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# GUIDETO

Eliminating Discrimination  
Against Women

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# GUIDE TO

Eliminating Discrimination  
Against Women

## FOREWARD

Dear friends,

A young Bosnian woman is trafficked into Italy, lured by promises of escaping poverty; an American wife hides the shame of domestic abuse for years; and a girl in India is forced to work in order to send her brother to school. The voices and faces of these women continue to show us that women today, in all walks of life, face discrimination and obstacles to equality and empowerment.

Women's rights are human rights. These five words seem so basic, so obvious; yet they do not ring true in many corners of the world. If these words became a reality, the suffering and marginalization of millions of women would be replaced by fuller global development and recognition of all human dignity.

As Franciscan men and women, we are united in the vision and partnership of St. Francis and St. Clare; bringing a unique charism to our ministry in the care of all creation. Each day Franciscans throughout the world are inspired to bring dignity and love back into the lives of women who are discriminated against, abused, forgotten and down-trodden.

While individual hearts and minds must be challenged, structures and social institutions must be changed in order to create conditions where women are equally valued and allowed to exercise their gifts and skills in social, political and economic life.

Franciscans International has designed this guide to give Franciscans and all other interested people who work with women, access to resources and tools to combat discrimination against women. International tools and frameworks such as the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action provide key steps forward for women's advancement. We as civil society must breathe new life into these documents and move them beyond just words on paper.

Additionally, this guide shares one of the greatest resources we have in the fight against discrimination: the gift of each other, plus the many individual projects that empower women. Thus, best practice stories from Franciscans are shared in this publication, in addition to proven campaigns and initiatives already undertaken by various groups.

Just as discrimination facing women knows no borders and affects all countries, our response in combating it must also be globally united, utilizing international human rights standards and networks.

Only together can we create a world that cares for all of creation, one that respects all females and males equally in the loving grace of God.

Peace and all good,

Denise Boyle, FMDM  
Vice-President, International Board of Directors  
Franciscans International

## INTRODUCTION

*Franciscans International's Guide to Eliminating Discrimination against Women: Empowering Women at the Local Level through International Instruments* is a guide to tools which endeavour to stop discrimination against women.

Just as discrimination against women is found in many forms, the tools to combat it are also varied and diverse. This publication combines explanations of international instruments with practical campaign resources. Case studies from the field are also included to give a human face to the victims of discrimination and to those who labour to end it.

Section I of the publication focuses on the Franciscan commitment to empowering women, providing background on the Franciscan experience and the work and recommendations of Franciscans International.

Section II presents an overview of women's rights in the United Nations system, leading into a detailed explanation of the primary international tool to prevent discrimination – the *Convention on the Elimination of All Forms of Discrimination against Women* (Section III). This is followed by Section IV, which outlines how non-governmental organizations and individuals can become actively involved in implementing this Convention.

Lastly, Section V looks at discrimination in practice, specifically in the areas of:

- Violence against women,
- Trafficking in women and girls,
- Migrant women,
- Impact of HIV and AIDS on women, and
- Ageing women.

An overview of the current situation for each topic is presented, followed by tools and campaigns used by various groups to address the problem. Finally, Franciscan testimonies give witness to how discrimination is combated on the ground in their daily work.

This guide aims to explain ways to prevent discrimination against women. It strives to be a tool of empowerment and inspiration for the Franciscan family and all those working for gender equality.

## ○ N E • Franciscan Perspective On Women's Equality And Empowerment

### A | Franciscan Commitment to Women's Equality

When Francis wrote the message that is known as *The Form of Life Given to St. Clare and her Sisters*, he stated: “I resolve and promise for myself and for my brothers always to have that same loving care and special solicitude for you as I have for them.”<sup>1</sup>

This assertion was extraordinary coming from a man who lived in an era in which the struggle of women for equality was not recognized and the role reserved to a woman, as her only natural goal, was the private realm of wife and mother. Francis knew the temper of the church designated woman as a vessel of temptation and demonized her intentions and her human capabilities as part of a new program to enforce celibacy upon the clergy. It is not clear that he managed to escape this negative environment altogether. In fact, his writings and biographies convey an ambivalence regarding relationships with women that perplexes those who wish to make him a role model for all modern issues and social concerns.

Nonetheless, Francis was clearly awed by the fierce strength of women like Clare and her companions. The same Spirit that allowed him to find sweetness in the lepers' hovels, worked in women who were dedicated to a comparable program of radical Christian action. His natural inclinations as medieval male and the “conditioning” of his social class and patriarchal church would have kept him prisoner had it not been for this luminal experience. The nature of the experience might be best captured by the simple name: Clare/Chiara. It is a word that connotes light. The illumination of her actions forced him to read the signs of his time differently.

The earliest years of the Franciscan movement saw an equality of membership, of aspiration and participation. The beautiful passages of the Exhortations to the penitents evoke a community in which women and men share a quest and find intimate human relationships as the best metaphors for the actions of God in their lives. While the accommodations to culture and custom that inevitably slow a movement down are evident throughout Franciscan history, it is true that the original mutuality that characterized the early penitents, friars and poor sisters is a “dangerous memory.” It is that dangerous memory that demands that the brothers and sisters of the twenty-first century take up the work of empowering women where such has not yet happened.

Few religious orders possess our remarkable synthesis of masculine and feminine elements. The work of contemporary Franciscans is to rediscover this radical mutuality found at the very center of the movement and to translate that charisma today. Many other groups of religious — male and female — sign on to the quest for equality as a part of modern sensibility to injustice. Franciscans must take up the quest in order to recapture something of our very essence, something of the gift that distinguishes us from congregations that have no paradigm for this “gift of exchange” as Fr. Joe Chinnici describes it.<sup>2</sup>

The quest for Franciscans is not the promotion of a cause, a new social analysis or utopian outcome. The quest of Franciscans is to “discover the place as if for the first time” (T.S. Eliot: *Four Quartets*) where Francis and Clare became a new Adam and a new Eve and confronted a world wearied by melancholy estimates of the human project's likely failure. Being sister and brother to one another became a way of life. That way has been lost to the vast majority of

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<sup>1</sup>Form of Life, 2, as translated by Regis Armstrong in Francis and Clare: The Complete Works

<sup>2</sup>Found in “Francis and Clare: The Vocation of Exchange,” in Helen Budzik, OSF, Roberta McKelvie, OSF, Guidelines for the Study of Clare of Assisi, Franciscan Federation, Washington DC, 1992, pp. 41-52; and, “Francis and Clare: A Praxis of Solidarity for the Contemporary World,” The Way Supplement, Issue 80, 1994, 17-24

modern men and women. Way finding becomes us. Let us then begin to walk the lost pathways and name the lost power that is ours.

Sr Margaret Carney, OSF  
Sisters of St. Francis of the Providence of God  
President, St. Bonaventure University, NY, U.S.A.

## B | Franciscans International's Mission

Franciscans International is the first project of the entire Franciscan family since the time of St Francis and serves all Franciscan women and men in 160 countries around the world. United under the principles of care for creation, peacemaking and concern for the poor, Franciscans International works at the United Nations at the request of our Franciscan brothers and sisters at the grassroots level.

Franciscans working at the local level with women and girls have increasingly called our attention to the many obstacles to human rights' protection and development they face in society – ranging from brutal abuse and violence, to less overt discrimination and biases that limit women's participation in employment, education and politics.

After receiving General Consultative Status as a non-governmental organization (NGO) with the United Nations in 1995, Franciscans International has advocated for the dignity and rights of all people through our country and thematic programs. Within each of them, specific attention is given to the multiple forms of discrimination women may face in situations of poverty, conflict, and despair.

Franciscans International strives to end discrimination against women both through advocacy at the United Nations and also through the education and training of our Franciscan members throughout the world. Formal advocacy at the UN is done through regular networking with diplomats and other NGOs and by presenting statements at UN forums. Training programs for Franciscans are periodically held both in our offices in New York and Geneva, and in the field, in addition to communication through our mailings and website.

## C | Franciscans International's Position on Women's Rights

Based on the work and the concerns of Franciscans in the field, Franciscans International urges action on the following issues:

- Implementation and ratification of standards and commitments
  1. The *Convention on the Elimination of All Forms of Discrimination against Women, 1979 (the Convention)* should be ratified and effectively implemented by all governments. Reservations which undermine the spirit of the convention should be removed. States should also submit their periodic reports to the Committee on the Elimination of Discrimination against Women (CEDAW) in due time and promptly implement its recommendations;
  2. The *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)* should also be ratified; and
  3. Governments should renew their commitments to the *Beijing Platform for Action* and demonstrate the political will to move toward full implementation of national plans of action with specific targets, benchmarks, timeliness and commitment of resources.

- Violence against women
  1. Violence against women in all its forms must be condemned and seen as a violation of human rights;
  2. National legislation must criminalize all forms of violence against women and States must take all steps to prevent, prosecute and punish any acts of violence against women; and
  3. Governments should fully cooperate with the UN Special Rapporteur on violence against women, and all other special procedures relevant to this topic.
  
- Human trafficking
  1. Trafficking in persons is a widespread, global phenomenon undertaken both for sexual and economic exploitation purposes. Women and girls comprise the majority of the victims of trafficking;
  2. Governments should ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000) and human trafficking must be established as a criminal offence in national legislation; and
  3. Trafficked persons, regardless of their capacity or willingness to cooperate with legal proceedings, should be protected from further exploitation and harm and have access to adequate physical and psychological care.
  
- Women migrant workers
  1. Internationally recognized human and labor rights should be fully extended to women migrants, regardless of their migration status;
  2. Governments should ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and ILO Conventions 97 (1949) on Migration for Employment and 143 (1975) on Migrant Workers; and
  3. Governments should implement development policies and strategies which are gender-sensitive, paying specific attention to the participation and challenges of migrant women. Migrant women's groups should be effectively involved in the formulation, implementation and evaluation of development and integration policies.
  
- HIV and AIDS and women and girls
  1. Women are more vulnerable to HIV than men due to their biology, economic status, and gender inequalities that permeate all societies. Governments must incorporate this in HIV and AIDS prevention and treatment strategies;
  2. Governments must intensify efforts to eliminate discrimination and stigmatization of women and girls in relation to HIV and AIDS;
  3. Prevention and education in formal and informal education programs along with healthcare services must be accessible for all, including women and girls, without discrimination; and
  4. Governments must acknowledge the specific care-giving role of women and men in the context of HIV and AIDS, especially elderly women and grandparents who often carry additional burdens as caregivers.

## T W O • Women's Rights In The United Nations System

### A | Overview

Women's rights have been a founding theme in the United Nations system since its creation in 1945. In the aftermath of World War II, fifty-one countries undertook the creation of an international system, focusing its work on specific areas including the improvement of the status of women.

The Charter of the United Nations, the organization's founding document, reaffirms the equal rights of men and women in the second clause of its Preamble:

“We the peoples of the United Nations determined ... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.”

United Nations Charter Preamble

The Charter also established the Commission on the Status of Women to promote women's rights and prepare recommendations and reports on urgent problems in this field.

As our world has evolved since 1945, the UN has also changed and expanded to more effectively respond to challenges faced by women, especially discrimination. This has been done through legal commitments in international conventions, establishing research and capacity-building organizations and action in the General Assembly and Security Council.

### B | Timeline of Women's Milestones in the UN System

**1945** – *United Nations Charter* is adopted, establishing an international system for peace, security, development, human rights, equal rights and self-determination for all peoples.

**1946** – **Commission on the Status of Women** holds its first session.

**1948** – *Universal Declaration of Human Rights* is adopted entitling all persons to rights and freedoms, regardless of sex and other distinctions.

**1975** – **First World Conference on Women** reminds the international community that discrimination against women is a persistent problem and sets five-year targets for women's equality.

**1976-1985** – **United Nations Decade for Women** defines objectives of the women's movement in areas of equality, development and peace over a ten-year period.

**1976** – **United Nations International Research and Training Institute for the Advancement of Women (INSTRAW)** and **United Nations Development Fund for Women (UNIFEM)** are established by the UN for research and increased capacity-building for women's projects.

**1979** – *Convention on the Elimination of Discrimination against Women* is adopted by the General Assembly and open for ratification by all countries.

**1980** – **Second World Conference on Women** focuses on women both as beneficiaries and as active agents in development.

**1981** – *Convention on the Elimination of Discrimination against Women* comes into force after twenty countries ratify it. A Committee to monitor States' compliance with their obligations under the Convention is established.

**1985** – **Third World Conference on Women** is characterized by mainstreaming women's development and includes broader participation of the global South.

