

VIOLENCE AGAINST WOMEN IN THE INTERNATIONAL CONTEXT: CHALLENGES AND RESPONSES

WOMEN'S RIGHTS ARE AN INALIENABLE, INTEGRAL AND INDIVISIBLE PART OF UNIVERSAL HUMAN RIGHTS. THE FULL AND EQUAL PARTICIPATION OF WOMEN IN ALL FORMS OF DISCRIMINATION ON GROUNDS OF SEX ARE PRIORITY OBJECTIVES OF THE INTERNATIONAL COMMUNITY. GENDER-BASED VIOLENCE, DOMESTIC VIOLENCE, AND NATIONAL TRAFFICKING, ARE INCOMPATIBLE WITH THE DIGNITY AND WORTH OF THE HUMAN PERSON, AND MUST BE ELIMINATED. THIS CALLS FOR THE PROMOTION OF DEVELOPMENT, EDUCATION, SAFE MATERNITY AND HEALTH CARE, AND SOCIAL SUPPORT. THE HUMAN RIGHTS OF WOMEN SHOULD FORM THE BASIS OF ALL HUMAN RIGHTS. MEN. THE WORLD CONFERENCE ON HUMAN RIGHTS URGES GOVERNMENTS, INSTITUTIONS, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS AND THE WORLD CONFERENCE ON HUMAN RIGHTS URGES THE FULL AND EQUAL ENJOYMENT BY WOMEN OF ALL HUMAN RIGHTS AND THAT THIS BE A PRIORITY OF THE INTERNATIONAL COMMUNITY. THE PROMOTION AND FULL PARTICIPATION OF WOMEN AS BOTH AGENTS AND BENEFICIARIES IN THE DEVELOPMENT PROCESS, AND REITERATES THE IMPORTANCE OF COOPERATION ON ENVIRONMENT AND DEVELOPMENT AND CHAPTER 24 OF AGENDA 21, ADOPTED BY THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT AS THE IMPORTANCE OF WORKING TOWARDS THE ELIMINATION OF VIOLENCE AGAINST WOMEN IN PUBLIC AND PRIVATE LIFE, THE ELIMINATION OF DISCRIMINATION, OF JUSTICE AND THE ERADICATION OF ANY CONFLICTS WHICH MAY ARISE BETWEEN THE RIGHTS OF WOMEN AND THE HARMFUL EFFECTS OF SUCH CONFLICTS. IT CALLS UPON THE GENERAL ASSEMBLY TO ADOPT THE DRAFT DECLARATION ON VIOLENCE AGAINST WOMEN AND URGES STATES TO COMPLY WITH ITS PROVISIONS. SUCH ACTS ARE VIOLATIONS OF THE FUNDAMENTAL PRINCIPLES OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW. ALL VIOLATIONS OF THESE PRINCIPLES REQUIRE AN APPROPRIATE RESPONSE. THE WORLD CONFERENCE ON HUMAN RIGHTS RECOGNIZES THE IMPORTANCE OF THE ENJOYMENT BY WOMEN OF THE HIGH STANDARDS OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, AS WELL AS THE PROCLAMATION OF TEHRAN OF 1979 AND THE PROVISIONS THEREON AND ADEQUATE HEALTH CARE AND THE WIDEST RANGE OF FAMILY PLANNING SERVICES, AS WELL AS EQUAL ACCESS TO EDUCATION AT ALL LEVELS AND ACCESS OF WOMEN TO DECISION-MAKING POSTS AND THEIR GREATER PARTICIPATION IN THE DECISION-MAKING PROCESS. IT ENCOURAGES STATES TO IMPLEMENT THESE PROVISIONS. THE GENERAL ASSEMBLY OF THE UNITED NATIONS, AND ENCOURAGES OTHER PRINCIPAL AND SUBSIDIARY ORGANS OF THE UNITED NATIONS TO GUARANTEE THE FULL ENJOYMENT OF RIGHTS ON WOMEN TO BE HELD IN BEIJING IN 1995 AND URGES THAT HUMAN RIGHTS OF WOMEN SHOULD PLAY AN IMPORTANT ROLE IN THE IMPLEMENTATION OF ANNEXINA'S WORLD HUMAN RIGHTS CONFERENCE DECLARATION AND PROGRAMME OF ACTION 1993 THE HUMAN RIGHTS OF WOMEN AND OF CHILDREN. IT URGES STATES TO PROMOTE POLITICAL, CIVIL, ECONOMIC, SOCIAL AND CULTURAL LIFE, AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS, AND THE ERADICATION OF DISCRIMINATION AND ALL FORMS OF SEXUAL HARASSMENT AND EXPLOITATION, INCLUDING THOSE RESULTING FROM CULTURAL PREJUDICE AND INTERNATIONAL COOPERATION. IT URGES STATES TO TAKE MEASURES AND THROUGH NATIONAL ACTION AND INTERNATIONAL COOPERATION IN SUCH FIELDS AS ECONOMIC AND SOCIAL DEVELOPMENT AND EDUCATION TO PROMOTE UNITED NATIONS HUMAN RIGHTS ACTIVITIES, INCLUDING THE PROMOTION OF ALL HUMAN RIGHTS INSTRUMENTS RELATING TO WOMEN. IT URGES STATES TO INTENSIFY THEIR EFFORTS FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS OF WOMEN AND THE GIRL-CHILD. THE WORLD CONFERENCE ON HUMAN RIGHTS URGES GOVERNMENTS AND FOR THE UNITED NATIONS. 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IN THE CONTEXT OF THE WORLD CONFERENCE ON HUMAN RIGHTS OF TEHRAN OF 1968, THE WORLD CONFERENCE ON HUMAN RIGHTS REAFFIRMS, ON THE BASIS OF EQUALITY BETWEEN WOMEN AND MEN, THE PROMOTION OF ACCESS TO EDUCATION AT ALL LEVELS. THE WORLD CONFERENCE ON HUMAN RIGHTS URGES GOVERNMENTS AND REGIONAL AND INTERNATIONAL ORGANIZATIONS TO PROMOTE THIS PROCESS. IT ENCOURAGES FURTHER STEPS WITHIN THE UNITED NATIONS SECRETARIAT TO APPOINT AND PROMOTE WOMEN STAFF MEMBERS AND TO GUARANTEE THE PARTICIPATION OF WOMEN UNDER CONDITIONS OF EQUALITY. THE WORLD CONFERENCE ON HUMAN RIGHTS WELCOMES THE PARTICIPATION OF WOMEN IN ITS DELIBERATIONS, IN ACCORDANCE WITH THE PRIORITY THEMES OF THE WORLD CONFERENCE ON WOMEN OF EQUALITY, DEVELOPMENT AND PEACE. WOMEN'S RIGHTS ARE AN INALIENABLE, INTEGRAL AND INDIVISIBLE PART OF UNIVERSAL HUMAN RIGHTS. THE FULL AND EQUAL PARTICIPATION

VIOLENCE AGAINST WOMEN IN

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CHALLENGES AND RESPONSES

EDITED BY JACQUELINE PITANGUY

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FOREWORD

The social perception as well as the institutional recognition that certain behaviors, costumes, attitudes, laws and values towards women are violent and express social relations permeated by violence is historical. And depends ultimately upon the gender power relations which predominate in a given society. In each society there is a dominant conception of Violence Against Women (VAW), which is expressed in laws and practices, but it does not mean that this conception is neither consensual nor static.

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The structural characteristics of a society, its cultural patterns, the political and economic junctures as well as the dynamic of the various actors such as governments, non governmental organizations (NGOs), religious authorities, universities, private sector, the media, among others which are players in the political arena, have an effect on the definition of violence in a given time and place. Thus the ideas of order and disorder, crime and punishment are not absolute truths but rather dynamic concepts, which can change in time. There is also frequently a distance between what is perceived as violence, what is considered as a crime and what is punished as such. The honor killings, in India and Palestine, or the use of the excuse of legitimate defense of honor in Brazil, to defend men who killed their wives, are examples of the distance between those instances, which can be shortened through political action and political will.

For many centuries, throughout the world, VAW did not exist as a social and political issue. This is so because women were a second-class category in different spheres such as the family, the labor market, the educational system, and the political power. Laws, policies, customs, values, although different among national settings, expressed this exclusion or fragmentation of women's rights in general, and of certain categories of women in particular. VAW intersects with variables such as race, ethnicity, sexual orientation, social class, and other hierarchical status classifications, which increase the vulnerability to violence and bring barriers to the access to justice and services.

Violence against women is pervasive and takes many different forms. Its public visibility is the result of a political struggle lead mainly by women's movements in their national arenas and in international coalitions. This visibility is the result of various interconnected factors, such as advancements in human rights language – expressed in international and regional Conventions, in Declarations and Protocols – the use of new technologies, such as the Internet, as an instrument to inform, denounce and organize and most important, of political changes in national contexts. These factors, along with access to resources, optimize the fieldwork of women's rights advocates.

Violence against women should be seen as a continuum where murder and rape are the tip of the iceberg. There are many other attitudes and behaviors that express violent gender relations and discriminatory practices towards women. That is why the U.N. Declaration on the Elimination of Violence Against Women, in its article 1 states that violence against women “means 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." (General Assembly Resolution 48/104).

The struggle against gender violence is not aimed only at physical, sexual and psychological aggressions expressed in individual gestures, attitudes and behaviors but is also a struggle for the change of the contexts (legal, cultural, economic, political) in which men and women experience their lives and that shape individual and social attitudes, collective practices and symbolic representations of men and women.

The Ford Foundation has invited CEPIA to do a study on the Foundation's grant making of Violence Against Women projects during the period of 1990 to 2002 in eight countries: Brazil, China, Egypt, India, Palestine¹, Russia, South Africa and The United States. As part of this study, a contextual analysis of the situation of women in these countries was prepared by CEPIA, with the contribution of an international team of advisors.

The findings presented in this book are to be understood within the particular contexts of each country, which are quite diverse in terms of geographic location, population, culture, race/ethnicities, political regimes, economy and religion.

The perspective adopted by this study took this diversity into account describing how violence against women takes place and is dealt with in each national scenario. Information on the economic, social, political and cultural contexts, as well as on the women's movement, on key issues of VAW and on major advancements implemented in each country is presented. However, the analysis of the eight contexts is not homogeneous. While following a similar structure, each country has its own specificity in terms of issues, policies, social actors, obstacles and achievements highlighted.

While a phenomenon dealt with primarily at the national contexts, violence against women is transnational in the sense that it presents similarities both in its manifestations and in the responses from civil society and governments. Many times in the last decades women have developed common strategies across national borders, and the mutual learning from different cultures and similar challenges have been most enriching to women's movements, and even to governmental policies.

The 13-years period studied can be characterized as a time of international mobilization, of dialog and action in the field of human rights

¹ Although Palestine is a territory for the purpose of this publication it has been referred to as a country.

motivated by United Nations Conferences – Conference on Environment and Development, in Rio de Janeiro, Brazil, in 1992; Human Rights Conference, in Vienna, Austria, in 1993; International Conference on Population and Development, in Cairo, Egypt, in 1994; The World Summit for Social Development, in Copenhagen, Denmark, in 1995, The Fourth World Conference on Women, in Beijing, China, in 1995; World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in Durban, South Africa, in 2001. Half of the countries involved in this study have hosted some of these meetings.

These international gatherings, where women's movements working in transnational coalitions have played a key role, contributed to endorse a new concept of violence against women, based on the universality, the indivisibility and the inalienability of human rights. These historical conquests cannot be understood independently from the local struggles led by women's movements from different countries and their ability to strategize internationally, reaching consensus and building common platforms. In Vienna's Conference VAW was recognized as a human rights violation. In Cairo's Conference there was a shift on the population discussion from a demographic perspective to a human rights and reproductive rights paradigm and the Beijing conference built upon and advanced on the gains of the previous conferences.

This research reinforces the fact that violence against women – deeply rooted on values, customs, laws, and carrying a heavy inheritance of centuries of invisibility – transcends cultures, nations, religions and languages. Despite the differences among the countries, it is widespread, persistent and brutal in all of them.

Foundations and other sources of support to those working in the field have certainly played a role in facing VAW. In these thirteen years the Ford Foundation was an important actor supporting different organizations in those eight countries, mainly NGOs.

In spite of the differences of the contexts in which these organizations operate, there is much similarity in their priorities, both in terms of issues addressed and of activities developed, reinforcing the idea that violence against women is at the same time, particular and universal.

The organizations have worked with different strategies and initiatives leading to various outcomes, through a wide range of activities including capacity building, networking and research. Regarding services of assistance of women victims of violence, there is an understanding among organizations that the delivery of these services is basically a governmental

responsibility, and not the role of civil society. However, organizations do invest on qualifying personnel and on improving the procedures of existing services.

Most frequent issues addressed by organizations are domestic and sexual violence, but it is interesting to notice, that a significant number of projects deal with the issue of sexual and reproductive rights, establishing, in their concrete work, the linkages between health and violence, which have gained theoretical and political momentum in the nineties. Indeed, in the last decade and recently, many studies have addressed the consequences of domestic and sexual violence to health on one hand, and the violent component of certain sexual and reproductive practices that constitute a violation to women's human rights. Sexual abuse, rape, physical and psychological aggressions, as well as female genital mutilation (FGM) are both a health and a violence issue and require coordinated responses from the different governmental agencies dealing with such matters.

Many organizations also address the problem of the spread of HIV/AIDS infection among women within a context of gender power and coercion, affecting women's ability to protect themselves from unsafe sex. Stigma and certain cultural beliefs also account for the HIV pandemic and its intersection with VAW. In South Africa, for instance, where in 2003 women represented around 57% of people living with HIV/AIDS, there is a pervasive myth that having sex with a virgin will cure HIV/AIDS.

Following an international tendency, the increase on the number of women infected with HIV in the U.S. is also alarming, especially among adolescents, which are the age group that is contracting HIV/AIDS faster in the country. Although this is a pressing issue on American women's health, sexual education in schools was affected by a 1996 federal program of the National Congress that exclusively funds projects teaching abstinence-only education.

Among the various accomplishments of the women's movements from the eight countries studied, the increase on information and awareness on VAW and the creation of networks were particularly important.

However, major challenges persist, such as the fact that culture has placed VAW as invisible or secondary in the range of crimes. This, for instance, affects the way most national statistics bureaus gather data on the issue. Reporting on VAW lacks proper channels and guidelines, as well as trained professionals in charge of notification processes. As a result, data on VAW does not represent the real dimension of the problem which is usually under estimated, especially for domestic violence cases,

which still suffer from the misconception to be considered a private matter. Sub notification of certain health matters that affect only women, such as abortion and maternal morbidity and mortality are examples of how women are discriminated in national statistics.

In face of this crucial problem of lack of data many initiatives invest on producing information on VAW. Although this effort cannot substitute national statistics produced by governments, it is an important contribution to breaking the walls of invisibility on VAW and giving subsidies to advocacy and public policies in this area.

The progress made in each country demanded strategies and creativity to face barriers found along the way. Lack of resources – material and human – can be often considered as major barriers to VAW related work.

Although many NGOs face scarcity of resources, this problem intersects with political and cultural variables. In certain countries like Egypt, it is harder to access resources since the State controls and intermediates Foundations grant making. This is also the case of Russia that has recently passed legislation, known as the NGO Law, that reinforces the control of the State over grant making by foreign institutions. In more decentralized regimes, resources, even if scarce, reach the civic organizations with more fluidity. Political barriers include armed conflict situations, as well as State interference and control over civil society.

Culture plays a key role in legitimizing patterns of violence, and appears as another important barrier. The report on violence against women prepared by the United Nations Secretary General for the United States General Assembly on CEDAW, emphasizes that violence against women is largely shaped by culture and that the forms of violence are as varied as culture itself.

"Various manifestations of femicide, the murder of women because they are women, illustrate the interrelationship between cultural norms and the use of violence in the subordination of women. Femicide takes place in many contexts: intimate partner violence, armed conflict, workplace harassment, dowry disputes and the protection of family 'honor'."²

Culture is responsible for the social legitimacy of certain customs that are not written in legal texts, but are rampant in certain societies, such as the Female Genital Mutilation, one of the main priorities of the Egyptian's women's movement. It is also culture that legitimizes son's preference

² United Nations. *Advancement of Women. In-depth Study on All Forms of Violence Against Women – Report of the Secretary General*, July 2006. p 31.

leading to the sex selective abortions that take place in China and India. Cultural patterns are permeated by power relations in all eight countries but they are not homogeneous nor static and can change through political action.

The findings of this study suggest that the combined efforts of women's rights advocates, non governmental organizations, universities, and other participants in the struggle against VAW, has led to some positive outcomes in those 13 years. In all eight countries there was progress. Violence against women gained more visibility leading to new laws and public policies that, while particular to each setting, reflect the international struggle of women's movements demanding that universal standards of human rights be applied to all nations.

Brazil, China, India, Egypt, Palestine, Russia, South Africa and the United States have either incorporated the concept of gender equality in their constitutions, changed discriminatory legislation and/or passed specific laws on gender violence. Another achievement is that these countries count with governmental bodies to implement or supervise policies for women's issues, even if they are quite heterogeneous in terms of their political power and budgetary autonomy. In Brazil and in Palestine, for instance, there are federal organs with Ministerial level that develop their own programs and set guidelines for public policies for women in different fields such as health, labor, education, public safety. In other countries like the U.S., specific women's issues are hierarchically located under other federal departments as the Department of Labor and the Department of Justice.

Comparisons among the countries referred to unique standards should be avoided. Not only their legal systems, their judicial institutions and governmental organization are different but the effort required in contexts of scarcity of resources, strong patriarchal values, armed conflicts and hostile political regimes, cannot be measured with similar standards as those required in more democratic, plural and egalitarian contexts. Furthermore, within each country, it is important to consider the extent of these improvements amongst different categories, such as urban and rural women, women from different race/ethnicities, income and educational level.

However social awareness and capacity of articulation always play a crucial role in advancing women's human rights. In Egypt, even with a strong governmental control over civil society, as a result of hard campaigning by civic activists, particularly the women's movement, and of the specific

14 recommendation of CEDAW in its 2001 Report, the Nationality Law was modified, to allow Egyptian mothers to pass their Egyptian citizenship to their children. The campaigning *Claiming Equal Citizenship*, presently in course, is an international articulation around the right of Arabic women, including Egyptians, to confer their nationality to their husbands and children without condition³.

In Brazil, despite the strong opposition of religious sectors, particularly the Catholic Church, which is quite influential with the government, the women's movement have strongly advocated for the creation of services to assist victims of sexual abuse in the public health system. This resulted in the approval – by the Health Ministry – of the Technical Norm for Prevention and Treatment of Sexual Violence Against Women and Adolescents, in 1999 which provides prophylactics for STD/HIV/AIDS, emergency contraception and abortion.

The women's movements of the United States played an important role in developing transnational coalitions that have forced the UN system to open their heavy doors to NGOs' demands even if the U.S. government has not ratified CEDAW. An example is the *Women's Rights are Human Rights* campaign, which, launched in the 1990s by a network of women's organizations from around the world, relied on the dynamic participation of women's organizations from the United States, leading to the advances at Vienna's Conference Declaration.

China's legal aid centers – in spite of working under a restrictive political context, where the very concept of human rights is still new – have played an important role in protecting the rights of women. Chinese women usually work in coalitions, which multiply their activities.

The South Africa Constitution of 1996, one of the most progressive in terms of gender equity, had a strong contribution from women's movements whose struggle for gender equality and women's human rights became more visible during the fight against apartheid in the late 1980's.

The creation, in Palestine, of the Ministry of Women's Affairs is an important achievement in terms of recognizing that there is a specific internal problem of women's discrimination that has to be faced, even in a situation of armed conflict with Israel, that consumes most of their human and material resources.

³ The Women's Learning Partnership (WLP) in collaboration with regional partners in the Middle East, North Africa and the Gulf launched the Campaign for Arab Women's Nationality Claiming Equal Citizenship.

The major political changes, occurred at the Russian political and economic scenario during the period of 1990-2002, opened doors for the creation of civil society organizations and to redefine the role of institutional actors. Governmental mechanisms were established to address women's human rights, although violence against women was not part of their agendas. NGOs advocacy brought visibility to VAW and at present, a network dealing with this issue was established with more than 150 NGOs and the participation of governmental agencies.

The advocacy developed by women's movements for affirmative policies have led to a considerable increase in the participation of Indian women in the educational system, in the labor market and in the political arena. The 73rd and 74th Constitutional Amendments brought decentralization of power and reserved 1/3 of seats for women in local governance bodies, which positively affected rural women.

Despite the sub notification, which is still an obstacle to face VAW, the growing amount of research on gender violence developed in some of the countries has been very important to make the problem visible, bringing the discussion to a public sphere. In Egypt, for instance, as part of an international initiative, in 1995, a module related to violence against women was introduced into the Demographic and Health Survey (DHS), enhanced at the 2000 and the 2005 survey.

It is also important to note that the effects of the advancements are not distributed evenly. In general, the socio-economic condition of rural women is more precarious than that of urban women. Even in countries where the majority of the population is concentrated on rural areas, such as India, China and Egypt, public policies tend to reach the urban population more efficiently. In cultural terms, rural areas are more subject to the perpetuation of traditional costumes, which in many cases, discriminate against women. The practice of son preference, present in all of those three countries is a clear example.

In countries like Brazil and the U.S., for example, racial discrimination has a direct impact on the condition of certain groups of women such as black, indigenous and Hispanic, who usually have less years of formal education than white women and whose unemployment rates are higher.

There are also marked differences among the countries related to the availability of resources. Some countries still need the creation of a proper infrastructure to handle violence against women; others have already implemented services and mechanisms, but need to improve their delivery and to qualify their professionals. However, in either circumstance, poor

women have less access to services, which in terms of their availability and/or quality, are on different stages of advancement in each country and within them.

To acknowledge progress does not mean that there is a sequential, unilateral and progressive walk towards gender equality and respect for women's rights but rather a road in construction, where the danger of backlashes or immobility is always present.

Facing these backlashes largely depends on the continuation and expansion of the work and influence of the civil society on the political will of governments. The support to advocacy for women's rights is key to the recognition from national States and from the international community that violence against women is a human rights violation and that, as such, the State is accountable to its obligation to prevent and eradicate this form of violence.

This book is a contribution to the understanding of how violence against women operates in different contexts and of the responses and challenges of civil society and governments to this widespread phenomenon and hopefully will inspire the women's rights advocates in their national and international work.

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and Maria Elvira Vieira de Mello*

BRAZIL

Claudia Ferreira



BACKGROUND

Before the arrival of overseas navigators in the 1500s, Brazil was inhabited by indigenous people. The nation's diversity and abundant natural resources soon awakened Europe's interest.

The Portuguese colonization of Brazil began in the sixteenth century. In 1822, Brazil gained its independence from Portugal and became a constitutional monarchy. In 1889, the country became a republic.

Until 1888, slavery thrived in Brazil where large contingents of the population had been brought from Africa. The nineteenth century was the start of a process of massive European labor migration.

From 1937 to 1945, the country experienced its first dictatorship. After successive political crises, in 1964, a military *coup d'état* began Brazil's second dictatorship, which continued until 1985. During this period civil rights were severely restricted and violated. In 1985, with the end of the military dictatorship, a civil president of the republic was

elected, and elections were called for throughout the nation to freely elect a constituency-based congress aimed at elaborating a new federal constitution. The re-democratization of the nation, resulting in a new constitution in 1988, consecrated the principles and fundamentals of democracy and respect for human rights. From this time forward, the basic democratic institutions of the country have been preserved. Brazilian women's rights advocates, working together with the National Council for Women's Rights, a federal governmental body created in 1985, played a key role in this constitutional process.

Brazil is a federal republic composed of twenty-seven states, one federal district, and 5,562 municipalities. The most recent data indicates a population of 186,405,000, occupying a territory of 8,547,403 kilometers, making Brazil the largest nation in South America [UNStats].

Social, Economic and Demographic Indicators

Brazil is a land of migration with different ethnicities, cultures and religions. According to the Brazilian Institute of Geography and Statistics (IBGE) in the Census of 2000, 53.4% of the Brazilian population classifies itself as white and 39% as browns, 6.1% as Afro-Brazilians (these two latter categories form the black or Afro-Brazilian population), 0.5% as Asian, and 0.4% as indigenous [IBGE, 2000].

The Afro-Brazilian population in Brazil is the second largest in the world, comprised of about 80 million people, in 2002, particularly concentrated in the North and Northeast regions of the country, according to IBGE's Census.

Although some consider Brazil as a racial democracy in political terms, socio-economic statistics show significant discrepancy in data when comparing the situation of the Afro-Brazilian and mixed population with the white one. Data from IBGE Foundation shows that racial differentials for life expectancy can reach up to five to six years less for Afro-Brazilian women and men, respectively, compared with white women's seventy-one years.

Furthermore, in 1999, child mortality in the white population was of 27.5 deaths per 1,000 live births [IBGE]. Among the Afro-Brazilian and mixed population, this statistic was 53/1,000 [Paixão].

Data from the Institute of Applied Economic Research (IPEA) in 2004 indicates that around 33.57% of the Brazilian population came from families with an income below the poverty line, and 13.13% came from families with

an income inferior to the indigence line¹: 59.43 million poor Brazilians and 23.24 million indigents. Amongst the poor there is an over representation of Afro-Brazilians in all age groups.

Various studies have pointed that the intersection of the race/color categories with other variables, such as gender and social class, accentuate strong differences between the life experience of men and women, between Afro-Brazilian and white populations and between rich and poor groups.

TABLE 1: SOCIAL ECONOMIC AND DEMOGRAPHIC INDICATORS

IDH rank (2003)	Total pop. thousands (2005) ²	Annual pop. growth ² (rate) (2005)	Sex ratio ² (total pop.) F/100M	Urban pop. (%) (2005) ²	Female pop. (%) (2005) ²	Life expectancy at birth ¹			PPA GDP per capita (2002) ¹ in US\$
						T	F	M	
65	186,405	1.4	103	84	50.7	71	75	67	7,450

1 – Population Reference Bureau, 2004

2 – UNStats, 2005

Distinct religious groups and beliefs coexist peacefully in Brazil. Although the population predominantly declares itself Catholic, significant religions such as Afro-Brazilians, traditional Protestant and Evangelical, Islam, Judaism and others are present as well.

The choice made by the Brazilian government to use a political economic model rooted in the strengthening of financial capital and in high internal interest rates, on one hand places Brazil in a competitive position in the international market; but, on the other hand, it has impeded the growth of the Gross Domestic Product and a better distribution of salaries, and consequently, has responded in a very limited way to the demands of the most poor sectors of society.

¹ Indigence line refers to the cost of a basic nutrition package, regionally defined, that corresponds to the needs of consumption of a minimum number of calories of an individual, whereas poverty line includes, in addition to nutritional expenses, a minimal expenditure with clothing, housing and transportation [Henriques].

THE SITUATION OF WOMEN

Gender-related development index rank (2003)²: 58 out of 144 countries [UNDP].

Many positive aspects of women's empowerment have taken place in recent years. This includes political representation of women at all levels of government in the executive branch and at the judiciary level. Life expectancy, education and participation in the labor market indicators have also increased amongst women. Legislation has improved leading to a more gender egalitarian normative framework. Nevertheless, despite the many positive developments in recognizing women's human rights, there is still a wide gap between conquered rights and their effectiveness.

Health

The 1988 Brazilian Federal Constitution recognized the universal right to health and declared the State obligation to assure this right through health policies. The Brazilian Health System known as *Sistema Unico de Saúde (SUS)*, was then created to guarantee the exercise of this right through the articulation of governmental action at the federal, state and municipal levels. Important achievements were reached, such as the internationally known AIDS Program of the Health Ministry, which distributes free anti-retrovirus medication to those infected by HIV. However, there is a strong health privatization process in the country interfering with the implementation of the principles of universal and integral health assumed by the 1988 constitution.

WOMEN'S INTEGRAL HEALTH ASSISTANCE PROGRAM

The Women's Integral Health Assistance Program was designed at the beginning of 1980 and counted with the participation of feminists and health professionals. Launched in 1983, this Program was adopted as a national policy in 1985, and includes educational, preventive, diagnostic, treatment and recovery actions. As a framework it gave the normative parameters for women's health programs in the nineties and is still in vigor in the years 2000. However, its implementation is unsatisfactory since, despite its broad concept,

² Gender-related development index (GDI) is an index from UNDP measuring average achievement in the three basic dimensions captured in the human development index: a long and healthy life, knowledge and a decent standard of living-adjusted to account for inequalities between men and women.

the service is basically limited to the period of pregnancy and puerperium, without more significant investments in contraception, abortion and sexual education.

Some advances were obtained in terms of maternal mortality rate in the country but it remains extremely high.

“Maternal deaths from the poorest regions of the country clearly show the structural relations between body and society, specially affecting poor women with low levels of education. Significant changes on the national charter of maternal mortality depend less on technological and scientific advancements than in low cost and easy implementation measures. There is no lack of material resources, but of political commitment towards women’s fundamental right of generating lives and carrying on living.” [Pitanguy]

In this last decade, there was a fall in mortality rates, including maternal mortality associated with an improvement in obstetrical assistance, the creation of a few specific health programs, and the rise of the availability of contraceptives. Despite improvements, the maternal mortality rate is still high at around to 54 per 100,000 live births in 2004, a number probably underestimated due to frequent underreporting [Laurenti, et al.].

There is a large disparity in the rates of children’s mortality and mortality under the age of five rates between races. Furthermore, this disparity is also evident when mitigating for socioeconomic standards amongst Afro-Brazilian and white women’s children in their first year.

TABLE 2: COMPARATIVE WOMEN’S HEALTH INDICATORS

Region	Indicator					
	Total fertility rate ¹	Maternal mortality rate/year (maternal deaths per 100,000 live births) ³	Children’s mortality rate ¹	Married women aged 15-49 using contraception ² (%)	Pop. aged 15-49 infected with HIV/AIDS (%) ¹	
					2001	2003
World	2.8	400	56	53	1.0	1.1
Most developed countries	1.6	13	7	58	0.4	0.5
Least developed countries	3.1	890	62	40	1.4	1.4
Brazil	2.2	260 (1983-1996)	33	70	0.6	0.7

1 – Population Reference Bureau, 2004

2 – Contraceptive methods: pill, DIU, condom and sterilization, (Population Reference Bureau, 2004)

3 – Maternal Mortality in 2000: Estimates developed by WHO, UNICEF, UNFPA

www.who.int/reproductive-health/publications/maternal_mortality_2000/mme.pdf

Another issue related to sexual and reproductive health is abortion. In Brazil, the practice of abortion is considered a crime and women have no right to choose about interrupting their pregnancies, except in situations where women's life is at risk, or if the pregnancy is the result of a rape. Even in these permitted situations, women face the interference and pressure of conservative sectors and in some instances end up having to seek judicial measures to exercise their rights. However, since the 1990s, there have been advances in the implementation of what is guaranteed by law, thanks to the pressure of women's health advocates who faced strong opposition by the Catholic Church. These advances include public health services, comprising abortion services, to attend victims of rape. One important achievement of the women's movement was the approval by the Health Ministry of the Technical Norm for Prevention and Treatment of Sexual Violence Against Women and Adolescents, in 1998.

There is evidence of a decline in the rate of teenage pregnancy, as the number of girls age 10 to 14 who gave birth decreased from 2000 to 2004. In 2004, out of 1,000 adolescent girls between 10 and 14 years of age 2.9 had a baby in 2004 [Ministério da Saúde, Governo Federal]. Although difficult to prove, it is estimated that a large number of these pregnancies were the result of sexual violence, with rape by fathers and step fathers being a relevant cause.

The minimum age for marriage in Brazil is 16 years of age for both women and men, with parental consent, or 18 years of age, without parental consent. According to the Brazilian government's report to CEDAW³ of 2003, in 1992 more than 90% of women are married between the ages of 25-29.

Education

The female population with tertiary education is higher than the male population, representing an important victory since, at the beginning of the twentieth century, the majority of the women were illiterate.

The percentage of women's attending undergraduate courses is 51.5% compared to 48.5% of men [Melo]. However, this data is not reflective of the racial differentials that are present in education, particularly looking at the Afro-Brazilian female population. Although Afro-Brazilians represent around half of the population, they constitute less than 20% of the population holding tertiary degrees [IBGE/PNAD, 2001].

³ The first report presented by the Brazilian Government to CEDAW, in 2003, consolidated the pending reports relative to the following years: 1985, 1989, 1993, 1997e 2001. In 2005, the Brazilian Government presented a second report before CEDAW.

There were significant improvements in the Brazilian educational situation in the last decade. The substantial decrease in the illiteracy rates⁴ and, at the same time, consistent increase in intermediate level educational rates⁵ of the population are significant.

TABLE 3: WOMEN'S EDUCATIONAL INDICATORS

Adult literacy (% of people aged 15+) ¹		Girls share of second level enrollment (%) ²	Girls share of third level enrollment (%) ²
M	F		
88.40	88.82	52	56

1 - World Bank - <http://devdata.worldbank.org/genderstats>

2 - UNStats

<http://unstats.un.org/unsd/demographic/products/indwm/indwm2.htm>

The average years of study indicator showed signs of growth in the 1990's - the registered number of increase was of about one year more of study for the population as a whole - however, the two years of study difference remains, separating Afro-Brazilians from whites. According to the 2002 IBGE/PNAD, the mean years of study of white women was 8.12 years and 7.78 years for white men, whereas for Afro-Brazilian women the mean years of study is lower, reaching only 6.54 years [IBGE/PNAD, 1999].

Looking at secondary and tertiary enrollment rates, female percentages are 52% and 56%. Although disparities persist, Afro-Brazilian women have increase three times higher than white women their entrance in universities, during 1960 and 1980: 7,33 times and 2,53 times, respectively [Lovell]. Despite the advancements achieved by women in the field of education, the progress has not been sufficient to modify the inequality pattern between women and men in earning disparities.

Labor, Employment and Income

Women's participation in the labor market is concentrated on the tertiary sector, which comprises 74% of the economically active feminine population and 85% of the non agricultural women workers. Women represent 48% of the tertiary sector work force, 20% of agriculture's and 20% of the industrial work force [UNDP, 1996].

Nevertheless, this favorable growth has not guaranteed job security. Women's unemployment rates rose from the second half of the 1990s in

⁴ The person considered illiterate is the one who cannot read or write a simple note in her own language. This indicator simply refers to the proportion of the population above 15 years of age that is illiterate.

⁵ The educational rate is defined as the percentage of children in primary education enrolled in primary schools.

comparison to men's. In response to economic challenges, women have entered the informal sector to a significant extent.

Indicators reveal that between 1992 and 2002, the economically active female population increased from 28 million to 36.5 million. Furthermore, the percentage of women out of the total number of workers increased from 39.6% to 42.5% [Bruschini et al]. In 2002, 28.4% of Brazilian families were headed by women. In the urban portion of the northern region, this number is the highest where 29.5% of the families are headed by women.

TABLE 4: WOMEN'S LABOR FORCE PARTICIPATION

Labor force (millions) (2000)	Female labor force (% of total labor force) (2000)
80	36

World Bank

TABLE 5: WOMEN'S PARTICIPATION IN SELECTED OCCUPATIONS

Occupation	2002	
	Total	% women
Doctors	174,735	40.1
Lawyers	28,902	43.5
Prosecutors Judicial consultants	11,370	44.9
Judges	12,961	33.2
Engineers	139,827	14.4
Architects	7,081	55.5

MTE/RAIS, 2000

In spite of the significant participation of women in the labor force, their presence is minimal in the highest-ranking executive positions throughout different sectors of the economy, with the exception of the community and social services sector [MTE/RAIS, 2000 and 2001].

In terms of income, due to an increased presence in the labor market, women have experienced a slight improvement over the last decade, but wages are still very low. In 2004, according to IBGE, women's average earnings represented 69.3% of that of men.

According to Brazilian government's 2003 report to CEDAW agriculture still is the activity that employs the greatest number of women, followed by domestic labor.

TABLE 6: GDP PER CAPITA (US DOLLAR)

Year	GDP per capita total	GDP per capita Female	GDP per capita Male
1991	2,574	1,362	3,806
2000	2,916	1,731	4,133

IPEA Demographic Census, 1991 and 2000

RURAL WOMEN

In the rural areas in Brazil, despite the struggle of the women's movement, especially of those organized within unions and rural workers' movements, statistics from the Land Reform Census of 1996 indicate a low representation of women as beneficiaries of adjudicated land. Men represent 86% of those benefited by land reform plans, with the women's share only 12.6% of ownership and concession of land⁶ [INCRA].

The tendency of low remuneration of Brazilian workers in all sectors of economy is particularly present in rural areas, with a large discrepancy between men and women [IBGE/PNAD, 1998].

In Brazil, the issue of land is still one of the major obstacles to social equity. Governmental data indicate that structural inequities make Brazil the second country in the world in terms of land ownership concentration, which explains the appearance of the Landless People's Movement – *Movimento dos Sem Terra* (MST) of great social repercussion. The Rural Worker's Confederation *Confederação do Trabalhador Rural* – CONTAG and MST – organized in the decades of the 1960s and 1980s, respectively – have, over the last years been opening to the participation of rural women and the defense of their rights. Women's invisibility on their productive rural lives was reinforced by their low representation on syndicates, traditionally exclusive to men.

Political Participation

Women are underrepresented in government and decision-making positions. In 1995, the National Congress instituted the quota system in the electoral legislation, where political parties were obligated to include 20% of women in their proportional slate of candidates (Law n° 9.100/95 – § 3º, art. 11). In 1997, Law n° 9504/97 raised this percentage to 30%⁷.

⁶ 1,8% of the interviewed did not answered the survey.

⁷ Until 2006, in Federal level, Brazil has 4 women Ministers of State. In elected positions: 2 State Governors and 418 Mayors, at the National Congress: 9 Senators and 45 federal deputies. At the states and municipal assemblies: 132 district and state deputies and 6555 municipal legislators. At the judicial level, there are only 7 women in the country's high courts [CFEMEA].

TABLE 7: % REPRESENTATION OF WOMEN IN THE LEGISLATIVE SECTOR

1995	1999	2004
7	6	9

UNStats – <http://unstats.un.org/unsd/demographic/products/indwm/indwm2.htm>

In the Brazilian elections of 2006 there was a short number of elected women. According to data from the Brazilian Election's Superior Court – *Tribunal Superior Eleitoral* (TSE), from a total number of 2.498 women candidates (2 for Presidency, 26 for Estate Governments, 35 for The Senate, 652 for Federal Deputies and 1.783 to Estate Legislative Assemblies) only 176 women were elected (3 Estate Governors, 4 Senators, 46 Federal Deputies and 123 State/District Deputies). In the federal executive power, there are 4 women Ministers. In the Judiciary System, there are only 7 women in the Superior Federal Courts [CFEMEA].

THE ROLE OF THE WOMEN'S MOVEMENT

Women's organizations and the women's movement from Brazil became organized in the middle of 1975, still during the period of the dictatorship, playing a crucial role in highlighting the problems faced by Brazilian women. The movement began by organizing social movements and informal groups in the seventies and early eighties when they also struggled for the creation of spaces in state and federal government to implement public policies. By the 1990s, NGOs began to proliferate, forming alliances and networks to advocate for legislation and public policies with the struggle against gender violence as a major issue in their agenda. Many of the positive initiatives of the State have been taken as a result of the forceful arguments of the women's movement in the country, which has always shown a strong advocacy tendency.

The women's movement had a large role in the process of re-democratization and in the elaboration of the Federal Constitution of 1988, especially in the fight for the promotion of women's rights.

