Types of Violence

Policy Booklet

January 2017

EVERY WOMAN TREATY

The next step in ending violence against women & girls.
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NOTE: Memos were written using Everywoman, Everywhere, our original name.
Recommendations for a Global Treaty on Violence Against Girls and Women of All Ages

by the Expert Special Committee on Types of Violence

January 2017
1. Introduction of Treaty Content

1.1 Introduction

The Everywoman Everywhere Coalition is committed to the development of a Global Treaty on Violence Against Girls and Women of all ages. The Coalition conducted a global consultation in 2016 comprised of 15 Expert Special Committees organized under 5 categories. The 5 categories are: Types of Violence (TOV), Life Stage, Vulnerable Groups, Prevention, and Implementation. In addition, there is a Global Drafting Committee that will review, analyze, and integrate the findings from these 15 Expert Committees into a Draft Treaty document. The first treaty of its kind that takes into account the experiences of survivors of Violence Against Girls and Women of all ages and insights from front line practitioners, this treaty will address the current need for prevention work and better implementation of existing laws. It will also address the needs of girls and women in countries that lack effective legislation to protect girls and women of all ages from violence and provide effective access to justice.

A stand-alone Treaty on Violence Against Girls and Women of all ages will be instrumental in establishing global minimal norms and standards to outlaw this violence and encourage nations to better implement existing laws on violence. Furthermore, a treaty of this kind will force governments to address the needs of girls and women in countries where there is a lack of legislation against violence against girls and women. When signed and ratified, the treaty will guide the development and interpretation of domestic law. It will also provide a legally binding framework that women's rights advocates can use to push for the implementation of existing laws pertaining to the rights of girls and women and a new global standard of government accountability.

1.2 Legal Framework

In order to formulate a definition on Violence Against Girls and Women of all ages for the treaty, members of the Expert Special Committee on Types of Violence (TOV) conducted a thorough review of treaties and charters introduced in the past to curb Violence Against Girls and Women of all ages. The aim of this exercise was to acknowledge efforts made in the past to tackle violence, to gain thorough knowledge on these treaties and charters, and to review and analyze them to ascertain their gaps and shortcomings. It is important to note that the aim of developing a separate treaty on Violence Against Girls and Women of all ages was not to reinvent the wheel, but rather to develop a treaty that addressed the limitations of past treaties and charters and produce a measurable reduction in rates of violence against girls and women of all ages. Furthermore, this review also helped members of the Special Committee on TOV to gauge the language that had been used in past treaties and charters to describe violence against women and girls, which in turn helped them to formulate one of their own. Please see below for the treaties and charters that were reviewed:
Some of the definitions from the treaties and charters mentioned above are as follows:

The Declaration on the Elimination of Violence Against Women

Affirming that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women,

Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that
violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men,

The ASEAN Declaration on the Elimination of Violence Against Women in the ASEAN Region

RECOGNIZING that violence against women and violence against children occur irrespective of the stages of the life cycle, whether at home, in school, in the workplace, in public or private spaces (including cyber space), or as a result of gender bias, discriminatory and harmful traditional practices must be eliminated as they impair human rights and fundamental freedoms of women and children;

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

“Violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

2. Summary of the Committee's Discussion of Treaty Content

The Preliminary Draft of the Treaty Outline was shared with members of the 15 committees in June 2016. Members were invited to give their feedback on the specific subject that their Committee was focused on: Types of Violence, Workplace Violence, State-Sponsored Violence and Trafficking/Slavery. Members shared extensive feedback on the 17-page document and shared their comments via email. Please see below for some of the suggestions that were made:

● The Treaty needs to include a section on holding signatory nations accountable and measures that can be taken against a State if it fails to adhere to the Treaty once signed.

● Under Article 2, sexual violence should be recognized as a violation of international human rights law.

● Under Article 11 on Legal Reinforcements: Penal, Civil and Administrative Provisions, in some countries it is also regulated under the family code. It would be appropriate to add it there in the treaty.

● Under Article 18 on Violence Against Girls and Students, a separate section should be included on Campus Violence.
A separate section on Pornography should be included in the Treaty.

A series of meetings were held to develop a definition on Violence Against Girls and Women of all ages during which the chairs of the Expert Special Committee on TOV, Ms. Simi Kamal and Ms. Marina Parker, developed a tentative definition, which was then shared with members of the Committee for their feedback. It is pertinent to note that the Special Committee on TOV has held a total of six committee meetings and a series of additional memo drafting meetings to finalize the definition of Violence Against Girls and Women of all ages and other matters. Please see below for the dates and agendas of these meetings:

- **1st** Special Committee on TOV Meeting (February 10, 2016)—Clarifications on roles and functions of members of Special Committees and committees, brainstorming on prevalence of Violence Against Girls and Women around the globe and content for memo.
- **2nd** Special Committee on TOV Meeting (March 4, 2016)—Updates from committees and discussion on developing a definition on Violence Against Girls and Women for a Treaty.
- **3rd** Special Committee on TOV Meeting (April 7, 2016)—Developing a definition for Violence Against Girls and Women with the inputs of all Special Committee on TOV members.
- **4th** Special Committee on TOV Meeting (12 May, 2016)—Incorporating feedback of Special Committee on TOV members on Violence Against Girls and Women definition.
- **5th** Special Committee on TOV Meeting (28 June, 2016)—Review of feedback on Violence Against Girls and Women definition and Preliminary Draft of Treaty Outline.
- **6th** Special Committee on TOV Meeting (November, 2016)—Last Call for feedback on Violence Against Girls and Women definition and Preliminary Draft of Treaty Outline.

**3. Concluding Comments by the Committee on Treaty Content**

“Unresolved, Sensitive, Potentially Contentious Issues”:

- Since several contributing factors such as social, labor, economic discrimination, and cultural stereotypes make girls and women of all ages vulnerable and violence harder to report, addressing violence as discrimination runs the risk of losing focus on violence as a crime. Hence, it was decided that the definition would not include this term.

- It was suggested that “women of all ages” be included in the definition as often in legislation pertaining to violence against women, only women of childbearing age are addressed. To avoid this pitfall, “women of all ages” should be included. However, the Chairs decided that including “women of all ages” minimized the emphasis placed on
girls. As a result, it was concluded that the definition would use the term “Girls and Women of all ages.”

● Members suggested that the definition of Violence Against Girls and Women of all ages include “basic human rights.” However, it was later concluded that including the term “basic” may be misunderstood to signify that the treaty only refers to fundamental human rights, as opposed to the broad spectrum of rights accorded to men without question. Members were also of the view that using this term would leave the door open for states to argue that they do provide women citizens with fundamental rights such as access to food, water, and shelter and thereby draw attention away from the numerous instances of Violence Against Girls and Women of all ages that do occur all over the world. Hence, this term was excluded from the definition.

● The term “self-fulfillment” used in the definition for Violence Against Girls and Women of all ages was confusing to some members, while others felt that it was impossible to comprehend in legal terms. However, the majority of members were of the view that it aptly encompassed autonomy, opportunity, and desire. As a result, this term was not removed from the definition.

4. Recommendations by the Committee on Treaty Content

There are four important developments that occurred during these meetings in context to the definition:

● Members decided that the treaty would use the term Violence Against Girls and Women of All Ages, not gender based violence (GBV), as has been the practice in former treaties and charters. Since the extreme prevalence is regarding violence against girls and women, members concluded that there is an urgent need to focus on Violence Against Girls and Women of All Ages, not GBV.

● Members decided that the treaty could consist of a short and long definition of Violence Against Girls and Women of all ages. The first would be a concise definition and the second would be a more detailed definition which would refer to different types of violence.

● It was concluded by members that violence against women is not an all-inclusive term and hence it was important to use Violence Against Girls and Women of All Ages throughout the treaty in order to make it clear that violence against girls is a separate category and women of all ages are consistently marginalized by this type of human rights violation.

● Members who belong to a variety of different professional backgrounds such as
academia, law and development among others, decided that the definition on Violence Against Girls and Women of all ages must avoid using excessive legal jargon that could possibly alienate women around the world who would find it cumbersome to comprehend. This speaks to the access to justice issue for survivors.

Members worked hard to develop a definition that would be globally applicable and inclusive in nature. Special importance was placed on the inclusivity of women of vulnerable and minority groups and women with disabilities.

The Committee recommends that the following long and short definitions of Violence Against Girls and Women of all ages be considered for inclusion in the Treaty:

- Violence Against Girls and Women of all ages is a violation that restricts or nullifies the human rights of girls and women and prevents them from obtaining equality and self-fulfillment.

- Violence Against Girls and Women of all ages is a violation that restricts or nullifies the human rights of girls and women and prevents them from obtaining equality and self-fulfillment. Violence Against Girls and Women includes the committing or instigation of physical, sexual, psychological, emotional, and any other form of harm and suffering that occurs both in public, institutional and private settings during peacetime and conflict.

It is worth noting that the members of the Special Committee on TOV gave insightful feedback on the Violence Against Girls and Women definitions above:

- It was also suggested that structural violence which is a result of inadequate legislation and policies should be included in the preamble (or other appropriate/relevant portion) of the treaty as the term was too broad to be covered under the Violence Against Girls and Women definition.

- Various types of harmful practices should also be included in the Violence Against Girls and Women definition. However, in order to keep the definition concise, it was decided that the preamble (or other appropriate/relevant portion) of the treaty focus on the different kinds of harmful practices.

- One of the members of the Committee also suggested that socioeconomic, political, and legislative violence be included in the definition. However, the chairs decided that it would be more suitable to address these conditions in the preamble (or other appropriate/relevant portion) of the treaty.
Committee Member Bios:

(Cochair) Simi Kamal—Pakistan
Simi Kamal has 35 years of global and national experience in civil society and private sectors. Her interests and expertise include women’s rights and empowerment, fighting violence against women, research on women, and gender-based violence and institutions for women’s empowerment. She also has extensive expertise in water, environment, food security, climate change, and building collaborative partnerships, platforms, and networks. Kamal is the founder and chair of the Hisaar Foundation—a foundation for water, food, and livelihood security—and has also founded and managed several other organizations in the social development and marketing research sectors. She is currently Senior Group Head Grants Operations at Pakistan Poverty Alleviation Fund, handles a grant portfolio of several hundred million dollars, and is mainstreaming gender across its programs. Until recently, she was the head of the Gender Equity Program in Pakistan, a $40 million program of the Aurat Foundation, supported by the U.S. Agency for International Development. She is author and coauthor of 180 research and evaluation reports, and 430 papers, articles, book chapters, handbooks, and modules. She is part of national and international networks and campaigns for equal rights of women and has been the recipient of several awards.

(Cochair) Marina Piskláková-Parker—Russia
Marina Pisklakova-Parker started the first helpline for battered women in 1993, now known as the Resource Center for the Prevention of Violence, or ANNA, which also coordinates a network of about 160 organizations across Russia and works to advocate on the issue of violence against women in Russia and other countries. Marina is involved in developing and implementing a system of response to violence against women and is working on changing the legislation. She is a coauthor of two books: Marriages in Russia, published in the U.S. and Russia, and Between Scream and Silence, published in Russia, as well as a number of articles. Marina was honored by Human Rights Watch in 1997 and 1998 and was featured in the book Speak Truth to Power, by Kerry Kennedy, as one of 50 human rights defenders. In 2004, she received an award from Vital Voices Global Partnership. Marina is a member of the Global Council of the Vital Voices Global Partnership. Her story is featured in the play Seven as one of seven women changing the situation for women in the world. She is also a member of the WAVE Board.

(Memo Drafter) Zainab Ali Khan—Pakistan
Zainab Ali Khan is a gender specialist with over 5 years of work experience in the development sector in Pakistan. Her educational background includes a Bachelor’s degree in English Literature with a minor in Women’s Studies from the University of Maine, USA and a Master’s degree in Women and Gender Studies from the University of Toronto, Canada. She currently
works for the Gender Equity Program, a $38 million project supported by the U.S. Agency for International Development and implemented by the Aurat Foundation, a leading Pakistani non-governmental organization for women's rights. Ms. Ali Khan has authored and coauthored a number of reports, case studies, and success stories. She also has experience in research, capacity building, documentation & reporting, human resources, and organizational restructuring.

(Committee chair on Domestic and Family Violence) Ghada Hammam—Egypt
Ghada Hammam is a gender-monitoring, evaluation, and capacity-building expert with more than 20 years of experience in civil society development in Egypt. She currently serves as Country Program Manager for Diakonia, a Swedish donor agency, heading and managing Diakonia’s Country Program in Egypt, based on their established guidelines, policies, strategy planning, and budget. Ghada advises participating organizations on monitoring program planning, identification of core results indicators, and monitoring and evaluation. Ms. Hammam assists organizations to develop indicators, performance targets, and benchmarks, as well as to collect data to track progress against work plans. She has extensive experience in women’s issues in Arab countries, previously assisting Yemen social funds in mainstream gender equality concepts in education strategy, and assisting in decreasing school violence in 15 Yemen governorates. Ghada has strong experience in women's empowerment, gender issues, and business entrepreneurs, good governance, democratic principles, and social accountability. She led and participated in a baseline survey conducted in seven Arab countries during 2012–2013. This research included measures for knowledge, laws, methodologies, and tools and linked these benchmarks by the opportunities and transition period in these seven countries. In 2004 she developed a gender case study in water and sanitation based on gender perspectives from Egypt. This case study was published in five languages.

(Committee chair on Trafficking/Slavery) Virginia Muwanigwa—Zimbabwe
Virginia Muwanigwa has extensive experience in the NGO field in gender mainstreaming in project cycle management, including proposal formulation and design, development, planning, implementation, monitoring, and evaluation, proposal writing and training, gender, information and communications, gender and media advocacy in communications strategy development, programming and training, extensive use of rights-based approaches for advocacy on women’s rights, and 18 years of gender mainstreaming experience in Zimbabwe, SADC, and Africa. Virginia is married, the mother of two boys and a proud grandmother. She holds a masters in business management degree; a BSc in sociology and gender development studies; a diploma in communications and journalism; professional training in gender mainstreaming in project cycle management by ILO International Training Centre; a diploma in workers’ education; and human rights education training from Trainers by Equitas.
(Liaison to Committee on State-Sponsored Violence) Katarzyna Sękowska–Kozłowska, Poland

Katarzyna Sękowska-Kozłowska, Ph.D. is a senior researcher at the Poznań Human Rights Centre of the Institute of Legal Studies of the Polish Academy of Sciences. She conducts research in various fields of human rights with focus on gender issues (reproductive rights, violence against women, temporary special measures, gender stereotyping). She is author of numerous publications on this topic and legal analysis for national and international bodies and NGOs. She is also a lecturer of gender studies at Adam Mickiewicz University.

(Liaison to Committee on Workplace Violence) Tanyi Christian—Cameroon

Tanyi Christian is the cofounder, and CEO of the Martin Luther King Jr. Memorial Foundation (LUKMEF). Christian studied mathematics, computer science and chemistry at the University of Buea. He holds a certificate in conflict analysis from the US Institute of Peace in Washington DC. In 1999 he cofounded LUKMEF and became the CEO. Christian is an educator, a community organizer, and a peace activist with 11 years of experience in development work in Cameroon. Internationally, he has presented key papers in workshops and conferences around the world, including the UN, on various peace and development issues. His mind is now set on establishing a specialized center for peace, democracy and development studies in Africa (which would be known as AIPDD).

(Liaison to Committee on Women and Girls with Disabilities) Cristina Ricci—Australia

Cristina Ricci has over 30 years of experience promoting and protecting the rights of people with disabilities and has worked in nongovernment, government, and academic settings, across a range of portfolios including disability, mental health, health, and education. She has previously worked for the Australian Human Rights Commission, the Mental Health Council of Australia, NSW Multicultural Disability Advocacy Association, the University of Technology Sydney, and the University of Sydney, among other organizations. She has coauthored major national reports, which have resulted in significant systemic change for people with disabilities across Australia and has delivered disability rights training internationally to Disabled People’s Organizations, governments, and national human rights institutions delivering positive outcomes for people with disabilities, communities, and governments. Cristina is now employed by WWDA as Director, Strategic Policy and Programs, in a part-time role, and is working on the 12-month funded WWDA project Strengthening the Voice of WWDA and Women with Disability.
## Supporting Documents:

1. Definition Table
2. Committee Meeting Notes

### I. Definition Table

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Term</th>
<th>Reference to human rights or women's rights</th>
<th>Forms of violence</th>
<th>Sphere/perpetrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Everywoman Everywhere Treaty Consultation May 2015</td>
<td>Violence against women and girls</td>
<td>(Art 3) . . . a violation of human rights and a form of discrimination against women</td>
<td>(Art 3) . . . all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty . . . that women and girls are often exposed to serious forms of violence such as domestic violence, sexual harassment, rape, forced marriage, crimes committed in the name of so-called “honor” and genital mutilation, which constitute a serious violation of the human rights of women and girls and a major obstacle to the achievement of equality between women and men</td>
<td>Public and private sphere, conflict zones, workplace, family members, community members, institutional entities, the state</td>
</tr>
<tr>
<td>Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, 2011)</td>
<td>Violence against women</td>
<td>(Art 3) . . . a violation of human rights and a form of discrimination against women</td>
<td>(Art 3) . . . all acts of gender-based violence that occur in, or are likely to occur in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty . . . that women and girls are often exposed to serious forms of violence such as domestic violence, sexual harassment, rape, forced marriage, crimes committed in the name of so-called “honor” and genital mutilation, which constitute a serious violation of the human rights of women and girls and a major obstacle to the achievement of equality between women and men</td>
<td>(Art 3) . . . in public or in private life</td>
</tr>
<tr>
<td>Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará, 1994)</td>
<td>Violence against women</td>
<td>(Art 2) . . . include physical, sexual and psychological violence a. . . including, among others, rape, battery and sexual abuse; b. . . including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping, and sexual harassment in the workplace</td>
<td>(Art 2) a. . . that occurs within the family or domestic unit or within any other interpersonal relationship whether or not the perpetrator shares or has shared the same residence with the woman . . . b. . . that occurs in the community and is perpetrated by any</td>
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<tr>
<td>Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol, 2003)</td>
<td>Violence against women</td>
<td>(Art 1) . . . or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms</td>
<td>(Art 1) . . . all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts</td>
<td>(Art 1) . . . in private or public life in peace time and during situations of armed conflicts or of war</td>
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<tr>
<td>Canadian Council of Muslim Women Toolkit for Community Engagement (2013)</td>
<td>Violence against women</td>
<td><em>(p1) . . . exists in every culture, every country, and every community in the world. No one is immune; no one is protected by virtue of their race, skin color, nationality, religion, age, or class. Violence against women can be physical, psychological, and sexual.</em></td>
<td><em>(p1) . . . It can happen in the home, in the workplace, and in the community. It can be perpetrated by intimate partners, parents, children, schoolmates, work colleagues, religious leaders, and governments.</em></td>
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</tr>
<tr>
<td>Maria da Penha Act (Brazil, 2006)</td>
<td>Violence against women</td>
<td><em>(Art 2) All women, regardless of class, race, ethnicity, sexual orientation, income, culture, educational level, age and religion, enjoy the basic rights inherent to the human person, and are ensured the opportunities and facilities to live without violence, preserve their physical and mental health and their moral, intellectual, and social improvement.</em></td>
<td><em>(Art 5) . . . domestic and family violence is defined as against women as any action or omission based on gender that causes a woman's death, injury, physical, sexual, or psychological suffering and moral or patrimonial damage</em></td>
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<tr>
<td>UN CEDAW Recommendation 19</td>
<td>Gender-based violence</td>
<td><em>(7) Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights treaties.</em></td>
<td><em>(24b) . . . family violence and abuse, rape, sexual assault, and other gender-based violence</em></td>
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<td></td>
<td><em>(24b) . . . family violence and abuse, rape, sexual assault, and other gender-based violence</em></td>
<td><em>(8) The Convention applies to violence perpetrated by public authorities. Such acts of violence may breach that State’s obligations under</em></td>
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rights conventions, is discrimination within the meaning of article 1 of the Convention.

It is emphasized, however, that discrimination under the Convention is not restricted to action by or on behalf of Governments (see articles 2 (e), 2 (f) and 5). For example, under article 2 (e) the Convention calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.

| Rome Statute Of the International Criminal Court (2002) | Violence against women | (Art 7) 1. For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with |

(The ICC prosecutes individuals, not groups or states)
| **UN Declaration on the Elimination of Violence against Women (1993)** | **Violence against women** | (Preamble) Affirming that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women | (Art 1) . . . 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 (Art 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, nonspousal 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. |
| **UN Economic and Social Council Resolution 1991/18 30 May 1991** | **Violence against women** | (2) Reminds member states that violence against women is an issue of equal rights that derives from a power imbalance between women and men in society | (4) . . . all forms of physical or mental violence |
| **UN Nairobi Forward-Looking Strategies (1985)** | **Violence against women** | (245) Immediate and special priority should be given to the promotion and the effective enjoyment of human | (258) Violence against women exists in various forms in everyday life in all societies. Women are beaten, | (258) National machinery should be established in order to deal with the |
| UN Convention Against Torture: General Comment No. 2, Implementation of Article 2 by States Parties (24 Jan 2008) | Gender-based violence | (21) The protection of certain minority or marginalized individuals or populations especially at risk of torture is a part of the obligation to prevent torture or ill-treatment. States parties must ensure that, insofar as the obligations arising under the Convention are concerned, their laws are in practice applied to all persons, regardless of race, color, ethnicity, age, religious belief or affiliation, political or other opinion, national or social origin, gender, sexual orientation, transgender identity, mental or other disability, health status, economic or indigenous status, reason for which the person is detained, including persons accused of political offences or terrorist acts, asylum-seekers, refugees or others under international protection, or any other status or adverse distinction. | (22) The contexts in which females are at risk include deprivation of liberty, medical treatment, particularly involving reproductive decisions, and violence by private actors in communities and homes. | (15) States bear international responsibility for the acts and omissions of their officials and others, including agents, private contractors, and others acting in official capacity or acting on behalf of the State, in conjunction with the State, under its direction or control, or otherwise under colour of law. Accordingly, each State party should prohibit, prevent, and redress torture and ill-treatment in all contexts of custody or control, for example, in prisons, hospitals, schools, institutions that engage in the care of children, the aged, the mentally ill or disabled, in military service, and other institutions as well as contexts where the failure of the State to intervene encourages and enhances the danger of privately inflicted harm. The Convention does not, however, limit the international responsibility that States or individuals can incur for perpetrating torture and ill-treatment under international customary law and other treaties. |
| UN Fourth World Conference on Women Platform for Action (Beijing, 1995) | Violence against women | (112) Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. | (113) . . . 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 | (117) . . . within the home or in the community, or perpetrated or condoned by the State. |
acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not 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, nonspousal 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.

(114) . . . violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.

(115) . . . forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide, and prenatal sex selection.

