



## GENDER-BASED VIOLENCE AND HUMAN RIGHTS

16 DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE  
 16 DÍAS DE ACTIVISMO CONTRA LA VIOLENCIA DE GÉNERO  
 16 JOURS D'ACTIVISME CONTRE LA VIOLENCE DE GENRE  
 25 NOV - 10 DEC <http://16dayscwgl.rutgers.edu>



### What is Gender-based Violence?

Violence against women is a pervasive human rights violation, a public health crisis, and an obstacle to equality, development, security, and peace. The terms “violence against women” and “gender-based violence” are used to refer to the range of abuses committed against women that stem from gender inequality and women’s subordinate status in society relative to men. Violence against women, including during war, is used to drive fear, and terrorize and humiliate women, their families and communities.

In 1993, the [United Nations Declaration on the Elimination of Violence against Women](#) defined violence against women as “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.” This definition includes violence occurring in the family, within the general community, and violence perpetrated or condoned by the State.

Forms of gender-based violence include, but are not limited to: domestic violence, sexual abuse, rape, sexual harassment, trafficking in women, forced prostitution, and harmful practices. These forms of violence can result in physical, mental, sexual, and reproductive health and other health problems. In addition, women’s multiple and intersecting identities based on factors such as class, race, ethnicity, religion, age, sexuality and citizenship status can serve to increase their vulnerability to violence.

### Who are Women Human Rights Defenders (WHRDs)?

The struggle for human rights recognition and an end to violations is undertaken throughout the world by courageous women and men. Human rights defenders fight for their own rights as well as that of others with a great risk to their personal security. While Women Human Rights Defenders (WHRDs) share the same vulnerabilities as their men colleagues, they encounter greater hostility and violence because of their gender and because of their activism in defense of human rights as active agents of change, rather than passive recipients of patriarchal domination.

Being a human rights defender, one is threatening the sources of human rights violations. But being a women human rights defender, one is threatening the whole patriarchal system dependent on traditional gender roles and masculine violence. In every part of the world, women are actively challenging accepted traditions, stereotypes; socio-cultural norms that deny women their human rights and enforces a systematic and cyclical disadvantage. As such, when WHRDs are active on issues specific to women’s human rights (including women’s economic, social, political, sexual and reproductive rights; abuse, violence, harassment, and gender discrimination and marginalization; and the rights of other discriminated or marginalized groups) their vulnerabilities rise. WHRDs are challenged by relatives who disagree with their activism in the public sphere and fear dishonor or devaluation of the woman or her family, by the State and its security forces, the justice system, and even by their men colleagues.

WHRDs are seen by the State and its security forces, religious and cultural figures as subversive agents or ‘bad’ women, and the issues they advocate for as destructive against culture, religion, and the patriarchal imposition of heteronormative society. Due to this, WHRDs are likely to encounter violence and death for the perceived threat they and their activism pose to culture and religion. Beside violent attacks and death, often condoned by the State and sometimes their communities, WHRDs face ostracization, repression, and denigration in various forms: they are called ‘anti-God’, ‘foreign’

or 'alien', morally loose, and sexually promiscuous. All of these terms are used to discredit WHRDs; make them repugnant to society; delegitimize their struggle; and facilitate and justify the use of violence against them. Violence by the State, community or family is used to create fear and stop women from joining in human rights activism and in movements seeking political, economic, and social change.

The Declaration on Human Rights Defenders (1998) recognizes the important and necessary work human rights defenders do and their protection is also recognized as the responsibility of all States. Despite this, human rights defenders and particularly WHRDs remain among the most vulnerable of activists throughout the world. Specific national and international mechanisms aimed at protecting WHRDs, and preventing violence and harassment with clear lines of state accountability continues to be paramount in recognizing the special threat facing women human rights defenders.

## What is State Responsibility to Women's Human Rights?

States are responsible for the safety and security of all women and men under their government jurisdiction. This responsibility must be met with standards of non-discrimination: States must act to prevent, protect, prosecute, punish, and make reparations for gender-based violence in the same way other types of violence are dealt. Bound by the principle of 'due diligence', States are the main duty bearers for addressing violence in all its forms, and this includes gender-based violence in its various manifestations.

The Declaration on the Elimination of Violence against Women (1993) urges states to "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons." The Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) has reminded the world in its General Comment No. 19 that "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."

The 16 Days Campaign is an opportunity to reflect on and engage in what women's rights activists and allies can do to hold respective governments accountable for the protection and promotion of women's human rights and to take serious steps to prevent, prosecute, and punish acts of gender-based violence. The Campaign is also an opportunity to challenge the social and political structures that allow gender-based violence to continue with impunity; to advocate for new or improved legislation and policies; and strengthen the existing structures aimed at ending or preventing gender-based violence.

Activists can use the [Convention on the Elimination of Discrimination against Women \(CEDAW\)](#) to call governments to account. Adopted by the United Nations General Assembly in 1979, CEDAW is an international, legally binding treaty outlining an agenda for ending gender discrimination, including gender-based violence.

## Resources

- Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW). United Nations Office of the High Commissioner on Human Rights. <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>
- Committee on the Elimination of All Forms of Discrimination against Women (CEDAW). Violence against women: 01/29/1992. CEDAW General Recommendation 19, A/47/38. (General Comments). <http://www.unhcr.ch/tbs/doc.nsf/0/300395546e0dec52c12563ee0063dc9d>
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). 1979. <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>
- Declaration on the Elimination of Violence against Women. 1993. A/RES/48/104 <http://www.un.org/documents/ga/res/48/a48r104.htm>
- Declaration on Human Rights Defenders. 1998. A/RES/53/144 <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>
- Special Rapporteur on the situation of human rights defenders: <http://www.ohchr.org/EN/issues/SRHRDefenders/Pages/SRHRDefendersindex.aspx>
- Special Rapporteur on violence against women, its causes and consequences, <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>
- Women Human Rights Defenders International Coalition: <http://www.defendingwomen-defendingrights.org>