

ENDING VIOLENCE AGAINST WOMEN AND GIRLS:

Bridging the Gap between Multilateral Aspiration and State Practice

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Strengthening Human
Rights Project

Protecting Civilians in
Conflict Program

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COVER Michelle Bachelet, UN Women Executive Director, and a team of top UN officials and ambassadors played in a friendly football match in New York City against the President of Bolivia Evo Morales' team in the context of the UNiTE to End Violence Against Women Football Match in September 2012. *UN Photo/UNDP*

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Impunity for violence against women compounds the effects of such violence as a mechanism of control. When the State fails to hold perpetrators accountable, impunity not only intensifies the subordination and powerlessness of the targets of violence, but also sends a message to society that male violence against women is both acceptable and inevitable.

– Former UN Secretary-General Ban Ki-moon, August 14, 2012

Violence against women and girls continues to be the most pervasive and pressing human rights issue in the world today. It is both an abhorrent crime and a public health emergency, with far-reaching consequences for millions of women and girls in every corner of the globe. ... Violence against women is not inevitable. The right policies and programmes bring results. That means comprehensive, long-term strategies that tackle the root causes of violence, protect the rights of women and girls, and promote strong and autonomous women's rights movements. Change is possible, and now is the time to redouble our efforts so that together, we can eliminate violence against women and girls by 2030.

– UN Secretary-General António Guterres. (Video message, event for International Day for the Elimination of Violence against Women and Girls, November 25, 2021.)

EXECUTIVE SUMMARY

Governments can contribute to strengthening global norms to eliminate gender-based violence against women and girls, and can be inspired by their own commitment to those norms and the lessons learned from other jurisdictions to evolve and strengthen their own state practice. However, states can also undermine the strength of nascent global norms through weak or regressive state practice. The evidence is that properly tailored and appropriately supported international norms do have the potential to positively influence domestic state practice, and vice versa, but that the process is dynamic and slow. Multilateral commitments in the United Nations system and regional systems try to reinforce and accelerate these norms. A deeper understanding of these processes is essential for deepening state practice and therefore strengthening customary international law.

Much has been achieved to try to influence the historical position that gender-based violence was a private family, cultural, or religious practice that was outside the purview of the state; that such violence was inevitable and normalized, and not equivalent to other forms of male-to-male violence; and was not linked to women's status more broadly in terms of citizenship or human rights. Global norms, as described by two recent United Nations (UN) Secretary-Generals in the quotation above, are attempting to shift the script so that gender-based violence is preventable, that states must address impunity for perpetrators, and that living free from violence and the constant threat of violence is a human right for women and girls.

Despite these global normative commitments, violence against women and girls (VAWG) in myriad forms is prevalent in every country and culture. The UN defines VAWG as “any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”¹ Estimates published by the World Health Organization indicate that globally, about 1 in 3 of women worldwide have been subjected to either physical and/or sexual intimate partner violence or nonpartner sexual violence in their lifetimes.²

Recommendations

This issue brief focuses on how governments have committed to global norms to end VAWG, and the potential for more rigorous state practice that can be shared across borders to enhance those norms.

- States should enhance national data collection and analysis. Such plans should provide for comprehensive, multisectoral, long-term collaboration between governments and civil society at all levels of the ecological framework or system of norms and laws that seek to eliminate VAWG.
- National action plans should focus on women and girls' access to quality multisectoral services essential for their safety, protection, and recovery, especially for those who already suffer multiple forms of discrimination. Evaluation frameworks should be clear and rigorous.
- States should invest in preventing violence against women and girls by focusing on early education, respectful relationships, designing safe spaces, and working with men and boys. Evidence-based interventions should be evaluated and shared with other states.
- States should enhance national data collection and analysis. This is fundamental to transformative change, in order to provide a better understanding of the nature, magnitude, and consequences of violence against women and girls.

- Ahead of the 77th session of the UN General Assembly, the UN, civil society organizations, and researchers should collate all state reports to UN bodies, such as the universal periodic review, the Committee on the Elimination of All Forms of Discrimination against Women, the UN High-level Political Forum on Sustainable Development, and the Secretary-General's Global Database on Violence against Women, and compare the reports to gender indicators in each state. This would combine the human rights tradition of shadow reporting, strengthen the role of civil society organizations advocating for gender equality, and deepen a transformative approach to gender data.

