

Negotiation Kit for Beijing + 10

Violence Against Women

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OVERARCHING CONCERN

Despite clear recommendations for action in the BPFA and BEIJING + 5 Outcome Document and evidence of gains in some areas, the trend across the region is that violence against women is increasing at alarming levels. Compounding this problem is the lack of political will and absence of adequate resources to implement, support and sustain initiatives and mechanisms addressing violence. There are still some countries who have not ratified the CEDAW and its Optional Protocol or ratified these but included reservations.

GAINS

- Significant initiatives have been made at the national, regional and international levels condemning various forms of violence against women. National action plans and regional and international mechanisms on violence are now in place in many regions. Among the significant initiatives that have been developed are landmark legislations criminalizing domestic violence, trafficking in women, rape, sexual harassment as well as innovative approaches and strategies in prevention, prosecution, and protection.
- Trafficking in women and children received considerable attention and support from governments, international organizations and NGOs. Many governments passed specific laws on trafficking and regional mechanisms such as SAARC Convention on Trafficking and various interregional and intraregional consultative meetings like the Bali Process, and ARIAT among others. These provided strategic focus for governments and for regional and international bodies in the Asian region.
- An important development has been the significant increase in the awareness of human rights instruments as benchmarks for government accountability in fulfilling their obligations to protect women's human rights. Standards and norms such as those in CEDAW and its Optional Protocol, and other human rights instruments including the Rome statute, have been ratified by some Asian governments and effectively utilized by women in pushing for legislative reform and other measures.

GAPS

- The commitments made by states to address violence against women have yet to be fully implemented. State responsibility and due diligence remains a continuing challenge even as governments have taken initial steps to address violence. Access to justice remains inadequate particularly for marginalized, minority women and migrant women. The gap between the laws addressing violence against women and their implementation in many countries need to

be bridged through various ways: capability building of law enforcement authorities, greater efforts at awareness raising, monitoring of implementation, and research on the root causes of violence.

- Too often, the criminal justice system is not gender friendly. Legal processes and procedures are tedious and put women at risk of reprisal in the process of pursuing justice. Adequate and gender sensitive witness protection programs are areas that need to be developed. Engendering the criminal justice system is important if women are to feel safe to seek legal redress for crimes committed against them.
- Despite the gains achieved in addressing the issue, trafficking of women and girls continues unabated. Where they exist, trafficking laws are not as effectively implemented to the extent that actual prosecutions and punishment of traffickers are made. More innovative approaches and countermeasures are needed to address ICT-based trafficking such as cyber sex, arranged and fake marriages which victimize women from the South.

EMERGING ISSUES

- Forced sterilization and forced abortion, female infanticide, prenatal sex selection and honour killings, which are often committed with impunity in the name of culture and religion in some Asian countries, are being strengthened by conflicts generated by the interface of globalization, militarism, and fundamentalisms at both national and community levels.
- The context of privatized employment settings and the globalized markets for the movement of natural persons in the service sector (including domestic service) should be further examined as sites of violence against migrant women workers.
- The rapid spread of HIV AIDS, abetted by tourism development and patriarchal culture, have made Asian women and girls particularly vulnerable. Sexual violence against women in times of armed conflict, terrorism and counter-terrorism; violence in refugee camps as well as in institutional settings (e.g., hospitals and detention centers) have made women highly vulnerable to HIV infection. Women trafficked for prostitution and other forms of sexual exploitation are also highly at risk of HIV infection.
- The recent tsunami that hit Indonesia, Sri Lanka, Thailand and India has rendered thousands of women and children homeless and in need of emergency assistance. Their desperate situation is a matter of serious concern as evidence has increased of sexual assault and trafficking of women and children.

RECOMMENDED LANGUAGE

BPFA Document Strategic Objective D, D.2 and D.3

By Governments:

- Fully implement commitments to the BPFA especially those relating to violence against women.
- Develop, resource, and support comprehensive national action plans to eliminate violence against women (VAW).
- Ensure that the criminal justice system is engendered and sensitized to VAW issues so women can have a fair and just treatment from courts. Ensure gender-sensitive training of frontline law enforcement agencies, the judiciary, and the criminal justice system.
- Implement strategies that address the root causes of violence against women in society as well as provide adequate resources for immediate concerns (e.g. shelters, counseling centers and livelihood programs for victims of violence).
- Ensure that special programs are developed to assist women with special needs including the elderly, indigenous women, rural and migrant women; ethnic minorities; women with disabilities; adolescent women; women in situations of armed conflict; and women marginalized because of their sexuality, economic or cultural status.
- Ensure effective victim protection and health care programs for women survivors of violence.
- Implement legislation and measures to penalize perpetrators of VAW including traffickers and pimps, agents of enterprises.
- Provide adequate relief and rehabilitation for women survivors of state violence.
- Ensure effective implementation of the 1949 Convention on the Suppression of Trafficking in Persons and the Prostitution of Others, Article 6 of the Women's Convention and Articles 34, 35 and 36 of the Convention on the Rights of the Child.
- Ensure ratification of the Optional Protocol on Trafficking of Persons, especially women and children, and Optional Protocol against the Smuggling of migrants by land, air and sea, of the Convention Against Transnational Organised Crime.
- Ensure that national action plans to eliminate VAW contain appropriate measures to prevent trafficking of women and provide protection and rehabilitation of trafficked women and girls including those trafficked on the Internet.
- Develop and effectively enforce legislation on trafficking particularly the punishment of traffickers in accordance with BPFA principles.
- Prevent forced repatriation of women by recipient countries and provide social, economic, legal, psychological and humanitarian assistance, including the granting of permanent resident status for returnees of trafficking.
- Improve international information exchange on trafficking in women and girls by establishing data-collection centres within Interpol, regional law enforcement agencies, and national police forces
- Ensure that punitive legal measures are taken against the perpetrators of honour killings and VAW based on culture, religion or other identity based constructs.
- Include strategies to eliminate honour killings and violence against women based on culture, religion or other identity-based constructs in national action plans.

- Develop, fund and implement strategies to be delivered by the UN, Governments or Civil Society, to eliminate honour killings and VAW based on culture, religion or other identity-based constructs.

By the UN system:

- Support the work of the Special Rapporteurs on Violence Against Women, Trafficking and Migrants and assist them to effectively coordinate with countries in addressing the problems of violence against women.
- Ensure that the issue of violence against women is integrated into the program of action of UN agencies.
- Provide adequate support and resource to the work of UNIFEM particularly its work on violence against women.
- Develop bilateral, subregional, regional and international agreements and protocols to combat all forms of trafficking in women and girls.

Thematic Focal Point for Violence Against Women
Coalition Against Trafficking of Women - Asia Pacific
(CATWAP)