

**Excerpts from Equality for Women = Prosperity for All**  
(St. Martin's Press 2018)

**Good Intentions**

(From Chapter 2, The Virus of Violence)

In 1993, the UN adopted the Declaration on the Elimination of Violence Against Women (DEVAW). This historic document, the first of its kind in human history, condemns violence against women outright, in words. It states that such violence undermines the fundamental freedoms of women and impairs their enjoyment of those rights. It recognizes the roots of gender-based violence in historically unequal power relations between the sexes, and acknowledges that this inequality has led to domination over and discrimination against women by men for centuries. It further notes that violence against women has severely retarded their full advancement and that opportunities for them to achieve legal, social, political and economic equality in society will continue to be undermined if endemic violence is allowed to prevail.

So far, so good. To put such noble principles into words is already a very important step. The Declaration is justly considered a landmark for women's rights. By identifying violence against women as an international concern, it has created a language and a vocabulary to speak about issues that have been suppressed and suffocated for millennia. Since its ratification, just over two decades ago, global efforts to eliminate all forms of violence against women have intensified, national policies supporting its aims have been gradually implemented in many countries, and research as well as growing media attention have increasingly demonstrated international determination to address this issue in recent years.<sup>1</sup>

Prior to the UN Declaration, other international commitments had already paved the way for it, of course. This story is nothing if not evolutionary. As we have already mentioned, the ILO's Convention of 1958 against discrimination in employment and occupation addressed one aspect of the problem affecting women in the work place. The UN General Assembly Declaration on the Elimination of Discrimination Against Women (DEDAW) addressed more concerns in 1967. And as we shall see in chapter 6, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) laid the foundation for all future efforts to implement gender equality among the members of the UN. The path to gender equality is certainly paved with good intentions, and a great deal of paper in the bargain.

General Recommendation No. 19 of the CEDAW Committee, for example, clearly established violence against women to be a form of discrimination under the Convention. Prior to that, it had not been thought of in those terms. But by insisting that States parties must protect women against such violence, whether it occurs within the family, in the work place or in any other area of social life, this document extended a legal arm of protection over women in all walks of life. Such commitments are reiterated, moreover, in other regional treaties, such as the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Convention of Belem do Para) and the Protocol to the African Charter on Human and People's

---

<sup>1</sup> The General Assembly adopted four resolutions in the period 2006–2009 on intensification of efforts to eliminate all forms of violence against women, thus emphasizing countries' concern about the issue.

Rights on the Rights of Women in Africa (Maputo Protocol). The basis for the protection of women against all kinds of violence and in all kinds of States has been established on the foundation of international human rights law.

But whether such laws are being enforced is quite a different matter. Unfortunately, eight months and one more publicized gang rape after the notorious New Delhi case, not a single one of the urgent proposals of the Justice Verma Committee had been implemented. According to one article, many of those recommendations had “vanished from public memory and, more tragically, from the memory of government authorities charged with providing women safer public spaces and more effective policing.”<sup>2</sup> The 644 page report had been realistic; it had known that far more was needed than legislation to create a safe society for women.

Our original mandate was to recommend changes to the law,” explained Abhishek Tewari, counsel for the committee. “But ... the solutions to problems of sexual assault and rape required a much larger, holistic approach... (We) came to realize that there had never been a serious study in India directed at understanding the psychological factors that drive rape.

These factors are deeply rooted in social and gender inequity. In a 2006 study,<sup>3</sup> originally aimed to focus on new ways in which women’s empowerment could be conceptualized in India, women factory workers continually brought up the issue of violence against them as the dominant theme. Almost 70 percent described sexual harassment as a “serious offence,” and 38 percent of the interviewees had experienced or witnessed happening to their colleagues. But none said they were prepared to take legal action. Although the majority said violence – or lack of it – would be “a major way in which to measure women’s empowerment” over time, none of the women was able to overcome the psychological factors inhibiting them to speak of the violence against them.

In Brazil too, seven years after the enactment of the Maria da Penha law,<sup>4</sup> there has been a 78 percent increase in the number of police stations and courts specializing in gender and domestic violence. But like the paper trail laid by international efforts to establish legal rights and protection for women, the proliferation of court activities and police administration does not necessarily address the fundamental problem of violence. The reality is still gloomy. The prevalence of domestic abuse is still high and, according to the World Bank, only 29 percent of women are reporting it.

The enforcement of laws against hate speech is also a serious concern, even in Europe. There have been numerous cases of female journalists who have felt obliged to leave the blogosphere since receiving explicit gender-based threats. In Italy, the speaker of Parliament, Laura Boldrini, has been the target of repeated hate speech since she was sworn in, in March 2013. And an investigation was opened in the UK as recently as February, 2014<sup>5</sup> against two police officers who used denigrating language against a 19-year old woman who was attempting to lodge a complaint with them for domestic violence. In an effort to prohibit sexual harassment and other forms of

---

<sup>2</sup> First Post, 2017.

<sup>3</sup> Hancock, 2006.

<sup>4</sup> This is the informal title for Brazil’s federal law, enacted in 2006, that regulates violence against women in various aspects of domestic life and is regarded as an important milestone in Brazilian legislation on gender.

<sup>5</sup> Saul, 2014.

gender-based violence, including verbal hate speech, the Istanbul Convention was opened for signature in 2011, but the failure of many member states of the Council of Europe to ratify the Convention since then, is also an indication of how long, how slow, and how arduous is the path to ensuring the protection of women against all forms of violence.