Introduction: Grappling with Endemic Gender-Based Violence

Violence against women and girls in myriad forms is prevalent in every country and culture. The United Nations (UN) defines violence against women and girls (VAWG) as “**any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.**”³

Estimates published by the World Health Organization (WHO) indicate that globally, about **1 in 3 of women worldwide** have been subjected to either physical and/or sexual intimate partner violence or nonpartner sexual violence in their lifetimes.⁴ This violence can take multiple forms, including “acts or omissions intended or likely to cause or result in death”;⁵ “physical, sexual, psychological, or economic harm or suffering to women; threats of such acts; harassment; coercion; and arbitrary deprivation of liberty.”⁶

States as part of the UN system are trying to promote the global norms that VAWG is linked to the status of women in a society, is a manifestation of gender discrimination, and is preventable. The Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW Convention), adopted in 1979, defines discrimination against women as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital 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.”⁷

The Committee on the Elimination of Discrimination against Women (the CEDAW Committee) explains that “violence that is directed at a woman because she is a woman or that affects women disproportionately [is discrimination] ...”⁸ and further states that “gender-based violence against women is one of the fundamental social, political and economic means by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated.”⁹

As a result, over the past three decades, the international community has evolved to a deeper understanding of the many manifestations of gender-based violence (GBV), including:

- What kinds of behavior VAWG can consist of, such as coercive control, digital violence, and financial abuse.
- Who is encompassed by the term “women and girls” or “gender-based” in VAWG; for example, understanding that these terms may include threats to people of diverse sexual orientations and gender identities who may identify as women, girls, or nonbinary, and GBV within queer communities.
- That many layers of intersectional discrimination may shape the way a person experiences and survives VAWG, such as living with a disability, or experiencing a natural disaster or an armed conflict.
- Masculinity and VAWG, including the psychology of perpetrators, and societal standards and systems that enable and normalize VAWG.

The obligations of states to deal with VAWG under international human rights treaties have also evolved and deepened, as depicted in the timeline in Annex 1. International legal provisions have been interpreted by courts and other expert bodies, which provide further guidance to state parties on how to prevent the infliction of violence, investigate and punish such actions, and provide protection and support for the survivors of VAWG.

In recent decades, states have also sought to elaborate on the legal commitments detailed by the CEDAW Convention through the adoption of a range of resolutions in the UN General Assembly's Third Committee and Human Rights Council on VAWG (see Annex 2).¹⁰ These resolutions have articulated a range of actions that states have agreed take to provide measures of prevention, address discriminatory societal attitudes, minimize barriers to justice, and provide multisectoral approaches for victims. These resolutions do not commit member states to action in the same manner as treaty commitments, but they can add detail to how states should implement the legal obligations, how the obligations may relate to other UN agendas, and what policy measures are available to achieve the aims set out in the CEDAW Convention. They also serve to create evidence of state practice and the desire to accelerate progress to prevent VAWG.

This issue brief assesses the different international and multilateral mechanisms in place to hold member states accountable to these commitments (e.g., universal periodic review processes, CEDAW reporting, reports to the UN Secretary-General, and national action plans), and provides examples of some of the different approaches taken by member states to implement these normative commitments and measure domestic efforts to address VAWG as part of government policies.

About the CEDAW Convention: Slowly Building the Legal Framework for Women's Rights

At the UN level, the CEDAW Committee has articulated the obligations of states parties to the CEDAW Convention to eliminate violence against women, in particular in its general recommendation 19 (1992). The current position under international law on the prohibition of VAWG is found in the CEDAW Committee's general recommendation 35 on gender-based violence against women, updating general recommendation No. 19.¹¹

The CEDAW Convention was adopted by the UN General Assembly in 1979. It now has 189 states parties, although many states have noted serious reservations to certain provisions. The elected expert committee (consisting of 23 members) oversees the convention and provides opinions (known as "general comments") "about how the treaty should be interpreted, responds to periodic state reports about compliance with the convention, and deals with state complaints and individual complaints under the optional protocol".¹² International humanitarian law also provides special protections for women and girls.¹³

