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“Women 2000: gender equality, development and peace
for the twenty-first century”: implementation of strategic
objectives and action in critical areas of concern and
further actions and initiatives**

Statement submitted by Marangopoulos Foundation for Human Rights, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

From the time they are born until the time they die, in peacetime and in wartime, women are victims of discrimination and violence perpetrated by the State, the community and the family. Violence against women is present in every society and transcends the boundaries of class, race and culture. Violence against women and girls may take many forms: physical, psychological and sexual, all of which are interlinked.

As for domestic violence, it may consist of abuse leading to a woman's death, or it may take the form of marital rape. Domestic violence is the most common type of violence against women. According to a study based on 50 surveys conducted throughout the world, one woman out of three has been beaten or forced to have sexual relations within her family at least once in her life. The Council of Europe has found that domestic violence is the main cause of death or permanent disability for women between the ages of 16 and 44. Domestic violence is the cause of more deaths or health problems than cancer or road accidents.

Unfortunately, domestic violence is seen as a private matter and therefore goes unpunished. What is even more surprising is that marital rape is not even considered a crime. Owing to prejudices against women, the legal framework is particularly discriminatory. Thus, legislative measures remain ineffective. When female victims of domestic violence in such countries as Pakistan or others that share the same culture appeal to the legal system to stop the violence, they not only fail to obtain the protection they seek but are likely to suffer even further abuse from police officers and the justice system in general.

Sexual harassment in the workplace is treated in various ways by different States. Thus, France seeks to solve the problem through its criminal law system and the prohibition of abuse of power. In Spain, sexual harassment is dealt with through legislation on health and job security, while in the United States of America gender-based discrimination is handled by judges. Since sexual harassment may be either physical or emotional, and the victims are primarily women, a uniform approach is required in order to address it. Sexual harassment should thus be seen as a special form of gender-based discrimination. Only a commonly agreed categorization of this phenomenon can cover all aspects of sexual harassment and offer effective protection.

Both women and girls are victims of mass rape in both wartime and peacetime by strangers or members of their own families. Each year, millions of women are raped by their spouse, a relative, a friend, a stranger, an employer or a colleague, or by soldiers or members of armed groups. Rape is a crime in which the victim is judged more severely than the perpetrator. Matters become even more complicated when the victim is a minor, as she may hesitate to tell her family what happened to her, and if she does, there is a real risk that they will doubt her story. This is because the rapist, in principle a repeat offender, is most likely to be a close member of the family, and the crime of incest brings shame to the victim and her family in general. Thus, this type of crime not only goes unpunished, but also remains a secret.

The solution to this problem clearly lies in educating the public and providing ongoing training to the police on the subject. Fighting prejudice at all levels is a precondition for protecting and rendering justice to the victims, whether they are adult women or minors.

Rape in wartime is a common practice in countries in the grip of civil war or other conflicts. It is commonly used for reprisals or to punish women who are suspected of aiding soldiers. It is considered torture or inhuman and degrading treatment under international law. This solution, however, is ineffective for two reasons. First, from the point of view of internal practices, female victims hesitate to report rape because they risk being accused of adultery and being prosecuted for that crime. Thus, they may become the victim of an honour killing or may be beaten, raped again, mutilated or attacked with acid. This is because the legal system as a whole is fraught with corruption and prejudice against women. In reality, the only choice these women have is to turn to international organizations for help, which brings us to the second reason why the protection afforded to victims is insufficient. For lack of education and financial resources, such women cannot always gain access to the help offered by the United Nations. Indeed, the main defence available to them is an individual communication. However, illiteracy, poverty and the lack of legal assistance prevent them from bringing such a communication. An effective solution would be to establish a mechanism for providing legal aid and information to these victims to ensure the protection of their rights.

Both women and girls are victims of the practice of genital mutilation, which is still defended for cultural reasons today, even though the European Court of Human Rights has qualified it time and again as an inhuman practice prohibited by article 3 of the European Convention on Human Rights. The idea that genital mutilation is practised only in countries where the population is mainly Islamic is erroneous. It is true that where Islam is the dominant religion, this practice is more likely to be justified and even tolerated by State authorities. However, it should be remembered that the practice exists even in European countries: 2 million genital mutilations occur each year in Europe. This is not a religious or cultural question, but clearly a form of torture prohibited by international law.

The phenomenon of child marriage is not covered by international law, in terms of either gender discrimination or inhuman or degrading treatment. Nonetheless, child marriage is a systematic source of violence against girls and is therefore qualified in itself as inhuman or degrading treatment. The real solution lies in the prevention of such marriages. This can be accomplished only by setting up a mechanism to ensure compulsory schooling for girls until the age of 18. Such a mechanism will provide a shield to protect children, and it may also guarantee, up to a point, the level of education necessary so that girls can engage in real occupations later in life.

Lastly, it should be stressed that both the elimination and the prevention of violence against women and girls are covered by special laws that are still, unfortunately, only peripheral to the principal human rights instruments. This problem is being dealt with by feminist activists but it is clearly a global problem that must be solved collectively. The fact that the victims of violence are mainly women does not mean that it is their problem alone. On the contrary, it is a humanitarian problem. International human rights instruments that do not contain provisions expressly intended to protect women are fraught with gaps that must imperatively and urgently be filled.

It is true that the initial instruments envisaged only the rights of "man". The proof is twofold. First, the language used is essentially masculine. Second, the provisions to which women may have recourse were not especially intended for the

protection of women. Yet women and girls deserve specific protection. Therefore, a solid institutional framework must be established. There is a clear need to revise the basic human rights instruments, which are binding and not merely consultative, in order to include provisions that protect women. This is the only way to begin to deal with violence against women as a phenomenon that deserves universal attention. Ultimately, real rules that impose real punishments will be the only effective solution.
