WOMEN

Oxfam is very concerned that efforts to eliminate VAW do not match the scale of the problem. In fact, the scourge of violence worldwide points to a huge global gender gap.

It is Oxfam's belief that women's empowerment cannot be achieved without full gender equality. This requires the removal of structural barriers, such as formal legal equality, comprehensive sexual and reproductive health care, protection by the police and the judiciary and access to justice. Also the removal of barriers restricting women's access to jobs, markets, participation at all levels, including leadership positions, is essential.

Women's and girls' rights need to be upheld, protected and enforced. Where rights do not exist yet, they must be established. Policies designed to implement these rights need to be put into practice, complemented by monitoring tools, such as timelines, concrete targets and indicators.

Important progress has been made internationally, as a result of years of lobbying by women's organizations and women's movements promoting international standards and norms that clarify the obligations of states to prevent, eradicate and punish all forms of VAWG, in the private and public sphere, by state and non-state actors. These government obligations have been established in key international frameworks.²⁰ Most of these standards stipulate the need to employ a comprehensive, multi-sectoral and multi-layered approach to the elimination of VAW.

In 1993, the UN General Assembly adopted the landmark Declaration on the Elimination of Violence against Women,²¹ which is considered a major expression of political will towards addressing VAW. The global gender equality roadmap, the Beijing Platform for Action on Women, Development and Peace (1995) condemns VAW and outlines specific steps governments can take to end it. While the legally binding Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) does not address VAW in a specific article, its monitoring body, the CEDAW Committee issued two general recommendations, n°12 (1989) and n°19 (1992), which specifically address the issue.

Regional instruments, such as the Council of Europe's Istanbul Convention, the Inter-American Convention of Belem do Pará, or the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), are all efforts to ban VAW. At the meeting of the Commission on the Status of Women in 2013 (CSW 57), governments reaffirmed these frameworks and their existing obligations to eliminate violence against women and girls, while adopting a further 70 policy recommendations that outline concrete actions for governments and other stakeholders.²²

All of these measures are based on the principle of due diligence, which establishes the responsibility of states to protect women from violence wherever it occurs and hold perpetrators accountable. The due diligence principle is established in international law and stipulates states' accountability for the delivery of human rights. In other words, it is agreed worldwide that states have an obligation to promote, protect and fulfil human rights, wherever it occurs. This is of particular importance to the elimination of VAW because it means that even in cases where violence against women is considered a private matter, it is still the responsibility of the state to protect women.²³ Some experts go further than that and understand the due diligence principle as the states' responsibility to prevent VAW, protect women from it, prosecute and investigate acts of VAW, punish the perpetrators, and provide redress to victims.²⁴ This approach is already at the heart of standards and policy measures agreed to date which spell out what government must do to end VAW.

So why are one in three women worldwide still subjected to violence?

Why do states continue to fail more than one billion women worldwide, and especially the poorest and most marginalized ones?

Why is progress so slow?

According to civil society activists and experts, delivery of existing policies and measures at the national level is entirely inadequate. In a global survey conducted by Oxfam and VSO UK in 2011, almost all of the 100 women's rights activists interviewed across 75 countries indicated that ending VAW was the most urgent women's rights issue to address at the country level. Respondents from the Middle East and Maghreb region and from Asia even reported an increase in VAW.²⁵

Respondents explained that VAW and its prevention are often not seen as priority issues by governments. They gave a number of reasons why action towards eliminating VAW had been delayed, ranging from the high prevalence of stereotypical attitudes towards women manifested by their low status in society, to a lack of financial resources, a lack of institutional mechanisms to co-ordinate and monitor government responses, and the absence of technical expertise. In addition, respondents pointed out that systems to facilitate reporting incidents of VAW, such as within the police force, were either inadequate or absent. All of this, according to interviewees, resulted in a de facto lack of accountability for the delivery of rights and measures aimed at preventing and curbing VAW.