Aside from the hard law of conventions, there is also increasing "soft law" that supports women's rights at the UN. The Declaration on the Elimination of All Forms of Violence against Women was adopted by the UN General Assembly in December 1993. The Beijing Conference for Women in 1995 adopted a Platform for Action that is reviewed every five years by the Commission for the Status of Women, which includes VAWG as one of 12 key areas of concern.¹⁴ The Beijing Platform for Action (1995) still provides much of the normative foundations for global efforts to eradicate VAWG.¹⁵

UN members have agreed to a patchwork of commitments to end VAWG, most by signing the CEDAW Convention¹⁶ and reporting every four years on their progress, or through participation in the universal periodic review process at the Human Rights Council. Another source of norm commitment is evident in voting patterns and support for resolutions in multilateral fora, including the Third Committee of the General Assembly, the Commission for the Status of Women, and the Human Rights Council. All UN members endorsed the Sustainable Development Goals in 2015; these include Goal 5.2, "To end all forms of gender-based violence

against women and girls by 2030,” and a voluntary peer-review reporting process by the High-Level Political Forum on Sustainable Development.

The UN Special Rapporteur on violence against women, created in 1994, also monitors state practice and reinforces norms across borders. The UN Secretariat in Geneva and New York urges states to adhere to global standards on gender equality. UN Women, created in 2010, has a key role in supporting state practice to eliminate VAWG.

Other UN human rights treaty bodies, such as the Human Rights Committee and the Committee against Torture, have also made clear that states parties’ obligations under the International Covenant on Civil and Political Rights (1966) and the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (1984) include eliminating public and private violence against women. Regional human rights bodies, described below, have reached similar conclusions under their general human rights conventions. There is now considerable depth and rigor in the interpretation of the global norm to eradicate VAWG as applied to individual cases.¹⁷

In addition, there is significant jurisprudence by regional and international courts on state obligations to prevent and respond to VAWG. These conventions include the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994; known as the Convention of Belém do Pará), the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003; known as the Maputo Protocol), and the Council of Europe Convention on preventing and combating violence against women and domestic violence (2011; known as the Istanbul Convention). The Asia-Pacific region has no such mechanism, but the Association of Southeast Asian Nations did agree on a Human Rights Declaration in 2012.¹⁸

There is a contemporary debate about the normative framework for VAWG under international law, with some experts calling for a new UN convention to address a “normative gap”.¹⁹ There is contention regarding whether a specific treaty is required to make the status of the norm more explicit at a political level,²⁰ or whether the issue is implementation of the current laws. The generally agreed legal view is that although violence against women was not explicitly mentioned in the CEDAW convention, in its interpretation the CEDAW Committee has restated that “violence against women is a human rights violation and a severe form of discrimination against women that is prohibited under international law”.²¹ The more difficult question is that of whether building political will around the norm would be best served by a new treaty, or even whether a treaty agreed now might allow weaker obligations than the CEDAW Convention.

The current Special Rapporteur noted in March 2022 that the CEDAW Convention has “proven to be resilient and relevant to the fight to end violence against women, including to address sexual and gender-based violence during times of conflict. International and regional human rights mechanisms have relied on this important instrument to develop jurisprudence on new forms of violence that have emerged long after CEDAW was created, such as digital forms of violence against women and girls.”²²

The Evolution of State Responses to VAWG

Since the 1980s, many countries have recognized that they have inadequate national, legal, and other systems in place to prevent and address gender-based violence. Even in those countries with strong domestic laws, violence continues to occur at high levels, as there has been inadequate focus on prevention.²³ State interventions to deal with VAWG have evolved over the decades from a criminal law approach to a health focus, then to an issue affecting economic productivity, and finally in more recent years as a structural human rights issue.²⁴

WHO has found that a majority of countries now recognize the importance of addressing harmful gender norms, attitudes, and beliefs to help prevent VAWG. More than 155 countries have passed laws on domestic violence. According to the World Bank 140 have legislation on sexual harassment in the workplace.²⁵ But UN Women has

found that “significant challenges remain in enforcing these laws, limiting women and girls’ access to safety and justice”.²⁶ Overall, UN Women finds that “not enough is done to prevent violence, and when it does occur, it often goes unpunished.”²⁷ Additionally, the implementation of VAWG obligations has raised other issues, such as the criminalization of domestic violence leading to increased incarceration of racial minorities.²⁸

The international human rights system has also evolved, leading to a new Convention on the Rights of People with Disabilities in 2006, and increasing resolutions to deal with new issues such as digital technologies, climate change, and pandemics. For example, states have considered through the UN system that online environments and digital technologies present a range of new and emerging threats for women and girls, who are more likely to be subject to different forms of digital harassment, surveillance, exploitation, and abuse. Member states have recognized these threats to women and girls through the adoption of thematic UN resolutions; yet approaches to implementation vary across member states and are influenced by domestic political support and societal attitudes, legislative reforms, civil society engagement, and budgetary support. For this reason, we see the UN system and individual states drawing on methods to accelerate progress.

