

IPU Document No 23 (114th IPU Assembly)

*circulated in the 61st session of the General Assembly, in accordance with resolution A/57/47, under
agenda item 60 of the preliminary list*



INTER-PARLIAMENTARY UNION

Resolution adopted by consensus* by the 114th Assembly

(Nairobi, 12 May 2006)

HOW PARLIAMENTS CAN AND MUST PROMOTE EFFECTIVE WAYS OF
COMBATING VIOLENCE AGAINST WOMEN IN ALL FIELDS

The 114th Assembly of the Inter-Parliamentary Union,

Reaffirming that violence against women constitutes a violation of women's human rights and fundamental freedoms,

Stressing that the causes and consequences of violence against women are intrinsically linked to longstanding gender inequalities and discrimination that restrict the full enjoyment by women of their human rights,

*

The delegation of India expressed strong reservations to the text of the resolution as a whole.

Recognizing that women belonging to minority and indigenous groups, refugee women, internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, women in situations of armed conflict and in post-conflict situations and girl children are especially vulnerable to violence,

Alarmed by the perpetuation of violence against women throughout the world, both in the home and in the workplace, including trafficking in women and girls and forced prostitution, sexual violence within and outside marriage, and certain traditional practices that are harmful to women,

Aware that violence against women increases their vulnerability to HIV/AIDS and often impedes their access to prevention, care and treatment services, thus contributing to the conditions that foster the spread of HIV/AIDS,

Stressing that it is the responsibility of States to act with due diligence to prevent human rights violations, investigate acts of violence, punish their perpetrators and protect and provide reparation to victims of violence,

Noting that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and all other forms of sexual violence of comparable gravity are crimes under international law and should be repressed and punished as such,

Reaffirming that States are not justified in invoking any custom, tradition or religious consideration to avoid their obligations to eliminate violence against women,

Recalling the importance of the Convention on the Elimination of All Forms of Discrimination against Women (1979) and its Optional Protocol (1999), of the Declaration on the

Elimination of Violence against Women (1993), and of the Beijing Declaration and Platform for Action (1995) as effective instruments to combat violence against women, and *noting* the existence of regional legal instruments on violence against women,

Noting all relevant resolutions adopted by United Nations bodies, including Commission on Human Rights resolution 1994/45 of 4 March 1994 appointing a Special Rapporteur on violence against women, its causes and consequences, and Security Council resolution 1325 (2000) on women and peace and security,

Recalling the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, adopted in Belém Do Pará in 1994,

Noting that violence against women hinders human development and the achievement of the Millennium Development Goals,

Stressing that the eradication of violence against women requires preventive and responsive policies and actions and the involvement of all members of society, including men,

Stressing that the newly established Human Rights Council and Peacebuilding Commission will be crucial to the promotion and protection of the rights of women,

Stressing the key role of parliaments and parliamentarians in preventing and eliminating violence against women, and the need for States to cooperate with and support organizations working to eliminate violence against women, especially women's organizations,

1. *Urges* governments and parliaments to ratify international and regional instruments pertaining to violence against women, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, and

to ensure full compliance with those instruments and with pertinent United Nations resolutions;

2. *Calls upon* parliaments to ensure that CEDAW country reports systematically include information on violence against women, in particular statistical data disaggregated by sex, on legislation, on support services to victims and on other measures adopted to eliminate violence against women;
3. *Urges* parliamentarians to refer to and make use of the IPU/UN *Handbook for Parliamentarians: The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol*;
4. *Calls upon* governments and parliaments to give priority to and raise awareness about violence against women as both a cause and a consequence of rising HIV/AIDS and to include these considerations in the relevant national strategy;
5. *Calls upon* governments to implement United Nations General Assembly resolution 52/86 on Crime prevention and criminal justice measures to eliminate violence against women, and, in particular, to punish all acts of violence against women perpetrated by State or non-State actors in the public and the private spheres, to establish courts specialized in hearing cases of such violence, and to establish a governmental body promoting the prosecution of all acts of violence;
6. *Calls upon* governments, parliaments and non-governmental organizations to organize activities to promote public awareness of the problem of violence against women, including on the International Day for the Elimination of Violence Against Women, which is observed on 25 November each year;