The struggle against gender and intra-family violence has been a priority matter for autonomous women's groups and NGOs since the decade of the 1970s. The historic articulation of these groups gained force in the pre-

constitutional era, especially with CNDM's (National Council of Women's Rights) action, and has been consolidated as one of the major advancements achieved in the 1988 Constitution. The women's movement has been fighting for the creation, widening and reinforcement of services of protection and support for victims of domestic and sexual violence in the areas of public safety and justice. A strategy was defined in the sense of demanding legislative changes; the creation of services; the widening of the access to justice and non-discriminatory treatment at this space; action next to the media and action directed at the legal education of women about their own rights. It is particularly important to highlight the participation, since the mid 1980's, of the Afro-Brazilian women's movement in the struggle against racial and gender discrimination.

In the beginning of the 1980's, the women's movement established a series of demands that included, in regards to violence, the creation of women's police stations, shelters, legal and psychological centers of assistance, emergency hot-lines and the restructuring of the Forensic Medical Institute, along with the annulment of various discriminatory provisions of the Penal Code.

Various institutions of civil society, in particular NGOs, women's groups and the autonomous women's movement have a historical commitment to the defense of human rights in general, and in particular women's human rights with a racial perspective.

"The present Afro-Brazilian women's movement inclusion – in the political arena – of the contradictions originated from the intersection of race, gender and class, promotes the synthesis of the historical struggle initiated by the Afro-Brazilian and women's movements, making women's demands black, and thus representing Brazilian women more accurately, and on the other hand, turning the black movement's proposals feminine." [Carneiro]

Civil society's action also encompasses other institutions, such as private or public universities involved in capacity building of professionals for the conduction of studies and research. These studies aim to give visibility to gender and intra family violence and to contribute to the comprehension of violence against women, orienting public policy.

A great effort has been made in terms of legislative changes to eliminate all discrimination present in legal texts in order to sensitize the judiciary, seeking to overcome cultural patterns based on discriminations that reaffirm gender inequalities.

VIOLENCE AGAINST WOMEN: KEY ISSUES

Violence is amongst the most grave problems experienced by Brazilian society. As underlying causes there are deep social and economic inequalities, corruption and impunities. Although legal advancements on human rights protection have been made, violence indexes remain high and have been growing in the last decade. Brazilian women face violent situations in two different conditions: as citizens exposed to different forms of violence affecting Brazilian society overall; as women exposed to gender violence.

30

Domestic Violence

Research data show that there is a “domesticity” of violence against women that points to its specificity if compared to the violence practiced against men. Such statement presents the need of a greater reflection about the peculiarities of the phenomenon of violence against women into the national debate.

Violence affects men and women much differently. Men are mainly affected by violence committed in public places by unknown persons, while, for women, the pattern is opposite: their home is a dangerous place and the aggressors are usually known or even intimately close to them. In all types of violence against women, investigative work typically identifies the perpetrator as a husband or partner, except for cases of sexual harassment⁸.

“Gender violence against women – even if looked at within the context of violent manifestations and structural exclusions that affect men and women in social, economic and political unfair systems – is a specific phenomenon that reflects power relations, which are historically and culturally unequal between men and women. It may appear through different forms of manifestation and, in most cases, it is aggravated by certain characteristics of women. With this understanding, gender violence can be articulated with racial violence that specifically affects black and indigenous women. It is also important to note that gender violence becomes more acute when its incidence is perceived amongst urban and rural workingwomen and, specially, over girls and adolescents, a very vulnerable social group.” [Barsted, 2005]

⁸ The research *The Brazilian Woman in the Public and Private Spaces A Mulher Brasileira nos Espaços Públicos e Privados*, of 2001, was carried by the Public Opinion Nucleus of Fundação Perseu Abramo.

Data collected from governmental agencies, academics and a variety of other institutions shows that domestic violence is prevalent in all settings, regions and religious groups.

- Every 15 seconds a woman is beaten by a man in Brazil.
- Around one woman in every six (16%) declares having suffered some kind of physical violence.
- 9% of women have been locked up at home, prevented from leaving the house or going to work.
- 8% of women have already been threatened with firearms and 6% suffered sexual abuse.

The husband's or partner's share as being the main aggressor varies from 53% (threats to physical integrity with guns) and 70% (breaking objects) of the registered occurrences of violence in all investigated modalities, except for harassment [Fundação Perseu Abramo].

In 1991, the Brazilian Superior Court of Justice declared the complete illegitimacy of the so called "honor self defense thesis", which had been frequently applied and contributed to the absolution of men that killed their female companions. However, in various regions of the country, especially in the Northeast region, the number of women murdered by their husbands is still frequent and domestic violence index remains high.

Sexual Violence

Crimes committed against women in Brazil on grounds of sex, or of sexual nature, such as rape or indecency, or those committed by government agents through power abuse, although having severe penalties, tend to have low actual punishment. There are many factors behind this problem, including cultural reasons – as is often the case in domestic violence, and the victim's absolute social fragility, such as in authority abuse against imprisoned women. Table 8 presents some data on rape crimes indicating around 15,000 cases registered per year. Rape is probably under-registered.

TABLE 8: RAPE CRIME

Year	Total number of registered cases	Per 100 thousand habitants
2001	14.709	16,8
2002	14.220	16,4
2003	14.800	15,9

www.mj.gov.br/senasp

Data on violence against women started to be produced in the eighties, under the demand of CNDM, when official data reported the difference in the incidence of violence among men and women. This represented an important step in the struggle against gender violence as well as in the demand for availability and access to specific and appropriate public services and equipment for women. In the present decade, important research was done by public and private institutions and researchers⁹ which helped to better map this violence and reveal its true dimensions.

The first national research on violence in Brazil was conducted in 1988, by IBGE within the National Research per Home Sample *Pesquisa Nacional por Amostra Domiciliar – PNAD* [IBGE, 1990], which included a Supplement on Justice and Victimization. This Supplement presented the first national statistics disaggregated by sex, on cases of physical injuries and patrimonial crimes reported to the police by the victims. From the total number of victims of physical aggression around 44.77% were women. The major differences between men and women victims of this type of crime dealt with perpetrator's profile and site of occurrence of the aggression. For women, 63% of aggressions were practiced by relatives or people know by them, in most cases, by men included on the women's intimate and affective circle. Regarding the site of the occurrence of the aggression, in 55% of cases the violence occurred inside the homes. In the cases of men, 83% of aggressions were practiced on the street, by people know by the men or by strangers and only 17% took place inside the homes. This research demonstrated the gender differential on the violence phenomenon's occurrence, reinforcing the denunciations that the women's movement had been making since the mid-1970s.

⁹ see Barsted, Leila Linhares – *A Violência contra as Mulheres no Brasil e a Convenção de Belém do Pará Dez Anos Depois*, in Barsted, Leila L., Pitanguy, Jacqueline e Miranda, Dayse (org) *O Progresso das Mulheres no Brasil*, UNIFEM/Fundação Ford/CEPIA, São Paulo, 2006.

Some of the research developed included:

The research entitled Violence against women and health in Brazil "A Violência contra as Mulheres e Saúde no Brasil – Estudo Multipaíses, a study conducted in various countries by WHO about women and domestic violence".¹⁰

The research *The Brazilian Woman in the Public and Private Spaces "A Mulher Brasileira nos Espaços Público e Privado"*, of 2001, carried by the Public Opinion Nucleus of the Perseu Abramo Foundation¹¹.

Research report: Domestic and Sexual Violence Amongst the Health Services Users "Violência Doméstica e Sexual entre Usuárias dos Serviços de Saúde", conducted in basic health units and walk-in clinics of the public health network, in 2003 by the Department of Preventive Medicine of the São Paulo University [Schraiber et al].

The Federal Senate's public opinion call on the contextualization of Family Violence on the National Scenario "Contextualização da Violência Familiar no Cenário Nacional", in 2005, aiming to describe the reality lived by women that suffer aggressions and abuse¹².

Despite the fact that the Brazilian legislation establishes severe penalties, various studies indicate that women victims of sexual crimes may very easily be considered guilty or to have facilitated the aggression, both during the police investigation or the criminal process. This is due to the fact that there is a double moral standard in vigor for men and women. If the woman was raped by her boyfriend, or by someone she knows that gave her a ride, for example, her word is put into question, because she may supposedly have accepted the violent sexual relation. In the same way, the woman working as a sex professional will hardly have the chance to see her rapist condemned. The National Council for Women's Rights (CNDM) conducted in 1987 a study in 6 capital cities of the country named *When the Victim is a Woman* analyzing the judicial sentences in cases of rape, aggression and murder, which indicated a tendency to doubt of the victims words in cases of rape, to diminish the gravity of the aggressions and although not so frequently to still accept the argument of defense of honor in cases of murder [CNDM].

¹⁰ Schraiber, Lilia Blima; D'Oliveira, Ana Flávia Pires Lucas; França-Junior, Ivan; Diniz, Camen Simone Grilo; Portella, Ana Paula; Ludermir, Ana Bernarda; Falcão, Márcia Thereza Couto; Valença Otávio – Visibilidade/Invisibilidade no Estudo Epidemiológico da Violência Sexual contra a Mulher na Cidade de São Paulo e Zona da Mata de Pernambuco. Revista Brasileira de Epidemiologia, Curitiba-PR, supl. esp. 2002.

¹¹ www.fpa.org.br/nop/mulheres/p68.htm

¹² <http://legis.senado.gov.br>. Biblioteca Virtual – Senado Federal.

Institutional Violence

HEALTH SERVICES

A major institutionalized form of violence against women is the denial and lack of access to health services. This is particularly evident in health care related to pregnant women and pregnancy interruption.

Maternal mortality is still high in Brazil, considering that 92% of these deaths could be avoided¹³ with routine care during pregnancy, delivery and after birth (puerperium). Caused to a great extent by the lack of services and by the negligence of the public health system's authorities and agents, these violent deaths could be considered as murders remaining invisible in the official statistics.

Another issue related to the denial of health services is the abortion practice assured by law in cases of rape and life endangerment. In practice, access to this service in these two situations is not broadly guaranteed yet. Many actors interfere in the women's choice, including an explicit resistance from a broad number of health professionals to perform it.

IMPRISONED WOMEN

Another group still with little visibility is imprisoned women. Data received by the National Penitentiary System, sent by the States' Public Safety Bureaus, from June 2004,¹⁴ indicate that there are 249,124 people paying time in Brazilian prisons¹⁵, of which 127,533 are men and 6,733 are women.¹⁶

Women represent around 5% of the total imprisoned population and like male inmates, they are victims of torture and bad treatment in some prisons. This is a major concern, especially considering issues regarding women prisoners' pregnancy and delivery, as well as questions related to these women's family responsibilities. Various studies identify clear human rights violations of the women inmates, such as beatings by male penitentiary agents, punishment cells (cubicles without minimum hygiene

¹³ According to Secretaria Especial de Políticas para as Mulheres (Federal Bureau for Women's Policies), Brazilian Report presented at the 29th CEDAW Session, 2003. Apud Barsted, Leila Linhares, opus cit 2006.

¹⁴ These information is of the entire responsibility of the Brazilian States Justice Bureaus presented to the Justice Ministry. According to the National Penitentiary System of this Ministry, the development and implementation of a Penitentiary Information System is in its final stage for monthly accurate and safe data about the situation of inmates of federal and state prisons. Apud Barsted, Leila Linhares, opus cit 2006.

¹⁵ Those in penal colonies and in jail are not included.

¹⁶ Source: Ministry of Justice/National penitentiary Department.

conditions, where they often stay for long periods of time). In addition some inmates demonstrate mental problems and pregnant women are beaten on the night round.

One of the issues given the greatest attention by Brazilian organizations is violence on grounds of race or ethnic discrimination. This reflects, to a great extent, the country's racial reality with a system still dominated symbolically by the white, urban, middle class model in a multi racial and complex society.

ADVANCEMENTS

Legislative Measures

INTERNATIONAL INSTRUMENTS OF PROTECTION OF HUMAN RIGHTS

The most relevant instruments of which the Brazilian government is a party are the following:

The International Covenant on Economic, Social and Cultural Rights	Ratified since 1992
The International Covenant on Civil and Political Rights	Ratified since 1992
The UN Convention on the Elimination of All Forms of Discrimination Against Women	Ratified since 1994 without reservations
The International Convention on the Elimination of All Forms of Racial Discrimination	Ratified since 1968
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified since 1989
Convention on the Rights of the Child	Ratified since 1990

In addition, an important regional instrument which Brazil has ratified since 1995, is **The Inter American Convention to Prevent, Punish and Eradicate Violence Against Women** ("*Belém do Pará Convention*"). This convention has widened the Declaration and the Protocol of Action of the United Nation's Human Rights Conference, representing an effort of the international women's movement to give visibility to the existence of the widespread problem of violence against women.

In 1995, the Brazilian government, through Decree n. 107/95, approved the text of the *Belém do Pará Convention*, granting this instrument the same status as a domestic piece of legislation.

NATIONAL LEGISLATIVE MEASURES

Constitutional, Civil, Political and Social Rights

The Brazilian Constitution of 1988 consecrated the value of human dignity with the paradigm of order being the Brazilian law. This Constitution introduced important innovations in the fields of civil, political, and social rights beyond the explicit recognition of the treaties and international conventions of human rights, which the nation of Brazil had signed and ratified. The Constitution, in light of the total recognition of the equality between men and women, revoked all civil legislation regarding the family law and other legal norms that had maintained a hierarchy of power of men over women. The existence of specific forms of violence was recognized, such as family violence, that should receive governmental attention in order to be eliminated. Furthermore, it contains provisions that are a step ahead from Cairo's Action Plan, regarding the safeguard of the right to family planning, the State's obligation to provide the means and methods for such end, and to guarantee freedom and absence of coercion in reproductive decisions.

The women movement's achievements, in terms of the constitutional gains, can be clearly identified by the following provisions:

- equality between men and women in general (**article 5th**, I) and specifically within the family (**article 226**, paragraph 5);
- prohibition of discrimination, in the labor market, on grounds of sex, age, color or marital status (**article 7**, XXX, regulated by Law n. 9.029, 13/04/1995, that forbids employers to ask for non-pregnancy or sterilization certificates, among other discriminatory practices for admission purposes or as a condition to maintain the labor contract);
- Special protection for women at the labor market, through specific incentives (**article 7**, XX, regulated by Law n. 9.799, 26/05/1999, that inserts rules about women's access to the labor market in the Consolidation of Labor Laws);
- equal status for men and women regarding domain and use of rural estate, in view of the rural land reform, independent from their marital status (**article 189**, sole paragraph);
- free decision making of the couple regarding family planning, where the State must provide the educational and scientific resources for the exercise of this right (**article 226**, paragraph 7, regulated by Law n. 9.263, 12/01/1996, that disposes about family planning within a global and wholesome health care service); and
- the State's duty to repress violence within the family relations (**article 226**, paragraph 8).

The infra constitutional legislation has been greatly altered, since 1988, to safeguard and recognize specific women's rights. Along with the constitutional legal protections, Brazilian women can also count on laws to formally guarantee their rights regarding: labor rights, maternity benefits, family planning, property and inheritance, quotas for political representation and protection against sexual harassment and other crimes. The Brazilian New Civil Code of 2003 formally revokes, for once and for all, all discriminatory legal provisions that remained un-reviewed until then.

Despite the existence of these advanced legislative tools, there is still a lot to be achieved in order to fill in the gap between the Brazilian Law and its social reality.

Specific Legislation on Gender Violence

Looking at the Federal Senate's research *Contextualização da Violência Familiar no Cenário Nacional* [Brazilian Federal Senate, 2005] out of the total women interviewed 54% considered that the Brazilian legislation already protects women. Nevertheless, 95% thought it was important to create a *specific legislation on family violence*.

Since the mid 1990s, important legislative changes and innovations have been addressing violence against women. In 1995, **Law n. 9.029/95**, determined that for an employer to ask for sterilization certificates and pregnancy tests for admission purposes or for maintenance of the work contract is illegal. **Law n. 9.046**, also from 1995, determined that women's criminal institutions must have nurseries so that female prisoners could breast feed their children, according to the constitutional provision that already guaranteed that right.

In 1998, the Health Ministry elaborated the "Technical Norm for Prevention and Treatment of Sexual Violence Against Women and Adolescents". The Technical Norm regulates the assistance to the women victims of sexual violence recommending, among other things, that all health units with gynecological and obstetric services should be able to assist cases of sexual violence. Police authorities, health units, general emergency services and health secretariats must hold the list of all units who offers these services. The victims of sexual violence must be informed about what will be done in each step of the assistance and about the relevance of each step. A woman's opinion or refusal to any procedure and her choice for a specific health professional must be respected.

Since 2001, through **Law n. 10.224**, sexual harassment is considered a crime in the Penal Code.

In November 2003, **Law n. 10.778** established the compulsory notification, meaning that, throughout Brazil, in cases of violence against women, the health professionals must notify the appropriate officials. This law has adopted the definition of violence against women contained in the *Belém do Pará* Convention. In its article 3, it declares that the compulsory notification has a secrecy character, obligating, thus, the sanitary authorities that may have received it.

In 2004, the crime of domestic violence was included in the Penal Code.

In 2005, **Law n. 11.106** altered various articles from the Penal Code, that were clearly discriminatory in its great majority. For instance, article 5 of this Law revoked article 107 of the Penal Code, that gave the rapist impunity if he married the victim, or if the victim married a third party and accepted not to file a lawsuit.

*The elimination of the application of Law n. 9.099/95
in cases of domestic violence*

"In spite of these advancements, a great part of crimes committed against women go unpunished. This situation may be exacerbated, to a certain extent, due to Law n. 9.099/95, which instituted the Special Criminal Courts created to judge offenses that are considered of minor potential, with penalties not greater than two years. "Under this law, most frequent domestic aggressions and threats suffered by women were considered minor offensive potential crimes¹⁷. Theoretically, Law n.9.099/95 presented a fast solution for conflicts, without the State's punitive interference, reinforcing the possibility of application of alternative penalties, other than imprisonment. For many, it represents an advancement in terms of Penal Law, as long as both parts have equal power to accept or not accept the settlement. However, taking into account the nature of the conflict and the power relations present in cases of domestic violence, this law ends up making women desist to sue their aggressor husbands or partners. Thus, it also stimulates the idea of impunity, present in customs and practices encouraging men to violent behavior against women. After ten years of the approval of this law, nearly 70% of the cases presented before

¹⁷ Aggressions and threats against women, caused by an intimate person, especially by a husband or partner, represent more than 70% of the complaints received by the special criminal Courts.

the Special Criminal Courts deal with situations of domestic violence against women. The great majority of cases end up with a settlement, without even the knowledge of a District Attorney's or Judge, and without women getting an appropriate, qualified answer from the public power to the violence they suffered. In light of this ascertaining, Maria da Penha Law – aimed to assist women victims of sexual violence – represents a great victory for Brazilian women." [Barsted, 2006]

Maria da Penha Law – In face of the practically decriminalizing effect of this law, an alliance of feminist NGOs has elaborated a proposal for a new law for this issue, based on the *Belém do Pará* Convention, that would stop the application of Law n. 9.099/95. This proposal translated into **Law n. 11.340/06** which was recently approved by the National Congress' Deputies Chamber. The main points of this Bill are the following: the definition of domestic violence as physical, psychological, sexual, patrimonial and moral violence; the definition of responsibility of governments to promote policies of women's social inclusion; the creation of courts specialized in family and domestic violence crimes, with civil and criminal competence, eliminating, thus, the applicability of Law n. 9.099/95; the creation of mechanisms directed to the empowerment of female victims of violence; the creation of emergency protection measures to prevent new aggressions; and the inclusion of low income victims in the government's social programs, among others.

The Role of the Judiciary System

In Brazil, there still is a historical tolerance of the popular juries¹⁸ for cases where husbands murder their wives in the name of the "legal defense of honor", in spite of the opposite understanding of the Superior Court of Justice. In fact, in a decision dated March 11th, 1991, reinforcing the political proposal of the Federal Constitution of 1988, the constitutions of various states and different municipal laws that repudiate, prevent and punish violence against women, the Superior Court of Justice – STJ rejected the so called "legal defense of honor thesis". Such thesis has been traditionally utilized with great success by the defense attorneys in intended murder crimes, judged by a popular jury, particularly in cases of husbands

¹⁸ In Brazil, the administration of criminal justice is the competence of the states, except regarding military crimes, dealt with in the federal sphere. Crimes of intended murder are judged by a popular jury, presided by a state judge. The decisions of the jury can be contested before the State Courts or even before the Federal Superior Courts, such as the Superior Court of Justice and the Supreme Federal Court.

that murdered their wives. In 1991, the STJ considered that "... homicide cannot be considered as a normal and legal means of reaction against adultery, because in this kind of crime what is defended is not the honor, but the pride of the master that sees his wife as property of his own".

However, taking into account that the Federal Constitution, in its article 5, XXXVII, safeguards sovereignty of the popular jury's verdict, STJ's decision can only annul the jury and call for a new judgment. No superior court has the power to change the decision of a popular jury. In this sense, in many states of the federation the popular jury still absolves men in the name of the "legal defense of honor", although this decision can be annulled and a new judgment can be called for, which, in the majority of cases, ends up absolving the accused again:

Despite some advances, the Judiciary Power has still been very refractory to the women's movement criticism regarding its performance in processes that involve domestic and sexual violence.

Institutional Actors and Mechanisms

"The recognition of the relevance and the respectability of the inclusion of Violence Against Women on the public agenda, as well as the availability of human and material resources for the implementation of services, research and education are essentially a political issue. In the case of gender violence, these factors were dependent (and still are, although the field has achieved considerable sustainability), of a social movement able to exercise pressure for change, able to develop alliances with services and with institutions that produce policies and education, and able to monitor the advancements of implementation. Furthermore, these factors depend upon correlated local, national and even international forces and activists', researchers' and inter-exchange network development¹⁹." [Simone, Diniz]

During the process of re-democratization of Brazil, from 1982 onwards, the women's rights agenda started to gain political space. Thus, in the mid 1980s, states like São Paulo, Minas Gerais and Rio de Janeiro installed women's State Councils and Women's Police Stations.

In Brazil, since 1985, successive governments, have unveiled policies of empowerment for women, especially legislative measures that have sought to address the full range of women's human rights.

¹⁹ Simone Grillo Diniz is a doctor, Professor at the Medical School of São Paulo University – USP and a member of the NGO Coletivo Feminista Sexualidade e Saúde.

The most important Governmental Bodies and Services on VAW are: Federal Bureau for Women's Policies – SPM; State Departments of Women; Women Police Stations – DEAMs; Shelters for Women Victims of Violence; Integrated Centers of Assistance to Women; Public Defenders Nucleus for the Rights of Women; Women's Empowerment Committee.

SEDIM – WOMEN'S RIGHTS BUREAU/ SPM – FEDERAL BUREAU FOR WOMEN'S POLICIES

SEDIM

In 1985, with the creation of the National Council of Women's Rights, a federal executive organ, demands on the implementation of services of attention of women were included in the political agenda of the federal government, which stimulated, to a great extent, in the articulation with the women's movement, the expansion of services to states and municipalities. This federal government mechanism, later named SEDIM – Women's Rights Bureau, and since 2003, called SPM – Federal Bureau for Women's Policies, with ministerial status, is responsible for overseeing the development of the constitutional safeguards for women and for promoting public policies with a gender perspective. In 2005, it launched the National Plan to Confront Violence Against Women, which included action directed at supporting gender and human rights capacity building of civil servants responsible for the application of the law, as well as action directed at stimulating and supporting the creation of networks of services of assistance for women victims of violence and establishing agreements with municipalities and states viewing the implementation of new services.

SPM estimates that, throughout Brazil, there are: 81²⁰ **shelters for women living in life-risking situations** due to some facet of domestic violence; around 52 referral centers; 99 health services directed to assisting sexual violence victims, amongst which 33 perform legal abortion²¹ and some Special Nucleus from the Public Defenders Offices²².

²⁰ If this estimate is correct, there would have been a considerable increase in relation to the 1999 data, when Sedim informed about the existence of 21 shelters.

²¹ According to the Health Ministry, 2003 and the Feminist Reproductive Health Network, there were, in the health area, by the end of 2004, in all country, 17 public health facilities that assisted women victim of sexual violence, concentrated in 11 cities of the South West region of the country.

²² In the absence of more accurate data, SPM is raising a national study about these services, in order to evaluate their performance.

It is important to highlight that existing services, especially those from the public safety area, were created by laws or government decrees that did not define functioning patterns, assistance proposal or philosophy of action. Thus, the elaboration of protocols of assistance, evaluation and accountability report mechanisms are still necessary, as well as models for analysis of the impact on the population and on women's lives.

In addition, there is not a national evaluation of the quantity and the quality of other services directed at the assistance of women victims of domestic and sexual violence. Thus, in spite of the existence of shelters and referral centers for these women, there is not an evaluation of the real functioning of the majority of facilities. The same can be said regarding the **Women's Police Stations**, the hospitals that are authorized to perform emergency contraception, and perform legal abortion in the case of pregnancy caused by rape.

It is also known that the existing resources, at federal, state and municipal levels, are extremely modest for the implementation of policies aimed at confronting violence against women and have historically suffered severe cuts, increasing the challenge.

The monitoring by the women's movement of the process of elaboration of the federal, state and municipal budgets is, therefore, fundamental for the inclusion of resources directed to the assistance and prevention of violence against women in various fields.

WOMEN'S POLICE STATIONS (DEAMS)

Since 1985, with the country's re-democratization, special police stations were created in various Brazilian states to assist women victim of violence.

Non-registration of crimes, especially sexual crimes, still is a problem in Brazil. In spite of the under-notification of crimes against women, the DEAMs gave visibility to these types of crimes and its creation stimulated prompted a growing number of women to file complaints for the violence they suffered, especially those occurred in the domestic sphere.

It is important to acknowledge, though, the DEAMs exiguities in face of the country's great territorial and population extension. Sedim's research, carried out in 2000 and updated in 2004 by Senasp, points to the poor structure of these equipments, both from a human resources point of view and a material perspective.

PUBLIC POLICIES ON WOMEN

National Program of Human Rights

In 1996, the Brazilian government launched the *National Program of Human Rights*, which, amongst other commitments, highlighted those related to the implementation of the decision of the *World Conference on Human Rights* in Vienna, in 1993, that defines violence against women as a violence against human rights, in addition to the implementation of the precepts of the *Inter American Convention to Prevent, Punish and Eradicate Violence Against Women* and the *IV World Conference on Women*, in Beijing in 1995.

National Plan of Policies for Women

In July 2004, after an intense process of national mobilization, the *National Conference of Policies for Women* was held in Brasília, which presented "the guidelines for the national policy for women with a gender equality perspective, considering the racial and ethnic diversity" and which supplied the subsidies for the *National Plan of Policies for Women*, elaborated by SPM.²³

This Plan is structured around the following strategy areas: autonomy, equality in the work place and citizenship, inclusive and non-sexist education, women's health, sexual and reproductive rights and confronting violence against women. Regarding this last point, the Plan aims to implement a *National Policy of Struggle Against Violence Against Women*; to guarantee the integral, humanized and qualified assistance to women; to reduce aggression rates; to safeguard the accomplishment of the international instruments and to revise Brazilian legislation on the matter.

National Public Security Plan

The federal government's launched, in 2002 the National Public Safety Plan. In 2003, the federal government, through the National Bureau Of Public Security (Senasp) and the Ministry of Justice, has created the National System of Public Security and Criminal Justice Statistics – a database and an information bank, with numbers relative to the years of 2001 to 2003 on all 27 Brazilian states.²⁴

In 2004, Senasp has released Brazil's Violent Criminality Map 2001/2003. Indicators were not disaggregated by sex, and for that reason,

²³ National Plan of Policies for Women, Presidência da República, SPM, Brasília, 2004.

²⁴ See www.mj.gov.br/senasp.

only rape, – which by definition can only be committed against a woman – could present a national scenario of sexual violence, having had little alteration during the three years researched.

Also in 2004 Senasp started a study on the profile of Public Safety organizations, selecting Special Police Station to assist Women *Delegacias Especiais de Atendimento à Mulher* (DEAMs) to serve as pilot. The study conducted by the Women's National Council has shown that the DEAMs were not yet fully equipped and the great majority of them did not work 24 hours a day, nor during weekends. The research indicates that the total number of registered crimes was 425.935 in Brazil, in 2003.

CAPACITY BUILDING

In 1999, the federal government bureau, formerly called SEDIM, invested in capacity building efforts for police officers and into an evaluation process of the conditions and functionality of the Women's Police Stations. By the end of the 1990's, there were 255 DEAMs, nine shelters and 13 health service centers that performed legal abortion.

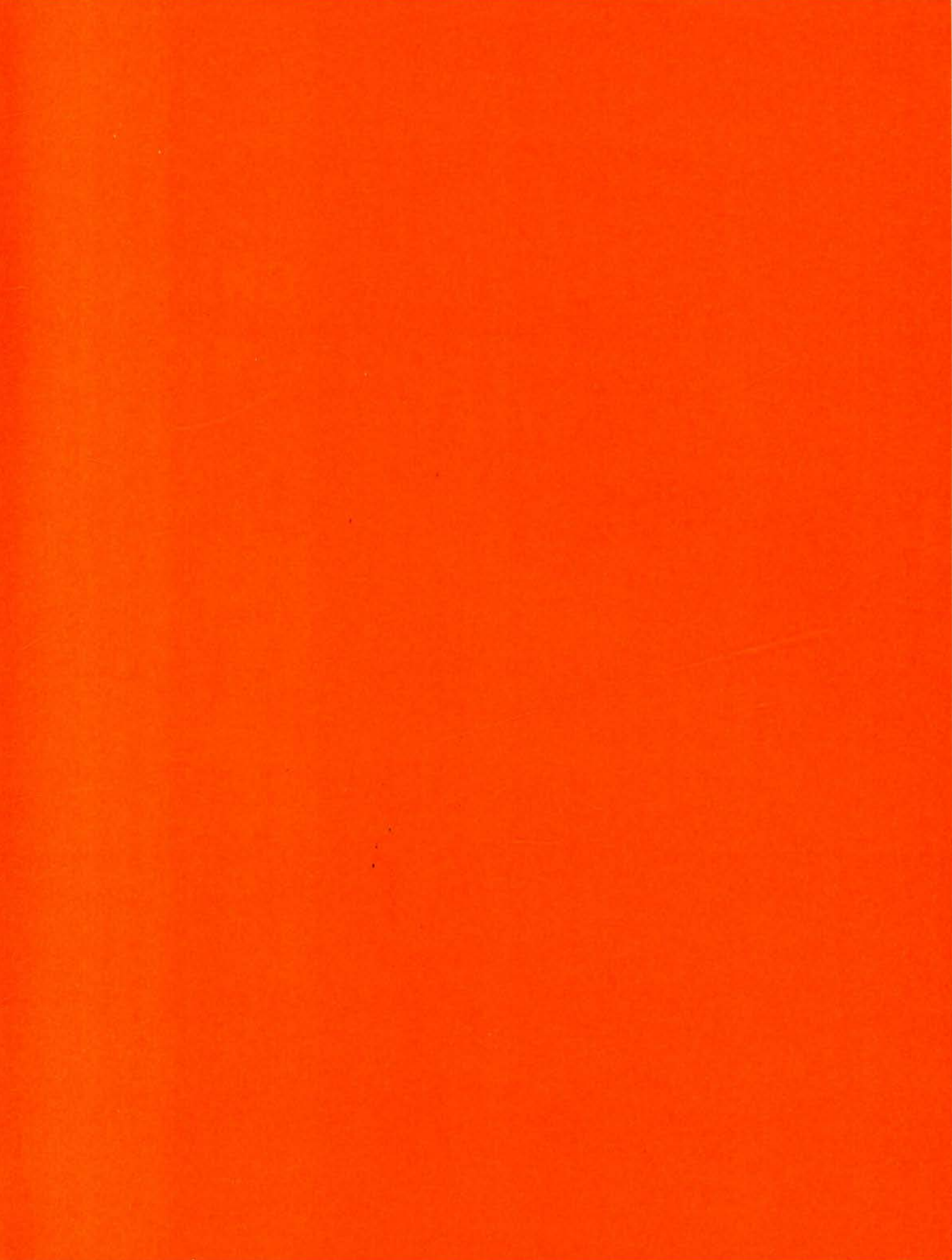
In 2003, SPM, at the time called SEDIM, has continued the capacity building with civil police officers and has assumed before CEDAW the commitment to concentrating efforts in the struggle against violence against women, both in the legislative sphere and in the widening of services.

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CHINA



Courtesy of Global Fund for Women



BACKGROUND

China is one of the cradles of humanity, as archaeological evidences suggest. The earliest known human in China dates back to 600,000 BC. The Shang Dynasty (1766-1122 BC) is the first documented era of ancient China. The imperial dynasty system of government survived over many centuries. China was at times ruled by foreign invaders, such as the Mongols during the Yuan Dynasty, from 1279 to 1368 AD, and the Manchus during the Qing Dynasty, from 1644 to 1911 AD. During the 19th century, China suffered economic stagnation, along with the decline of the Qing dynasty.

The Republic of China succeeded the Qing Dynasty in 1912, ending 2,000 years of imperial rule. Since its founding, the republic experienced many challenges as it was dominated by numerous warlords and fragmented by foreign powers. In 1928 the republic was nominally unified under the Kuomintang (KMT). The nation was in the early stages of industrialization and modernization when it was caught in the conflicts

between the Kuomintang government, the Chinese Communist Party, remnant warlords, and Japan. On October 1, 1949, after a near complete victory by the Communist Party of China (CPC) in the Chinese Civil War, Mao Zedong proclaimed the People's Republic of China.

Today, after many decades of political struggle, economic and social reform, the People's Republic of China (PRC) has become a hugely important actor in the world's future. With 1.3 billion people, the PRC's government has been described in a variety of manners including authoritarian, communist, and socialist, with heavy restrictions remaining in some areas, such as the press. In the more recent years, China has been slowly liberalizing many dimensions of its economic system.

The country is mainly run by the CPC, but there are other political parties, referred to in China as "democratic" parties, which participate in the People's Political Consultative Conference. China's current leader, Hu Jintao, holds the titles of Paramount Leader, President of the People's Republic of China, Chairman of the Central Military Commission and General Secretary of the Communist Party of China since 2003.

Social, Economic and Demographic Indicators

The People's Republic of China accounts for approximately 21% of the human population, making China the most populous nation in the world and the fourth largest economy when measured by nominal GDP (Gross Domestic Product). As of 2005, 70% of China's GDP is in the private sector [Business Week]. The population growth is around ten million people a year.

Since the end of the 1970s, China has been experiencing reforms in its economy from a centrally-planned system to a more market-oriented one. This transitional process is bringing positive social and economic gains to the Chinese population, with an increase in the standard of living and a dynamic reduction on the poverty rates. However, it also is creating an alarming wealth disparity in the country, mostly related to corruption. Scholars and researchers suggest that this situation is partially due to a lack of political reform necessary to support and complement the economic reforms.

Between 1995-2000, the country's birthrate dropped from seventeen to fifteen per 1,000 [National Bureau of Statistics China, *Yearly data*]. The life expectancy in 2004 was 70 years for men and 73 years for women [World Bank].

In 1990, China's age pyramid had a high concentration of younger people, from ages ten to forty years of age. By 2000, this pyramid only changed slight and still presented a dominance of a quite young population, between fifteen and sixty years of age [China Fifth Population Census].

TABLE 1: SOCIAL, ECONOMIC AND DEMOGRAPHIC INDICATORS

HDI rank (2003)	Total pop. thous. (2005) ²	Annual pop. growth ² (rate) (2005)	Sex ratio ² (total pop.) F/100M	Urban pop. (%) (2005) ^{2*}	Female pop. (%) (2005) ²	Life expectancy at birth ¹			PPA GDP per capita (2002) ¹ US\$
						T	F	M	
104	1,315,844	0.7	95	41	48.6	71	73	70	4,520

1 – Population Reference Bureau, 2004

2 – United Nations Statistics Division, 2005

* Not including the territories of Macau and Hong Kong

It is noteworthy that in looking at the male to female ratio, men are predominant, which is the opposite of the usual demographic distribution of the world population by sex since women tend to have higher birth rates and live longer. This phenomenon most likely demonstrates that the cultural preference for men remains in vigor in Chinese society.

China has been a multi-cultural society for several thousand years. In 2000, the population was composed predominantly of people of the Han¹ nationality with fifty-five officially recognized minorities, which represented 8.4% of the population. All minorities today have the equal rights as Han Chinese.

China has five major religions: Buddhism, Taoism, Islam, Protestantism and Catholicism. However, this diversity is undercut by the limits that only allow religious groups to organize under the control and scrutiny of the authorities. The National Bureau of Administration of Religious Affairs under the State Council is testament to the importance attached by the government to religious affairs. Quoting the US International Religious Freedom Commission, that visited China in 2005, "China has made progress in protection of religious freedom", though it was hesitant to do so. In 2004, the Regulation of Religious Affairs was put forth, with an aim to better protect freedom of religion and religious belief. The regulation

¹ Standard speaking Chinese is based on the Beijing Dialect. Other dialects include Yue (Cantonese), Wu (Shanghaiese), Minbei (Fuzhou), Minnan (Hokkien-Taiwanese), Xiang, Gan, Hakka dialects, and other minority languages. Han has been the only official written language in China since Qin Dynasty in 220 BC. Some of the minorities still keep their own written languages and culture, but they also learn Han language in school.

stresses the co-importance of protection and administration, demonstrating a trend of limited government. It also sets forth that any violation of religious right should be punished according to law, and establishes relationships between the State and religious organizations, including some with ties abroad.

THE SITUATION OF WOMEN

Gender-related development index (GDI) 2003² rank: 26 out of 144 countries [UNDP]

Despite the accelerated growth in the social, economic and cultural fields, and even some very advanced measures in the field of women's rights, such as equal pay and paid maternity leave, China maintains a conservative policy, especially regarding women.

In the eras of the semi-feudal and semi-colonial societies, Chinese women were the target of great humiliation and oppression. When the Chinese Republic was founded, in 1949, they represented a fourth of the world's female population. Over the years, Chinese women, have been struggling in order to diminish the difficulties they face, particularly in the fields of domestic violence and human rights violations.

According to the data from the United Nations, gender relations generally improved over the last fifty years as women shed many of the shackles of an old patriarchal system with the help of the constitution and legislation. Women entered into almost all labor sectors and created one of the highest female employment rates in the world. Since the start of the economic reforms in 1978, however, women began to encounter increasing discrimination as the contradiction between gender equality, as provisioned by law, and the differential treatment in practice became more prevalent [United Nations China].

In 1995, the United Nations organized the Fourth World Conference on Women, in Beijing, the capital of China. The initial proposal was to call the world's attention to the situation of Chinese women that were, at that moment, struggling for the implementation of a wide legal, administrative and educational policy to eliminate all forms of existing discrimination against women.

² Gender-related development index (GDI) is an index from UNDP measuring average achievement in the three basic dimensions captured in the human development index: a long and healthy life, knowledge and a decent standard of living-adjusted to account for inequalities between men and women.

Health

Many women and girls still suffer disproportionately from low levels of health and malnutrition as a result of lack of access to health care and parental gender-based negligence. The maternal mortality ratio in rural areas was two to three times higher than that of urban areas in 1995. Gender discrimination is evident in data from the 1982 and 1990 censuses that shows that the mortality rates of children under five years of age is higher for girls than that for boys [Sun Jingzhi]. Preference for boys is due to social, cultural and economic factors. The modern medical technologies that offer possibilities for reliable sex identification and safe abortion have also worsened the position for female fetuses.

China is on the brink of an HIV/AIDS explosion with the increase in risky behaviors such as intravenous drug injecting and unsafe sexual practices. Women are particularly vulnerable to HIV infection, not least because of gender/power dynamics in sexual relationships in China where a woman may not be able to insist on protective measures. Adolescents are growing up with the absence of many traditional role models and in the context of the changing social and cultural systems. Sexual and reproductive health services specially tailored to adolescents are almost non-existent.