Accelerator Efforts and Tools

As noted, progress on eradicating VAWG is slow, and can even be reversed in some countries according to gender indices. UN members and UN bodies have therefore sought to reaffirm and accelerate efforts using various methods. Several committees and bodies within the UN system have negotiated and adopted resolutions to accelerate efforts to address and prevent violence against women and girls. For example, every two years the UN General Assembly’s Third Committee adopts resolutions on the “intensification of efforts to prevent and eliminate all forms of violence against women and girls,” and the Human Rights Council has adopted regular resolutions on “accelerating efforts to eliminate violence against women and girls.” These complement other intergovernmental efforts underway within the UN system to address violence against women and girls, including the annual work of the Commission on the Status of Women.

UN agencies have also provided tools for states, and model legislation. For example, since 2010, the UN Office of Drugs and Crime has been supporting countries to ensure that domestic violence police responses are conducted in a victim-centered manner, in line with updated model strategies and practical measures on the elimination of violence against women in the field of crime prevention and criminal justice, and other related international standards and norms.²⁹

In 2010, UN Women created the Virtual Knowledge Centre to End Violence against Women and Girls, accessible in several UN languages. The primary purpose of the virtual knowledge center is to encourage and support evidence-based programming to more efficiently and effectively design, implement, monitor, and evaluate initiatives to prevent and respond to VAWG. The site encourages knowledge partners, and curates expert recommendations, policy and program evaluations and assessments, and, fundamentally, practitioners’ experiences from around the world.

UN Women has also created the Handbook for National Action Plans on Violence against Women, which brings together current knowledge on effective policy for the prevention of, and response to, VAWG, and presents a model framework for national action plans on violence against women, which sets out recommendations, accompanied by explanatory commentaries and good practice examples.³⁰

To create a vibrant space to accelerate state action, UN Women has convened and hosted the Gender Equality Forum since 2021. The forum, co-chaired by the governments of France and Mexico in partnership with civil society and youth, took place in Mexico City in March 2021 and in Paris on 30 June-2 July 2021. The forum

generated \$40 billion in financial commitments, as well as multiple policy and program commitments, including the formation of the Accelerator for Gender-Based Violence Prevention.³¹

The Organisation for Economic Co-operation and Development (OECD) has also produced tools to help states, and has focused on governance systems to prevent VAWG.³²

Lessons learned from other jurisdictions and from other subnational actors, such as the Safe Cities program, can evolve and strengthen state practice. They can also accelerate domestic efforts. The next section includes reflections on the evolution of state obligations and interventions.

The Evolution of State Due Diligence Obligations

At the time the CEDAW Convention was elaborated during the 1970s, violence against women, particularly in the private sphere, was largely considered to be a “private” matter – neither an international concern nor a human rights concern. The treaty does not include an explicit provision on violence against women other than in article 6, which addresses trafficking and the exploitation of the prostitution of women. Generally speaking, states have treated the prevalence and impunity of VAWG in phases since the 1970s, seeing the question at different times as a criminal law problem, a public health issue, a productivity issue for a national economy, and as a human rights issue.

In the 1980s, states were required under international law, as a minimum, to:

- Exercise due diligence to prevent acts of violence against women and girls;
- Investigate any such acts and prosecute and punish perpetrators; and
- Provide redress and relief to victims.