7. *Encourages* governments to provide training to all relevant government agencies, especially the police forces and the judiciary, on ways to address gender-related violence;
8. *Encourages* governments and parliaments to establish observatories on violence against women, and to develop indicators and compile data, disaggregated by sex, to monitor the effectiveness of policies for the elimination of such violence;
9. *Encourages* the establishment of parliamentary bodies to monitor and evaluate all international and national measures designed to prevent and eradicate violence against women, and *suggests* that a rapporteur for these bodies submit an annual report to the Assembly for information, debate and public circulation;
10. *Encourages* governments to collaborate with the Special Rapporteur on Violence Against Women on developing internationally agreed indicators and mechanisms to measure violence against women;
11. *Calls upon* governments and parliaments to enact and enforce legislation against the perpetrators of violent practices and acts of violence against women and children, including tough and clear measures to combat recidivism;
12. *Calls upon* parliaments to review legislation to detect practices and traditions that impede the attainment of equality between the sexes and to eliminate inequality in all spheres, in particular in education, health and access to property and land;
13. *Calls* for the promotion of nationwide awareness and educational campaigns to encourage changes in social and cultural attitudes regarding gender roles and to

eliminate patterns of behaviour that engender violence; to that end, *encourages* cooperation with the media;

14. *Calls upon* governments and parliaments to ensure that information, education and training on gender-related violence are available to all public agents, including the judiciary, involved in the prevention and prosecution of violence against women and in the provision of health care and support services for victims;
15. *Requests* parliaments to allocate sufficient budget resources to facilitate universal access to reproductive health information and services;
16. *Calls upon* parliaments to ensure that sufficient resources are allocated and clearly earmarked in the national budget for plans and programmes to eradicate violence against women in all fields;
17. *Calls upon* parliaments to denounce and combat the extreme forms of gender violence against women that are derived from the violation of their human rights and shaped by forms of misogynous conduct that may go unpunished, and which have culminated in homicide and other forms of violent death of women;
18. *Urges* all States to cooperate with and support all women's and other organizations working to eliminate violence against women;

On domestic violence

19. *Calls upon* governments and parliaments, if they have not yet done so, to develop and implement specific legislation and/or strengthen appropriate mechanisms to handle criminal matters relating to all forms of domestic violence, including marital rape and

sexual abuse of women and girls, and to ensure that such cases are brought to justice swiftly;

20. *Calls upon* governments and parliaments, if they have not yet done so, to develop and implement adequate legislation to combat domestic violence;
21. *Calls upon* governments and parliaments to develop national plans to combat domestic violence that include measures related to research, prevention, education, information and penalization, the prosecution and punishment of all acts of violence against women (including violence within marriage), social, financial and psychological support for victims (including children who have witnessed domestic violence against their mothers), special support for the most vulnerable groups and effective legal tools to protect victims;
22. *Calls upon* national legislators to make certain that legislation on violence against women precludes any kind of culture-related violence; also *calls upon* legislators to deny any form of undue mitigation of sentence for crimes committed in the name of culture;
23. *Calls upon* governments and parliaments to adopt measures to encourage adequate reporting of domestic violence and to combat recidivism;

On female genital mutilation/cutting

24. *Calls upon* parliaments to spare no effort to end female genital mutilation/cutting (FGM/C) within a generation;

25. *Recommends* that strategies for the abandonment of FGM/C be developed within the wider context of the promotion of all human rights, including the right to education, health and development and the reduction of poverty;
26. *Calls upon* parliaments to work with civil society, traditional chiefs and religious leaders, women's and youth movements and governments to ensure complementarity in working towards the abandonment of FGM/C; and together with governments, to take measures to raise awareness about the issue, placing particular emphasis on targeted training for health personnel;
27. *Calls upon* States that have not yet done so to adopt legislation outlawing FGM/C;
28. *Calls upon* parliaments to take note of the Final Declaration adopted by the African Parliamentary Conference on "Violence against Women, Abandoning female genital mutilation: the role of national parliaments", held in Dakar in December 2005, and to take all necessary measures for its dissemination and implementation;

At the workplace

29. *Calls upon* parliaments to ensure compliance with United Nations General Assembly resolutions on violence against women migrant workers and with General Recommendation No. 19 of the Committee on the Elimination of Discrimination against Women, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, relevant International Labour Organization conventions and all other international instruments that contribute to the protection of migrant women, by increasing activities to prevent violence against migrant workers, by promoting and protecting their rights and by strengthening relations among countries of origin, transit and destination;