**1993** – *Declaration on the Elimination of Violence against Women* is passed by the General Assembly recognizing violence against women as a human rights violation.

**1994** – **Special Rapporteur on violence against women, its causes and consequences** is established by the UN Commission on Human Rights.

**1995** – **Fourth World Conference on Women** gathers governments and over 40,000 participants to draft the Beijing Declaration and Platform for Action which underscores the centrality of human rights to the struggle for equality between women and men.

**1999** – *Optional Protocol to the Convention on the Elimination of Discrimination against Women* is adopted by the General Assembly and open for ratification. This instrument allows individual or groups of individuals to present a complaint to the Committee.

**2000** – **Optional Protocol to the Convention** enters into force after ten countries ratify it.

**2000** – **Beijing + Five** Special Session of the General Assembly on Women, Equality, Development and Peace reviews outcomes and achievements of the *Beijing Platform for Action*.

**2000** – **Security Council Resolution 1325 on Women, Peace and Security** is passed stressing the importance of women's full and equal participation in peace and security.

**2005** – **Beijing + Ten** reviews progress on the *Beijing Platform for Action* with forward-looking strategies. The **UN World Summit** held in September renews country commitments to gender equality and women's empowerment.

**2006** – *Convention on the Elimination of Discrimination against Women* is ratified by 182 countries and the Optional Protocol by 78 countries as of April 2006.

## C | **Beijing Platform For Action**

The *Beijing Platform for Action* (BPFA) is a milestone for the advancement of women and embraces the full acceptance of women's rights as human rights. Often referred to as an agenda for women's empowerment, the BPFA was adopted by consensus at the Fourth World

Conference on Women in Beijing. It requires immediate and concerted action for the advancement of women by all governments and calls them to develop strategies or national plans of action to implement the Platform locally.

The BPFA identifies 12 Critical Areas of Concern with strategic action steps:

- Women and Poverty
- Education and Training of Women
- Women and Health
- Violence against Women
- Women and Armed Conflict
- Women and the Economy
- Women in Power and Decision-Making
- Institutional Mechanisms for the Advancement of Women
- Human Rights of Women
- Women and the Media
- Women and the Environment
- The Girl Child

Each of these areas is linked to stated objectives for the improvement of the situation of women and gives concrete actions to governments and other actors.

Today, the BPFA is still the most comprehensive, progressive and action-oriented document to achieve gender equality. Many women advocates have used the BPFA and its critical areas of concern to push governments into taking action through legislation, awareness campaigns or changing social policy. The implementation of the BPFA has been a primary concern of the Commission on the Status of Women (CSW). Governments also continue to reaffirm their commitment to it, for example at the 2005 World Summit prior to the 60th Session of the UN General Assembly.

“We remain convinced that progress for women is progress for all. We reaffirm that the full and effective implementation of the goals and objectives of the *Beijing Declaration and Platform for Action* ... is an essential contribution to achieving the internationally agreed development goals ... and we resolve to promote gender equality and eliminate pervasive gender discrimination.”

Heads of State from the 2005 World Summit  
Outcome A/Res/60/1 Paragraph 58

Yet despite the groundbreaking progress of the *Beijing Platform for Action* on paper, it has been far from transforming in practice. Slow, incremental and piecemeal implementation has often been referred to as the “Beijing Betrayal.” This betrayal is demonstrated by the lack of action on the part of many States who have not invested adequate resources for gender equality nor made policy changes. In addition to little action, trends of globalization such as growing economic disparities, militarism and increasing fundamentalism have also impeded progress towards gender equality and the empowerment of women.

## D | UN Bodies Promoting And Protecting Women's Rights

### 1 "Women's Machinery" in the United Nations System

#### **Division for the Advancement of Women (DAW) – New York**

<http://www.un.org/womenwatch/daw/>

DAW is the primary coordinating office for promoting gender equality throughout the UN. It provides secretariat assistance to other bodies such as the CSW and CEDAW and serves as a coordinator and advisor on women's advancement.

#### **Commission on the Status of Women (CSW) – New York**

<http://www.un.org/womenwatch/daw/csw/>

The CSW is a functional commission of the UN Economic and Social Council (ECOSOC) with 45 Member countries that meet for two weeks each year. The CSW makes recommendations that promote women's rights in political, economic, social and educational fields.

#### **Committee on the Elimination of Discrimination against Women (CEDAW) – New York**

<http://www.un.org/womenwatch/daw/cedaw/>

This Committee is composed of 23 individual experts on women's rights that monitor States' compliance with the Convention on the Elimination of All Forms of Discrimination against Women. CEDAW meets for two three-week sessions per year and makes recommendations to countries to improve the realization of women's rights.

#### **United Nations Development Fund for Women (UNIFEM) – New York**

<http://www.unifem.org/>

UNIFEM provides financial and technical assistance to innovative programs and strategies to foster women's empowerment and gender equality. It works in over 100 countries with governments and non-governmental organizations.

#### **International Research and Training Institute for the Advancement of Women (INSTRAW) – Santo Domingo**

<http://www.un-instraw.org/>

INSTRAW promotes applied research on gender, facilitates information sharing and supports capacity and network-building among governmental, intergovernmental and non-governmental organizations.

#### **Office of the Special Advisor on Gender Issues and the Advancement of Women (OSAGI) – New York**

<http://www.un.org/womenwatch/osagi/>

Created in 1997, the Office is headed by a Special Adviser on Gender Issues and the Advancement of Women who advises the Secretary General on gender issues and advocates throughout the UN system for gender mainstreaming and equality.

#### **Office of the High Commissioner for Human Rights (OHCHR) – Geneva and New York**

<http://www.ohchr.org/>

The OHCHR is mandated to strengthen and support human rights procedures and

mechanisms. The staff that works with the Special Rapporteur on violence against women is based at the OHCHR's headquarters in Geneva.

Several UN agencies such as the **International Labour Organization** (ILO, <http://www.ilo.org/>), the **United Nations Development Programme** (UNDP, <http://www.undp.org/>) and the **World Health Organization** (WHO, <http://www.who.int/>) also have gender divisions that address specific issues related to discrimination against women in accordance with their respective mandates.

## THREE • *Convention On The Elimination Of All Forms Of Discrimination Against Women*

### A | What is the Convention?

The *Convention on the Elimination of All Forms of Discrimination against Women* is the most comprehensive international legal agreement for women's advancement.

Often referred to as the 'Women's International Bill of Rights', the Convention aims to end all forms of discrimination against women and establishes rights for women in areas not previously subject to international standards.

In 1975 at the First World Conference on Women, a specific call emerged for a treaty to enshrine and protect women's rights. In response, the *Convention on the Elimination of All Forms of Discrimination against Women* was drafted and adopted by the General Assembly in 1979. The Convention entered into force in 1981, after the 20<sup>th</sup> country ratified it. As of 2006, 182 countries have ratified it, meaning that they are bound to put the Convention into practice and make the rights it contains a reality for women.

The text provides a universal definition of discrimination against women and demands that women be accorded equal rights with men. Measures are prescribed to ensure that women are able to enjoy the rights in the Convention and these fundamental rights cannot be subject to changing ideologies, cultural traditions, or shifting socio-economic and political contexts. The Convention also requires governments take both passive actions (establishing gender-neutral laws) and positive action (active steps such as maternity leave) to end discrimination against women and promote their rights. To this end, equality must be achieved both in the law and in practice.

The Committee on the Elimination of Discrimination against Women oversees the progress made by States that have ratified the Convention.

### B | Treaty Summary

**Article 1: 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."

**Article 2: Requires governments to condemn discrimination** in all its forms and to embody the principle of equality in legislation through eliminating existing discriminatory laws, policies and practices and through ensuring legal protections for women against discrimination.

**Article 3: Mandates action be taken to guarantee women's rights** in political, social, economic and cultural fields.

*Article 4:* Allows States Parties to adopt **temporary special measures** to accelerate equality.

*Article 5:* Mandates action to eliminate prejudices and customary practices of conduct, as well as recognize the common responsibility of upbringing children and social function of **motherhood**.

*Article 6:* Requires States Parties to take action to **suppress the trafficking of women and exploitation of prostitution**.

*Article 7:* Mandates governments to **eliminate discrimination in political and public life**, ensuring the right to vote and participate in government policy and non-governmental organizations.

*Article 8:* Ensures women have the opportunity to **represent their Government** at the international level on equal terms with men.

*Article 9:* Mandates States Parties to grant women and their children equal rights as men to acquire, change or retain their **nationality**.

*Article 10:* **Eliminates all discrimination in education** to ensure equal access to career guidance, curricula, scholarships, continuing education, and sports and health education.

*Article 11:* **Eliminates all discrimination in employment** to ensure rights to freedom of profession choice, equal remuneration and benefits, social security, retirement, and unemployment, in addition to preventing discrimination based on marriage or maternity.

*Article 12:* Requires the **elimination of discrimination in access to health care** services, including family planning.

*Article 13:* Ensures women have **equal rights in economic and social life** specifically to family benefits, loans and credit, and participation in sports and cultural life.

*Article 14:* Requires action to **address the challenges of rural women**, ensuring them the right to participate in development planning, access to healthcare, social security, education, employment, credit and adequate living conditions.

*Article 15:* Mandates women and men to have **equality before the law** and equal capacity in contracts, property and residence.

*Article 16:* Grants **equality relating to marriage** with equal rights to freely enter into marriage, to choose a spouse, to dissolve the marriage, to determine the number and spacing of children and to own all property.

*Article 17:* Establishes a **Committee on the Elimination of Discrimination against Women (CEDAW)**, to be composed of 23 experts, in order to evaluate the progress and implementation of the Convention in individual countries.

**Articles 18-22: Establish the Committee’s schedule and procedures**, including timelines for annual meetings and deadlines for submission of country progress reports, and the ability to make suggestions and general recommendations based on country reports.

**Articles 23-30:** Describe the **operation and enforcement of CEDAW** including reservations and disputes between States Parties.

## C | Ratification and Reservations

After the General Assembly adopted the Convention in 1979, the treaty was opened for ratification, meaning that countries could freely endorse the treaty and become legally obligated to put its provisions into their domestic law. Generally a country’s legislature must approve the Convention before official ratification since it will have an impact on domestic law. Over 90% of countries in the United Nations, (182 out of 191 as of April 2006) have ratified the Convention and have officially become ‘State-parties’ to it.

States can also sign the Convention, meaning that they are considering ratification, but have not yet fully decided to do so. The United States is currently the only country that has signed CEDAW but has not ratified it. Other countries that have not ratified CEDAW include Iran, Qatar, Somalia, Sudan and Palau.

A distinct feature is the ability for countries to put reservations on specific articles of the treaty. Reservations exempt the country from implementing those specific parts of the Convention.

Reservations can not be incompatible with the “object and purpose of the Convention,” yet many countries have put such drastic reservations in place that the core principles of gender equality are undermined. For example, Algeria has placed reservations on five different articles, including Article 2 which outlines the definition of discrimination and is the very foundation of the treaty. Bangladesh also does not consider Article 2 binding as its provisions may conflict with Sharia law based on the Holy Quran and Prophet’s Sunna. Switzerland has placed reservations on Article 16 paragraph 1 (g) which relates to the same personal rights for husband and wife in choosing the family name, as well as Articles 15 [paragraph 2] and 16 [paragraph 1 (h)] relating to rights in legal matters and property, stating that these rights will be subject to Civil Codes.

Thirty-six States have placed reservations on Article 29 paragraph 1 which can refer a dispute between two States on the interpretation of the Convention to the International Court of Justice.

In addition to campaigning for its ratification, many civil society groups work to pressure countries to remove or to limit their reservations.

## D | How the Convention Eliminates Discrimination

The primary way the Convention eliminates discrimination against women is through the actions of the **Committee on the Elimination of Discrimination against Women**. The

Committee is composed of 23 persons from diverse backgrounds who serve as independent experts. They meet for two or three sessions annually at the UN in New York, each lasting for a period of three weeks. In the framework of the ongoing UN reform process, which includes reform of the Treaty Bodies, the High Commissioner for Human Rights is calling to move CEDAW to Geneva, primarily in view of the establishment of a unified standing treaty body.

The Committee takes action against discrimination through **reviewing country reports** and writing general recommendations. The reviewing of country reports allows the Committee to examine the steps a country has or has not taken to implement the rights contained in the Convention.

When a country ratifies the Convention, it is mandated to present reports to the Committee describing the progress made towards implementing women's human rights. The first report must be submitted within one year of ratification and a further report must be submitted every four years.