Due diligence requirements have since been expounded in the context of important cases in international courts.³³ The first Special Rapporteur stated in her landmark report in 1999 that the following questions needed to be asked:

- (i) *Has the State party ratified all the international human rights instruments including the Convention on the Elimination of All Forms of Discrimination against Women?*
- (ii) *Is there constitutional authority guaranteeing equality for women or the prohibition of violence against women?*
- (iii) *Is there national legislation and/or administrative sanctions providing adequate redress for women victims of violence?*
- (iv) *Are there executive policies or plans of action that attempt to deal with the question of violence against women?*
- (v) *Is the criminal justice system sensitive to the issues of violence against women? In this regard, what is police practice? How many cases are investigated by the police? How are victims dealt with by the police? How many cases are prosecuted? What types of judgements are given in such cases? Are the health professionals who assist the prosecution sensitive to issues of violence against women?*
- (vi) *Do women who are victims of violence have support services such as shelters, legal and psychological counselling, specialized assistance and rehabilitation provided either by the government or by nongovernmental organizations?*
- (vii) *Have appropriate measures been taken in the field of education and the media to raise awareness of violence against women as a human rights violation and to modify practices that discriminate against women?*
- (viii) *Are data and statistics being collected in a manner that ensures that the problem of violence against women is not invisible?*³⁴

The content of state obligations to end VAWG are evolving in scope, but the core obligations are clear under international law, and cover **prevention, protection, prosecution and punishment, redress, data collection and monitoring, and international cooperation** in order to accelerate the elimination of gender-based violence against women and girls.

The CEDAW Committee has also clearly identified how progress can be reversed by states, nonstate actors, and alliances of states, often through well-resourced campaigns. General comment 35 notes that it “is also evident that there can be an erosion of the legal and policy frameworks that aim to eliminate gender-based discrimination or violence, often justified in the name of tradition, culture, religion or fundamentalist ideology, and significant reductions in public spending, often as part of so-called ‘austerity measures’ following economic and financial crises”.³⁵

Intensification of State Efforts

States have been urged to establish **national plans of action** on the elimination of violence against women since 2006. In December that year, the UN General Assembly adopted the first UN resolution on the intensification of efforts to eliminate all forms of violence against women (A/RES/61/143). The adoption of this resolution followed the launch of the Secretary-General’s in-depth study on violence against women in October 2006 (A/61/122/Add.1 and Corr.1). It urged member states “to exercise leadership”³⁶ and “eliminate all forms of violence against women by means of a more systematic, comprehensive, multisectoral and sustained approach, adequately supported and facilitated by strong institutional mechanisms and financing, through national action plans”.³⁷

States are tasked to “ensure the systematic collection and analysis of data on violence against women, including with the involvement of national statistical offices”.³⁸ The World Bank has explained that the data on VAWG for the last 10 years is of poor quality and is missing indicators.³⁹ Such national action plans should go deeper than the passage of criminal legislation and should deal with the root causes of discrimination against women in that particular societal context.⁴⁰ Quality data is particularly needed to evaluate and design prevention interventions. States are also urged to prevent VAWG by focusing on early education, respectful relationships, designing safe spaces, and working with men and boys.

States are urged to take a rights-based participatory approach to national action plans that take an intersectional approach. There is a wide suite of reform options in any kind of political and economic setting to strengthen norms to end VAWG, as demonstrated by the research undertaken in a paper on *Strengthening Human Rights: Translating Multilateral Commitments into Action*,⁴¹ prepared by the Stimson Center. Governments should seek to implement such measures using a three-pronged approach:

- All VAWG measures “should be implemented with an approach centered around the victim/survivor, acknowledging women as right holders and promoting their agency and autonomy, including the evolving capacity of girls”;
- All VAWG measures “should be designed and implemented with the participation of women” and girls; and
- All VAWG measures should take an intersectional approach to discrimination.⁴²

As an example of the third prong relating to intersectionality, the CEDAW Committee has noted in general recommendation 35 that the way gender-based violence is experienced is affected by factors such as women’s or girls’ ethnicity/race; indigenous or minority status; socioeconomic status and/or caste; language; religion or beliefs; political opinions; national origin; marital status or widowhood; maternity and/or parental status; age; urban or rural location; geographical remoteness; health status; living with HIV/AIDS; disability; property ownership; heading households; identifying as lesbian, bisexual, transgender, or intersex; illiteracy; seeking asylum, being

a refugee, or being internally displaced or stateless; migration status; being deprived of liberty; prostitution, as well as being trafficked; situations of armed conflict; and the stigmatization of women who fight for their rights, including human rights defenders. In the following section, the interaction between multilateral commitments and domestic implementation is explored further by considering how international norms may evolve.