China has a strong prenatal program, which restricts births to one child per couple in urban areas, while more flexible in rural areas. From 1980-2000, the fertility rate dropped from 2.5 to 1.9 births per woman. Between the same time periods, the prevalence of contraceptive use among women rose from 69% to 90%. By 2000, contraceptive use dropped to 83% [World Bank].

China's health care has focused primarily on rural areas. The maternal and child health care network has played an enormously important role in ensuring rural women's health. In 1991, the maternal and infant mortality rates were 80 per 100,000 live births and 61 per 1,000 live births respectively. Over the past two decades the rates were reduced. In 2004 the rates were 48.3 per 100,000 live births and 25.0 per 1,000 live births respectively [Unicef]. In 2000, the total of the maternal mortality rate was 56 per 100,000 live births [World Bank].

TABLE 2: COMPARATIVE WOMEN'S HEALTH INDICATORS

Region	Indicator					
	Total fertility rate ¹	Maternal mortality rate/year (maternal deaths per 100,000 live births) ³	Children's mortality rate ¹	Married women aged 15-49 using contraception ² (%)	Pop. aged 15-49 infected with HIV/AIDS (%) ¹	
					2001	2003
World	2.8	400	56	53	1.0	1.1
Most developed countries	1.6	13	7	58	0.4	0.5
Least developed countries	3.1	890	62	40	1.4	1.4
China	1.7	56**(1998)	32	83	0.1	0.1

1 – Population Reference Bureau, 2004

2 – Contraceptive methods: pill, DIU, condom and sterilization, (Population Reference Bureau, 2004)

3 – Maternal Mortality in 2000: Estimates developed by WHO, UNICEF, UNFPA available at www.who.int/reproductive-health/publications/maternal_mortality_2000/mme.pdf

** Including Macao and Hong Kong

Education

Although the percentage of girls in primary schools has increased in recent years, rates drop off quickly at higher educational levels. For instance, in 1999, female students comprised 48% of primary school attendees and 47% secondary school attendees. However, this rate decreased to 40% of college students and only 32% of doctoral candidates. The female illiteracy rate has been consistently higher than that of men. About 70% of China's 140 million estimated illiterates are women, concentrated in the economically underdeveloped rural regions [United Nations China].

Despite these pessimistic statistics, according to data from the World Bank, Chinese women are improving their educational indicators. Women's enrollment rates are increasing at all levels of education. In recent years, China's education of girls has made substantial progress through measures such as providing a legal framework for education, mobilizing community participation and utilizing multiple channels for fundraising. In 1995, the enrollment rate for China's school-age children at the elementary level was 98.5%, with the rate for girls reaching 98.2%. This statistic represents progress as the gender differential decreased from 4.6 percentage points in 1985 to just 0.66 a percentage point by the end of 1995 [CEDAW Committee].

The Chinese Government has also stressed adult education, vocational education and literacy education for women. According to CEDAW Committee, China had, in 1995, 1,679 women's secondary vocational schools and three women's vocational universities with more than sixty

specialized courses of study suitable for women students. More than 13 million women are now studying in adult education institutions.

In response to the education problems of girls in poor regions, the Compulsory Education Act³, the Women's Act⁴, the Protection of Minors Act⁵ and the Program of Reform and Development of China's Education were developed in recent years, and contain explicit provisions and measures concerning the education of girls.

TABLE 3: MEAN YEARS OF EDUCATION AND ILLITERACY RATES BY GENDER 1990/2000

	Male	Female
Mean years of education		
1990	7.4	5.5
2000	8.3	7.0
Illiteracy rate in age 15 and over/ urban-rural (%)		
1990 Urban	6.1	18.4
1990 Rural	15.7	37.7
2000 Urban	2.4	8.2
2000 Rural	6.5	16.9

China Fifth Population Census, 2000

Labor, Employment and Income

In the public sector, women face more difficulties than men in gaining promotion and they are obliged to retire at age of fifty-five, five years earlier than men. In many cases women are laid off first by factories and often have to take work outside the social protection of a regulated formal market. Limited employment opportunities and pressure to send money back home can lead to risky occupations such as prostitution, for which rates have increased dramatically over the last twenty years. Women currently comprise 60-70% of the agricultural labor force as many men have left to seek employment in the cities [People's Republic of China, 2005]. Even though rural women shoulder much of the primary farm work, they are prevented, by traditional male-oriented cultural values, from access to and control over productive resources such as land, credit, technology, information and training. The situation is compounded by the absence of

³ The purpose of this Act is to promote elementary education in China (Art. 1).

⁴ The Women's Act is how The Law on the Protection of Women's Rights and Interests is referred.

⁵ According to article 1 of the Law promulgated in 1991, its purpose is protecting the physical and mental health of minors, safeguarding their lawful rights and interests, promoting their all-round development – morally, intellectually and physically, and training them into successors to the socialist cause with lofty ideals, sound morality, better education and a good sense of discipline.

adequate legal protection for the rights of women to contract land and other resources in rural areas.

As CEDAW Committee reported, "during the period of the Eighth Five-Year Plan (1991-1995), China's labor and employment structure underwent marked changes as a result of rapid economic growth. These improvements were most evident in the ever-increasing proportion of women in the work force. In 1949, women accounted for only 8% of the total work force". By 1978 this statistic was 31%, and, by 1995, women's participation reached 46%. In 2000, the women were 45% of the total of the labor force [People's Republic of China, 1994].

In China, both the labor participation gap between men and woman and the wage income gap between men and woman are narrow. This is mainly because the Chinese government encourages women to find jobs and support themselves.

According to the International Labor Bureau's *World Labor Report*, between 1995-2000, the employment ratio (female:male) increased slightly from 89.2 to 89.3. In urban areas, between the ages sixteen to thirty-nine, the employed population of women is higher than that of men, but after the age of forty, it is lower than that of men. Among the rural employment population of between sixteen to forty-nine years of age, the proportion of women is lower than men.

TABLE 4: WAGE INCOME RATIO (FEMALE: MALE) IN CHINA

1995	1999	2000
82.5	80.4	70.1

China Labor Statistics Yearbook 1999, 2001

Political Participation

Women in China experience low political participation at all levels, especially at the village and township level as a result of, among other things, gender-based discrimination and early retirement.

In 1949, Chinese women were able to vote and to run for election for the first time. By 1954, there were 147 female deputies and in 1993, almost forty years later, women occupied 626 chairs in congress, representing 21.03% of the total.

In 1994, women in government positions made up 6.1% at ministerial level and 3.9% at sub-ministerial level. In total, the female representation in the national legislative bodies was 4.3%. In 1998, women held 21.8% in

the Lower House of Congress. At present, Chinese women make up 33% of the government positions [Inter-Parliamentary Union].

There has been an increase on the number of female judicial officials. In 2004, female judges and legal professionals accounted for 22.7% and 21.7%, respectively, of the total numbers, which was up 5.9 percentage points and 5 percentage points, respectively, as compared with 1995 [People's Republic of China, 2003].

The proportion of women in leadership jobs, particularly the highest posts, has remained low since 1995 – 20.2 per cent of National People Congress (NPC) deputies. In 1994 China's global ranking in women's political participation was 12th. The UN has cited 30% participation as a target level. By the end of 2003, women's representation in village committees was less than 20%, while nationwide only 1% of village heads were female, according to the NGO All China Women's Federation.

THE ROLE OF THE WOMEN'S MOVEMENT

From the second half of the 1970 decade onwards, as China implemented a policy of reform and opening to the outside world, the Chinese women's movement engaged in an ideological emancipation in various social and political movements, where the focus of theoretical study was on the re-understanding of Marxist women's theory and the application of theory in real life of Chinese women [Huang Lie]⁶. Problems caused by population control, infanticide, adultery, employment, reproduction fund, women's political participation and education were intensely debated.

"Women's problems called for women studies, and studies by women led to actions. With increasingly enhanced awareness of issues, various activities were organized in different areas and at different levels, forming a widespread women's movement in late 1980s and 1990s. Numerous women's groups cropped up, various women's study organizations were formed and joined efforts with women's federations at grassroots levels, and women's newspapers and magazines played a very active role, airing women's voices to the whole society." [Huang Lie]

Furthermore, under the pressure exerted by the NGO the All China Women's Federation (ACWF), a state organ entitled the Commission of

⁶ Huang Lie is a lawyer, member of the Institute of Law and Center for Human Rights Studies.

Women and Children's Affairs was established. The women's movement developed at this stage is totally distinctive to that in early years of liberation, because it was spontaneously launched by women. Second, the mainstay of the movement was formed by intellectual women, who broke with traditional ideology by advocating spontaneity and consciousness, and safeguarding women's own rights and interests. Women from all walks of life made every effort to improve women's status through extensive participation politically, economically, socially and culturally [Huang Lie].

Today, China has a large number of women's non-governmental organizations and associations. The All China Women's Federation, funded in 1949, alone has more than 5,800 members and is widely regarded by both the government and people as the bridge that brings China's women together.

WOMEN'S MOVEMENT SHADOW REPORT

The organization Human Rights in China was one of four groups, including Asia Monitor Resource Center, the China Labor Bulletin and the Hong Kong Christian Industrial Committee, that produced a shadow report for the U.N. Committee on the Elimination of All Forms of Discrimination Against Women.

Quoting Sophia Woodman, research director of Human Rights in China, "While Beijing has done a lot on paper to improve the rights of women, new laws designed to protect those rights have no new enforcement mechanisms."

Human rights groups said that the official report did not adequately cover the problems women face in China. According to the above mentioned shadow report "the governmental report is primarily a description of what the situation should be according to law, not of the reality of women's lives." [CNN]

VIOLENCE AGAINST WOMEN: KEY ISSUES

Professor Huang Lie identifies the most pressing issues regarding gender violence in China as the need for: a separate legislation on gender and domestic violence, consciousness-raising and the setting-up of specific mechanisms, focusing on supervision, advocacy, research, training and dissemination of gender equality.

MAIN OBSTACLES AND CHALLENGES

1. Lack of a national law on domestic violence.
2. Gender blindness in relevant law and policies.
3. Legislators, policy-makers and law enforcement personnel's poor understanding of women's human rights and gender equality under the influence of traditional culture, leading to legislation and implementation of law without gender sensitivity.
4. Lack of an effective mechanism to provide legal aid and refugees for domestic violence victims.
5. Unclear relationship between international law and national law, and consequently, leading to obstacles in the application of international human rights conventions in domestic courts.

[Huang Lie]

Domestic Violence

In China, the traditional conceptualization of family violence, especially violence against women, is that it is a domestic disgrace, which others should not be told about. Husbands often verbally or sexually abuse their wives. People usually ignore it, or do not even admit to it. In China, if a woman is physically abused by her husband, she may go to a local women's federation or to the All China Women's Federation for help. The local federation will try to resolve the dispute through mediation. If that does not work, they will refer the case to the courts. A man who is found guilty of domestic violence will be punished according to the criminal law or local regulations on domestic violence.

According to a survey done by the ACWF, family violence happens in 30% of Chinese families. An estimated 100,000 families were broken up annually as a result of family violence. Domestic violence in China takes place more often in rural areas, in young families and in households with lower educational levels [China Facts and Figures].

Among 3,246 people in six provinces and municipalities, 34.9% of the women interviewed tend to seek help from their friends or relatives when beaten by their husbands, while other 17.6% will call women federations and residents' committees for help. Only about 2% of them said they will seek help from legal organizations [China Facts and Figures].

About 64% of women said they already knew of the possibility of a new crime called "inner-marriage rape" (marital rape) being added to China's Marriage Law currently being amended. The survey also found

that women who are younger, with a higher education background or with higher income, are more likely to agree that inner-marriage rape cases are increasing, while married women are more conservative about it [China Facts and Figures].

In 1995, a woman in Hunan Province was killed by her husband. In a letter found in her pocket, the woman described how she had been maltreated by her husband throughout their nineteen years of marriage. She said that he had often beaten her unconscious. When she asked the village committee for help, it suggested that she complain to the local police. But at the police station she was told that the police never interfered in domestic disputes unless somebody was killed [China Facts and Figures].

Sexual violence

SEXUAL HARASSMENT

A study by the Chinese Academy of Social Sciences reveals that 40% of women working for private or foreign firms have been targets of sexual harassment compared to 18% of those in state-owned companies.

A local survey, conducted by the Northeastern China's Liaoning Province, showed that more than 70 percent of women working in service industries suffered sexual harassment of different degrees [Corp Watch].

Institutional Violence

FORCED OR COERCED ABORTIONS AND STERILIZATIONS

In both rural and urban areas women are often forced to undergo abortions or sterilization to prevent them from having more than one child.

Due to tight government control of information in China, it is extremely difficult for human rights organizations to undertake independent research on the topic of forced or coerced abortions and sterilizations. However, torture and ill treatment have been reported as a result of China's family planning policies. Local birth quotas play a prominent part in the policy, upheld by stiff penalties and rewards. Women who become pregnant without permission may be punished with heavy fines and dismissed from their jobs. The pressure is often very intense and if the woman doesn't obey, officials may resort to violence.

This problem was brought to light around fifteen years ago, when a woman named Mao Hengfeng was coerced into undergoing an abortion in the seventh month of her pregnancy. As a result of her pregnancy, reports

indicate that she has been tortured and severely beaten. According to information from the New York-based NGO, Human Rights in China, in 1988 Mao Hengfeng was dismissed from her job at a soap factory in Shanghai when she became pregnant for the second time. For an urban woman to have more than one child is against the country's family planning laws [Amnesty International].

CULTURAL PREFERENCE FOR MALE CHILDREN

There is an estimated shortage of 40 million women if the expected natural birth rate and natural mortality rate for both sexes are taken into account. According to this same reasoning, there are 12.77 million fewer girls under the age of nine in China [Human Rights in China]. This phenomenon may be caused by the discriminatory culture of male children preference, compounded by the one children policy imposed by the Chinese government. This results in the horrendous practice of sex-selective abortions, abandonment of baby girls and female infanticides, which ultimately explain the shortage of women in the Chinese population.

HIGH RATES OF FEMALE SUICIDE IN RURAL AREAS

The female suicide rate in rural areas is extremely high when compared to Chinese urban areas and other countries. It is three times higher in rural areas than in urban communities. The high suicide rate among Chinese rural women may be explained by their lower social, economic, and educational status, making them more exposed and vulnerable to abuse. Suicide is the highest reason of deaths among people aged 15–34 in China, accounting for 30 % of deaths in this age range. "The female suicide rate is 25 % higher than that of males, making China unique among countries that submit mortality statistics to the World Health Organization" [Human Rights in China].

Trafficking

Trafficking women is a grave problem in China. According to a Chinese Shadow Report to CEDAW, elaborated by NGO Human Rights in China, "on an international level, the United Nations Office of Drugs and Crime has rated China "very high" in the index as a country of origin, and "high" as a destination country". The majority of victims are women and children, especially girls, trafficked for the purposes of sexual exploitation and forced labor. A number between 10,000 to 20,000 of victims are believed to be trafficked within China each year, which is most likely an underestimated figure [Human Rights in China].

ADVANCEMENTS

Legislative Measures

INTERNATIONAL INSTRUMENTS OF PROTECTION OF HUMAN RIGHTS

The most relevant instruments of which the Chinese government is a party are the following:

The International Covenant on Economic, Social and Cultural Rights	Ratified since 1997
The International Covenant on Civil and Political Rights	Ratified since 1998
The UN Convention on the Elimination of All Forms of Discrimination Against Women	Ratified since 1981 ⁷
The International Convention on the Elimination of All Forms of Racial Discrimination	Ratified in 1981
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified since 1988
Convention on the Rights of the Child	Ratified since 1992

Today, China has signed and ratified twenty-one human rights instruments. The Chinese government submitted its first periodic report to CEDAW's Committee in 1985, the second in 1989 but it was considered in 1992, the third and fourth combined report in 1997 and the fifth and sixth combined report in 2004. Despite these steps, serious human rights violations continue in China; arbitrary detention and torture are widespread, and freedom of expression and association remain curtailed.

NATIONAL LEGISLATIVE MEASURES

Constitutional, Civil, Political and Social Rights

"The first Chinese Constitution of 1954 explicitly stipulated that "women enjoy equal rights with men in political, economic, cultural, social and family life." In this document, women are regarded for the first time in law as subjects, instead of dependents of men as in Chinese tradition." [Huang Lie]

Since the founding of the People's Republic of China in 1949, rights fought by women for several generations were transformed into law.

The present constitution of the People's Republic of China of 1982 provides important measures to ensure the rights of women. According to

⁷ Reservation made on Art. 29 (1).

its 49th article, marriage, families, mothers and children are under State protection. The concepts of respect and human rights safeguard were included in the constitution in 2004 to further protect women's rights.

Specific Legislation on Gender Violence

The main accomplishments regarding women's rights were the revision of Criminal Law and Procedure, Marriage Law, Law on Women's Rights and Interests to incorporate prohibition of violence against women including domestic and sexual harassment [Huang Lie]. Today more than twenty provinces have issued local statutes relating to the prevention and prohibition of domestic violence, and more than ninety cities at regional level have formed relevant policies on women.

Generally speaking, the laws relating to violence against women, rape, indecent assault and other assaults are contained with the **Crimes Ordinance**, which deals with sexual and related offences, and the **Offences Against the Person Ordinance**, which addresses homicide, assaults, forcible taking or detention of persons and unlawful abortion. Recently, penalties were increased for certain sexual and related offences.

Revised Marriage Law of the People's Republic of China of 2001 has as one of its guiding principles to protect the rights of women and children. The new revised legislation clarifies the ban on bigamy. Bigamy will now lead to criminal punishment, with a maximum of two-year imprisonment, according to the Criminal Code. Furthermore, the revision stipulates reasons for nullifying marriages (i.e. forced marriages can be revoked once the aggrieved files a notice of repeal to the people's court or the marriage registration bureau). The revised marriage law has also set the scope of jointly owned and individually owned property⁸. A regulation on domestic violence was written into the revised law and stipulated compensation for divorces as well as compensatory work for divorced women. The victim has the right to ask for mediation, and administrative and criminal liability claims will be pressed in accordance with different levels of domestic violence [All China's Women Federation].

Women Workers and Employees' Labor Protection Regulations were promulgated by the State Council in 1988. The regulations reformed the maternity insurance scheme by extending maternity leave benefits to consist of a maternity allowance, maternity leave with pay and health care. The pay for women workers on maternity leave is fixed at level based on

⁸ In 2003, the Rural Land Contract Law was passed to protect the rights of married, divorced and bereaved women in obtaining land.

the enterprise's monthly average in the previous year and disbursed. This reform has been introduced in two-thirds of China's provinces.

The Law on the Protection of Women's Rights and Interests (Women's Act) is in the process of being revised to guarantee gender equality, with a draft amendment already presented⁹. Since it was first enforced in 1992, it is the first law in China specifically enacted to safeguard women's legitimate rights and interests, to promote equality between men and women and to enable women to play an active role in society. Millions of women have benefited from it.

The most important provision in the draft amendment is that it is the first time for a Chinese law to state explicitly the equality of women and men as State policy. Gender equality has been stipulated in the National Program for Women Development, since 1995, as part of the government's commitment to the Platform for Action adopted at the United Nations' Fourth World Conference on Women.

The amendment to the 1992 **Law on the Protection of Women's Rights and Interests** law also has stipulations on women's representation in the country's power structure. It requires that the NPC, the top legislature, and local people's congresses at all levels have adequate numbers of female deputies and should gradually raise the ratio of women lawmakers. It also stipulates that at least one woman should be included in each village committee and more measures should be taken to raise the political status of women, including training female officials and promoting them to leadership positions.

In terms of economic rights, it reinforces women's rights to property by stipulating that female farmers enjoy the same right to contract, to purchase or to own real state. The amendment also enhances equality in the classroom and workplace. Opportunities should be shared from the beginning of school throughout the education system, employment, promotions and chances of pursuing continuing education or winning awards. The revised law pays special attention to job discrimination. It stipulates that sex should not constitute a pretext for refusing to hire an applicant, and stating that certain positions are "unfit for women" will be made illegal. The principle of "equal pay for equal work" is to be retained, while being extended to cover housing assignments and material benefits.

⁹ In November 2002, on the occasion of the 10th anniversary of the law's adoption, the national legislature accepted the proposal of revising the law and three years later, after several rounds of corrections, the draft amendment has finally been presented.

Another highlight of the amendment is that sexual harassment, for the first time, has been made unlawful through legislation. The revised draft states unequivocally that it is illegal to subject women to sexual harassment, and also urges enterprises and government institutions to take steps to prevent the occurrence of sexual harassment.

The draft amendment also addresses the thorny issue of abortion in China. Selective abortion of female fetuses and female infanticide are prohibited under the amendment, to address China's gender imbalance for newborns.

The Resolution on Preventing Domestic Violence was implemented by the People's Congress of Hunan Province as China's first local law addressing domestic violence and catalyzed other local legislation regarding domestic violence. Public security and legal agencies, social groups and judicial bodies are the four main instruments of carrying out the resolution. Five of the thirteen articles of the resolution explain the duties of these four groups, which can be investigated for negligence if they fail to do their duty to stop domestic violence.

Other laws specifically on gender violence include: **Law of the People's Republic of China on Maternal and Infant Health Care** of 1995, **Law of the People's Republic of China on the Protection of Minors** of 1992, and **Law Combating the Abduction and Sale of Women and Children** of 1989.

Wang Xingjuan, head of the State Anti-Domestic-Violence Working Group, reported that since 1996 all the country's thirteen provinces, autonomous regions, municipalities and counties have worked out and issued local regulations on anti-family-violence.

The Role of the Judiciary System

Some courts have established specialized tribunals to accept and adjudicate civil cases involving the protection of women's rights and interests, and women's federations and other relevant organs are invited by the courts to participate directly in the hearing of such cases. The State has made positive efforts to cultivate gender awareness among judicial officials, ensuring they play a role to safeguard women's rights

However, when it comes to domestic violence issues, jurists from the Law School of Beijing University say that the new Marriage Law, which clearly prohibits domestic violence, doesn't specify related judicial procedures,

which leaves too large room for open interpretation [All China's Women Federation]. Although family violence causes injuries, the severity of these injuries does not meet the standards for conviction according to China's Criminal Law. Furthermore, experts agree that the judicial authorities has failed to offer effective measures to compel temporary separation between victims of violence and abusers, which discourages many women caught in continuous abusive situations.

Institutional Actors and Mechanisms

After the UN Fourth World Conference on Women in 1995, the Chinese government implemented the **Beijing Manifesto** and Program of Action to expedite the construction of a framework to protect women's rights.

The Chinese government instituted the first program of action on gender equality, the **National Program of Action for the Development of Chinese Women** (1995-2000) and the second program of action, the **National Program of Action for the Development of Chinese Women** (2001-2010).

The **National Working Committee on Children and Women Under the State Council (NWCCW)** was founded on February 22, 1990. NWCCW is a coordination and discussion organization that is responsible for urging the governmental departments to carry out various laws, policies, statutes, and measures for children and women and developing their causes. The NWCCW is made up of ministers from twenty-nine ministries and commissions, including the State Development Planning Commission, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Science and Technology, the State Ethnic Affairs Commission, the Ministry of Public Security, the Ministry of Civil Affairs, the Ministry of Justice and the Ministry of Finance, as well as the principal leaders from various social groups.

The **Department of Community Health and Maternal and Child Health** within the Ministry of Health is responsible for determining and ensuring regulations, technological standards, and operating procedures for a variety of issues regarding maternal and infant health, applying the appropriate PRC laws. Furthermore, this department guides the management of women and infants health organizations and is responsible for the observation of women and children health enhancing international cooperation and exchanges in terms of women health.

The **Department of Medical Insurance and Department of Labor & Wages** within the Ministry of Labor & Social Security is responsible for managing medical insurance, insurance for industrial accidents and birth insurance for workers, as well as drawing up and implementing the policies and plans concerned. The Department of Labor and Wages is the functional department responsible for adjusting the labor relations and the macro regulations of wage distribution in the enterprises. One of the important functions is to determine the working time, rest and leave system and the policy of special labor protection of women workers in business.

China's 1,760 state or locally-funded **legal aid centers**, ranging from provincial to county levels, have played an important role in protecting the rights of women who need legal help but cannot afford to pay for it. These centers handled a large number of lawsuits.

In February 1990, the State Council established a **working committee on women and children** and entrusted it with coordinating the work of governmental departments to protect the rights and interests of women and children and providing practical and beneficial services for them. The committee formulates and implements programs for women's development, provides the necessary human, material and financial resources for activities serving women and children, and coordinates inter-agency implementation of the Women's Act. The Committee's other roles also include: ensuring the application of CEDAW and Convention on Children's Rights (CCR) in relevant government bodies; establishing a monitoring, and assessment mechanism; and training to strengthen the abilities of departmental and local leadership to implement Program for Women's Development.

Almost all provinces, autonomous regions and municipalities directly administered by the central Government have developed and promulgated specific methods of implementing the Women's Act in the light of the particular conditions and needs of women in those areas. People's Congresses and their deputies at various levels all bear responsibility for reviewing and monitoring the implementation of the Women's Act. Joint teams consisting of deputies to the NPC and members of relevant agencies have conducted several such reviews, and many local governments have also organized events to summarize and share their experiences in implementing the Act

Between 1991-1995, the Chinese government carried out the **Second Five-Year Legal Awareness Campaign**, which required that all citizens should be made aware of the ten basic laws of the People's Republic, including the constitution, the penal code, the code of criminal procedure,

the civil code, the Marriage Act and, later, the Women's Act. In addition, the All-China Women's Federation formulated a program for promoting legal awareness among urban and rural women as a complement to the Second Five-Year Legal Awareness Campaign. This effort to promote awareness of the law was conducted among populations of different social, educational and occupational backgrounds by means of radio, television, publicity materials and other forms of public information likely to be accepted by women and to contribute to their self-improvement. Cultural performances, story-telling parties, public lectures, study seminars, training courses and consulting activities were also held to respond to queries from women and the general public. According to preliminary statistics, more than 85% of women benefited from the various activities of the campaign, and this figure was as high as 95% in some regions.

The Program for the Development of Chinese Women is tasked with the general objective to significantly improve women's overall status and to further secure their equal rights, as provided for by law, in all fields.

SPECIFIC OBJECTIVES OF THE PROGRAM FOR THE DEVELOPMENT OF CHINESE WOMEN

- To actively help poor women shake off poverty by providing basic education and technical training to women in poor regions;
- To increase women's participation in the decision-making process and in the management of state and social affairs;
- To actively develop women's education and raise their abilities in the scientific and cultural spheres by gradually increasing the percentage of women receiving education in various forms and at different levels: the nine-year compulsory education program will be extended throughout the country and the drop-out rate for school-age girls will be brought below 2 %;
- To improve women's health further while guaranteeing their right to family planning;
- To formulate practical and operable administrative regulations and appropriate policy measures that are consistent with the constitution and the Women's Act in order to enforce laws protecting women's rights and interests more effectively.

WORKSHOP ON VIOLENCE AGAINST WOMEN

To address the lack of access to protection in domestic violence cases a survey was conducted by the Shaanxi Women's Federation which highlighted the problems, and organized workshops on eliminating VAW and

expanding social services. At the workshops, police, prosecutors, judges and representatives of the provincial women's federation were invited to discuss the findings of the survey. The workshops increased the sensitivity of the participants towards domestic violence against women. For example, almost one hundred police personnel participated and recognized that intervention in domestic violence was their responsibility. The Hotline also recommended provincial legislation on eliminating domestic violence against women, and this has received a positive response from the legislative department of the provincial government.

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The electronic sources were accessed between March 2005–January 2007.

EGYPT

Courtesy of Academy for Educational Development



BACKGROUND

Egypt is the most populated nation in the Arab World with 74.4 million inhabitants. The nation plays a strategic role in the Middle East with its geographic location straddling Africa and Asia. It has the longest continuous history as a unified State of any country, as the first State in the world was created in Egypt in 3000 B.C.

Egypt was controlled by the Ottoman Turks until 1882 and the British until 1922, at which time the country was declared independent, although British political and administrative influence persisted. After a brief period of civilian rule, the constitution was abrogated and Egypt was declared a republic in 1953. All former Egyptian presidents have come from the armed forces and maintain strong military ties.

The presidential election that took place in September 2005 was a landmark moment in the contemporary history of Egypt. In response to strong pressure from national and international actors President Mubarak ordered changes in the

constitution to allow multi-candidate presidential elections. This change represented an important step towards a more democratic country, although President Mubarak was reelected for a six-year term.

The absence of a democratic system with the perpetuation of a same government for many decades and the prohibition, until the last presidential elections, of more than one candidate to run for elections, negatively affects the lives of Egyptians in general and of women in particular. The difficulty to speak out and the lack of freedom to express political opinions and to exercise rights are some of the features of this political system; with a significant impact on the way society behaves.

In terms of political structure, the president, the prime minister and the cabinet compose the executive branch. The legislative branch is formed by the People's Assembly, which is nominated by the president and the advisory council that plays a consultative role. The legal system is inspired by Islamic, French and English Law.

Social, Economic and Demographic Indicators

Most of the population lives in the valley and the delta of the Nile, which represent around one-third of the land. The desert covers the other two-thirds. Although the urban population represents less than half of Egypt's inhabitants, approximately 43%, the cities are growing fast and creating sanitation problems, such as difficult access to potable water [PRB]. According to the Central Agency for Public Mobilization and Statistics in 2000, around 20% of the population was below the poverty line, with women and children featuring disproportionately among the poor.

Another important statistic is the population distribution amongst the different age groups. The life expectancy of seventy years for women is higher than the world average of sixty-five years of age [PRB]. In Egypt more than 1/3 of the population is younger than fifteen years old.

TABLE 1: SOCIAL, ECONOMIC AND DEMOGRAPHIC INDICATORS

HDI rank (2003)	Total pop. thousands (2005) ²	Annual pop. growth ² (rate) (2005)	Sex ratio ² (total pop.) F/100M	Urban pop. (%) (2005) ²	Female pop. (%) (2005) ²	Pop. aged (%) ²		Life expectancy at birth ¹			PPA GDP per capita (2002) ¹ US\$
						<15	>60	T	F	M	
120	74,033	1.9	99	42	49.9	34	15	68	70	66	3,810

1 – Population Reference Bureau, 2004

2 – UNStats, 2005

Religion plays an important role in Egyptian society where the majority of the population is Muslim with a small portion being Christian¹. Even though Egyptian Constitution provides for equal rights regardless of religion, discrimination against Egyptian Christians and intolerance of minority or unorthodox Muslim sects persists [HRW, 2005]. The Egyptian Christians, for instance, complain of harassment and discrimination, especially in terms of political representation.

Furthermore, the government, on the basis of religion, asserts full authority to discriminate against women in family matters. For example, it stated that Egypt's reservation to article 16 (equality in relation to marriage) of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) stems from its,

"respect for the sacrosanct nature of the firm religious beliefs which govern marital relations in Egypt and which may not be called in question and in view of the fact that one of the most important bases of these relations is an equivalence of rights and duties so as to ensure complementary which guarantees true equality between the spouses."

[Division for the Advancement of Women, Declarations, Reservations, and Objections to CEDAW, 2004].

THE SITUATION OF WOMEN

Gender-related development index (GDI) rank (2003)²: 99 out of 144 countries [UNDP]

Egypt is the picture of a duality between modern and traditional life. At the same time that the government demonstrates an interest to empower women, through the creation of national committees on women, the practice of female genital mutilation continues to be widespread on the country, especially in rural areas.

Another example of this duality is the Egyptian legislation, which is strongly influenced by the *Shari'a*, also known as Allah's law, the revealed

¹ Most Christians in Egypt are Copts, which in the Ancient period represented a division from the Eastern Orthodox and Roman Catholic churches motivated by a theological dispute over the nature of Christ. Today both doctrines are quite similar.

² Gender-related development index (GDI) is an index from UNDP measuring average achievement in the three basic dimensions captured in the human development index: a long and healthy life, knowledge and a decent standard of living-adjusted to account for inequalities between men and women.

and the canonical laws of the Islam religion. For instance, although the opinion of a judge or lawyer on a specific matter is not considered divine, reference to Allah's law for guidance is divinely sanctioned.

Article 11 of the National Constitution, which secures the equality between men and women, illustrates very well this situation and how it affects women's lives. While stating that women are equal to men in the political, social, cultural and economic spheres it also demands that the Islamic *Shari'a* be respected. It implies, in general words, that Allah and its moral values must be considered.

It is important to highlight that although the situation of women shares some similarities among the different regions of the country, women's social and economic status varies from one region to another. Cairo and its suburbs are less conservative than Upper Egypt and rural regions.

Since the last century, in the face of challenges, Egyptian women have taken action founding non-governmental organizations, demanding their rights, and occupying an increasing space in the national and regional political arena. Illustrative of this action, in 1948, the first women political party was established; in 1957, the first woman was elected to parliament; and, in 1994, the First National Conference for the Egyptian Women was held.

Conscious efforts by the government were made to promote women's participation in different areas, such as the amendment to the constitution assuring equality between men and women. However, as noted by the CEDAW Committee, disparities persist in the country. In 2001, The Committee showed concern about "stereotypical attitudes about the roles of women and men in the family and society reflected in the low representation of women in decision-making at all levels and in all areas." [CEDAW Report, 2001]

According to The Egyptian Center for Women's Rights [ECWR, 2004]:
"Despite the efforts of women's rights and human rights activists throughout Egypt, Egyptian women still suffer from social, legal and political discrimination. Inequality is obvious in education, health, employment, and the law, and this discrimination is exacerbated in impoverished areas."

Furthermore, according to the Egyptian Center for Women's Rights (ECWR), the Arab region currently ranks among the lowest in the world in

terms of the Gender Empowerment Measure (GEM)³ – Egypt occupies the 68th position in the GEM rank. The low levels of women’s representation in decision-making positions and in the labor market, as well as their low level of literacy, are among the obstacles to promote their empowerment in the Middle East.

Health

Although Egypt’s health indicators have generally improved, the health status of the population remains low when compared with other lower middle-income countries. Environmental degradation impacts the health situation in the nation, especially in terms of water resource contamination and air pollution. Similar to other countries, the sanitation infrastructure is better developed in the urban areas. However, since the majority of the population is located in the rural regions, most Egyptian access to an adequate sanitation is probably limited.

In the healthcare system there are multiple providers and financing agents, both public and private, and the Ministry of Health and Population (MOHP) is the major provider of primary, preventive, and curative care.

The MOHP service units are organized into multiple categories, including geographic (rural and urban), structural (health units, health centers and hospitals), functional (maternal child health centers), or programmatic (immunization and diarrhoeal disease control).

The National Program to Reduce Maternal Mortality is under the Population, Reproductive Health, and Family Planning Program and has a special focus on improving the quality of delivery care as well as to encouraging appropriate care-seeking behavior [MOHP]. Despite the fact that all public health facilities provide maternal and child health services, the lack of an efficient referral system between the different health care levels delay timely decisions and quick interventions in emergency cases during pregnancy and delivery, which is clearly reflected on the rates of maternal mortality and morbidity [Shadow Report]. A major issue in the lack of access to healthcare is that the majority of women work in the informal sector of the economy in which they do not benefit from health insurance.

The fertility rate declined from 5.1 in 1980 to 3.3 in 1999 [World Bank]. At the same time, in 2000, only 56% of married women used some form of contraceptive. Looking at pregnancy, although clinical examination of

³ Gender Empowerment Measure (GEM) is an index from UNDP that measures gender inequality based on three dimensions of empowerment: economic participation and decision-making, political participation and decision-making and power over economic resources.

pregnant women is offered free-of-charge at Maternal Child Health Centers, the number of women seeking health services is limited. Approximately 60% of pregnant women do not receive any prenatal care [Shadow Report]. According to a World Health Organization Bulletin from 2005, comparing data from 1992-93 to 2000 the number of deliveries attended by skilled staff increased and reached 60% of births in the year 2000 [WHO].

High rates of maternal mortality account for the disproportionate number of female deaths during reproductive years (15-49 years of age). A 1993 survey conducted by the Ministry of Health indicated that the rate of maternal mortality was 174 /100,000 births. There are regional variations in this rate. In Upper Egypt, for instance, the rate is much higher at 217/100,000 births [MOH]. In general, the real figures are probably higher as many of the official death notifications state other causes without revealing whether the deceased woman was pregnant, giving birth or in the postpartum period [Shadow Report]. Furthermore, there are some discrepancies amongst statistics due to different sources, demonstrating the challenges on conducting accurate surveys in Egypt. Intentional Abortion services are illegal, unless the continuation of pregnancy puts the mother's life in risk, or if there are strong evidences of fetal deformity.

TABLE 2: COMPARATIVE WOMEN'S HEALTH INDICATORS

Region	Indicator					
	Total fertility rate ¹	Maternal mortality rate/year (maternal deaths per 100,000 live births) ³	Children's mortality rate ¹	Married women aged 15-49 using contraception ² (%)	Pop. aged 15-49 infected with HIV/AIDS (%) ¹	
					2001	2003
World	2.8	400	56	53	1.0	1.1
Most developed countries	1.6	13	7	58	0.4	0.5
Least developed countries	3.1	890	62	40	1.4	1.4
Egypt	3.2	84 (2000)	38	57	<0.5	<0.5

1 – Population Reference Bureau, 2004

2 – Contraceptive methods: pill, DIU, condom and sterilization, [Population Reference Bureau, 2004]

3 – Maternal Mortality in 2000: Estimates developed by WHO, UNICEF, UNFPA

www.who.int/reproductive-health/publications/maternal_mortality_2000/mme.pdf

A very delicate matter related to women's rights and health is female genital mutilation (FGM), a widespread practice performed on Muslim and Christian girls between the ages of seven and twelve. Although governmental and NGOs measures were taken to prohibit this practice, condemning those who perform it and informing the women about its risks, FGM is a dominant health concern for Egyptian women.

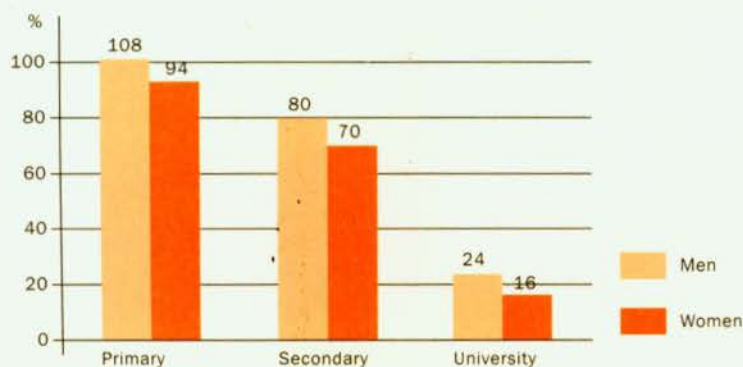
Education

The national laws mandate eight years of free public education, which is compulsory for all Egyptian children starting at the age of six. Nevertheless, late entrances and high drop-out cases are common.

In terms of illiteracy, differentiated by sex, the data varies considerably from source to source. According to the UN Social Indicator, in 2000, the estimated adult illiteracy rate for the total population was 33.3% for men and 56.1% for women. Data from the World Bank indicates a lower gap between the sexes (33.4% for men and 36.2% for women). According to the Millennium Goals Report prepared by the United Nations in 2004, the challenge to reduce the high levels of illiteracy and the gender gap in primary and secondary education is related mainly to poverty. The report states, "gender inequality, while limited among the rich, is quite large among the poor, and poverty exacerbates gender disparities in education". However, the report identified other causes beyond poverty, such as traditional and cultural factors to explain the female drop-out rate.