The lack of technical capacity, resources, institutional mechanisms, co-ordination, collaboration, responsibility and political will was highlighted by the UN Special Rapporteur on Violence against Women in her 2013 report to the Human Rights Council on how states comply with the principle of due diligence. The Rapporteur concluded that 'violence is endemic and the lack of accountability for violations experienced by women is the rule, rather than the exception'.²⁶

The problems associated with eliminating VAW at the country level are confirmed by the below case study from India.

Missing the large print on ending VAW: A case study from India

Violence against women in India has been on the increase since 2008, with an increase of 6.4 per cent in 2012, according to official data²⁷ (which is often contested by women's groups as being an under-representation, as cases are not registered for a variety of reasons). This increase almost brought the whole country to a standstill following the brutal gang rape and death of a young paramedic in December 2012. The government response to this was to establish a three-member committee to listen to experts and the public, and give recommendations to update archaic laws relating to sexual violence against women, a move which the women's groups had been asking for, for many years. It is no wonder that the committee received almost 80,000 responses from across the country.

A hastily penned government ordinance in February 2013 rejected some of the more progressive recommendations on the grounds that they would disrupt the traditional notion of family. It is likely that the motivation for this also hinged on a fear of losing political popularity with recommendations, such as the recognition of marital rape or bringing the armed forces into the civilian judicial system.

The government chose to amend an existing law (the Criminal Law (Amendment) Act), rather than create a new law, as this would have been a longer process. The amendments included strengthening penalties for sexual offences and recognizing some forms of gender-based violence like voyeurism, stalking and acid attacks. The government also passed a new law looking specifically at preventing sexual harassment at the workplace.

The government announced the establishment of a Rs1000 crore (\$161.3m) fund called the Nirbhaya Fund (named after the paramedic who died) for the security of women.

Passing progressive laws is only the first step; the main challenge comes in the implementation of these laws. For people to use the law they need to be aware of its existence; this requires effort from the state, the only agency with a nationwide outreach. Alongside this, appropriate infrastructure and adequately trained personnel are required. All of this involves financial resources. Hence, it is vital that with the passing of any new legislation, adequate budget is allocated for its implementation.

Women's groups in India have been demanding for the past seven years adequate budgetary allocation for the Protection of Women against Domestic Violence Act that was passed in 2005. Due to an implementation gap many NGOs have used their own funds to experiment with models of providing access to justice for women survivors of domestic violence. There have been successful pilots, but with little chance of replication across the country. In the absence of a monitoring and accountability mechanism to deal with issues of VAWG, women's groups in India have no mechanism to hold the Indian state accountable to the commitments it has made over the past year, let alone commitments to CEDAW to which it is a signatory.

4 CLOSING THE GAP: ELIMINATING VIOLENCE AGAINST WOMEN BEYOND 2015

While the need to end VAW is broadly recognized, there is an enormous gap between rhetoric and action. In fact, the international community is failing women on this issue and will continue to fail if we do not step up our efforts. Politically, a long-term transformative agenda that looks at eliminating VAW is needed. Effecting lasting change in this context requires a multi-faceted strategic approach that catalyses and fosters change at individual and collective levels; in informal and formal institutions; that shifts women's and men's attitudes and beliefs; and increases women's access resources. Oxfam supports transformative approaches to ending VAW to address its root causes through multiple interventions. As governments, decision makers and civil society embark on the review of the Beijing Platform for Action and the review of the implementation of the Millennium Development Goals (MDGs) there is a prime opportunity to close the gap and renew our commitment to the elimination of VAW.

The post-2015 development framework

The formulation of a universal, post-2015 development framework provides a key opportunity to further the elimination of VAW. The post-2015 agenda has the potential to advance the achievement of gender equality and to provide for a truly rights-based approach to tackling poverty and inequality. The current MDGs have made governments' efforts to address major development issues, such as health, education, food justice and HIV/Aids, more transparent by generating country level data measuring progress and ensuring country reporting. Civil society has mobilized around the annual UN reports on the implementation of the MDGs, as well as on specific thematic issues such as maternal mortality.