<table>
<thead>
<tr>
<th>UN General Assembly</th>
<th>Violence against women</th>
<th>(Preamble) . . . all forms of violence against women seriously violate and impair or nullify the enjoyment by women of all human rights and fundamental freedoms and constitute a major impediment to the ability of women to make use of their capabilities. (Preamble) . . . pervasive violation of the enjoyment of human rights and a major impediment to achieving gender equality, development, and peace.</th>
<th>(3) . . . 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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>UN Security Council</td>
<td>Gender-based violence</td>
<td>(8) c) . . . protection of and respect for human rights of women and girls, particularly as they relate to the</td>
<td>(10) gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of</td>
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| **UN Vienna Declaration and Programme of Action (1993)** | **Violence against women** | (18) The human rights of women and of the girl-child are an inalienable, integral, and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social, and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community. | (18) Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking (38) . . . (in armed conflict) including in particular murder, systematic rape, sexual slavery, and forced pregnancy (38) . . . the World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in public and private life. |
| **UN Convention on the Rights of Persons with Disabilities (2006)** | **Gender-based violence** | (Art 1) The purpose of the present Convention is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. | (Art 16) 1) . . . all forms of exploitation, violence and abuse, including their gender-based aspects. |
| **ASEAN Regional Plan of Action on the Elimination of Violence against Women (2015)** | **Violence against women** | (I) VAW violates human rights and fundamental freedoms of women, limits their access to, control over and ownership of resources, and impedes the full development of their potential. | (II: b) Violence against women encompasses but is not limited to the following: a. Physical, sexual, psychological, and economic violence occurring in the family, such as denying a partner control over basic resources, battering, sexual abuse of female children in the household, marital rape, dowry-related violence, female genital mutilation and other traditional practices harmful to women, nonspousal violence and violence related to exploitation; Physical, sexual, and psychological violence occurring within the general community, such as 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 and/or non-State entities, wherever it occurs (UNICEF, 2000 and Beijing Platform for Action, 1995). Other forms of VAW exist. These include early and forced marriage and other forms of harmful practices that constitute or contribute to VAW and new and (II:a) . . . whether occurring in public or private life. |
emerging forms of VAW, including VAW committed using information and communications technology (ICT) such as online harassment, abuse, bullying, stalking and distribution of denigrating images.

| UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography (2002) | (Preamble) Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development | (Preamble) Recognizing that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation and that girl children are disproportionately represented among the sexually exploited |

Other International Legislation That Do Not Define VAW, but Reference Discrimination, Equality of Women and Girls, or Violence They May Be Subjected to.

| UN Cairo Declaration on Population and Development (1994) | 7. The empowerment of women and the improvement of their political, social, economic, and health status are highly important ends in themselves. We further believe that human development cannot be sustained unless women are guaranteed equal rights and equal status with men. In this process women should be seen not merely as the beneficiaries of change but as the agents of change as well. This entails an enhancement of their own gender awareness. We believe that education is the single most important element on the road to equality and empowerment of women. Education should also aim at eliminating negative gender stereotypes in order to improve the status of women, with a view to achieving cooperation and partnership between men and women. We therefore strongly support the education goals set forth in the ICPD Programme of Action as adopted in Cairo, and commit ourselves to removing all legal, social, and cultural barriers in our countries that discriminate against women and prevent their full participation in society, including in public and political life. We call upon legislators all over the world to join us in our efforts to empower women as a matter of national priority, and we call upon Governments to enforce legislation in this respect. |
| The UN Declaration on the Rights of Indigenous Peoples (2007) | (Art 22) 2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination. |
| UN Convention on the Rights of the Child (1990) | (Art 19) 1. States Parties shall take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child. |
| UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) | (Art 16) 2. Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats, and intimidation, whether by public officials or by private individuals, groups or institutions. |
| UN International Convention for the Protection of All Persons from Enforced Disappearance (2006) | (Art 2) For the purposes of this Convention, “enforced disappearance” is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law. |
II. Committee Meeting Notes

First Types of Violence (TOV) Special Committee Meeting (Wednesday, February 10, 2016)

Participants:
Simi Kamal (SK)—Cochair TOV Committee
Marina Parker (MP)—Cochair TOV Committee
Ghada Hammam (GH)—Chair Committee on Family & Domestic Violence
Katarzyna Kozlowska (KK)—Liaison Committee on Workplace
Vidya Sri (VS)—Observer
Zainab Ali Khan (ZAK)—Primary Rapporteur

Discussion:

Clarifications on Roles and Function

❖ SK asked for some clarifications regarding the roles of the TOV Committee members.
❖ SV stated that each of the four committees will write a memo. The role of the primary committee is to support the other committees. Furthermore, each committee has a liaison and their task is to share feedback with the primary committee.
❖ ZAK offered to be the note-taker and meeting schedule coordinator.

Introductions

❖ This was followed by introductions from the group members that were present.

Brainstorming Questions on Prevalence of Violence around the World

Some points from the discussion on the brainstorming questions that SK shared before the meeting are given below:

❖ MP stated that honor killings and bridal abduction remain common. The trend in Russia is that women in power still do not have power. She cited the example of 20 percent of the parliament in Russia consisting of women.
❖ Russian society still adheres to traditional family roles. Private matters such as domestic abuse are not discussed in the public sphere.
❖ MP also stated that women are held responsible of the violence that is perpetrated against them. There is not enough implementation of laws and funding remains scarce for women’s issues.
❖ GH stated that domestic violence remains a serious issue in Egypt. Girls are still denied proper health care and education.
She brought special attention to the issue of Female Genital Mutilation (FGM) stating that till last year the percentage of FGM was at 98%.

GH also stated that there is not enough space for women in court and there are not enough women judges in Egypt.

KK stated that the situation in Poland is similar to that in Russia. She brought special attention to the issue of reproductive rights and said that limited access to reproductive health services is a huge issue for women in Poland.

SK said that dowry burning, acid violence, and exchange of women to settle disputes are some of the issues faced by women in Pakistan.

Society tolerates violence against women because it is still a man’s world. If real change is to happen, women must stop voting for political parties that do not have a women’s agenda.

Discussion on Content of Memos
The following types of violence are to be included in the memo for Domestic/Family Violence:
- Intimate partner violence
- Bridal abduction
- FGM
- Sexual Violence within the family

The following types of violence are to be included in the memo for State Sponsored Violence:
- Definition of State Sponsored Violence
- Violence in Detention
- Violence against women during conflicts
- Domestic violence—violence perpetrated by support of the State

Closing Remarks
- SK stated that one of the four committees must include customary practices that lead to violence against women.
- It was decided that the one hour time slot for future Special Committee meetings is sufficient, as is the timing.
- The next meeting is to be held on March, 4, 2016 and will be chaired by MP.

Second Types of Violence Special Committee Meeting
(Friday, March 4, 2016)
Participants:
Simi Kamal (SK)—Cochair TOV Committee
Marina Parker (MP)—Cochair TOV Committee
Ghada Hammam (GH)—Chair, Committee on Family & Domestic Violence
Katarzyna Kozlowska (KK)—Liaison, Committee on Workplace
Virginia Muwanigwa (VM)—Chair, Committee on Trafficking/Slavery
Vidya Sri (VS)—Observer
Zainab Ali Khan (ZAK)—Primary Rapporteur

Discussion:

- The meeting commenced with MP reading the Everywoman, Everywhere pledge followed by an introduction by VM who also shed light on the types of violence women in Zimbabwe endure—violence perpetrated by family, sexual harassment, external trafficking of women and poverty, which often results in women getting caught in the web of the trafficking business.
- This was followed by feedback from the various committees on types of violence.

Family & Domestic Violence committee Update

- GH updated on the first meeting of the committee on Family & Domestic Violence. During this meeting members discussed a suitable mechanism for identifying various types of violence in different countries.
- It was noted that whereas in some countries there are existing laws to tackle the menace of domestic violence, other countries such as Egypt have no law on it. There is also a lack of awareness on domestic violence among women and girls.
- Domestic violence often does not constitute as violence in these countries. In Canada, however, the situation is much better regarding the understanding of domestic violence where laws and articles exist to protect women.
- GH informed the Special Committee that the next meeting for the Family & Domestic Violence committee will be held on March 26, 2016.
- SK reminded members that customary practices need to be added to one of the committees and suggested that it would be best if this addition was made to the Family & Domestic Violence committee, to which members agreed.
- VS stated that 3–4 members of the Family & Domestic Violence committee can research the customary practices.

State Sponsored Violence committee Update

- There was no update from this committee as their next meeting is next week (March 7–11, 2016).
- This committee is expecting new members and they plan to work on a definition of state sponsored violence. This can also be broad definition that includes violence perpetrated
by the state and instances of violence wherein the state is complicit.

Definition of VAW for Core Platform

- **MP**—The definition should go from broad to specific. It does not need to include all the types of violence as those be specified later on in the treaty.
- **SK**—The definition should be as concise as possible so that readers do not get lost in the language.
- **VS**—Simplicity is key! Important to remember that the definition will be shared with the Drafting Committee who may further add to it (e.g. legal aspects) if need be.
- **KK**—The definition must include women in conflict situations.
- **VS**—Caution must be taken when framing the definition as it is important to remember that the treaty is on violence against women and not gender based violence. Imperative to keep these nuances in mind.
- **MP**—The draft must focus on raising the issue that the violation of women's rights is a violation of their human rights.
- **SK**—More definitions need to be examined and keep the focus on women's rights.
- **KK**—A framework consisting of all the various definitions should be developed in order to compare the different elements in each definition.
- **VS**—The draft of the treaty must demonstrate that the Everywoman, Everywhere coalition is well versed in knowledge regarding the other treaties and declarations that deal with VAW. Furthermore, the aim should not be to recreate the wheel but improve upon the existing definition of VAW.
- **MP**—Important that every woman belonging to every country, culture, and religion be included in the language of the definition.

Actions to be taken:

- **KK** will share framework of definitions.
- **ZAK** will share two definitions.
- **VS** will have her team plug in the various definitions into the framework shared by KK. The Violence Against Women Treaty Consultation Level 1 findings will also be included in this framework.
- The next Special Committees on TOV will be held on **Thursday, April 7, 2016** at 5 PM PST. Members who were unable to attend this meeting will be informed of the next meeting by VS.

**Third Types of Violence Special Committee Meeting**
**(Thursday, April 7, 2016)**
Participants:
Ghada Hammam (GH)—Chair committee on Family & Domestic Violence
Valerie Khan (VS)
Vidya Sri (VS)—Observer
Zainab Ali Khan (ZAK)—Primary rapporteur

Introduction:
- The meeting commenced with VS introducing new members of the committee who had been unable to attend earlier meetings—Yu Jin Pei and Adolf. An updated committee members’ list will be circulated at a later date.
- The objective of this meeting was to draft a preliminary definition on Domestic/Family Violence and contextualizing violence for the memo—How do we see Violence Against Women and Girls (VAWG) in the domestic and family context in the treaty. How specific do we want to get?
- VS stressed that it is important not to get too specific and acknowledge what already been done and available to us—Belem and Istanbul Conventions.
- The drafting committee consisting of VS, GH, Sheena and VS will start drafting the memo and possibly contact members for specific feedback on items.

Feedback of Members on Definition of Domestic/Family Violence

The following is VK’s feedback
- We need clarity on what we mean by the words “woman” and “girl”
- Include economic and political violence
- Define domestic sphere and family member

Domestic violence happens in domestic sphere but family violence goes beyond that.

The following is Sheena’s feedback
- Istanbul Convention covers the forms of violence quite well.
- More clarify required on difference between family vs. domestic unit.
- Should the definition on domestic/family violence only include family or domestic or both?

The following is Taskin’s feedback
- Family must be defined.

The following is Adolf’s feedback
- Broadly defining a relationship allows that court to determine a domestic relationship based on certain conditions such as duration of relationship, nature of relationship etc.
- Concept of sexual abuse—where do we place it when it happens outside the domestic
sphere?

The following is GH's feedback

- Definition should be made more global and must include political and economic violence. And the restriction, exclusion and discrimination of women and girls. These three words are related to all aspects of woman/girl's life—education, selection of partner and mobility.

The following is Yu Jin's feedback

- The definition should be made culturally meaningful/appropriate.
- Cyber violence is a new form of violence against women and should be included in the definition.

*The Working Group felt that “culture” should not be included as the word can be misused and misconstrued.

The following is Peg's Feedback

- Inclusion of economic violence, intent of violence, or threat of violence for the intent of intimidation and coercion. This has been included in the Istanbul Convention and the same should be done for the Memo.

The following is Jeane's Feedback

- Declaration of human rights is a fundamental issue and must be used a guide.
- Inclusion of domestic torture of children, forced pornography, and either involvement in or the use of pornography to victimize children or force women into pornography or forced prostitution. Human trafficking of women and children must also be included.

*VS will share Jeane's feedback with Girls & Students and Trafficking & Slavery Special Committees.

Issues flagged for further discussion:

- Social and Political Abuse
- Restriction, Exclusion and Discrimination
- Cultural Inclusion
- New Media & Internet
- Intent to Commit Violence through Intimidation and Coercion
- Domestic vs. Family Unit
- Non-State Torture

Discussion on Non-State Torture

- Jeane clarified the difference between torture and abuse stating that torture is recognized as a distinct human rights violation based on degree.
• Non-State torture as any torture perpetrated within a family/relationship by a non-state official (i.e. husband, father, neighbor, uncle, brother etc.).
• VK stated that it is important to include non-State torture in definition as it encourages social and political disapproval of the practice and also recognizes the tortured as a victim.

Discussion on Restriction, Exclusion and Discrimination

• Peg—It is important to include some sort of articulation around the resulting effects that the violence is used to intimate and coerce. Also important to acknowledge that various forms of violence have the restriction, exclusion, and discrimination.
• Adolf—Restriction and Exclusion both result in stopping a woman's participation in society. Restriction and exclusion both fit under discrimination framework as opposed to violence against women framework. However, if we are viewing forms of social abuse, and how to include those in the treaty then this realm can be included.
• Restriction, exclusion, and discrimination must be included separately as they involve different sorts of behaviors/actions.

New Media & Internet and Political Participation

• GH—Political participation is not considered a right for women in Egypt. We must stress that to stop women from political participation is a type of discrimination and violence. It will push governments to develop a law demanding full participation of women.
• VK—Political violence is one of the first tools of control used by men as it robs women of their right to equality in society. The positive effects of women's participation is clear to see with women politicians introducing pro-women legislation. Given this, it is not a coincidence that they are stopped from participating fully in politics.

Closing Remarks by VS

• Asked committee members to read the notes from this meeting once they are shared as well as the Universal Declaration of Rights, the Belam and Istanbul Conventions, and the Maputo Protocol and reflect on how they see the definition of Family/Domestic Violence.
• Ghada, Valerie, Sheena, and Vidya will put together rough draft and evolve definition.
• Next meeting was scheduled for April 25 but now has been changed to May 5 (same time and duration).
• Special Committee on TOV meetings will continue till August but the memo drafting committee will take a few additional months to finalize the memo.
Fourth Types of Violence Special Committee Meeting  
(Thursday, 12 May, 2016)  

Participants:  
Simi Kamal (SK)—Cochair TOV Committee  
Marina Parker (MP)—Cochair TOV Committee  
Ghada Hammam (GH)—Chair committee on Family & Domestic Violence  
Katarzyna Kozlowska (KK)—Liaison committee on Workplace  
Cristina—Special Committee on TOV Member  
Tanyi Christian (TC)—Member of Special Committee on TOV  
Vidya Sri (VS)—Observer  
Zainab Ali Khan (ZAK)—Primary rapporteur  

Agenda:  
Developing definition on Violence against Women (VAW).  

Discussion:  
- Introductions by members of the Special Committee on TOV.  
- VS updated on other committees. Mentioned that the Drafting Committee is working very hard to draft and develop content and language.  
- VS also updated on the TOV Special Committee meetings: The meetings will take place till August 2016. The TOV Special Committee was urged to finalize the definition on VAW quickly.  
- VS updated on the Treaty Outline: It is a 17-page draft at the moment and it will be shared with members in two weeks. The 5th Special Committee on TOV meeting will be held at the end of June 2016.  
- While reviewing this draft members must give feedback on whether there are sections in the treaty outline that need to be further addressed and proposed.  
- VS also updated on the Launch of VAW Research Database hosted by Harvard Kennedy School and encouraged members to send materials to be shared on this electronic library. Also shared the link for this database via chat box.  
- "VAW is a violation that impairs and nullifies the human rights of women and prevents them from taking their rightful role in society"—MP thought this definition covers what we want to address. She reminded the committee that we need two definitions on VAW—a short one and a long one.  
- SK gave a recap of the VAW definitions discussed during last meeting.  
- KK stressed that gender discrimination must be added to the definition. MP agreed with KK but thought the definition would become too heavy.  
- On the discussion between VAW and GBV—VS stated that both are very distinct terms. The Istanbul Convention speaks about GBV and thus does not seem to be unique to
women and girls. Since the prevalence is re: Violence Against Women and Girls, there is an urgent need to focus on VAW not GBV. Including GBV will shift the frame of the convention.

- It was decided that the definition would include Violence Against Women and Girls (VAWG) to clarify that the treaty encompasses both women and girls and recognizes them as separate entities.
- In order to include girls in the definition, SK suggested the following definition—“VAW is a violation that impairs and nullifies the human rights of women and girls and prevents them from taking their rightful role in society”
- Cristina—VAWG should be included and stated in both parts of the statement, as violence against girls is a huge issue. Should not assume that readers of treaty will take VAW as inclusive of girls. Important to specify by using “Violence Against Women and Girls (VAWG) term.
- SK suggested the following definition—“VAWG is a violation that impairs and nullifies the human rights of women and girls and prevents them from obtaining equal rights in society and achieving their full potential.” SK agreed with Cristina that girls must be mentioned twice in statement.
- SK suggested another definition—“VAWG is a violation that impairs and nullifies the human rights of women and girls and prevents self-fulfillment and obtaining equal rights in society.”
- KK was not comfortable with “full potential” term as it is not a legal term. SK explained why it is important to include “full potential” as women are often prevented from achieving their potential and having access to opportunities that men do.
- ZAK via SK reminded members that the treaty must be in a language that survivors can comprehend and relate to—Language every woman everywhere can understand.
- VS clarified that the global drafting committee consisting of 11 legal practitioners will work on the language and apply it to treaty framework.
- MP suggested that the treaty can include what it means to achieve full potential so that readers know exactly what we mean.
- The issue of access and enjoying rights should also be included in the definition.
- SK suggested another definition—“VAWG is a violation that impairs and nullifies the human rights of women and girls and prevents self-fulfillment and obtaining equal rights in society.”
- VS stated that self-fulfillment could be interpreted as self-determination and convey the wrong message. GH said that self-fulfillment term would be confusing for people in some parts of the world.
- Cristina suggested that the term obtaining should be switched to enjoying—“VAWG is a violation that impairs and nullifies the human rights of women and girls and prevents self-fulfillment and enjoying equal rights in society.” Agreed that the term self-fulfillment needs to be given more thought about how it’s interpreted by different groups.
SK shared another definition in the chat box—“VAWG is a violation that impairs and nullifies the human rights of women and girls and prevents self-fulfillment and enjoying equal rights.”

MP still thought self-fulfillment is narrow in comparison to full potential and can be misinterpreted in other cultures.

In regards to Cristina’s question re types of violence being included in the definition she was informed that the longer definition of VAWG will include the different kinds of violence.

SK suggested that the members close on the small definition in this meeting and then start the next meeting with the larger definition.

KK felt that the shorter definition should include physical or psychological harm to make it stronger. SK requested her to share her definition in written form with all the members.

GH once again suggested that members should share their definitions via email.

MP gave members till next Friday, May 20, 2016 to send definitions. It was decided that a Skype meeting can be done to finalize the definition.

Cristina suggested that the definition should begin with—“All forms of VAWG are a violation”

VS stated that the other committees need this output soon.

Decisions:

- Members were requested to send their definitions to ZAK by Friday, May 20, 2016.
- The 5th Special Committee on TOV will be held on June 28, 2016 (9:00 AM EST). This meeting will be for 90 minutes.

Fifth Types of Violence Special Committee Meeting
(Tuesday, June 28, 2016)
Participants:
Simi Kamal (SK)—Cochair TOV Committee
Marina Parker (MP)—Cochair TOV Committee
Cristina—Special Committee on TOV Member
Vidya Sri (VS)—Observer
Zainab Ali Khan (ZAK)—Note-taker

Agenda:
Review of feedback on Violence against Women and Girls (VAWG) definition and Preliminary Draft of Treaty Outline.

Discussion:
The two types of feedback required on the Preliminary Draft for Treaty Outline are as follows:

a) Areas that may have been overlooked in the Treaty Outline
b) Review of Treaty Outline through the lens of all the committee (i.e. Domestic Violence, Trafficking, State-Sponsored Violence and Workplace Violence) to ascertain key priority areas that may have been missed.

MP pointed out that it is essential to include a section on holding States accountable. It should be clearly stated in treaty outline. SK agreed with this statement and stated that the treaty outline should also include measures that can be taken against a State if it fails to adhere the treaty once signed.

Feedback on Treaty Outline from ZAK included:

a) Recognizing sexual violence as a violation of international human rights law under Article 2 of the Treaty Outline
b) Giving victims of violence the option of requesting a new officer be assigned to their case should they feel the current officer has failed to follow legal procedures and is obstructing the course of justice.
c) The Acid Crime Control Act of Bangladesh (2012) gives police officers 30 days per case which can be extended to an additional month. However, if the investigation is not completed in that time frame, the courts can request the police department to assign another investigative officer to the case and take punitive action against the current officer.

VS stated that the memos will be complete post October 2016 and the Drafting Committee will be contacting members of the Special Committee on TOV for feedback from time to time.

VS requested Cristina to share an email with comments re: Consultation of Women/Support to Women.

SK’s feedback was as follows:

a) In regards to Article 18 on Violence Against Girls and Students, SK said a separate section should be included on Campus Violence. She cited the sexual harassment case at Quaid-e-Azam University, pointing out that the Higher Education Commission (HEC) of Pakistan and the Ministry of Education did not bother to formulate a plan that would cover sexual harassment cases at educational institutions. Please see the following link for an article on this case:
b) Pornography should be included in the Draft Treaty Outline.
Sixth Types of Violence Special Committee Meeting  
(Thursday, 3 November, 2016)

Participants:
Simi Kamal (SK)—Cochair TOV Committee  
Millicent Bogert—Member  
Tanyi Christian—Member  
Katarzyna Sekowska-Kozlowska—Member  
Ghada Hamman—Member  
Vidya Sri (VS)—Observer  
Zainab Ali Khan (ZAK)—Primary repertoire

Agenda:
Review of final feedback on memo for Treaty on Violence Against Women and Girls (VAWG).  

Discussion:
- VS commenced the meeting by giving an update and reading the Everywoman Everywhere Coalition's pledge.
- She informed members about the interest shown by the State Department, White House and larger NGOs re this initiative. She also said that there is much less resistance re: a standalone treaty on VAWG.
- The Coalition now has 1,000 members from 122 countries and 300 active members.
- VS reminded members that until the treaty is presented to the UN, they should avoid discussing its details during public engagements.
- The global team has grown to 30 members.
- The coalition will shut down during December 1, 2016—January 2, 2017.
- VS also brought attention to the fact the UN Rapporteur on VAW extended the deadline re feedback in the importance of a standalone treaty on VAWG to November 1, which allowed more people to send their feedback.
- KK asked VS to send the link of the Special Rapporteur’s call for feedback as she required it for her research. She also added that she would try and garner support for the treaty from the Ombudsperson for Human Rights and National Human Rights Commission in Poland.
- GH said she would garner support from the National Council for Women and the Arab League once all the memos from the various Special Committees were shared with her.
- VS stated that the idea was to put together a community of nations that represent voices all over the globe. Hence, it is important to get feedback from the members. She asked everyone to put together some thoughts on this and send it to her via email.
- SK stressed that the Coalition needs to have the movers and shakers around the globe supporting this initiative. She suggested Canada as a viable option as their political leadership is pro-women’s rights.
VS informed members that the memo will go to the Drafting Committee and put into a legal framework—a process that will take a year. She urged members to also send their thoughts on the strengths and the weaknesses re the Special Committee on TOV.

Decisions Taken:

- ZAK to make changes to memo and share with members.
- Members to send their feedback on how to garner support for this initiative from key stakeholders around the globe such as government officials, NGOs etc.
- Members to send their feedback on meaningful engagement and general reflections on the Special Committee on TOV and the process followed for drafting the memo.

Types of Violence Special Committee Meeting with Chairs
(Thursday, 15 September, 2016 at 8 AM Boston time)

Participants:
Simi Kamal (SK)—Co-Chair TOV Committee
Marina Parker (MP)—Co-Chair TOV Committee
Vidya Sri (VS)—Observer
Zainab Ali Khan (ZAK)—Primary rapporteur

Agenda:
Review of feedback on Violence against Women and Girls (VAWG) definition—Feedback round 3

Discussion:
- The meeting commenced with VS giving the Chairs an update on the 15 Committees and the status of their memos.
- To date 12 committees are in the final stages of completing their memos, the other 3 will be done by November 2016.
- The memo being prepared by ZAK for the Special Committee on TOV is on track and VS and ZAK have already had a meeting regarding the edits that need to be made.
- VS urged Chairs to view the Everywoman, Everywhere coalition webpage and informed them that 33 percent of countries in the MENA region and over 50 percent in Asia have endorsed the Everywoman Everywhere Coalition statement.
- SK offered to get more endorsements that will be required for next year.
- SK reviewed the VAWG definitions feedback document and went through some of the suggestions for inclusion.
- A lengthy discussion ensued on whether to include the phrase “women of all ages” in the definition, but it was later decided that the term VAWG is sufficient, as “women of all ages and girls” decreased the amount of emphasis put on girls. Although “girls and women of all ages” sounded better, in the interest of keeping the definition concise, Chairs decided that using the VAWG was more suitable.
In regards to the discussion regarding the inclusion of types of harmful practices and discrimination, MP stated that the preamble of the treaty should address these issues.