Regarding primary education, the educational comprehensive enrollment policy covers around 95% of the total number of children in that specific age group. At the university level, the percentage of Egyptians that enroll at the university level is significantly low, especially for the women [CIDA].

TABLE 3: GROSS ENROLLMENT RATE BY LEVEL FOR MEN AND WOMEN, 1996



UNESCO in CIDA – Gender profile: Egypt (June 2002)

Two aspects of the educational system must be pointed out:

- the percentage of women attending any of the three levels of education is inferior to that of men.

- the disproportion present between rural and urban women's education is significant: according to sources, such as International Labor Organization (ILO) and Canadian International Development Agency (CIDA), the gender gap is around 1% in urban areas and, 18% in rural areas, in primary education.

TABLE 4: PERCENTAGE OF FEMALE STUDENTS IN TERTIARY FIELDS OF EDUCATION

Tertiary Field	Percentage of Female Students Compared to Male
Education	54%
Humanities	53%
Law and Social Science	36%
Natural Science, Engineering and Agriculture	29%
Medical Sciences	43%

UNESCO, in CIDA

Labor, Employment and Income

According to the annual book of the Central Authority for General Mobilization and Statistics (CAPMAS) 1991, women's participation in the labor force in Egypt does not exceed 11%. This percentage does not consider those enrolled on sectors such as productive families' projects,⁴ NGOs and agriculture sectors. The non-recognition of these sectors has a significant impact on the work conditions of the marginalized groups since they are excluded from the protection of labor laws.

TABLE 5: WOMEN'S LABOR FORCE PARTICIPATION

Labor force (millions) ¹ (2000)	Female labor force (% of total labor force) ¹ (2000)	Unemployment (% of total labor force) ¹ (2000)	Female unemployment (% of female labor force) ¹ (2000)	Minimum wage (US\$/month)	Women's wages in manufacturing as a % of men's wages ² (2002)
24	30	9.0	22.7	33.00*	68

1 – World Bank

2 – UNStats

*For government and public sector employees, the minimum wage is approximately US\$33 a month for a 6-day, 36-hour workweek

⁴ The Productive Families Project is a socially-oriented national project established in 1964 managed by the Productive Families' Society with branches in different governorates. The purpose of the project is to associate economic development and incentives with social benefits.

The difference in unemployment rates between men and women is reflective of the inequality in job opportunities. Between 2003-2005, unemployment among women was around three times higher than that among men, demonstrating an increase from 2000 [CAPMAS].

In terms of wages, women are paid 76% of men's wages, in the private sector and, 86% of men's wage in the public sector [CIDA]. According to United Nations Development Fund for Women (UNIFEM), there was a significant gender gap reduction in the sectors of industry and services with the female wages as percentage of male wages progressing from 64% in 1980 to 97% in 1997. In the manufacturing sector, female wages as a percentage of male wages in 1980 were 62% and improved to 74% by 1997. However, according to the UN this gap increased again to 68% in 2002 [UNIFEM].

Regarding labor rights, workers are allowed to organize themselves in unions. According to Egyptian law, all unions are required to belong to the Egyptian Trade Union Federation, the sole legally recognized labor federation. Strikes are illegal. Consequently, workers who strike may be punished.

THE DISCRIMINATORY CONTENTS OF THE NEW LABOR LAW, No. 12/2003

This new law, although seeming to be an advancement, actually represents an obstacle to the exercise of women laborers' rights. For instance, the new law extended the period of maternity leave from 50 to 90 days but it can only be applied for women who have been employed at the same place for more than 10 months, whereas the previous law gave that right for women employed for more than six months at a same place. Thus, although the right to maternity law is defined by law, specificities and conditions leave many women without this right guaranteed. In general, rural workers do not enjoy this right. The CEDAW Committee recommended that this right be available for all working women, including those in the governmental, public and private sectors.

Political Participation

The political marginalization of women is clear when analyzing the female representation in the decision-making process and its related institutions. Along the years 1995, 1999 and 2004 the percentage of parliamentary seats in single or lower chamber occupied by women was stable, and accounted with only 2% of the seats [UNStats]. Women and minorities are still under-represented in government and politics.

TABLE 6: PERCENTAGE OF WOMEN'S REPRESENTATION IN THE LOCAL COUNCILS

Local councils	1983	1988	1992	1997
Governorates	15	5.6	4.4	3.2
Centers	15.2	1.8	4.4	1
Cities	11	2.3	1.3	1.7
Localities	10.7	4.1	3.7	4.5
Villages	5.6	0.5	0.6	0.7
Average	9.2	1.5	1.2	1.2

Ministry of Local Administration – Councils and Legal Affairs Sector, 1997

The decrease in the percentage of women's representation in local councils since 1983, can be explained by the abolishment of the quota system. According to the Shadow Report of 2000, the high-water mark for female representation at the local level occurred in 1979 at 11.2%. While in place, the quota system allowed women to get a better representation in the political arena. It was used during the period of 1979 to 1986, when Law 21 was implemented reserving, at least, thirty seats for women. However, this law was abolished in 1986, putting women in disadvantage.

The percentage of women occupying parliamentary seats in 1987 was 4% and between 1995 and 2001 it decreased to 2% [UNStats].

TABLE 7: WOMEN'S PARTICIPATION IN THE PUBLIC SECTORS

Higher Positions	Percentage
Minister	2.6
Deputy-Minister	3.2
Undersecretary of State	3.3
High Grade	8.5
General Manager	17.5
All High Positions	15.3

Shadow Report, 2000

The constitution reserves ten assembly seats for presidential appointees, which the president traditionally has used to assure representation for women and Coptic Christians. According to the Second Country Report on the Millennium Development Goals, despite the limited number of seats occupied by women in the political arena and the strong role of tradition, which keeps women in the private sphere, women are active participants in the parliamentary debates and discussions. There are ongoing governmental and non-governmental efforts to enhance women's political

participation and to ensure a representation that reflects their weight in the society.

RURAL WOMAN

One of the biggest issues related to rural women is the fact that they are not included in the female work force at the national level.

As a result, they have no legal contractual instrument to have their rights protected. The same situation occurs with their health status. Without the legal recognition of their work they have no access to health insurance, for instance, worsening their health status. In terms of pregnancy, data extracted from the Shadow Report of 2000 suggests that 67% of births are conducted by untrained traditional birth attendants (TBAs). In terms of education, the higher illiteracy rates in rural women can be explained not only by the poverty in rural areas, but also by the fact that there are fewer schools in rural areas. Furthermore, poverty is pointed out as one of the reasons for the high drop-out rates.

Another aspect that represents an obstacle in the socioeconomic progress of rural women are the legal barriers to obtain loans. At the same time, poverty presses to an early beginning into the labor market. However, without the necessary instruments rural women cannot improve their economic situation and consequently educational opportunities which perpetrates their lack of information and lack of means to defend their rights.

In face of this situation, women's groups mobilized in order to improve the status of rural women and submitted a list of actions to the government to be taken in order to assure this improvement related to health professional training, the extension of health and social insurance and the free movement of NGO's activity in rural areas.

THE ROLE OF THE WOMEN'S MOVEMENT

Over the last decades, the women's movement has been persistently struggling to advance women's human rights in the backdrop of a very conservative and adverse scenario where backlash has been rising. Despite the challenges, the movement has been actively working to repeal discriminatory laws and advance women's status in Egypt.

As a result of repressive laws, such as the Political Parties' Law No. 40/1977 prohibiting the creation of women's party, the non-governmental sector, in

general, and the women's movement, in particular, face many legal obstacles in order to get organized. Since they were not allowed to be involved in political issues nor in advocacy activities, the first women's associations were focused mostly on traditional charity and service delivery.

Today, the lack of freedom of NGOs continues to be an obstacle in the empowerment of civil society and the public participation, particularly for women. Despite obstacles, estimates pointed to around 16,000 NGOs working on various issues aimed at empowering Egyptian women [HRW, 2004].

The Egyptian social movement, particularly the women's movement, is known for coalition-building including different strategic social actors such as members of religious groups, academics, NGOs, members of the legal community and international groups to work on the defense and lobbying of women's human rights. In terms of networking and regional articulation, the women's movements in Egypt and in the Middle East, in general, have been proving to be potential agents for democratization in the region.

VIOLENCE AGAINST WOMEN: KEY ISSUES

Gender violence in Egypt is closely related to socioeconomic factors and cultural barriers. In general women have a social and economic status lower than that of men, which is conducive to violence within the family. At the same time the laws are discriminatory and emphasize this status placing women as dependent of men for survival and protection. Some aspects of gender violence permeating the culture and habits of the Egyptian society reported by many women's organizations are:

- Domestic violence, specially the phenomenon of honor-killing – the murder of a woman because she is suspected of having engaged in illicit sexual relations, even if she has been raped;
- Sexual violence – widespread sexual abuse of girls by male family members;
- Reproductive and sexual health and rights – the major issue is the widespread practice of female genital mutilation.

Women are also exposed to discrimination in the media, education and politics. National and local communication tools anecdotally document the beating of women by their husbands and other male relatives. Furthermore, the images of women in the media, depicted as mothers, wives and

daughters dependent on a male protector conduce the submission of male authority.

As part of an international initiative the Egyptian government, for the first time, in 1995, introduced a module related to violence against women into the Demographic and Health Survey (DHS), which was enhanced at the 2000 and the 2005 surveys. The growing amount of research on gender violence developed in the country has been very important to make the problem visible, bringing the discussion to a public sphere⁵ [Amal Abdel Hadi].

Domestic Violence

This type of violence is rarely discussed publicly, mostly due to the value attached to privacy. Within this context, the discriminatory grounds of the divorce law make it difficult for women to seek and to obtain a divorce. Also, these crimes, especially rape, are underreported due to numerous institutional and cultural barriers.

The Association of Legal Aid for Women suggests that the different types of domestic violence – murder, battering and attempted murder – have specific geographical distribution in the country. This uneven distribution has also to do with cultural aspects and beliefs. In rural Egypt, for example, at least 80% of women say that beatings are justified under certain circumstances [CEWLA].

According to 1995 data from the DHS, one of every three women who have ever been married has been beaten, at least, once during marriage. Among those who have been beaten, less than half have ever sought help. The study also indicates that, from 1991 to 1999, 34% of adult women were physically assaulted by an intimate partner.

Under the Egyptian constitution, a husband who forces his wife to have sexual intercourse is not committing a criminal offence; marriage contracts oblige women to obey their husbands. A 1994 study conducted by the New Women Research Centre and El-Nadim Centre found that 93% of the women in the survey considered intercourse under such conditions as rape. However, 46% of the men in the sample said that they were entitled to force their wives to have intercourse.

Specifically in the field of domestic violence, several NGOs focused their activities on offering counseling, legal aid, and other services to women who are victims of domestic violence.

⁵ Amal Abdel Hadi is a doctor and a member of the New Women Research Center.

HONOR KILLING

In 42% of domestic violence cases, the reason for the committed violence was an issue of honor. In 75% of the cases the perpetrator was male and in more than half of the cases it was a husband [CEWLA].

In some Arab countries, including Egypt, the only way to rescue the family honor is to kill the offending women or girls. It is estimated that several hundred Arab women die each year as a result of honor killing. However, it is difficult to estimate the overall number of honor killings that take place yearly in Egypt. Besides under-registration, another difficulty fighting this type of crime is the judiciary's approach to it. In general, activists believe that the judiciary considers the "integrity of the family" more important than the wellbeing of the woman, so when "honor killings" occur, perpetrators generally receive lighter punishments than those convicted in other cases of murder.

TABLE 8: CAUSES OF HONOR KILLING (1998-2001)

Murder of a female for being suspected	79%
Murder of a female because of adultery	9%
Murder of a female to hide incest	6%
Murder for other reasons	6%
Degree of relationship between the victims and the murderer	
Husband killing the wife	41%
Father killing the daughter	34%
Brother killing the sister	18%
A man killing his female relative	7%

CEWLA

SON PREFERENCE

In general, and even more evident in rural communities, there is a social preference to have sons rather than daughters, resulting in negative indicators for the situation of girls. This gender preference is related to traditional perceptions and beliefs that place the men as the provider in this patriarchal society. Males are considered to be responsible for the enhancement of the power and prestige of the family. The desire for male children can help to explain the high fertility rate in Egypt when compared to the world average, since in many families the women continue to have babies until they have a male child.

EARLY MARRIAGE

The legal age for women to get married is 16 years old, whereas for men it is 18. This difference encourages longer education for boys, since married women often do not continue their education. Moreover, the law is rarely enforced even in marriages of girls under 16 years of age, often motivated also by bride price, especially in low income families. Early marriage implies early pregnancy which could represent physical and psychological risks to some women.

Sexual Violence

In terms of sexual violence, rape receives the most attention. Under Egyptian legislation, what qualifies as sexual violence is limited, typically, to interactions between a man and women involving penetration by the penis. In this sense other forced sexual acts are excluded from the definition of rape. Furthermore, in cases of rape, besides the prejudice on the part of the judges, an additional obstacle is that the burden proof rests with the victim.

In its Public Security Report for 1990/91, the National Security for Social and Criminal Research indicated that there were 180 rapes and ravishment disgraces. In its 1994/95 report, there were 203 cases [Shadow Report].

Reproductive and Sexual Health Violence

The most alarming situation is the widespread practice of female genital mutilation (FGM).

FEMALE GENITAL MUTILATION⁶

According to data from the World Health Organization, the prevalence of FGM was 97% in 1995. This tradition is deeply rooted in Egypt and it is generally performed on young girls with equal prevalence among Muslims and Christians. A 1997 survey of Egyptian adolescents by the Population Council indicated that 86% of girls between the ages of thirteen and nineteen had undergone FGM.

⁶ Female Genital Mutilation, also referred as female genital circumcision, is the cutting away of the external female genitalia. It has been practiced in African countries for the last centuries, usually associated to the ritual of entrance to the womanhood and marriage and frequently perceived as a religious obligation. Besides cultural and ethical aspects, it has grave health risks due to the conditions on which it is usually performed.

Regarding this issue, the Women's Coalition states that:

The Minister's decree (banning all medical and non-medical practitioners from performing FGM) did not exclusively prohibit the practice, but has exempt cases which the heads of gynecology departments consider as needing circumcision, which is extremely dangerous, since it implicitly entails that female circumcision could be justified in some cases, a matter that lacks any scientific basis. It opens the door for the physicians to perform female circumcision according to their beliefs or attitudes towards women and their right to bodily integrity [Shadow Report].

The government is committed to eradicating this practice by the use of the law and also to supporting a range of efforts to educate the public. In spite of these efforts, the weight of values and customs, reinforced by the high rates of illiteracy impedes some women from distinguishing between the deep-rooted tradition of FGM and religious practices.

Institutional Violence

Institutional violence is prevalent in the context of the interactions between police and female migrant workers. It is mainly the result of factors such as prejudice, abuse of police authority, and the vulnerability of these women.

A situation with broader implications is related to human rights violations perpetrated by the state. With the proclamation of a State of emergency in 1981 and its extension in 2000 several crimes were committed by the State in order to "control" outspoken citizens or groups. In this context, repression also affected women in their private and public lives. Activists and their female relatives experienced particular censure for supposedly violating moral values.

ADVANCEMENTS

Legislative Measures

INTERNATIONAL INSTRUMENTS OF PROTECTION OF HUMAN RIGHTS

The most relevant instruments of which the Egyptian government is a party are the following:

The International Covenant on Economic, Social and Cultural Rights	Ratified since 1982
The International Covenant on Civil and Political Rights	Ratified since 1976
The UN Convention on the Elimination of All Forms of Discrimination Against Women	Ratified since 1981 with reservations ⁷
The International Convention on the Elimination of All Forms of Racial Discrimination	Ratified since 1969
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified since 1987
Convention on the Rights of the Child	Ratified since 1990

Egypt is also a party of the **African Charter on Human and Peoples' Rights**, which in its article 18 states that the State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

Despite the ratification of the international instruments listed above, human rights violations are considered to be a critical issue in Egypt. The International Federation for Human Rights (FIDH) called upon the UN Commission on Human Rights to express its deepest concern for the human rights situation in Egypt, and to adopt a resolution urging the Egyptian authorities in the following statement,

“To act in conformity with the Universal Declaration of Human Rights, the international human rights instruments ratified by Egypt and, in particular, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which was ratified by Egypt in 1986 and incorporated into Egyptian law under article 151 of the Constitution obliges Egypt to undertake measures to prevent it and to implement the recommendations of the UN Treaty Monitoring Bodies.” [FIDH]

NATIONAL LEGISLATIVE MEASURES

Due to the work of national and international governmental and civil society groups, progress has been achieved in the Egyptian legislation regarding human rights. Particularly, repressive and discriminatory articles from some laws were modified or abolished in order to respond to the external

⁷ The United Nations Convention on the Elimination of All Forms of Discrimination Against Women was ratified by Egypt in 1981, with several reservations. One of the commitments made by each signatory is to submit a detailed report, within one year of the ratification and thereafter every four years, on the measures they have taken to implement the Convention. Up to 2006 Egyptian Government submitted five reports. The fourth and fifth reports were combined and were presented in 2000. A coalition of NGOs prepared a critical revision of the third report, known as the Shadow Report.

and internal pressures. Especially in regard to women's situation, in 2000, the National Council of Women was created and it has been performing a dynamic role in the elaboration and revision of national laws in order to assure more equality between women and men, as well as to defend women's rights.

However, the strong presence of fundamentalist groups thwarts progressive efforts towards gender equality, as they exercise their influence by approving discriminatory lawsuits and by attempting to negatively interfere with laws that improve of the status of women. For example, they have challenged the decision of the Minister of Health to ban FGM and obtained a revocation of the Minister's decision [ECWR].

Constitutional, Civil, Political and Social Rights

The constitution provides for equality of the sexes, but aspects of the law and traditional practices discriminate against women. **Article 2** of the constitution states that the principles of Islamic *Shari'a* are the primary source of legislation. By **article 8** the Egyptian State is obligated to ensure equality of opportunity for all citizens. **Article 11** holds that women are equal to men in the political, social, cultural and economic spheres without detriment to the rules of Islamic Law and that State shall enable a woman to reconcile her duties towards her family; women's primary role as housewife.

Beyond the constitutions, the following laws impact the status of women in Egypt

The personal status of the Egyptian population is controlled by many laws and, in general, it is a conservative interpretation of the Islamic Law. Inheritance rights are form of personal status laws, and dictate that Christian widows of Muslims have no inheritance rights; single female heirs receive half their parent's properties against the whole inheritance by single males; Muslim female heirs receive half the amount of a male heir's inheritance. **The Marriage Law** sets a minimum legal age for marriage and makes marriage a consensual contract. Some personal status laws affect people differently depending on religion. For example, Laws **No. 20/1925** and **No. 25/1929** and their amendments of 2000 address issues such as divorce, marriage and guardianship for Muslims Egyptians, while for Christian Egyptians the law that defines these same matters is from 1939.

Although the marriage contract presupposes mutual consent, it is still very common that women give permission to a male guardian – *wari* – to negotiate on their behalf. According to Human Rights Watch, “women’s subordinate status in the family results in their exclusion from the negotiation of their own marriage contracts.” [HRW, 2004] Since their rights, like the right to file for divorce, must be guaranteed in the contracts, the negotiation step represents an important opportunity to define the marriage conditions.

The **Divorce Law** dictates that, protected by the law, the husband has the right to divorce his wife for any, and expel a divorced woman from the marital residence if she has no children, or if her children are beyond custody age. On the other hand, Egyptian Muslims and Christians’ women of non-unified sects were not allowed to divorce their husbands and dissolve the wedlock, unless previously stipulated in their marriage contracts, but they were forced to accept the divorce proposed by their husbands. This law was changed in 2000, allowing women to initiate a divorce procedure without the need to prove grounds for divorce, making the process more agile, but it still presents many limitations. For instance, under the new law, women must abdicate their financial and patrimonial rights and any recognition of injustice committed against them during the marriage.

The original **Nationality Law** of 1929 forced Egyptian women that were married to foreigners to give up their nationality. As a result of hard campaigning by civil society and the specific recommendation of CEDAW in its 2001 Report, in 2004, Egyptian mothers were permitted to pass their Egyptian citizenship to their children [OMCT, 2001].

The Women’s Learning Partnership (WLP) in collaboration with regional partners in the Middle East, North Africa and the Gulf launched The Campaign for Arab women’s Nationality *Claiming Equal Citizenship*. The main goals of the campaign are:

- Legal reform enabling women to confer their nationality to their husbands and children without condition
- Full implementation of reformed nationality laws and equal access to these laws for all women
- Recognition of women as equal citizens in all areas of life

In Egypt the Forum for Women in Development (FWID) is the coordinator of the campaign and is monitoring the implementation of the legal reform.

According to the Association for the Development and Enhancement of Women (ADEW), thousands of Egyptian women and their one million children, born and raised in Egypt, live as foreigners in their own country.

Prior to 2000, married women needed their husbands' permission to obtain a passport. The Egyptian Constitution and law **No. 97** 1997, article 1, stipulated "the necessity of issuing passport for travel of citizens in order to leave the country," but the Minister of the Interior's resolution No. 3937 1996, article 3, stated that "granting the wife a passport or its renewal shall be made after submission of her husband's approval on her travel abroad. Those who are legally incompetent should submit a statement from their legal representatives." This law was changed in 2000, eliminating the need for spousal consent, mostly because of the pressure from various women's groups and human rights organizations.

Specific Legislation on Gender Violence

Although Egypt does not have any specific legislation on VAW, work has been done by women's movement on the elaboration of a domestic violence law. This issue is covered in some of its laws, especially in the Penal Code. In most situations, a discriminatory approach against women has been identified. According to the **Penal Code**, all violence or attacks against women are considered crimes. The Penal Code established the death penalty for the crimes of kidnapping and raping females (article 290). However, until 1999, under article 291, "if the kidnapper marries the person he kidnapped in a lawful marriage, he shall not be penalized by any penalty". This article was abrogated. The Penal Code does not prohibit spousal abuse specifically but there are provisions relating to assault. The Penal Code considers the age of the victim and to the degree of consanguinity of the aggressor as important factors in considering VAW cases.

THE PENAL CODE'S SPECIFIC APPROACH TO VAW

Article 162: does not allow individual citizens to directly appeal to the judiciary to take legal action against civil servants who commit offenses while undertaking the assignments of their jobs

Article 240-244: defines some forms of abuse, beating and violence

Article 267: penalty for cases of sexual assault against women

Article 268-269: penalty for rape

The Role of the Judiciary System

The judiciary system is composed of four levels of courts: the Supreme Constitutional Court, the Court of Cassation, the Courts of Appeal and the Summary Tribunals.

There is a lack of female representation in the judiciary and it is mainly due to the Supreme Council of Judges' rejections of women's applications. However, these rejections are not codified in any law (religious or secular). In 2000, a female attorney, Fatma Lashin challenged the Government who refused to appoint her as public prosecutor⁸. This situation was improved for the first time, in 2003, when President Mubarak and the First Lady supported the appointment of attorney Tahany al-Gebali to the High Constitutional Court.

Other advancements include the Court of Cassation's 1997 decision that upheld the legality of the decree banning FGM that was issued in 1996 and the Supreme Court's decision in 2000 that the Ministry of Home Affairs had no right to refuse a woman a passport just because her husband wanted to prevent his wife from traveling. The Court declared that everyone has the right to obtain travel documents.

Institutional Actors and Mechanisms

The first government body responsible for implementing national programs and plans for the advancement of women was the **National Committee for Women**, established in 1978. In 1994 it was reformulated as the national agency involved with women's issues at the international and local levels.

In 1977, under the Ministry of Social Affairs, the **General Department of Women's Affairs** was created. Its most important role was to formulate policies, plans and projects; to act as implementing and follow-up machinery for these policies and to collaborate with the governmental and non-governmental sector on issues related to women.

The **Secretary of Working Women and Children** developed an important initiative in 1989, to improve the working skills and awareness of rights and duties of working women. Some of the activities involved training, health education, data collection and the construction of infrastructure, especially in the rural areas.

The **National Council for Childhood and Motherhood** was established in 1989, as the official agency responsible for issues related to the children, including matters related to women as mothers. Its responsibilities include

⁸ In order to become a judge, one must first serve as a public prosecutor.

compiling information and data related to mothers and children and proposing training programs, aimed at improving their lives.

The **National Council for Women (NCW)** was established in 2000. The NCW is a political institution in charge of the follow up and monitoring of CEDAW and was established under a presidential decree. It was the first political institution responsible for focusing on the empowerment of women, monitoring of the implementation of CEDAW and laws and policies related to women's lives [CEDAW Report, 2001]. Presided over by the First Lady, its mission is to promote the advancement of Egyptian women and enhance their social, economic and political status. Their thirty members came from different areas including the academic community and non-governmental sectors. The Council reports directly to the president. The activities developed by the Council include the following: support of the participation of women as candidates and voters at the 2000 elections, revision by the legislative committee of the council of the nationality law, the draft labor law, the draft law on passports, the formation of a committee to elaborate a new family code, articulation of political party to ensure women in decision making posts in the party machinery, and the implementation programs to sensitize voter to women issues.

The NCW created a **Center for Political Training** focused on improving women's political skills and creating a pool of potential candidates for the 2005 parliamentary elections [UN, 2004].

According to the findings of the Demographic and Health Survey attitudes about female circumcision appear to be changing in Egypt. The percentage of women supporting continuation of the practice went from 82% in 1995 to 68% in 2005.

Special efforts have been made by the government in an attempt to banish the practice of Female Genital Mutilation. In addition, the Minister of Health and Population Planning issued a Decree banning this practice. The government broadcasts television programs criticizing the practice. Government ministers are outspoken in advising citizens to cease the practice, and senior religious leaders also support efforts to stop it. The Sheikh of Al-Azhar, the most senior Islamic figure in the country, and the leader of the Coptic Christian community, Pope Shenouda, have repeatedly stated that FGM is not required by religious doctrine. A number of NGOs also work actively to educate the public about the health hazards of the practice.

Also, considering the discriminatory grounds of the Divorce Law, after 2000, the Egyptian government established specialized family courts to streamline the divorce process by consolidating all disputes into a single case heard by one court. Despite the positive attempt, most of these new courts follow the same discriminatory patterns.

From 1994 to 1998, three national conferences on Egyptian women were held in Egypt as the result of an articulation of many women's organizations. In terms of needs and goals the second conference defined the following as priorities: review of legislation, implementation of existing laws, awareness of women's rights, ensure participation (programs, political arena and public policies), economic participation, and ameliorate the situation on education, health, social status etc.

Some of these needs and demands were answered by the government through, for example, the creation of the National Council for Women in 2000.

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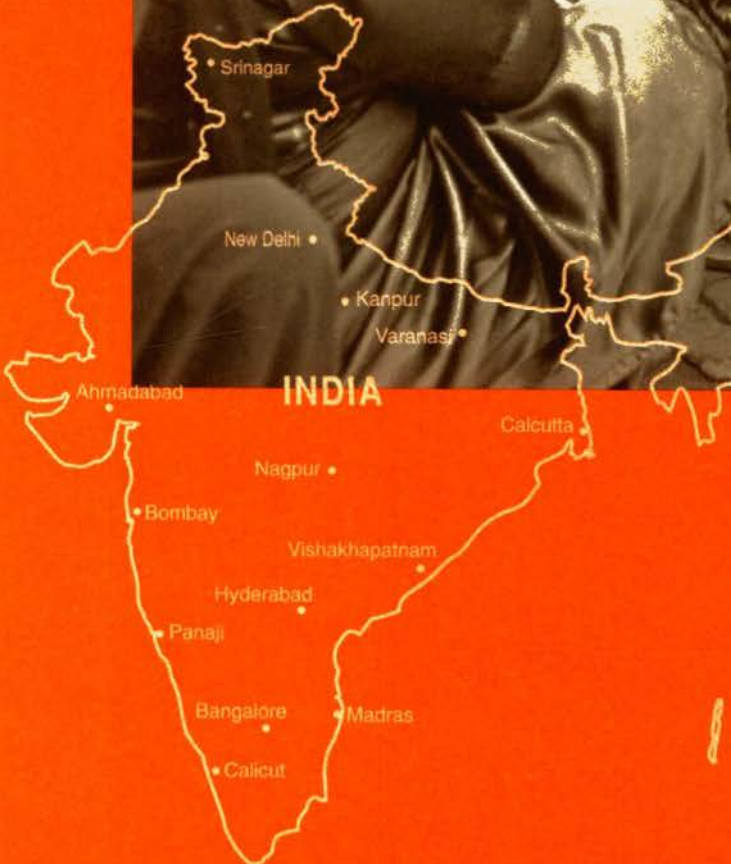
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INDIA

Courtesy of Academy for Educational Development



BACKGROUND

With its 1,103,371,000 inhabitants, India is the largest democracy in the world. The nation is the home of one of the most ancient, living civilizations, with 10,000 years of history. India is politically organized as a parliamentary system with an independent judiciary. The executive branch consists of a President, who is head of the Union, a Vice-President, a Council of Ministers, and a Prime Minister, who is head of Government.

Beginning with navigator Vasco da Gama's arrival at Calicut, in 1498, through the first half of the eighteenth century, Portuguese, Dutch, French and English merchants established commerce along the Indian coast. The trade resulted in the various European nations vying for control of parts of India. By the mid-1850s, the British, largely through their own declarations and commercial conquests, consolidated their colonial power over the nation. The movement for India's independence in the twentieth century was led by Mahatma Gandhi, who initiated

the mobilization of his people at the end of the First World War. Gandhi chose to fight against colonialism by nonviolent means, making use of civil disobedience, strikes, fasts and impact action, such as his march against salt taxes in 1930. In 1920, Muslims and Hindus in India made an alliance in order to strengthen the fight for independence. However, with the approach of the independence, Muslims feared their destiny as a minority in a country of Hindu majority, and solidified the idea of creating a separate country, Pakistan, carving out of India the Muslim-majority regions. India gained independence from the British in 1947 and has since been a democratic republic.

Jawaharlal Nehru served as the new republic's Prime Minister from 1947 to 1964. His first task was the incorporation of 562 *Maharajah*-ruled¹ states into the federal union. During his early years, former Prime Minister Nehru focused on social and economic reforms. His regime was marked by the advent of five-year plans, designed to bring advanced science and industry to India. In 1966, Indira Gandhi, former Prime Minister Nehru's daughter, was elected to serve as Prime Minister as one of the first women ever to lead a democracy. In 1984, she was succeeded by her son Rajiv Gandhi, after which India has had a succession of elected Presidents.

Social, Economic and Demographic Indicators

Although India occupies only 2.4% of the world's land area, it supports over 15% of the world's population, with only China having a larger population. Almost 40% of Indians are younger than fifteen years of age. A predominantly rural nation, about 70% of the population lives in more than 550,000 villages, and the remainder lives in more than 200 towns and cities [Indian Child].

Over the nation's thousands of years of history, Indian people and culture have absorbed and exchanged different external influences to produce remarkable racial and cultural diversity. Religion, caste and language are major determinants of social and political organization in India today. The government has recognized eighteen languages as official, Hindi being the most widely spoken. According to the 2001 Indian Census, the population is distributed amongst the following religions: Hindu – 80.5%; Muslim – 13.4%; Christian – 2.3%; Sikh – 1.9%; Buddhist – 0.8%; Jain – 0.4%; other – 0.7%.

¹ The word *maharajah* is Sanskrit for "great king" or "high king", meaning Hindu sovereign. The female equivalent to *Maharajah* is *Maharani*, a title used either by the wife of a *Maharajah* or, in some states, by a woman ruling in her own right.

The caste system is a feature of Hinduism, reflecting Indian occupation-ally and religiously defined hierarchies. Despite economic modernization and laws countering discrimination against the lower end of the class structure, the caste system still persists. The caste system tradition gave rise to the existence of a category of ostracized people called *dalits*². This system represents a long-lasting, deeply entrenched form of discrimination. Although prohibited and considered a crime, the tradition and legacy of the untouchability of *dalits* continues to be practiced in India in many forms, reinforcing an iniquitous social hierarchy and allowing for the continuing disempowerment and humiliation of millions of people³.

TABLE 1: SOCIAL, ECONOMIC AND DEMOGRAPHIC INDICATORS

HDI Rank (2003)	Total pop. thousands (2005) ²	Annual pop. growth ² (rate) (2005)	Sex ratio ² (total pop.) F/100M	Urban pop. (%) (2005) ²	Female pop. (%) (2005) ²	Pop. aged (%) ²		Life expectancy at birth ¹			PPA GDP per capita (2002) ¹ US\$
						<15	>60	T	F	M	
127	1,103,371	1.6	95	42	48.7	34	15	62	63	61	2,650

1 – Population Reference Bureau, 2004

2 – UNStats, 2005

Today India is a mixed economy. Until recently, the public sector controlled many of the industries including power and infrastructure systems, banking, and insurance. Since 1991, India has been restructuring and liberalizing its macroeconomic policy by deregulation and delicensing policies, opening its economy. An infusion of foreign capital aimed at global integration has been propelling industrial growth, generating greater competitiveness.

² Previously, *dalits* were called *untouchables*. The name change is a result of *dalits* struggle against discrimination.

³ There are about 3,000 castes and more than 25,000 sub-castes in India, some with only several hundred members and others with millions. According to the Indian Census of 1980, there were 200 million *dalits*.

THE SITUATION OF WOMEN

Gender-related development index rank (2003)⁴: 103 out of 144 countries [UNDP]

"You can tell the condition of a nation by looking at the status of its women."

Jawaharlal Nehru, India's former Prime Minister

In India successive governments have unveiled policies of empowerment for women which have sought to address the full range of women's human rights. These positive steps include political representation of women throughout all levels of government, an increase in women's life expectancy, and an increase in the level of women's formal education.

Despite the many positive developments in securing women's human rights, patriarchy continues to be embedded in the social system in many parts of India, denying the majority of women the choice to decide how they live. The overriding importance of "community" where patriarchy is strong ensures that women rarely have an independent say in community issues. The way in which the concept of "honor" is used is also a severe barrier to the realization of women's rights. Female feticide is a particularly common problem in India. Impoverished families have little interest in educating female children and will often arrange marriages for them as young as eight years old, as a means of ensuring that they are economically provided for from an early age. In many parts of the country, levels of violent crime against women are extremely high. Looking at property rights, in spite of constitutional guarantees, women are legally discriminated against, preventing them from owning any property in their own names.

Health

For poor Indian women, surviving through a normal life cycle is one of the greatest challenges they face. Discrimination plays a crucial role in creating existing negative health indicators. A large number of women go through life in a state of nutritional stress because they face nutritional discrimination within the family. Girls are often discriminated against through neglect during illness. "A study in Punjab shows that medical

⁴Gender-related development index (GDI) is an index from UNDP measuring average achievement in the three basic dimensions captured in the human development index: a long and healthy life, knowledge and a decent standard of living-adjusted to account for inequalities between men and women.

expenditures for boys are 2.3 times higher than for girls. As adults, women get less health care than men. They tend to be less likely to admit that they are sick and they'll wait until their sickness has progressed before they seek help or help is sought for them. Women's socialization to tolerate suffering and their reluctance to be examined by male personnel are additional constraints in their getting adequate health care." [Coonrod]

The average Indian woman bears her first child before she is twenty-two years old and has little control over her own fertility and reproductive health. Furthermore, around 18 percent of all married women, want no more children but are not using contraception [Operations Research Group, 1990].

Although abortion has been legal since 1972 in India, amongst the approximate 5 million abortions performed in India per year, the large majority is illegal. As a result, abortion-related mortality is high in the country.

The maternal mortality rate in India is hundred times greater than those in developed countries and significantly higher than developing countries like Sri Lanka, Vietnam and Cuba. *The National Family Health Survey* estimated that for the period of 1998-1999, the maternal mortality rate per 100,000 live births varied from 619 deaths in rural areas to 267 deaths in urban areas, illustrating the rural-urban divide in accessing healthcare.

TABLE 2: COMPARATIVE WOMEN'S HEALTH INDICATORS

Region	Indicator					
	Total fertility rate ¹	Maternal mortality rate/year (maternal deaths per 100,000 live births) ³	Children's mortality rate ¹	Married women aged 15-49 using contraception ² (%)	Pop. aged 15-49 infected with HIV/AIDS (%) ¹	
					2001	2003
World	2.8	400	56	53	1.0	1.1
Most developed countries	1.6	13	7	58	0.4	0.5
Least developed countries	3.1	890	62	40	1.4	1.4
India	3.1	540 (1997-98)	64	43	0.8	0.9

1 - Population Reference Bureau, 2004

2 - Contraceptive methods: pill, DIU, condom and sterilization, [Population Reference Bureau, 2004]

3 - Maternal Mortality in 2000: Estimates developed by WHO, UNICEF, UNFPA

www.who.int/reproductive-health/publications/maternal_mortality_2000/mme.pdf

Education

According to the Indian census of 2001, India's literacy rate increased by 13 percentage points, from 52% in 1991 to 65% in 2001. Seventy-six % of males and 54% of females are now literate, compared with levels of 64% and 39%, respectively, in 1991.

Despite the improvements in literacy, there continues to be a large gap between the literacy levels of men and of women. Families are far less likely to educate girls than boys, and far more likely to pull them out of school, either to help out at home or from fear of violence. Even when girls are enrolled in schools, fewer girls than boys manage to stay in school for a full ten years. Most of the girls who drop-out of school are working in the homes and fields of either their parental or marital families. India has the largest population of non-school-going working girls.

TABLE 3: WOMEN'S EDUCATIONAL INDICATORS

Girls share of second level enrollment (%)	Girls share of third level enrollment (%)
41	39

UNStats, 2004

Labor, Employment and Income

In India, women's work is generally undervalued and unrecognized. Women work longer hours than men and carry most of the burden of household and community work, which remains unpaid and largely invisible. Furthermore, women make-up the greater proportion of unemployed people. Of the women in the workforce, they generally earn far lower wages than men doing the same work or hold lower paid positions within organizations. It has been estimated that women's wage rates are, on the average, only 75% of men's wage rates and constitute only one-fourth of the family income [Swayam]. Illustrative of this discrepancy, women and men do not earn equal wages in the field of agriculture in any state in India. Additionally, women tend to work in the informal sector where wages are lower and they are not protected by any labor laws. Women workers are also often engaged in piecework and subcontracted work at exploitative rates. Discrimination against women in the labor market is also exemplified by the fact that the percentage of women in senior management in India is only 3% [India Together].

AGRICULTURAL AND BONDED/DALIT LABOR

According to the Indian government's report to CEDAW of 1999, agriculture is the largest sector in the Indian economy and women's major field of employment. It represents 30% of the gross domestic product (GDP) and accounts for 60% of employment.

Bonded labor refers to work in slave-like conditions in order to pay off a debt⁵. Bonded laborers are frequently low-caste, illiterate, and extremely poor, while the creditors/employers are usually higher-caste, literate, comparatively wealthy, and relatively more powerful members of the community [HRW]. At least two-thirds of the bonded laborers are *dalits*, and over half of the *dalit* workforce are landless agricultural laborers. 66% of all women agricultural laborers are *dalits* earning very low wages.

Beyond the field of agriculture, *dalit* women and often children dominate other spheres of particularly hard work, such as civic sanitation, scavenging and leatherwork [Amnesty International].

TABLE 4: WOMEN'S LABOR FORCE PARTICIPATION

Labor force (millions)	Female labor force (% of total labor force)
451	32

World Bank Group, 2000

Political Participation

Women are underrepresented in governance and decision-making positions. In 2000, women occupied less than 8% of parliamentary seats, less than 6% of cabinet positions, and less than 4% of seats in high courts and the Supreme Court. Additionally, women constituted less than 3% of administrators and managers [UNDP, 2000]. As for the representation of women in the legislative sector, it remained steady throughout the period of 1995 to 2004.