Government representatives then meet at the UN with the Committee experts to discuss the report, entering into "constructive dialogue." Experts can question the government on actions, statistics or policies contained in the report. They can also receive information from non-governmental organizations. The compiled information is used by the Committee to formulate concluding comments on how that government should improve their gender policy and end discrimination. The concluding comments are made public and should be an important tool to guide future government action.

The Committee also formulates **General Recommendations**, which are interpretative comments on specific articles of the Convention. Through General Recommendations, the Committee addresses contemporary issues not specifically mentioned in the treaty. There are currently 25 General Recommendations, including recommendations on violence against women, disabled women and women and AIDS.

Additionally, the Convention itself calls on governments to remove barriers to substantive equality and to improve actual conditions for women and girls. CEDAW has given strength to movements working for women's empowerment and has played a role in the formulation of national laws, government policies and even Constitutions.

For example, in Tanzania, CEDAW was used to challenge customary law which prohibited women from selling clan land. In Brazil, CEDAW was an effective advocacy tool used by women's groups during the revision of the Constitution from 1985 to 1988. It became a framework for articulating specific rights in the Brazilian Constitution, which now includes provisions on gender-based violence, equality in employment and State responsibility for the prevention of domestic violence.

CEDAW's effectiveness is largely dependent on the political will of governments to implement the Convention. Women's groups, government representatives, lawyers and members of the judicial system must all work together to understand and apply the Convention to make it a living instrument.

## E | The Impact of the Convention: the Case of India

Since India ratified the Convention in 1993, dramatic steps have been taken to end discrimination, yet grave challenges remain. Women and girls in India continue to confront discrimination and violence in many areas of life. India demonstrates a strong preference for sons over daughters, which has led to sharply skewed gender ratios in several States caused by sex-selective abortions, female feticide, and inadequate provision of food and health care to girls.

Women also struggle to realize their equal rights to property, marriage, divorce and protection under the law. Gender-based violence, including domestic violence, sexual harassment, sexual assault and trafficking remain serious and pervasive problems in India. Domestic violence includes dowry-related abuses and the practice of “sati” (a Hindu custom in which the woman ends her life with her husband’s death). India presented its initial report to CEDAW in 1999 after consulting with women’s groups and non-governmental organizations. The report was then examined by the Committee at its 22<sup>nd</sup> session in 2000, where it noted a broad range of concerns. These included a lack of adequate information on violence against women, the need to establish a comprehensive and compulsory system of registration of births and marriages and inadequate implementation of laws providing gender equality. During the hearings, the government of India also acknowledged that women Dalits (untouchables) bore the brunt of caste-based atrocities. India’s combined second and third periodic reports were submitted in October 2005 and will be reviewed by CEDAW in 2007.

Franciscans in India have witnessed the changes and challenges women face since the ratification of the Convention. Sr. Stella Baltazar, a Franciscan Missionary of Mary has worked with women throughout India for over 20 years. She has helped organize women into self-help groups, worked on development projects with Caritas Switzerland and in reconstruction after the devastation of the 2004-5 tsunami.

Women in India are in a process of contrasting experiences in swift movement. On the one hand, the opportunities available to them seem to promise a path “better than before”. However it is not difficult to perceive the hidden axis of globalization, particularly for the poor and especially poor women. It cuts away job opportunities and offers lucrative prices for products which the poor can not afford to buy. Is this not another form of violence? Legally, women are free and have the right to independent pursuit of their career. However, the situation seems to have a strangle-hold on the poor in particular, who are deprived of any such choice. Opportunities do not equally knock at their doors, in comparison to others who have access to competition. Economically and culturally, caste plays above gender discrimination, perpetuating the multiple oppressions of women. Domestic violence is not a rarity and is still perpetuated by the patriarchy in India. The victim is made to go through physical, mental, emotional, verbal, sexual torture/harassment and economic deprivation. According to Kanti Singh, Minister of State for Human Resources Development, about 150,000 cases of domestic violence were registered in the year 2003 alone. This is only a scratch on the surface of the nature of the crime and its serious consequences

for the family, as well as society, since women are the primary socializing agents of the younger generation within the home. Dowry demand is also another major instigating force of violence. How can women stand up against this monster?

Several women's movements have raised the collective voices of women to protest against such discrimination. Women have made a landmark difference in approaching the problem of claiming women's rights as human rights. Series of protests against violations relating to dowry demand, rape, political participation, wife battering, right to inheritance, adoption rights of the girl child, etc. have taken place.

The sensitivity to women's equality and to the elimination of discrimination in Indian society has been evident already through many **measures introduced by the government**. These include setting up the Central Social Welfare Board, the National Bank for Agricultural and Rural Development, the Women's Commission (NABARD), Self Help Groups of women (SHG) and various schemes to facilitate women's economic initiatives. However, the efforts of the government to eliminate discrimination against women have definitely been influenced by its ratification of the *Convention on the Elimination of All Forms of Discrimination against Women* in 1993.

The Indian government passed a law in September of 2005 known as the Domestic Violence Bill 2005 which is seen as the great landmark legislation to protect women from being victimized by domestic violence following four years of serious consideration and care for the humanity of women. It contains a civil law protection, the right for a battered woman to reside in her matrimonial or shared household and temporary custody of children to the mother. In addition, it does not discriminate on the basis of religion, does not contradict or change the personal laws that govern marriage and provides temporary relief to a victim of domestic violence.

The Convention has indeed played a major role in the passing of the Domestic Violence Bill 2005 by the Indian Government. Of course, one cannot forget the fact that in the 19th century Rajaram Mohan Roy upheld the rights of women and supported the cause of widow remarriage, abolition of child marriage, abolition of dowry, etc. Yet culture continues to play a vital role in perpetuating the practices of society, irrespective of its impact in the present context.

As a Franciscan involved in the women's empowerment process for the past twenty years I have experienced the miracle of women's changing patterns. Only when women are well aware of their own identity and destiny can their behavior change. The greatest struggle is to bring the women out of their homes into public space for free thinking and reflection on their own rights. One of the major challenges was to break the patriarchal control over women, to break the walls of separation among themselves and create the

feeling of sisterhood, a common bond and common purpose to move together. This motivational experience was the most challenging part of my mission. However, it awakened their critical thinking, alerting their sleep-like existence and enabling them to be in charge of their own inner power and look at themselves and their energy to transform their surroundings.

Women begin to question the ascribed status of patriarchy and begin to define their own place and role in the society. They claim their rightful place as persons in their own right rather than the subjects of their husbands. This change in perception sets a series of changes in their behavior. For instance, the practice of widowhood was questioned by them and women have resisted the segregation accorded to widows by changing cultural practice. They are wearing colorful dress, flowers, bangles and the red mark on the forehead, which have been denied to widows traditionally.

The economic dependency on the male head of the family even for a regularly earning woman is gradually changing. Women have begun to change their image as “housewife” into an equally responsible earning member. Women who would not venture out of the home have today begun to enter the market to set up their own outlets for sale of the products produced by them. This practice through the SHG is gaining ground and is gradually creating collective production as well as procurement of daily consumable products by different groups. The exploitation by the middle men is thus getting sidelined gradually. The tough competition from multinational corporations remains a great challenge to them.

Politically, women have become aware of their role and have begun to participate in the local governance by getting elected to local bodies. The government policy of 33% reservation for women in political leadership at the local level is being taken up by them and a gradual change is setting in. In the long run this experience is bound to bring about lasting changes.

The sense of equality in education, nutrition and health needs for the girl child has been introduced as a norm in all organized groups.

Wherever possible, the process of networking and federating women’s groups has been initiated. This collaboration among women is the best method of addressing issues of discrimination. Women come together to question and punish culprits of rape, dowry harassment, etc. The only means of countering a culture of violence and discrimination is the collective voice of women to address the issue in public.

The issue of abuse of women is thus addressed by the empowerment of women and making the issue public and demanding redress for the victim as well as bringing the perpetrator to justice.

The UN efforts introducing the International Women’s Year in 1975 and

the international conferences every five years have been a great boom and have provided impetus in my work. The documents and the efforts to make the leaders of nations commit themselves to address the issue of discrimination against women is a dramatic step forward. The Franciscan Missionary of Mary Constitution and orientations at the General Chapters have been a great inspiration to me in enabling me to go forward in this difficult ministry.

The efforts of non-governmental organizations like Franciscans International to bring the Franciscans together and bring their concerns to United Nations bodies are a great motivating factor for me. The ability to know and use UN instruments to address issues allows us to become advocates for the rights of humanity.

The materials produced by Caritas Switzerland on conflict resolution, peace building, country programmes and its Development Policy have been of great help to me in motivating the women and men for a just and peace-loving society.

One of the major **challenges** is to make the government officials and the male members of society obey the laws created for women's rights. Even though the law is created, the practice is far from it.

Capacity building for women to move beyond traditional roles to emerge in society with a sense of equality is another major challenge. Women are acquiring the qualities and strength to face this challenge. Yet adequate training and capacity building are a great need.

Adequate institutional possibilities and systems have to be created where women would act as equals to men. The religious and cultural structures have to be restructured to address the inbuilt violence and to raise the voice of women in society. The issues of discrimination and violence cannot be addressed in an isolated manner. They have to be addressed in the total context of the growth and development of the society at large. Thus, the reduction of discrimination and violence is possible only when women emerge as socially, politically, economically and culturally empowered. A new vision and a new hope bring new initiatives.

Organized women are weaving a new world of humanization. Men with similar thinking have joined this great historical movement. The rest of humanity, including the rest of the women, must join hands together in this movement.

Sr Stella Baltazar, FMM, India, June 2006

Sr Carol Geeta, a Mission Sister of Ajmer, works in the Indian state of Rajasthan for the rights of Dalit (untouchable) women. She continues to advocate for the implementation and reform of legislation to protect women, and organizes workshops on caste, gender and discrimination.

Concerning the influence of the Convention in India, there have been developments such as bringing about new legislation like the Bill to stop violence against women in the workplace, the Sati Prevention Act, equal distribution of ancestral property between sons and daughters, and we are trying to get greater protection for women to end domestic violence.

Yet, implementation is a grave problem and worse when Government mechanisms are inactive, silent, and indifferent – supporting the perpetrators. For example, sati in India was abolished recently, but right afterwards a sati took place in the State of Uttar Pradesh (U.P.). The sati of Roop Kanwar Deovrala in Rajasthan was a famous case after which the Bill against sati was brought out. In this case, five perpetrators were jailed; however the female Chief Minister of Justice got all the perpetrators in the sati case acquitted. When women’s organizations sat on strike in front of her office the whole day, she did not even address us, but rather sent the police force to stop the peaceful strike. Also, caste-based discrimination against Dalit women is increasing day by day, despite legislation that seeks to prevent this.

Sr Carol Geeta, MSA, India, May 2005

## F | Optional Protocol

Despite some advancement toward achieving gender equality, many individual violations of women’s human rights continue to be ignored at the country level. Additionally, the *Committee on the Elimination of Discrimination against Women* often does not have the capacity to respond in a timely manner to grave and systematic violations of women’s rights, often having to wait for the examination of a periodic report every fourth year.

In order to correct this gap in enforcement, an Optional Protocol to the Convention was drafted as a way for women whose rights have been violated to access justice at the international level. The Optional Protocol complements the Convention by strengthening its enforcement and operation. It creates two procedures for addressing and redressing cases of violations of women’s rights: a Communications Procedure and an Inquiry Procedure.

### 1 Communications Procedure

The Communications Procedure provides a way for individuals or groups to bring attention to a women’s rights violation when all domestic remedies have been exhausted and the State has still failed to redress the violation. Complaints regarding these rights violations can be brought to the Committee only if the concerned State has ratified the Convention and the Optional Protocol. After reviewing the violation, the Committee will provide a “remedy” which aims to give individual relief to the victim(s) and also further clarify the definition of the rights in the Convention.

## 2 Inquiry Procedure

The Inquiry Procedure allows the Committee to initiate an investigation into “grave or systematic” violations of rights contained in the Convention. After the inquiry, the Committee can issue comments and recommendations to the concerned country to redress the violations. The Inquiry Procedure is distinct from the Communications Procedure because it addresses widespread and large-scale violations of women’s rights.

In 2003, the Inquiry Procedure was used to investigate the murder and disappearance of over 200 women in Ciudad Juarez, Mexico, whose cases were documented and given to the Committee by two NGOs (Equality Now and Casa Amiga). Two members of the Committee travelled to Ciudad Juarez to investigate the events of gender-based violence, rape, murder and disappearances of women. The Committee issued recommendations for Mexico to address the root causes of gender-based violence, investigate the crimes, and punish the perpetrators. The government of Mexico then responded to the report stating their current progress and their commitment to act on the Committee’s recommendations.

