



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



1995/85. The elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolution 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences,

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Deeply concerned at continuing and endemic violence against women, noting that the Declaration on the Elimination of Violence against Women sets out various forms of physical, sexual and psychological violence against women, and noting that violence against women encompasses, but is not limited to battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence, violence related to exploitation, rape, sexual abuse, sexual harassment and intimidation at work, in education institutions and elsewhere, trafficking in women and forced prostitution,

Mindful that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims, held at Geneva from 30 August to 1 September 1993, and reiterating that such acts constitute grave breaches of international humanitarian law,

Deeply concerned that women and girls constitute the majority of the world's refugees and internally displaced persons, and recognizing the need to cooperate in eliminating all forms of discrimination, sexual exploitation and violence against female refugees, asylum seekers and displaced persons and in promoting their active involvement in decisions affecting their lives and communities,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the Special Rapporteur's meeting with the members of the Committee on the Elimination of Discrimination against Women at its fourteenth session in January 1995,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life and urges the eradication of all forms of discrimination against women,

Noting the comments of the Special Rapporteur concerning the precepts of all the world's religions in favour of the pursuit of the equality of all human beings and to that end the protection of women's rights and dignity,

Looking forward to the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing in 1995, and mindful that the issue of violence against women is among those being addressed as a critical area of concern in the preparations for the Conference,

1. Welcomes the preliminary report of the Special Rapporteur on violence against women, its causes and its consequences (E/CN.4/1995/42);
2. Commends the Special Rapporteur for her analysis of the general nature of the problem and the specific causes and consequences of violence against women;
3. Encourages the Special Rapporteur to make recommendations concerning situations in which advisory services and technical assistance might assist Governments concerned;
4. Condemns all acts of gender-based violence against women, and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims;
5. Condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law, and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;
6. Stresses the recommendation of the Special Rapporteur that States should implement the Declaration on the Elimination of Violence against Women, and in particular calls on States to take steps at the national level to:
 - (a) Consider formulating national plans of action to eliminate violence against women;
 - (b) Consider ratifying the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 and limit the extent of any reservation they enter to the Convention, formulate any reservations as precisely and as narrowly as possible, ensure that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law and review their reservations regularly, with a view to withdrawing them expeditiously;
 - (c) Develop legal and administrative mechanisms to ensure access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for women victims of violence;
 - (d) Provide access to specialized assistance for women victims of violence;
 - (e) Educate and sensitize law enforcement officers and public officials with regard to issues concerning violence against women and develop strategies to ensure that revictimization of women victims of violence does not occur because of gender-insensitive laws, or judicial or enforcement practices;
 - (f) Adopt all appropriate measures, especially in the field of education curricula so as to instil values which will prevent violence against women;
 - (g) Condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(h) Promote research with regard to the issues concerning violence against women, its causes and its consequences;

(i) Include reporting on violence against women, its causes and its consequences in their reports to international human rights mechanisms;

7. Encourages the Commission on the Status of Women to discuss further the issue of the development of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in keeping with the recommendations of the Special Rapporteur in this regard;

8. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, and in particular to respond to the Secretary-General's request of 29 July 1994 by providing all relevant information and data requested;

9. Requests human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, and in particular to respond to requests for information on violence against women, its causes and its consequences;

10. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

11. Requests the Secretary-General to ensure that the preliminary report of the Special Rapporteur on violence against women, its causes and its consequences is made available to the Fourth World Conference on Women and to work with the High Commissioner for Human Rights, the Special Rapporteur and the Secretary-General of the Conference to ensure an integral role for the Special Rapporteur at the Conference;

12. Also requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women to assist in the Commission's work in the area of violence against women, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

13. Decides to continue consideration of the question as a matter of high priority at its fifty-second session.

62nd meeting
8 March 1995

[Adopted without a vote. See chap. XI. E/CN.4/1995/176]