TABLE 5: WOMEN'S POLITICAL PARTICIPATION

Representation of Women in the Legislative Sector (%)		
1995	1999	2004
8	8	8

UNStats

⁵ Due to the high interest rates charged and the abysmally low wages paid, the debts are seldom settled.

THE ROLE OF THE WOMEN'S MOVEMENT

The women's movement of the 1970s in India was born out of other progressive movements related to peasant rights, trade unions, civil liberties, *dalit* rights and leftist politics. Women activists have played a crucial role in highlighting the problems faced by Indian women. Alliances of women come together regularly in protest against incidents of violence and put pressure on the authorities to take action against perpetrators. Many of the positive governmental initiatives have been taken as a result of the forceful arguments of the women's movement in the country. According to women's rights activist Manisha Gupte⁶,

"The Indian women's movement has always been pro-active. Numerous networks have also evolved around the right to health, to food, to work, to land, to housing etc. There has been a collective effort for Violence Against Women – VAW – to be considered a public health and human rights issue through sensitization and training of health professionals and interaction with government bodies, viewing the implementation of public policies and services to assist victims of VAW, such as shelters and crisis centers."

There seems to be agreement that the last few years have seen dramatic increases in the space available for women in Indian society – a consequence of affirmative policies and programs by the government and initiatives by NGOs and other civil society groups. Most of all, these changes are the result of years of determined advocacy, campaigning and action for change by women themselves.

VIOLENCE AGAINST WOMEN: KEY ISSUES

Gender discrimination in India is embedded in the traditional patriarchal society, as well as in state structures. Women are often condemned by their own families, as well as by their community, for speaking out against discrimination and abuse. When they seek help from the government, they are often confronted with further discrimination from the criminal justice system and from the state machinery, which pushes them to conform to a gender stereotype, which decrees that women should not question the *status quo*.

⁶ Manisha Gupte is a biologist, and coordinator of the rural women's organization MASUM.

Within this overall discriminatory scenario, the following features of violence against women commonly take place.

Domestic Violence

Domestic violence is prevalent in all settings, regions and religious groups. In a study carried by the International Center for Research on Women, nearly 50% of women reported experiencing some kind of domestic violence at least once in their married life, about 44% reported experiencing at least one psychologically abusive behavior, and nearly 40% reported experiencing at least one form of violent physical behavior. The reporting of any form of violence was highest by rural women, followed by women in urban slums. It was found that the abused women predominantly sought the help of members of their birth family and 91% considered this source helpful. Seeking help from institutions such as women's organizations, the police, mental health care or local officials was rarely reported by women [International Center for Research on Women].

The treatment of domestic violence in India often undermines the seriousness of the issue. Incidences of violence against women are often referred to alternative methods of dispensing justice, as is the case with the Local Courts Bill. This Bill relieves the pressure on courts in terms of caseload by handling VAW cases. However, the Bill is also problematic, because, as articulated by some activists, it "privatizes" the dispensing of justice into the hands of bodies that are basically anti-woman, and cast and class biased.

DOWRY

Dowry or *Dahej* is the payment in cash and/or goods by the bride's family to the bridegroom's family along with the giving away of the bride (called *Kanyadaan*) in Indian marriage⁷. When the dowry amount is not considered sufficient or is not forthcoming, the bride is often harassed and abused. This abuse can escalate to the point where the husband or his family burns the bride, often by pouring kerosene on her and lighting it, usually killing her.

The official records of these incidents are low because they are often reported as accidents or suicides by the family. In Delhi, a woman is burned to death almost every twelve hours and the number of dowry murders is

⁷ Dowry originated in upper caste families as the wedding gift to the bride from her family. The dowry was later given to help with marriage expenses and became a form of insurance in the case that her in-laws mistreated the bride. Although the dowry was legally prohibited in 1961, it continues to be highly institutionalized. The groom often demands a dowry consisting of a large sum of money, farm animals, furniture, and electronics.

increasing in this region. In 1988, 2,209 women were killed in dowry related incidents by 1990 this number grew to 4,835. According to government figures, there were a total of 5,377 dowry deaths in 1993, an increase of 12% from 1992 [Indian Child]. Nationwide, there are close to 15,000 dowry deaths estimated per year. Dowry deaths are typically masked as kitchen fires designed to look like accidents. To reiterate, these statistics are official records, which are immensely underreported. In Delhi, the lack of official registration of this crime is particularly apparent, where 90% of cases of women burnt were recorded as accidents, 5% as suicide and only the remaining 5% were shown as murder [Banerjee].

SON PREFERENCE

For more than a hundred years, the Indian census has shown a significant gap between the number of boys and girls, men and women. This gap, which has nationwide implications, is the result of decisions made by the families. Preference for sons is motivated by economic, religious, social and emotional desires and norms that favor males and make females less desirable. Parents expect sons to provide financial and emotional care, especially in their old age. Sons add to family wealth and property while daughters drain it through dowries. Sons continue the family lineage while daughters are married away to another household. Sons perform important religious roles and defend or exercise the family's power while daughters have to be defended and protected, creating a perceived burden on the household. This is a well-documented phenomenon, and its implications for skewed sex ratios, female feticide and higher child mortality rates for girls have drawn enormous research and policy attention [Pande and Malhotra].

Sexual Violence

Due to the patriarchalism of Indian society, the decision-making powers of women are reduced, as is their ability to protect themselves from sexual risk and make reproductive choices.

As in the case of dowry abuse, police officials confirm that the vast majority of crimes against women do not get recorded. An analysis of national crime statistics shows that a woman is molested in the country every 26 minutes. A rape occurs every 34 minutes. Every 42 minutes, an

incident of sexual harassment takes place. Every 93 minutes, a woman is killed. In the majority of these incidents, the criminal is a man belonging to the woman's family or well known to her [UNDP, 2000].

Institutional Violence

A frequent feature of the discrimination suffered by Indian women – especially *dalit* women, or women from scheduled casts – institutional violence plays a negative role in opposition to the advancements proposed by the Indian government regarding women's rights. On one hand, legislation and National Programs aim to improve women's lives and promote equality and women's rights, but on the other hand, in practical terms, many institutions, specially male-dominated, traditional ones, still neglect VAW issues or, even worse, violate women's rights, themselves.

This kind of violence takes place either when authorities like the police or members of the Judiciary system do not support women's demands or when these institutional actors use their privileged position to perpetrate VAW. For instance, there are Indian women whose relatives are sought by the police. These women are often arrested and raped in custody as a means of punishing their male relatives who are hiding from the police.

IMMORAL TRAFFIC PREVENTION ACT OF 1986

This act is intended to prevent trafficking of human beings, but, in practice, blames women and their sexuality. The title, "Immoral Traffic," itself gives special connotation to sexual morality. The definition of trafficking is extremely important. It should not give thrust to the purpose but to the violence, coercion and deception involved in it. This has been repeatedly demanded by different organizations and is reflected in a change in the perception of trafficking in international conventions. However, India has not followed suit. Experience has proven that this act is not helping the women from being trafficked. Instead, it further punishes and harasses women in sex work.

MISSING WOMEN

There are far fewer women than men in the country – the sex ratio is 927 women to 1000 men. These missing women were either aborted before they were born, or they died before reaching adulthood. The majority of these deaths occurred from easily preventable diseases [UNDP, 2000].

Child Marriages and Forced Marriages

Although illegal, the practice of child marriage is widespread, especially in the many rural areas of the country. Today 6.4 million Indians under the age of eighteen are married and 130,000 girls under eighteen who have become widows are being exposed to the risk of *Sati* practice. *Sati* is a Hindu practice which consists of the widow's immolation on her dead husband's funeral pyre⁸.

Women are seen as property owned by their parents, husbands or in-laws. In some cases, husbands sell their wives or even their unmarried daughters as sexual partners to other men. Religion plays a key role in such harmful traditions and practices. *Akhai Teej* is an annual festival and an auspicious day for marriage in India. It is not uncommon for political leaders and government officials to attend these ceremonies to bless newly-married children and impart legitimacy to the practice, in a deliberate perpetuation of entrenched interests, including property and social considerations, all which make child marriages so common [Mohapatra].

Upper Caste Bias against Dalits, Advasis⁹ and Scheduled Castes

Positioned at the bottom of India's caste, class, and gender hierarchies, *dalit* and *advasis* women and women from scheduled castes make up the majority of landless laborers, as well as a significant percentage of the women forced into prostitution in rural areas or sold into urban brothels. Their subordinate position is exploited by those in power, who often commit crimes against them which often go unpunished. These women are subject to sexual abuse and other forms of violence by landlords and the police who use them as means to inflict political "lessons" and crush dissent and labor movements within their communities. Women have been beaten, arrested, and sometimes tortured during violent search-and-raid operations on villages in recent years. Mass rapes are also used by the upper caste and landowning men as another tool of repression against the poor, peasant, agricultural laborers (*dalit* and *advasis*) when they protest for higher wages or for the implementation of land reforms. Yet another discriminatory practice suffered by these group of women is a Hindu religious practice called *devadasi*, in which young girls are "married" to a deity or a temple, allowing upper-caste men to have sexual intercourse with them for a price.

⁸ It is believed that such practice would ensure that the widow would be purified and become a goddess bringing good fortune to her family.

⁹ Advasis refers to the tribal population.

According to lawyer Kimberle Crenshaw, *dalit* women, along with other women from scheduled castes and scheduled tribes, carry the burden of compounded discrimination that combines gender, racial and ethnic discrimination. In addition, these women face gender discrimination perpetrated by the strong patriarchal features in their own communities¹⁰.

In addition to these cruel forms of VAW, Indian women, especially those from rural areas, communities and tribes, are exposed to other terrible abuses if members of their communities consider they have offended the honor of their patriarchal society, including being gang raped, forced to strip and parade naked, and even being burnt if the women are suspected to be witches.

ADVANCEMENTS

Legislative Measures

INTERNATIONAL INSTRUMENTS OF PROTECTION OF HUMAN RIGHTS

The most relevant instruments of which the Indian government is a party are the following:

The International Covenant on Economic, Social and Cultural Rights	Ratified since 1979
The International Covenant on Civil and Political Rights	Party since 1979
The UN Convention on the Elimination of All Forms of Discrimination Against Women	Party since 1993, with reservations ¹¹
The International Convention on the Elimination of All Forms of Racial Discrimination	Party since 1968
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Signatory 1997
Convention on the Rights of the Child	Ratified since 1992

NATIONAL LEGISLATIVE MEASURES

Constitutional, Civil, Political and Social Rights

The Indian Constitution was enacted in 1950 and is strongly influenced by the Universal Declaration of Human Rights. It contains principles of gender equality and equal protection, prohibition of discrimination,

¹⁰ Crenshaw, Kimberle, Background document for the expert meeting on gender related aspects to racial discrimination in *Revista de Estudos Feministas* 1/2002.

¹¹ Article 16(1), article 16(2) regarding marriage and family relations; Article 29(1) regarding compulsory international arbitration.

equality of opportunity in matters of public employment and provides for affirmative action, empowering the State to make special provisions for women.

In 1992, the 73rd (The Panchayati Raj Bill) and the 74th **Constitutional Amendments** were issued, bringing decentralization of power and reserving one-third of seats for women in local governance bodies, thus creating ripples of consciousness among rural women. A bill reserving one-third of seats in national parliament for women is currently in parliament (2006).

Along with the constitutional legal protections Indian women can also count on the following laws to formally guarantee their rights.

The Maternity Benefits Act aims to regulate the situation of women employees by providing for maternity and other benefits. This act entitles every woman to the payment by her employer of maternity benefits, which consist of the woman's daily wage during the period of her actual absence. The maximum period for which any woman shall be entitled to these benefits is a total of twelve weeks whether taken before or after childbirth.

The Child Marriage Restraint Act modified in 2004 calls for all child marriages to be null and void, instead of being "voidable" as in the previous act of the 1930s. This act has raised the minimum age of marriage of girls to 18 years and boys to 21 years.

MARRIAGE AGE

According to the Indian government's 1999 report to CEDAW, more than 90% of women are married between the ages of 25-29 (1992). About 30% of females were married off while still in their teens (15-19). However, the mean age at effective marriage for females has risen from 18.3, in 1981 to 19.5 in 1992.

The Compulsory Registration of Marriage was pushed by the National Commission on Women and now, with the Supreme Court directives, marriage registration has been made compulsory in India. The registration of marriages gives women several benefits. Not only does it reduce the possibility of bigamy, but it also pinpoints incidences of child marriages. As bigamy rates are high in the rural areas particularly among the elite, including local politicians, marriage registration was not a high priority and non-registration "saved" the country the embarrassment of exposing child marriages. India's declaration to article 16 of the CEDAW (which deals with the issue of marriage) was based on the State's inability to enforce

compulsory registration of marriages, on the grounds of high levels of illiteracy in the country. However, this argument was never really accepted, as birth and death registrations have been compulsory for some time in India, mainly because the population growth rate and the causes death had to be monitored. Thus, this registration directive is a welcome step.

The Indian Succession Act Amendment of 2005 gives equal property rights to sons and daughters. Since only those who are married after 1994 are covered under this amendment, the implementation of this act is rather difficult.

Several other pieces of legislation that represent advancements for women include: the **Prevention of Child Sexual Abuse Act** of 2004, the **Rural Employment Guarantee**, and the **Umbrella Act**, which protects the rights of those working in the informal sector, including health rights of women.

Specific Legislation on Gender Violence

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005

A new domestic violence law took effect in India in 2006, prohibiting marital rape and allowing women to obtain protection and maintenance orders¹² against husbands and partners who are emotionally, physically or economically abusive¹³. Under this new piece of legislation, men who violate the act may be imprisoned for up to a year and fined up the equivalent to US \$440. The new law also provides a share of an abusive husband's earnings and property for the victim, and medical costs, it also guarantees abused wives the right to continue living in the family house¹⁴. The law also bans harassment by way of dowry demands.

Within the **Indian Penal Code**, certain sections address gender violence. **Section 375** narrows definition of rape. **Section 354** provides punishment for assault and criminalizes such conduct done with the intent to sexually offend a woman's honor (indecent behavior). This is a wide-ranging provision, which is commonly used in incidents of violence not amounting to rape by creating lesser sentences of up to two years.

¹² Sweeping powers are given to magistrates to issue protection orders where needed.

¹³ It is the first time Indian law recognizes marital rape, sexual, emotional or verbal abuse of a woman by her husband as crimes.

¹⁴ Houses are still shared by extended families in much of India, and abused wives are often thrown out by their husbands' in-laws, leaving them destitute and homeless.

The Sati Prevention Act of 1987 was enacted to reinforce the prohibition of *Sati*. The *Sati* practice, although related to sanctity, has always raised concern and condemnation¹⁵. The present Indian Penal Code makes abetting a *Sati* a criminal offense. Abetment can take the form of instigation, conspiracy to do an act or make an illegal omission, intentional aiding, or willful misrepresentation or willful concealment (Section 107). Depending on the situation, the abettor could be aiding in murder, and, as such, culpable for homicide. The Penal Code and other statutes provide punishment for perpetrators of this practice, but in reality *Sati* still takes place.

Indecent Representation of Women Prohibition Act of 1986 prohibits the indecent representation of women in "advertisements" including any notice, publication, label, wrapper or other document and also includes any visible representation made by virtually any media, inclusive of light, sound, smoke or gas.

Some other gender violence specific legislation includes: this **Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act** of 1989, the **Sexual Assault Draft Bill** of 1993, the **Dowry Prohibition Act** of 1961.

The Role of the Judiciary System

The Supreme Court has played an important role striking down some unequal provisions that violated women's rights. The Court has issued orders to the State to implement the Directive Principles contained in the Indian Constitution. The Directive Principles guide different government agencies and guarantee that these agencies secure the right to adequate means of livelihood for both men and women equally. They also contain a duty to every Indian citizen to renounce derogatory practices to the dignity of women. Landmark judgments have been recorded in recent years on cases regarding sexual harassment at the workplace, divorce, maintenance rights, guardianship and the inheritance of property.

SUPREME COURT OF INDIA GUIDELINES ON SEXUAL HARASSMENT, 1997

The guidelines laid down by the Supreme Court make indecent behavior that does not amount to rape, but is nonetheless a violation of a woman's decency a type of legally prohibitive behavior. This includes sexual harassment by

¹⁵ Historically, efforts to prevent *Sati* by formal means were in existence even before the Moghul rulers came to power. Under the Delhi Sultanates (circa 1325) permission had to be sought prior to any *Sati*. In their own time and spheres of influence the Portuguese, Dutch and French banned *Sati* but efforts to stamp out *Sati* were formalized into law only under by the British in 1827.

considering it a separate legal offense. Thus, women who earn a regular salary, receive an honorarium, or do voluntary work in the government, private sector or informal sector are protected by these court ordered directives.

The Prenatal Diagnostic Techniques Act (PNDT Act) of 1994 (amended in 2003) bans the use of prenatal diagnostic techniques for sex determination, to deter female feticide. According to a report by the Indian NGO All India Democratic Women's Association (AIDWA), the functioning of the PNDT Act since 1994 has been most unsatisfactory, as it is highly bureaucratized eroding the very purpose of the act. At the same time, the lack of political will of governments, the powerful lobby of medical practitioners and associated persons who use sex-determination and sex-selection technologies have ensured that very few violators of the PNDT Act have been called into account by the law. However, Supreme Court intervention in Case 301 of 2000 between the Center for Enquiry into Health and Allied Themes (CEHAT) and Union of India and others have forced governments to act and at least register clinics. In its interim orders, the Supreme Court directed the Central Supervisory Board (CSB) to "examine the necessity to amend the act, keeping in mind emerging technologies and difficulties encountered in implementation of the act." This intervention has forced the central government to make the recent amendments.

Despite some advancements achieved through Supreme Court actions, lower courts and judges still tend to discriminate women in many ways through their decisions. Many cases dealing with domestic violence, dowry crimes, and incidences of violence against *dalits* and *advasis* do not go forward allowing the perpetrators to go unpunished.

Institutional Actors and Mechanisms

The National Commission for Women is a statutory body for women that is responsible for overseeing the development of the constitutional safeguards for women, reviewing laws and regulations and intervening in selected individual cases of violations of women's rights and equality for issuing appropriate directives to the concerned authorities. Both the national and the state governments must provide reports of follow-up action taken on the recommendations of the Commission, and to submit specific reasons in the event of disagreement with any of the Commission's recommendations.

According to the National Commission of the Women's Annual Report of 1992/93¹⁶, violence against women is usually treated as a marginal issue by the law-enforcement bodies, whether it is the police, the prosecutors or the health and legal professionals, or even the judiciary, despite the necessity of sensitizing all actors involved in gender issues, particularly violence against women.

Other governmental mechanisms include: the **Parliamentary Committee on the Empowerment of Women, the Department of Women and Child Development** (under the oversight of a cabinet minister who is accountable to parliament), the **Women's Component Plan (WCP)** (as supported by the Planning Commission¹⁷), the **Central Social Welfare Board** (which networks with women's NGOs), the **Departments of Women and Child Development** (state level), **State Commissions for Women** (state-level), and **District Women's Support Committees**.

PUBLIC POLICIES ON WOMEN

Traditional cultures represent the major barriers towards the implementation of policies to combat VAW, therefore, the need to train and sensitize different sectors of society is crucial to overcoming this obstacle.

Mahila Thanas are special police stations that assist women who have been victims of violence.

Since non-registration of crimes is a general problem and police are strongly influenced by caste, class, religious and gender biases, it is extremely difficult for members of disadvantaged groups to file complaints, particularly against powerful individuals. A case cannot continue and a victim cannot receive justice if a First Information Report (FIR) is not completed and registered by police on the basis of a person's complaint. Thus, these women's police stations provide a valuable service.

Incentives against selective abortion has been a controversial effort to reverse the dramatic drop in the number of female babies compared to males. The South Indian state of Andhra Pradesh plans to provide financial incentives to couples who have a single female child.

¹⁶ See <http://ncw.nic.in/legal2.htm>

¹⁷ According to the Indian Government's Planning Commission, 43% of the Gross Budgetary Support flowed to the WCP in the period from 1997 to 2002.

Sensitizing professionals has been a major focus at both the governmental and the civil society level. Many women's groups and other NGOs have built-in gender sensitization as part of their project proposals. The United Nations Population Fund (UNFPA) has implemented sensitization programs for government health professionals in many states during the last few years. The organization Sakshi from Delhi conducted a survey and training with judges and found that over 60% of judges justify a certain baseline of domestic violence and believe that rape happens because women provoke it. The NGO CEHAT has been providing training to medical schools and hospital wards on the medical, legal and gender aspects of sexual assault and rape. The State Human Rights Commission has been training police officers and senior district level officers on issues of human rights, transparency and gender equality.

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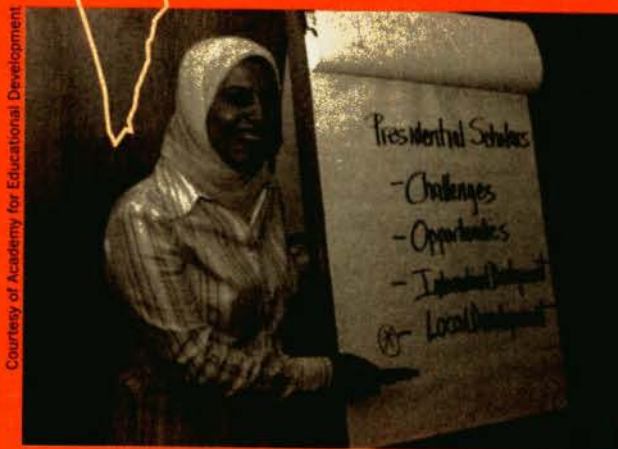
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PALESTINE



Courtesy of Academy for Educational Development



Courtesy of Academy for Educational Development



Courtesy of Academy for Educational Development

BACKGROUND

Palestine is located on the East coast of the Mediterranean Sea, West of Jordan and to the South of Lebanon. Palestinians and Israelis have long been in dispute over this territory. This is one of the most violent, long-lasting and complex disputes in history. Many efforts have been made and agreements settled aiming to solve it, but the conflict persists making the lives of both Palestinians and Israelis very hard to lead.

Since the beginning of the First *Intifada* (Palestinian uprising against Israeli occupation in 1987), there has been an increased militarization of the conflict. Israeli Forces have been systematically using military force against civilians, including frequent air strikes and tank shelling in densely populated Palestinian residential areas; large-scale destruction of Palestinian homes, land and infrastructure; and the imposition of military blockades and prolonged curfews, which keep the Palestinian population imprisoned in their homes. Armed Palestinian attacks against Israeli

civilians, which were sporadic before the *Intifada*, became a frequent occurrence, including suicide bombings, shootings and attacks on buses and public places leading to civilian losses [Amnesty International, 2005].

Over the last couple of decades, one of the main agreements attempting to create peace was the Declaration of Principles on the Interim Self-Government Arrangements as part of the Oslo Accords, signed by Israeli Prime Minister Yitzhak Rabin and Palestine Liberation Organization (PLO) Chairman Yasser Arafat on September 1993. One of the aims of these accords was to establish a Palestinian Interim Self-Government Authority (PNA or PA¹) with an elected legislative council for the Palestinian people in the West Bank and the Gaza Strip. With the additional signing in Cairo in May of 1994 by Prime Minister Rabin and Chairman Arafat of the Agreement on the Gaza Strip and Jericho Area, the transitional period envisioned in the Oslo Accords began. In May, Israel transferred control of daily administration of the Gaza Strip and Jericho to the Palestinian Authority after twenty-seven years of Israeli occupation.

The establishment of the PA as the governing body of Gaza and Jericho gave the Palestinian people the opportunity to develop their own governing institutions for the first time. In 1996, elections were held for the Palestinian Legislative Council (PLC) as well as for President of the PA. In 2006, HAMAS² won the election and a new front of conflict, this time internal between the PLO and HAMAS, emerged in Palestine with these two political forces struggling for hegemony.

Despite all efforts, the violence and killings in the Occupied Palestinian Territories (OPT) persist and have now even increased by the internal political situation, bringing untold suffering to the Palestinian population. According to Amnesty's International 2005 report *Israel and the Occupied Territories Conflict, occupation and patriarchy – Women carry the burden*, more than 3,200 Palestinians, including 600 children and more than 150 women have been killed by Israeli Forces, and more than 1000 Israelis, including more than 100 children and some 300 women were killed by Palestinian Armed Groups. Most of the victims were unarmed civilians. Thousands more have been injured.

This situation led to a dramatic deterioration of the human rights situation in the OPT, with unprecedented levels of poverty, unemployment and

¹ Palestinian National Authority and Palestinian Authority are used somewhat interchangeably.

² HAMAS is the Palestinian Liberation Political Movement of Islamic resistance over the State of Israel. Created in 1987 in Gaza, HAMAS is responsible for a series of violent attacks against Israel.

health problems, deeply affecting women, who are also treated as subordinate to the pressures and constraints of the traditional Palestinian patriarchal society.

Social, Economic and Demographic Indicators

The total population of the Occupied Palestinian Territories (OPT) in 2005 was 3,702,000 inhabitants, with females making up 49.1% [United Nations Statistics Division]. This population can be distinguished as young with 45% of its inhabitants below fifteen years of age and only 9% above sixty years of age.

In 2003 there were 9.5 million Palestinians residing in Arab countries, Israel and other countries of the world which is more than double of the Palestinian population living in the OPT [Palestinian Central Bureau of Statistics].

According to The Palestinian Central Bureau of Statistics (PCBS) 60% of the population was living under the poverty line in 2000.

TABLE 1: SOCIAL, ECONOMIC AND DEMOGRAPHIC INDICATORS³

HDI rank (2003)	Total pop. thous. (2005) ²	Annual pop. growth ² (rate) (2005)	Sex ratio ² (total pop.) F/100M	Urban pop. (%) (2005) ²	Female pop. (%) (2005) ²	Pop. aged (%) ²		Life expectancy at birth ¹		
						<15	>60	T	F	M
98	3,702	3.2	97	72	49.1	45	9	72	74	71

1 – Population Reference Bureau, 2004

2 – United Nations Statistics Division, 2005

THE SITUATION OF WOMEN⁴

Palestinian women face a double challenge: as Palestinians, they suffer from the Israeli military occupation with every aspect of their lives controlled by the occupation forces; as women living in a society marked by patriarchal traditions and discriminatory laws, they suffer as unequal citizens.

³ The source used in this study for PPA GDP *per capita* in 2002, which was The Population Reference Bureau did not provide this information for Palestine.

⁴ Gender-related development index (GDI) is not available for Occupied Palestinian Territories.

In the midst of a chaotic world of oppression from occupation, societal patriarchy, and legal inequality, according to Nadia Moustafa Elrashidi, many questions rise:

“Should women forgo their rights and freedoms until the vision of a free Palestine is established? Have they the power to decide this for themselves or has the culture in which they live and the Israeli occupation determined their status for them? What has been the cost to women for this delay of rights and voice? What has been the cost to society? What is changing within the society that may show a more equitable future?”

Despite the more current context of occupation that dilutes the energy and attention given to women's issues, such as the construction of the 'Separation Wall', the expansion of settlements, the imposition of checkpoints, and the destruction of homes and livelihoods, there have been many positive changes for women under laws adopted by the Palestinian Authority. Within a legal environment stagnated by the interminability of occupation, women have achieved quite sizeable gains while additionally shouldering greater familial hardships.

Health

Public health programs are mostly directed to the protection of pregnant women through mother and child healthcare. Activists believe that there should be more specific programs targeted to adolescent, unmarried and elderly women, addressing women's health in its full life cycle. One of the results of this narrow policy is the high percentage of women that don't have access to contraception, which most certainly leads to unwanted pregnancies and abortion.

TABLE 2: COMPARATIVE WOMEN'S HEALTH INDICATORS

Region	Indicator					
	Total fertility rate ¹	Maternal mortality rate/year (maternal deaths per 100,000 live births) ³	Children's mortality rate ¹	Married women aged 15-49 using contraception ² (%)	Pop. aged 15-49 infected with HIV/AIDS (%) ¹	
					2001	2003
World	2.8	400	56	53	1.0	1.1
Most developed countries	1.6	13	7	58	0.4	0.5
Least developed countries	3.1	890	62	40	1.4	1.4
Palestine	5.7	100 (2000)	26	37	-	-

1 – Population Reference Bureau, 2004

2 – Contraceptive methods: pill, DIU, condom and sterilization, (Population Reference Bureau, 2004)

3- Maternal Mortality in 2000: Estimates developed by WHO, UNICEF, UNFPA – www.who.int/reproductive-health/publications/maternal_mortality_2000/mme.pdf

Education

Information from the Palestinian Central Bureau of Statistics (PCBS) indicates a steady increase in the number of students, teachers and schools since the start of the Palestinian National Authority regime. However, with the continuing political crisis, that progress has been placed in serious jeopardy. Many Palestinian children and youth have seen their schooling disrupted by systematic restrictions on movement imposed by Israel and are now unable to reach their schools on a regular basis.

According to the PCBS, the overall literacy rate is high in Palestine, averaging 91% for males and 77% for females (1995). In 2003-2004, the gross enrollment ratio for students in basic stages was 94.7% for males and 95.7% for females, and the gross enrollment ratio for students in secondary stages was 63.3% for males and 70.7% for females. These rates do show some positive signs, but the problems leading to early female drop-out rates are caused by early marriage and the scarcity of girls' schools at the higher levels in rural villages and refugee camps.

The number of female students enrolled in Palestinian universities during the year 1996-97 was 12,148 in the West Bank and 19,646 in Gaza, which represented 45,1% and 42,5% of the total student population, respectively. In training institutes and colleges female students represent 51% of the student population [WCLAC].

Labor, Employment and Income

Research from the Palestinian Central Bureau of Statistics (PCBS) indicated that since the start of the peace process, there had been a steady increase in labor force participation and a decrease in total unemployment rate. However, at the end of 2000, because of the intensification of the political crisis and the increase border closures, this progress was dramatically reversed.

Women's representation in labor force is quite small in comparison to that of men. In 2002 women's participation rate (age 15 years and over) in the labor force was 10%, and men's (age 15 years and over) was 66% [UN Statistics Division]. Looking at specific activities, this disparity is reduced. 35% of the women's labor force works in activities such as agriculture, hunting and forestry, whereas only 10% of men in the labor force work in these activities. Similarly, 53% of women's labor force works in the service industry compared to 51% of men's [UN Statistics Division]. However, data from 1997 based on the area of West Bank and Gaza Strip shows that only 8.5% of the lawyers and only 7% of engineers were women [PCBS].

EARLY MARRIAGE

The minimal ages for Marriage are as follows:

- In the Gaza Strip: 16 for boys and 15 for girls
- In the West Bank: it ranges from 9 to 17 for girls and from 12 to 18 for boys, depending on the judge's discretion.

Early marriage in the Palestine Territories is prevailing more among females. The percentage of females married aged 15-19 was 18.4%, compared with 0.7% for males, while the age group ranging from 20 to 24 was 58.6% for females and 21.1% for males [PCBS].

Political Participation

For the 1996 Palestinian elections, women's organizations undertook their own preparations as evidenced by the fact that 49% of the registered voters were women [Central Election Commission]. However, among the 676 candidates for the eighty-eight seat PLC, there were only twenty-eight female candidates, making up only 4%. Five women, representing 5.6%, were elected to the Palestinian Legislative Council. The sole opponent to PLO Chairman Arafat in the election for president of the executive authority of the Palestinian Council was a woman, Ms. Samiha Khalil of Ramallah. Five women, representing 5.6%, were elected to the Palestinian Council.

According to a report by the United Nation's Economic and Social Commission For Western Asia, by 2003, 7.5% per cent of the 744 members of the Palestinian National Council were women. In the PLC, there were five women out of a total membership of 124. Women were not represented on the executive committee of the PLO.

Although still low in percentages, there seems to have been significant advancements in terms of political participation of women in a country where patriarchal tradition is so embedded. Evidence of that is the nomination of two women ministers to the PNA in 2003.

THE ROLE OF THE WOMEN'S MOVEMENT

There are a considerable number of NGOs, both Palestinian and Israeli, and in spite of the divisions between these two territories, a few of them, particularly those led by women, seek a common agenda and develop joint strategies to achieve peace. Civil society, particularly women's groups are resilient and despite military incursions, demolitions, and restrictions on freedom of movement, they manage to act for peace and women's advance.

These groups hope to involve women in public life to overcome traditional roles and practices as well as the constraints relegating women's rights to secondary status on the political agenda. As a result, women organized their own Women's Technical Committees to increase women's involvement in the peace process and other areas, such as women's involvement in political parties, penal code reform, and advocacy work. They also elaborated a National Strategy for Palestinian Women, based on the Beijing's Platform of Action, submitted to the Legislative Council in 1997. However, Israeli occupation has had immobilizing impacts on activities of NGOs and other sectors.

Palestinian women not only bear the combined burdens of occupation and patriarchy, but due to the former, their capacity to transform the unequal gender structures of the latter is curtailed. The priorities imposed by the national struggle have for decades belittled women's struggle to eliminate violence against women as a weapon of patriarchy.

Women's rights activists face the challenge of working on a scenario where human rights violations due to the ongoing conflict often hide gender issues. A great articulation capacity of NGOs to work on specific VAW matters is essential.

VIOLENCE AGAINST WOMEN: KEY ISSUES

Palestinian women face a complex kind of violence, where a general violence against Palestinian people generated by the on going conflict with Israel intersects with gender violence against Palestinian women committed both by Israeli Defense Forces and by Palestinian Authorities, Palestinian Armed Groups, communities and families. Violence against women manifests itself within an integrated system of violence, emanating from two sources: Israeli security measures; and Palestinian patriarchal society, its families and communities.

Violence Emanating from Israel's Security Measures

In all aspects of their lives, Palestinian women are gravely affected by the lack of restrictions non freedom of movement, house demolitions, detention and injuries and loss of lives. The completely uncertain scenario, where at any given time Israeli Defense Forces may aggressively interrupt people's lives, causes much fear and insecurity among Palestinian women. Furthermore, the curfews and movement restrictions imposed by Israel act to impede women from access to basic services. For example, pregnant women in labor may not be able to go through Israeli check- points to reach a hospital and may loose their child and even their own lives for having to give birth on the road, with no assistance at all. The house is a central reference in a women's life, and is particularly important in a patriarchal culture where their identity is closely related to their role as mothers and wives, developed inside the house. Therefore, the destruction or confiscation of homes and land is not only a blow on the family's subsistence but has also deep symbolic effects on women.

Palestine women also face problems with their identification documents. Thousands of Palestinians families live in Jerusalem without resident permits, which deprives them of health and social services, and prevents their children from attending Israeli public school.

Violence within the Family and the Community

Given the traditionally gender biased society before occupation, men are now deprived of their masculine roles as protectors and providers because of the conflict that has left many of them poor and unemployed. As a result, men have increased their violent behavior towards Palestinian women. These women carry the heavy burden of being forced to handle the chaos generated by the conflict, of being forced to represent the maternal role

of central security of the family unit and, many times, having to provide for their families and to cope, alone, with this great increase in violence against women.

Domestic Violence and Femicide

In this context of violence, the Women's Center for Legal Aid and Counseling (WCLAC) compiled some data on domestic violence in Palestine. Thirty-eight cases of femicide were documented between 1996-1999, twelve of which occurred in the West Bank and twenty-six in the Gaza strip. The average age of murdered women was between twenty-three years of age. The murders were all committed by close male relatives such as fathers, brothers, and uncles. In terms of other indicators of domestic violence, the Society for the Defense of the Family received 525 cases during the period of 1996-1998. 300 cases involved psychological violence. Ninety-nine cases involved sexual violence, and 126 cases involved physical violence.

HONOR CRIMES

Annually, women and girls are either killed or threatened with death for tarnishing family "honor". These crimes are the manifestation of culturally inherited values and prevailing patriarchal norms and standards socially imposed on women. According a WCLAC report, *The Legal and Social Status of Palestinian Women*, honor is principally connected to the behavior, or, more accurately, the perceived behavior of girls and women, and the degree of perceived compliance with the accepted behavioral norms for women in society. Any "trespass" or "misbehavior" by a woman gives the relevant male (father, brother, husband, uncle, etc.) a right to "discipline" the woman in order to "restore" family honor.

Sexual Violence

In 1998, there were 115 cases of rape or attempted rape in the Palestinian territories, 85% of which occurred in the West Bank, with 26% in the Gaza Strip. 4,918 cases of "moral" offences were reported: 3,180 in the West Bank and 1,738 in the Gaza Strip [PCBS]. According to Palestinian security sources, the phenomenon of kidnapping and rape is increasing within the society, particularly in occupied East Jerusalem. In January of 1998 alone, there were nine reported cases of kidnapping in Jerusalem, seven of which included the rape of minor girls (between 14-18 years).

ADVANCEMENTS

Legislative Measures

INTERNATIONAL INSTRUMENTS OF PROTECTION OF HUMAN RIGHTS

The PNA is not legally bound to sign or ratify any international instrument, including CEDAW. Despite this inability of the PNA to sign and ratify international instruments of human rights, the PNA has unilaterally committed itself to abiding by the instruments of international law. Article (10) of the **Palestinian Draft Basic Law** states that "human rights and fundamental freedoms must be respected and protected and the PA will work without delay to become party to international instruments for the protection of human rights." To translate this commitment into a legally binding obligation requires efforts towards the future ratification of international instruments without reservations, particularly CEDAW.

The United Nations Security Council Resolution 1325 of 2000 approaches the issues of women, peace and security, making it very relevant to the situation of Palestinian women [Isha L'isha-Haifa Feminist Center]. The resolution calls for taking into account the unique life experiences and needs of women and girls in situations of armed conflict, in order to better provide them with appropriate protection, through international human rights law and to the international humanitarian law. This resolution is unique and significant beyond the international perspective, since it has helped catalyze changes in day-to-day life in many places globally. Additionally, the resolution has impacted both women's movements and human rights organizations, helping them to create solutions and to advance the resolution's agenda at the grassroots level.

In 1995, at the 4th International Women's Conference in Beijing, China, the "**Beijing Statement**" and "**Beijing Platform for Action**" were passed, setting out specific actions that governments must undertake to advance equality. These mechanisms also discuss actions required to reduce the suffering of women and girls living in war-torn areas, again, making the outcomes achieved in Beijing very relevant for Palestinian women. These actions are set forth in Section E, which includes six strategic objectives, one of which is to increase the participation of women in conflict resolutions at decision-making levels and protect women living in situations of armed conflicts or under foreign occupation.

The UN Human Rights Committee and the International Court of Justice placed on Israel, as occupying power, the obligation to protect the rights of women living in the Palestine. Israel denies this obligation and consistently rejects the applicability of the following treaties in regards to Palestinian Occupied Territories: **Fourth Geneva Convention**, the **UN Convention on the Elimination of All Forms of Discrimination against Women**, the **International Covenant on Economic, Social and Cultural Rights** (ICESR), the **International Covenant on Civil and Political Rights** (ICCPR), and the **International Convention on the Elimination of All Forms of Racial Discrimination**.

Security Council Resolution 1544 reiterates the obligation of Israel as an occupying power to scrupulously abide by its legal obligations and responsibilities under the **Fourth Geneva Convention** (1949) relative to the protection of civilian persons in time of war.

Within this vacuum of responsibility and the impositions by the Israeli government impositions on PNA, women are left stripped of protections granted to women from other parts of the world who, unlike the Palestinian women, are not refugees and have a working state that can actively invest in and push for their rights and freedoms in society.

NATIONAL LEGISLATIVE MEASURES

Constitutional, Civil, Political and Social Rights

The Palestinian people are subject to an amalgamation of laws inherited from different historical periods: Ottoman Empire, British Mandate, Jordanian and Egyptian laws. This legislation contains discriminatory practices and has yet to be reformed.