Chairs decided that they would not use the word “undermines” as suggested by one of the Special Committee on TOV members, as “restricts and nullifies” are more powerful words.

Another member had suggested that the word “instigation” be incorporated into the definition. As it is a core element, it was decided that it will be included in the definition.

The edited definition is as follows: “Violence against women and girls (VAWG) is a violation that restricts or nullifies the human rights of women and girls and prevents them from obtaining equality and self-fulfillment. VAWG includes the committing or instigation of physical, sexual, psychological, emotional and all and any other form of harm and suffering that occurs both in public, institutional, and private settings during peacetime and conflict.”

It was decided that the word economic will be taken out of the definition at this point, and a few lines on socioeconomic, political, and legislative violence will be covered in the memo.

The memo will also include a few lines on structural violence as it is too broad to be included in the definition.

Decisions Taken:

- ZAK asked to recirculate VAWG definition feedback document to all members.
- MP will send ZAK a paragraph on discrimination which will be added to Section C of memo.
- ZAK to include socioeconomic, political, legislative, and structural violence in the memo.

Important Dates to Remember:

- **Monday, October 3, 2016**—VS and ZAK to Skype at 8:00 AM EST to discuss Draft 2 of memo.
- **Tuesday, October 18, 2016**—ZAK and VS to finalize memo via Skype at 8:00 AM EST.
- **Tuesday, October 25, 2016**—Sixth and Final meeting of Everywoman, Everywhere Coalition at 8:00 AM EST. Chairs, VS, and ZAK may meet for an hour post-meeting to discuss final changes to memo (if any).
Recommendations for a Global Treaty on Violence Against Girls and Women of All Ages

by the Expert Special Committee on Domestic Violence

January 2017
1. Introduction of Treaty Content

1.1 Introduction

(VK)

Recalling the Sustainable Development Goals that are rights based and interlinked in nature; especially recalling goal 5:

- Achieve gender equality and empower all women and girls along with its inherent indicators, “Eliminate all forms of violence against all women and girls in the public and private spheres, [by state and non-state actors] including trafficking and sexual and other types of exploitation.”
- Many forms of violence against girls and women of all ages can constitute the drivers of domestic violence.

On one hand, there is discrimination against women, on the other hand there is Violence Against Girls and Women of all ages and a treaty on discrimination, but we have not tackled the consequences of the discrimination that is violence. This treaty will address Violence Against Girls and Women of all ages in a comprehensive manner with specific emphasis on the subject of domestic violence.

1.2 Legal Framework

(JS)

A legally binding global framework that upholds the human rights of girls and women of all ages not to be subjected to domestic violence has yet to be achieved. For example, State parties identify that recommendations made to them by various United Nations Committees such as the Committees on the Convention to Eliminate All Forms of Discrimination against Women (CEDAW) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), are based on “soft law,” thus such recommendations are not legally binding.

Regional conventions exist that address domestic violence, such as:

- The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), however, it contains gaps; it is not global and does not address torture inflicted by non-State actors.
- Likewise, the European Convention on Human Rights is regional; however, its article 3 states “no one shall be subjected to torture or to inhuman or degrading treatment or punishment” which the European Court of Human
Rights has applied to domestic violence and the failure of States to respond with due diligence to domestic violence including to article 3 (Opez v. Turkey and Valiulienė v. Lithuania are two such examples).

- Article 2 of the 1994 Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) supports a broad definition of many forms of violence against women, including torture, whether perpetrated by any person, whether inflicted in public or private spaces, describing domestic violence as violence “that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman.” This too is regional, applying to Mexico, Central and South America, and Caribbean countries.

- The UN General Assembly Resolution 48/104 of 1993 brought in the Declaration on the Elimination of Violence against Women, although not legally binding, it validates that women [and girls] suffer many forms of violence in domestic, private, and public life, acknowledging that violence against women is a crucial social and systematic mechanism by which women [and girls] as persons are forced into a subordinate and unequal positions in comparison to men and boys.

A global legally binding human rights instrument that applies the full meaning and equal application of the universal human rights core principles of universality, interdependence, indivisibility, equality, and non-discrimination to girls and women of all ages, which upholds their human dignity and right to justice, has yet to be attained.

2. Summary of the Committee's Discussion of Treaty Content (VS)

This Committee spent time exploring the current global framework on domestic violence and reviewing the legal and implementation gaps. The Sustainable Development Goals and how they address Violence Against Girls and Women more specifically were also explored. Some of the specifics discussed were:

- The role of the state and donors on access to resources and how survivors/victims experience this access.
- Domestic violence as a violation of human rights resulting in the suppression of fundamental freedoms, and equality was explored. A wide spectrum of violations were considered and explored.
- The public, private, and virtual spaces were considered.
- The causes and consequences of common living arrangements were discussed in an inclusive framework of all forms of interpersonal Violence Against Girls and Women of all ages.
- The definition for domestic violence included a discussion on all forms of violence including but not limited to: all forms of physical, emotional, economic violence, virtual (online) violence, coercion, stalking, harassment; use of threats, intimidation to inflict emotional fear; any new forms of Violence Against Girls and Women of all ages, such as torture by non-State actors; sexualized violence; Violence Against Girls and Women of all ages as a form of discrimination.
- Access to justice for survivors/victims including the ability to legally truth-tell, which requires laws that address all forms and distinct forms of Violence Against Girls and Women of all ages, was discussed.
- The establishment and allocation of adequate financial resources was discussed.
- The need for universal data gathering and measurement of domestic violence to further inform the implementation process was explored.
- A diverse and inclusive range of perpetrators were explored to include state and non-State actors.
- The types and forms of Harmful Practices Against Girls and Women of all ages was discussed, and the huge diversity of cultural context and impact of language and framing were explored.
- The need to integrate tailor made prevention, investigation, protection, rehabilitation, and reintegration strategies were discussed along with the need for adequate measures and accessible and safe structures for survivors/victims.
- Non-State torture was explored in detail through a special committee process which has resulted in a separate memo on Non State Torture being developed and delivered along with this memo to the Global Drafting Committee. A special thank-you to Jeanne Sarson for drafting this additional memo for the review and consideration of the Global Drafting Committee.

3. Concluding Comments by the Committee on Treaty Content

“Unresolved, sensitive, potentially contentious issues”

N/A

4. Recommendations by the Committee on Treaty Content

   a. Definition of Domestic Violence
Domestic violence is a specific form of interpersonal violence perpetrated by partners or family members. It is driven by other forms of Violence Against Girls and Women of all ages.

Domestic Violence is a violation that diminishes and/or nullifies the nonderogable, universal and inalienable fundamental human rights of girls and women of all ages and prevents them from exercising their fundamental freedoms and from obtaining equality and self-fulfillment.

This violation includes physical, sexual, emotional, economic, social, political harm, neglect or suffering, any form of discrimination, intimidation, threat, harmful practice, online violence, torture or death that occurs in the public and/or private and/or virtual space during peacetime and/or during conflict and/or natural disaster inflicted by non-State or State actors, or the threats of these forms of violence.

b. (GH) access to information/resources
   - State actors to ensure that girls and women of all ages, especially survivors of Violence Against Girls and Women, have the right and the opportunity to:
     - Access equal rights;
     - Free, equal, and safe access to justice and medical care through public services;
     - Access and control property, financial, and economic resources;
     - Make decisions regarding their health, education, legal, and economic status;
     - Access information from all sources, including the internet and all forms of technology and media, so that girls and women of all ages are able to express their issues and needs.

c. (JS) access to justice
   - State actors to promote access to justice and fair treatment for girls and women of all ages by:
     - Upholding internationally recognized human rights norms of equality for girls and women of all ages;
     - Encouraging and supporting the implementation of access to justice for survivors through a broad and inclusive range of protection and resolution mechanisms.
     - Eliminating institutional discrimination and abuse of power in
domestic laws, systems, and structures and promoting gender sensitivity within these institutions;

- Allocating funds to support girls and women of all ages in need, particularly within the legal system;
- Establishing and supporting a legal framework for girls and women of all ages to truth-tell, inclusive of all forms of violence and harmful practices whether inflicted by State or non-State actors;
- Protecting and advancing the legal capacity of girls and women of all ages to seek redress in a manner that ensures their safety and protects their privacy, and when necessary, that of others such as children, which encompasses respectfulness for their dignity and provides compensation and assistance.

d. **(GH & VK) Data gathering, measurement, and evidence**
   - State actors to:
     - Develop and establish adequate mechanisms to collect data with gender and age disaggregation on domestic violence;
     - Conduct research to document and monitor Violence Against Girls and Women of all ages in countries and regions;
     - Train personnel to listen to survivors;
     - Train personnel to tabulate statistics;
     - Analyze and integrate data into policies and programs to reduce domestic violence;
     - Make all information regarding domestic violence publicly available for full access by civil society;
     - Promote gender sensitivity within research and government institutions;
     - Identify key stakeholders to conduct prevention, investigation, protection, redress, rehabilitation, and reintegration programs;
     - Encourage private-public partnerships to conduct such actions.

e. **(JS) All types and forms of Harmful Practices Against Girls and Women of all Ages**
   - For this Treaty, “Harmful Practices” are:
     - Inflicted in the private/domestic and public/political spheres;
     - Based on historical and ongoing unequal power relations between women and men and girls and boys of all ages;
     - Excluding, restricting, impairing, or nullifying the fundamental
human rights and equality of girls and women of all ages in relation to men and boys;

- Discriminatory actions and deprivations that prevent the full advancement of girls and women of all ages as persons of equality in relation to men and boys;
- A restriction or loss of liberty and security;
- A lack of equal access and or protection under the law;
- A restriction on the right to just and equal conditions of work;
- A restriction on the attainment of physical and mental well-being;
- A lack of protection from acts of violence including acts of torture whether perpetrated by non-State or State actors.

f. (VK) Establishing measures and structures

- To produce a measurable reduction in rates of Violence Against Girls and Women of all ages, State actors are to establish, advance, and provide:
  - Adequate, relevant measures and accessible, safe structures to provide tailor-made prevention, protection, rehabilitation, and reintegration services;
  - Adequate allocations of human, technical, and financial resources to prevent and respond to Domestic Violence.
  - Protective and empowering policies and legislations based on the evidence produced through research;
  - Relevant institutions to monitor Violence Against Girls and Women of all ages at a national and regional level;
  - Adequate allocation of human, technical and financial resources for outreach, notification, referral, and provision of comprehensive, free, tailor-made, need-based, inclusive, conducive, and safe rehabilitation services that include legal aid, medical care, nonclinical and clinical care, and socioeconomic empowerment;
  - Coordination between all key stakeholders relating to Violence Against Girls and Women of all ages;
  - Protective and rehabilitative programs through outreach intervention and/or through the establishment of safe and women friendly shelters;
  - Knowledge management units to identify good practices and to improve areas, share, and disseminate those for capitalization.
Committee Member BIOS:

(CHAIR) Ghada Hammam—Egypt
Ghada Hammam is a gender monitoring, evaluation, and capacity building expert with more than 20 years’ experience in civil society development in Egypt. She currently serves as Country Program Manager for Diakonia, a Swedish donor agency, heading and managing Diakonia’s Country Program in Egypt based on their established guidelines, policies, strategy planning, and budget. Ghada advises participating organizations on monitoring program planning, identification of core results indicators, and monitoring and evaluation. Ghada assists organizations to develop indicators, performance targets, and benchmarks as well as collect data to track progress against work plans. She has extensive experience in women's issues in Arab countries, previously assisting Yemen’s social fund in mainstream gender equality concept in education strategy, and assisting in decreasing school violence in 15 Yemen governorates. Ghada has strong experience in women’s empowerment, gender issues, and business entrepreneurs, good governance, democratic principles, and social accountability. She led and participated in a baseline survey conducted in seven Arab countries during 2012–2013. This research included measures for knowledge, laws, methodologies, and tools and linked these benchmarks by the opportunities and transition period in these seven countries. In 2004 she developed a gender case study in water and sanitation based on gender perspectives from Egypt. This case study was published in five languages.

(Memo Drafter) Jeanne Sarson—Canada
Jeanne Sarson and Linda MacDonald, as members of the NGO CFUW, were presented with the just-established International Relations Award for their advocacy of gaining increasing human rights recognition for women who survived torture in the domestic or private sphere. Both have received excellence in nursing practice awards and find their nursing backgrounds essential to their groundbreaking grassroots non-State torture work of over 23 years. As published national and international authors and consultants, they continue providing grassroots support with women who have mainly survived torture perpetrated by private individuals/groups (non-State actors) and make the connections that non-State torture occurs in human trafficking, prostitution, and pornography.

(Memo Drafter) Valerie Khan—Pakistan
Valerie is a development professional with 20 years of experience in SAARC region (especially Pakistan) in the field of capacity building engineering, child protection (with expertise on CSA/CSEC), women’s rights, and gender issues (with a strong focus on worst forms of gender-based violence such as “honor” crimes and acid violence). Valerie is the Executive Director of Group Development Pakistan. She has conducted extensive research and published several scientific papers on related issues. Valerie was recently the cochair of the National Action Coordination Group to end VAC, NACG, and a member of the executive committee for
(MEMBER) Sopheap Ros—Cambodia
Sopheap Ros is the founder and executive director of Gender and Development for Cambodia (GADC), a gender-specialized nongovernment organization in Cambodia. She has previously held posts in government ministry and international and national development agencies and programs in Cambodia. Sopheap is known as an activist, organizer, and advocate for gender equality and women's empowerment. Her activism and advocacy are drawn on vast knowledge and real life experience of Cambodian women. Over the course of her direction, GADC has progressed as the national leader in capacity building of organizations, including government departments on gender mainstreaming into policies, plans and programs, and engaging men and boys to end violence and discrimination against women. Sopheap is also one of the founding members of the Committee to Promote Women in Politics (CPWP), the national network of women's organizations that lobbies mainstream political participles to promote women in political leadership. She has further brought the issues of Cambodian women to the international community. She has spoken about women's rights issues in various regional and international forums, including the UN Sessions on CEDAW to obtain international support and actions to address the issues that affect women's human rights in Cambodia.

(MEMBER) Sheena Kanwar—Singapore
Sheena has a wide range of experience in working with individuals and communities on issues related to women's human rights. She has worked in the areas of community mobilization around women's economic rights, gender mainstreaming at policy levels, and violence against women. In her role as Support Services Manager of AWARE, she coordinated five services: helpline, counseling, legal clinic, befrienders' program, and the recently set-up Sexual Assault Care Centre. AWARE is the only feminist organization in Singapore. It works toward providing direct support to women as well as research and advocacy work.

(MEMBER) Adolf Awuku Bekoe—Ghana
Mr. Adolf Awuku Bekoe is the national coordinator of the Coalition on Domestic Violence Legislation in Ghana (DV Coalition) and a lecturer in psychology at the Methodist University College Ghana. He has considerable experience on working with victims/survivors of gender-based violence, having worked for several years as a psychologist at the Women and Juvenile Unit (WAJU) now known as the Domestic Violence and Victim Support Unit (DOVSSU) of the Ghana Police Service in Accra, as well as with the Women's Initiative for Self-Empowerment (WISE) and the Federation of International Women Lawyers (FIDA). He has worked as a trainer in counselling for the Gender Studies and Human Rights Documentation Centre's Nkyinkyim Project, the Ark Foundation, and the Ghana Police Service. Mr. Awuku Bekoe served as a counselor at the National Reconciliation Commission, and as a victims support volunteer with the Ghana Centre for Democratic Development (CDD), working with both victims and alleged
perpetrators of human rights abuse during Ghana’s national reconciliation exercise.

**MEMBER** Pei Yuxin—China
PEI Yuxin is Associate Professor of the Department of Social Work at Sun Yat-sen University, Guangzhou, China. She has studied women’s sexualities in the department of social work and social administration in the University of Hong Kong, 2008. Her research interests focus on women’s sexualities and life politics. She is also an expert on disaster social work and women’s sexualities in the disasters. She creates a course named as “sexuality and social work” which provide deep analysis and intervention to gender and sexuality issues in social work practices, such as domestic violence, LGBT movements, Aids concern, sex work etc. From 2014–2015, she visited University of Southern California as a Fulbright scholar.

**MEMBER** Taskin Fahmina—Bangladesh
Taskin Fahmina has been working as a human rights activist with Odhikar(www.odhikar.org), a leading human rights organization in Bangladesh, for more than ten years, with special emphasis on the issue of combating violence against women. Her position in Odhikar, which she has held since April 2014, is a gender expert. Violence against women is widespread in Bangladesh and Taskin's major activities are planning strategies, programs and other activities towards stopping VAW and encouraging and enhancing women's empowerment. Dowry-related violence is one of the major causes of domestic violence in Bangladesh; and this is one of her main areas of study and campaign. Every year many women are being killed or severely injured over dowry demands. Apart from Taskin’s activism and research in the area of VAW, she has long-term experience in documentation, project planning and management, monitoring, and evaluation. She conducted numerous trainings on gender equality, on combating violence against women and on women empowerment. She is also the gender focal person of Odhikar; and one of her broader tasks is to ensure a gender-sensitive working environment.

**MEMBER** Jessica Doyle for Monica McWilliams—Northern Ireland
Monica McWilliams is a Professor of Women’s Studies and Research Fellow in the Transitional Justice Institute at Ulster University. She cofounded the Northern Ireland Women’s Coalition political party in 1996 and was elected to the Multi-Party Peace Negotiations (1996–1998) and the Northern Ireland Legislative Assembly (1998–2003). She is a signatory of the Belfast/Good Friday Agreement. In December 2015, Monica was appointed by the Northern Ireland Executive as a panel member to develop recommendation on the disbandment of paramilitary organizations in Northern Ireland. She was previously an Oversight Commissioner for prison reform in Northern Ireland and the Chief Commissioner of the Northern Ireland Human Rights Commission. Monica is undertaking a longitudinal research project on domestic violence, which duplicates a study undertaken 25 years ago in Northern Ireland at the height of the political conflict and will assess the difference peace makes to women’s lives. This study forms part of a larger UK government (Department of International Development) study on political settlements.
Monica has published extensively on the impact of political conflict on domestic violence and the role that women play in the transition from conflict to peace.

(MEMBER) Uuriintsolmon (Uuree)—Mongolia
Uuriintsolmon works as a foreign relations officer at National Center Against Violence (NCAV) in Ulaanbaatar, Mongolia. NCAV is a nonpartisan, nonreligious, nongovernment organization. Founded in 1995, it was the first NGO in Mongolia to concentrate on domestic and sexual violence toward women and children. Uuree will represent NCAV on the expert special committee. She graduated the University of the Humanities, Mongolia obtaining a bachelor’s degree in English-Russian teaching. After completing her undergraduate, she worked as an English teacher. In 2012, she completed her master’s degree in New Delhi, India, majoring in political science. Her current job roles at NCAV involve translation, project writing, website development, and managing NCAV's foreign relations.

(MEMBER) Peg Hacskaylo—United States
Peg Hacskaylo has worked singularly throughout her professional and personal life to support women, particularly those escaping violence, to be empowered and whole. Currently, she is the founder and executive director of the District Alliance for Safe Housing (DASH), where she oversees low-barrier, voluntary services and housing for hundreds of survivors escaping domestic and sexual violence in the District of Columbia annually. Previously, she served as Program Manager for the Office on Violence Against Women and Project Director for OVC TTAC, a national clearinghouse for training and technical assistance to victim services. In all of her efforts, the goal has been to create effective and innovative means for women to live their lives with purpose and agency.

Supporting Documents:

I. VAW Definition Research
II. Consultations Definitions
III. Country Feedback Consultation
IV. VAW Indicators Pakistan (a country example of indicators)
V. Summary of Committee Notes

I. VAW Definition Research
### Everywoman Everywhere Treaty Consultation March 25, 2016

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Term</th>
<th>Reference to human rights or women's rights</th>
<th>Forms of violence</th>
<th>Sphere/perpetrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1: For the purposes of this Convention, eliminating violence against women and girls means protection of the rights of women and girls on an equal basis with men and boys, thereby ensuring the term “violence against women and girls” means eliminating any act of violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, or torture whether inflicted in private or public life. Article 2 says: Violence against women and girls shall be understood to encompass, but not be limited to, the following: (a) Physical, sexualized, and psychological violence occurring within the broad definition of family relationships, including oppressions, abuses, assaults, and torture; (b) Physical, sexualized, and psychological violence occurring within the general community, including all forms of sexualized violence such as rape, torture, gang/group rapes, sexualized harassment, and intimidation at work, in educational institutions and elsewhere, human trafficking in women and girls into prostitution and pornography; (c) Physical, sexualized, and psychological violence including torture perpetrated or condoned by the State, wherever it occurs; (d) any custom, tradition or religious consideration imposed against women and girls that interferes or prevents women and girls equal entitlement and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</td>
<td>Domestic violence occurs when a family member, partner or ex-partner attempts to physically or psychologically dominate another. Domestic violence often refers to violence between spouses, or spousal abuse but can also include cohabitants and nonmarried intimate partners.</td>
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</table>

<p>| CEDAW definition Article 1 | Violence against women and girls | Women rights | Every act that represents intervention in the freedom of one of the family members. |</p>
<table>
<thead>
<tr>
<th>Universal Declaration of Human Rights</th>
<th>Article 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.</td>
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</table>

The definition of discrimination against women includes violence against women on the basis of sex e.g. violence against woman for being a women or violence against women in an unfair manner, preventing her from work, underestimating her work, not giving her money, checking all expenditures, depriving her of her own money, observing family budget. This includes acts that inflict physical, mental or sexual harm or suffering, and the threat of such acts or oppression and deprivation of other forms of freedom.

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<table>
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<th>WHO</th>
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| "violence" is the "intentional use of physical force or power against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation | The "domestic sphere" encompasses all relationships which exist within a common living arrangement e.g. family home, dormitory, nonmarried partners, etc. This includes marriage, cohabitation, and filial relationships. Domestic or Family Violence, then, is any act of violence or abuse by one or multiple person/s against another/others within the domestic sphere. Such harm is not solely physical, but also includes psychological and sexual violence, commercial, and sexual exploitation, nonstate torture, and neglect. Discrimination can constitute DV insofar as it deprives the
victim of something they would otherwise have received, whether an opportunity or an object. In addition, this definition extends to political violence: preventing someone from voting or participating in politics at any level; economic violence: preventing women from working, or confiscating any earnings they make; and social violence: deprivation of any rights, whether fundamental or incidental, e.g. denying someone access to education, health care, or basic social amenities and encouraging or contributing to the stigmatization of this person. It is worth noting that this list is nonexhaustive and DV can manifest in forms beyond what has been described above. While DV often refers to violence between spouses, this limited, heterosexual-marriage-oriented definition precludes the gay and transgendered community, non-nuclear family members (or even adoptive/stepchildren), intimate partners, and nonromantic coliving situations. It is also important to note that domestic violence is perpetrated by and against members of all genders. Cultural practices can also constitute DV, regardless of their acceptability or prevalence within a certain society or group. Examples of this include dowry killings, female genital mutilation, and marital rape. Additionally, one act of violence can have multiple victims in varying degrees: the direct recipient of the harmful act, as well as any
II. Consultation Definitions

Pool of definitions of family domestic violence:

Any harmful act that is perpetrated against a person's will and is based on socially ascribed (gender) differences between females and males. This may include psychological abuse, family/domestic violence, trafficking for sexual exploitation or forced labor, sexual violence, genital mutilation and gang violence. The term SGBV (sexual and GBV) is also used.