Although the Optional Protocol serves as a pair with the Convention, it brings a stronger level of enforcement and also must be ratified separately from the Convention. The Optional Protocol entered into force in 1999 and as of April 2006, only 78 countries have ratified it.

## FOUR • Working With CEDAW

### A | NGO Participation with CEDAW – Shadow and Alternative Reports

One of the greatest strengths of the CEDAW process is the opportunity for non-governmental organizations on the ground to collaborate and share information on the current state of women's rights and gender equality.

States are mandated to include NGOs in the drafting of their country reports, but in many cases NGOs are not able to do so. This difficulty can be due to physical distance from their government capital, lack of technical capacity, or differing policy opinions, which in extreme cases may make it dangerous for women's NGOs to openly operate within a country.

It is therefore important that civil society groups and non-governmental organizations are also entitled to submit separate reports to the Committee when a country is being examined. These reports reflect the views of individuals and groups who are experts on the reality of the treatment of women and can testify to how the rights in the Convention are actually being implemented. Referred to as 'shadow' or 'alternative' reports, they can provide additional information to the Committee, providing first-hand perspectives on the situation of women's rights.

These reports have often exposed gender-based violence, trafficking of women, or disturbing statistics on the status of women and girls in countries that are resistant to acknowledge or act on these problems.

Although the process of NGO input is not articulated in the Convention, Committee experts have acknowledged the important role of NGOs in the process. The Committee's Methods of Work call for the submission of country-specific information and the inclusion of NGOs during sessions.

### B | Diagram of the CEDAW Process

1. Country ratifies the Convention.
2. Country writes an initial report detailing domestic implementation of the Convention.
3. NGOs collaboratively write a shadow or alternative report and submit it at least three months before the CEDAW session. Information is circulated to the experts.
4. At the session prior to when the country is examined, the Committee experts read the country report and write Issues and Questions, asking the government for more information on specific areas of concern.
5. The country is invited to provide a written response to the Issues and Questions within six weeks.
6. CEDAW's three-week session begins where eight countries are examined on their CEDAW implementation.
7. Experts hear oral presentations of NGO reports.
8. Experts meet with country representatives and enter into constructive dialogue for approximately three hours.
9. The Committee writes Concluding Comments that give recommendations to the

government. These recommendations are made public.

10. Countries and NGOs work to publicize and implement these recommendations.

11. Four years later: Country drafts another report on the Convention implementation since the last report. Process starts again.

## C | How to Write a Shadow or Alternative Report

The content of NGOs reports should focus on areas where women still face discrimination and should attest to the validity or inaccuracy of the government report.

The key elements of NGOs input found in a report are:

- Data and statistics (often pertaining to the status of women in particular regions of the country);
- Information on the actual situation of women;
- Information on the impact of policies and government structures dealing with gender; and
- Gaps and areas for improvement in gender policy and implementation.

Reports are generally structured based on Articles 1 – 16 of the Convention. For articles of concern, NGOs illustrate the current situation and then give recommendations for changes in government action. For example, a shadow report submitted by 45 Sri Lankan NGOs in 2001 highlights Article 9 of the Convention whereby women must have equal rights as men regarding the nationality of their children. The report notes that under current law, a Sri Lankan woman married to a foreign man cannot pass her nationality on to the child, and recommends that Sri Lanka change the *Citizenship Act* of 1948.

Reports can also be structured by topic. For example, in 2005 the NGO report by WILDAF on Togo was divided into sections on: women's human rights, discrimination at the family level (polygamy, violence against women), discrimination at the community level (early/forced marriage, trafficking, HIV/AIDS) and discrimination at the institutional level (property and legal rights), disagreements with Togo's government report, and finally recommendations.

Minor differences exist between NGOs shadow reports and NGOs alternative reports. NGOs shadow reports are generally written as a critique of a government report. They examine whether the government has acknowledged the most serious women's rights violations in their report and also comment on the effectiveness of government policies and steps to implement the Convention. NGOs alternative reports are written when NGOs do not have access to the country report (because it is not available or the country has not yet written it). In this case, NGOs present a comprehensive picture of the state of women's rights, highlight critical issues and concerns, and evaluate government structure and policies in the field of women's rights.

### 1 Coalition Building

In most cases, NGO reports are submitted by coalitions of non-governmental organizations from the concerned country. Individual organizations contribute specialized information on a

particular issue which is compiled into a larger report. When NGOs reports have multiple authors, it gives greater credibility to the report and shows a unified position from civil society.

The International Women's Rights Action Watch - Asia Pacific (IWRAW-AP) acts as a coordinator for non-governmental organizations working with CEDAW. IWRAW-AP links various NGOs working on reports to CEDAW and offers them technical assistance in writing and combining reports. IWRAW-AP also has the capacity to circulate information to CEDAW members and sponsors a program to train women's advocates to participate in the CEDAW process for their country.

## **2 Timeline for Submitting Reports**

Timing is an extremely important element in the CEDAW process. Generally, NGOs reports should be finished and submitted to the CEDAW secretariat and IWRAW-AP before the session prior to the one when the country in question will be discussed (approximately 5 months). This enables Committee experts to draft a list of 'Issues and Questions' based on a larger and more varied body of information. Reports can also be submitted approximately three months prior to the session. Information submitted closer to the CEDAW session may also be circulated to experts; however in this case it may be difficult for experts to have time to read and to effectively act upon the information before entering into dialogue with the government.

## **3 Presentation of CEDAW Reports**

In addition to providing information in writing to experts, NGOs can also orally present their reports at the CEDAW session. Time is allotted for the Committee to hear NGO oral reports on the first and second Monday of the session. An NGO representative is given approximately five minutes to speak and introduce the report highlighting key issues. Experts can then ask questions to NGO representatives and engage in dialogue on the implementation of the Convention.

## FIVE • Eliminating Discrimination In Practice

### A | Violence Against Women

Violence against women is perhaps the most shameful human rights violation. And, it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace.

UN Secretary General Kofi Annan, March 8, 1999

The suffering of women in our world is horrendous. Almost 80% of all women and girls in Peru are abused in one way or another, so somewhere between 10 and 11 million women are abused daily here. It's unbearable to think about.

Sr Ancilla Grenham, MFIC, Peru, March 2006

#### 1 Overview

Violence against women is one of the most widespread, brutal and hidden manifestations of discrimination that women face. The violence that women suffer at the hands of their husbands, partners and strangers is often systematic and widely tolerated based on historical unequal power relationships between men and women.

The term 'violence against women' emerged in the 1970s to include any act of gender-based violence that results in (or is likely to result in) harm or suffering – whether physical, sexual or psychological. It includes violence perpetrated by the family, the community, or the State.

Battering, female genital mutilation, dowry-related violence, rape, including within marriage, sexual assault or harassment, forced pregnancy, abortion or sterilization, female infanticide, trafficking and forced prostitution are all forms of violence against women.

At least one in three women experiences some form of abuse, violence or rape during her lifetime. In 2005, a World Health Organization study reported that more than 50% of women in Bangladesh, Ethiopia, Peru and Tanzania experienced physical or sexual violence by intimate partners. In the United States alone, 700,000 women are raped or sexually assaulted each year.

Many organizations and individuals have courageously campaigned to end violence against women and to gradually change the legal, social and cultural structures that fail to end violence against women.

#### 2 Tools For Action

- Individuals or groups can report and call for action in cases of violence against women by contacting the **UN Special Rapporteur on violence against women, its causes and consequences**. The Special Rapporteur is an independent investigator who seeks information

on violence against women and makes recommendations for its elimination. This position was created by the UN in 1994 and was first held by Ms. Radhika Coomaraswamy (1994 – 2003), followed by Ms. Yakin Ertürk (2003 – present).

The Special Rapporteur on violence against women collects information and takes action through:

**Individual Complaints** – Information from individuals and groups can be sent to the Special Rapporteur using a Questionnaire<sup>3</sup> which documents cases of violence against women. The Special Rapporteur will then present these cases to the government concerned and enter into dialogue with it. This allows the Special Rapporteur to request clarification of the violation and in some cases pressure the government to punish the perpetrator, provide compensation to the victim and prevent future violations.

**Country Visits** – The Special Rapporteur formally visits an average of two countries per year, meets with groups working to end violence against women and issues recommendations to a country.

**Annual Reports** – The Special Rapporteur submits annual reports on a particular theme related to violence against women, including research and recommendations that can be used as advocacy tools.

- The *Declaration on the Elimination of Violence against Women*, adopted by the UN General Assembly in 1999, defines and condemns violence against women. Although it does not have the same force of law as a convention or treaty, governments can be held to this document as a statement of commitment to eliminate and redress violence.

- Although the term ‘violence against women’ is not specifically used in the *Convention*, CEDAW produced **General Recommendation #12 on violence against women** in 1989. This document recommends that States report to CEDAW on the legislation, measures and support systems put in place to eliminate violence against women. **General Recommendation #19** of 1992 further elaborates on the need for States to actively eliminate violence against women in order to implement the *Convention*. It gives a series of recommendations to States to work to eliminate violence against women, both as a public and private act. Civil society actors can use these recommendations in the CEDAW process.

- **Amnesty International’s Stop Violence Against Women Campaign** has created an international network of resources and groups to end violence against women. Working through hundreds of local Amnesty International chapters and in partnership with other NGOs, the campaign calls international attention to local or national struggles for women’s rights and provides resources for individuals and groups. Campaign materials include Appeals for Action, thematic reports and Activist Toolkits with information on holding gender awareness workshops, building a campaign to stop violence against women in your community and the responsibilities of States to address violence against women.

<http://web.amnesty.org/actforwomen/>

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<sup>3</sup> see annex page 53

- **16 Days of Activism Against Gender Violence** is an international campaign raising awareness about gender violence as a human rights issue. The campaign is an organizing strategy for individuals and groups to call for an end to violence against women from 25 November, the International Day Against Violence Against Women until 10 December, International Human Rights Day. The 16-Day Campaign originated at the Center for Women's Global Leadership (CWGL) at Rutgers University in 1991 and has since been used in 130 countries.

Each year the campaign picks a specific theme such as Women's Health: HIV/AIDS (2005), and gives local groups resources to link their work on ending violence against women with work on the international level. The CWGL distributes Take Action Kits on the theme, providing materials on suggested community activities, information, and tools to pressure governments.

<http://www.cwgl.rutgers.edu/16days/home.html>

- **Other Campaign resources include:**

**UNIFEM: Not a Minute More** - <http://www.unifem.org/campaigns/november25/>

**Human Rights Watch: Women's Rights** - <http://www.hrw.org/women/>

**The White Ribbon Campaign** - <http://www.whiteribbon.ca/>

**Stop VAW – Minnesota Advocates for Human Rights** - <http://www.stopvaw.org/>

## Franciscan Perspectives

### Colombia

The ongoing internal conflict in Colombia, lasting almost 50 years, has caused an increase in violence against women, the displacement of over three million people, and the deaths and kidnappings of thousands. Franciscans throughout the country accompany those affected by the armed conflict, who are often women. Beatrice Quadrati, FI delegate in Colombia, explains.

The majority of the internally displaced persons that I visited since my arrival in Colombia are women, who had to leave their homes because of the conflict. Some of them had been victims of violence by armed groups (paramilitary, guerrilla and military). Following this violence, the psychological support, therapy and workshops provided by Franciscans to women have been very important in helping them to confront the memory of the violence they suffered and to start rebuilding their lives.

I noticed that Franciscan sisters particularly hold privileged relationships with women who openly share their problems and histories of abuse with them. Franciscans believe that women should be supported in their fight against the 'banalization' of violence against women. It is important that they become protagonists, have responsibilities and gain due respect from men starting from

those of their community. When engaged in educational projects, Franciscans also promote reciprocal respect between young women and men in relationships.

Steps to stop violence against women in Colombia must include:

- Denouncing at both national and international levels the violence committed against women by armed groups;
- Enabling and educating women victims of violence by family members, or other civilians in their community on their rights; and
- Educating men and particularly young men on a culture against violence against women.

Beatrice Quadranti, Colombia, May 2006

## United States

Violence against women is by no means a phenomenon that affects only developing countries. In 1997 in Missouri, USA, two Franciscan Sisters of Mary began walking the streets of St. Louis, listening to women, raising questions and learning more about their true needs. Out of these conversations and the dream of Sr Jeanne Meurer and Sr Irma Kennebeck to create a drop-in center for women in domestic violence situations, the Franciscan Sisters of Mary founded a new ministry: Woman's Place. Woman's Place is a safe place for women who have experienced domestic violence, sexual abuse or the violence of gender discrimination.