Global Norms and Local Plans

Martha Finnemore and Kathryn Sikkink have argued that international norms evolve in a three-stage “life cycle” of emergence, “norm cascades,” and internalization, and that each stage is governed by different motives, mechanisms, and behavioral logics.⁴³ It may be that the norms that govern the prevention of gender-based violence are at a new stage in the cycle that will allow each state to more deeply internalize the logics of prevention, as expressed in national action plans.⁴⁴

Susanne Zwingel has traced the impact of the CEDAW Convention on states, and transnationally, and notes that instead of a “trickle-down effect,” the CEDAW Convention most resonates with women when its obligations are contextualized.⁴⁵ She introduces the concept of “norm translation” as an ongoing and unfinished process of “stitching together” discourses on gender equality adopted by various global, state, and nonstate actors to recreate global norms, that must then be “diffused” or translated into new ways of thinking (“global discourse translation”) and acting (“impact translation”) at the international and local levels.⁴⁶

The adoption and implementation of multisectoral national plans of action to address violence against women was one of five key outcomes that the Secretary-General’s campaign UNiTE to End Violence against Women aimed to achieve in all countries by 2015. This built on UN Human Rights Council resolution 14/12, which aims to accelerate efforts to eliminate all forms of violence against women by: ensuring due diligence in prevention; urging states to establish or strengthen plans of action to eliminate VAWG that delineate government accountabilities for prevention, supported by the necessary human, financial, and technical resources including time-bound measurable targets; and accelerating the implementation of existing national action plans.

UN Women’s *Handbook on National Action Plans for Violence against Women* may represent a kind of impact translation if used by states to design their frameworks. The next section looks in more detail at the content of national plans.

National Action Plans: Strategies and Systems Thinking

To think about VAWG at the level of strategy, the OECD urges states to consider a systems approach to eliminating VAWG that involves three elements: a clear national framework, a culture of institutional accountability, and access to justice for women and girls.⁴⁷ Several states will now be able to share their experience of developing a whole-of-state framework with a clear vision to address GBV, and the types of policy architecture that sit under such a plan. States with national action plans include Australia, Belize, France, Liberia, Peru, and Spain (see extract below on Spain’s National Action Plan).

For example, the UN urges that states’ national action plans on violence against women should provide for the direct and meaningful participation of civil society and other stakeholders throughout the process of their development, implementation, and monitoring of actions and strategies.⁴⁸ The UN Women handbook provides the example of the United Kingdom’s *Together We Can End Violence against Women and Girls* (2009), which noted the crucial role of nongovernmental organizations in the plan’s implementation, and pledged to strengthen funding arrangements to support organizations in this role.

The UN urges that the laws, policies, and programming emerging under a national plan should be crafted using gender analysis. For example, the Canadian government uses a whole-of-government tool known as Gender-based Analysis Plus (GBA+) to focus government departments on advancing gender equality objectives.⁴⁹ This approach to government decision-making considers the differential impacts based on sex and gender as well as “potential impacts related to the intersections of different identity factors, including race, ethnicity, indigeneity, national origin, migrant or refugee status, religion, sexual orientation, age, class, and disability”.⁵⁰

Spain's State Pact against Gender Violence and Contingency Plan⁵¹

Government of Spain (2020), extracted from OECD, Working Party on Gender Mainstreaming and Governance, "Strengthening Governance and Survivor/Victim-Centred Approaches to Eliminating Gender-Based Violence," April 30, 2021.

In 2017, the Spanish Parliament approved, with no dissenting votes, the first state pact against gender violence, an agreement between political parties that aims to ensure that efforts to address GBV are consistent, coordinated, and not subject to interference from whichever party is in government at any particular time. The pact has attracted the adherence of the national government, the autonomous communities, the Spanish Federation of Municipal and Provincial Authorities (FEMP), and the State Observatory on Violence against Women, thereby confirming that a triple consensus – political, territorial, and social – had been reached. The state pact provides a road map for addressing GBV during a five-year period (2018-2022), and outlines 292 measures structured around the following 10 axes for action:

