



**WOMEN HUMAN
RIGHTS CONTEXT**

Chapter 2 Women Human Rights Context

2.1 Women Human Rights

In order to fully understand the complexity of intervention in the field of domestic violence against women/Intimate Partner Violence, the awareness about women's human rights and some historical landmarks is essential.

The concept of women's human rights is historically recent and resulted from a progressive process that has a significant milestone with the Universal Declaration of Human Rights adopted by the UN General Assembly in 1948, which aimed the promotion of peace and defence of human rights. This Declaration states that human rights are *universal, indivisible, inalienable* and *interdependent* (Article 1)¹. Human rights are universal because everyone is born with and possesses the same rights, regardless of where they live, their gender or race, or their religious, cultural or ethnic background. Inalienable because people's rights can never be taken away. Indivisible and interdependent because all rights – political, civil, social, cultural and economic – are equal in importance and none can be fully enjoyed without the others. They apply to all equally, and all have the right to participate in decisions that affect their lives.

Article 2 of the Declaration states that:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing or under any other limitation of sovereignty.²

The Declaration was recognised as a great instrument of consensus on human rights in the 20th century. However, it was also recognised that women rights were not initially contemplated in such universal instrument.

Aware of this, women's movements campaigned to have an active role in society based on equality in political decision making, social and cultural opportunities and salary. Thus, the 2nd wave of the women's movement started a long process to demonstrate, gain recognition and incorporate women's rights as human rights, to

¹UNFPA website. Human Rights Principles. Available at: <http://www.unfpa.org/rights/principles.htm>

²United Nations, 1948, Universal Declaration of Human Rights. Available at: <http://www.un.org/en/documents/udhr/index.shtml>

overcome the obstacles and prejudices against women created by cultural and patriarchal stereotypes.

In 1993, at the World Conference on Human Rights held in Vienna, the UN Member States formally proclaimed that the rights of women and girls should be part of the UN activities in favour of human rights, including the promotion of international instruments of women's human rights. With the Declaration and Vienna Programme of Action, resulting from this Conference, it was assumed that "*Women's Rights are human rights*"³ as stated by Hillary Clinton and included in the Vienna Declaration.

This position was an outcome of previous initiatives implemented by the United Nations during the Decade for Women (1976-1985) which aimed to raise awareness of women's human rights all over the world:

- The Mexico Conference, 1975
- The Copenhagen Conference, 1980
- The Nairobi Conference, 1985

Alongside these conferences, the International Conference on Population and Development, held in 1994 in Cairo, explicitly recognised the reproductive rights of women.

The 4th World Conference on Women, held in 1995 in Beijing, created a human rights agenda for women, resulting in the Declaration and Platform for Action which considered twelve critical areas of concern for women. It consolidates the references for the promotion, implementation and monitoring of the agreed strategies and formed at the United Nations level a body where the women's movements and NGOs can report. It undoubtedly contributed towards the advancement of the fundamental human rights of women.

In parallel, women's movements increased their activism worldwide, requesting governments to take action and demanding accountability mechanisms. It also demands an end to the impunity for violators of women's human rights and for the implementation of a culture of accountability.

³ Vienna Declaration and Programme of Action, UN General Assembly, 12 July 1993 (p.18) Available at: <http://www.unhcr.org/refworld/topic,459d17822,459b17a82,3ae6b39ec,O.html>

In 2008 the Council of Europe published an important document – Combating Violence Against Women: Minimum Standards for Supporting Services. The document focuses on the support and protection for victims/survivors and establishes how different services should be implemented at a community level.

In April 2011, the Convention on Prevention and Combating Violence Against Women and Domestic Violence⁴ was adopted by the Council of Europe Committee of Ministers. It opened for signatures on 11th May 2011, in Istanbul, and will enter into force following ten ratifications. For the time being, only Turkey, Albania and Portugal (the 1st country of EU Member State) have ratified the Convention.

Despite the Universal Declaration of Human Rights, women continue to see their fundamental rights referred to a secondary level of subordination, based on prejudice, economic and political interests and traditions, far from a really full enjoyment. The major discrimination against women and gender inequality is gender-based violence, including Intimate Partner Violence.

2.2 What is Violence Against Women

Every day women are victims/survivors of violence and other types of systematic and serious discrimination, largely tolerated in our societies. In the last decades, violence against women has been recognised as a gender-based violence and a human rights violation.

The 2nd wave of women's movements raised awareness of violence against women as a problem and as a concern of the public sphere, rather than a private matter, hitherto tolerated. The women's movement promoted the increasing of awareness about women rights and challenged the impunity of the perpetrators.

Recognising the problem, United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women, in 1979. The majority of UN Member States has ratified the Convention. This Convention is considered as guidelines that promote equality between women and men, through ensuring the equal access by women to, and equal opportunities in, public and political life, education, health and employment. It also establishes what constitutes discrimination against women and actions to implement efforts to eliminate such discrimination.

⁴ Council of Europe [CoE] – Directorate General of Human Rights, 2011. *Convention on Preventing and Combating Violence Against Women and Domestic Violence*. Available at: http://www.coe.int/t/dghl/standardsetting/convention-violence/default_en.asp

Nevertheless, only in 1992 did the UN Committee for the Elimination of Discrimination Against Women, under General Recommendation Nr. 19, clarify that violence against women is gender-based violence, due to different functions and roles associated to gender, and affects women disproportionately. In 1993, the United Nations adopted the Declaration on the Elimination of Violence Against Women, which defines violence against women as follows:

Article 1

For the purposes of this Declaration, the term "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.

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including 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;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.



Patriarchal traditions and practices violating women's rights and culture cannot justify or legitimise the existence of violence, nor should they serve as an excuse to deny human rights and equal opportunities

Overall, violence against women feeds gender inequalities and reinforces the submission of women. It is complex, since it is rooted in interpersonal relations, community and culture. It is a concern for all EU Member States, since it violates the fundamental and basic rights of women, and prevents women from participating in decision-taking processes, both in public and private life. It has short and long-term consequences and impacts in various ways, including social, economic and health, and in the worst cases it may result in death.

Project Coordinator



Association of Women Against Violence
Lisbon, Portugal

Margarida Medina Martins
Petra Viegas
Rita Mira
project.e-maria@amcv.org.pt
Tel. +35 21 380 21 60
www.amcv.org.pt

Project Partners

BUPNET

BUPNET GmbH
Göttingen, Germany

Sabine Wiemann
swiemann@bupnet.de
Ines Polzin
ipolzin@bupnet.de
www.bupnet.de



die Berater
Vienna, Austria

Maren Satke
m.satke@dieberater.com
www.dieberater.com



Social Innovation Fund
Kaunas, Lithuania
Ludmilla Mecajeva
l.mecajeva@lpf.lt

Diana Basinskaite
d.basinskaite@lpf.lt
www.lpf.lt



www.e-maria.eu



This project has been funded with support from the European Commission. This communication reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.