Domestic violence occurs when a family member, partner, or ex-partner attempts to physically or psychologically dominate another. Domestic violence often refers to violence between spouses, or spousal abuse but can also include cohabitants and nonmarried intimate partners.

Domestic violence occurs in all cultures; people of all races, ethnicities, religions, sexes and classes can be perpetrators of domestic violence. (Domestic violence is perpetrated by both men and women).

Domestic 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.

Spousal or domestic violence is a kind of abuse of power among members of the same family or in the context of relationships characterized by trust or authority or dependency. Spousal or domestic violence includes: child abuse, physical violence, psychological violence, negligence, sexual abuse within and outside the family, children witnessing spousal violence, elder abuse, mistreatment of the handicapped (physically or mentally), spousal violence, or women abused by their husbands (partners within the spousal relationship.)

CEDAW definition

The term "discrimination against women" shall mean any distinction, exclusion, or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their spousal status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political,
economic, social, cultural, civil, or any other field."

*Every act that represents intervention in the freedom of one of the family members, depriving her/him of thought, opinion, and decision making and turning others to a mean or tool to achieve benefits without treating him as a free and efficient member.*

The definition of discrimination against women includes violence against women on the basis of sex e.g. violence against woman for being a women or violence against women in an unfair manner, preventing her from work, underestimating her work, not to giving her money, checking all expenditures, depriving her of her own money, observing family budget.

This includes acts that inflict physical, mental or sexual harm or suffering, and the threat of such acts or oppression and deprivation of other forms of freedom.

**Notes:**

During their lifetime, 70% of women will experience violence from a man Among women aged 15–44, gender based violence will cause more deaths than handicap issues, cancer, malaria and traffic road accidents and war combined.

Unknown number of men and boys are victims of violence and sexual violence; measuring is being planned *(UN WOMEN)*

Punishing or dehumanizing women/girls can have a devastating effect on an entire community, so How to disarm the SGBV perpetrators? How to demobilize the SGBV perpetrators? How to reintegrate the victims

The climate of impunity that exists in most post-conflict contexts allows gender-based violence in families to flourish

When perpetrators are not held responsible, sexual violence is likely to degenerate into a widespread or systematic crime

Violence against women highly costs the society as a whole. Some costs are direct like providing health and social services for victims, as well as the police and judiciary resources to protect them. Some other costs are indirect, such as low productivity of women at work and home or negligence of school for children. As for teenagers, these indirect costs are represented in alcohol consumption, drug abuse, suicide attempts, and running away- But the most significant cost lies in the increasing level of bearing violence and adopting these behaviors as natural methods of resolving differences, whether in the family or in the community.

Women subject to violence painfully feel weak due to ineffective solutions and despair because of the lack of prospects for change, double shame, because of being unable to put an end to
what is happening on one hand, and bearing humiliation on the other hand; guilty because she allowed the dispute to aggravate. Suppressed anger leading to a breakdown; fear and insanity because of continuous adjustment to the imposed rules and conditions; physically exhausted resulting in health problems and sleep disturbances.

**Notes on Middle East VAW Framework:**

✓ Family quarrel and beating are characteristics of the uneducated and the poor belonging to lower social classes or to minority groups. Such practices rarely occur among those belonging to higher economic, cultural or educational classes.
✓ Domestic violence, a new phenomenon, is caused by economic and social changes in modern life and new social pressures.
✓ Domestic violence occurs rarely now. It is one of the actions of the past, when people were more violent and women were considered property of men.
✓ The actions and behavior of women provoke violence against them. The husband beats his wife because she does not obey him or does something "wrong. “
✓ The law provides adequate protection for women who suffer from domestic violence.
✓ Women who are being beaten, are usually uneducated and have little work skills.
✓ The man who practices violence is usually an alcoholic, a drug addict or mentally ill

### III. Country Feedback Consultation

<table>
<thead>
<tr>
<th>Regions/Country</th>
<th>What kind of family/domestic violence in your country?</th>
<th>Which strategy / intervention mechanism(s) do you suggest?</th>
<th>Are the women / young girls in your country aware of these kinds of violence?</th>
<th>Do they agree and consider these issues of violence?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>As many as 87% of currently married women have ever experienced any type of violence by their current husbands and 77% reported any type of violence faced during the past 12 months from the time of survey (VAW Survey, 2011, Bangladesh Bureau of Statistics); Domestic violence among married women is widespread in Bangladesh in terms of physical, psychological, sexual, and economic aspects. Physical violence comprises a range</td>
<td>Massive media campaign, advocacy, awareness raising, environment for access to justice, the topic related with gender equality, and combating VAW in schools/colleges, textbooks, and after all political will can help to reduce such violence.</td>
<td>In most of the cases young girls and women are not aware about these kinds of violence.</td>
<td>Those who are aware many of them are helpless due to poverty, financial constraints, weak criminal justice system, fear of not getting children’s custody etc. Due to social stigma, many women, even those who are financially stable, remain quiet as in Bangladesh it is considered to be more “honorable” for women to stick to their marriages than...</td>
</tr>
</tbody>
</table>
of physically violent acts including killing, hitting, slapping, kicking, beatings, burns, acid throwing, use of a weapon, etc. High prevalence of child marriage; child marriage is linked with higher association of domestic violence. *(There are several sociocultural economic causal factors for DV, details given in feedback.)*

- There are several laws specifically dealing with this issue; also One-Stop Crisis Centres; but lack of effective implementation, corruption, threats, fear, political patronization of the perpetrators and financial constraints are some of the factors which ensure that such crimes continue. *(Source: Odhikar.)*

<table>
<thead>
<tr>
<th>Country</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Canada</strong></td>
<td>There is no specific offense of family violence in the <em>Criminal Code</em>, most acts of family violence are crimes in Canada; <em>(the range of physical and nonphysical crimes are listed under various offenses in the feedback).</em> The infliction of non-State torture is not in our Criminal Code; presently we have a Member of Parliament who has brought forth a private Members bill, Bill C-242 to address the infliction of torture in the private realm. It was tabled in our House of Commons on Friday 26 February, 2016.</td>
</tr>
<tr>
<td><strong>As to a model to consider when shaping a human rights treaty model is the UN Declaration on the Elimination of Violence against Women (A/RES/48/104).</strong></td>
<td>There is increasing awareness by women and girls about such violence. But there is also confusion especially if a woman or girl has normalized their early childhood experiences of violence within the family or in the domestic context.</td>
</tr>
<tr>
<td><strong>Ghana</strong></td>
<td>According to a recent nationwide survey yet to be published (GFLS, 2015), the most prevalent form of domestic violence against women is economic violence (12.8 percent), followed by social violence</td>
</tr>
<tr>
<td>The main strategies to deal with domestic violence in Ghana from the National Domestic Violence Policy and National Plan of Action include the following: 1. Intensifying advocacy and awareness raising on domestic</td>
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<tr>
<td>In the wake of the passage of the Domestic violence Act in 2007, a lot of awareness has been created among the populace, but there is still a long way to go. Survivors reporting incidents of domestic violence to the</td>
<td></td>
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<tr>
<td>Attitudes against any form of domestic violence are strong and widespread, but there are important caveats as to what is perceived to constitute domestic</td>
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</table>
Types of Violence

<table>
<thead>
<tr>
<th>Types of Violence</th>
<th>Prevalence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Psychological violence</td>
<td>9.3 percent</td>
</tr>
<tr>
<td>Physical violence</td>
<td>6.0 percent</td>
</tr>
<tr>
<td>Sexual violence</td>
<td>2.5 percent</td>
</tr>
</tbody>
</table>

Men experience mostly psychological violence (7.9 percent), social violence (7.7 percent) and economic violence (7.3 percent), followed by physical violence (2.1 percent) and sexual violence (1.4 percent).

Police have gone up considerably. Unfortunately, not all survivors receive the support they practically require to seek justice and overall wellbeing. Lack of effective implementation remains the biggest roadblock to ensuring the well-being of survivors.

A recent analysis of a nationwide survey (GFLS Survey) suggests that forms of domestic violence, sexual violence in particular, are still largely a private matter in Ghana. As a result, numbers don't capture actual prevalence. Women are more likely than men to experience violence perpetrated within domestic relations. The 2015 GFLS survey shows that men are at a significant risk of being victims of domestic violence. Violence against children is common, with nonbiological children at particular risk.

Psychological violence is generally perceived as a defense mechanism or way of resolving disputes. Notably, only physical violence was consistently perceived as violence rather than a social behavior. Physical violence is largely perceived as unacceptable, but other forms of violence in the Domestic violence acts, such as controlling behavior, verbal abuse, or men making sexual remarks to women, are sometimes deemed acceptable, depending on the context. However, attitudes in support of wife beating have become less dominant in Ghana since 2008.

- Women are more likely to find some forms of physical violence and sexual violence more acceptable than men, which illustrate the high degree of internalization of social norms about domestic violence among women.

Many forms of domestic violence, sexual violence in...
Domestic violence (intrafamily and intimate partner violence) are the most common forms of violence against women in the U.S., with rates of sexual assault, stalking, and trafficking highly prevalent as well.

In Cambodia the law on Domestic Violence adopted in 2005 and DV the definition of DV: all people who are living under the roof of a house whole that include: husband, wife, children, relative (in-law/out-law) etc . . . DV define in 4 categories:—Physical violence—Psychological/me

| US                  | Domestic violence (intrafamily and intimate partner violence) are the most common forms of violence against women in the U.S., with rates of sexual assault, stalking, and trafficking highly prevalent as well. | Safe Shelter and Housing for survivors to seek immediate refuge, protection, and support to plan for future safety and stability is one of the most important methods of intervening and interrupting violence against women and girls. This is especially true for survivors who are reluctant to seek protection from the state. Shelters often act as the first line of defense for victims and are often the place where victims learn of other protections available to them, including legal protections against violence and ensuring their human rights. Additionally housing programs often act as the only alternative for survivors who are unable to return to their communities or homes due to ongoing threats to their safety. Accordingly, Safe Shelters and Housing must be acknowledged in the context of a treaty banning violence against women and girls as an essential element for implementation of such protections, and states that sign on to the treaty should agree to provide resources, sanctions and protections for such programs as a necessary factor to ensuring their safety. | While most of the public is aware of the incidence of domestic and sexual violence against women and girls in the U.S., and aware that such violence is illegal, the common perception is that they are responsible for obtaining the means needed to protect them from violence or for stopping the violence perpetrated against them. Many survivors also do not access the criminal justice system or other formal mechanisms for protection, for various reasons typically stemming from their fears around retaliation either by their abusers, their families or communities, or the state. As a result, many victims do not obtain help and rely on informal measures, such as escape to safe refuge. | There is a general perception among the U.S. public that violence against women and girls is unacceptable, although there is still is common cultural norm that violence is the victim's fault for inviting it, provoking it, or not preventing it. |
| Cambodia           | In Cambodia the law on Domestic Violence adopted in 2005 and DV the definition of DV: all people who are living under the roof of a house whole that include: husband, wife, children, relative (in-law/out-law) etc . . . DV define in 4 categories:—Physical violence—Psychological/me | Law enforcement is continuing serious in Cambodia (see the attachment research by Katherine Brickell 2014). In the case of Cambodia, “Law Implementation” is still an issue as a dilemma for culture re-enforcement; and the institution is a key player in this matter. I believe that treaty intervention at international level would be an effective | In general the issue of DV and/or VAW had awareness/ was heard among the society, yet still lack of deep understanding in this issue. Therefore, it is still challenge in Cambodian society. | To some extent people think it is violence, but on the other hand, they continue blaming the victims. |
### Singapore

- Non physical forms of violence are more prevalent and under reported. While the law (Women’s Charter) addresses different forms of violence, implementation, evidence provision, etc. are challenges.
- Also, the law recognises only marriage within the ambit of family, and not cohabitation. It can be very difficult to get protection from violence by intimate partners.
- Dating violence on campuses and online harassment are other prevalent forms of violence. A survey undertaken by AWARE last year showed very high figures. However, there’s limited awareness on seeking help. And even the laws aren’t that strong. A law against harassment and stalking was passed in 2014, but it faces design and implementation issues.
- There are a high number of transnational couples in Singapore. Spouses on “dependent pass” are highly vulnerable as their passes can be canceled by the spouse on work permit quite easily. So, reporting violence and seeking help create a threat for being forced to leave the country, sometimes even without their children.
- High vulnerability of domestic workers to violence by employers, with very limited protection. Violence against domestic workers is not included in the law, which provides protection against “family violence.” High vulnerability to violence amongst sex workers, too.
- Also, in general, police behaviour towards victims/survivors of domestic violence/sexual violence can be very problematic and even the procedures can be quite taxing for victims/survivors to navigate through.

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<table>
<thead>
<tr>
<th>Types of Violence</th>
<th>Policy Booklet © 2017</th>
<th>54</th>
</tr>
</thead>
</table>
Egypt

Many kinds of domestic family violence against women in Egypt like:
- Denial of education
- Denial of health services
- Denial of inheritance
- Wife-beating and girls
- Female Genital Mutilation
- Denial of administrative functions
- Honor killings
- Sexual harassment
- Forced marriage
- Early marriage

Enhance the community awareness by violence, violence cost, and impact for the whole community/county. Also identify and develop strong laws and legislation to protect women and children in the family and community.

Around 80% of women who are facing this violence do not consider this to be violence, they look at these things like habits and rights for men to do. A lot of these types of violence have legitimacy in their religion.

Women and girls in Egypt do not understand the meaning of violence and can't understand the human rights concept, and they don't believe in women's rights without men acceptance, so what men allow them to do is their right.

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### IV. VAW Indicators Pakistan (a country example of indicators)

#### Annex 1: List of Standardized indicators on VAW in Pakistan 09

<table>
<thead>
<tr>
<th>Criteria for inclusion of indicators in standardized list</th>
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<tbody>
<tr>
<td>● All indicators must comply with the given definition of a &quot;good indicator&quot; (shared in previous TWG Meetings)</td>
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<tr>
<td>● Must be relevant to policy making, programs and activism</td>
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<tr>
<td>● Absolutely essential aspects of VAW in Pakistan</td>
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<td>● Measures trends over time in frequency, prevalence, severity, cause</td>
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<tr>
<td>● And location/site from/about women</td>
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<table>
<thead>
<tr>
<th>Physical Violence</th>
<th>1. Beating</th>
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<tbody>
<tr>
<td></td>
<td>a. Slapping women</td>
</tr>
<tr>
<td></td>
<td>b. Hitting women with fists or objects</td>
</tr>
<tr>
<td></td>
<td>c. Pushing or shoving or pulling (women's) hair</td>
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<tr>
<td></td>
<td>d. Hitting, kicking, biting, or dragging women</td>
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<tr>
<td></td>
<td>2. Choking, burning, or throwing acid or other corrosive substances at her</td>
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<td></td>
<td>3. Using a knife, gun, or other weapon against her</td>
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<td></td>
<td>4. Forced abortion, unwanted or forced pregnancy</td>
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<td></td>
<td>5. Disfigurement (face: nose/ears/lips, chopping, or mutilating genitalia or other body parts)</td>
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<td></td>
<td>6. Nutritional Deprivation</td>
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<td></td>
<td>7. Other</td>
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</tbody>
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<tr>
<th>Customary Harmful Practices</th>
<th>1. Honor killing</th>
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</tr>
<tr>
<td>2.</td>
<td>Karo-kari</td>
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<tr>
<td>3.</td>
<td>Stoning</td>
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<tr>
<td>4.</td>
<td>Lashing</td>
</tr>
<tr>
<td>5.</td>
<td>Vani/swara</td>
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<tr>
<td>6.</td>
<td>Badi-sulh</td>
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<tr>
<td>7.</td>
<td>Watta Satta</td>
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<tr>
<td>8.</td>
<td>Marriage to Quran</td>
</tr>
<tr>
<td>9.</td>
<td>Demanding dowry</td>
</tr>
<tr>
<td>10.</td>
<td>Demanding “bride price”</td>
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<tr>
<td>11.</td>
<td>Forced marriages (incl. early marriages)</td>
</tr>
<tr>
<td>12.</td>
<td>Other</td>
</tr>
</tbody>
</table>

### Sexual Violence

(a) **Rape**: Refers to engaging in the nonconsensual vaginal, anal, or oral penetration of a sexual nature of the body of another person with any bodily part or object, including through the use of physical violence and by putting the victim in a situation where she cannot say no or complies because of fear.

(b) **Attempted rape**: Refers to attempting to have nonconsensual sexual intercourse through the use of force or threats;

(c) **Other sexual acts**:
   - Intimate touching without consent
   - Sexual acts other than intercourse obtained through threats to the well-being of family members
   - Sexual acts other than intercourse forced by money
   - Sexual acts other than intercourse obtained through threats of physical violence
   - Use of force or coercion to obtain unwanted sexual acts or any sexual activity that the female partner finds degrading or humiliating (including marital rape)
   - Other acts of sexual violence
   - Trafficking
   - Kidnapping with intent to abuse sexually
   - Gang rape
   - Sexual Harassment (stalking, verbal abuse)
   - Pornography
   - Cyber violence and crime targeting women

### Psychological Violence

#### Emotional Abuse

- Belittling, humiliating, insulting her in public or in private
- Deliberately scaring or intimidating her
- Threatening to hurt her or others she cares about
- Threatening her with a knife, gun, or other weapon
| &nbsp; | Mocking and taunting  
|---|---|
| &nbsp; | A feeling of being neglected or unloved  

**Controlling Behavior**

- Restricting Mobility by:
  - Isolating her by preventing her from seeing family or friends  
  - Monitoring her whereabouts and social interactions  
  - Ignoring her or treating her indifferently  
  - Getting angry if she speaks with other men  
  - Making unwarranted accusations of infidelity  
  - Controlling her access to health care/family planning and education  
  - Controlling her access to CNIC  
  - Threatening with divorce  

**Economic Violence**

**Denial of:**

- access to financial resources  
- access to property, inheritance and durable goods  
- access to the labor market and education  
- Participation in decision making relevant to economic status.  
- control over income/or taking control of her income  
- alimony or financial support for the family, thereby exposing her to poverty and hardship  

**Threaten/Coercion**

- deprive her of living/household expenses  
- not complying with economic responsibilities  
- not allowing her to seek employment  

**Violence Against Women in the Political Arena**

**Denial of participation:**

- to attend political gatherings  
- to vote  
- to contest in elections  
- to join a political party (or a political party of her choice)  
- in leadership and decision making at household level/in political institutions/other institutions  
- as political party members, members of parliament, or local government on par with male colleagues (limit access to information, financial, and technical resources and cabinet positions)  

**Coercion/Threat of violence**

- for political participation  
- vote as predetermined by others  
- Character assassination of women candidates and active campaigners  
- use abusive language and behavior to intimidate women in politics  

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**V. Summary of Committee Notes**

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**EVERY WOMAN TREATY**
CONDENSED POINTS FROM COMMITTEE MEETINGS SUGGEST THE FOLLOWING REGARDING DOMESTIC/FAMILY VIOLENCE

On February 23, 2016:
➢ Forms of violence listed included: physical, sexualized, mental, economic, non-State torture, mutilations, human trafficking, political, forced/child/after rape “marriages,” dowry issues, legal inequalities relating to divorce, feticide/homicide, sexualized harassment, intergenerational violence, cultural

On March 30, 2016:
➢ Consider a global definition of violence within “domestic relationships” as the working definition to capture all matter of relationships in/outside the home
➢ violence can also be expressed in a gendered discriminatory manner within the economic, social, and political context by defining what women and girls can do, requiring spousal approval of where they go, whether they can vote, or go to school, for example
➢ includes awareness of the intent of violence: use of threats, intimidation, coercive tactics to control, to inflict emotional fear
➢ be open to emerging forms of violence such torture by non-State actors, sexualized human trafficking, pornography, internet and media violence

On April 23, 2016:
➢ Inclusion of cultural harms must be articulated
➢ connected to discrimination
➢ address in preamble with conventions listed
➢ human rights education can be useful
➢ Controlling behavior: acts designed to make a person subordinate and/or dependent by isolating them, exploiting their resources and capacities, depriving them of independence, decision making power/right, and regulating everyday behaviour.
➢ coercive behavior: is a pattern of acts of assault, threats, humiliation and intimidation or using harms, “punishment,” fear, terror
➢ affecting a person’s dignity and mental health

On May 24, 2016:
➢ violence occurs within “relationships” vs “family”
➢ domestic violence happens everywhere, beyond four walls
➢ limiting to “family” definition is discriminatory, a patriarchal perspective
➢ use the term “domestic violence” versus “family violence”
➢ Issues of the domestic worker, non-State torture, stalking, dating violence. July 6, 2016, was for Draft Treaty Outline feedback.
Recommendations for a Global Treaty on Violence Against Girls and Women of All Ages

by the Special Expert Committee on Non-State Torture

January 2017
1. Introduction of Treaty Content

1.1 Introduction

This memo is included to ensure States uphold due diligence responsibilities to ensure that all fundamental human rights as written in the Articles of the Universal Declaration of Human Rights belong equally to women and girls of all ages as to men and boys.

Reinforcing the non-discriminatory principle that human rights:

- are universal, fundamental, and non-derogable,
- belonging equally to women and girls as to men and boys,
- means that women and girls have the right not to be subjected to torture,
- whether perpetrated by State or non-State actors as expressed in article 5 of the Universal Declaration of Human Rights.

It needs to be remembered that if a perpetrator has positional power within the community—within the public sphere—this power is exerted within violent relationships in the private, domestic, or online sphere. Thus, a non-State actor can and does exert State actor abuses of power within the private, domestic, or online sphere. This gives reason to constantly employ the terminology of State and non-State actors.

The following references present clear examples of non-State torture from various countries:

1. Afghanistan
   b. *Washington Post/Associated Press*. (January 5, 2012). Child bride's torture shocks Afghans, shows women’s rights shortfall 10 years after Taliban. (This article is reference for Sahar Gul included in the above PowerPoint slide.)

2. Canada
   a. Sarson, J., & MacDonald, L. (2009, Winter). *Defining Torture by Non-State Actors in the Canadian Private Sphere*. *First Light*, pp. 29–33. (This article is reference for Lynne included in the above PowerPoint slide.)

3. Hong Kong

4. Saudi Arabia
for Nour Miyate included in the above PowerPoint slide.)

5. United States
   a. Simon, M. (n.d.). Prosecutors: Man repeatedly put his wife into coma, choked her for sexual pleasure. Court TV. (This article is reference for Linda Cline included in the above PowerPoint slide.)

1.2 Legal Framework

- **Human Rights Treaties**
  1. The “gold standard” or “legal custom of reference” for defining the elements of torture are outlined in article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
  2. In the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), General Recommendation 19 (17th session, 1992) Violence against women, point 7(b) states that no one shall be subjected to torture.

- **United Nations Resolutions**
  Two United Nations resolutions on the CAT that focused on genderizing the CAT are:
    - The Human Rights Council resolution 8/8, called for the Special Rapporteur and States parties to integrate a gender perspective into their work with attention given to violence against women that manifest as torture, noting torture perpetrated by non-State actors (June 18, 2008, paras. 3. (e), 6. (j)).
    - General Assembly resolution 65/205, called all States to adopt a gender-sensitive framework, that all acts of torture be specifically criminalized “under domestic law,” and encouraged the Special Rapporteur to include in reports information about children and juveniles, about persons with disabilities, and a gender perspective and manifestations of torture and other cruel, inhuman, or degrading treatment or punishment when recommending proposals on prevention and investigation, (A/RES/65/205, December 21, 2010, paras. 10, 26, 30).

- **United Nations Committee against Torture (CAT)**
  To the aim of operationalizing the CAT from a gender perspective, the United Nations Committee against Torture specifically included:
    - General Comment No. 2, Implementation of article 2 by States parties, paragraph 18 which speaks of manifestations of violence against women and girls inflicted
by non-State actors that are impermissible under the Convention and of States parties due diligence duties to address such acts.

- In General Comment No. 3 Implementation of article 14 by States parties, it speaks of the human rights principle of non-discrimination and gender (see paras. 8, 18, 32–35, 39, 45) and paragraph 3 acknowledges that a perpetrator of torture can be a family member ((CAT/C/GC/3, 2012).