1. *Breaking silence through encouraging actions for awareness in society and for the prevention of gender violence.*
2. *Improving the institutional response through coordination and connected work between responsible authorities and organs.*
3. *Perfecting the help, support, and protection offered to women victims of gender violence and their children.*
4. *Enhancing support and protection for minors.*
5. *Improved training of agents to ensure better care services.*
6. *Improvement of knowledge as an essential ingredient in ensuring that the fight against all forms of violence against women is effective.*
7. *Recommendations for autonomous communities, local entities, and other institutions.*
8. *Observation and attention on forms of GBV that take place outside the context of partners or ex-partners.*
9. *Financial commitment toward policies for the eradication of violence against women.*
10. *Monitoring of the state pact, and submission of the information required by the pact monitoring committee.*

To put the pact into effect, the government of Spain applies the measures through the government delegation for gender-based violence, in coordination with the other ministries and their dependent autonomous bodies, as well as the autonomous communities and local entities represented in the FEMP. Furthermore, a total increase in funding of 1 billion euros accompanied the adoption of the pact to ensure that measures can be carried out. Regarding the monitoring of the measures, a working group, assembled with the autonomous communities, designed a system of indicators, while the Spanish Congress established the monitoring committee for the state pact.

In addition to the state pact, in 2020 the government of Spain adopted a contingency plan against GBV in response to the COVID-19 pandemic. Under this plan, Spain identified a series of strategic and operational measures to be taken to prevent, manage, and reduce the negative consequences of GBV during the state-imposed period of confinement. A key measure identified for this specific crisis situation included declaring all assistance services for GBV victims as essential services, thereby guaranteeing they would remain in operation during confinement. The government also launched an awareness campaign to publicize the availability of services and to call on society to work together against GBV, emphasizing how GBV is a human rights violation, not a private problem.

Conclusion: Frameworks for Evaluating State Implementation of Multilateral Norms

Human rights norms are fluid and contested, and therefore require constant assessment; thus, the job of preventing VAWG is not fulfilled when, for example, a criminal law is passed. An increasing number of international reviews that have synthesized evidence on effective, or at least promising, approaches to preventing and responding to VAWG suggest a need for comprehensive, multisectoral, long-term collaboration between governments and civil society.⁵² Gender experts have also argued that in order to accelerate the elimination of GBV against women, all such measures “should be implemented with an approach centered around the victim/survivor, acknowledging women as right-holders and promoting their agency and autonomy, including the evolving capacity of girls from childhood to adolescence”.⁵³ Furthermore, such “measures should be designed and implemented with the participation of women, taking into account the particular situation of women affected by intersecting forms of discrimination”.⁵⁴

The question of how to test the quality of a state’s commitment to a global norm, and the implementation of the international human rights obligation created by a treaty, is a difficult one.⁵⁵ Scholars such as Ramona Vijayarasa have suggested the use of specially designed indicators based on the CEDAW Convention to analyze the gender responsiveness of legislative measures undertaken by a state.⁵⁶

A state’s commitment to a global norm may be easier to trace when states have failed to incorporate gender analysis into new efforts, such as to prevent the transmission of COVID-19, while still being committed to eliminating VAWG.

In this dedicated focus on VAWG, the broader quest for human rights should be kept front of mind. Researchers who examine VAWG in the context of armed conflict as well as under international human rights law frameworks warn against approaches that have a one-dimensional focus on violence at the expense of a more holistic approach to gender equity. For example, Karen Engle reveals that as feminists from around the world began to pay an enormous amount of attention to sexual violence in conflict, they often did so at the cost of attention to other issues, including the anti-militarism of the women’s peace movement, and critiques of economic maldistribution, imperialism, and cultural essentialism by feminists from the global South.⁵⁷ One future pathway for states may be to increase focus on VAWG as the symptom of a broader violation of women’s rights and societal status. The UN Secretary-General’s 2020 Call to Action for Human Rights acknowledges widespread disregard for human rights by states, and pays particular attention to gender inequality under pillar three.⁵⁸

There are various ways to measure state practice against normative commitments in a multilateral setting. One method would be to collate all the state reports to UN bodies, such as the universal periodic review, the CEDAW Committee, the High-Level Political Forum on Sustainable Development, and the Secretary-General’s Global Database on Violence against Women, in preparation for the 77th session of the General Assembly. The information in the reports could be compared to gender indicators in each member state. For a deeper analysis, local civil society actors could be asked how their states have made progress under national strategies to combat VAGW, how they match the UN framework, and how they are measured and communicated to the UN. This approach would combine the human rights tradition of shadow reporting, strengthen the role of civil society organizations advocating for gender equality, and deepen a transformative approach to gender data.