Woman's Place is the only freestanding drop-in center of hospitality and safety in the State of Missouri. All women are welcome, appointments are not necessary and there are no fees for services or programs. The primary focus is on the empowerment of women, especially those who have experienced violence in their lives. Only 30% of women who are abused receive the services of a battered women's shelter, thus Woman's Place fills the gap and provides immediate on-site and telephone crisis intervention and assistance to women who are abused.

The confidentiality and safety of our clients are primary concerns. Only first names are used. Among the direct services provided are: listening to the woman, domestic violence support groups, crisis intervention, case management and court advocacy. Self-empowerment educational programs on self-esteem, economic management and spiritual support groups are offered to all. A series of monthly educational programs are presented to the public on such topics as: Creative Coping, Managing our Losses, and Friends, Families and Colleagues of Abused Women.

Women come for socialization, and to receive emotional and psychological support from the staff and from one another. Over the past three years, approximately 2,010 visits were made to Woman's Place.

Our commitment to systemic change includes education to the civic, professional and religious communities on domestic violence and its impact on society.

Sr Jeanne Meurer, FSM, Co-Director, Woman's Place, March 2006

## B | Trafficking In Women And Girls

As long as there is a demand and market for trafficking in persons, the human rights abuses it entails will continue. Unsuccessful economic transition, bad governance, corruption and gender-based discrimination caused by deep-rooted patriarchal structures also aggravate the problem of trafficking in women.

Mrs Ndioro Ndiaye, Deputy Director General,  
International Organization for Migration, 2003

The traffickers deceive their victims with promises of employment opportunities and a better status of life. Due to various reasons, particularly to escape their conditions of extreme poverty and to support their family financially, these women have left their respective countries and become caught up in the network of prostitution.

Sr Fatima Mariasusai, FMSM, France, 2005

### 1 Overview

Human trafficking is a global phenomenon that strips victims of their identity, their freedom and their human dignity, forcing them into conditions of slavery. The trafficking of women and girls is one of the very worst manifestations of discrimination against women – viewing them as objects to be exploited for labor or for sexual exploitation.

Women and girls are particularly vulnerable to trafficking due to persistent inequalities in status and opportunity. Women and girls make up approximately 80% of cases of trafficking for forced labor, out of the approximate 2.5 million victims of this scourge. While women can be trafficked for sexual or economic exploitation, 98% of all those trafficked into forced sexual exploitation are women and girls.

The fight against trafficking demands the full implementation of legislation which punishes traffickers, while protecting victims. Social services for physical and psychological care of women and girls must be provided. The global nature of trafficking and border-crossing also calls for cooperation and collaboration between governments.

Strategies must also include action to address the deeper causes of trafficking that often push women to flee hopeless conditions in their home country for promises of a better life. These include poverty, lack of education and limited economic opportunities for women and girls, and unjust power relationships between women and men.

### 2 Tools for Action

- In 2004, a specific UN mechanism was created to focus on the human rights of trafficked persons. **A Special Rapporteur on trafficking in persons, especially women and girls** was appointed for a period of three years (2004 – 07). Ms. Sigma Huda from Bangladesh is the first person to hold this position. The Special Rapporteur on trafficking in persons collects

information on violations of the human rights of trafficked persons and takes action through:

**Individual Complaints** – Information from individuals and groups can be sent to the Special Rapporteur using a Questionnaire<sup>4</sup> which documents cases of trafficking. The Special Rapporteur can then take this information and use it to warn the concerned government about the situation and request further data on the measures a government is taking to guarantee that human rights are respected. All relevant actors and individuals can submit reliable information on trafficking and human rights violations.

**Country Visits** – The Special Rapporteur can formally visit an average of two countries per year to study the situation of human trafficking and make recommendations. Individuals and groups meet with the Special Rapporteur to explain their perspective on the situation of trafficking and what measures still need to be taken by governments.

**Annual Reports** – The Special Rapporteur submits reports annually to the UN on a particular theme related to trafficking, including recommendations for country action.

<http://www.ohchr.org/english/issues/trafficking/index.htm>

- The *UN Convention against Transnational Organized Crime* and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol)* were adopted in 2000 to coordinate an international response to trafficking and organized crime. The Palermo Protocol intends to “prevent and combat” trafficking in persons and facilitate international cooperation against such trafficking. Countries that have ratified this instrument must make human trafficking a criminal offence and provide measures to protect and assist victims. For more information on this protocol see: [http://www.unodc.org/unodc/en/trafficking\\_protocol.html](http://www.unodc.org/unodc/en/trafficking_protocol.html).

- The **Global Alliance Against Traffic in Women (GAATW)** is a network of non-governmental organizations from all regions of the world, who are committed to work for changes in the political, economic, social and legal systems and structures which contribute to the persistence of trafficking in persons. The GAATW applies a human rights-based approach to address trafficking issues looking at the core aspects of trafficking in persons: forced labor and services in all sectors of the formal and informal economy. Resources such as publications, workshops and information on events on combating trafficking are available through their website.

<http://www.gaatw.net/>

- **Anti-Slavery International**, founded in 1839, is the world’s oldest international human rights organization and works at local, national and international levels to eliminate the system of slavery around the world by:

- Urging governments of countries with slavery to develop and implement measures to end it;
- Lobbying governments and intergovernmental agencies to make slavery a priority issue;
- Supporting research to assess the scale of slavery in order to identify measures to end it;
- Working with local organizations to raise public awareness of slavery; and
- Educating the public about the realities of slavery and campaigning for its end.

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<sup>4</sup> see annex page 54

Since 2002, Franciscans International and Anti-Slavery International have run joint workshops (both in Geneva and in the field) on human trafficking and forced labour for their grassroots members.

<http://www.antislavery.org/>

- **End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes** (ECPAT) is a network of organizations and individuals that together work to eliminate the commercial sexual exploitation and trafficking of children. Based on a child rights approach, ECPAT advocates for the development of laws, policies and measures against child trafficking. ECPAT has tools and resources for non-governmental organizations, individuals, caregivers, legislators and law enforcement officials.

<http://www.ecpat.net>

- **Coalition Against Trafficking in Women** (CATW) supports campaigns, programs and projects that focus on addressing gaps in anti-trafficking programs prevention, prostitution law reform, human rights advocacy and documentation. As an umbrella organization for regional networks and groups, CATW supports anti-trafficking projects to address: the links between prostitution and trafficking; challenging the demand for prostitution that promotes sex trafficking; and protecting the women and children.

<http://www.catwinternational.org/campaigns.php>

- **Other Resources**

**Terre Des Hommes** - <http://www.terredeshommes.org>

**The Protection Project** - <http://www.protectionproject.org>

**US State Department Office to Monitor and Combat Trafficking in Persons** - <http://www.state.gov/g/tip>

**UN Global Programme against Trafficking in Human Beings** -

[http://www.unodc.org/unodc/en/trafficking\\_human\\_beings.html](http://www.unodc.org/unodc/en/trafficking_human_beings.html)

## Franciscan Perspective

### Italy

In Italy, 10,000 women are estimated to be victims of human trafficking for sexual exploitation. Many are trafficked into the country from Africa, Eastern Europe and South America. A secular Franciscan group, the Franciscan Sisters of New Jerusalem, run programs for women victims of trafficking to provide them with protection and social assistance. Ornella and Paola, two secular Franciscan women, share their experience working with victims of trafficking.

The Franciscan Sisters of New Jerusalem and the Secular Franciscan Order, in association with “Liberazione e Speranza” have two structures for women who are victims of trafficking. One is a house of refuge, which provides protection and safety for women who have recently escaped from the street. Women can stay a maximum of four months and live with the members of the SFO group. A second apartment is located in Novara, Italy where women victims have partial autonomy at the end of their re-integration. After some time spent here, they are able to integrate into Italian society, with new skills and a better awareness of their rights. The program has reached over 300 women and includes the following elements:

- Direct contact in the streets with the victims of trafficking by a specialized team of educators who build trusting relationships with victims leading them to join the program;
- Understanding the personal history of victims through weekly discussions with a psychologist and/or an educator to evaluate progress in a rehabilitation program;
- Access to health care services;
- Housing and accommodation in a residence with other victims and secular Franciscans;
- Legal assistance to obtain a residence permit and a passport and/or comprehensive legal assistance if the victim decides to cooperate with the competent authorities;
- Offering language courses to learn Italian;
- Offering information about Italian legislation and provisions relating to access to work;
- Ability to participate in one or more initiatives of professional formation and accompaniment during their integration into the labor market;
- Monitoring the “reception” of the individual into a family as a way to start an autonomous life with full integration and providing support to find autonomous housing;
- Working with the local administration and the national government to implement laws which provide assistance to victims, specifically Article 18 of the Immigration Law (Law 286 of 1998) declaring that victims of human trafficking have the right to benefit from a temporary (six-month), renewable residence permit. This permit is granted to allow non-nationals to escape from violent or abusive situations, or because they had decided to pursue criminal action against their traffickers. In accordance with the law, these people have to participate in a rehabilitation and social integration program, mostly run by local NGOs.

Since the first woman victim was helped, many things have changed in our program. We are now more professional, but more importantly, our experience with the suffering, the violence and especially the hope of so many women has brought us closer to God and to the most beautiful and the most ‘problematic’ humanity. Now we don’t think that we could live as SFO women with a life for God without being close to poverty and to the richness of people who experience real insecurity and danger on a daily basis.

In other words, this experience has changed our relationship with God, with our sisters and with humanity. Now we judge other people less and we are more passionate about justice and the law. We often have to deal with laws that are unfair. We also think about the conditions in the places these women have left, the culture that they have abandoned in order to integrate themselves here, and the way clients try to show their power over victims.

Discrimination against women is a very complex topic. Regarding prostitution in Italy, there is often a contradictory attitude. For most people, it is hard to believe that women that are on the street do not have a real professional option. We also think that the number of clients has increased so much in the last decades as a consequence of women’s emancipation – because many clients want to re-establish power and dominance over women. While the empowerment of the women in our world has many wonderful aspects, it has some unbelievably negative results as well. We are thinking of all the forms of sexual tourism and pedophilia of women – a phenomenon that is increasing. We can not accept that the result of the necessary empowerment of women is the embitterment of men who feel threatened and then increase unacceptable behaviour towards women.

At the same time, forms of gender discrimination (for example in employment) are still too common and we think that a more broad, more complete and more sincere discussion is needed, especially in terms of laws that we often hide behind.

Ornella Omodei Zorini, SFO and Paola Brovelli, SFO, Italy, May 2005

## C | Migrant Women

Only through active civic engagement can we continue to bring about systemic change and social change and eventually dismantle the institutional policies and practices that oppress migrant women.

Sr Liliane Alam FMM, 2006

### 1 Overview

As global mobility grows in scope and scale, migrants, and especially migrant women, face new challenges to protect their rights and to make their migration an empowering process. There are an estimated 200 million migrants worldwide. In 2000, the number of migrant women exceeded the number of migrant men for the first time in Latin America and the Caribbean, North America, Oceania, Europe and the former Soviet Union.

Many migrant women are among the most vulnerable to exploitation and abuse, mainly because they are outside the legal protection of their home countries and because they hold jobs not covered by labour legislation (domestic workers, caretakers, contract manual labourers, etc). Migrants often live in fear of losing their jobs, do not speak the language of the host country, are unaware that their rights are being infringed and do not know where to go for help. Women migrants are also likely to be the 'dependents' of men (wives or daughters) for legal status in the host country, regardless of their own independent status. Migrant women who have moved in an irregular manner may find their children are stateless and deprived of citizenship in the countries of residence or of origin.

Facing double discrimination as both migrants and women, the exploitation and violence they may endure is often invisible to society. On the other hand, with access to opportunities and the protection of migrants' rights, migration can be an important empowering tool for women.

### 2 Tools For Action

- Information on violations of the human rights of migrants and their families can be sent to the **UN Special Rapporteur on the Human Rights of Migrants**. This mechanism was created in 1999 to give an independent expert the ability to examine the obstacles migrants face in realizing their rights, and to recommend actions that can be taken at national, regional and international levels. The Special Rapporteur must also take into account a gender perspective and the multiple forms of discrimination faced by female migrants. Mr. Jorge Bustamante of Mexico was appointed to this position in 2005, following his predecessor, Ms. Gabriela Rodriguez Pizarro (1999 – 2005).