However, the absence of a rights-based approach to development within the current MDG system has led to gaps for women's rights and gender equality, and a lack of commitment to addressing the root causes of gender discrimination. For example, women's rights organizations have highlighted the absence of a specific target on the elimination of VAW as a major omission. This has become most visible in MDG 3, the specific MDG designed to tackle gender equality. While the goal was framed to 'Promote gender equality and empower women', the target indicators were the ratio of boys and girls attending schools and the number of women in parliament, which measure gender parity not gender equality.

Oxfam, together with others, is calling for a stand-alone goal in the post-2015 framework, which promotes women's rights and the achievement of gender equality, as well as integrating gender responsive targets across the framework. Such a stand-alone gender goal must be accompanied by a specific target on the elimination of VAW (alongside other targets aimed at transforming power relations and eliminating structural barriers to and causes of women's discrimination).

The UN Secretary-General's High Level Panel of Eminent Persons on a post-2015 Development Agenda has proposed a stand-alone goal on the *empowerment of women and girls to achieve gender equality*.²⁸ Under the gender goal the Panel proposes a set of targets, two of which are dedicated to the elimination of VAW: Goal 2a) *Prevent and eliminate all forms of violence against women* and Goal 2b) *End child marriage*. The proposal of the High-Level Panel should be a minimum standard for the post-2015 framework to build on. In its proposal for a transformative stand-alone gender goal, UN Women proposes the inclusion of a target on '*Freedom from Violence*', as one of the key components.²⁹

A target on VAW within a stand-alone gender goal is absolutely vital for the reasons mentioned above. But it will not be sufficient to tackle the problem. The Beijing Platform for Action, the CEDAW Committee Recommendations and the CSW 57 Agreed Conclusions³⁰, to name a few, stipulate a broad range of measures deemed necessary to eliminate VAW. These can never be covered by one goal, even one with several indicators. As the UN Special Rapporteur on VAW has pointed out 'a comprehensive system of protection and prevention must be established'.³¹ A necessary step must be to resolve the current lack of accountability for successful delivery of agreed measures on the ground, and the gap in implementation that results from it.³²

Time for a comprehensive international action plan

In order to close the gap, Oxfam is calling for a comprehensive international action plan, aimed at fast-tracking policy implementation, which is time-bound and has strong accountability mechanisms.³³ This proposal is driven by a sense of urgency to step up existing responses and renew a commitment to the elimination of VAW. Without a focused and co-ordinated approach to the elimination of VAW, as a fundamental human right and development issue, it is highly unlikely VAW can be curbed and eliminated. Such an action plan can also serve as a critical measure to complement a target on VAW within a gender goal in the post-2015 agenda. Oxfam proposes the following four priority areas for an international action plan to eliminate VAW:³⁴

- Develop and strengthen laws for women's rights and gender equality;
- Prioritize and reallocate financial resources to end VAW;
- Make the elimination of VAW top-level government business;
- Fragile states must develop strategies for organizing responses to VAW in conflict settings.

All of these priority areas dovetail with existing commitments, but are currently far from being implemented. An action plan could fill these gaps, by laying out concrete and time-bound steps to fast-track the implementation of existing norms and frameworks, such as the Beijing Platform for Action and CEDAW, at the national level. This can be achieved by promoting best practices, identifying gaps and mobilizing resources. In addition, this is a means to addressing fragmentation in the formulation and implementation of existing agreements, and in doing so

improving policy coherence. An action plan is also a much needed reaffirmation that ending VAW is a shared effort by all nations and the international community as a whole. This momentum in turn could bolster national level efforts to eliminate VAW.

The plan does not envisage renegotiating existing laws and frameworks, but operationalizing and benchmarking them. While there may be other terms to express what is needed, Oxfam has used the term 'action plan' because the laws and frameworks are already in place. In Oxfam's view the plan should lay out concrete steps, timetables, monitoring indicators to put these measures into practice. An action plan is also a means to ensure focus, allocate resources, and provide transparency by measuring progress and outlining what is happening.