30. *Requests* parliaments to promote close cooperation between governments, employers and trade unions to achieve greater efficiency in preventing and eradicating all forms of violence against women in the workplace, including through the enactment of legislation that explicitly prohibits sexual harassment in the workplace where such legislation does not exist;

On sexual violence

31. *Calls upon* parliaments and governments to review the effectiveness, at the national and local levels, of legislation on sexual violence; *further calls* for the establishment of a policy exchange network to facilitate exchanges of policy options and experiences at the international level;
32. *Calls upon* parliaments and governments to make rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence of comparable gravity, crimes under their domestic legislation and to repress them as such;
33. *Encourages* parliaments to evaluate the adequacy of the penalties imposed for the aforementioned crimes and to make every effort to ensure that such penalties are enforced;
34. *Emphasizes* the value of effective legal and correctional programmes to prevent recidivism by perpetrators of sexual violence against women;
35. *Calls upon* parliaments, when debating methods for gathering evidence and devising measures to punish sex offenders, to give special attention to the fact that children and

mentally disabled and other disabled women - who are especially vulnerable to sexual violence - find it difficult to testify in court;

36. *Calls upon* parliaments and governments to examine systems of investigation and prosecution and the way in which the media cover sexual violence, and to take appropriate measures in order to minimize further trauma to victims of sexual violence;

On human trafficking

37. *Urges* those States that have not yet done so to sign and ratify the United Nations Convention against Transnational Organized Crime along with its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
38. *Recognizes* that globalization has aggravated and accelerated human trafficking, and *stresses* the need to build international and regional cooperation among countries of origin, transit and destination, through instruments such as memoranda of understanding, bilateral agreements and regional treaties such as the Council of Europe Convention on Action against Trafficking in Human Beings;
39. *Calls upon* governments to address all factors and root causes which foster demand for prostitution and make women and girls vulnerable to trafficking;
40. *Encourages* governments to establish legal mechanisms to protect the victims of trafficking, a considerable number of whom may be without legal status and who may not, as a result of this status, report to the authorities, and to ensure that they are not re-victimized by providing for the possibility, in accordance with the basic principles of the national legal system, of not imposing penalties on victims for their

involvement in unlawful activities to the extent that they have participated under duress;

41. *Encourages* governments to adopt measures for the protection and rehabilitation of victims of human trafficking;
42. *Calls upon* States to conduct information and public awareness-raising campaigns to inform women about migration-related opportunities, limitations and rights, thus enabling them to take informed decisions on migration and preventing them from becoming victims of trafficking;

On violence in situations of armed conflict

43. *Invites States* that have not yet done so to become party to the Geneva Conventions on the protection of victims of armed conflicts (1949) and their Additional Protocols (1977), the Convention relating to the Status of Refugees (1951) and its Protocol (1967), the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Rome Statute of the International Criminal Court, to withdraw any existing reservations, and to ensure full compliance in law and in practice with these instruments;
44. *Calls upon* parliaments to intensify efforts, in cooperation with relevant international organizations such as the Office of the United Nations High Commissioner for Human Rights (UNHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Fund for Women (UNIFEM), the United Nations Fund for Children (UNICEF), and the International Committee of the Red Cross (ICRC), to enforce the special procedures of the Human Rights Council, to improve systems to monitor and report violence against women and girls

in armed conflict, to take the necessary steps against the perpetrators of such acts, and to provide assistance to victims;

45. *Calls upon* parliaments to promote full and effective implementation of Security Council resolution 1325 (2000), and to ensure that the elimination of violence against women in post-conflict societies is included in the mandate of the United Nations Peacebuilding Commission as part of the disarmament, demobilization and reintegration (DDR) processes;
46. *Requests* parliaments and governments to ensure a gender balance in military and peacekeeping operations, including the participation of women at the decision-making level in all peacekeeping and peace processes, and to provide training in gender equality issues;
47. *Requests* parliaments and governments to ensure that all peacekeeping troops receive training in the United Nations Code of Personal Conduct for Blue Helmets, international human rights law and international humanitarian law.