The Special Rapporteur collects information and takes action through:

**Individual Complaints** – Information on violations of migrants’ rights can be sent to the Special Rapporteur from individuals and groups using a Questionnaire.<sup>5</sup> The Special Rapporteur can raise concerns about reported incidents and request governments to comment on offer redress for the incident.

**Country Visits** – The Special Rapporteur can formally visit an average of two countries per year to meet with groups working to protect migrants’ rights and later issue recommendations.

**Annual Reports** – Reports on a particular theme related to migrants’ rights are submitted annually to the UN and include research and recommendations that can be used as advocacy tools.

- The **Migrant Worker’s Convention** (officially the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*) is the first legally-binding international instrument to incorporate the full range of human rights for all migrant workers and members of their families. It views migrant workers as people first, more than just labourers, and guarantees minimum rights standards. The Convention applies to the 34 countries that have ratified it as of 2006, and sets up a monitoring Committee for implementation.

Non-governmental organizations have joined together in an **International Platform on the Migrant Workers’ Convention**. This coalition works toward the implementation of the Convention and the associated website includes the latest developments on migration issues.

For more information see:

<http://www.december18.net/>

- **Other Resources:**

**International Organization for Migration** <http://www.iom.int/>

**International Labour Organization - Migration**

<http://www.ilo.org/public/english/protection/migrant/index.htm>

**UNESCO – International Migration Program**

<http://www.unesco.org/migration>

**Human Rights Watch** <http://www.hrw.org/campaigns/migrants/>

**Amnesty International** <http://web.amnesty.org/pages/refugees-index-eng>

**Migrant Rights International** <http://www.migrantwatch.org/>

## Franciscan Perspectives

### Lebanon

Middle Eastern countries, such as Lebanon, have increasingly become destination countries for migrants from Africa and Asia. When migrants arrive in the host country, they are often exploited by those who recruited them and are forced into jobs such as domestic work and construction

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<sup>5</sup> see annex page 56

with unfair salaries and the potential for abuse. NGOs are often able to intervene on behalf of migrants, especially women, to support their transition into a society with different laws, language, and culture. Sr. Lily George, a Franciscan Missionary of Mary, ministers to migrants through the Pastoral Committee for Afro-Asian Migrants in Lebanon. She shares her experiences.

Thousands of women are brought here [to Lebanon] every year to be domestic workers, but their real destination is exploitation! They have to go through a lot of bad treatment and also they are put in a condition of all kinds of restrictions and punishment by the agents who recruit them and by their employer. Even though there are laws to help them and ways to escape, the voice of these poor migrant women cannot be heard as they are in such a situation in which they may not even hear about these laws and their rights. There are many who are afraid of losing their salary, imprisonment or expulsion. So they choose to remain where they are, or often they choose to run away, leaving all their belongings (even their papers). Thus these women become 'illegal' and exposed to all kinds of further exploitation. Many are also put in detention centers and are in need of legal assistance, clothing, food, etc.

I'm fully engaged to help them whenever I can, and try to find the many kinds of help the women need: social, spiritual, moral, psychological and legal. They must be accompanied, protected, and listened to. I encourage the women who can go out to meet, organize prayer groups (according to their nationality or language, religion, etc). I choose the leaders and encourage them to help their own people and provide them the possibilities to celebrate their accomplishments. I also seek help from embassies and different lawyers to get their papers or other assistance. Being a member of the Pastoral Committee for Afro-Asian Migrants and also of Caritas Lebanon, I'm lucky to be accepted doing these tasks.

The responsibility of improving the status of women migrants first falls upon the governments of both sending and receiving countries. Everything depends on the law. So they need to be made aware of the problems in legislation and what is actually happening on the ground. I have experienced and I believe that the collaboration and cooperation with others who are involved in the same work is very helpful. Union is force and it uses resources more wisely. There is still much to be done to bring about conscientiousness in the society, especially among political and religious leaders. The children and the youth must be taught how to behave towards others, who are also just like them, who are human beings.

I think we must first inform ourselves about the status of women migrants around us and pass it to others. We each can engage ourselves with the work of different NGOs like FI or UN bodies that have programs and plans of action already established. We also have to make use of the media to accurately educate people on the treatment of human beings, their rights and the beauty of all cultures.

On the other side, we also have to help women to be informed and formed, making use of the information and the abilities of people, associations, and NGOs working on the same issue. Franciscans and religious groups have to collaborate and cooperate with the different partners for a comprehensive social, political and economic plan of action. In my experience, I know that they have already taken some great steps and we have to join to truly empower women together.

Sr Lily George, FMM, Lebanon, December 2005

## United States / Mexico

The border between the United States and Mexico stretches for 3,141 kilometers and has become a centerpiece in the controversial divide over migration issues. Every year, thousands of migrants from all over the world arrive into U.S. territory through El Paso, Texas, the fifth poorest city in the country. Sr Liliane Alam, FMM is Executive Director of Las Americas Immigrant Advocacy Center, working to protect the rights and dignity of migrants.

Since 1987, Las Americas Immigrant Advocacy Center has strived to meet the unmet legal needs of our world's most vulnerable immigrants, namely those caught in the immigration system, without money, legal representation, or the resources to advocate on their own behalf. Las Americas provides high-quality legal representation and advocacy to battered, undocumented immigrant women for whom abuse, neglect, and suffering have become a part of their daily lives in America. Too often the voices of these brave women have been silenced – by abusive spouses or partners, by their own fears, and by unresponsive government agencies. Las Americas works with these clients to navigate them through the complex and often cumbersome legal immigration and social service systems, to help them access the immigration benefits they deserve and engage in collective community organizing work on social justice issues that matter to them, their families, and their community, including domestic violence prevention, HIV and AIDS awareness, and environmental health.

In collaboration with outreach efforts by *Poder de la Mujer*, a full-scale education and organizing collective of over 300 former Las Americas clients (promotoras/peer-educators), immigrant women in our community have gained access to legal immigration status under the national Violence Against Women Act (VAWA), educational services related to domestic violence, legal protection for victims of sex-trafficking and sex-slavery, as well as new ties to a strong network of women survivors who provide the tools for developing leadership skills and their empowerment in order to create real social change.

In our experience, there are too few places for migrant and trafficked women to go to receive pro bono legal services and support. Las Americas carries an active caseload of immigrant women who have escaped domestic violence and seek legal immigrant status. Once these women have control over their ability to remain in this country, they can begin the hard work of rebuilding their lives emotionally and physically, supporting their children, and becoming active participants in their community. Recently, Las Americas has expanded its services to address the growing number of trafficking victims who have been transported to our region. Due to this critical change in human abuse, Las Americas has shifted to a “no minute lost” action plan to get victims access to available immigrant visas and social service providers. The foremost concern for Las Americas in our efforts to improve their status is to first provide these women with the security of legal status through effective legal advocacy and support, and then access to direct involvement in community efforts to improve the lives of other women who still face abuse, neglect, and inhumane treatment.

To end discrimination against women and in particular, migrant women, we must all work on many fronts. We must raise our voices in support of those advocating for change; we must participate in efforts to mobilize our local, state, national, and global community to act collaboratively to end anti-immigrant policies that adversely affect migrant women; and we must donate

our time, money, and efforts – all of which are in short supply in the current political climate of draconian, immoral legislation and increased border militarization – to ensure that our voices are heard.

Sr Liliane Alam, FMM, USA, February 2006

## D | HIV And AIDS And Women And Girls

Unless there is recognition that women are most vulnerable...and you do something about social and cultural equality for women, you're never going to defeat this pandemic.

Stephen Lewis, UN Special Envoy for HIV/AIDS in Africa, 2001

We must educate the wider community, especially around not being judgmental...our attitude should be that of Christ: be compassionate as your heavenly Father is compassionate, judge not and you will not be judged, condemn not and you will not be condemned.

Sr Miriam Duggan, FMSA, April 2006

### 1 Overview

The HIV and AIDS pandemic presents grave challenges for the global community and increasingly for women and girls. In 1997, 40% of all people living with HIV and AIDS were female; however in 2004 this number rose to 50%. Two thirds of all people living with the virus are in sub-Saharan Africa, and in this region 77% of all new infections are among women and young girls. The increasing feminization of HIV and AIDS demonstrates how gender inequalities and discrimination can impact individual lives, families, communities and nations.

HIV and AIDS-related stigma and discrimination often combine with and reinforce existing prejudices and inequalities. Many women must struggle not only with the biological effects of the virus, but they also must confront systemic discrimination in all of its forms, particularly as it applies to those living with HIV and AIDS. In many instances, women and girls are blamed for bringing disease and death into the family.

Women and girls are particularly vulnerable to contracting HIV because of biological, cultural, social and economic factors. Physical reproductive characteristics, power inequalities in relationships, sexual violence against women, and lack of women's access to education or gainful employment increase their vulnerability. Women also disproportionately lack information on HIV prevention and access to appropriate healthcare.

For women and girls who are pregnant or who breastfeed their children, not only are their lives at stake, but also that of their babies. Much more attention must be given to pre-natal care of expecting mothers and to the care of HIV-positive mothers and their children.

## 2 Tools For Action

- CEDAW recognizes the role of discrimination against women in preventing and controlling the spread of HIV and AIDS. In its **General Recommendation #15** on women and AIDS of 1990 the Committee insists that States must intensify efforts to disseminate information on the risk of HIV and AIDS, give special attention to the rights and needs of women and children, and enhance the role of women as care providers, health workers and educators in the prevention of new infections. States also are requested to include information about women and HIV and AIDS in reporting to CEDAW (Article 12 on health care). In addition, civil society is encouraged to provide information on gender-related aspects of the HIV and AIDS pandemic in their shadow or parallel reports to the Committee.

- The **Global Coalition on Women and AIDS** (GCWA) is a worldwide network of civil society groups, governments, UN agencies, and concerned citizens working together to ensure that women have better access to the various educational, medical and other responses to the AIDS pandemic. The Coalition is dedicated to empowering women to take control of their lives in a world with HIV and AIDS, stressing the fact that women are resilient and resourceful leaders and not simply powerless victims. Materials provided by the GCWA include advocacy tools, educational activities and other resources, and access to media archives. The Joint UN Programme on HIV and AIDS (UNAIDS) launched the Global Coalition on Women and AIDS. <http://womenandaids.unaids.org>

- The **UNIFEM Gender and HIV/AIDS Portal** is a project of the United Nations Development Fund for Women in collaboration with UNAIDS. This website provides up-to-date information on the gender dimensions of the pandemic and promotes understanding, knowledge sharing, and action on HIV and AIDS as a gender and human rights issue. It also includes an Operational Guide on Gender and HIV/AIDS – A Rights Based Approach which gives guidance to development programmers and practitioners on how to keep the complex links between gender, HIV and AIDS and human rights in their daily work. Website sections also provide information on using a gender and rights-based approach in the areas of programming, funding support, communications and networking and advocacy. <http://www.genderandaids.org>

- The **World AIDS Campaign** (WAC) is a global alliance that links local and international efforts in the fight against HIV and AIDS. WAC strives to ensure that governments and policymakers keep their promise to meet established targets to combat HIV and AIDS and to provide additional resources to civil society. Initiatives promoted by the WAC include World AIDS Day, which is celebrated annually on 1 December, week-long action programs, and other advocacy initiatives involving partner organizations. <http://www.worldaidscampaign.info>

### • Other Resources

**The United Nations Development Fund for Women: HIV/AIDS**

[http://www.unifem.org/gender\\_issues/hiv\\_aids/](http://www.unifem.org/gender_issues/hiv_aids/)

**Office of the High Commissioner for Human Rights: HIV/AIDS**

<http://www.ohchr.org/english/issues/hiv/index.htm>

**International Council of AIDS Service Organizations (ICASO)**

<http://www.icaso.org/index.html>

**Ecumenical Advocacy Alliance**

<http://www.e-alliance.ch/hivaids.jsp>

**Health Action Aid**

<http://www.phrusa.org/campaigns/aids/index.html>

## Franciscan Perspective

### Uganda

One of the countries on the frontlines of the HIV and AIDS pandemic in sub-Saharan Africa is Uganda. Despite early indications, Uganda has made significant strides in addressing the pandemic and has witnessed a decrease in new infections because of actions taken by government, medical institutions, religious and civil society groups and individuals. The Franciscan Missionary Sisters of Africa (FMSA) have played a major role in translating international efforts to prevent new infections and provide care and support to those living with, or affected by, HIV and AIDS. Sr Miriam Duggan, FMSA, has provided leadership in the areas of AIDS education, behaviour and attitudinal change, and the empowerment of both women and men to prevent new infections.