- **United Nations Special Rapporteurs**
  Manfred Nowak, previous Special Rapporteur on torture, wrote in a report:

  *That it is a State's duty to prevent torture in the private sphere, and when some manifestations of woman's victimization is compared to State torture this would expose the similar atrocities inflicted by non-State actors (A/HRC/7/3).*

  Adopting the need for a Special Rapporteur on violence against women, its causes and consequences, occurred when:


In the 1996 report of Radhika Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1996/53):

- gendered domestic violence can constitute torture by private individuals or non-State actors is discussed in section C,
- Torture and cruel, inhuman and degrading treatment, (paras. 42–50);
- in section D, Discrimination,
- in section IV, Manifestations of Domestic Violence.

Rashida Manjoo, Special Rapporteur on violence against women, its causes and consequences also addresses in her 2014 report, *Violence against women, its causes and consequences* that manifestations of gendered violence can amount to torture perpetrated by non-State actors (A/69/368).

- **A Variety of jurisdictions** have laws on torture that cover non-State and State actors; these include:
  1. Alabama, USA, Criminal Code has these sections: Section 13A-6-65.1: sexual torture and Section 26-15-3: torture, willful abuse, etc., of child under 18.
  2. California, USA, Penal Code, section 206 torture.
3. Michigan, USA, Penal Code, section 750.85 torture
4. Queensland, Australia, Criminal Code section 320A torture
5. France, Penal Code has numerous sections with references to “torture”
6. Belgium has both State and non-State law which has been used twice, both times involved torture of women
7. Bulgaria law Section 11 Crimes Against Youth refers to torture
8. Germany, section 225 refers to the crime of torture perpetrated by persons in a position of trust
9. Malta in section 54 refers to torture, sadism, brutality in pornography of a minor under 9 years of age
10. Romania, article 111 and 117 refers to torture by State and non-State
11. Slovenia article 192 neglect and maltreatment of a child (2) mentions torture
12. Spain has various articles on torture
13. Rwanda Penal Code refers to various sections on torture including for rape, sexual torture, forced prostitution, article 177 on torture refers to any person who inflicts torture on another person, article 187 refers to sexual torture

4. Recommendations on Treaty Content for Non-State Torture
In the following section, recommendations for the terms non-State and State actors as well as non-State torture as a form of violence perpetrated in the public, domestic, or private sphere are included. The suggested recommendations are written in blue and proposed for the following draft treaty article sections:

4.1
● Article 2: Definitions for the purposes of the current draft treaty outline:
  a. Violence Against Girls and Women of all Ages
     (a) applies to all forms of Violence Against Girls and Women of all ages whether perpetrated by State or non-State actors
     (xiv) Violence Against Marginalized Girls and Women of all Ages
     (b) recognize VAW whether perpetrated by State or non-State actors
     (vi) Add Violence against girls and women of all ages that amounts to torture and or ill-treatment perpetrated by non-State actors

4.2
● Article 4: General Principles
  2. No woman or girl shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment whether perpetrated by State or non-State actors (UDHR Article 5).

4.3
● Article 5: General Obligations
  d. To take all necessary measures to prevent and eliminate all forms of violence against
girls and women of all ages whether perpetrated by State and Non-State actors;

4.4
- Article 14: Response, Protection and Support Services
d) iii. One women’s advocacy and counseling center for every 50,000 women, which provides proactive support and crisis intervention for complainants/survivors/victims, including medical care, legal advice and support, as well as long-term support for complainants/survivors/victims, and specialized services for particular groups of women (such as specialized services for immigrant survivors of violence, for survivors of trafficking in women, or for women who have suffered sexual harassment at the workplace, for women and girls who have suffered torture perpetrated by non-State or State actors, where appropriate;

4.5
- Article 30: Violence Against Marginalized Women and Girls
Stigmatized Groups, including but not limited to immigrants, migrant workers, women and girls living with HIV/AIDS, refugees, and asylum seekers, women and girls who have suffered torture perpetrated by non-State or State actors.

4.6 Suggested additions for the memo:
It is also imperative to ensure that relevant Human Rights bodies/institutions that are part of the State apparel but that are autonomous and independent are empowered and do exercise their oversight and monitoring functions to report and advise adequately the concerned stakeholders on non-State torture violence.

Suggested Additional Readings and References
Information obtained in the following references and readings illustrate the evolutionary efforts to promote the human rights principles of equality and nondiscrimination by acknowledging that it is a human right of all women and girls not to be subjected to torture by non-State actors.

To promote the human dignity of women and girls this PowerPoint slide acknowledges three
situations whereby three women and one girl suffered the human right violation of non-State torture victimization.

We thank Jeanne Sarson, Expert Committee Member, Domestic Violence Committee, for her extraordinary leadership in drafting this memo.

This memo does not contain section 2 (Brief Summary of Discussion) or section 3 (concluding comments) because this memo was not developed in committee. The subject of Non-State Torture emerged as a matter of serious concern in several committees and this memo was written in response to that collective concern for the consideration of the Global Drafting Committee.
Recommendations for a Global Treaty on Violence Against Girls and Women of All Ages

by the Expert Special Committee on State Sponsored Violence

January 2017
1. Introduction of Treaty Content

1.1 Introduction

This memo provides guidance for a Global Treaty on Violence Against Women specifically to address, prevent, and eliminate state-sponsored Violence Against Girls and Women of all ages. By recommending a definition of state-sponsored violence, state actors will have a tool to identify, prevent, and eliminate state-sponsored violence. The committee acknowledges that state actors are not limited to formal state entities and has developed an inclusive definition of state actors.

By prioritizing the recognition and protection of the right to a life free from Violence Against Girls and Women of all ages, states will be able to prevent state-sponsored violence. States can take the necessary measures through budget allocation and on the legislative level to address state-sponsored violence as a priority.

Through access to justice and resolution mechanisms, states will not only ensure justice for survivors/victims, but also hold perpetrators accountable. While equipping justice-resolution bodies with female personnel and at the same time tackling stereotypes against girls and women, states will actively prevent state-sponsored violence. Finally, recognizing girls and women of all ages as human beings with full legal standing will protect and respect their right to a life free from violence.

State-sponsored violence is a worldwide issue cutting across all spheres and affecting girls and women of all ages regardless of their circumstances. This committee discussed the content of the treaty and agreed that the potential definition of state sponsored violence should be broad in order to encompass a variety of situations in which state-sponsored violence occurs.

The process of this committee included the review of the current text on state-sponsored violence and analysis of additional research done by the Initiative on Violence Against Women, Carr Center, and our own Expert Committee Members.

1.2 Legal Framework

The current global legal framework on violence against women rarely refers to "state-sponsored violence," nonetheless several regional Conventions include implicit references to state-sponsored violence.

- Belem do Para was the first Convention on violence against women and it does include a reference to state-sponsored violence. Article 2 (c) of the Convention of Belem do Para refers to violence that is "condoned by the state or its agents regardless of where it occurs."
Article 5 of the Istanbul Convention is concerned with the due diligence obligation of states when confronted with violence against women. Although article 5 provides for a detailed description of the duty of due diligence that is relevant for the prevention of state-sponsored violence, a reference to state-sponsored violence itself is missing.

Article 11 (3) of the Maputo Protocol stresses states roles during armed conflict and genocide and the state’s duty to ensure that such violence is brought to justice. Article 11 (3) Maputo Protocol sheds light on state-sponsored violence in wartime and highlights on access to justice.

While CEDAW recognizes violence against women implicitly, it does not refer to state-sponsored against women as such. Article 5c and Article 2c, however, require states to take measures to change traditional attitudes and eradicate stereotypes that may influence and endorse state-sponsored violence.

A common issue of state-sponsored violence is that although some legal measures are in place, they are not usually effective or cannot be effectively implemented, which leads to a violation of girls’ and women’s rights and perpetuates impunity.

The above shows that the current legal framework partially attempts to address state-sponsored violence. When it is addressed, state-sponsored violence is associated with a lack of due diligence and a lack of access to justice.

This memo will share a potential definition of state-sponsored violence along with recommendations on how a global treaty on Violence Against Girls and Women of all ages can effectively address state-sponsored violence.

2. Summary of the Committee's Discussion of Treaty Content

Defining state-sponsored violence was particularly important during this Committee's discussion, because there is limited precedent in the current global framework on state-sponsored violence. Therefore, in the very first Committee sessions, members considered what state-sponsored violence is and what it possibly encompasses.

- The Committee discussed whether the definition of state-sponsored violence should be broad (including private and public space) or if it should be defined rather narrowly. Committee members agreed that the definition of state-sponsored violence should specifically address state-sponsored violence, while at the same time be as broad as possible in order to include violence that is sponsored by the state regardless of where it occurs.
- Some of the issues that were considered to be included in a definition were state and non-state torture, liberty, armed conflict, and reproductive health. In this regard, the Committee addressed state-sponsored violence in war, times of peace and within
different geographical settings.

- The Committee members were concerned with the role of the state with regard to state-sponsored violence. Recognizing that the state’s role is crucial in state-sponsored violence, the Committee members discussed how the state could possibly remedy and prevent state-sponsored violence. The Committee considered that the state had a duty to protect girls and women of all ages from state-sponsored violence.

- Enforcement through State legislative and oversight bodies, state security actors and state justice system actors was regarded as a crucial issue by the Committee, since insufficient enforcement can be conducive to state-sponsored violence.

- The Committee specifically discussed certain issues that were highly nuanced and complex including the importance of focus on a woman's right to be perceived as a woman with legal standing for her rights to be respected.

- The Committee discussed whether the right to self-determination should be reflected in the recommendations. Eventually, the term “self-determination” was not used, because it was considered narrow and may not be directly relatable to all girls and women.

3. Concluding Comments by the Committee on Treaty Content

“Unresolved, sensitive, potentially contentious issues”

- The Committee discussed sensitive subjects including the term “sex workers” and recommends not using “sex worker,” since it can legitimize the buying and selling of women's bodies.

- Another issue discussed concerns marital and reproductive choice:
  - States must not limit, through legislation or practice, the marital and reproductive choices that women of all ages make.

4. Recommendations by the Committee on Treaty Content

- **Potential State-Sponsored Violence Definition**
  - State sponsored violence (SSV) is a human rights violation that occurs when the actions or the failure to act by a state actor directly or indirectly results in the physical, sexual, psychological or economic harm of girls and women of all ages in public and/or private life.

- **Potential State Actor Definition**
  - State actors include, but are not limited to, persons and entities, whether formal, informal, or customary, which exercise authority or jurisdiction as security and justice actors, dispute, mediation, and oversight bodies, or any other legal actors, entities or systems.
Other Key Recommendations for Treaty Content:

- **States will ensure that girls and women of all ages have the right to a life free from violence as a key priority and that this right is protected at all times.**
  - Eliminating violence against girls and women of all ages by state actors is an agenda priority.
  - States will ensure, through multi-sectoral implementation at the domestic level and within the domestic legal context, that girls and women of all ages have the right to a life free from violence and that this right is protected at all times.
  - The domestic implementation of national plans and domestic budget allocations to invest in measurable, sustainable, multi-sector interventions in order to prevent and respond to state sponsored violence against girls and women of all ages.
  - States shall mainstream their approach to eliminating state sponsored violence against girls and women of all ages throughout the legislative and other decision-making processes, including during drafting, research, advocacy, and implementation.
  - States shall identify situations of institutionalized violence against girls and women of all ages as well as violence perpetrated by state actors. States shall take immediate action to ensure that perpetrators of violence against girls and women of all ages are effectively held accountable and addressed.

- **States will ensure that girls and women of all ages have access to justice through legal standing and the ability to access a broad range of protection and resolution mechanisms.**
  - States shall agree to enforce the provisions of this treaty and provide girls and women of all ages full legal standing and access to the legal and/or justice system of her choosing, including state, quasi-state and traditional/non-state systems.
  - States shall take the necessary legislative and other measures to guarantee that girls and women of all ages have legal standing before a Court as individuals with legal identity. Girls and women of all ages shall have access to justice in any local court, as well as any other dispute resolution mechanism.
  - States shall increase female personnel in justice-resolution bodies and ensure that female officers support survivors of state-sponsored violence.
  - States shall act with due diligence to ensure accountability for
state-sponsored violence.
- States shall conduct expeditious investigations and impose penalties for state-sponsored violence.
- States shall ensure that girls and women of all ages can seek protection from their formal, informal, traditional, or customary government and achieve redress for violence perpetrated against them.
- States will provide training for all state officials involved in judicial and non-judicial processes to ensure that discriminatory attitudes are eliminated and stereotypical attitudes are addressed.
- States shall agree to enforce the provisions of this treaty and allow legal, traditional, and/or customary standing, decided by the survivor/victim, to the survivor/victim who petitions for relief from violence.

Committee Member BIOS:

(CHAIR) Denise Kindschi Gosselin—USA
Denise Gosselin holds the position of Associate Professor at the Department of Criminal Justice & Sociology of Western New England University. Denise is a retired State Police Trooper from Massachusetts. During her police career she served as a detective, classroom and drill instructor at the academy, community service officer, and a patrol officer. Denise has been elected to the Executive Board of the Academy of Criminal Justice Sciences twice, as Trustee-at-Large and as Representative of the Northeast Region. She represented ACJS (an NGO) in Brazil at the United Nations Congress on Crime and Criminal Justice and in Prague at the European Society of Criminology. Her major publications include Heavy Hands: An Introduction to the Crimes of Family Violence, 5th edition and Smart Talk: Contemporary Interrogation and Interviewing. She is a contributing author to Women, Law, & Social Policy, 2nd edition, and Policing & Victims. Major invited presentations include the UN Congress on Crime and Criminal Justice in Brazil, at the Massachusetts State Police Academy, and the West Point Military Academy.

(Memo Drafter) Angela Hefti—Switzerland
Angela Hefti is the Associate Director of the Lucerne Academy for Human Rights Implementation. Prior to taking up her current position, Ms. Hefti was a researcher to Prof. Dr. Martina Caroni, LLM (Yale), in Lucerne, Switzerland, and in 2013 she was a Visiting Professional at the Inter-American Court of Human Rights in San José, Costa Rica. Ms. Hefti was educated in Spain, Switzerland, and the United States. In 2011, she obtained her bachelor’s in Swiss law with specializations in European Law and Religious Law from the University of Fribourg, Switzerland. In 2013, she received her Master of Law with a specialization in Transnational Legal Studies (Summa Cum Laude). During her studies, Ms. Hefti participated in the Lucerne Academy Moot
Court Competition and the World Human Rights Moot Court Competition, where she earned an award for Best Memorial and an award for 3rd place in the oral rounds. During her studies, Ms. Hefti interned at the International Criminal Tribunal for Rwanda, was a junior researcher for the project: "International Trade in Indigenous Cultural Heritage," and volunteered for several NGOs in Switzerland and Spain. Ms. Hefti holds a diploma in Human Rights and Humanitarian Law from American University, Washington, D.C., and is a PhD candidate at the University of Lucerne.

(Memo Drafter) Kelly Jones—Burundi
Kelly is a health care provider, human rights activist, and attorney, and is the cofounder of Umoja Now. She has worked for several social justice organizations providing direct legal representation and comprehensive research and analytical support, including work on numerous human and constitutional rights projects. Kelly has also spent more than 16 years providing direct health care services to underserved and culturally diverse populations in urban and rural areas throughout the U.S. She holds degrees in physical therapy, economics, and law, and studied gender justice and conflict transformation at SIT Graduate Institute.

(Liaison to Committee on Types of Violence) Katarzyna Sękowska-Kozłowska—Poland
Katarzyna Sękowska-Kozłowska, Ph.D. is a senior researcher at the Poznań Human Rights Centre of the Institute of Legal Studies of the Polish Academy of Sciences. She conducts research in various fields of human rights with focus on gender issues (reproductive rights, violence against women, temporary special measures, gender stereotyping). She is the author of numerous publications on this topic and legal analysis for national and international bodies and NGOs. She is also a lecturer of Gender Studies of Adam Mickiewicz University.

(MEMBER) Khedija Arfaoui—Tunisia
Khedija founded an environmental NGO before joining women’s NGOs and is a founding member of ATFD and AFTURD (Association des femmes Tunisienne pour la recherché et le développement). She was Secretary General of AFTURD, then officer in charge of communication. She has been involved in both organizations for a number of years and also is a member of Amnesty International, the Coalition Against the Death Penalty, and ICAN (international). She has attended several Commissions on the Status of Women in New York. Khedija has presented at several international conferences on women’s rights in the Maghreb, publishing many of her conference presentations. Most of the work done by the women’s organizations denounce violence against women and take action to make the government protect women’s rights to equality and to life protected from violence.

(Member) Hauwa Shekarau—Nigeria
Hauwa Shekarau is the Immediate Past President and currently an Ex-Officio member of International Federation of Women Lawyers (FIDA Nigeria). As President up to Dec 15, 2015, she provided leadership for the organization and let their Violence against Women
Advocacy and Legislative Work as Head of the Secretariat of the Legislative Advocacy Coalition on Violence against Women (LACVAW) in Nigeria. This is a Coalition of over 50 NGOs working to eliminate as well as prevent Violence against Women in Nigeria. Through the efforts of the Coalition, they successfully led a legislative advocacy that led to the passage of the Violence Against Persons (Prohibition) Act in May, 2015 in Nigeria after over 13 years of the pendency of the bill in the Nigerian National Assembly. Also, as a group of women lawyers, she provided leadership that ensured we provided access to justice and legal aid to victims of violence against women.

(Member) Anyieth D’Awol—South Sudan

Anyieth D’Awol has worked as an independent researcher and documented HIV/AIDS in post-conflict South Sudan for the Clingendael Institute. Anyieth is the author of a chapter on sexual violence in Hope, Pain and Patience: The Lives of Women in South Sudan. In 2006–7 and 2008–9 Anyieth was a Human Rights Officer for UNMIS (United Nations Mission in Sudan) and in 2009 she founded the ROOTS PROJECT with the aim of providing a secure environment for women to pursue economic, social, and cultural empowerment through traditional crafts. Following the outbreak of conflict on December 15, 2013, Anyieth, with other civil society leaders, joined to form Citizens for Peace and Justice (CPJ) to help address the conflict. CPJ is promoting a peaceful resolution to the conflict and advocating for a just and sustainable peace by addressing the root causes and ensuring that there is accountability and justice for all victims. Anyieth is South Sudanese and lives and works between Juba. She has lived in the U.S., Norway, Tanzania, China, England, and South Sudan. Anyieth is also a US citizen.

(Member) Manizha Naderi—Afghanistan

Manizha Naderi was born in Kabul and raised in New York. She joined WAW in 2002 as a volunteer. She soon became our second staff person, and helped launch our Queens Community Outreach Program in New York. In 2006, she moved to Kabul to launch WAW's work in Afghanistan. Since 2006, under Ms. Naderi’s leadership, WAW has opened 11 Family Guidance Centers, 12 women's shelters, 4 halfway houses and 4 Children’s Support Centers. Six hundred fifty local Afghan women and men staff these facilities. Ms. Naderi has also built a massive women’s rights awareness-raising training program that has reached over 250,000 Afghans. Ms. Naderi’s goal is to have FGCs and shelters in every province in Afghanistan. She now divides her time between New York City and Kabul.

Supporting Documents

I. Carr Center Research Memos
II. Note on Tunisia
III. Planning Notes
### I. Carr Center Research Memos

#### State Sponsored Violence Memo

This document was used during the process of defining state-sponsored violence, state actors, and when making recommendations:

<table>
<thead>
<tr>
<th>Articles</th>
<th>Key Words</th>
<th>Types of Violence</th>
<th>Relevance State-Sponsored Violence</th>
<th>Specific Issues/Content</th>
<th>Recommendations for a treaty</th>
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<tr>
<td>Katarzyna Sekowska-Kozłowska, Denial/obstruction of access to legal abortion as a form of violence against women. Focus on Poland.</td>
<td>Denial/obstruction of legal abortion as violence against women. (at 3). (Refusal of abortion by hospitals, medical personnel without providing an alternative although the abortion is legal.)</td>
<td>&quot;Systemic problem of denying women the access to reproductive health services, including abortion (although the legal basis is existent)&quot; (at 2, 14). &quot;This means that the impediments faced by women who want to abort their pregnancy, are directly or indirectly resulting from the state policies, particularly in the health and justice sector which hinder the access to abortion.&quot; (at 3). Chilling effect on doctors (at 11).</td>
<td>Particularly difficult for poor or rural women (at 4). This issue is only experienced by women.</td>
<td>&quot;Denial of access to legal abortion as a form of VAW [...]. State parties should be primarily obliged to establish effective and transparent legal procedures that would secure the rights of women who seek legal abortion.&quot; At 16. State actors (state hospitals) and non-state actors (police, medical personnel).</td>
<td></td>
</tr>
<tr>
<td>Tanjeem Ahmed Khan, The Istanbul Convention.</td>
<td>Due diligence standard contained in Istanbul Convention; &quot;the right of everyone, particularly of women,</td>
<td>Contains description of Istanbul Convention</td>
<td></td>
<td></td>
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</tr>
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**Types of Violence**

Policy Booklet © 2017 74
II. Notes on Tunisia

CREDIF. 2016. La violence fondée sur le genre dans l'espace public en Tunisie. Résumé.

Coordinateur du projet : Slim Kallel en collaboration avec Meryem Sellami, Imed Zaiem and Khaoula Matri

Translated by Khedija Arfaoui

Violence founded on gender in the public space in Tunisia (CREDIF)

A recent research made by CREDIF together with the U.N. (ONU Women) in 2016 studies the violence exerted on women in the public space, taking into consideration the changes since January 2011 with the outbreak of the Arab Spring. The different spaces have been considered so as to describe and quantify forms of violence met by women in different public spaces and also according to the women's profile. Women's access to public space, the conditions of access to this space as well as the strategies elaborated in order to access it have also been investigated.

Concepts

The gender approach highlights the socio-cultural characteristics attributed to the biological sex. It is a "bi-categorization that creates and hierarchies 2 social groups by giving them proper qualities (...). Gender is a process meant to create and fix sexual differences, presenting them as natural and using them afterwards (Lieber, 2008, p. 5).

Privileges granted to men are seen as "natural" and "normal" and not as the result of social constructions. Nawal Saadawi describes this situation quite well when describing the case reported by one of her patients who said that when she was five, she would go and visit her grandparents' with her mother. Once there, her mother, grandmother and other women had a good time laughing and all but, everything changed when the grandfather came back (even those who have read the book may have forgotten this detail). The grandmother would follow him in his room, eyes down, as he changed clothes. Then he would come out and address the little girl, his grand-daughter, asking her to accompany him in a walk in the garden. Once in the garden, he would sit, take her in his lap, and start touching her genital parts. She never dared react or say a word. What could she have said? And that scene was repeated over and over. He died when she was 19 and she was so relieved but she lived with that weight all along until she was able to talk about it to N. Saadawi. This is to say that male power hid so many painful things. (this was written by Khedija. The rest is Khedija’s translation from

III. Planning Notes
State Sponsored Violence Subcommittee Minutes

Prepared by Kelly Jones

Date: 2-3-15

Time: 10:00–11:00 AM

Location: Zoom
(<https://drive.google.com/a/everywomaneverywhere.org/file/d/0B1z0Ok5KyAkuWW9CeVdMX1F2ZXc/view?usp=drive_web>)

In Attendance: Vidya Sri, Denise Gosselin, Katarzyna Sekowska-Kozlowska, Khedija Arfaoui, and Kelly Jones

Moderator: Denise Gosselin

Committee Roles:

- Kelly shall be the note-taker, at least temporarily, and be responsible for reporting minutes
- After some discussion of the time commitments for various roles, it was determined that all other Subcommittee roles shall be delegated at the next meeting when all members have joined

Scheduling Outline:

- The committee is working on a tight schedule, with the first draft of the memo due in May

Defining State Sponsored Violence:

- We need to define State-Sponsored Violence as a starting point
- The group should seek to define State-Sponsored Violence as broadly as possible;
- It should include, but not be limited to:
  - Torture
  - Liberty
  - Armed Conflict
  - Reproductive Health
- The Committee shall undertake research to consider basic relevant documents on this point, to see what we already have and what we still need
- Other important considerations should also include:
  - direct and indirect violence
• possible remedies and sanctions
• state obligations
• the role of local governments within each country

**International Doctrines:**

- The group shall gather, examine, and consider international documents on State-Sponsored Violence
- The group should start with primary sources, but also consider general comments, secondary sources, and soft law to determine what has already been said
  1. Documents to consider should include, CEDAW, Istanbul Convention, Maputo Protocol, UN Resolutions
  2. The group shall devise a hard and fast list of documents to consider, and then explore what is relevant
  3. Katarzyna shall work with the UN documents, while the other documents will be divided between Kelly and other volunteers. A brief memo will then be drafted

**Next Meeting:**

- March 2, 2016 at 10:00 AM
- All meetings shall be held on the first Wednesday of every month at 10:00 AM

**IV. Committee Consultation Feedback**

**Committee members:**
Angela Hefti
Anyieth D’Awol
Denise Kindschi Gosselin
Hauwa Shekarau
Katarzyna Sekowska-Kozlowska
Khedija Arfaoui
Kelly Jones
Manizha Naderi

The following types of violence are to be included in the memo for State-Sponsored Violence:

- Definition of State-Sponsored Violence
- Violation of the right to self-determination
- Lack of due process and effective legal redress
- Violence in illegal detention
- Domestic violence: violence perpetrated by support of the State for forced marriages and medical procedures
❖ Failure to provide equal education and access to work
❖ Forced physical and sexual violence in public spaces


1. State security actors
   a. **Core security actors**: armed forces (including international and regional forces), police, gendarmeries, paramilitary forces, presidential guards, intelligence and security services, coast guards, border guards, customs authorities, and reserve and local security units.

