



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



Elimination of violence against women

Commission on Human Rights resolution 1999/42

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 resolutions 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences, and 1997/44 of 11 April 1997, in which that mandate was renewed,

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,

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 Beijing Declaration and Platform for Action of the Fourth World Conference on Women (A/CONF.177/20, chap. I) and follow-up action such as the agreed conclusions adopted by the Commission on the Status of Women on violence against women and on the other critical areas of concern identified in the Platform for Action,

Recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) 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,

Concerned that violence against women in the family occurs within the context of de jure and de facto discrimination against women and the lower status accorded to women in the family, the workplace, the community and society, and is exacerbated by the obstacles women often face in seeking remedies from the State,

Reaffirming that traditional or customary practices affecting the health of women and girls constitute a definite form of violence against them and a serious violation of their human rights,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially targeted and vulnerable to violence,

Reiterating that acts of sexual violence in situations of armed conflict constitute grave breaches of international humanitarian law,

Noting with appreciation the Special Rapporteur's participation at the twentieth session of the Committee on the Elimination of Discrimination against Women,

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,

1. Welcomes the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1999/68 and Add.1-4), and encourages her in her future work;
2. Commends the Special Rapporteur for her analysis of violence in the family, violence in the community and violence as perpetrated and/or condoned by the State;
3. 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 all forms 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, 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, by private persons or by armed groups or warring factions, and to provide access to just and effective remedies and specialized, including medical, assistance to victims;
4. Strongly condemns physical, sexual and psychological violence occurring in the family, which 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 and violence related to exploitation;
5. Also 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 an effective response to violations of this kind;
6. Welcomes the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court (A/CONF.183/9), which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and any other forms of sexual violence constitute, in defined circumstances, a crime against humanity and a war crime;
7. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and to respond to the Special Rapporteur's visits and communications;
8. Welcomes the efforts of the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate, by sending joint urgent appeals and communications with other special rapporteurs;
9. Also welcomes the efforts of those special rapporteurs, special representatives and independent experts who have considered the issue of violence against women and encourages any other relevant United Nations mechanisms to give consideration to this issue in the implementation of their mandates;
10. 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 her mandated tasks and duties, and in particular to respond to her requests for information on violence against women, its causes and consequences;
11. Recalls the report of the Special Rapporteur to the Commission at its fifty-second session (E/CN.4/1996/53 and Add.2) which, inter alia, contained general and specific recommendations to guide State

action with respect to violence against women in the family, and invites States to give due regard to those recommendations;

12. Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent all forms of violence against women, and calls upon States:

(a) To apply international human rights norms and to ratify and/or implement fully international human rights instruments that relate to violence against women;

(b) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments gender-disaggregated data and, whenever possible, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Beijing Platform for Action;

(c) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(d) To enact and, where necessary, reinforce or amend penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, and to ensure that they conform with relevant international human rights instruments and humanitarian law;

(e) In this context, to take action to investigate and punish persons who perpetrate acts of violence against women;

(f) To consider undertaking comprehensive, objective and easily accessible information campaigns about violence against women;

(g) To establish and/or strengthen, at the national level, collaborative relationships with relevant non-governmental and community-based organizations, and with public and private sector institutions, aimed at the development and effective implementation of provisions and policies relating to violence against women, including in the area of support services to respond to the needs of women and girl survivors of violence and to assist them in their full recovery and reintegration into society;

(h) To create, improve or develop, as appropriate, and fund training programmes, taking into account, inter alia, gender-disaggregated data on the causes and effects of violence against women, for judicial, legal, medical, social, educational, police, correctional service, military, peacekeeping and immigration personnel, in order to avoid the abuse of power leading to violence against women and to sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be ensured;

(i) To sensitize all persons, men and women, to the causes and effects of violence against women and to highlight men's role in its prevention and elimination, to encourage and support men's initiatives to complement the efforts of women's organizations in this regard, and to encourage behavioural change by perpetrators of violence against women;

13. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be implemented fully with regard to violence against women, taking into account General Recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those States which are still not parties to the Convention to work actively towards ratification of or accession to it so that universal ratification can be achieved by the year 2000;

14. Calls upon States to eradicate traditional or customary practices affecting the health of women and girls through, in addition to national legislation and policies prohibiting such practices, appropriate measures against those responsible and the promotion of awareness, education and training;

15. Welcomes the Global Campaign to end violence against women;
16. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness of the issue of violence against women and to contribute to its elimination;
17. 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;
18. Invites the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission, including, where appropriate, undertaking joint missions and writing joint reports;

19. 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 at its forty-fourth session, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

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

55th meeting
26 April 1999

[Adopted without a vote. See chap. XII.]