The Palestinian Legislative Council, first created in 1996, was given the authority to draft legislation, including the **Basic Law**, which provides for a system based on free-market principles, the right to private ownership of property, independent dispute resolution and the rule of law.

A **Bill of Women's Rights** was drafted by women's organizations and human rights groups following the release of the Palestinian Draft Basic Law and focused on procedural and administrative law important for its implementation. Women activists undertook a legal analysis of existing laws from a gender perspective and a review of their implementation, which was included in a handbook for legal literacy training.

Palestinian Legislative Council – Bill of Rights for Women to be adopted and implementation of all draft bills geared towards gender equality.

Palestinian Draft Basic Law – article 10 states that “human rights and fundamental freedoms must be respected and protected and the Palestinian Authority will work without delay to become party to international instruments for the protection of human rights”.

Specific Legislation on Gender Violence

The combination of different laws that regulate Palestinian women's lives is full of patriarchal biases that prevent them to access justice and escape violence.

Personal status laws reflect the divergent sources of law and play a pivotal role in women's lives as they regulate women's rights and roles within the family. They contain many discriminatory provisions that endorse inequality between sexes. Religious courts determine personal status law that governs marriage, divorce, parentage, inheritance, child custody, and guardianship. Muslim Palestinians derive this from *Shari'a* Law, while different ecclesiastical courts rule on personal status issues for Christians. The **Jordanian Personal Status Code** of 1976 requires a battered wife that wants to file for divorce to show scars of physical abuse.

The **Jordanian Penal Code No. 16** of 1960 immunizes the perpetrator of an honor crime if the victim committed adultery. Furthermore, only male relatives of a female victim of incest can file a complaint and a sentence against a rapist can be lowered if the perpetrator marries the victim.

The Role of the Judiciary System

Discrimination is pervasive in the litigation courts, as women face slow, inefficient procedures to settle domestic disputes. This is particularly apparent in cases of divorce and child support. A divorced woman is treated as though she has been “indicted” for failing to try to sustain the marriage. The high cost of litigation, especially in support and custody cases is another obstacle for women. Often cases are referred to arbitrators appointed by the court which have many disadvantages. In some cases, arbitrators lack professional integrity and can be bribed into ruling in favor of men, who usually have better access to financial resources, imposing yet another burden for women. Arbitration tribunals are not subject to review procedures by the courts, nor is there an executive apparatus responsible for the enforcement of arbitration decisions. Another complication to effective adjudication is that enforcement becomes very difficult when the parties are from under the jurisdiction of different – laws, such as if the husband is

from Jerusalem (under Israeli law) and the wife is from a town in the West Bank (under Palestinian or Jordanian law).

Institutional Actors and Mechanisms

There is an ongoing debate among Palestinian women's groups on which models or mechanisms for addressing women's issues would be most appropriate. They debated whether the recently created Women's Affairs Bureau should be an integrated part of the PA or a separate body. The Women's Affairs Technical Committee, set up by the PA, became a forum for the concerns expressed by women's NGOs and dealt with the mainstreaming of gender issues in development policies.

Ministry of Women's Affairs, appointed in 2003, it addresses violence against women as a crosscutting issue in all programs. This Ministry works in partnership with the **Ministry of Interior** in a project to train police on women's rights and to create women's police stations that facilitate women's access to justice and services. In addition, to the essential service this policy is providing, it also has a pedagogical effect, as it draws governmental and civil society's attention to VAW and to the means to prevent and eradicate it.

The **Ministry for Social Affairs** provides vocational training and seed money to women. It financially supports 48,000 hardship cases of which 60% are female-headed households.

Gender Mainstreaming Department is another gender-based mechanism which was established within the Ministry of Planning.

PUBLIC POLICIES ON WOMEN

The PA provides services in the areas of education and health, but its authority is undermined in the area of security. Although the difficulties that the PA faces are understandable, some women's rights activist complain that the conflict is often used as an excuse for authorities to justify their negligence over gender violence issues. Other sectors of Palestinian society also demand that the Authority take more steps towards building a society founded on democracy, rule of law and respect for human rights.

One of the major challenges regarding the struggle against VAW in Palestine is that a background of cultural and religious traditions reinforces gender inequalities and aggravates the invisibility of violence against women in armed conflicts and wars, thus helping to keep the issue away from public concern and from the governmental agenda.

In a place where gender issues are so neglected due to political and social contexts, the emphasis on training, education and sensitizing professionals is crucial to the improvement of the situation of women. A great number of organizations working in Palestine develop work on raising awareness about VAW.

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RUSSIA

Courtesy of Global Fund for Women



BACKGROUND

Since the late fifteenth century, Russia was an absolute monarchy with the centralization of power and authority on the hands of the tsars. With the increase of the industrialization in the country and the expansion of its territory, the inadequacies of autocratic tsarist rule became more evident. In 1905, in face of the social and political pressures, the ruling tsar was forced to accept reforms establishing a constitution and a parliament, the Duma.

In 1917, the Bolshevik Revolution erupted, marking the overthrow of the system of autocracy and the establishment of a communist regime. The Union of Soviet Socialist Republic was established as a federation in 1922.

In 1991, the Soviet Union collapsed and Russia became an independent State, forming the Commonwealth of Independent States, along with the Ukraine and Belarus¹. The following year, the country approved a new constitution that gave the president sweeping powers.

As Russia took its first steps in transitioning to a market economy, the financial, production and ownership systems and the consumer's and trade markets were liberalized.

As entities were privatized, consumer choice was introduced into fields that were previously untouched by market influence – such as healthcare, education, and culture, producing both positive and negative effects. The 1999 CEDAW report states that many of the social consequences of the economic transition were not thought through, with the ultimate result of a substantial decrease in the standard of living in Russia. Furthermore, it was reported that the weakening of state control led to many imbalances and inefficiencies such as production and competition problems, internal and external debt, inadequate investment, lack of socially oriented policies, failure to pay wages and pensions. These problems reached a peak in August 1998, with the fall of the ruble. At this time, 31.9 million Russians (21.7% of the population) lived below the subsistence/poverty line [CEDAW Committee, 1999]. In response, the Kremlin began to pursue economic policies to quell the crisis and social unrest, by focusing on a socially oriented market economy.

CHECHNYA

During the period of 1990-2002 and up to today, the Chechnya-Kremlin conflict continues to dominate the headlines. When Russia became an independent State in 1991, the republic of Chechnya declared its unilateral independence. In 1994, Russia invaded in the breakaway republic and, in 1996, President Yelstin signed a peace agreement with the region, through the help of NATO. Peace was short-lived. The situation in Chechnya has created a health crisis whose priorities are maternal and child health, communicable and vaccine preventable disease control, tuberculosis, sexually transmitted disease and HIV/AIDS control, rehabilitation of health structures, mental health and psychological rehabilitation, and mine victim support [WHO].

Social, Economic and Demographic Indicators

Between the 1990-2002 period, Russia's population declined by 3 million people. In 2005, Russia had a population of 143,202,000. The nation's fertility rate has declined to become one of the world's lowest [UCSF]. Some reports attribute this decline to socio-economic and political factors that are discouraging women from having children, and the deterioration in

¹ Subsequently all other former Soviet republics joined, except for the Baltic states.

women's health during pregnancy, childbirth, and postnatal care. Furthermore, according to a study from University of California, San Francisco, "Russia has an irregular population age structure that mirrors its turbulent history. The large population imbalance by sex among elderly Russians reflects very high Russian male mortality during World War I. Births have fallen sharply since the late 1980s." [UCSF]

Turning to religion, while Orthodox Christianity is dominant, many other religious sects are present in Russia as well. The Muslim population is concentrated in the Volga Tatars, the Bashkirs, and the North Caucasus.

TABLE 1: SOCIAL, ECONOMIC AND DEMOGRAPHIC INDICATORS

HDI rank (2003)	Total pop. thous. (2005) ²	Annual pop. growth ² (rate) (2005)	Sex ratio ² (total pop.) F/100M	Urban pop. (%) (2005) ²	Female pop. (%) (2005) ²	Pop. aged (%) ²		Life expectancy at birth ¹			PPA GDP per capita (2002) ¹ US\$
						<15	>60	T	F	M	
63	143,202	-0,5	116	73	53,6	15	33	65	72	58	8,080

1 – Population Reference Bureau, 2004

2 – UNStats, 2005

TABLE 2: RUSSIAN ETHNIC COMPOSITION

Ethnicities	Percentage of population %
Russian	81.5
Tatar	3.8
Ukrainian	3
Chuvash	1.2
Bashkir	0.9
Belarusian	0.8
Moldavian	0.7
Other	8.1

CIA Fact Book

THE SITUATION OF WOMEN

Gender-related development index rank (2003)²: 56 out of 144 countries [UNDP]

The transitions that took place during the period of 1990-2002 opened doors for women. Governmental, legislative and administrative measures

² Gender-related development index (GDI) is an index from UNDP measuring average achievement in the three basic dimensions captured in the human development index: a long and healthy life, knowledge and a decent standard of living-adjusted to account for inequalities between men and women.

were taken to improve the status of women and give priority and protection to women's rights. This historical aperture in decision-making and liberties was accompanied by a fragmentation of previously existing social programs, particularly health and education, the ramifications of which were clearly demonstrated in the lives of women.

Health

In the 1990s, Russia experienced a very unique set of health challenges. The transition from communism to democracy also resulted in the deconstruction of a well-organized system of universal health coverage that was able to reach even the most remote areas of the nation. Russians experienced a decline in life expectancy during the period of 1990-2002, not entirely attributable to the transition³, but certainly a factor. This drop was most striking in life expectancy of men, which fell from 64 to 57 years of age, from 1990 to 1994, while women's life expectancy dropped two years. The initial years following the fall of the Soviet Union saw the greatest decline in health indicators, after which Russian health began to recover slowly.

Characteristics of health care in Russia include: the striking difference between male and female life expectancy rates (58 and 72, respectively); the exponential increase in HIV/AIDS infections in the final five years of the decade; the unusually high death rates from non-natural causes; and an increase in mortality that is unprecedented for an industrialized nation at peace [UCSF].

While in the 1990s HIV was spread predominately via needle sharing and male homosexual transmission, in Russia, as throughout the world, heterosexual transmission is gaining ground as the primary means of disease transmission, affecting women more dramatically. Specifically, women prisoners and sexual workers are disproportionately affected. By the end of 2003 women represented around 34% of people living with HIV/AIDS [UNStats].

Reflective of the aperture of consumer's choice and consequential influx of products, Russians also experienced dramatic increases in the rates of tobacco use and alcohol related deaths, which increased by 60% [UCSF]. These latter two characteristics affected men much more than women.

Russia has a particularly high rate of abortion, that is attributed to a lack of essential health services for women, such as access to contraception.

³ Russian life expectancy was at its highest, close to life expectancies in the United States and Europe in the 1960s.

Lack of information on where to obtain contraception and its high price are also contributing factors. The Shadow Report of 2001, aptly characterizes the abortion situation in Russia,

“Though the rate of abortions has declined in the post-Soviet era, abortions are still very common: for every ten births, there are about thirteen abortions. In an attempt to reduce the number of abortions and boost the birth rate, the Ministry of Health recently issued a decree that will limit access to abortions. Previously, abortions were allowed during the second trimester for a variety of social reasons, including low income, pregnancy resulting from rape, and an existing family of three or more children. The new decree limits abortions between the 12th and 22nd weeks to cases of rape, imprisonment, death or severe disability of a husband, or a court decree stripping the women of her parental rights. Abortions are, as before, available without restrictions in the first 12 weeks of pregnancy, and at any time if the fetus has severe disabilities, or if the mother’s life is threatened.” [The Shadow Report, 2001]

“On average, each Russian woman has more than three abortions in her lifetime, and the complications related to abortion account for one-quarter of all maternal deaths in the country.” [NGO Engenderhealth]

Despite the health situation described above there have been some advancements for women. The maternal mortality rate decreased to below 50 per 100,000, for the first time in Russia in 1996, although it rose to 50.2 in 1997. For the most part, family planning services were expanded with a focus on improving sexual education in schools. Additionally, the number of self-induced abortions decreased by 25%, with the largest decrease in girls 14 years of age and younger [CEDAW Committee, 1999]. The number of health care professionals increased. In 1994, there were 43.3 doctors per 10,000 people and by 1997, this ratio was 46.2/10,000. Specifically, there was an increase in the number of pediatricians and obstetricians.

TABLE 3 : COMPARATIVE WOMEN'S HEALTH INDICATORS

Region	Indicators					Pop. aged 15-49 infected with HIV/AIDS (%) ¹	
	Total fertility rate ¹	Maternal mortality rate/year (maternal deaths per 100,000 live births) ³	Children's mortality rate ¹	Married women aged 15-49 using contraception ² (%)			
					2001	2003	
World	2.8	400	56	53	1.0	1.1	
Most developed countries	1.6	13	7	58	0.4	0.5	
Least developed countries	3.1	890	62	40	1.4	1.4	
South Africa	1.4	67 (2000)	13	49	0.7	1.1	

1 – Population Reference Bureau, 2004

2 – Contraceptive methods: pill, DIU, condom and sterilization, (Population Reference Bureau, 2004)

3 – Maternal Mortality in 2000: Estimates developed by WHO, UNICEF, UNFPA
www.who.int/reproductive-health/publications/maternal_mortality_2000/mme.pdf

TABLE 4: HEALTH STATISTICS

Maternal mortality ratio (maternal deaths per 100,000 live births) (2002) [Cooke, R.]	75
Births attended by skilled health personnel (2002)	99%
Antenatal care coverage (1999) [WHO]	96%
% of pregnant women with anemia (2002) [Cooke, R.]	30%
Number of physicians per 10,000 population (2003) [WHO]	43
Number of health workers per 10,000 population (2003) [WHO]	128

Education

In the Soviet Union education was free and available at a very high standard of quality to every citizen, from primary to university grades. This great emphasis on education during the communist era resulted in high levels of literacy and strong intellectual capacity of the Russian population. In 2003, the female literacy rate was 99.5%, compared to 99.7% for men.

According to CIDA, "the average level of education of Russian women is among the highest in the world." Furthermore, Russian women are more educated than men, both in terms of enrollement and average educational attainment. However, stereotypes of "male" versus "female" professions affect the higher levels of education.

According to the 1999 CEDAW report, between 1994-1998, Russia enacted large scale educational reforms, that reflected a shift in purpose and values, forms of delivery of education, and methods for managing the system of education.

Labor, Employment and Income

"In Russia, women have long been an integral part of the paid labor force and essential to the functioning of the economy. In the competition for scarce jobs, men have been overtly favored over women in both the public and private sectors. The problem is exacerbated by new labor standards that fail to provide equal protection for women and by the collapse in child care provisions."
[CIDA]

In Russia, working women have a higher level of education than that of their male cohorts. Between 1993-1997, the economic activity of the population of working age decreased 1% a year, with a greater decline for women than for men. As the sectors of trade, finance, and insurance experienced the greatest wage growth, more men were attracted to these jobs, which in turn, limited the opportunities for women in these fields which were previously disproportionately dominated by women [CEDAW Committee, 1999]. The Shadow Report of 2001 recommended the elimination of the discriminatory articles in the Labor Code and Pension Reform, and an expansion of professional training and business activities for women, in order to increase women's competitiveness in the labor market. Recently, many women's business organizations have sprouted up in Russia, such as the Women's Micro-Finance Network, providing micro loans to business women.

Women are the first to suffer under delay in payment of salaries. In early 2001, about 60% of State budget debt fell on social sphere with predominantly women employees. As a result, women are prevailing among 30% of the population of Russia living under poverty level (even by official statistics). The share of those whose salaries are below the subsistence level is between 58% and 70% in health care, education, social security and light industry [Shadow Report].

TABLE 5: WOMEN'S LABOR STATISTICS

Women account for 47 % of the number of persons employed in the economy.
66% of women of working age are employed.
The average age of working women was 38.8 years in 1997; the figure for working men was 39.2 years.
Women on average earn only 40% as much as men and are 3 times as likely to be unemployed.
Women make up 80% of those working in health care, education, culture and social security spheres. Salaries in these spheres constitute only 40-60% of average salaries across the country, and the gap is growing.
Between 1996-1997, the number of women entrepreneurs increased, from 21% to 30%; for men the drop was from 79 to 70%.
At the end of 1997, females accounted for 58% of unemployed persons aged under 18; 71% of the 18-24 age group; 66% of the 25-29 age group; 52% of persons of pre-pensionable age; and 63% of persons of other ages.
Women made up 67% of unemployed persons holding a certificate of graduation from a higher education institution, 77% of persons who had graduated from a specialized secondary education institution, 63% of persons with general secondary education, and 49% of persons with incomplete secondary education.
At the end of 1994, the average period of female unemployment was 5.7 months, but by the end of 1997 it had increased to 7.5 months. The average period for men was 5.2 months, at the end of 1994, and 6.9 months at the end of 1997.
Women make only 40-60% of pensions received by men.

Shadow Report

Since unemployment was first officially acknowledged in 1991, women have made up the majority of employed persons, comprising of 64.2% of the registered unemployed, in 1994, and 62.2% the following year. CEDAW report notes that female unemployment is independent of age, education, and family status. During the period of 1994-1998, women accounted for 74% of unemployed parents raising children or caring for disabled persons and 92% of unemployed single parents. Furthermore, the length of time women spent unemployed increased during this period [CEDAW Committee, 1999].

Pregnant women are prohibited from working overtime, at night, and on holidays under Russia's Labor Code. Women receive paid maternity leave of seventy days before and after birth. Additionally, women are entitled to child rearing leave for children up to three years of age. Despite the benefits the Labor Code provides for pregnant women, according to a coalition of NGOs, the same law can be prohibitive for women in the market place. For example, the Labor Code article prohibiting women from taking hazardous jobs is housed under the pretext of protecting their reproductive rights [Shadow Report].

Beyond the maternity leave situation the working condition for women in Russia remained very unsafe. Women in Russia suffer more injuries on the

job than men. In 1998, 12% of the women employed in industrial, construction, transport, and communication sectors worked in jobs that did not meet the health and safety standards. In 1997, 74,000 women worked at tasks beyond their strength. The agro-industrial sector reports 19,000 injuries to female employees annually. Furthermore, during the years of 1994-1998, 1,399 women were killed in production work [CEDAW Committee, 1999].

Political Participation

The Soviet era of egalitarianism did not permeate far into the political sphere. Women held some posts in the Supreme Soviet, but very few in the Communist Party. In post-Soviet Russia, women are even further under represented in positions of political power. As such, women's needs and interests do not receive much attention in politics. There has been, for instance, a sharp fall in the number of women in Parliament (from about 1/3 in the Soviet period to about 10% in 1995) [CIDA].

During the parliamentary elections of 1993, the political block *Women of Russia* obtained close to 8% of votes and the right to form a parliamentary fraction. In the elections of 1995 and 1999 they were not elected. In 1999, among the 28 organizations admitted to the elections, there were two women's organizations. In 2003 a backlash was perceived when no women's organization were represented in the elections [Marina Pisklakova-Parker⁴].

As a further obstacle to political participation, stereotypes and financial barriers dictate that a woman's role is in the home. Of the sparse number of women in politics, stereotypes bar them from such "male" fields as war, security, and the military and they are pushed toward social issues, such as dealing with vulnerable groups, pensions, and family law.

TABLE 6: STATISTICS ON FEMALE REPRESENTATION

Only 7% of the deputies in the two houses of the Russian parliament are women, and several subnational legislatures have no women at all.

Shortly after Russian independence, activists formed the Women of Russia political bloc (WOR) in response to general neglect of women's participation and women's issues. Since 1993, however, it has not been able to meet the 5% threshold of votes to be seated in the State Duma; in the 1999 elections, it got only 2.2%.

Other parties have placed one female name high on the party list and either failed to list other women or placed them in such low ranking that they were unlikely to be elected, a strategy that has been characterized as making only a token gesture of equality.

There are no female governors among the 89 administrative divisions of the Russian Federation.

In RF parliament, there are 2 women in the upper chamber (Federation Council), and 35 – in the lower chamber (State Duma).

⁴ Marina Pisklakova-Parker is a human rights activist and founder of ANNA – National Center for the Prevention of Violence.

In 1993, there were 14% of women in the State Duma, in 1995 – 11%, in 2001 – 7%.

There are no women in the Security Council and among governors.

In 1/3 of RF regions women are not represented in legislative bodies.

Women make up 55% of public servants, but only 1,3% of those hold decision.

Shadow Report

THE ROLE OF THE WOMEN'S MOVEMENT

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The opening that the transition from communism to democracy created allowed for the enormous expansion of civil society in Russia. During the period of 1990-2002, NGOs and other civil society groups proliferated. Social partnerships formed between State and NGO actors, creating a historic linkage.

These structural reforms, beginning in the mid 1980's, changed women's role in Russian society⁵. They created conditions for the new forms of women's movement. In 1993, the movement was consolidated on a political movement with the formation of the political block Women of Russia. Women's issues were also incorporated on different spaces of discussion and knowledge production, such as the first Center for Gender Studies, founded within the Institute of the Socioeconomic Study of Population of the Academy of Sciences, in 1990. Laboratories, groups and departments of women and gender studies began to appear in the Russian Academy of Sciences, the Russian Academy of Education, in universities and other institutions of higher education.

During this time period, women's organizations specifically played a pivotal role in voicing women's issues and gender relations and generating public debate. Most recently, this role is most visible in the context of the political and economic marginalization of women [CIDA]. According to a study on violence against women in Russia, women dominate the field of NGOs, largely as a result of being pushed out of other spheres. The study reports,

“...as a response to their under-representation in the institutional political sphere, and the scarcity of well-paying jobs, many Russian women turn to the

⁵ From 1917-1980s, the women's movement in Russia had existed under strict governmental control. There were two types of state controlled women's organizations – the Committee of Soviet Women and the women's councils (*zhensovty*). Originally, these organizations were focused on promoting the Soviet ideology. Their main goal was to assist women in fulfilling their duties of citizens, workers, wives and mothers. However, they were focused on some charity aspects, such as supporting families with three children and more, single working mothers, families with disabled children, etc. [Marina Pisklakova-Parker].

non-profit sector to achieve their political, economic, and social goals. The Russian non-profit sector is dominated by women, who head over half of all NGOs in Russia. NGO work offers women unique opportunities to have influence over policy..." [Stop Violence Against Women].

The proliferation on the number of NGOs being formed in Russia was momentous. By 1999, 650 women's organizations were registered under the Ministry of Justice. The women's movement, for instance, has expanded expressively and includes organizations and institutes acting in different fields such as research, advocacy towards policy and legislation, employment and training services, rape crisis centres and a range of other matters [CIDA]⁶. Currently, Russian feminists and women's organizations that promote principles of social partnership are an integral part of solving important social problems. As an example, women's organizations providing gender expertise to the legislative process. They also advocate for equal rights and equal opportunities. Although women's organizations frequently advocate for human rights issues, according to Marina Pisklakova-Parker, "there is no regular close collaboration between women's human rights and traditional human rights organizations".

VIOLENCE AGAINST WOMEN: KEY ISSUES

The collapse of communism and the subsequent socio-economic transformation significantly impacted the structure of the Russian society, as well as the different spheres of social life. The transition to a market economy was very complex and was followed by a decrease on people's standard of living. In addition to unfavorable economic conditions, the existence of certain social traditions was conducive to perpetuating male domination in the family and at work.

The issue of violence against women was included into the agenda of the women's movement in 1993, when the first crisis center, the National Center for the Prevention of Violence (ANNA), was established in Moscow.⁷ Today, over 160 organizations – NGOs and governmental agencies – are members of ANNA National Informal Network Against Violence. However, despite

⁶ In order to support women in difficult circumstances, including victims of violence, the Russian Federation created and is developing a network of agencies providing social services for women and children. This network expanded from 107 to 2,079 units between 1994 and 1998 [CEDAW Committee, 1999].

⁷ The center was founded under the umbrella of the Institute for Socio-Economic Studies of Population where the Moscow Center for Gender Studies was also established.

the strong efforts of the women's movement to fight for gender equality in Russia, violence against women has been, and continues to be, a pressing issue that concerns national, regional and international agencies.

A diverse number of organizations working in the field of VAW point political barriers and lack of material resources as major obstacles to their work. Political barriers might be indicating a still difficult relationship between State and civil society organizations.

STATISTICS ON VIOLENCE AGAINST WOMEN

Sexual assault – annual rate of about 11,000 cases of rape or attempted rape reported (1996); However, it is estimated that only 5-10% of victims report to the police [CIDA].

Domestic violence – no government statistics are gathered on women assaulted or killed by their partners; estimates by a senior official are that 80% of violent crime occur at home [CIDA].

Everyday 36,000 women in the Russian Federation are beaten by their husbands or partners.

Every forty minutes a woman is killed by domestic violence [Amnesty International].

Sociological surveys show that 30% of married women are regularly subjected to physical violence [Amnesty International, 2003].

Every year 14,000 Russian women die at the hands of their husbands or other relatives, [Amnesty International, 2003].

Many activists believe that in order to face VAW it is fundamental to redefine women's role in Russian society, bringing them from a marginalized position into a more expressive and influential one. Russian women's organizations have expressed concern with the under-representation of women in political and bureaucratic institutions. They state that those in decision-making positions, being mostly men, do not take into account women's needs and interests [CIDA]. A clear example is that Russian legislation does not recognize domestic violence as a distinct crime.

IMPACT OF THE NON-RECOGNITION OF DOMESTIC VIOLENCE BY RUSSIAN LEGISLATION

"Men who beat or rape their wives or commit other acts of domestic violence are unlikely to face prosecution in the Russian Federation. One reason for that is because the law does not recognize domestic violence as a distinct crime, and does not even allow officials to give perpetrators a warning through an administrative sentence or a fine.

The failure of the State to take measures to protect women from sexual abuse and violence in the home and to prosecute the perpetrators is particularly

serious, given the widespread reports of increasing domestic violence in Russia in recent years." [Amnesty International, 2002]

Despite governmental and nongovernmental efforts to ameliorate the VAW situation, in 1999, the UN Special Rapporteur on Violence Against Women noted that in the Russian Federation:

"...according to information provided, the government has no clear strategy for addressing violence against women generally or domestic violence specifically. According to one report, the law enforcement system 'creates numerous and substantial obstacles' to combating violence against women [...] Reportedly, a further obstacle is entrenched distrust of those linked to the State, such as the police, lawyers and the courts, because of recent history, when all were used as tools for State oppression." [Amnesty International, 2005]

Domestic Violence

Despite the people's consciousness of high level of violence in the country, many forms of violence against women are still not recognized as particularly dangerous or illegal. For example, sexual harassment at the workplace and family violence still remain outside the sphere of attention of official institutions and state agencies [UN Gender Theme Group].

According to an Amnesty International Report of 2005, all eighty-nine regions of Russian Federation have cases of violence against women in the family, illustrating the societal nature of the problem. Russia's Fifth Report to CEDAW captures the dimensions of domestic violence in the following,

"Cruelty and violence towards women, especially routine violence in the family, remains a serious problem. The situation is exacerbated by the lack of statistics and indeed by the attitude of the agencies of law and order to this problem, for they view such violence not as a crime but as "a private matter" between the spouses."

This characteristic of how domestic violence is perceived makes even more difficult to turn it into a national policy issue.

Slowly, some progress is being made on this issue. Domestic violence is being publicly addressed, which can result in changes in society's mentality and in its understanding of the individual and social implications of the practice of domestic violence.

However, only a few number of domestic violence cases receive judicial attention and of those, the majority end with "reconciliation" between the spouses, indicating that essentially the cases are closed.

Information about the level of family violence is mostly based on survey data. For instance, the data of the 1996 survey reveals that 25% of married women were exposed to physical violence and up to 30% of divorced women faced violence in their previous marriages. Family violence is more common for rural areas.

Official figures say domestic violence is part of the life of every fourth Russian family [Amnesty International].

Sexual Violence

A United Nations Gender Theme Group study indicated that out of the 7700 victims of rape, registered in 1996, around 6000 of them were women. Although these types of crimes seem to have slightly decreased in 2000 in comparison with 1998, a significant number of crimes are not officially accounted. In many cases the victims do not even seek law enforcement bodies.

TABLE 7: DYNAMICS OF VICTIMS OF SEXUAL CRIMES

	1996	1997	1998	1999	2000
Amount of victims	7,700	9,200	11,700	10,500	9,600
Per 100 000 people	5.2	6.2	8.0	7.2	6.6

UN Gender Theme Group, 2005

One context where sexual violence often takes place is the workplace, usually involving sexual harassment and coercion to sexual contacts. The socio-economic circumstances present in Russia help to explain why this type of violence was exacerbated with the tension in the labor market. The scarcity of jobs makes resistance to sexual harassment prone to considerable losses.

According to a survey, "over half of men and absolute majority of women assume that by opposing sexual harassment at work, women face a real danger of losing a job." [UN Gender Theme Group]

Institutional Violence

LACK OF ACCESS TO HEALTH EDUCATION AND SERVICES

A serious problem hindering women's advancement in Russia is the failure of the State to provide essential services to the population and to women specifically. Health education, family planning, and sexual issues are scarcely addressed. A clear example of the consequences of this type of violence is, for instance, the alarming number of abortions undergone by women. Although it has been legalized since 1920, abortion is misused as a form of birth control by Russian women, who jeopardize their health [OMCT].

IMPRISONED WOMEN

Women also suffer violence by state agents. There are regular reports of the torture and ill-treatment of women in Russian police stations and prisons. Also, in the armed conflict in Chechnya women continue to suffer a wide range of abuses. In the overwhelming majority of cases, the abusers get away with their crimes [Amnesty International, 2002].

Trafficking

A relatively new, but growing form of violence against women, emerged in the 1990s, is trafficking of women, in general with sexual purposes. This issue gained a consistent governmental attention only in 1997, when it was considered at meetings of the Security Committee of the State Duma.

In contrast to the other forms of violence discussed earlier, trafficking demands articulated efforts from all the countries involved, from the nations where women are taken and from those countries where they are placed. Border cooperation is also essential. In addition, trafficking must be viewed and confronted from the broader perspective of human rights implicated by the crime.

95% of female migration is illegal, which significantly increases women's chances of becoming victims of violence and sexual exploitation [UN Gender Theme Group].

The status of women in the Northern Caucasus is especially vulnerable in terms of VAW. The strong traditional patriarchal norms of family honor as well as the state of affairs in the region reinforce violence and perpetuate the silence surrounding it. Such violent practices as bride abduction, forced

marriages, early marriages, polygamy, blood feuds, honor killings and marital rape still exist in some areas of Northern Caucasus Republics. It makes it impossible for women to even speak about violence outside their families. Human rights violations are common practice in this region and women are the last priority for the governmental agencies and for society. Discriminating cultural traditions are strongly protected by local communities.

In the rural areas of Russia information about domestic violence is not as widely spread as in the urban areas; marital rape is considered to be one of the most significant crimes there. In the Survey conducted by the Institute for Socio-Economic Studies of Population, in 1996, in the Pskov region, over 40% of married women reported forced marital sex.

ADVANCEMENTS

Legislative Measures

"the universally accepted principles and norms of the International Law and international treaties ratified by the Russian Federation constitute an integral part of its legal system. If the international treaty ratified by the Russian Federation lays down regulations other than those established by the law, then the provisions of the international treaty are enforced." [Part 4 of Article 15 of the Constitution of the Russian Federation]

INTERNATIONAL INSTRUMENTS OF PROTECTION OF HUMAN RIGHTS

The most relevant instruments of which the Russian government is a party are the following:

The International Covenant on Economic, Social and Cultural Rights	Ratified since 1976
The International Covenant on Civil and Political Rights	Ratified since 1976
The UN Convention on the Elimination of All Forms of Discrimination Against Women	Ratified since 1981
The International Convention on the Elimination of All Forms of Racial Discrimination	Ratified since 1969
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified since 1987
Convention on the Rights of the Child	Ratified since 1990

NATIONAL LEGISLATION

Constitutional, Civil, Political and Social Rights

Many legislative measures in the Russian Constitution promote gender equality. However, much of this equality is diminished in specific laws such as labor, criminal and benefits codes that treat men and women unequally. Furthermore, despite the existence of gender equality legislative mechanisms, the lack of rule of law, the ignorance towards these laws, and the inability to enforce them due to lack of effective infrastructure prevents many laws from being implemented consistently. Common gender stereotypes further detract from the effectiveness of gender equality mechanisms in government. There is no specific law ensuring rights of victims of domestic violence, and general articles in the Criminal Code do not provide sufficient protection.

The **1993 Constitution of the Russian Federation** states, in its Article 19, that men and women have equal rights and liberties and equal opportunities to pursue them. Many major Russian laws are prefaced by an "equality of the sexes" clause. These include, but are not limited to: **article 1 of the Family Code** that guarantees gender equality in the home, **article 1 of the Civil Code** that guarantees equality in property ownership, and **the Succession Law** that guarantees equality for inheritance. Within the Criminal Code, the following articles relate to equality: **article 4** states that all persons who have committed crimes are equal before the law, regardless of sex, **article 18** outlaws using a position of power for sexual coercion, **article 145** imposes a fine or community service for unfounded refusal to hire pregnant women or women with small children, **article 133** imposes a fine or imprisonment for up to one year for sexual harassment, defined as "compelling to perform actions of sexual character." This final article prohibits coercing sexual acts through threats, blackmail, or destruction of property.

The Role of the Judiciary System

Data on the role of the judiciary in advancing women's rights is very scarce in terms of the number and content of civil cases related to issues of discrimination submitted by the Supreme Court and the Ministry of Justice. In this sense, the most important achievement is the assurance, at least theoretically speaking, that the constitution and the Code of Civil Procedure of the Russian Federation stipulate that the ratified international agreements constitute an inalienable part of the Russian legal system. The Resolution

of the Plenary Session of the Supreme Court of the Russian Federation of October 21, 1995 decided that international agreements could be enforced immediately in court.

Institutional Actors and Mechanisms

The **State Duma Committee on Women, Family and Youth** was established in 1996. However, the committee has been criticized for not dealing with practical issues related to women, such as family violence.

The **State Duma Committee on Public Associations and Religious Organizations** is considered an ally to women's NGOs, by being a vehicle to their voices in the State Duma, introducing drafts of laws such as the draft Labor Code, Pension Reform, Law on Political Parties and Electoral Law.

The **Round Table** attached to the **Ministry of Labor and Social Development** has regular meetings providing women's NGO with official information and is a forum for their opinions.

The **Commission on the Improvement of the Status of Women** became interdepartmental in 1998.

The **NGO Council** was established in 2001, under the Chair of RF State Duma Mr. G.Seleznev, including a women's section, bringing together women's NGOs and members of RF State Duma. E. Yershova is the Head of the Women's Section.

The **Commission for Women, the Family and Demography** is located in the Office of the President of the Russian Federation and functions as a collegial advisory body for the formulation and coordination of State policies for achieving equal rights and opportunities for men and women, enhancing the status of women, supporting the family, and solving demographic problems in the Russian Federation.

The **Department for Women, the Family and Children** is located within the **Ministry of Labor and Social Development**, and coordinates an unified national policy for the family, securing social equality for women, and ensuring the survival and healthy development of children. This Department works in collaboration with the central agencies of federal executive power, the executive agencies of the republics of the Russian Federation, the regions, areas and autonomous entities, the cities of Moscow and St. Petersburg, and public associations and organizations.

Furthermore, many women's organizations, together with the governmental agencies responsible for women's rights, have held several conferences addressing individual problems related to women's rights.

In December 1994 and May 1998, the Government held conferences on **“Women and development: rights, realities, prospects”**. Also, conferences on **“Work, employment, unemployment”** were held in 1994, and **“Women for social security and sustainable development”**, in 1996.

PUBLIC POLICIES ON WOMEN

Recognizing the under representation of women in various spheres, in January 1996, the Government of the Russian Federation, together with NGOs, elaborated and adopted an *Outline on the Advancement of Women*. This document was referred by the Government as a starting point to define priorities in terms of amelioration of the socio-economic status of women. Four issues were highlighted as being the most pressing ones: non-involvement of women in politics, discrimination in employment, deterioration of health, and increased violence against women [CEDAW Committee, 1999]. In relation to this last issue, The National Action Plan contains, among other measures, one item designed to prevent violence against women and protect them against crime.

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SOUTH AFRICA

Claudia Ferreira



BACKGROUND

In an effort to find new maritime trade routes to Asia, the Europeans "discovered" South Africa. Strategically located and with rich natural resources, such as gold and diamonds, the territory was disputed amongst the Dutch and the English. After a long period of exploration in the eighteenth century, the British arrived and officially controlled the country, creating the Union of South Africa, in 1910. The nation became independent in 1934, and the Republic of South Africa was formed subsequently in 1961, further distancing the nation from the British. It was not until as recently as 1994 that the first multiparty and multiracial elections were held.

In 1948, shortly after the creation of the United Nations and the promulgation of the Universal Declaration of Human Rights, apartheid policies were formally institutionalized in South Africa by the ruling National Party. Apartheid evoked strong resistance inside the country as well as widespread international controversy, which led to sanctions and divestment.

Beginning in 1989, the discriminatory policies started to be dismantled. In 1990, President F.W. de Klerk of the National Party lifted the ban on the African National Congress (ANC the leading opposition party), the Pan Africanist Congress (PAC), the South African Communist Party (SACP) and other left wing political parties and released Nelson Mandela from prison after twenty-seven years. Over the next four years, apartheid legislation was gradually removed from the statute books¹. Multiparty negotiations between 1991-1993 culminated in the adoption of the Interim Constitution, which took effect in April 1994 with the first multiracial election. The ANC won by an overwhelming majority, electing Nelson Mandela as president. Both former Presidents Nelson Mandela and F.W. de Klerk were jointly awarded the Nobel Peace Prize in 1993 for their efforts in the dismantling process. The ANC has remained in power with President Thabo Mbeki succeeding Mr. Nelson Mandela². Despite widespread apprehension that the ANC would turn the nation upside-down, punishing white South Africans and redistributing land and wealth, the new leadership in the post-apartheid era has emphasized reconciliation.

During the transitional period, South Africans created a new constitution vehemently opposing discrimination in all forms – including gender discrimination – that was certified by the Constitutional Court and signed by President Nelson Mandela in 1997³.

A 1998 UNDP Report aptly synthesizes the current situation in South Africa,

“South Africa is a relatively prosperous country, with vast resources, modern and well-functioning physical infrastructure and a wealth of institutions. It is also a country of widespread and persistent poverty and deep inequalities – primarily the legacy of legitimized racial discrimination that deprived the vast majority of communities’ access to basic services and opportunities. The distortions of centuries of colonialism and five decades of social engineering have cast a long shadow. Today, less than five years after a historic transition to a fully representative democracy, their legacy remains deep and far-reaching... the scale of poverty and inequality is still overwhelming, particularly amongst

¹ However, some very discriminatory laws remained in the statute books or took longer to be repealed, sometimes requiring the Constitutional Court to rule on their legality, as for example, the Black Administration Act.

² As of 2004, South Africa has held three successful democratic elections.

³ The interim Constitution came into effect in 1994; the final Constitution was adopted by the Constitutional Assembly on May 8th, 1996.

the poorest communities in rural areas and informal settlements and amongst women." [UNDP, 1998]

Social, Economic and Demographic Indicators

South Africa is Africa's largest economy. Thus, the country plays a vital economic role in Africa. Since transitioning from apartheid policies, the nation has become the largest source of foreign direct investment (FDI) in Africa, providing \$1.4 billion annually, and helping other African economies grow and diversify from primary sector industries [Seria]. The nation encapsulates diversity in virtually every aspect of life and the standard of living runs the gamut from utter poverty to extreme wealth, leading to President Mbeki's description of the South African situation as that of "two nations." Indeed the gap between haves and have-nots is huge and South Africa, like Brazil is among the most unequal countries in the world.