2. State legislative and oversight bodies
   a. **Security management and oversight bodies**: parliament/legislature and its relevant legislative committees; government/the executive, including ministries of defense, internal affairs and foreign affairs; national security advisory bodies; customary and traditional authorities; financial management bodies; and civil society actors, including the media, academia, and non-governmental organizations.

3. State justice system actors
   a. **Justice and rule of law institutions**: justice ministries, prisons, criminal investigation and prosecution services, the judiciary (courts and tribunals), implementation justice services (bailiffs and ushers), other customary and traditional justice systems, human rights commissions and ombudsmen.

#2 Domain of state sponsored violence

1. Public space: transit space, educative space, leisure space and professional space.
2. Transit spaces are of two kinds: the street (neighborhood, public institutions, commercial places, and public places, and means of transport as transit place and means of mobility.
3. Recreational or leisure spaces (cafés, restaurants, beaches, hotels, festivals, public gardens, parks, etc. Pause moments have also been examined, considering that leisure activities are not shared by all classes.
4. Professional and service spaces (working women and the space they are working in as well as common spaces such as cafeterias, cafés, restaurants . . .).
#3 Goals of a state sponsored violence provision is the guarantee to the Right of Self-Determination for women in their public and private lives

1. **Professionalization of the security forces on equal treatment of women and girls as a human rights mandate**: programs designed to train soldiers, police and other security sector personnel on democratic accountability, gender issues, human rights, international humanitarian law, and ethnic sensitivity; technical skills training; upgrading of military or police equipment; and drawing up professional codes of conduct.
   a. To extend the rule of law through the “duty to protect” of all state security actors to all forms of violence against women and girls—both civil and criminal with due diligence
   b. Protection must not be not arbitrary nor sporadic nor based on gender
   c. Supervisors at all levels of government have the duty to instruct and to hold accountable those state security actors for failure to protect women and girls

2. **Strengthening the rule of law to include women as equal members of society** including: establishing a strong, independent legal framework that provides critical civil-democratic oversight and a better functioning penal system; capacity building for the judiciary; and establishing an independent judiciary. Policies instructing state security actors on the investigation and prosecution of violence against women, including physical, sexual, and psychological violence in both public and private spaces.
   a. Permissiveness of the culture of violence against women by state security actors is an overt act of violence
   b. An end to the imprisonment of women and girls for gender specific crimes without due process, including morality crimes
   c. An end to nonprison confinement of women (e.g. psychiatric hospitals) without due process
   d. An end to anti-woman policies
   e. An end to the physical and psychological violence through non-legal policies such as virginity testing
   f. Legal redress for victims of physical and sexual violence in private and public spaces regardless of age or marital status as the right to bring judicial complaint without state retribution or punishment. **These rights cannot be abrogated by the state nor assumed under state power.**

3. **Granting civil gender-based privileges, practices, and policies that are inclusive of the rights of women and girls including**: establishing equal rights to inheritance laws, marital choice, personal reproductive choices, freedom of independent travel, access to public space without risk, equal education, and access to work.
   a. An end to laws that disenfranchise women and girls through civil inheritance
laws
b. That marriage should be a personal choice between a woman and man, neither forced nor bargained by money or property
c. Personal reproductive rights that are held by each woman and woman-child include the abolishment of forced sexual relationships, abortion, sterilizations, FGM, and forced contraception
d. The rights to reproductive choice are basic human rights held by the woman. These rights cannot be abrogated by the state nor assumed under state power.
e. Reproductive rights must include conditions for enforcement of reproductive rights and access to health care.
f. The freedom of independent travel includes granting access to women and girls an identity regardless of their age or marital status.
g. Travel is the freedom of unencumbered travel outside of the home for any purpose and without family authorization. Travel includes the right of conveyance whether by foot, motor vehicle, or airplane.
h. Access to public space without risk of violence must be guaranteed and protected by state security actors.
i. Education opportunities for women and girls must be equal to those enjoyed by men and provided by the state without gender bias or separate facility.
j. Women's right to work at every form of employment must be equal to that enjoyed by men, regardless of age or marital status.
k. An end to sexual violence as a means of control over women and girls

Further Recommendations

To fight against VAW in the public space, several levels need to be targeted by acting both on social representations and daily practices. As a matter of fact, these two levels influence each other mutually (see work of Claude Flament, 2003, on the dynamics of social representations). One must:

- Implement a national policy so as to guarantee more security in public spaces, essentially the streets and means of transport: install cameras in diverse places such as means of transport to discourage potential aggressors and constitute proofs able to encourage women to deposit a complaint.
- Organize continuous trainings on VAW based on gender, particularly for service providers (men, women) in daily contact with women (ONFP, Ministry of Health, Ministry of Education, Ministry of Justice, Ministry of Interior, Ministry of Social Affairs . . )
- Organize sensitizations campaigns of struggle against VAW in the public space in the
media, secondary schools, and public transport.
- Work on the contents of schoolbooks so as to clean them from stereotyped and pejorative images of women.
- Sustain spaces dedicated to sports such as fitness trail or youth centers.
- Fine more acts that are relevant to incivility and undermining the harmony of the public space: detritus, insults, lack of respect, public indecency, etc.

V. Note on Poland

Katarzyna Sękowska-Kozłowska

Remarks on state-sponsored violence

I think, that it is important, to indicate, that state-sponsored violence is not only, the violence perpetrated by State, but also the violence that is accepted by state. See for example this document:

UN Declaration on the Elimination of Violence against Women (1993)

Art. 2 c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

As for language and wording, I think that in the case of state-sponsored violence, the practice of anti-torture bodies may be particularly useful. See for example GC of CAT, specifically for definition of a state as a perpetrator:

UN Convention Against Torture: General Comment No. 2, Implementation of article 2 by States parties (24 Jan 2008)

15) States bear international responsibility for the acts and omissions of their officials and others, including agents, private contractors, and others acting in official capacity or acting on behalf of the State, in conjunction with the State, under its direction or control, or otherwise under colour of law. Accordingly, each State party should prohibit, prevent and redress torture and ill-treatment in all contexts of custody or control, for example, in prisons, hospitals, schools, institutions that engage in the care of children, the aged, the mentally ill or disabled, in military service, and other institutions as well as contexts where the failure of the State to intervene encourages and enhances the danger of privately inflicted harm.
VI. Draft Recommendations

I. Definitions Recommendations

Draft Working Definition of SSV

State sponsored violence (SSV) is a human rights violation that occurs when the actions or the failure to act by a state actor directly or indirectly results in the physical, sexual, psychological, or economic harm of women and girls in public and/or private life.

Draft Working Definition of State Actor

State actors include, but are not limited to, persons and entities, whether formal, informal, or customary, which exercise authority or jurisdiction as security and justice actors, dispute and oversight bodies, or any other legal systems.

- **Kelly**: We need to find a way to say that someone is covered even if they have such authority/jurisdiction. We also need to think of who is not covered by this definition.

II. Memo Drafting Recommendations

Katarzyna’s State-sponsored violence—some recommendations for states

- to include female personnel to the state forces, officers, officials etc., including senior positions (unique for State not SSV)
- to provide training on VAW and gender issues for the state forces, officers, officials etc. (Training committee)
- to improve women’s access to justice (see CEDAW GC No. 33) (general, but leave here—is it here?)
- to take into account specific needs of female detainees (see Bangkok Rules) (leave)
- to provide specific monitoring mechanisms of places of detention of women (including psychiatric hospitals, etc.); this could be the mechanism comparable to NPM under CAT or/and to the international mechanism such as visits under OP-CAT (here)
- to include gender mainstreaming into the legislative process, i.e. to ensure that during drafting process of all state’s acts, the consequences for women and their specific needs are taken into account.

**Kelly Recommendations**

- State oversight must include both public and private spaces (leave)
- Gender transformation training be included in all training, not just rules and regulations
(training)
-State should be responsible for public education, not just enforcement (advocacy)
-Must include a complete end to morality-based crimes for women, not just due process (here)
-Make clear that we are proposing inalienable human rights, not just privileges (general-drafting committee)
-Use inclusive language only. Defining marriage as between a man and woman, even for purposes of this document, makes a political statement about LGBT rights (universal application; inclusive committee)
-Ensure that women may seek legal redress in any local court against the state, otherwise this doc becomes meaningless and inaccessible to them (here)
-Do not use the term “sex worker” in this or any other part of this document, as it only serves to legitimize the buying and selling of women’s bodies (to all committees)

**Angela Recommendations:**

I would include strong and positive language such as “ensure” as opposed to “improve” if possible. Recommendations relating to access to justice would probably be one of the key priorities in accordance with the working definition—although they may perhaps overlap with “access to justice”? (universal)

**GENERAL**

- Obligation to address and prevent state-sponsored violence in contexts of peace and war (keep)
  - states must ensure that women’s rights are protected at all times and that they are included as a key priority in the state’s agenda (keep)
- States should address structural violence against women and its root causes (keep)
- states should act with due diligence in situations of violence against women and ensure accountability (keep)
- develop and implement awareness raising strategies about the rights of women (access)
- in order to avoid state-sponsored violence, states should combat impunity (keep)
- ensure access to justice for women with regards to both judicial and non-judicial dispute resolution mechanisms (keep)

**SPECIFIC**

- states must enact mechanisms to enforce restraining orders in cases of domestic violence even if such violence is perpetrated by private actors (keep/DV)

- education of military personnel with regards to war: specific women's rights violations that may result in state-sponsored violence [rape, sexual violence] (training)
- develop policies and guidelines including specific rights of women relating to access to justice and women’s rights for all public officials (keep)
- to ensure access to justice for women with regards to both judicial and non-judicial dispute resolution mechanisms (keep)
- adopt specific measures to ensure that state-sponsored violence is not state sponsored (keep)
  → Address the specific situation of rural or indigenous women for instance: (indigenous committee)
    - guaranteeing the right to a translator
    - allowing indigenous languages to be used during proceedings
    - provide women with safe, free travel to and from the judicial centers

**Millicent Recommendations:**

The recommendations above are excellent. I suggest adding some brief text that shows how and why state sponsored violence merits its own article in the treaty. Below follow my thoughts on this, rather than specific wording—the rest of the committee should please feel free to edit or disagree completely.

I see two overarching types of state-sponsored violence:

- Individual (or groups of individuals) actors perpetrating violence in their role as representative of the state; and (keep)
- The state failing in its role as protector of all people within its borders. (keep)

The memo should make clear that we are talking about both categories. Not just violence by police or UN peacekeeping troops, etc., but that the state as a whole has a responsibility to prevent violence against women and girls. This responsibility is not just because human rights are universal but because the state has taken on a set of duties and obligations in the relationship with its citizens and all other people who come into its jurisdiction. There is a deep contractual bond between the state and the people, with accountability on both sides. (An oversimplified example: people pay taxes, which the state promises to use for the common good and is held accountable through public debate and elections for failing to do so.) In return for being loyal, law-abiding members of the community, the state promises to keep people safe. When women and girls are subjected to violence, the state has failed in its promise of safety.

Safety should be ensured through both prevention, which includes public education, gender mainstreaming, and legislative reform, and response, which entails full and comprehensive access to justice. Many aspects of this are listed above in recommendations of others.

**Denise's state-sponsored violence recommendations:**

- To include a right to self-determination in education and work (training/workplace violence)
- To include the right to legal identity for married and unmarried women (keep)
- Right to marital and reproductive choice (keep)
- Right to be free from gender bias and sexual exploitation by the government actors (keep)
- Protection from government actors in situations of gender bias and sexual exploitation (keep)
- Protection from govt actors in situations of gender bias and exploitation at every level of govt

Bullets

1. **Access to Justice:**
   - A. More female officers for victims/survivors
   - B. Due Diligence: State Accountability

2. **State-sponsored actors are not perpetrating:**

3. **Ensure that women may seek legal redress in any court against the state:**

4. **Right to legal identity and/or including nationality regardless of gender and marital status, including women and her children.**
Recommendations for a Global Treaty on Violence Against Girls and Women of All Ages

by the Expert Special Committee on Trafficking and Slavery

January 2017
1. Introduction of Treaty Content

1.1 Introduction
The Expert Special Committee on Trafficking in Human Beings (THB) and Slavery analyzed trafficking and slavery as a manifestation of Violence Against Girls and Women of all ages, focusing on:

- relevant legal frameworks,
- processes by which trafficking and slavery can be addressed,
- the industries and communities where these violations are most likely to occur.

Girls and women are vulnerable to trafficking and slavery through complex intersections of lack of economic autonomy, sociocultural status and lack of support in and outside the domestic sphere. Appropriate state responses to trafficking and slavery must include clear and comprehensive definitions, prevention, combating the problem, and rehabilitation for survivors, all aimed toward a measurable reduction in the rates of trafficking and slavery of girls and women of all ages.

1.2 Legal Framework
The ways that trafficking and slavery are defined in international legal frameworks and human rights instruments has substantial impact on responses to these problems by individual states as well as the international community and multi-national organizations as a composite and interconnected front. Most of the available definitions by the international community of human trafficking agree on the means, but the different purposes of trafficking are not equally clear for the international community to define and understand as exemplified by the range of definitions outlined below.

1. Within the United Nations (UN) system, the Convention on Transnational Crime is the mother convention for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol. This is the most important global treaty regarding human trafficking in that it commits state parties to prevent and combat trafficking, to protecting and assisting survivors and promoting cooperation between states. The definition is contained in Article 3:

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar...
to slavery, servitude, or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

To fully understand this definition and its implications, it is important also to note Article 4, which states:

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

And Article 5:

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

(a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;

(b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

(c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

As part of the analysis of the Palermo Protocol, it has been noted that a lack of clarity in definitions leads to problems in prosecuting violations, for example:

- whether offenses are trafficking or smuggling, trafficking or forced labour, forced or consensual prostitution;
- the lack of clarity in the Palermo Protocol's definition is problematic for domestic criminal law;
- criminal law is governed by the principle of legality, e.g. lex certa (clarity of
the elements that constitute a crime) and praevia lege (nonretroactivity);

- the wording of the Protocol may suggest that sometimes the trafficked person could be criminally liable as well, but this is not the intention of the Protocol

2. The Slavery Convention of 1926 provides a basic definition of slavery that was broadened in 1956 by the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices similar to Slavery to include "slavery-like practices":

- debt bondage,
- serfdom,
- servile forms of marriage
- the exploitation of children and adolescents.

In addition, the International Labour Organisation Conventions on Forced Labour 29 and 105 describe, for States, steps to define and suppress forced labour.

3. Regional human rights systems form an important foundation but are of limited use in curbing trafficking and slavery

- The Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report (Warsaw, 16 May 2005) Council of Europe Treaty Series—No. 197 includes a comprehensive definition and obliges "State Parties to criminalise all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime (Art. 18 jo Art. 2 and Art. 4)."

- In the Inter-American human rights system, the American Convention on Human Rights defines and prohibits slavery and other forms of forced labour.

- The African (Banjul) Charter on Human and People's Rights does not give a precise definition of human trafficking or slavery but Articles 3 to 18 focus on respect and protection of the individual duties and rights.
  - Article 5 reads: "All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman, or degrading punishment and treatment shall be prohibited."
  - And Article 18(3) says that "The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the women and the child as stipulated in international declarations and conventions."

- From Asia, the South Asian Association for Regional Cooperation (SAARC) Convention on Combating and Preventing Trafficking in Women and Children for
Prostitution does not address other forms of exploitation, such as forced labour. The Association of Southeast Asian Nations’ (ASEAN) Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) follows the Palermo Protocol closely and contains many strong provisions regarding prevention, combating and rehabilitation of survivors. However, ACTIP has not yet entered into force, as only three of the six necessary nations have signed on since its adoption in 2015.

2. Summary of the Committee’s Discussion of Treaty Content
The Committee considered aspects of prevention, combating and rehabilitation related to trafficking and slavery, as well as industries and vulnerable populations where trafficking and slavery are more likely to occur.

2.1 The Committee’s series of discussions included:

- Prevention measures to include awareness raising and education aimed at the general population and also more targeted awareness raising and training for law enforcement and service providers who engage with perpetrators and survivors;
- Challenges in preventing trafficking and slavery come from a lack of knowledge about the issue at all levels: schools, family, community leaders and legal/judicial systems, and girls and women who may be illiterate;
- At a deeper level, entrenched patriarchy, low status of girls and women, poverty, corruption and lack of sustenance/survival options make trafficking and slavery difficult to prevent;
- The Committee noted that prevention efforts should include mass and social media to raise awareness, particularly via cultural celebrities and young people, and develop a survivor support system;
- Outreach to boys and young men is important to change attitudes toward girls and women of all ages generally and stigmatization of survivors particularly;
- Legislation and policy would be improved through use of existing global advocacy and research, support from international bodies and civil society organizations, and better research and in-country data;
- Combating trafficking and slavery will require strengthening of law enforcement and prosecution and also, crucially, protection and assistance for survivors to speak out;
- Working to fill the void of the existing data deficit, disaggregated data and international cooperation would help local and national law enforcement and judiciary tailor strategies and responses to the local specificity as well as the overlay of complexity at the macro levels;
- For survivors to act as witnesses, they must have safety (including from their own families, in many cases), support, and information about the process;
- Multi-service centers and referral mechanisms can help coordinate actions by law
enforcement and survivor support practitioners;

- Finally, awareness raising and incentives should be developed to increase reporting by first responders and other witnesses, such as hotel owners, truck drivers, nurses, and immigration/border officers.

2.2 The Committee's consideration of rehabilitation focused on support for survivors in the immediate aftermath, during legal proceedings and on compensation to help survivors over the longer term. Among the most prominent challenges to successful rehabilitation are the lack of services and qualified practitioners to assist survivors, as well as procedural difficulties in criminal cases, which can hamper efforts to win compensation in civil cases. In addition, survivors may have signed contracts that bind them legally. In many cases, survivors can be re-victimized through a lack of access to alternative means of support and social and family structures that blame them. And biased media reporting, especially where young women are concerned, increases the trauma.

2.3 Certain industries are especially prone to trafficking and slavery:

- Informal sectors, especially agricultural labour, sex trade, and commercial sex industry;
- Textile and garments industry;
- Special economic zones;
- Domestic work and care-providing, especially outside their country;
- Travel & tourism industry, such as hotels, cruise ships, entertainment industry;
- Personal service industry (spas, nail salons)

2.4 Women and children from low income backgrounds are particularly vulnerable, and additional risk factors include disabilities, low or no education and coming from areas of conflict or natural disasters.

In many societal contexts, women are increasingly primary providers for their family units, yet have a low status within families and labour markets, which keeps women trapped in exploitative situations. At the same time, there are fewer women than men in judiciary, police forces, crime-prevention and decision-making bodies that could enable a different perspective and the power to improve the handling of trafficking and slavery cases. Access to justice therefore is dependent on the biases of mostly male duty bearers.

2.5 Finally, it should be remembered that trafficking in persons is clearly distinguished from smuggling, which is covered by another Protocol to the Convention on Transnational Crime. In each of the cases, the purpose of the act is different, in smuggling—the purpose is crossing borders, in trafficking—exploitation.
3. Concluding Comments by the Committee on Treaty Content

“Unresolved, sensitive, potentially contentious issues”

There is a whole range of issues in relation to trafficking in human beings and slavery which have not been resolved. The major issue is the definition of trafficking in human beings itself. An appropriate, undisputed wording has not yet been found. It is questionable whether it will be found, or even should be sought, in the course of developing a Global Treaty on Violence Against Girls and Women of all ages. Keeping the definitions broad and inclusive is desirable, to allow for the particular local and national contexts; however, unclear or ambiguous definitions serve a negative purpose and paradoxically, provide means for perpetuation of the problem.

Even in the Palermo Protocol the particularities of the trafficking definition have been left purposefully unclear. However, drafters of the treaty should be aware of some controversies/debates which may influence the wording of the final provision:

- **The paradigms of human trafficking.** There are three main paradigms towards trafficking—criminal justice paradigm, human rights paradigm, and labor paradigm.
  - So far the first one, promoted by the US, dominated, but recently a shift has been observed: “For the first time in the history of the modern anti-trafficking regime, there is the potential to focus on the underlying structures that create vulnerability to trafficking in the first instance—a marked shift from criminal justice approaches that prioritize punishment of individual perpetrators and, to a lesser extent, post-hoc protection of victims.”
  
  The wording of the future treaty provision should be chosen with awareness of those paradigms and their implications.

- **Conflation of the terms:** “human trafficking” with “forced labour” or “slavery.” Both have important implications. Elevating “forced labour” to the status of “trafficking” and “trafficking” to “slavery” may serve to intensify law enforcement reaction to these phenomena and absolve governments of certain other obligations:
  - “Distilling the complex phenomenon of trafficking into a narrative of evil wrongdoers to be punished and agency-less victims to be rescued, slavery creates a simple moral imperative with tremendous popular appeal. Such dynamics absolve states (and their corporate partners) of responsibility for promoting labour and migration structures that create and foster vulnerability to exploitation in the first instance.”
  
  On the other, introducing the concept of “labour” into trafficking reveals its broader characters than just sexual exploitation:
  - “Simply by introducing the concept of “labour” into anti-trafficking discourse, forced labour creep militates against a longstanding bias towards viewing
“trafficking” as only or primarily involving sex trafficking. That bias has yielded a narrow understanding of trafficking as the product of individual deviant behavior (of the trafficker) and lack of agency (of the victim). Applying a labour lens exposes how coercion is not necessarily physical and is often situational, produced by a combination of factors (e.g., high debt, immigration status) that result from economic and social structures that feed vulnerability to exploitation.”

- **Forced prostitution vs. wilful prostitution is problematic.** As Marjan Wijers notes about the development of the Palermo Protocol,
  - “It was argued that if a distinction would be made between voluntary/consensual and forced prostitution, this could be used to disqualify trafficking victims by arguing that it was their own choice.”

  Additionally, states have different regimes on prostitution.

- **Vulnerable groups and risky industries.** Emphasis on any category/categories of industries or populations of girls and women particularly vulnerable to trafficking is inextricably linked with omitting others. This, in turn, poses a risk of diverging the attention to some groups to the extent that the rest are forgotten or neglected. At the same time, failure to make such emphasis may detract the attention from underlying social structures, which create vulnerabilities.

  Drafters should be aware of the risks and should make a conscious decision as to whether singling out is necessary and, if so, what groups should be named.