There is a lot spoken about discrimination against people living with HIV/AIDS, not just women. Men are often equally discriminated against with their peers, however culturally the woman is often the one blamed if the man first goes down with AIDS. To address this, good awareness programs about AIDS should be given to all. The men are much slower to turn up at such programs or to get tested, and then they blame the women if they say they have been tested and found positive. That is why it is good to have the couple come for testing and counseling together where it is possible.

From my experience the best and most effective ways to stop discrimination are:

- Get involved with people living with HIV/AIDS; know them as people, not as a disease.
- Lead by example. Many people discriminate out of fear. They are afraid that they might catch the disease if they come in contact with people who have the virus. If you show that you are not afraid, and you shake hands, give a hug, sit by the bedside, share a cup of tea, others will follow.
- Examine our own attitudes and behaviours and give witness to Gospel values. What would Jesus have done? I think He would be there in the midst of them. Group reflection and discussions provide important ways for people to examine their attitudes about relationships and also about various aspects of the HIV and AIDS pandemic. It is critical that we help people get in touch with their attitudes and fears. Only then can they get help to address them. Example questions include:

- How do you think, feel or act if you discover your friend is HIV positive?
- How do you think, feel and act if someone tells you they tested positive for HIV?
- How do you think, feel and act if your brother is dying of AIDS?
- Is AIDS a Punishment from God?

In terms of **prevention**, we regard awareness programs as only the first step in the process of identifying root causes. We must also explore why HIV is spreading, who are the most vulnerable, and what attitudes and behaviours contribute to its spread. The program we are using is entitled “Education for Life: A Behaviour Change Process.” The program leads people through a series of information and activity sessions over the course of three to five days. Stage one encourages participants to look at the reality around them, their relationships and behaviors, and to see where these might lead them 15 years from now. Stage two explores alternative behaviors such as abstinence before marriage and faithfulness in marriage. Stage three focuses attention on action; it encourages participants to choose behaviors and realize they have the power to change the way they live and act. I believe that unless we look at the behaviors and attitudes that contribute to the spread of HIV, we will never win the fight against this pandemic. Many men who participate in the program are transformed; they even change their attitudes toward women. We need not only to empower women; we must change men’s attitudes and behaviors as well. Ugandans have had good success using this program.

Our community also supports those affected by HIV and AIDS through:

**Support groups** - When people are diagnosed with HIV/AIDS they are invited to join a support group. At these support sessions, advice is given on how to remain healthy. They also provide a space for people to share stories, pray together and mutually encourage one another.

**Income-generating projects** - When many people fall ill because of opportunistic infections associated with HIV and AIDS, they lose their jobs. This happens even to those in the early stages of infection because of discrimination, or because of illness or lack of energy. A person very quickly becomes poor; they are excluded from social services; they collect no money for unemployment; they do not have any sick benefits. To redress this situation, we started small family income-generating projects to provide people with income, therapy, and community, and to provide them with dignity and hope. We choose projects carried out in or near the home. These projects include: chicken raising, selling goods in the local market, tailoring with sewing machines and materials to make men’s ties, and knitting materials to make woollen clothing. Those who were given projects were provided basic training on how to earn money and reinvest. Each month they come together to share their difficulties and success stories and encourage one another.

**Involvement at community level with the home care teams** - In several areas, we are involved with home care of AIDS patients through women’s volunteer programs at the community level. These women are provided training for work among a small number of patients within their local areas. Some of the volunteers are widows while others are themselves HIV positive. I marvel at their generosity and commitment to those most in need.

**Days of retreat and prayer** - One of the things patients most appreciate is the retreat days we offer to them. We were amazed at the first retreat when 250 people of different faiths turned up. They were all searching for consolation and courage. During these days we provide information on HIV and AIDS. We also create a space for group sharing, prayer for forgiveness and healing, lots of songs of praise, and a shared meal. Family members are also welcome.

**Legal support** - In several African countries, land and property 'belong' to the man. If the husband dies before the wife, the man's relatives take all property, often leaving the widow and the children with nothing. In several countries this situation is changing. Increasingly, women can inherit property, but it is important that the husband makes a will before he dies. Part of our work with people is to help them to make a will. We encourage women to get their husbands to make a will. Despite new legislation on inheritance rights, relatives of the man will still try to claim all property. Because of this, we have enlisted the free services of the Women's Lawyers Association to work with poor widows who are threatened by the deceased husband's relatives. Similar efforts have been made for those who are orphaned by AIDS, to make sure their rights to inheritance are protected.

**Memory books** - Women infected with HIV are encouraged and helped to create memory books, which include the history of the family, personal stories and photographs of parents and children at different stages of their lives. The purpose of these memory books is to make sure that those who are orphaned will know their families and will feel a connection with their deceased loved ones.

Our Christian duty is to reach out in love and meet the person in need wherever they are.

Sr Miriam Duggan, FMSA, April 2006

## E | Ageing Women

Women make up a clear majority of the world's older persons...the International Day of Older Persons underscores the need to recognize the different impact of ageing on women and men, to ensure full equality between them, and to integrate both a gender perspective and an age perspective into legislation, policies, programmes and efforts to eradicate poverty.

UN Secretary-General, Kofi Annan, October 1, 2005

St. Ann Center for Intergenerational Care keeps the community strong, and promotes the basic Franciscan values of mutuality and inclusivity. We need our older women as an integral part of our society for the preservation of the family and a healthier society.

Sr Edna Lonergan, OSF, May 2005

## 1 Overview

An emerging issue contributing to gender inequality is the discrimination faced by older women. By 2050, one in five persons will be over the age of 60. As women age, they face a double burden of discrimination, both as older people and as women.

Societies often view older people as unproductive burdens on their families and the nation, rather than figures of wisdom and experience. This causes older people, especially women, to face marginalization, discrimination, and exclusion from decision-making in social policy and programs, including those related to health and poverty alleviation.

At the same time, ageing women may suffer from the lifelong effects of gender bias and low social status. Women often enter old age with chronic ill-health as a result of years of poor nutrition, hard physical labour, multiple pregnancies, and limited access to health care. Compared with men, older women are also more likely to be poor, widowed, and economically dependent on their families. Older women carry additional burdens associated with their role as family caregivers, including caring for ageing relatives, older husbands, and orphaned grandchildren. They may also be more vulnerable to abuse or to harm caused by armed conflict or natural disasters.

The challenges to ageing women permeate all cultures and countries and are a clear manifestation of gender inequalities. The human rights of older women must be respected in order for them to maintain their dignity, independence, quality of life, and contributions to society.

## 2 Tools For Action

- The **Second World Assembly on Ageing** held in Madrid in 2002 marked a turning point in recognizing ageing as a global phenomenon to be included in the international development agenda. This means that ageing persons of society were recognized as participants in societal development and a resource for development. At the Madrid conference, 191 countries committed themselves to take action on the challenges posed by ageing through two key documents: a Political Declaration and the *Madrid International Plan of Action on Ageing*. The documents put forward over 100 recommendations for action based on three priority themes: older persons and development; advancing health and well-being into old age; and ensuring enabling and supportive environments.

The Madrid Plan followed the *Vienna International Plan of Action on Ageing* passed by the General Assembly after the first World Assembly on Ageing in 1982. The UN also adopted the Principles for Older Persons in 1991 giving priority attention to: independence, participation, care, self-fulfilment and dignity.

Today, the *Madrid International Plan of Action on Ageing* continues to be an important tool for pushing governments to fulfil their commitments to protect ageing persons. Each year, the General Assembly and the Secretary General report on the progress made to implement the Madrid Plan, with input from non-governmental organizations.

<http://www.un.org/ageing/>

- Many groups have also mobilized around the **International Day for Older Persons**, held each year on 1 October. By designating an international day for seniors, the UN gives recognition to their contributions to development and the challenges they face as a growing segment of the population. Annually, events are organized internationally and locally, such as media campaigns, inter-generational activities, seminars and public events. <http://www.un.org/depts/dhl/olderpersons/index.html>

- **HelpAge International** is a global non-profit network of organizations that work with, and for, older people to achieve a lasting improvement in the quality of their lives. HelpAge aims at influencing policies on ageing at the local, national and international levels and has four main focus areas: social protection and livelihoods, HIV/AIDS, rights, and emergencies. They also work to strengthen the capacity of non-governmental organizations that directly support older people in over 50 countries. <http://www.helpage.org/Home>

- **Global Action on Ageing** reports on older people's needs and potential within the global economy. It advocates by, with, and for older persons worldwide with a special focus on elder rights, health, pension watch, rural ageing, armed conflict and emergencies, and ageing at the UN. Global Action on Ageing also publishes a weekly newsletter and holds events and seminars around ageing issues. <http://www.globalaging.org/index.htm>

- **Other Resources:**

- **World Health Organization Goals of Active Ageing**

- <http://www.who.int/ageing/en/>

- **UN Programme on Ageing**

- <http://www.un.org/esa/socdev/ageing>

- **International Labour Organization Older Workers Recommendation**, 1980 (No. 162) [www.ilo.org](http://www.ilo.org)

## Franciscan Perspective

### United States

Sr Edna Lonergan, OSF is President and Founder of St Ann Center for Intergenerational Care, a day care center open to individuals of all ages in Milwaukee, Wisconsin, U.S. St. Ann Center strives to prevent premature institutionalization of the elderly and persons with disabilities. Their intergenerational programs bring clients of all ages together for planned and informal activities. Children benefit from positive one-on-one attention from nurturing, caring adults, and adults gain a sense of purpose by sharing wisdom and skills with children. St. Ann Center was selected as a model project by the White House Conference on Ageing in 1995, and by the Holy See delegation to the Madrid Conference on Ageing in 2002.

As a member of the Sisters of St Francis of Assisi, Sr Edna has been a lifelong advocate for the elderly and disabled and believes in celebrating the gifts of all people, no matter what their age.

In developing countries throughout the world, older women outnumber older men – there are 88 men per 100 women. Discrimination is two-fold in gender and age, based on inequality resulting in a lack of provision of opportunities for later life, individual development, self-fulfillment, and well being. Recognition of women's roles is of crucial importance in family life and intergenerational independence.

Women have a fundamental freedom to personal development throughout their lifespan with encouragement and support from families, communities, and the economy. Due to longer life spans, women today are facing nursing home placement, living wills, decreasing resources, guilt of dependence, disempowerment, decisions being made for them, and their care entrusted to others.

In April 2002, I was a delegate to the World Conference on Ageing in Madrid where I witnessed the global intent of all countries to unite in creating a society for all ages. It was also made clear that the situation of older women everywhere must be a priority in policy development, programs, legislation, and creating supportive environments to end discrimination against women.

Society must continue to find ways to integrate and empower older women for they play crucial roles in family and community life in caring for family members, maintaining households, volunteering in the community, and supporting families through paid employment.

**Older persons must be allowed to maintain their independence for as long as possible and to participate in decisions affecting their lives.** This is a primary consideration for St. Ann Center for Intergenerational Care in Milwaukee, Wisconsin, which provides community-based day services from 6 a.m. to 6 p.m. for persons of all ages and promotes mutual self-help within a community, thus banishing helplessness and loneliness. St. Ann Center has a program called the Rock-a-Bye Club in which older persons may provide daily one-on-one rocking for our youngest participants. One infant came to us abused and needed to be held constantly and fed every 20 minutes. Because of our older female clients, that opportunity was available and the baby thrived.

Many women in their 60s are caring for their mothers in their 80s and 90s. I am one of them. For the past three ½ years, I have cared for my 91-year-old mother with dementia and other chronic conditions that affect frail older persons. Although she is dependent on me for direction, still her life is given meaning by coming to St Ann Center where she plays the piano every day to the delight of clients and visitors.

Caregivers, who are in most cases women, often state they don't regret caring for their ageing parents, but what happens if they get sick or just need a break? To provide a place for frail elders or people with disabilities while their caregivers take care of their own medical needs or take a vacation, St. Ann Center is building an overnight respite care center attached to the present building.

Most of these caregivers are women responsible for both childcare and ageing parents without compensation, creating economic and social strain. Female caregivers due to their absence from the labour market suffer low pensions, forego promotions and economic stability, and lack access to legal protection.

An intergenerational community-based program like St. Ann Center facilitates the role of women in the transmission of skills, values, and cultural and spiritual heritage. This provides an image of older women that reflects their contributions, strengths, and resourcefulness. St. Ann Center provides economic assistance and a continuum of community-based care options that give frail elders a sense of purpose. St. Ann Center supports their right to make decisions about their own care, supports their integration within families and the community, and, in addition, supports their caregivers. This extends older persons' capacity for independent living thus maintaining the integrity of the family and the basic premise that God loves all of us equally.