TABLE 1: SOCIAL, ECONOMIC AND DEMOGRAPHIC INDICATORS

HDI rank (2003)	Total pop. thous. (2005) ²	Annual pop. growth ² (rate) (2005)	Sex ratio ² (total pop.) F/100M	Urban pop. (%) (2005) ²	Female pop. (%) (2005) ²	Pop. aged (%) ²		Life expectancy at birth ¹			PPA GDP per capita (2002) ¹ US\$
						<15	>60	T	F	M	
111	47,432	0.8	104	58	50.8	33	14	53	57	49	9,810

1 – Population Reference Bureau, 2004

2 – UNStats, 2005

Looking at the demographic breakdowns of South Africa's 47,432,000 inhabitants reveals the tremendous diversity of the nation. Eleven languages are recognized as official. As of 2001, South Africa could be racially broken down in the following manner: 79.4% black African, 9.38% white, 8.74% coloured⁴/mixed race, and 2.34% Indian/Asian [Statistics South Africa].

TABLE 2: AVERAGE LIFE EXPECTANCY, BY RACE AND GENDER IN 1995

Race	Women	Men	All
African	68.2	63.5	65.8
Coloured	68.5	62.6	65.5
Indian	73	67.3	70.1
White	76.6	69.9	73.2

CEDAW Report

⁴ In the past racial classification, the expression "coloured" was used within the context of apartheid policies. The same classification is adopted today. According to Statistics South Africa, the use of the same categories helps to reveal the effects of past discrimination and to measure and monitor progress in eradicating the consequences of apartheid.

TABLE 3: RELIGIOUS BREAKDOWN

Religion	%
Zion Christian	11.1
Pentecostal/Charismatic	8.2
Catholic	7.1
Methodist	6.8
Dutch Reformed	6.7
Anglican	3.8
Other Christian	36
Islam	1.5
Other	2.3
None	15.1

CIA Factbook

Behind the backdrop of South Africa's robust economy, poverty, disparity, and the HIV/AIDS crisis paint a different picture. In 2004, the country had crucial economic problems, with an unemployment rate of 26.2%, substantial poverty and lack of economic empowerment among disadvantaged groups. As of 2003, 11.5% of South Africans lived on less than US\$1 a day and 34% of the population lived below US\$2 [PRB]. While the South African poverty rate (extent of absolute poverty) was around 45% in 2000, extreme poverty was concentrated among black South Africans, with 57.2% living below the poverty threshold, compared to 2.1% of white South Africans [Boot, A Flourishing Democracy]. The post-apartheid government created the Poverty Relief Program, which has its origins in the Reconstruction and Development Plan⁵ (RDP), to address the poverty problem. However, beyond poverty issues, South Africa's economic development projections in the upcoming decade drop drastically when taking the HIV/AIDS epidemic into consideration [UNDP Report 1998].

⁵ The RDP envisioned sweeping government programs to raise living standards – to build houses and roads, to provide services, to upgrade education, and to create jobs to narrow the gap between rich and poor. By late 1994, the government had begun to implement its highest RDP priorities: school lunch program; free medical care for children and pregnant women; providing water and electricity to rural communities; and phasing in free compulsory primary education for children of all races [Post Apartheid Reconstruction].

THE SITUATION OF WOMEN

Gender-related development index rank (2003)⁶: 90 out of 144 countries [UNDP]

"We have realized within the women's movement that one cannot view violence against women within a vacuum, since it interfaces with a number of other issues, such as religious, cultural and socio-economic factors, race and class as well as education." [Nikki Naylor⁷]

The years 1990 through 2002 in South Africa are typified by the dualism of the nation's transition from the apartheid regime to democracy and, in tandem the explosion of the HIV/AIDS epidemic throughout the region alongside a sharp increase in violence against women. A UNDP Human Development Report accurately characterizes the gender dimension of the poverty situation in South Africa in 2000 in the following:

"The poorest 40% remained overwhelmingly African, female, and rural. According to Statistics South Africa, twice as many female-headed as male-headed households are in the bottom quintile (26% compared to 13%). When race and gender are aggregated, the figure rises to 31% of African, female-headed households in the lowest quintile, compared to 19% of African, male-headed households. Overall, the poverty rate among female-headed households is 60% compared with 31%. The extent to which macroeconomic policies leave existing power relations intact and reinforce the subordinate position of women and poor people remains a concern." [UNDP]

Health

"The most rapid increase in South Africa's HIV prevalence took place between 1993 and 2000, during which time the country was distracted by major political changes. While the attention of the South African people and the world's media was focused on the political and social changes occurring in the country, HIV was silently gaining a foothold. Although the results of these political changes were positive, the spread of the virus was not given the attention that it deserved, and people did not realize the impact of the epidemic in South Africa until prevalence rates had begun to accelerate rapidly." [Avert.org]

⁶ Gender-related development index (GDI) is an index from UNDP measuring average achievement in the three basic dimensions captured in the human development index: a long and healthy life, knowledge and a decent standard of living-adjusted to account for inequalities between men and women.

⁷ Nikki Naylor is an attorney, member of the Women's Legal Center in South Africa.

During the period of 1990-2002, a look at the gender dimension of South African health reveals positive steps that the new government took to address some of the nation's health problems and the harsh reality of the repercussions of HIV/AIDS. Some very positive advancements include: in 1994, children under six years of age and pregnant women⁸ were extended free health care, and a Maternal, Child and Women's Health Directorate was established within the Department of Health. Beyond HIV/AIDS, South Africa is plagued by a lack of health care professionals and vestigial effects of apartheid resulting in lower health indicators for black South Africans.

By the end of 2003 women represented around 57% of people living with HIV/AIDS in the country [UNStats].

South Africa's tremendous brain drain of physicians particularly impacts women's health with a shortage of available care. According to the International Development Research Center (IDRC), one-third to one-half of all graduating doctors in South Africa migrate to the United States, England and Canada.

As for marriage and family planning issues, nearly half of African girls have had their first baby by the age of 20. Out of the four racial categories, Africans marry youngest at an average of 18.9 years, while whites marry the latest at an average age of 20.9 years [Reproductive Rights].

TABLE 4: COMPARATIVE WOMEN'S HEALTH INDICATORS

Region	Indicator					
	Total fertility rate ¹	Maternal mortality rate/year (maternal deaths per 100,000 live births) ³	Children's mortality rate ¹	Married women aged 15-49 using contraception ² (%)	Pop. aged 15-49 infected with HIV/AIDS (%) ¹	
					2001	2003
World	2.8	400	56	53	1.0	1.1
Most developed countries	1.6	13	7	58	0.4	0.5
Least developed countries	3.1	890	62	40	1.4	1.4
South Africa	2.8	230 (2000)	48	55	20.9	21.5

1 – Population Reference Bureau, 2004

2 – Contraceptive methods: pill, DIU, condom and sterilization, (Population Reference Bureau, 2004)

3 – Maternal Mortality in 2000: Estimates developed by WHO, UNICEF, UNFPA. www.who.int/reproductive-health/publications/maternal_mortality_2000/mme.pdf

⁸ Pregnant women are covered for the period from the diagnosis of pregnancy until 42 days after delivery, or until any complications that have developed as a result of the pregnancy are resolved.

TABLE 5: CONTRACEPTIVE USE BY RACE IN 1994

Race	Prevalence rate of contraceptives
African	50%
Coloured	74%
Indian	77%
White	80%

CEDAW Report

Education

Apartheid policies were fully integrated into education, inculcating a pervasive sense of discrimination, both racial, and gender-oriented. As a result, schools often became places of political resistance and violent spaces [HRW, *Sexual Assault on the Street and in School*]. Furthermore, post-apartheid education in South Africa is still heavily burdened by the legacy of these deeply discriminatory racist education policies. However, the new government has made very positive efforts to remedy some of the problems.

The White Paper on Education and Training of 1995 states that every person shall have the right to basic education and to equal access to education institutions, to instruction in the language of his or her choice where this is reasonably practical, and provides that there shall be no discrimination on the ground of race. Furthermore, the South African Schools Act of 1996 dismantled the discriminatory education laws and the National Education Act of 1996 stated: "the advancement and protection of the fundamental rights of person to education as guaranteed in the constitution." In addition, education is mandatory for children from seven to fifteen years of age. Although laudable steps were taken by the Government to create greater equality in schools, vestiges of apartheid policies persist with, rampant violence against girls at school. Inequality at the higher levels of education was the gender reality as the nation transitioned to democracy. An example of apartheid's legacy in education can be seen in the following figures as of 1998: only 6% of African women twenty years and older had graduated from tertiary institutions, only 12% of African women had matriculated, and 20% of African women had no formal education, while less than 1% of white women in South Africa had no formal schooling [CEDAW Report].

TABLE 6: LITERACY BY RACE IN 1991

Race	Literate
African	77%
Coloured	91%
Indian	95%
White	100%
Average	82%

CEDAW Report

TABLE 7: APARTHEID AND POST-APARTHEID LITERACY AND ENROLLMENT RATES

Literacy rates	Adult literacy rate (% ages 15 and above), 1990	81.2
	Adult literacy rate (% ages 15 and above), 2003	82.4
	Adult literacy rate, female (% ages 15 and above), 2003	80.9
	Adult literacy rate, male (% ages 15 and above), 2003	84.1
	Adult literacy rate (female rate as % of male rate), 2003	96.17
	Youth literacy rate (% ages 15-24), 1990	88.5
	Youth literacy rate (% ages 15-24), 2003	93.9
	Youth literacy rate (female rate % ages 15-24), 2003	94.3
	Youth literacy rate (female rate as % of male rate), 2003	101
Enrollment rates	Net primary enrollment ratio (%), 1990/91	88
	Net primary enrollment ratio (%), 2002/03	89
	Female primary net enrollment ratio (%), 2002/03	89
	Net secondary enrollment ratio (%), 2002/03	66
	Female secondary net enrollment ratio (%), 2002/03	68
	Female tertiary gross enrollment ratio (%), 2002/03	16
	Combined gross enrollment ratio for primary, secondary and tertiary level schools, female (%), 2002/03	78
	Combined gross enrollment ratio for primary, secondary and tertiary level schools, male (%), 2002/03	78

UNDP Human Development Report

Notable in the table above, while general literacy rates (ages 15 and over) only increased 1.2% over the twelve years, youth literacy rates (15-24 years of age) increased almost 5.5%, with young females achieving a higher rate of literacy than their male cohorts.

TABLE 8: WOMEN'S FIELDS OF UNIVERSITY STUDY

Field of study	Female graduates
Medicine	38%
Engineering	9%
Law	42%
Sciences	47%
Agriculture	28%

CEDAW Report

Labor, Employment and Income

After the dismantling of apartheid, the South African economy was buoyed by the lifting of international sanctions and the new government instituted the sweeping Reconstruction and Development Program (RDP) aimed at ameliorating the stagnant economy, poverty and inequality. However, during this time period, poverty, unemployment, and inequality disproportionately greatly affected the lives of disadvantaged groups, particularly, black South Africans and women. The poor economic situation at this time interfaces with violence against women, especially domestic violence.

"Women subjected to domestic violence often have serious economic needs in terms of housing which may mean they are unable to leave abusive relationships. Poverty in this case influences the action a woman may feel she can take" [Nikki Naylor].

All South African women qualify for up to eighty-four days of paid maternity leave, to a limit of two confinements, after twelve months of uninterrupted service [CEDAW Report]. According to a CEDAW Report of 1998, "South Africa has a strong trade union movement which plays a major role in determining working conditions." Membership in trade unions is higher among men than women.

TABLE 9: LABOR STATISTICS

Ratio of estimated female to male earned income	0.45
Female economic activity rate (% ages 15 and above), 2003	47.3
Female employment in industry (as % of female labor force), 1995-2002	14
Male employment in industry (%), 1995-2002	33
Female employment in services (as % of female labor force), 1995-2002	75
Male employment in services (%), 1995-2002	50

UNStats

TABLE 10: UNEMPLOYMENT RATE BY GENDER AND RACE

Gender	Race			
	African	Coloured	Indian	White
Women	50.2%	27.8%	24.2%	9.2%
Men	33.6%	19.7%	13.3%	4.5%
Total	41.1%	23.3%	17.1%	6.4%

CEDAW Report

Looking at the type of positions women hold, as of 1995, amongst employed South African women, only 3% were classified as managers and senior officials, 12% as service or sales workers, 16% as associate professionals or technicians, 20% as clerks, 36% as elementary or unskilled workers [CEDAW Report].

Political Participation

During the years 1990-2002, women saw dramatic advances in their visibility in government. The first democratic elections post-apartheid increased the percentage of women in the National Assembly from 3% to 27%. Additionally, by March 1996, together women constituted 31% of ministers (four of twenty-five) and deputy ministers (eight of thirteen), whereas prior to 1994, only two women were part of the Cabinet. According to a CEDAW report in 1998, female Cabinet members play a very pivotal role in putting women's rights on the agenda in South Africa. In the first democratic local elections, held in 1995, 19% of local elected government were women with 14% of the positions at the executive levels held by women. However, only one of nine provincial premiers is a woman. As of the 2006 Local Government elections, around 40% of all local government counselors were women [EG Pahad, 2006].

The African National Congress mandates that women comprise 30% of the parties candidates.

In the judicial branch the first woman was appointed as a judge in 1969 to the Northern Cape Division of the Supreme Court. This same woman was also the first woman to be appointed to the Appellate Division in 1991. Since 1994, twenty appointments have been made in the Supreme Court of Appeal of which only four were black and two women. Of the total of 199 judges from the Constitutional Court and the Supreme Court of Appeal only 25 are women (12.5%) [L Mpati, 2004].

TABLE 11: WOMEN'S POLITICAL PARTICIPATION

Year white women received the right to vote	1930
Year black women received the right to vote	1994
Year white women received the right to stand for election	1930
Year black women received the right to stand for election	1994
Seats in Lower House held by women (as % of total), 1990	3.0
Seats in Lower House held by women (as % of total), 2005	32.8
Seats in Upper House held by women (as % of total), 2005	33.3

UNStats

THE ROLE OF THE WOMEN'S MOVEMENT

"It is safe to state that women's activism in South Africa is, and has closely been, intertwined with the complex history of resistance. The inherited legacy of the past particularly for black women includes oppression and discrimination based on gender as well as race, class, religion, ethnicity and geographic location. Race and class divisions have therefore differentially shaped the political consciousness of women in South Africa." [Nikki Naylor]

South African women's rights were often placed within the context of the fight against apartheid or placed on the backburner during this struggle for freedom. The focus of civil society, including the women's movement, was on human rights and this strategy for fighting against apartheid left, in its legacy, a highly developed and active NGO community [Levi].

"[South Africa has]...a vibrant civil society. When the government messes up, there are plenty of people, from opposition politicians and community activists to feisty journalists and independent judges, who voice their disapproval. No one, from Mbeki on down, is safe from criticism. (...) That alone is reason enough to celebrate South Africa's achievement after 10 years of majority rule." [Boot]

The African National Congress Women's League (ANCWL) was formed in 1943. The ANCWL organized a march of over 20,000 women in Pretoria to protest laws and other apartheid restrictions on August 9th in 1956, a date which is now celebrated in South Africa as Women's Day. However, in 1964, when many of the leaders of the ANC were arrested, the ANCWL became almost defunct. The organization was resurrected in 1990 after the

ban on the ANC was lifted. The Women's National Coalition was launched in 1992 with its primary aim to coordinate a national campaign for the development of a Women's Charter, which was then produced in 1994.

Women played a remarkable role in the drafting of the new South African Constitution. They worked hard to ensure that clauses affecting their rights and their lives were included in the constitution. This was not an easy task as they had to convince not only their parties but also the entire constitutional assembly. The new constitution protects many critical rights for women, including the right to equality; the right to freedom and security of the person, and the right to security and control over one's own body. Some of these rights were articulated by women in the Women's Charter.

Today, while civil society still maintains a collegial role with government often collaborating and assisting with the formulation of laws and policy, it has essentially assumed a more adversarial role toward government. The women's movement and NGOs have recently been very powerful in pressuring the government on women's rights (i.e. the enactment of the Domestic Violence Act in 1998). However, the progress of reform often depends not only on the civil society movement, but largely on the government's agenda and external factors. The different results achieved by the women's movements demonstrate how other actors and factors influence national political scenarios. For example, the lobby for reform of sexual offenses laws failed whereas the lobby for domestic violence act enactment was more successful.

Dissemination of information and educating South Africans on their rights and attempting to break the silence around violence against women was a great concern of the women's movement.

VIOLENCE AGAINST WOMEN: KEY ISSUES

"Violence against women has been described as the most extreme expression of the gender inequality that underscores social relations in South Africa. This violence exists in numerous forms, and it has been estimated that one in four South African women is a victim of gender-based violence [Human Rights Dialogue's *Rights for All in the New South Africa*]."

Violence Against Women in the Context of the Legacy of Apartheid

A discussion of violence against women in South Africa must incorporate an understanding of how the context of apartheid and post-apartheid policies shaped both the violence and the perceptions of such violence. Furthermore, the situation in South Africa has often been described as a "culture of violence," referring to some of the embedded cultural norms. This acknowledgment is aptly encapsulated in the words of Christopher Harper, a counseling psychologist at Masimanyane Women's Support Centre⁹ in South Africa in the following:

"The legitimization of violence under apartheid, as a means both of enforcing apartheid and as a form of resistance, has contributed to these high levels of violence. Apartheid diminished people's perceptions both of the value of their own lives and of others' lives, and did not foster a culture of respect or human rights at all. (...) violence against women is not merely a post apartheid occurrence. It was always part of South Africa's social fabric in all cultures and racial groupings; it was just kept quiet. During apartheid, violence against women in the black community was often placed on the back burner as the focus was on the struggle for freedom. Violence in the white community was also silenced-especially incest and marital rape, because the white community had to have an image of 'decency' and 'civilization.' This has led to debate as to whether there has been an increase in violence since 1994 or whether people are just talking about it more now [Human Rights Dialogue, *Rights for All in the New South Africa*]."

In post-apartheid South Africa, there is a movement to redefine what is African culture and what are African values in terms of how these were in pre-colonial times. The danger in this trend is the tendency to distort pre-colonial African systems and to use them as a justification for violence against women. For example, bride price, lobola, was a tradition of pre-colonial Africa and the practice originally served to establish kinship. However, as the modern world's landscape has changed, today this tradition is seen by many as the purchasing of a wife [Human Rights Dialogue, *Rights for All in the New South Africa*]. Other traditional practices that infringe on women's rights include polygamy, witch hunting, and female circumcision and prenuptial checking of a women's virginity [CEDAW Report].

⁹ A non-governmental organization in South Africa that addresses gender-based violence against women and girls from a human rights perspective.

The vestiges of apartheid present formidable obstacles for women's equality. According to the Masimanyane Women's Support Centre, most prevalent manifestations of this violence are domestic violence, rape, sexual abuse, HIV/AIDS, and child abuse.

Domestic Violence

As a result of the embedded patriarchy combined with the pervasive emasculation of black South Africans during apartheid, men's roles and views of themselves became deeply distorted and violence became a norm during colonial and apartheid policies.

Both the police and society view domestic violence as a private issue, stymieing efforts to draw attention to the injustice [Levi]. "Traditional values discourage revealing details of home life, and within black families, women remain unwilling to subject their partners to state punishment, because of police enforcement. Furthermore, such acts can often be viewed as betrayal." [Levi]

Sexual Violence

Highest rate of rape *per capita* in the world with 1.19 per 1,000 people

Seventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, covering 1998-2000 (United Nations Office on Drugs and Crime, Centre for International Crime Prevention)

The intersection of violence against women and HIV/AIDS not only erodes advances made in women's health, but also the economic security of women and other aspects of their lives [Nikki Naylor]. There is a pervasive myth that having sex with a virgin will cure HIV/AIDS, presenting an enormous threat to girls [HRW].

STATISTICS AND CHARACTERISTICS OF SEXUAL ASSAULT AGAINST WOMEN IN SOUTH AFRICA

In 1994, 42,429 rapes were reported to the South African Police Service (SAPS). In 1996, 50,481 rapes were reported [Robertson]. In 1999, 51,249 rapes were reported [HRW]. In 2001, 50,000 rapes were reported. However, officials think that this only represents a small fraction of those committed [Itano].

40% of rape survivors are girls under eighteen years of age. In Soweto, 70% of the cases of rape dealt with by the new sexual offenses courts are children [Itano]. According to 1998 figures from SAPS Child Protection Unit and the Victims of Crime Survey from 1999, rape is the most prevalent reported crime against children, accounting for one-third of all serious offenses against children reported between 1996 and 1998 [HRW, *Rights for All in the New South Africa*].

"A recent study found that more than 1 in 20 children ages two to fourteen in South Africa are HIV-positive and that most of this infection cannot be attributed to mother-to-child transmission. The study suggested sexual abuse as one of the factors that may contribute to these findings." [Itano]

95% of rape victims are black South Africans [Levi].

Gang rape of young women is common in townships, and is the highest where the political violence was the most severe.

Very few rapes are prosecuted [Levi]. Rape ranks last on the list of South African crimes in terms of conviction rates [HRW, *Rights for All in the New South Africa*].

Sixty-eight percent of women said they had been subjected to some form of sexual harassment at work or school at some point in their lives [HRW, *Rights for All in the New South Africa*].

Institutional Violence

VIOLENCE IN SCHOOLS

A Gender Equity Task Team (GETT) was commissioned in 1996 by the Ministry of Education to analyze the education system from a gender perspective. GETT identified the problem of sexual violence in schools as severe and systemic, raised concerns about the perceived levels of violence against South African schoolgirls and presented recommendations. Although not all recommendations from GETT have been fully integrated into policies across the education system, the national Department of Education has elaborated general school initiatives against violence that should benefit all children.

Despite these efforts, in April 2000, Human Rights Watch reported that male students and teachers sexually assaulted female students on a regular basis. In 2000 alone, the agency received hundreds of reports of school-based violence. The perpetrators were not being apprehended and punished, despite school officials' knowledge of the violence. The officials preferred to resolve the cases internally with the end result that the female student had no access to justice and had to continue to attend school with those who had raped or abused them [HRW, *Sexual Assault on the Street and in School*]. This violence has created a discriminatory barrier in education, in which females fail to reach their potential in education or even drop out of school as a result of the physical and psychological violence.

Reproductive and Sexual Health Violence

"The reports before this Commission illustrate that violence against women and girls and HIV and AIDS fuel and compound each other."

Glaudine Mtshali, Permanent Representative, Permanent Mission of the Republic of South Africa, stated to the 61st Session of the Commission on Human Rights.

HIV/AIDS

Africa is the only place where HIV/AIDS affects more women than men. Over 50% of infected Africans are female, compared to 20% of infected North Americans who are female [Mondofragilis]. In South Africa, HIV/AIDS and violence against women interface to reinforce each problem, as aptly articulated by a health consultant for the Consortium on Violence Against Women, "Violence against women is both a cause and consequence of HIV/AIDS infections." [Jacobs] Poverty increases women's vulnerability to HIV/AIDS through poor nutrition, inadequate sanitation, and susceptibility to opportunistic infections and disease [Jacobs]. In many parts of South Africa, rural women in poor communities, particularly, lack both the information and the power to insist on safe sexual practices. The tentacles of AIDS reach beyond the field of health. As the epidemic reduces the time available for women to engage in economically productive activities, AIDS represents a powerful new threat to gender equity [UNDP].

ABORTION

South Africa enacted the Choice of Termination of Pregnancy Act of 1996, which came into effect in 1997¹⁰. This abortion law provides for the procedure upon request and accepts socio-economic reasons for abortion in the first twelve weeks of pregnancy, as performed by trained doctors and midwives. Between the thirteenth and twentieth week, only doctors can perform abortions¹¹. The inclusion of midwives is notable, as most abortion laws in other countries do not permit for midwives to provide the

¹⁰ The abortion law has been challenged twice since its enactment. In the first case, the argument was that the law infringed on the rights of the unborn child. The South Africa High Court ruled that Section 11 of the Constitution which provides for the right to life, refers in this case to the right to life of the woman and that the Constitution also has other provisions guaranteeing the right of a woman to decide. The second challenge involved an attempt to require parental consent for a minor to have an abortion. The court decided that as long as the teenager is capable of making an informed decision, parental consent is not necessary as it may make minors very uncomfortable and be an incentive for seeking out an unsafe abortion.

¹¹ In 2005, nurses were added to the list of health care professionals allowed to perform abortions, as there was still a gap between demand for services and supply.

service. However, due to the scarcity of physicians in South Africa, this inclusion is critical for the efficacy of the law. Furthermore, the nation has heavily relied on foreign doctors to provide abortion services. Other factors impeding women's access to abortion services include lack of knowledge, lack of facilities in rural areas, conscientious objection by medical personnel, and long waiting. The impact of these obstacles is that some women resort to backstreet abortions which result in increased maternal mortality rates.

ADVANCEMENTS

Legislative Measures

South Africa has tried to address aspects of sexual and gender violence through international treaties, the nation's new constitution, and a wide range of new legislation, public policy, judicial decisions, and executive and institutional mechanisms. While these are positive steps, it must be noted that the performance by government agencies tasked with implementation and enforcement of these advancements has been uneven and inadequate in many instances. Beyond the international human rights mechanisms below, South Africa adopted the commitments to the implementation of **Beijing Platform of Action** in 1996.

INTERNATIONAL INSTRUMENTS OF PROTECTION OF HUMAN RIGHTS

The most relevant instruments of which the South African government is a party are the following:

The International Covenant on Economic, Social and Cultural Rights	Signatory since 1994
The International Covenant on Civil and Political Rights	Ratified since 1999
The UN Convention on the Elimination of All Forms of Discrimination against Women	Ratified since 1996
The International Convention on the Elimination of All Forms of Racial Discrimination	Ratified since 1999
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified since 1999
Convention on the Rights of the Child	Ratified since 1995

South Africa is also a party of the **African Charter on Human and Peoples' Rights** and the **African Charter on the Rights and Welfare of the Child**, instruments which defend the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

NATIONAL LEGISLATIVE MEASURES

Constitutional, Civil, Political and Social Rights

Reactive to the tremendous discrimination during apartheid, South Africa's new constitution is markedly anti-discriminatory. According to the 1998 CEDAW Report, the document is written in plain and non-sexist language, as evidenced in following relevant parts of the new constitution in addressing gender.

Chapter 1 asserts the rights and values of "human dignity, the achievement of equality and advancement of human rights and freedoms and non-racialism and non-sexist."

The equality clause in the **Bill of Rights** reads, "the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds including race, gender, sex, pregnancy, marital status, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth."

Section 7(2) asserts that the state "must respect, protect, promote and fulfill" the enumerated in the Bill of Rights. The duty to respect falls within the conception of the State's obligation to refrain from interfering with rights of individuals. The obligation to protect requires the State to protect individuals from undue interference with the exercise of rights, a positive right. The obligation to promote and fulfill make the State's obligation a positive duty to fulfill the enumerated rights [Technical Committee IV Memo].

Section 12(1)(c) states the right to be free from all forms of violence, making it directly relevant to the situation of violence against women.

The constitution includes a clause on the freedom and security of people, which ensures that everyone has the right to "bodily and psychological integrity," meaning the right to make decisions regarding reproduction [CEDAW Report].

Furthermore, the constitution states, "Legislative and other measure [may be taken] to protect or advance people who have been disadvantaged."

Along with the constitutional legal protections South African women can also count on the following laws to advance their rights: **White Paper**

on Affirmative Action in the Public Service, White Paper on the Transformation of the Public Service, Skills Development Act, Human Rights Commission Act, Divorce Amendment Act, Labor Relations Act of 1995, Basic Conditions of Employment Act of 1997, Employment Equity Act of 1998, Choice of Termination of Pregnancy Act of 1996, Reconstruction and Development Program. Furthermore, according to Human Rights Watch in 2001, the following legislation was passed which advances the human rights situation in South Africa: **Promotion of Equality & Prevention of Unfair Discrimination Act, Promotion of Access to Information Act, Promotion of Administrative Justice Act, and Preferential Procurement Policy Framework.**

Specific Legislation on Gender Violence

South Africa also has several gender-violence specific pieces of legislation.

The Prevention of Family Violence Act of 1993 made it easier and cheaper for battered women to get a protection order (interdict). However, the enforcement of this act is erratic and law did not include means of implementation [Levi].

The Criminal Procedure Second Amendment Act of 1997 tightened bail conditions for those charged with rape and created mandatory minimum sentences for certain rapes.

The Domestic Violence & Maintenance Act of 1998 improved the processes for obtaining and enforcing interdicts and other court orders regarding restraining perpetrators of domestic violence collecting child payments from absent fathers. The act also calls for an interdepartmental steering committee to train magistrates, prosecutors, and police of the new laws this act initiated. This act is largely a result of successful lobbying by NGOs and is considered a vast improvement to its predecessor, the Prevention of Family Violence Act of 1993. The Domestic Violence Act offers greater protection to women with a more comprehensive definition of domestic violence (including physical, sexual, emotional, and economic abuse, as well as intimidation, stalking, damage to property and other controlling or abusive behavior). This expanded definition is a tremendous step to legally empower women to obtain interdicts, including the ability to obtain protection orders outside of court hours. Furthermore, the act covers not only married couples, but also people who share the same residence, are cohabiting, dating, engaged, or in customary or homosexual relationships. The act gives police more authority to intervene and entrusts them with the requirement to explain to women their rights, granting victims

the right to charge police officials with misconduct if they fail to comply with the regulations of the act, creating a degree of accountability.

The Role of the Judiciary System

In addition to the creation of specialized courts, such as family courts and sexual offenses courts, the period of 1990-2002 has seen important judicial decisions advancing the status of women in South Africa.

IMPORTANT JUDICIAL DECISIONS AFFECTING WOMEN'S RIGHTS DURING 1990-2002

Professional Teachers and Rademan vs Ministry of Education and Governing Body of Primrose Hill Primary School (1995): the Court found that the housing policy in the Public Service Staff Code directly discriminated against a class of women on the basis of their sex and marital status and required the provision to be amended.

George vs Western Cape Education Department (1996): In addressing the issue of housing subsidies for married women, the Court looked to the Constitutional prohibition of discrimination on the basis of sex and marital status and ordered that the applicant be granted the subsidy and that the discriminatory provisions be amended.

Brink vs Kitshoff (1996): the Constitutional Court ruled that provisions, which discriminated against married women, were illegal and must be abolished.

President of the Republic of South Africa vs Hugo (1997): the first major gender equality case to be heard by the Constitutional Court where the Court embraced the notion of substantive equality.

S. vs Chapman¹² (1997): the Supreme Court of Appeal, for the first time, classified rape as a "humiliating, degrading and brutal invasion of the privacy and dignity of the victim."

S. vs Baloyi (1999): in this domestic violence case,¹³ the Constitutional Court was requested to pronounce the constitutionality of the Prevention of Family Violence Act¹⁴ and in particular the provision allowing for a reverse onus on an accused person.

Carmichele vs Ministry of Safety & Security (2001): This case asserted the positive duties of the State to protect women from violence.

Van Eeden vs Ministry of Safety (2002): The Supreme Court of Appeal emphasized that freedom from violence is fundamental to the equal enjoyment of human rights and is a positive state right.

Institutional Actors and Mechanisms

"The period April 1994 through June 1999 will be described in the recorded history of the South African Gender Program as a period characterized by the establishment and development on the national gender program. It was also a period of active programs for the purposes of devising an integrated national program." [South Africa's First Progress Report]

¹² 1997 (3) SA 341 (SCA).

¹³ S v Baloyi (Minister of Justice & Another Intervening) 2000 (2) SA 425 (CC).

¹⁴ Act 133 of 1993.

The South African CEDAW Report of 1998 states that the nation's mechanisms for advancing gender equality could be categorized in the following manner: governmental (structures in the cabinet, in the national and provincial government departments, and in the Office of the Deputy President and offices of the provincial premiers), legislative (national and provincial parliaments), independent (statutory bodies which are independent of governmental but report to parliament), and civil society.

At the executive level, the **Department of Public Service and Administration** plays a central role in promoting gender equality within public service as the agency, tasked with formulating policy in respect to employment and other public service aspects.

Gender Desks, Department Gender Focal Points (1996) are tasked with integrating a gender perspective at every level and to every department. Each governmental department is expected to formulate its own gender-specific policy.

Office on the Status of Women (OSW), established in 1997, is located in the Office of the Executive Deputy President, coordinates the work of the gender desks and the provincial OSW's and monitors the government's implementation of its CEDAW commitments.

Commission on Gender Equality, created in 1997, is an advisory, consultative and research body charged with holding government departments accountable for discriminatory practices. The Commission also works with NGOs.

The National Crime Prevention Strategy of 1996 declared addressing crimes of violence against women and children a national priority.

In 1998, the **National Policy Guidelines for the Handling of Victims of Sexual Offenses** were promulgated.

Beyond the previously discussed laws, the legislature also has **Parliamentary Women's Group**, a multiparty in the national assembly, and a **Committee on Improving the Quality of Life and Status of Women** which is responsible for monitoring the implementations of national and international commitments to gender made by the government.

Somewhat distinct from the other governmental mechanisms is the **Commission on Gender Equality (CGE)**, a statutory body funded by the government but with a certain degree of independence. It has public education and investigative roles and monitors the implementation of government policy.

Beyond governmental mechanisms, there is a national campaign on non-violence against women (including the implementation of the Southern African Development Community (SADC) declaration, the prevention and eradication of violence against women).

TRUTH AND RECONCILIATION COMMISSION (TRC)

In the post-apartheid period, the Truth and Reconciliation Commission was established and functioned, as a powerful mechanism to promote reconciliation and, at the same time, to document the atrocities of apartheid. The TRC began in 1997 and continued hearing applications for amnesty during 1997-2002. By 1999, the amnesty committee had resolved 6,037 cases, or 91% of all applications [HRW, World Report 2001]. The committee granted amnesty in 568 cases and refused amnesty in 5,287 cases, with 815 matters remaining outstanding [HRW, World Report 2001]. The charges range from drug trafficking to murder. According to the CEDAW Report, "The voices of women were heard in many of the hearings conducted throughout the country... Two hearings with a specific gender focus gave voice to the particular experiences of women as victims of violence during apartheid years." [CEDAW Report]

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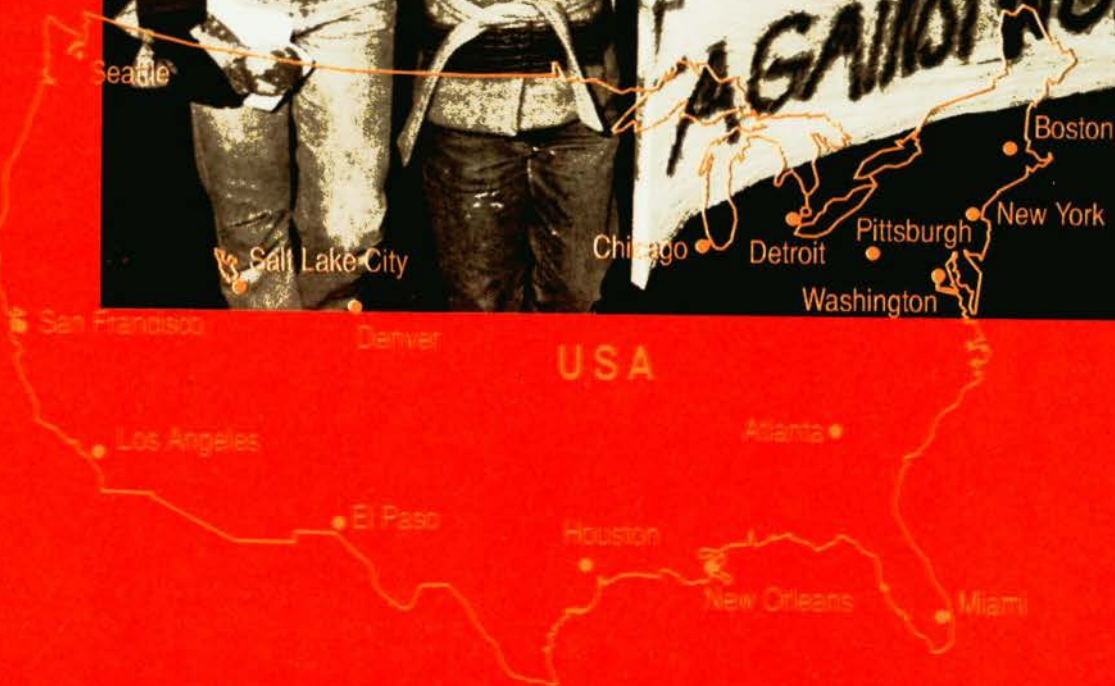
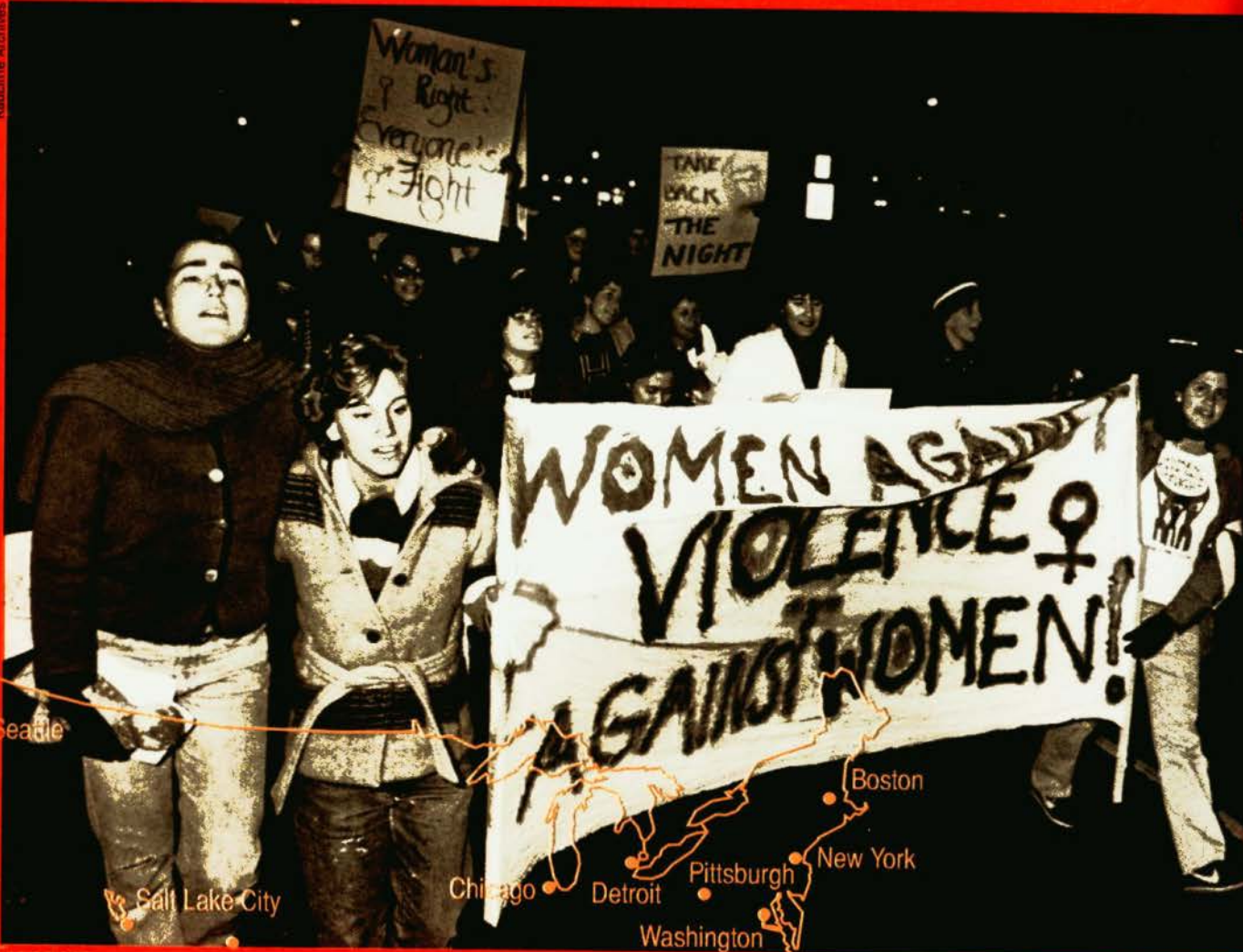
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UNITED STATES

Roadcliffe Archives



BACKGROUND

The United States gained its independence from Great Britain in 1776, more than 150 years after the first official English colony was established in the country. The political system is a constitution-based federal republic with a strong democratic tradition.