### 4. Recommendations by the Committee on Treaty Content

#### 4.1 States Parties must implement actions to prevent, address, and measurably reduce trafficking and slavery of girls and women of all ages, including:

- **a) Raise awareness among the general population**
  - I. particularly at the community level,
  - II. emphasizing the scope of the problem,
  - III. industries into which people are trafficked,
  - IV. vulnerable populations,
  - V. penalties for perpetrators,
  - VI. and how to report violations.

- **b) Conduct training targeted toward specific sectors, such as:**
  - I. law enforcement
  - II. service providers
  - III. first responders (including paramedics, nurses and doctors)
  - IV. legal systems
  - V. media
VI. industries prone to using trafficked persons.

c) Work to fill the data deficit by researching, analyzing and presenting disaggregated data regarding the causes, risk factors, and scope of trafficking and slavery within State borders and reviewing activities related to source, destination and transit of women and children for exploitation and slavery.
d) Take measures, including legislative and policy actions, which respond to the identified causes and address risk factors of trafficking and slavery within State borders, assign appropriate funds.
e) Initiate and join inter-sectoral and international collaborations to follow-up on the UN and other conventions, demanding enforcement of treaties.
f) Increase advocacy for trafficking and slavery to be treated as an issue of local, national, and international priority, considering the economic and social cost of trafficking and slavery as a deterrent to social development and human rights and a just society.

4.2 State parties must take action to combat trafficking in human beings and slavery, including but not limited to the following measures:
a) Strengthen domestic systems of legislation, investigation, and prosecution related to trafficking and slavery.
   a. Domestic legislation should be made consistent with international treaties related to trafficking and slavery and also with a treaty on violence against women and girls of all ages;
   b. Additionally, domestic legislation must make clear that victims are not to be punished.
b) Ensure implementation of all international, national, regional, and local legislation pertaining to trafficking and slavery of girls and women of all ages.
c) Increase the number of women working in law enforcement and legal systems.
d) Strengthen support and protection for survivors so they can be witnesses if necessary.
e) Strengthen communication and cooperation across source, destination and transit countries.

4.3 States Parties must initiate and improve measures related to rehabilitation for survivors of trafficking and slavery, including but not limited to the following:
a) Strengthen support and protection for survivors so they can find alternative livelihoods and live in safety.
b) Support and collaborate with civil society organizations that provide direct assistance to survivors and that provide training, advocacy, and awareness raising related to trafficking and slavery.
c) Work to change stereotypes and stigma regarding trafficking survivors so they have
Committee Member BIOS:

(CHAIR) Virginia Muwanigwa—Zimbabwe
Virginia Muwanigwa is a gender, information, and communications expert who has extensive experience in the NGO field including project cycle management; proposal writing, and training; communications strategy development, programming, and training and extensive use of rights-based approaches for advocacy on women's rights. Her development work spans 18 years across Zimbabwe, SADC, and the African continent. An activist, Virginia has chaired the Women's Coalition of Zimbabwe, umbrella body for women's organizations, sat on boards of various other women's and or media organisations. She has actively participated in the SADC Gender Protocol Alliance. She is also a member of FEMNET and AWID. She holds a Master's in Business Management degree; BSc Sociology and Gender Development Studies degree; Diploma in Communications and Journalism. She also underwent Human Rights Education Training of Trainers by Equitas.

(Member) Joy Ngozi Ezeilo—Nigeria
Joy Ngozi Ezeilo is an activist and legal scholar recognized as a leading authority in the field of human rights, especially on the rights of women and children in Africa. She teaches Law at the Department of Public and Private Law, Faculty of Law, University of Nigeria and pioneered, since 1997, the teaching of the Course, “Women, Children, and the Law” making her University the first to do so. She was appointed in 2008 as the United Nations Special Rapporteur on Trafficking in Persons, especially women and children, and served in that capacity globally until 2014. She was also appointed in December 2013 by the UN Secretary General as a member of the Board of Trustees UN Trust Fund for Victims of Trafficking. She is the founding director of WomenAid Collective (WACOL), a national organization that promotes human rights of women and young people. She was a former Commissioner for Gender and Social Development, Enugu State, a federal delegate to the National Political Reform Conference and served also as a member of the Governing Council, Nigerian Institute of International Affairs (NIIA). Joy Ngozi Ezeilo is high Chief in Igboland and she’s popularly called—triple Chief, that is Ochendo, Ada eji eje mba, and Nze bu na chi. Joy Ezeilo is currently on sabbatical as a research professor at the Nigerian Institute of Advanced Legal Studies (NIALS).

(Member) Joanna Smętek—Poland
Joanna Smętek is a lawyer and research coordinator at the Helsinki Foundation for Human Rights (HFHR), one of the oldest and biggest NGOs in Finland. On behalf of HFHR, she has coordinated and participated in multiple national and international research projects concerning, among others, procedural rights in criminal proceedings or the rights of vulnerable groups, including women, children, and migrants. Since 2012, she has been involved in HFHR's
cooperation with the European Union Agency for Fundamental Rights. She holds an M.A. in Law from Warsaw University where she also pursued English Studies, majoring in American literature.

(Member) Gaby Razafindrakoto—Madagascar
Gaby Razafindrakoto is a retired English teacher, freelance translator, and participant in the Summer Institute for English as a Foreign Language (EFL) Program Administrators for Francophone and Lusophone Sub-Saharan Africa, at the English Language Institute, State University of New York, Buffalo, USA (2008). She is also the Secretary of Federation pour la Promotion Feminine et Enfantine (FPFE), Madagascar. A Federation that groups associations aiming at women's empowerment and the protection of children. FPFE once contributed to the global monitoring of media, and is the country focal point for the SADC Gender Protocol Alliance.

(Member) Reena Tandon—Toronto, Canada
Reena Tandon is a community engaged scholar and practitioner, with a multidisciplinary training, with PhD in Social Work and Social Policy from Melbourne, Australia, a postdoctoral fellowship from Johns Hopkins School of Public Health and a second: CIHR Transdisciplinary postdoctoral fellowship in inner city health, St. Michael's Toronto. She continues to be actively engaged with issues relating to women, migration, precarity, violence against women, and empowerment, through multiple intersections and in different locales she is part of. She is passionate about creative and innovative pedagogy that enhances civic engagement. She was selected as a DiverseCity Fellow by CivicAction, Toronto, Canada. Dr. Tandon is the coauthor of the book Immigrant Women, The American Experience: Finding Agency, Negotiating Resistance and Bridging Cultures.

(Member) Laurie Tannous—Ontario, Canada
Laurie Tannous is a requested speaker at many trade and industry forums globally. She presently holds several concurrent strategic positions including: Vice President, Government & Industry Relations at Farrow. Canada’s largest independently owned customs broker Farrow is a billion-dollar organization handling over one million transactions each year. She is also Special Advisor on Human Trafficking at the University of Windsor’s Cross Border Institute, which is dedicated to research, education, and public outreach related to the movement of people, goods, and services across the Canada-US border. Senior Canadian Attorney of the Kitch Immigration Practice Law Group. Ms. Tannous worked for seven years for the Canada Border Services Agency as a Customs and Immigration Officer, bringing in-depth experience to her understanding of immigration and customs laws and regulations.
Supporting Documents

I. Consultation Feedback Summary
   II. Human Trafficking Definition Research
   III. Legal Framework Research

I. Consultation Feedback Summary

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<th>TRAFFICKING IN HUMAN BEINGS (THB) AND SLAVERY</th>
<th>Element-oriented</th>
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<tbody>
<tr>
<td>Prevention</td>
<td>Industry areas</td>
</tr>
<tr>
<td>1. General prevention</td>
<td>Areas or industries where THB is more common? Why are these so prone to THB?</td>
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<tr>
<td>● diagnosis of the problem: both general and specific research.</td>
<td>● informal sectors, especially agricultural labor, sex trade and commercial sex industry (or the appropriate term)</td>
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<td>● training of professionals (law enforcement, social workers, customs and immigration, health and medical, etc.)</td>
<td>● textile and garments industry</td>
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<td>● awareness-raising campaigns/education through community gatherings, schools, places of worship, festivals and events</td>
<td>● Special economic zones</td>
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<tr>
<td>2. Specific prevention</td>
<td>● Domestic work and care-providing, especially outside their country.</td>
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<td>● targeted awareness-raising</td>
<td>● travel &amp; tourism Industry: hotel, cruise ships, etc.</td>
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<td>● targeted information sharing (Does it make sense to unpack what might be included as content of “awareness and information” packets/session s?)</td>
<td>● Are there any particular groups of people who are more exposed to THB? Why are they more susceptible?</td>
</tr>
<tr>
<td>● targeted training for specific professionals &amp; service providers who engage with these groups.</td>
<td>● people with disability face discrimination as women and as persons with disability.</td>
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<tr>
<td>1. Definition of THB</td>
<td>- young, employable men, women and children</td>
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<td>2. Gathering statistics (disaggregated data)</td>
<td>- poor people</td>
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<td>3. Investigation and prosecution of THB</td>
<td>- girl children</td>
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<tr>
<td>● international cooperation</td>
<td>Are there any groups of women who are more exposed to THB?</td>
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<td>● survivor support and protection in legal proceedings (effective referral systems)</td>
<td>- school dropouts</td>
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<td>● drafting a guidance booklet or infographic on the steps a survivor has to follow</td>
<td>- single mothers</td>
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<td>4. Punishment of perpetrators and implementation of laws</td>
<td>- unemployed women</td>
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<td>● training of judges</td>
<td>- prior psychological trauma</td>
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<td>● enforcement of laws</td>
<td>- women in poverty</td>
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### Challenges in preventing THB?
- customary and traditional practices still prevalent especially in rural areas.
- schools: not enough sensitization sessions
- women’s illiteracy
- lack of knowledge of the issue, statistics, data, plus misconceptions and wrong information.
- lack of distinction between sex workers and those trafficked against their will.
- structural causes such as poverty and lack of alternate employment
- sociocultural aspects such as entrenched patriarchy, low status of women, inability to resist or challenge practices
- legal and judicial systems based on patriarchal norms inhibit access to recourse and protective policies and legislation
- corruption
- lack of integration of law-enforcement bodies at local, national and international levels
- lack of integration between legal/judicial and social service sectors
- high monetary value in THB for the perpetrators
- lack of rehabilitative processes and social norms for persons rescued or escaped
- THB is hidden!

### Challenges in combating THB?
- courage to speak out is still low
- strategies not tailored to the data and cases in different areas
- family attitude when the perpetrator is a member of the family. Family will often persuade survivor not to go to court (amicable resolution)
- THB an international phenomenon that requires coordination of services in multiple countries.
- position of the survivor in criminal proceedings. Survivors need to feel safer to report.
- need to separate children and survivors from perpetrators, but hiding them completely

### Challenges in rehabilitation?
- how to calculate or assess compensation? By which criteria?
- social discrimination toward survivors
- empowerment of survivors to make them independent and self-sustaining: need income generating activities.
- survivors may return to home country and perpetrator finds them.
- if no criminal case, hard to get compensation from a civil case (must prove the crime in civil proceedings and survivor is on her own)
- no support in the system
- survivors may sign contracts that bind them unintentionally.
- what is the safe

### Challenges in tackling THB in particular industries?
- survival instinct (fear of losing jobs) prevents survivors from speaking
- lack of protective legislation for workers’ rights
- lack of information of legal/policy measures
- low literacy levels
- lack of training and skill-building opportunities to empower women to choose alternate employment
- lack of political will to develop and/or enforce suitable legal structures
- perps say “she wanted it”

### Challenges of tackling THB in relation to particularly vulnerable groups?
- the specificity of the group and their needs
- survivors are scared when they go back to the perps
- THB perpetrated in organized groups with structure.
<table>
<thead>
<tr>
<th>Good practices?</th>
<th>can be difficult.</th>
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<tbody>
<tr>
<td>● appeal to cultural stars to sensitize people</td>
<td>● in order to sentence and punish, there must be a witness, and this requires separation of children and survivors from the perps.</td>
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<tr>
<td>● use of mass and social media, other technology for awareness building</td>
<td>● service providers may be corrupt, deliberately not recognizing THB.</td>
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<td>● include young people</td>
<td>● victim blaming</td>
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<td>● use schools to disseminate information.</td>
<td>Good practices?</td>
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<tr>
<td>● set up a good survivor support system that does awareness raising.</td>
<td>● comprehensiv e support pack, including one roof multi-service centers, where all parties can facilitate procedures.</td>
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<td>● training and awareness building amongst young men and boys starting at an early age, to challenge and change sociocultural practices and beliefs that devalue women</td>
<td>● cooperation with the police and survivor services</td>
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<td>● use existing global advocacy and research</td>
<td>● a good referral mechanism and checklist within the police to include forms and procedures to recognize and identify THB.</td>
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<td>● support from civil society as well as national and international governments</td>
<td>● a pool of free lawyers or structures</td>
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<td>● strong and effective legal system</td>
<td>● incentivize hotel owners,</td>
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<td>● increasing access of legal information and support structures in local languages</td>
<td>haven immigration policy for survivors?</td>
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<td>● expanding education of women; making education accessible through supportive state programs and funds</td>
<td>● reproductive health and information</td>
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<td>● simplification of legal processes and recourse to justice</td>
<td>Good practices?</td>
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<td>● special cells to detect and address, not just wait for THB to be reported</td>
<td>● psychological support</td>
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<td>● studies focussed on this area to develop empirical data, while considering the difficulty in gathering of such data</td>
<td>● stable immigration policies</td>
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<td>● more funding dedicated to action-research in this area</td>
<td>● increasing recognition of holistic, coordinated services to address mental health, plus training, skill development for economic sustenance and confidence to understand rights and avenues to find justice</td>
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<td>● inter-sectoral and international</td>
<td>● short- and long-term support</td>
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<td>● working with families for acceptance and ethical considerations</td>
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<td>● ensuring security of persons</td>
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<td>from social stereotypes and attitudes towards women and trafficking</td>
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collaborations led by women to follow-up on the UN and other conventions, demanding enforcement of treaties
- increased advocacy for THB to be treated as issue of local, national and international priority, considering economic and social cost of THB as a deterrent to social development and human rights and a just society

| Which challenges are the most prominent in relation to women? |
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- women’s self esteem
- media coverage within the country may delay the spread of information
- fighting against corruption: need a strong anti-corruption law
- stigma around trafficked persons
- complex intersections of lack of economic autonomy, sociocultural status and lack of supports in and outside the domestic sphere

- long duration of the proceedings or investigation
- data not easy to get, the police or security institutions not willing to share
- political will to enforce laws
- the shame, taboo factor
- the separate private sphere wherein they are exploited
- forced labour has more opportunity to be discovered due to scale; trafficking is more isolated so less opportunity to discover it.

- redeeming self-esteem requires strong psychological support
- shortage of qualified personnel, mediators
- lack of funds to restart or to start a living, access to credit
- social and family structure that blames the survivor
- vulnerability to be re-victimized
- lack of coordinated programs that consider the special needs of women in terms of vulnerabilities

- not enough follow up structure for migrant workers
- societal contexts where women are increasingly primary providers of their family units, yet have a low status within families and within employment contexts
- exploitative immigration laws that keep care-workers unprotected and concentrate women in such work categories
- fewer women in

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**II. Human Trafficking Definition Research**

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Term</th>
<th>Reference to human rights or women's rights</th>
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<td>Everywoman</td>
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<td>Everywhere Treaty</td>
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<td>Against Women and Domestic Violence (Istanbul Convention, 2011)</td>
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judiciary, police forces, crime prevention, and decision-making bodies to enable a different perspective, power to change, and monitor.
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<th>Type of Violence</th>
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<td>Violence against Women</td>
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<td>Canadian Council of Muslim Women</td>
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<td>UN CEDAW Recommendation</td>
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<td>(1985)</td>
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<td>UN Convention Against Torture: General Comment No. 2, Implementation of article 2 by States parties (24 Jan 2008)</td>
<td></td>
<td>Human Trafficking &amp; Slavery</td>
</tr>
<tr>
<td>UN Fourth World Conference on Women Platform for Action (Beijing, 1995)</td>
<td>Human Trafficking &amp; Slavery</td>
<td>Yes—The Special Rapporteur of the Commission on Human Rights on violence against women, who has explored these acts as an additional cause of the violation of the human rights and fundamental freedoms of women and girls,</td>
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| UN General Assembly Resolution 61/143 (19 December 2006) | Human Trafficking & Slavery | The obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming also that discrimination on the basis of sex is contrary to the Charter of the United Nations, the | for violence against women, by prosecuting and punishing all perpetrators, by ensuring that women have equal protection of the law and equal access to justice and |
| UN Security Council Resolution 1325 (2000) | Human Trafficking & Slavery | no | no | no |
| UN Vienna Declaration and Programme of Action (1993) | Human Trafficking & Slavery | - the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller observance of those rights, in a just and balanced manner, Recognizing and affirming that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms. | - The World Conference on Human Rights reaffirms that it is the duty of all States, under any circumstances, to make investigations whenever there is reason to believe that an enforced disappearance has taken place on a territory under their jurisdiction and, if allegations are confirmed, to prosecute its perpetrator |
| UN Convention on the Rights of Persons with Disabilities (2006) | Human Trafficking & Slavery | - Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind -States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labor. | - servitude, forced, or compulsory labor |
| ASEAN Regional Plan of Action on the Elimination of | Human Trafficking & | - Diverse groups of women suffer from multiple and intersecting forms of | - for forced labor or sexual exploitation |

Types of Violence | Policy Booklet © 2017 104
Violence against Women (2015) Slavery
discrimination and inequalities, making them especially vulnerable to violence. They include women with disabilities; women living with and affected by HIV and AIDS; girls; older women; ethnic minority and/or indigenous women; women in conflict with the law; women living in disaster- or conflict-affected areas; refugee and displaced women; documented and undocumented migrant women; stateless women, women’s human rights defenders/gender equality advocates, and women who are trafficked for forced labor or sexual exploitation, among others.

- Progress toward Addressing Violence against Women in ASEAN

The ASEAN region has seen significant progress in addressing VAW in recent years through concerted policy action at both regional and national level. Most AMS have enacted dedicated national laws on VAW and/or domestic violence, while some have developed National Action Plans to support the implementation of laws and policies.

Government and/or civil society actors have provided services for women and girls who have experienced violence, which include shelters, hotlines and One Stop Crisis

- adoption of a number of international human rights treaties.
- Amendments were made in regulations to favor women’s rights against violence, i.e Domestic Violence 1994, Anti-Trafficking In Persons and Anti Smuggling of Migrants Act 2007 and Employment Act 1955);
| **UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (2002)** | Believing that the elimination of the sale of children, child prostitution, and child pornography will be facilitated by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socioeconomic structure, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behavior, harmful traditional practices, armed conflicts, and trafficking in children | -child prostitution and child pornography | The offenses referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between state parties and shall be included as extraditable offenses in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in such treaties. |

### Other International Legislation that do not Define Human Trafficking and Slavery but may allude

| **UN Cairo Declaration on Population and Development (1994)** | We therefore attach great importance to a successful outcome of the International Conference on Population and Development, which comes at a pivotal time in the development of partnerships for global strategies identified in the series of United Nations conferences on environment, human rights, social development, and the role of women. -We further urge Governments to ensure that all population and development policies and programs in our countries safeguard internationally recognized human rights. |

| **The UN Declaration on the Rights of Indigenous Peoples (2007)** | Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples, |

| **UN Convention on the Rights of the Child (1990)** | Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance, and supervision orders; counseling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence. |

| **UN International Convention on** | Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment |
the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)

or Punishment, the Declaration of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Code of Conduct for Law Enforcement Officials, and the Slavery Conventions,

-Bearing in mind that the human problems involved in migration are even more serious in the case of irregular migration and convinced therefore that appropriate action should be encouraged in order to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights.


The collection, processing, use and storage of personal information, including medical and genetic data, shall not infringe or have the effect of infringing the human rights, fundamental freedoms or human dignity of an individual.

-A Committee on Enforced Disappearances (hereinafter referred to as "the Committee") shall be established to carry out the functions provided for under this Convention. The Committee shall consist of ten experts of high moral character and recognized competence in the field of human rights, who shall serve in their personal capacity and be independent and impartial. The members of the Committee shall be elected by the States Parties according to equitable geographical distribution. Due account shall be taken of the usefulness of the participation in the work of the Committee of persons having relevant legal experience and of balanced gender representation.

III. Legal Framework Research

Expert Special Sub—Committee: Trafficking/Slavery

Date: 26 April 2016

From: Joanna Smętek and Gaby Razafindrakoto

To: Reena Tandon, Virginia Muwanigwa, Joy Ngozi Ezeilo, Patricia Ndholu, Vidya Sri

Topic: Definitions of human trafficking—update

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Introduction

There has been a lot of debate on the definition of human trafficking. Most of the available definitions of human trafficking contain the actions, the means and the exploitative purposes. While the actions and the means seem to be much less problematic for the international community to define and understand, the different purposes of trafficking are not equally clear. Some of those purposes are defined in international legal instruments and if this was the case, they were included in this summary, as they help understand the actual range of situations encompassed by the human trafficking definition.

I. UN system

1. UN Convention on Transnational Crime

The UN Convention on Transnational Crime does not contain a definition of human trafficking or trafficking in persons, but is the mother convention for the so-called Palermo Protocol (see below). Its provisions are, therefore, integral for understanding the definition contained in that protocol.

Of particular importance here are two terms defined in Article 2 of the convention:

a) “Organized criminal group” which “shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.”

b) “Structured group,” which “shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.”


This is the most important global treaty containing a definition of human trafficking. The definition is contained in Article 3:

For the purposes of this Protocol:
(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs;
(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
(d) “Child” shall mean any person under eighteen years of age.

To fully understand this definition and its implications, it is important to also note Article 4, which states:

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation, and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

And Article 5:

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.
2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:
   (a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
   (b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and
   (c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.
3. Problems with the Palermo Protocol definition
In a comprehensive analysis on the definition contained in the Palermo Protocol, Marjan Wijers notes the following problems with the definition:

a. Some of the elements of this definition are not defined in the Protocol or, in fact, anywhere in international law. The latter is, for example, the case with “sexual exploitation.” While for definitions of forced labor, one has to consult other conventions. Some experts suggested abolishing the term “sexual exploitation.”

b. The lack of clarity in the Palermo Protocol's definition is problematic for domestic criminal law. Criminal law is governed by the principle of legality, e.g. lexis certa (clarity of the elements that constitute a crime) and praevia lege (nonretroactivity).

c. The problematic question of forced prostitution vs. wilful prostitution—this was the axis of disagreement at the development stage of this definition. As Marjan Wijers notes, “[i]t was argued that if a distinction would be made between voluntary/consensual and forced prostitution, this could be used to disqualify trafficking victims by arguing that it was their own choice.” Additionally, states have different regimes on prostitution.

d. The element of movement is problematic, as at the time of movement it is often unclear whether we have to do with trafficking or smuggling.

e. There are problems as to which elements of the definition are the most important, or really constitutive of trafficking. The question of whether at the level of a state, there should be an offence of forced labour or trafficking.

f. As the Protocol should be interpreted in the light of its parent convention, the problem of the transnational character of the crime and the organised group in the context of which it is supposed to take place may emerge.

g. The wording of the Protocol may suggest that sometimes the trafficked person could be criminally liable as well, but this is not the intention of the Protocol. Domestic legislation should, however, make it clear that victims are not to be punished.

Note:
It should be remembered that trafficking in persons is clearly distinguished from smuggling, which is covered by another Protocol to the Convention on Transnational Crime. In each of the cases, the purpose of the act is different, in smuggling—the purpose is crossing borders, in trafficking—exploitation.
4. Slavery Convention 1926
This convention does not define human trafficking, but it provides a definition of slavery which is important for understanding trafficking in human beings. However, as Marjan Wijers notes, this is a very narrow definition encompassing slavery in the “classic” sense.

Article 1

For the purpose of the present Convention, the following definitions are agreed upon:

(1) Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

(2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

5. UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices similar to Slavery, 1956
This convention broadens the definition of slavery to include “slavery-like practices.” Those practices are debt bondage, serfdom, servile forms of marriage and the exploitation of children and adolescents. The definitions can be found in Article 1 of the Convention.