There must also be a method to assess progress from a state’s adoption of legal norms to policy interventions that internalize the norms in a rigorous manner. For example, only 40 percent of women seek help of any sort after experiencing violence, and so women’s advocacy groups advocate for, and support, women and girls’ access to quality, multisectoral services essential for their safety, protection, and recovery, especially for those who already suffer multiple forms of discrimination.⁵⁹ The adoption of a target for access to services in a national action plan

would need to be tracked over time, and to consider the opinions of the users of those services.

Finally, measuring the effectiveness of states' prevention of VAWG is also crucial, as prevention is still the most cost-effective, long-term way to stop violence and respect human rights. Enhanced national data collection and analysis is fundamental to transformative change, in order to provide a better understanding of the nature, magnitude, and consequences of violence against women and girls.

Annex 1 - Timeline of International Commitments on VAWG

Extracted from UN Women, “Global norms and standards: Ending violence against women,” available at <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/global-norms-and-standards> (accessed 2 February 2022).

1979	The 1979 Convention on the Elimination of all Forms of Discrimination against Women does not explicitly mention violence against women and girls, but General Recommendations 12, 19, and 35 clarify that the Convention includes violence against women and makes detailed recommendations to States.
1993	<p>The 1993 World Conference on Human Rights recognized violence against women as a human rights violation and called for the appointment of a Special Rapporteur on violence against women in the Vienna Declaration and Programme of Action.</p> <p>The 1993 Declaration on the Elimination of Violence against Women was the first international instrument explicitly addressing violence against women, providing a framework for national and international action.</p>
1994	The 1994 International Conference on Population and Development in Cairo drew links between violence against women and reproductive health and rights.
1995	The 1995 Beijing Platform for Action identifies specific actions for governments to take to prevent and respond to violence against women and girls. Ending violence is one of 12 areas for priority action. In 2020, a major stock-taking UN Women report revealed that more than 80 per cent of countries (of 166 in total) reported that action to implement, and enforce, violence against women laws had been achieved in the previous five years, and 87 per cent of countries reported introducing, or strengthening, services for survivors of violence.
2006	In 2006 the Secretary-General’s In-Depth Study on All Forms of Violence against Women was released, the first comprehensive UN report on the issue.
2011	The 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence became the second legally binding regional instrument on violence against women and girls.
2012	<p>The UN General Assembly adopts biannual resolutions on the issue of violence against women. The resolutions, first adopted in 2012, include the intensification of efforts to eliminate all forms of violence against women, trafficking in women and girls, and intensifying global efforts for the elimination of female genital mutilations. These resolutions are renegotiated biannually, and the most recent reports were submitted on these resolutions during the 75th session of the UN General Assembly.</p> <p>The UN Human Rights Council first adopted a resolution on accelerating efforts to eliminate all forms of violence against women in 2012.</p>
2020	In 2020, at the 64th session of the Commission on the Status of Women, leaders pledged to ramp up efforts to fully implement the Beijing Declaration and Platform for Action, including ending all forms of violence and harmful practices against women and girls.

Annex 2 – Table of VAWG Resolutions Adopted by the UN General Assembly Third Committee and Human Rights Council (from 2016 to 2021)

A/HRC/RES/47/15	2021	Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls with disabilities
A/RES/75/161	2020	Intensification of efforts to prevent and eliminate all forms of violence against women and girls
A/HRC/RES/41/17	2019	Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to violence against women and girls in the world of work
A/RES/73/14	2018	Intensification of efforts to prevent and eliminate all forms of violence against women and girls: sexual harassment
A/HRC/RES/38/5	2018	Accelerating efforts to eliminate violence against women and girls: Preventing and responding to violence against women and girls in digital contexts
A/HRC/RES/35/10	2017	Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls
A/RES/71/170	2016	Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence
A/HRC/RES/32/19	2016	Accelerating efforts to eliminate violence against women: Preventing and responding to violence against women and girls, including indigenous women and girls

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No. 18/2008, Vertido v. Philippines, views adopted on 16 July 2010
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