Oxfam envisages the development of a comprehensive action plan at the global level as an inclusive process through which best practices, tools and methodologies can be standardized. This, in turn, strengthens monitoring and accountability, including for the development of national level action plans, by providing a coherent and standardized toolkit of key measures based on best practices. Regular, coordinated and transparent peer reviews built into agreed timetables and deadlines, and established as part of the action plan, will create the political space to maintain high-level involvement and attention to the elimination of VAW. At the moment there is no co-ordinated, annual, inter-governmental review mechanism that tracks implementation of existing policy measures aimed at eliminating VAW.

Finally, to eliminate violence once and for all, a huge increase in funding is needed. While donors have increased funding towards gender equality or maintained levels of funding despite a drop in aid, funding for the elimination of VAW has not met the standard needed for implementation.

Support for a comprehensive plan of action

The Expert Group advising the UN system on the elimination of VAW in preparation of the 2013 session of the Commission on the Status of Women recommended the development of a global implementation plan. The Experts stated: '*This plan should aim to provide vigilance on established international obligations, and serve as the tool for operationalizing these norms into national policy and programming in a co-ordinated and results-based way.*'³⁵

In his 2013 report addressing the role of prevention and the elimination of VAW, the UN Secretary-General urged governments to 'consider the development of a global implementation plan'.³⁶ The European Parliament has also recommended an implementation plan.³⁷ At a recent meeting between members of the EU and the Community of Latin American and Caribbean States (CECLAC) on femicide, a form of violence against women, representatives recommended 'a strategic EU-CECLAC Action Plan to accelerate progress on this issue'.³⁸

The UN Special Rapporteur in her most recent report on state's compliance with the due diligence principle recommends the

development of a due diligence framework, which would strengthen the responsibility of states to respond to individuals and others experiencing violence to protect from, prevent, punish and prosecute acts of violence.³⁹

So who should commit to such an action plan? In accordance with the due diligence principle, states have the primary responsibility to protect women from all forms of violence wherever it occurs. This means it is their responsibility to work towards its elimination. There is also a specific role for donors and the UN system led by UN Women.⁴⁰ Civil society, especially at the national level, plays an important role in formulation and delivery of such an action plan to ensure that any initiative of this kind is based on the needs and priorities of women.

5 CONCLUSIONS

At least one in three women worldwide will experience some form of violence during their lifetime, often perpetrated by an intimate partner. VAWG is a fundamental human rights issue that is central to the achievement of development, democracy and peace.

Oxfam remains concerned about the huge gap between agreements that have been made to address this issue, and actual implementation on the ground. The widespread persistence of all forms of violence against women and the continuing impunity of its perpetrators demonstrates an urgent need to develop comprehensive and co-ordinated measures to address this problem.

The formulation of a new post-2015 development framework provides critical momentum to address the elimination of VAW. Oxfam is calling for a stand-alone gender equality goal, accompanied by a specific target on VAW in the post-2015 agenda.

However, more than that is required to stop the international community from failing women on this issue. Oxfam calls for a comprehensive international action plan, aimed at operationalizing and accelerating the implementation of existing measures to eliminate VAW. This action plan is rooted in the due diligence principle and states' responsibility for the prevention and elimination of VAW wherever it occurs. The action plan would provide a much needed accountability framework to track progress for the elimination of VAW by establishing priority areas and concrete targets, timetables, monitoring mechanisms and best practices towards the elimination of VAW.

As we are nearing a critical moment for the achievement of women's rights and gender equality, the international community must step up its efforts to tackle VAW and renew its commitment to eradicating this human rights atrocity.

NOTES

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- ⁴⁰ In Oxfam's *Blueprint for UN Women* Report, two-thirds of respondents said that ending Violence against Women should be a top priority for UN Women. At the country level UN Women has a key role in strengthening and supporting efforts to end VAW, according to survey participants. Interviewees said that UN Women should use its access to governments to open up spaces for CSOs to play a part in strengthening women's rights and responses to VAW.

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