Consisting of fifty states and one district, power is primarily divided between the federal and state level, with significant power vested in states and municipalities. In contrast to continental Europe and Latin America, the U.S. federal court system has its roots in English common law, not Roman civil law.

Politically, the period of 1990-2002 is best characterized by the consecutive democratic administrations, which spanned from 1992-2000. However, equally significant are the two republican administrations on either end of this period, from 1988-1992 and from 2000-2008. After a long stagnant period for women in government both in terms of representation and governmental attention to the advancement of women's rights, female presence in

politics became substantially more visible beginning in 1992, which was dubbed "The Year of the Woman," because of the influx of female legislators to congress.

The terrorist attacks of September 11th, 2001 created far reaching repercussions on all aspects of U.S. life. The U.S. Patriot Act was adopted in the wake of September 11th and is the topic of widespread debate as many measures in this act are seen as limiting U.S. citizens' rights. Furthermore, charges of U.S. abuse of prisoners detained during the 2001 conflict in Afghanistan and interned at U.S.-controlled facilities in Guantanamo Bay, Cuba have occurred in the context of the debate over whether the United States should apply to the Geneva Convention Accords in relation to those prisoners.

Social, Economic and Demographic Indicators

According to the U.S. Census Bureau estimate, in 2002, the population could be characterized as the following: white 70%, Hispanic/Latino 13%¹, African American 12.7%, Asian American 4%, and Amerindian and Alaska Native less than 1% [CIA Factbook/Armas, G.]. Recently, the population dynamics of the United States have shifted such that Latinos have replaced African Americans as the largest minority group. In terms of religion, the population is distributed amongst the following denominations: Protestant 52%, Roman Catholic 24%, Mormon 2%, Jewish 1%, Muslim 1%, and other 20% [Freedom House]. Linguistically, 82.1% of the population speaks English as their primary language, 10.7% speaks Spanish, 3.8% speaks another Indo-European language, 3.7% speaks Asian or Pacific Island languages, and 0.7% speaks other languages [CIA Factbook]. However, of the people who speak a language other than English as their primary language, 9.8% speak English very well [U.S. Census Bureau]. The United States has no official language.

TABLE 1: SOCIAL, ECONOMIC AND DEMOGRAPHIC INDICATORS

HDI rank (2003)	Total pop. thousands (2005) ³	Annual pop. growth ² (rate) (2005)	Sex ratio ² (total pop.) F/100M	Urban pop. (%) (2005) ²	Female pop. (%) (2005) ²	Life expectancy at birth ¹			PPA GDP per capita (2002) ¹ US\$
						T	F	M	
7	298,213	1.0	103	81	50.8	77	80	75	36,110

1 - Population Reference Bureau, 2004

2 - UNStats, 2005

¹ The label Hispanic/Latino is a point of contention in terms of whether it should be regarding as a race or ethnicity. The U.S. Census Bureau considers the label an ethnicity for people of Latin America, including Puerto Rico and the rest of the Caribbean and Mexico, since these people can be of diverse races, but still of Latin American descent.

The nation has the world's highest GDP (\$11.75 trillion in 2004) and hovers between second and third in GDP per capita (\$40,100 in 2004). The country is the third largest in both size² and population which reached 300 million in 2006³ [CIA Factbook].

While U.S. culture plays a powerful global role, it must be duly noted that the United States is also an absorber of other cultures to a large degree. The role that the United States plays as an exporter of hybridized culture has important ramifications on global perspectives of women in general, their roles, and violence against women.

THE SITUATION OF WOMEN

Gender-related development index rank (2003)⁴: 5 out of 144 countries [UNDP]

In the past century, particularly since the galvanizing social movements of the 1960s and 70s, women in the United States have achieved very significant advances in their lives in terms of access to political, educational, economic, and health-related rights. However, during the period of 1990-2002 to the present, the disparity between men and women is still largely evident in all of these dimensions. Women's wages still do not match those of men and women face additional burdens that affect their economic status. At the highest levels of education, women have not reached parity with men. Persistent health issues still plague women, particularly as the line between health and politics has become blurred. Perhaps most visibly, despite gains during this period, women remain greatly underrepresented in politics.

Health

The United States is the only industrialized nation across the globe without universal health care [WEDO].

The most pressing issues for women's health in the United States are access to health care, sexual education, abortion services and the increasing prevalence of HIV/AIDS.

² After Russia and Canada, just larger than Brazil when including Alaska.

³ After China and India.

⁴ Gender-related development index (GDI) is an index from UNDP measuring average achievement in the three basic dimensions captured in the human development index: a long and healthy life, knowledge and a decent standard of living-adjusted to account for inequalities between men and women.

TABLE 2: COMPARATIVE WOMEN'S HEALTH INDICATORS

Region	Indicator					
	Total fertility rate ¹	Maternal mortality rate/year (maternal deaths per 100,000 live births) ³	Children's mortality rate ¹	Married women aged 15-49 using contraception ² (%)	Pop. aged 15-49 infected with HIV/AIDS (%) ¹	
					2001	2003
World	2.8	400	56	53	1.0	1.1
Most developed countries	1.6	13	7	58	0.4	0.5
Least developed countries	3.1	890	62	40	1.4	1.4
United States	2.0	17 (2000)	6.7	72	0.6	0.6

1 – Population Reference Bureau, 2004

2 – Contraceptive methods: pill, DIU, condom and sterilization [Population Reference Bureau, 2004]

3 – Maternal Mortality in 2000: Estimates developed by WHO, UNICEF, UNFPA
www.who.int/reproductive-health/publications/maternal_mortality_2000/mme.pdf

TABLE 3: ADDITIONAL U.S. HEALTH INDICATORS

Health Indicators	
Annual population growth rate (%) from 1993-2003	1.1
Dependency ratio (per 100)	51
Life expectancy at birth	77 (75 males/80 females)
Population without health care	41,000,000 people (15%) [U.S. Census Bureau News]
Birth attended by a skilled health care professional (%)	99
Infant mortality rate (per 100,000)	6.5 (7.2 males/5.8 females)
Adult mortality (probability of dying between 15-59) (per 1000)	139 males/82 females
Healthy life expectancy at birth (2002)	69.3 (67.2 males/71.3 females)
Expectation of lost healthy years at birth due to poor health (2002)	7.4 males/8.5 females
Percentage of total life expectancy lost due to poor health (%) (2002)	9.9 males/ 10.7 females
HIV/AIDS adult prevalence rate (%)	0.6
People living with HIV/AIDS*	1,039,000 to 1,185,000 with 24-27% undiagnosed and unaware
HIV/AIDS deaths*	18,017

WHO

* According to the CDC

HIV/AIDS

During the 1990s, HIV/AIDS became a major health flashpoint in the United States. First recognized in the 1980s when obscure illnesses began manifesting themselves in white, homosexual males in Los Angeles and New York, the demographics of people infected with HIV/AIDS has dramatically changed since its discovery. The epidemic highlights inequalities in health care access in the United States. HIV/AIDS has morphed from a disease that predominantly affected men to one where women are increasing infected at higher rates each year. By 1998, 23% of all new AIDS cases reported were in women [WEDO]. Today, the HIV/AIDS epidemic represents a growing and persistent health threat to women in the United States, especially young women and women of color.

From 1985 to 1995, HIV/AIDS infection rates in women increased from 7% to 19% of all reported cases in the United States [WEDO]. By the end of 2003 women represented around 26% of people living with HIV/AIDS in the country [UNStats].

TABLE 4: RACIAL BREAKDOWN OF HIV/AIDS CASES

Race	% of United States population	% New diagnoses made in 2003	Number of new diagnoses made in 2003	Cumulative HIV/AIDS cases
White	70%	28.3%	12,222	376,834
African American	12.7%	49.3%	21,304	368,169
Hispanic/Latino	13%	20.3%	8,757	172,993
Asian American	4%	1.2%	497	7,166
American Indian	<1%	<0.4%	196	3,026

CDC

Education

The United States has adult literacy rates of 99% for both men and women [WEDO]. In most areas of education, women are on par with men, or have exceeded them. However, viewing minorities and other marginalized groups unveils disparities in education.

TABLE 5: RACIAL AND GENDER BREAKDOWN OF EDUCATIONAL ATTAINMENT

1997	Total	White males	White females	African American males	African American females	Hispanic males	Hispanic females ⁵
Adults 25 years and older with at least a high school education (%)	82%	86%	86%	73%	76%	55%	54.6%

WEDO

The United States provides universal primary and secondary public education. However, substantial discrepancy exists in the quality of education obtained from public institutions versus private ones. In 2000, women represented 55% of the students attaining bachelor's degrees and 59% of those attaining master's degrees [WEDO]. However, at the highest levels, during 1990-2002, women were still behind men in attainment of doctoral degrees, an important indicator since these degrees are often prerequisites for faculty and leadership positions in higher education. In 1996, women were awarded 40% of the doctorates, 15% of which were earned by minority women [WEDO].

Labor, Employment and Income

The prolonged economic growth the United States has been experiencing improved the economic status of women in the 1990s and more women were employed than ever in the past [WEDO]. However, a closer look at female employment in this time period and the additional economic burdens women face reveals disparities in opportunities and earnings, which were further exacerbated for marginalized women. During the years 1990-2002, the unemployment rate fluctuated between 5-6% in the United States.

Looking at labor force participation, in 2002, of the 115 million women sixteen years of age and older in the United States, 68 million were labor force participants (employed or actively seeking employment). Of the approximately 100 million employed Americans (male and female), 43.7% were women. The racial dynamics in 2002 breakdown as follows: 61.9% of African American women, 59.2% of white women, 58.3% of Asian American women, 55.9% of Latino women were participants in the labor force [U.S. Department of Labor, Women's Bureau].

Women in the United States still dominate fields that a traditionally associated with feminine values. For example, in 2002, 98.7% of secretaries,

⁵ It is worthy to note that Hispanic women are the only demographic where women have a lower educational attainment than their male counterparts.

91.9% of registered nurses, 82% of teachers, 73.4% of social workers were female. In contrast, the professions where women earn the most per week are lawyers, pharmacists, computer and informational systems managers, CEOs, and physicians and surgeons. These professions overlaps with jobs that are considered nontraditional female occupations (for which women comprise less than 25%), which includes CEOs, dentists, engineering technicians, first line supervisors of correctional officers, police, and clergy. Approximately, 4 million females were self-employed (6% of all employed females). In 1997, women-owned businesses made up 26% of the nation's 20.8 million non-farm businesses [U.S. Department of Labor, Women's Bureau].

In 2000, women earned an average of 76 cents for every dollar men earned [WEDO]. This statistic was further exaggerated for women of color: African American women earned 67 cents and Hispanic women earned 58 cents per dollar earned by men [WEDO].

Although the poverty rate decreased, in 1998, the United States still had 34 million impoverished individuals. In 2004, 12% of the U.S. population was below the poverty line [CIA]. One of the highest poverty rates occurred among female-headed households with no husband present (30%), and again this rate was higher by 10% for African American and Hispanic women [WEDO].

Welfare and welfare reform remained contentious issues in the United States. In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act effectively cut the funding of Aid to Families with Dependent Children (AFDC), which provided assistance to impoverished families [WEDO]. Welfare reforms have the greatest impact on women, as the majority of welfare recipients are single women with young children.

In 2000, in 71% of two-parent households, both parents worked. However, in 73% of two-parent families, it was the women who took on the dual responsibility of caring for children and elders [WEDO].

In 1993, the Family and Medical Leave Act (FMLA) was enacted into law and created some provisions for maternity leave. The FMLA guarantees that anyone who has logged 1,250 hours in the previous twelve months at a place of employment with over 50 employees has the right to twelve weeks of unpaid family leave for the birth and care of a newborn child. The law also ensures that upon returning to the workplace the employee has the same position, or an equivalent position as before taking leave. However,

the FMLA makes no provisions for paid maternity leave. According to a Harvard University study, out of 168 nations, 163 had some form of paid maternity leave [USA Today].

The United States is one of two industrialized countries in the world that does not guarantee paid maternity leave (Australia being the second).

Political Participation

In terms of political representation and women in decision-making positions at the executive level, the Clinton administration appointed more women to senior positions in the cabinet and governmental jobs than any other U.S. president [WEDO]. The appointment of a woman to hold the position of Secretary of State, Madeleine Albright, in 1996 highlighted the improved visibility of women at the executive level. However, notably, there has yet to be a female president or a president of color in the over 200-year history of the United States.

During 1990-2002, the representation of women in executive office did not permeate down to the state level.

TABLE 6: COMPARISON OF WOMEN AT THE EXECUTIVE LEVEL IN FEDERAL VS. STATE OFFICES (1990-1992)

Federal	State
Four of the 14 executive departments were headed by women including such first-ever positions as Attorney General and Secretary of State.	Out of the nation's 50 governors, only three were women (6%).
Other senior cabinet positions held by women were Secretary of Health and Human Services and Secretary of Labor.	Ten women served as state attorneys general, 10 as state treasurers, and 14 as Secretaries of State.
The Clinton administration also appointed women to the cabinet-level positions of Environmental Protection Agency Administrator, Small Business Administration Administrator, U.S. Trade Representative and Council of Economic Advisers Chair.	Overall, women held 29.8 percent of gubernatorial appointments in statewide offices.
Other positions traditionally held by men to which women were appointed include Counsel to the President, Counselor to the President, Chair of the Federal Deposit Insurance Corporation and Administrator of the Federal Aviation Authority.	Of the 323 statewide elective offices in the country, women hold 89 (26.7%) of the positions. Of the 89, only 6 were women of color, among them – one African American, one Asian-Pacific Islander, and four Latinas.

Federal	State
As of April 1999, women held 27 percent of the top positions requiring Senate confirmation, 34 percent of Presidential appointments to Boards and Commissions, 40 percent of non-career Senior Executive Service positions and 57 percent of policy and supporting positions.	As of May 1999, among the 100 largest cities in the U.S., 16 had women mayors. Of the 228 mayors of U.S. cities with populations over 100,000, 45 (19.7%) were women. Among the 978 mayors of U.S. cities with populations over 30,000, 192 (19.6%) were women. From 1973 to 1999, the number of women mayors in cities with populations over 30,000 increased from 35 to 192.

WEDO

In terms of political representation and decision-making at the legislative level, examining the change in female presence between the 101st (1989-1990) and the 107th (2001-2002) Congress reveals the growth in female legislators at the federal level.

TABLE 7: WOMEN'S POLITICAL REPRESENTATION

Congress	U.S. Senate No. (%) of women	U.S. House of Representatives No. (%) of women
101 st Congress (1989-1990)	2 (2%)	29 (6%)
107 th Congress (2001-2002)	13 (13%)	62 (14%)

CAWP

Prior to the 1992 elections, no more than two elected women had ever served in the U.S. Senate at the same time [WEDO]. In 1992, the first African American woman was elected to the U.S. Senate, Senator Carol Moseley-Brown of Illinois. Only five African Americans, five Asian Americans, five Hispanics and three Native Americans have ever served in the U.S. Congress.

Since 1789, only 2% of Congressional representatives have been women [CAWP].

At the state level, by 2000, progress varied dramatically from state to state, revealing, to a certain degree, the regional differences in women's equality. In 2000, Washington had the highest participation of female legislators at 40.8% and Alabama had the least at 7.8% [WEDO]. By 2002, nationwide, women held 22.7% of state legislative seats [CAWP]. By 2000, only eight of the fifty states reached the 30% mark set by the United Nations

Economic and Social Council. Women of color constituted 249 or 3.4% of all state legislators, including 171 African Americans, seventeen Asian/Pacific islanders, forty-nine Latinas, and twelve Native Americans [WEDO].

In terms of female presence in the judicial branch, in 1993 President Clinton nominated the second woman ever to the U.S. Supreme Court. His nominee, Ruth Baden Ginsburg, joined the company of Sandra Day O'Connor (recently retired). These are the only two women to have ever served on the U.S. Supreme Court in its 200-year history.

In 2000, overall, women constituted 22% of the justices in the Supreme Court; 20.7% of the U.S. Circuit Court judges; 19.6% of the U.S. District Court judges; and 13.9% of all Federal Court judges [WEDO].

THE ROLE OF THE WOMEN'S MOVEMENT

For a substantial period, the women's movement was centered on issues of legal rights, such as the right to vote, conquered by suffragists in 1920 after a long and hard struggle. The contemporary women's movement started in the early 1970s largely inspired by the civil rights movement of the 1960s. This "second wave" concentrated more on the fight for equal rights and opportunities, including economic activities, and focused on building a more politicized movement. Another feature of the feminist movement in the United States, which was initially more focused on domestic issues, is its growing influence internationally.

As it matured, the movement became reflective of a more diversified number of voices, including the perspectives of third-wave feminists, women of color, and immigrant women. This diversity was very important in adding new concepts to the movement that have helped to reshape the dialogue around women's rights in the country. These concepts include "intersectionality," cultural competency, and the voices of immigrant women [Esta Soler⁶].

As the Women's Rights Movement moves into the 21st Century, it is clear that the movement will be driven by a diverse group of voices, and will need to have both collective and diverse responses to women's oppression that focus on the barriers women face, and that reflects on women's ethnic and cultural experiences [Esta Soler].

⁶ Esta Soler, JD, founder and president of the Family Violence Prevention Fund.

The women's movement has an important impact on civil society and government. A clear example is the enactment of the Federal Violence Against Women Act (VAWA) which helped to support and create new services and programs directed to women in the country.

In the international arena, the U.S. women's movement plays an important role in developing transnational coalitions. An example is the campaign *Women's Rights are Human Rights* launched in the 1990s by a network of women's organizations from around the world that relied on the dynamic participation of women's organizations from the United States, particularly the Center for Women's Global Leadership, which also coordinates the 16 Days of Activism against Gender Violence⁷.

"Although the framework of women's human rights has been tremendously useful in efforts to lobby for legislative and policy changes at local, national and international levels, it has been an equally as important tool for grass-roots organizing. Women's human rights not only teaches women about the range of rights that their governments must honor; it also functions as a kind of gestalt by which to organize analyses of their experiences and plan action for change." [Bunch and Frost]

As the Women's Rights Movement moves into the 21st Century, it is clear that the movement will be driven by a diverse group of voices, and will need to have both collective and diverse responses to women's oppression that focus on the barriers women face, and that reflects on women's ethnic and cultural experiences [Esta Soler].

VIOLENCE AGAINST WOMEN: KEY ISSUES

Advocates working to ameliorate violence against women in the United States identified the following themes as priorities in the discussion of VAW in the 1990s: reaching men and boys, connecting reproductive health and violence prevention, and connecting economic justice and violence [Soler, Esta]. These three themes run throughout the key issues of gender violence

⁷ The 16 Days of Activism against Gender Violence is an international campaign. The 16-day period highlights significant dates including November 25, International Day against Violence against Women, November 29, International Women Human Rights Defenders Day, December 1, World AIDS Day, December 6, which mark the Anniversary of the Montreal Massacre and December 10, International Human Rights Day.

in the United States which include: sexual violence, domestic violence, workplace discrimination, access to sexual education, emergency contraception and abortion services, and other forms of custodial violence – all prevalent manifestations of VAW. Additionally, the segmentation and lack of connection or common perspective in VAW across the disparate views, fields, and agencies working in the field has thwarted efforts to improve women's situation in the United States.

The non-ratification of CEDAW by the U.S. Government can be perceived as a crucial political barrier faced by VAW activists in the country.

Domestic Violence

Domestic abuse remains a persistent form of violence against women in the United States, crossing ethnic, racial, age, national origin, sexual orientation, religious, and socioeconomic lines. However, the organized movement to give visibility to the issue of domestic violence continued to gain momentum in the 1990s and is firmly recognized as a powerful force within the broader women's movement [Ghez & Marin]. Virtually every community in the United States has an emergency shelter for battered women. In 1994, the Family Violence Protection Fund launched a campaign to create a paradigm shift in the social norms surrounding domestic violence. Their campaign, entitled *There's No Excuse for Domestic Violence*, gained nationwide visibility. However, women who face issues such as disabilities, immigration status, racism, poverty and rural isolation have additional barriers in accessing victim services [Chamberlain].

TABLE 8: DOMESTIC VIOLENCE STATISTICS IN THE UNITED STATES

1 in 6 U.S. woman has been a victim of domestic violence [Endabuse].

2001, more than half a million women in the United States were victims of nonfatal violence committed by an intimate partner [Endabuse].

Lifetime prevalence of physical and/or sexual abuse by an intimate partner:

- 25% of women
- 8% of men [Tjaden].

Every day four women die as a result of domestic violence, approximately 1,400 women a year, according to the FBI [NOW].

90-95% of domestic violence victims are women [Bureau of Justice Statistics, Selected Findings].

95% of domestic violence perpetrators are male [A Report of the Violence against Women Research Strategic Planning Workshop].

While women are less likely than men to be victims of violent crimes overall, women are five to eight times more likely than men to be victimized by an intimate partner [Endabuse].

Female homicide victims are more than twice as likely to have been killed by an intimate partner than are male homicide victims [Bureau of Justice Statistics: Female Victims of Violent Crime, December, 1996].

The health related costs of rape, physical assault, stalking, and homicide committed by intimate partners exceeds \$5.8 billion each year [Endabuse].

Although U.S. health care professionals and law enforcement officials are in prime positions to detect and react, domestic violence in the United States, as in other countries, is still often perceived as a "private matter." The issue of addressing domestic violence in the United States is clearly articulated "in a country that values individualism, where privacy is valued as sacred and protected by the Constitution, domestic violence is often perceived as private business between two individuals that requires therapy rather than intervention." [Ghez and Marin] In 1997, 37% of women injured by violence and treated in an emergency room (ER) were injured by an intimate compared to the less than 5% of men injured by violence, treated in ERs who were injured by intimate violence [Bureau of Justice Statistics].

DOMESTIC VIOLENCE ON THE LATINO COMMUNITY

Violence against women is seen in the context of other forms of oppression that have impacted the community, including colonization, discrimination, racism and poverty. Due to the communal nature of the Latino community, which puts a significant emphasis on the family, it is important that responses to domestic violence include family and community responses. It is also important that culture and religion are also considered in services to the Latino community [Esta Soler].

Only one-seventh of all domestic assaults come to the attention of the police [Florida Governor's Task Force on Domestic and Sexual Violence]. Compared with female victims of stranger violence, female victims of domestic violence are six times less likely to report crime to law enforcement [American Psychl. Ass'n]. Protection orders against domestic violence offenders have proven to decrease, but not eliminate, the risk of continuing domestic abuse. According to a 1996 study, the entry of a protection order did not appear to deter most types of abuse, but it did significantly reduce the likelihood of acts of psychological abuse such as preventing the victim from leaving her home, going to work, using a car or telephone, and stalking and harassing behaviors [Buzawa].

Past and current victims of domestic violence are overrepresented in the welfare population. Between one and two-thirds of welfare recipients reported having suffered domestic violence at some point in their adult lives; between 15 – 32% reported current domestic victimization [Raphael & Tolman].

DOMESTIC VIOLENCE AND SOCIOECONOMIC CLASS

Domestic violence rates are five times higher among families below poverty levels, and severe spouse abuse is twice as likely to be committed by unemployed men as by those working full time [NOW]. However, some activists believe that it is not a matter of prevalence but of visibility. Violence against women occurs in all communities in the United States despite economic factors. Usually low income women are the ones who more access public services while women from middle and higher income levels tend to count on a greater social support.

IMMIGRANT WOMEN

Battered immigrant women face unique legal, social and economic problems in the context of domestic violence, which is thought to be more prevalent among immigrant women than among U.S. citizens. Many factors contribute to the higher incidence of abuse among immigrant women. Abusers and victims may believe that the penalties and protections of the U.S. legal system do not apply to them. A victim, who is not a legal resident, or whose immigration status depends on her partner, is isolated by cultural dynamics which may prevent her from leaving her husband or seeking assistance from the legal system. There is often a distrust of the legal system by these immigrant women; cultural and language barriers; and fear of deportation. Undocumented women may be reported to Immigration and Naturalization Services (INS) by law enforcement or social services personnel from whom they may seek assistance. Immigrant women who attempt to flee domestic violence may have no access to bilingual shelters, financial assistance or food, it is unlikely that she will have the assistance of a certified interpreter in court, when reporting complaints to police or an emergency operator, or even in acquiring information about her rights and the legal system [NOW].

Sexual Violence

Between 1992-2002, the Bureau of Justice Statistics recorded approximately 140,990 rapes, 109,230 attempted rapes and 152,680 instances of

sexual assault annually [Bureau of Justice Statistics]. Women accounted for 94% of the rape victims and 89% of the sexual assault victims [Bureau of Justice Statistics]. Half of the women who reported rapes were under the age of 18 and 22% were under the age of 12 [NOW]. Other characteristics of rape in the United States include: the rise of acquaintance or date rape and lack of reliable statistics, since it is seriously underreported.

HIV/AIDS

As discussed earlier HIV/AIDS is increasingly impacting young women and women of color, and demonstrates the repercussions of a lack of access to health care services and information. In 2003, an estimated 11,498 women had been diagnosis of AIDS, a number that represents 27% of the 43,171 AIDS diagnoses. The rate of AIDS diagnoses for African American women (50.2/100,000 women) was approximately twenty-five times the rate for white women (2.0/100,000) and four times the rate for Latino women (12.4/100,000). African American and Hispanic women together represented about 25% of all US women, yet they account for 83% of AIDS diagnoses reported in 2003. An estimated 4,736 women with AIDS died, representing 26% of the 18,017 deaths of persons with AIDS [CDC, HIV/AIDS Among Women].

In 2001, HIV infection was the leading cause of death for African American women aged 25-34 years and was among the four leading causes of death for African American women aged 20-24 and 35-44 years, as well as Hispanic women aged 35-44 years [CDC, HIV/AIDS Among Women].

Research has shown that women are less likely than men to receive highly active antiretroviral therapy and preventive therapy for opportunistic infections as articulated by a CDC study of more than 19,500 patients in 10 US cities, HIV-infected women were 12% less likely than infected men to receive prescriptions for the most effective treatments for HIV infection.

Institutional Violence

SEXUAL EDUCATION

An increasing problem affecting women's access to sexual education is the trend to fund and teach abstinence-only education. In 1996, Congress attached a provision to welfare legislation that created a federal program to exclusively fund projects teaching abstinence-only education. Fewer than

half of U.S. public schools include a discussion on how to obtain contraceptives and only a third discuss abortion and sexual orientation in sexual education programs [Planned Parenthood]. According to Planned Parenthood, teens who participated in abstinence-only education were not less likely to abstain from sexual activity for longer than teen who participated in comprehensive sexual education programs, but the former were more likely to not use condoms or other forms of contraception compared to the latter cohort. U.S. adolescents are contracting HIV/AIDS faster than most other U.S. age groups. Furthermore, the United States has the highest rate of teen pregnancy in the developed world: U.S. teen pregnancy is two times that of Canada, England, France, and Sweden and ten times that of the Netherlands [Planned Parenthood].

The only state to not accept federal funds for abstinence-only education, California has experienced a 40% decline in teen pregnancy in the last decade [Planned Parenthood].

ACCESS TO EMERGENCY CONTRACEPTION

Another health issue that has been subject to politicization is access to emergency contraception (EC). Since 2000, there has been an increased effort to cut information about and access to EC, including for rape victims [Building Common Ground]. For example, a revision of the Department of Justice Sexual Assault Nurse Examiners (SANE) protocols no longer includes any reference to EC [ibid].

ABORTION SERVICES

Abortion continues to generate enormous political debate in the United States. In 1973, the Supreme Court decision of *Roe vs. Wade* guaranteed a woman's right to choose whether or not to have an abortion. However, through long waiting periods for abortions, lack of abortion providers, and parental consent laws that exist in twenty-five states, the power that *Roe vs. Wade* gave to women has been diminished. In the 1990s, a wave of "Partial-Birth Abortion" bans were passed in twenty-eight states, prohibiting a type of abortion performed later in pregnancy and fueling the fire of "pro-life" advocates.

Another issue is the violence that affects abortion clinics. Since 1993, seven doctors and other clinic workers have been murdered. According to the *Women's Equality* report by WEDO, "In the last 20 years, there have been more than 1,700 violent attacks against clinics, including 99 acid

attacks, 154 arson incidents, and 39 bombings, presumably to protect the 'right to life' while killing and maiming women and men."

Access to abortion is even more inaccessible for women dependent on federally controlled health care and benefits. Many federally controlled health care programs prohibit funding for abortion services. The women affected by such policies include: federal employees and their dependents, Medicaid-recipients, Medicare beneficiaries, women receiving medical care at Title X family planning clinics, military personnel and their dependents, Peace Corps volunteers, Native American women, and women in federal prisons [WEDO]. The *Women's Equality* report accurately synthesizes the effect of these discriminatory policies,

"Singling out and excluding abortion from health care plans that cover other pregnancy-related care is harmful to women's health, discriminates against those women who are most vulnerable, particularly poor women, and imposes significant and often insurmountable obstacles to reproductive choice. Prohibitions on public funding disproportionately harm women of color because a disproportionate number of women of color are poor."

IMPRISONED WOMEN

Widespread sexual misconduct by male correctional officers towards female prisoners was outlined in a Report of the Special *Rapporteur on Violence against Women to the United Nations Economic and Security Council* in January of 1999. The United States has the largest number of prisoners of any country in the world. The number of women who entered U.S. state and federal prisons between 1980-1994 increased by 386% [ibid]. In 2002, African American women made up 52% of the female prison population, although they account for approximately 12% of the general population [ibid]. 85% of imprisoned women report to have been physically or sexually abused at some time in their life, not necessarily in custody [ibid]. However, the custodial violence that occurred in U.S. prisons in the 1990s included women being abusively pat-frisked frequently by men and being excessively monitored without warrant, in their rooms and the showers by male correctional officers. Although this violence has been largely ignored, under the U.S. Constitution, the eighth amendment protects prisoners' rights.

ADVANCEMENTS

Legislative Measures

Despite the tremendous potential positive influence of the United States in the international arena, it is important to recognize the dearth of U.S. participation in the major international human rights mechanisms. Particularly noteworthy in this respect, the United States has not ratified CEDAW.

INTERNATIONAL INSTRUMENTS OF PROTECTION OF HUMAN RIGHTS

The most relevant instruments of which the United States government is a party are the following:

The International Covenant on Civil and Political Rights	Ratified since 1992
The UN Convention on the Elimination of All Forms of Discrimination Against Women	Signatory
The International Convention on the Elimination of All Forms of Racial Discrimination	Ratified since 1994
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified since 1994
Convention on the Rights of the Child	Signatory

NATIONAL LEGISLATIVE MEASURES

Constitutional, Civil, Political and Social Rights

The U.S. Constitution uses the terms "persons," "people" and "electors," allowing the interpretation of those beings to include men and women. The **fifteenth amendment** asserts "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." The **nineteenth amendment** declares: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

Beyond the constitution, many pieces of legislation passed in the last century have provisions related to women's rights.

The Fair Labor Standards Act of 1938 establishes minimum wage without regard to sex.

The 1960s and 70s were replete with progressive legislation improving the status of women in the United States. **The Equal Pay Act** of 1963 prom-

ises equitable wages for the same work, regardless of the race, color, religion, national origin or sex of the worker. **Title VII of the Civil Rights Act** of 1964 has a prohibition against employment discrimination on the basis of race, color, religion, national origin, or sex. This act has provisions regarding the protection against discrimination in hiring, termination, promotion, compensation, job training, and any other privilege of employment. **Executive Order 11246** of 1968 prohibits sex discrimination by government contractors and requires affirmative action plans for hiring women. **Title IX** (Public Law 92-318) (1972) of the Education Amendments prohibits sex discrimination in all aspects of education programs that receive federal support. In 1972, housing discrimination on the basis of sex and credit discrimination against women are outlawed by Congress. **The Women's Educational Equity Act**, funds the development of nonsexist teaching materials and model programs that encourage full educational opportunities for girls and women. **The Pregnancy Discrimination Act** of 1972 bans employment discrimination against pregnant women.

Title VII prohibits sexual harassment and the creation of a hostile work environment and was amended to prohibit pregnancy-based discrimination. During the 1990s, the U.S. Equal Employment Opportunity Commission, the office charged with the enforcement of Title VII, received between 20,000-25,000 complaints annually of sex-based violations of these protections [U.S. EEOC].

During the period of 1990-2002, some of the most important pieces of legislation that passed through Congress were the Violence Against Women Act of 1994 (VAWA) and the Gender Equity in Education Act. In 1994, Congress adopted the **Gender Equity in Education Act** to train teachers in gender equity, promote math and science learning by girls, counsel pregnant teens, and prevent sexual harassment.

Specific Legislation on Gender Violence

The VAWA was the first legislation to address violence against women. It was reauthorized in 2000 and 2005.

The VAWA strengthened some of the law enforcement policies surrounding domestic violence by declaring that a protection order issued by one U.S. State is valid and enforceable in any other U.S. state.

VAWA OF 1994 CREATED

Community-coordinated responses that brought together, for the first time, the criminal justice system, the social service system and NGOs to respond to domestic violence and sexual assault.

Recognition and support for the efforts of domestic abuse shelters and rape crisis centers.

Federal prosecution of interstate domestic violence and sexual assault crimes.

Federal guarantees of interstate enforcement of protection.

Protection for battered immigrants.

A new focus on underserved populations and victims of domestic violence and sexual assault.

REAUTHORIZED VAWA⁸ OF 2000 ADDED

Identifying additional related crimes of dating violence and stalking.

Creation of much-needed legal assistance program for victims.

Promoting supervised visitation programs for families experiencing domestic violence.

Further protection for immigrant experiencing domestic violence, dating violence, sexual assault, or stalking by establishing special visas and by focusing on the trafficking of persons.

The Role of the Judiciary System

During 1990-2002, the major case relevant to women's rights was a 1998 case where Mitsubishi Motor Manufacturing of America agreed to pay \$34 million to settle a lawsuit contending that hundreds of women were sexually harassed.

TIMELINE OF JUDICIAL DEVELOPMENTS IMPACTING U.S. WOMEN'S RIGHTS

1701	The first sexually integrated jury hears cases in Albany, New York.
1769	American colonies based their laws on the English common law, which was summarized in the Blackstone Commentaries. It said, "By marriage, the husband and wife are one person in the law". The very being and legal existence of the woman is suspended during the marriage, or at least is incorporated into that of her husband under whose wing and protection she performs everything."
1855	In Missouri vs Celia , a Black woman slave is declared to be property without a right to defend herself against a master's act of rape.
1870	The first sexually integrated grand jury hears cases in Cheyenne, Wyoming. The chief justice stops a motion to prohibit the integration of the jury, stating: "It seems to be eminently proper for women to sit upon Grand Juries, which will give them the best possible opportunities to aid in suppressing the dens of infamy which curse the country."
1873	Bradwell vs Illinois : The U.S. Supreme Court rules that a state has the right to exclude a married woman (Myra Colby Bradwell) from practicing law.
1875	Minor vs Happersett : The U.S. Supreme Court declares that despite the privileges and immunities clause, a state can prohibit a woman from voting. The court declares women as "persons," but holds that they constitute a "special category of nonvoting citizens."
1879	Through special congressional legislation, Belva Lockwood becomes first woman admitted to try a case before the Supreme Court.

⁸ In 2000, the U.S. Supreme Court invalidated certain portions of the VAWA which permitted the victims of rape, domestic violence, etc. to sue their attackers in federal court.

1908	Muller vs State of Oregon: The U.S. Supreme Court upholds Oregon's 10-hour workday for women. The win is a two-edged sword: the protective legislation implies that women are physically weak.
1937	The U.S. Supreme Court upholds Washington state's minimum wage laws for women.
1973	Roe vs Wade (1973) and Doe vs Bolton (1973): The U.S. Supreme Court declares that the Constitution protects women's right to terminate an early pregnancy, thus making abortion legal in the U.S.
1981	The U.S. Supreme Court rules that excluding women from the draft is constitutional.
1994	Farmer vs Brennan: The U.S. Supreme Court decided that sexual assault by an inmate constitutes a violation of the eighth amendment.

Institutional Actors and Mechanisms

Beyond the **Women's Bureau of the Department of Labor**, the United States has no permanent, statutory governmental mechanism for addressing the advancement of women's rights, but, beginning with President Kennedy, successive presidents have created various administrative mechanisms and agencies for this purpose [WEDO].

In 1995, on the eve of Beijing World Conference on Women, the President's Interagency Council on Women was established, in order to ensure that the commitments made in Beijing were implemented. This agency is located within the State Department in the executive branch and includes women officials from a wide range of departments⁹ and chairs were established to assess and make recommendations on: women and the global economy, women and prisons, rural women, trafficking in women and girls, gender and institutional change, micro-enterprise development, vital voices: women in democracy, empowering disabled women and girls, women and armed conflict, and the girl child [WEDO].

The Office on Violence Against Women located within the Department of Justice has handled legal and policy issues regarding violence against women, coordinated departmental efforts, provided national and international leadership, received international visitors interested in learning about the federal government's role in addressing violence against women, and responded to requests for information regarding violence against women. The Office works closely with components of the Office of Justice Programs, the Office of Legal Policy, the Office of Legislative Affairs, the

⁹ Including the Departments of the Treasury, Defense, Justice, Interior, Agriculture, Labor, particularly the Women's Bureau, Health and Human Services, Housing and Urban Development, Energy, Education, Veteran Affairs, Environmental Protection Agency, Office of Management and Budget, Council of Economic Advisers, U.S. Mission to the United Nations, U.S. Trade Representative, Small Business Association, Central Intelligence Agency, Domestic Policy Council, Office of Personnel Management, U.S. Information Agency, General Services Administration, Social Security Administration, Agency for International Development, Controller of the Currency, Peace Corps, and the World Bank .

Office of Intergovernmental Affairs, the Immigration and Naturalization Office, the Executive Office for United States Attorneys, U.S. Attorneys' Offices, and state, tribal and local jurisdictions to implement the mandates of the Violence Against Women Act and subsequent legislation [U.S. Justice Dept].

The foremost governmental mechanism for promoting gender equality is the Office on Violence against Women established in 1995, located within the Department of Justice.

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CEPIA is a non-governmental, non-profit organization, based in Brazil, dedicated to developing projects that promote human rights, specially among groups historically excluded from exercising their full rights.

For this purpose, since 1990 CEPIA has been conducting studies, as well as educational and social intervention projects, and has been committed to sharing its findings, maintaining an open dialogue with different civil society organizations and governmental agencies.

Working from a gender perspective and within a human rights framework, CEPIA focuses on issues of violence and access to justice, health, sexual and reproductive rights, race and ethnicity and poverty. Advocacy is also an important part of CEPIA's agenda via the proposal, monitoring and evaluation of public policies.

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