

International and Regional Instruments to Eliminate Violence Against Women¹

Growing civil society and government concern regarding violence against women has led to the formulation of different international instruments that have been adopted by various States. As a result, this calamity is internationally recognized today as a human rights issue that requires a coordinated and integral response on the part of States, civil society and the international community.

Different documents incorporating recommendations and commitments have been adopted internationally to address violence against women, which have served as a basis for the formulation of national and regional legislation and plans addressing violence against women.

Recommendation Nr. 19 of the Expert Committee of the Convention on the Elimination of All Forms of Discrimination against Women (1992). Although the Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979, did not specifically address violence against women, the **Expert Committee** monitoring the implementation of the Convention published Recommendation No.19 (1992), in which violence directed against a woman because she is a woman was established as discrimination against women. <http://www.un.org/womenwatch/daw/cedaw/recomendations/recomm-sp.htm#recom19>

World Conference on Human Rights (Vienna Declaration and Programme of Action), 1993. The Vienna Declaration and Programme of Action recognizes that gender-based violence is "...incompatible with the dignity and worth of the human person, and must be eliminated...by [way of] legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support." In addition, it recognizes the importance of eliminating violence against women "in public and private life" and urges States to end this violence in compliance with the Declaration on the Elimination of Violence against Women. [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.Sp?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.Sp?OpenDocument)

Declaration on the Elimination of Violence against women, UN General Assembly, 1993. The Declaration was issued at the World Conference on Human Rights for its adoption by the General Assembly in December, 1993. It was established within the Declaration that violence against women "...constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms..." (full text of the Declaration available at: [http://unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.Sp?Opendocument](http://unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.Sp?Opendocument))

The Declaration establishes that violence against women, is not limited to, but encompasses:

- Physical, sexual and psychological violence occurring in the family, including mistreatment, 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 family violence and violence related to exploitation.
- Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere in the public domain, trafficking of women and girls, and forced prostitution.
- Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

1. Prepared by the Inter-American Parliamentarian Group on Population and Development (IAPG) in collaboration with UNIFEM.

International Conference on Population and Development (Cairo Programme of Action), 1994. The Cairo Programme of Action recognizes that the elimination of all forms of violence against women, together with the advancement of gender equality and women's empowerment, including the capacity to make decisions in relation to their sexuality and reproduction, constitute key components of population and development programmes. In the same way, it urges countries to adopt comprehensive measures for the elimination of all forms of violence against women, adolescents, and girls. http://www.unfpa.org/spanish/icdp/icdp_poa.htm

Fourth World Conference on Women (Beijing Declaration and Platform for Action), 1995. The Beijing Platform for Action identifies violence against women as an obstacle to the achievement of equality, development and peace, and as an act that violates and hinders the enjoyment of women's human rights and freedoms. Violence against women was included as one of the twelve "critical areas" towards which governments, the international community, and civil society, including non-governmental organizations and the private sector, should orient their efforts in aims of achieving gender equality and the advancement of women. <http://www.un.org/womenwatch/confer/beijing/reports/platesp.htm>

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999. The Protocol creates mechanisms for individual or groups to submit complaints to the Expert Committee of the Convention on the Elimination of All Forms of Discrimination against Women. At the same time, it grants the Committee authority to initiate investigations on systematic or serious violations of women's human rights, in accordance with the Convention. Today, 71 States are party to the Protocol. <http://www.ohchr.org/spanish/law/cedaw-one.htm>

New measures and initiatives for the implementation of the Beijing Platform for Action adopted by the UN General Assembly in the 23rd Special Session, June 10, 2000. This document, also known as "Beijing +5," not only included an assessment of the first five years of the Beijing Platform for Action, but also broadened the scope of actions considered as violence against women to include the specific experiences of women in armed conflict situations, such as murder, systematic rape, sexual slavery, and forced pregnancy. It also identifies other forms of violence against women to include crimes of honor, crimes of passion, child pornography, forced sterilization, forced abortion, the coercive use of contraceptives, female infanticide, prenatal sex-selection, crimes on the basis of race, the kidnapping and trafficking of girls, acid attacks, and early marriages. <http://www.unu.org/temas/mujer/Beijing5/decbeijing5.Pdf>

In the **Latin American and Caribbean Region**, efforts towards the elimination of violence against women have resulted in the following:

Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belem Do Pará, 1994). This Convention, which 31 States are party to, recognizes that women have the right to a life free of violence in both public and private spheres, and condemns all forms of violence against women. In accordance with the Convention, States are obliged to condemn this type of violence, and adopt policies and programmes for its prevention, punishment and eradication. <http://www.oas.org/juridico/spanish/tratados/a-61.html>

Regional Action Program for Latin American and Caribbean Women, 1995-2001, adopted at the VII Regional Conference on Latin American and Caribbean Women (Mar de Plata, 1994), has as its strategic objective the consolidation of the full respect of women's human rights in the region, within a framework that gives priority to the elimination of sex-based violence and discrimination. http://cepal.cl/mujer/direccion/conferencia_regional.asp

The **Lima Consensus (2000)** was adopted in the framework of the VIII Regional Conference on Latin American and Caribbean Women, a preparatory meeting for the Twenty-third Special Session of the UN General Assembly that

was to review the Beijing Platform for Action after five years of its application. In this document, the countries of the region reaffirmed their committed to implementing the Belem Do Para Convention regarding the prevention and elimination of all forms of violence against women and girls; and to the mobilization of necessary resources for the protection and care of women and girls victims of violence. http://www.cepal.cl/mujer/direccion/conferencia_regional.asp

The **Mexico Consensus (2004)** was adopted in the framework of the IX Regional Conference on Latin American and Caribbean Women. The IX Conference's objective was to review the application of the Regional Programme of Action for Latin American and Caribbean Women (1994) and the Beijing Platform for Action (1995). This document acted as the regional contribution to the session of the UN Commission on the Status of Women that commemorated 10 years of the Fourth World Conference on Women in Beijing (1995). It urged governments to take comprehensive measures towards the elimination of all forms of violence against women in all manifestations; to develop information systems based on sex-disaggregated statistics that address violence against women, and that comply with the Convention of Belem Do Para. http://www.cepal.cl/mujer/direccion/conferencia_regional.asp

Note:

The *Convention on the Elimination of All Forms of Discrimination against Women* was ratified by all the countries in Latin America and the Caribbean, the region that ratified it the fastest. It was a radical convention due to the fact that it addressed a topic that had not previously been addressed in a public forum. The Convention addressed women's rights within the family in their totality and not only "sexual and reproductive rights" – rights that were not discussed at the time the Convention was drafted.

The convention obligates the State to not only condemn discrimination against women in all its forms but to eliminate it and castigate the perpetrators regardless of whether they are people, organizations or private enterprises.