II. International Labour Organisation

1. Note
Even if there are no definitions of human trafficking or trafficking in persons in the conventions of the International Labour Organisation, there are a couple of definition which are important for understanding trafficking in human beings as defined, for example, by the Palermo Protocol. This is in particular the case when it comes to understanding of such terms as forced labour, etc.

2. ILO Convention on Forced Labour No. 29
Article 2 para. 1 of ILO Conventions No. 29 defines forced or compulsory labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”
Additionally, Article 2 para. 2 contains exceptions to this rule which include, for example, work or service exacted in virtue of compulsory military service laws for work of a purely military character; work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country; work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations, etc.

3. ILO Convention on Forced Labour No. 105

ILO Convention No. 105 specifies particular types of forced or compulsory labour:

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour --
(a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
(b) as a method of mobilising and using labour for purposes of economic development;
(c) as a means of labour discipline;
(d) as a punishment for having participated in strikes;
(e) as a means of racial, social, national or religious discrimination.

III. Regional human rights systems


The definition of trafficking is contained in Article 4:

For the purposes of this Convention:

a “ Trafficking in human beings” shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
b The consent of a victim of “trafficking in human beings” to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

c The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;

[...]

In its report “Child trafficking in the European Union. Challenges, perspectives and good practices,” the European Union Agency for Fundamental Rights (further: “FRA”) considered this to be the most comprehensive definition.

Additionally, the convention obliges “State Parties to criminalise all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime (Art. 18 jo Art. 2 and Art. 4).”

2. Definitions in the European Union documents


**Article 1**

*Offences concerning trafficking in human beings for the purposes of labour exploitation or sexual exploitation*

1. Each Member State shall take the necessary measures to ensure that the following acts are punishable:

- the recruitment, transportation, transfer, harbouring, subsequent reception of a person, including exchange or transfer of control over that person, where:
  - (a) use is made of coercion, force or threat, including abduction, or
  - (b) use is made of deceit or fraud, or
  - (c) there is an abuse of authority or of a position of vulnerability, which is such that the person has no real and acceptable alternative but to submit to the abuse involved, or
  - (d) payments or benefits are given or received to achieve the consent of a person having control over another person

- for the purpose of exploitation of that person’s labour or services, including at least forced or compulsory labour or services, slavery or practices similar to slavery or servitude, or

- for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, including in pornography.
2. The consent of a victim of trafficking in human beings to the exploitation, intended or actual, shall be irrelevant where any of the means set forth in paragraph 1 have been used.

3. When the conduct referred to in paragraph 1 involves a child, it shall be a punishable trafficking offence even if none of the means set forth in paragraph 1 have been used.

4. For the purpose of this Framework Decision, "child" shall mean any person below 18 years of age.


Article 2
Offences concerning trafficking in human beings

1. Member States shall take the necessary measures to ensure that the following intentional acts are punishable:
   The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

2. A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.

3. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

4. The consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, shall be irrelevant where any of the means set forth in paragraph 1 has been used.

5. When the conduct referred to in paragraph 1 involves a child, it shall be a punishable offence of trafficking in human beings even if none of the means set forth in paragraph 1 has been used.

6. For the purpose of this Directive, "child" shall mean any person below 18 years of age.

3. Definitions in the OSCE documents
One of the OSCE's important documents on trafficking is Decision No. 557 OSCE Action plan to
combat trafficking in human beings (24 July 2003). The decision assumes the definition in the Palermo Protocol:

\textit{II. Definition of trafficking in human beings}

The Action Plan is based on the following definition contained in Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime:

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”


Other important documents of the OSCE region on human trafficking include Decision No. 2/03 Combating trafficking in human beings (2 December 2003) and Decision No. 5/08 Enhancing criminal justice responses to trafficking in human beings through a comprehensive approach.

\textbf{4. Definitions in the Inter-American human rights system}

\textbf{4.1. American Convention on Human Rights}

\textit{Article 6. Freedom from Slavery}

1. No one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as are the slave trade and traffic in women.

2. No one shall be required to perform forced or compulsory labour. This provision shall not be interpreted to mean that, in those countries in which the penalty established for certain crimes is deprivation of liberty at forced labour, the carrying out of such a sentence imposed by a competent court is prohibited. Forced labour shall not adversely affect the dignity or the physical or intellectual capacity of the prisoner.

3. For the purposes of this article, the following do not constitute forced or compulsory labour:
   a. work or service normally required of a person imprisoned in execution of a sentence or
formal decision passed by the competent judicial authority. Such work or service shall be carried out under the supervision and control of public authorities, and any persons performing such work or service shall not be placed at the disposal of any private party, company, or juridical person;
b. military service and, in countries in which conscientious objectors are recognized, national service that the law may provide for in lieu of military service;
c. service exacted in time of danger or calamity that threatens the existence or the well-being of the community; or
d. work or service that forms part of normal civic obligations.

5. Definitions in the African human rights system

5.1. African (Banjul) Charter on Human and People's Rights
The Charter was adopted on June 27, 1981 (OAU Doc.CAB/LEG/67/3 rev.5,21 1.1.M.58(1982)), and entered into force on October 21, 1986. It does not give a precise definition of Human Trafficking and Slavery. It is divided into two parts. In the first part, Articles 3 to 18 focus on the respect and protection of the individual duties and rights, whereas Article 19 to 24 cover the people's rights. The global basic human rights of freedom, equality, justice, and dignity stipulated in the Charter of African Unity are the core of the charter.

Aspects of trafficking and slavery are inferred in:

Article 5:
Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman, or degrading punishment and treatment shall be prohibited.

Article 18 (3):
The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the women and the child as stipulated in international declarations and conventions.

The second part of the Charter deals with the Measures of safeguard and provides the setting up and organization of the African Commission on Human and People's rights. The composition, regulations, and mode of operating of the Commission are defined in the clauses.

The emphasis is on the implementation and the adherence of all state parties to the Charter provisions and based on communication and exchange of information about any cases of violation of Human rights, that has not been solved at country level.
The coming into force of the Charter and the modalities are dealt with in Part III.

6. Asian human rights documents

6.1. SAARC Convention on preventing and combating trafficking in women and children for prostitution

This convention gives a definition of “prostitution,” “trafficking,” and “traffickers” in Article I stating:

**Article I : Definitions**

2) “Prostitution” means the sexual exploitation or abuse of persons for commercial purposes;

3) “Trafficking” means the moving, selling, or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking;

4) “Traffickers” means persons, agencies, or institutions engaged in any form of trafficking;

The convention puts the stress on prostitution; the other forms of exploitation like forced labor or domestic work are not considered.

Attention is drawn on Article III, which covers the penalties and sanctions to be taken by State parties to the convention.

**Article III OFFENCES**

1. The State parties to the Convention shall take effective measures to ensure that trafficking in any form is an offence under their respective criminal law and shall make such an offence punishable by appropriate penalties which take into account its grave nature.

The SAARC Convention relies on Regional Cooperation that the State parties will put in place regarding assistance, rehabilitation and repatriation of victims. To do so it envisages the creation of a Regional Task Force, bilateral mechanisms, and information sharing for an effective implementation of the provisions.
Recommendations for a Global Treaty on Violence Against Girls and Women of All Ages

by the Expert Special Committee on Workplace Violence

January 2017
1. Introduction of Treaty Content

1.1 Introduction

The purpose of a workplace definition under a Violence against Girls and Women treaty is to establish the responsibilities of employers and other actors to prevent violence against workers of all types in the myriad spaces and relationships associated with their work.

A treaty can play an important role in defining the relationship between the workplace and violence against women and give direction to employers about their responsibilities through this legal framework. Formal work is where more and more women around the world spend much of the day—and the workplace may be a source of violence and also can influence women’s ability to address violence outside of work.

1.2 Legal Framework

It is important that the treaty be grounded in international law and guidance relating to the workplace and business. The International Labor Organization (ILO) is the central international body engaged in defining worker rights and state responsibilities in upholding those rights with employers. Relevant ILO Instruments include:

- Equal Remuneration Convention (1951) no.100
- Discrimination (Occupation and Employment) Convention (1958) no. 111
- Migrant Workers Convention no. 143 (1975) and Recommendations no. 151 (1975)
- Workers with Family Responsibilities Convention no. 156

Relevant UN Instruments may also be found by the United Nation’s human rights bodies:

- UN Guiding Principles for Business and Human Rights, UN Office of the High Commissioner
- Committee On Economic, Social and Cultural Rights General Comment #14 (2000), Article 12, number 21 (Women and Right to Health)

The Guiding Principles, endorsed by the UN Human Rights Council in June 2011, create a voluntary framework for:

1. Defining the responsibilities of states and corporate actors in upholding human rights;
2. States to have a duty to “protect and fulfill” human rights;
3. Business enterprises to have a duty to “respect” human rights;
4. Individuals to have a right to “access to remedy.”

Adopted by numerous international and bilateral bodies, this framework should guide considerations of workplace violence and the employer's responsibilities to address it.
2. Summary of the Committee's Discussion of Treaty Content

- The workplace has been commonly defined as:
  - the primary physical place where a person performs an employer's work and is engaged in its operations.
- The International Labor Organization's convention on health and safety defines the term as:
  - "all places where workers need to be or go to by reason of their work and which are under the direct or indirect control of the employer."
  - This reflects the complexity of work in a modern, global economy in which work takes place in a variety of locations and forms and at all hours of the day within a variety of interconnected employment and business relationships.
- We would thus extend the definition of workplace beyond physical locations to include:
  - business relationships and other areas over which the employer has influence or leverage;
  - online space and cyber violence
    - Including the distribution of revenge porn on company computers
- Using company resources to:
  - stalk or harass any person, persons, or entities
- Furthermore, we stress that employers should be defined:
  - not only by formal employment relationships, but also, in relevant circumstances, by the relationship to anyone who performs work for or with them, regardless of the formal employment status.
    - This may include contractors, subcontractors, temporary workers, soldiers, volunteers, interns, students, and others.
- Several examples underscore the ways employers may be responsible for taking action to prevent and address the risk of violence against women at the workplace and can be complicit if these risks are ignored:
  - An employee has an abusive, violent spouse. She has moved out of her home, and she requests extra time off for social services and some flexibility on her work hours. The employer refuses and later fires her for lateness and excessive absences.
  - An employee attends training as part of her professional development plan and is assaulted at the training site or on the way to or from the training.
  - A saleswoman goes to a leading vendor of the company to meet with a male executive. He has pictures of naked women on the wall and makes suggestive comments about meeting after work.
  - Several women are sexually assaulted in their dormitories, which are owned by their employer. The dormitories have poor lighting and security.
  - A multinational corporation's compliance executive learns that a supplier factory
has a significant sexual harassment problem by supervisors towards females, but has taken no action to address the problem.

- A migrant female worker, who the employer brought into the country through a labor broker, has no access to a health clinic offsite and the onsite facility lacks the services or products she needs.

### 3. Concluding Comments by the Committee on Treaty Content

“Unresolved, sensitive, potentially contentious issues”

- In countries in which prostitution is legal, workers have the right to:
  - Occupational Health and Safety standards,
  - the right to physical safety,
  - the right to be free from sexual harassment
  - the right to refuse unsafe work.
- Does anyone test the consumers before they can participate?

### 4. Recommendations by the Committee on Treaty Content

- State Parties must define “workplace” in legislation and policy such that:
  - the nature, types, and nuances of violence perpetrated against women and girls in their status as employees is recognized,
  - the role of employers in preventing violence is also defined,
  - employers cannot be held responsible for preventing all acts of violence against a woman employee during a 24-hour period,
  - employers take responsibility for determining how the many complex employment relationships affect women workers' lives and safety,
  - employers take action to ensure safety when and where they reasonably can do so,
  - employer’s level of responsibility depends on the nature of the work and employment and how that work is situated in the community.
- States Parties must enact legislation to protect women and girls at higher risk of violence in the workplace
  - Including provisions for girls and women of all ages to access complaint, dispute, mediation and resolution mechanisms, formal, informal, or customary justice systems.
  - Preventing violence against girl and women employees related to activities that are directly linked to its operations, products or services, or engagement with its business partners—whether at a site owned or controlled by the employer or offsite.
  - Preventing or mitigating the risk of violence against girl and women employees in
circumstances directly or indirectly related to the terms of employment, including housing, transportation, intimate partner violence, and access (or lack thereof) to social and health services onsite and/or in the community.

- Mitigating violence against girls and women regarding suppliers, business connections, community partners, governmental agents, and other relationships.

This accords with the UN Guiding Principles for Business and Human Rights framework for assuming business’s role in respecting human rights.

- Employers need to be aware of the factors that constitute or contribute to violence:
  - **Visible violence**: physical and verbal violence including sexual assault
  - **Emotional/psychological violence**: derogatory, demeaning, or sexual comments that are said only to girls and women because they are girls and women, including comments relating to looks, age and sexuality; displays of pornography; demands for sexual favors; bullying, and mobbing.
  - **Professional/structural factors in violence**
    - Policies, practices, and facilities that imply, suggest, result in, or are likely to result in harm through acts of omission and commission that:
      - (a) increase risk of violence, including public criticism of capacity and intelligence; termination due to pregnancy, motherhood, intimate partner violence, forced overtime, and work demands after hours; and threats;
      - (b) put women in a subordinate position and inequitable pay scale; cause inequitable professional development opportunities;
      - (c) produce unhygienic and unprotected spaces;
      - (d) create barriers to access to women’s health services and products;
      - (e) limit essential rest, hydration, nutrition.

Such violence takes many forms and takes place in many locations, and an employer needs to assess the risk of violence to women in the circumstances, context, relationships and situations described above.

The wide range, diversity, forms and types of violence possible in the workplace must be considered. The risks of violence within a manufacturing facility are different from those within a home health care agency or in a technology company. In global companies, cultural context, nuance, and differences should also be taken into account.

**Committee Member BIOS:**

(Memo Drafter) David Wofford—USA
David Wofford is the Vice President for Public-Private Partnerships and has helped lead Meridian's engagement with corporate and civil society partners. He currently implements the RAISE Health Initiative, which improves the health of women and men factory and agriculture workers in developing countries through changes in global and corporate policies and workplace practices. RAISE Health is a major activity under the USAID-funded Evidence Project, managed by the Population Council. At RAISE, he has negotiated partnerships to advance worker health with such organizations as Business for Social Responsibility, Levi Strauss & Co., Bayer Pharmaceuticals, HRA Pharma and the ILO’s Better Work programme as well as developed collaborations with the UN Global Compact and the UN Foundation.

Previously, David worked at the International Finance Corporation of the World Bank, where he provided strategic and communications support on the Doing Business report and the launch of its revised Social and Environmental Performance Standards. He has also served in senior positions in the U.S. government, including the White House and the Overseas Private Investment Corporation, an agency that supports investments by American companies in developing countries.

(Memo Drafter) Michal Sela—Israel
Dr. Michal Sela has 20 years of experience in senior management in higher education institutions and women's organizations. Her areas of expertise include women's rights, violence against women and girls, post-trauma intervention, and gender mainstreaming. She holds a D.M.D in dentistry and MA in Management of Nonprofit and Community Organizations from the Hebrew University in Jerusalem and is a graduate of cohort 15 at Mandel School of Leadership.

Dr. Sela is the former Executive Director of Israel Women's Network, Head of students' administration at Holon Institute of Technology, Dean of students' affairs at Bezalel Academy of Arts and Design, and emergency hotline manager at the Jerusalem rape crisis center. She is currently an organizational consultant engaged in organizational development with focus on promoting women in the workforce and workplace bullying. Dr. Sela's vision is to make workplaces safe and empowering environments through cultivation of women's leadership, and she is passionate about working with women leaders in developing countries.

(Memo Drafter) Shawn MacDonald—Boston, USA
Shawn MacDonald is CEO of Verité, a civil society organization that promotes workers’ rights in global supply chains through research, consulting, training, assessments, and policy advocacy. Shawn has broad experience in labor rights, corporate social responsibility, social entrepreneurship, workplace health, and multi-sector partnerships. Before joining Verité, he was Director of Accreditation at the Fair Labor Association, Vice President of Ashoka: Innovators for the Public, Senior Advisor at Meridian Group International, and cofounder of the Development and Employment Policy Project. Additionally, he worked for a variety of civil society organizations in Asia, Africa, and Eastern Europe. He holds a Ph.D. from George Mason University’s Institute for Conflict Analysis and Resolution and an AB in History from Harvard
(Member) Jo-Anne Dusel—Saskatchewan, Canada
Jo-Anne is a long-time social activist who has spent 20 years working front line with women who have experienced abuse. As coordinator of PATHS, an association of 21 member agencies including women’s shelters, second stage housing and family violence counseling services, she is responsible for public education on violence against women, maintaining connections between members and providing access to current research and promising practices to build capacity among member agencies to better service women whose lives have been touched by violence. Jo-Anne developed an interest in policy development and board governance while serving as a board member on the Moose Jaw Thunder Creek District and Five Hills Health Region Boards for a total of 14 years. Jo-Anne developed her public speaking and media relations skills while running as a candidate for parliament in the Canadian federal election of 2006. She studied visual art at the University of Regina and continues to create and exhibit paintings and mosaics. Jo-Anne is a member of the board for the Canadian Network of Women's Shelters and Transition Houses.

(Member) Orit Sulitzeanu—Israel
Orit Sulitzeanu is the executive director of the Association of Rape Crisis Centers in Israel. She has two MA degrees from the Hebrew University of Jerusalem—in nonprofit management and in Communications. She wrote her master’s thesis on the influence of NGOs on the struggle to eradicate trafficking in women in Israel. For more than 10 years, Orit worked as the spokesperson of the Hebrew University, coordinated and was active in the University Committee on Gender. Before this, Orit worked as the spokesperson for the Israel Women’s Network and led public campaigns for the advancement of women in politics, the struggle against violence against women, and economic empowerment of women, which is also part of her work today as the Association’s executive director. She is a member of the board of a Jerusalem based Women’s NGO, and in the past she took part in establishing the first party consisting solely of women who run in the local elections.

(Member) Tanyi Christian—Cameroon
Tanyi Christian is the co-founder, and CEO of The Martin Luther King Jr. Memorial Foundation (LUKMEF). Christian studied mathematics, computer science and chemistry at the University of Buea. He holds a certificate in conflict analysis from the US Institute of Peace in Washington, DC. In 1999 he cofounded LUKMEF and became the CEO. Christian is an educator, a community organizer, and a peace activist with 11 years of experience in development work in Cameroon. Internationally, he has presented key papers in workshops and conferences around the world, including the UN, on various peace and development issues. His mind is now set on establishing a specialized Centre for Peace, Democracy, and Development studies in Africa (AIPD)
Supporting Documents

I. Consultation on Definition and Elements

Definition of Workplace and Elements of Workplace Violence

I. Introduction of Treaty Content:

The purpose of a workplace definition under a Violence Against Women treaty is to establish the responsibilities of employers and others to prevent violence against workers of all types in the myriad spaces and relationships associated with their work.

PENDING TO BE ADDED:
See memo guide section 1)a)i) and 1)a)ii)

Brief examples of current legal framework on WP Violence:

Relevant ILO Instruments:

- Equal Remuneration Convention (1951) no.100
- Discrimination (Occupation and Employment) Convention (1958) no. 111
- Workers with Family Responsibilities Convention no. 156

Relevant UN Instruments:

- UN Guiding Principles for Business and Human Rights
  Committee On Economic, Social and Cultural Rights General Comment #14 (2000), Article 12, number 21 (Women and Right to Health)

II. Brief summary of committee's discussion:

- The workplace has been commonly defined as the primary physical place where a person performs an employer’s work and is engaged in its operations.
- The International Labor Organization's convention on health and safety defines the term as “all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer.” This reflects the complexity of work in a modern, global economy in which work takes place in a variety of locations and forms and at all hours of the day within a variety of interconnected employment and business relationships.
- We would thus extend the definition of workplace beyond physical locations to include business relationships and other areas over which the employer has influence or leverage.
Furthermore, we stress that employers should be defined not only by formal employment relationships, but also, in relevant circumstances, by the power (?) relationship to anyone who performs work for or with them, regardless of the formal employment status. This may include contractors, subcontractors, temporary workers, soldiers, volunteers, interns, students and others.

**PENDING TO BE ADDED:**

Additional points discussed but not yet included in this section

### III. Concluding Comments:

Several examples underscore the ways employers may be responsible for taking action to prevent and address the risk of violence against women at the workplace and can be complicit if these risks are ignored:

- An employee has an abusive, violent spouse. She has moved out of her home, and she requests extra time off for social services and some flexibility on her work hours. The employer refuses and later fires her for lateness and excessive absences.
- A woman employee attends training as part of her professional development plan and is assaulted at the training site or on the way to or from the training.
- A saleswoman goes to a leading vendor of the company to meet with a male executive. He has pictures of naked women on the wall and makes suggestive comments about meeting after work.
- Several women are sexually assaulted in their dormitories, which are owned by their employer. The dormitories have poor lighting and security.
- A multinational corporation’s compliance executive learns that a supplier factory has a significant sexual harassment problem by supervisors towards females, but has taken no action to address the problem.
- A migrant female worker which the employer brought into the country through a labor broker has no access to a health clinic offsite and the onsite facility lacks the services or products she needs.

**PENDING TO BE ADDED:**

Gray areas/nuances

Unresolved issues

### IV. Brief Recommendations:

It is vital to determine the definition of a workplace so that it encompasses the nature, types,
and nuances of violence against women, and how employers are situated within a broader community. While employers cannot be held responsible for preventing all acts of violence against a woman employee during a 24-hour period, they need to take responsibility for determining how the many, complex employment relationships affect women workers' lives and safety—and take action to ensure safety when and where they reasonably can do so. The employer's level of responsibility depends on the nature of the work and employment and how that work is situated in the community (with special attention required when dealing with minors in the labor force):

1. Preventing violence against women and girls employees related to activities that are directly linked to its operations, products or services, or engagement with its business partners—whether at a site owned or controlled by the employer or off-site.
2. Preventing or mitigating the risk of violence against women employees in circumstances directly or indirectly related to the terms of employment, including housing, transportation, intimate partner violence, and access (or lack thereof) to social and health services onsite and/or in the community.
3. Mitigating violence against women regarding suppliers, business connections, community partners, governmental agents, and other relationships. This accords with the UN Guiding Principles for Business and Human Rights framework for assuming business's role in respecting human rights.

Employers need to be aware of the factors that constitute or contribute to violence:

- **Visible violence**: physical and verbal violence, including sexual assaults
- **Emotional/psychological violence**: derogatory, demeaning or sexual comments that are said only to women relating to looks, age, and sexuality; displays of pornography; demands for sexual favors; bullying and mobbing.
- **Professional/structural factors in violence**: policies, practices and facilities that substantively put women at harm through acts of omission and commission that (a) increase risk of violence, including gender-based public criticism of capacity and intelligence; termination due to pregnancy, motherhood, intimate partner violence, forced overtime, and work demands after hours; threats; (b) put women in a subordinate position inequitable pay scale; inequitable professional development opportunities; (c) produce unhygienic and unprotected spaces; (d) create barriers to access to women's health services and products; and (d) limit essential rest, hydration, nutrition.

Such violence takes many forms and takes place in many locations, and an employer needs to assess the risk of violence to women in relation to the relationships and situations described above. The risks of violence for a young woman living and working within a manufacturing facility are different from those faced by a woman working for a home health care agency or in a technology company. In global companies cultural differences should also be taken into account.
account.

**PENDING TO BE ADDED:**

Key priority areas of Intersection between WP Violence and other parts of the Treaty outline:

- Article 20: Violence Against Indigenous Women and Girls
- Article 21: Violence Against Disabled Women and Girls
- Article 22: Domestic Violence Against Women and Girls
- Article 27: Elimination of Harmful Practices Against Women and Girls
- Article 28: Workplace Violence Against Women and Girls
- Article 30: Violence Against Marginalized Women and Girls

Stigmatized Groups, including but not limited to immigrants, migrant workers, women and girls living with HIV/AIDS, refugees, and asylum seekers.

Global Language (a sentence or a few sentences to be drafted for each priority area)