Sr Edna Lonergan, OSF, May 2006

## SIX • Further Information

### A | Beijing Declaration And Platform For Action

“Beijing Betrayed, Women Worldwide Report that Governments Have Failed to Turn the Platform into Action.” Women’s Environment and Development Organizations, 2005.

<http://www.wedo.org/library.aspx?ResourceID=31>

### B | CEDAW

**General Information** - <http://www.un.org/womenwatch/daw/cedaw/>

**Using CEDAW** - [http://www.iwraw-ap.org/using\\_cedaw.htm](http://www.iwraw-ap.org/using_cedaw.htm)

“Bringing Equality Home, Implementing the Convention on the Elimination of All Forms of Discrimination Against Women.” UNIFEM, 1998.  
[http://www.unifem.org/attachments/products/BringingEqualityHome\\_eng.pdf](http://www.unifem.org/attachments/products/BringingEqualityHome_eng.pdf)

**Optional Protocol to the Convention**

<http://www.iwraw-ap.org/protocol.htm>

**US Ratification of the Convention**

Rassekh Milani, Leila. “Human Rights For All: CEDAW.” Working Group on Ratification of the UN Convention on the Elimination of Discrimination Against Women, 2001. <http://www.womenstreaty.org/>

### C | Development And Women

State of the World’s Mothers. Save the Children.

<http://www.savethechildren.org/publications/index.asp>

Millennium Development Goals and the Millennium Campaign

<http://www.millenniumcampaign.org>

### D | Peace And Security

Women, Peace and Security – <http://www.peacewomen.org/>

### E | Trafficking And Migration

“A Global Alliance Against Forced Labour.” International Labour Organization, Geneva. 2005.

“Handbook on Human Trafficking.” Franciscans International, Geneva. 2004. Revised edition available 2007.

“Handbook on Migrant Workers: Understanding UN Instruments for the Protection of Migrant Workers and their Families.” Franciscans International, Geneva. 2004. Revised edition available 2007.

“Antitrafficking Law in the USA.” Franciscans International, Geneva. 2007.

“Forced Labour.” Franciscans International, Geneva. 2007.

### F | Violence Against Women

Multi-Country Study on Women’s Health and Domestic Violence against Women. World Health Organization, Geneva, 2005.

[http://www.who.int/gender/violence/who\\_multicountry\\_study/en/index.html](http://www.who.int/gender/violence/who_multicountry_study/en/index.html)

## A N N E X

### A | Ratification of the Convention on the Elimination of Discrimination Against Women and its Optional Protocol

State	Convention	Optional Protocol
Afghanistan	05 March 2003	
Albania	11 May 1994	23 June 2003
Algeria	22 May 1996	
Andorra	15 January 1997	14 October 2002
Angola	17 September 1986	
Antigua and Barbuda	01 August 1989	
Argentina	15 July 1985	*Signature 28 February 2000
Armenia	13 September 1993	
Australia	28 July 1983	
Austria	31 March 1982	06 September 2000
Azerbaijan	10 July 1995	01 June 2001
Bahamas	06 October 1993	
Bahrain	18 June 2002	
Bangladesh	06 November 1984	06 September 2000
Barbados	16 October 1980	
Belarus	04 February 1981	03 February 2004
Belgium	10 July 1985	17 June 2004
Belize	16 May 1990	09 December 2002
Benin	12 March 1992	*Signature 25 May 2000
Bhutan	31 August 1981	
Bolivia	08 June 1990	27 September 2000
Bosnia & Herzegovina	01 September 1993	04 September 2002
Botswana	13 August 1996	
Brazil	01 February 1984	28 June 2002
Brunei Darussalam	24 May 2006	
Bulgaria	08 February 1982	*Signature 6 June 2000
Burkina Faso	14 October 1987	10 October 2005

Burundi	08 January 1992	*Signature 13 November 2001
Cambodia	15 October 1992	*Signature 11 November 2001
Cameroon	23 August 1994	07 January 2005
Canada	10 December 1981	18 October 2002
Cape Verde	05 December 1980	
Central African Republic	21 June 1991	
Chad	09 June 1995	
Chile	07 December 1989	*Signature 10 December 1999
China	04 November 1980	
Colombia	19 January 1982	*Signature 10 December 1999
Comoros	31 October 1994	
Congo	26 July 1982	
Costa Rica	04 April 1986	20 September 2001
Cote d'Ivoire	18 December 1995	
Croatia	09 September 1992	07 March 2001
Cuba	17 July 1980	*Signature 17 March 2000
Cyprus	23 July 1985	26 April 2002
Czech Republic	22 February 1993	26 February 2001
Democratic People's Republic of Korea	27 February 2001	
Democratic Republic of the Congo	16 November 1986	
Denmark	21 April 1983	31 May 2000
Djibouti	02 December 1998	
Dominica	15 September 1980	
Dominican Republic	02 September 1982	10 August 2001
Ecuador	09 November 1981	05 February 2002
Egypt	18 September 1981	
El Salvador	19 August 1981	*Signature 4 April 2001
Equatorial Guinea	23 October 1984	
Eritrea	05 September 1995	
Estonia	21 October 1991	
Ethiopia	10 December 1981	

Fiji	28 August 1995	
Finland	04 September 1986	29 December 2000
France	14 December 1983	09 June 2000
Gabon	21 January 1983	05 November 2004
Gambia	16 April 1993	
Georgia	26 October 1994	30 July 2002
Germany	10 July 1985	15 January 2002
Ghana	02 January 1986	*Signature 24 February 2000
Greece	07 June 1983	24 January 2002
Grenada	30 August 1990	
Guatemala	12 August 1982	09 May 2002
Guinea	09 August 1982	
Guinea-Bissau	23 August 1985	*Signature 12 September 2000
Guyana	17 July 1980	
Haiti	20 July 1981	
Honduras	03 March 1983	
Hungary	22 December 1980	22 December 2000
Iceland	18 June 1985	06 March 2001
India	09 July 1993	
Indonesia	13 September 1984	*Signature 28 February 2000
Iraq	13 August 1986	
Ireland	23 December 1985	07 September 2000
Israel	03 October 1991	
Italy	10 June 1985	22 September 2000
Jamaica	19 October 1984	
Japan	25 June 1985	
Jordan	01 July 1992	
Kazakhstan	26 August 1998	24 August 2001
Kenya	09 March 1984	
Kiribati	17 March 2004	
Kuwait	02 September 1994	
Kyrgyzstan	10 February 1997	22 July 2002

Lao Peoples Democratic Rep.	14 August 1981	
Latvia	14 April 1992	
Lebanon	21 April 1997	
Lesotho	22 August 1995	24 September 2004
Liberia	17 July 1984	*Signature 22 September 2004
Libyan A. Jamahiriya	16 May 1989	18 June 2004
Liechtenstein	22 December 1995	24 October 2001
Lithuania	18 January 1994	05 August 2004
Luxembourg	02 February 1989	01 July 2003
Madagascar	17 March 1989	*Signature 7 September 2000
Malawi	12 March 1987	*Signature 7 September 2000
Malaysia	05 July 1995	
Maldives	01 July 1993	13 March 2006
Mali	10 September 1985	05 December 2000
Malta	08 March 1991	
Marshall Islands	02 March 2006	
Mauritania	10 May 2001	
Mauritius	09 July 1984	*Signature 11 November 2001
Mexico	23 March 1981	15 March 2002
Micronesia	01 September 2004	
Monaco	18 March 2005	
Mongolia	20 July 1981	28 March 2002
Morocco	21 June 1993	
Mozambique	16 April 1997	
Myanmar	22 July 1997	
Namibia	23 November 1992	26 May 2000
Nepal	22 April 1991	*Signature 18 December 2001
Netherlands	23 July 1991	22 May 2002
New Zealand	10 January 1985	07 September 2000
Nicaragua	27 October 1981	
Niger	8 October 1999	30 September 2004

Nigeria	13 June 1985	22 November 2004
Norway	21 May 1981	05 March 2002
Oman	07 February 2006	
Pakistan	12 March 1996	
Panama	29 October 1981	09 May 2001
Papua New Guinea	12 January 1995	
Paraguay	06 April 1987	14 May 2001
Peru	13 September 1982	09 April 2001
Philippines	05 August 1981	12 November 2003
Poland	30 July 1980	22 December 2003
Portugal	30 July 1980	26 April 2002
Republic of Korea	27 December 1984	
Republic of Moldova	01 July 1994	28 February 2006
Romania	07 January 1982	25 August 2003
Russian Federation	23 January 1981	28 July 2004
Rwanda	02 March 1981	
Saint Kitts and Nevis	25 April 1985	20 January 2006
Saint Lucia	08 October 1982	
St. Vincent & the Grenadines	04 August 1981	
Samoa	25 September 1992	
San Marino	10 December 2003	10 September 2005
Sao Tome and Principe	03 June 2003	*Signature 6 September 2000
Saudi Arabia	07 September 2000	
Senegal	05 February 1985	26 May 2000
Serbia and Montenegro	12 March 2001	31 July 2003
Seychelles	05 May 1992	*Signature 22 July 2002
Sierra Leone	11 November 1988	*Signature 8 September 2000
Singapore	05 October 1995	
Slovakia	28 May 1993	17 November 2000
Slovenia	06 July 1992	23 September 2004

Solomon Islands	06 May 2002	06 May 2002
South Africa	15 December 1995	18 October 2005
Spain	05 January 1984	06 July 2001
Sri Lanka	05 October 1981	15 October 2002
Suriname	01 March 1993	
Swaziland	26 March 2004	
Sweden	02 July 1980	24 April 2003
Switzerland	27 March 1997	
Syrian Arab Republic	28 March 2003	
Tajikistan	26 October 1993	*Signature 7 September 2000
Thailand	09 August 1985	14 June 2000
The former Yugoslav Republic of Macedonia	18 January 1994	17 October 2003
Timor-Leste	16 April 2003	16 April 2003
Togo	26 September 1983	
Trinidad and Tobago	12 January 1990	
Tunisia	20 September 1985	
Turkey	20 December 1985	29 October 2002
Turkmenistan	01 May 1997	
Tuvalu	06 October 1999	
Uganda	22 July 1985	
Ukraine	12 March 1981	26 September 2003
United Arab Emirates	06 October 2004	
United Kingdom of Great Britain & Northern Ireland	07 April 1986	17 December 2004
United Republic of Tanzania	20 August 1985	12 January 2006
United States of America	*Signature 17 July 1980	
Uruguay	09 October 1981	26 July 2001
Uzbekistan	19 July 1995	
Vanuatu	08 September 1995	
Venezuela	02 May 1983	13 May 2002

Viet Nam	17 February 1982	
Yemen	30 May 1984	
Zambia	21 June 1985	
Zimbabwe	13 May 1991	

## B | Special Rapporteurs' Questionnaires

### 1 Questionnaire: Special Rapporteur On Violence Against Women, Its Causes And Consequences

#### Confidential Violence Against Women Information Form

**1. PETITIONER** : (This information, if taken up by the Special Rapporteur, will remain confidential).

- (a) Name of person/organization:
- (b) Relationship to victim(s):
- (c) Address:
- (d) Fax/tel/e-mail, web-site:
- (e) Date petition sent:
- (f) Other:

#### 2. ALLEGED INCIDENT

##### (i) Information about the victim(s):

- (a) Name:
- (b) Sex:
- (c) Date of Birth or Age:
- (d) Nationality:
- (e) Occupation:
- (f) Ethnic/religious/social background, if relevant:
- (g) Address:
- (h) Other relevant information (such as passport, identity card number):
- (i) Has the victim(s) given you her consent to send this communication on her behalf?
- (j) Has the victim(s) been informed that, if the Special Rapporteur decides to take action on her behalf, a letter concerning what happened to her will be sent to the authorities?
- (k) Is the victim(s) aware that, if this communication is taken up, a summary of what happened to her will appear in a public report of the Special Rapporteur?
- (l) Would the victim(s) prefer that her full name or merely her initials appear in the public report of the Special Rapporteur?

*(Please note that the full names of victims appear in communications with governments unless it is indicated that exposing the victims' names to the government would place the victims at risk of further harm. In the public report, the names of victims under the age of 18 and victims of sexual violence will not be disclosed, but initials will be used)*

**(ii) Information regarding the incident:**

- (a) Detailed description of human rights violation:
- (b) Date:
- (c) Time:
- (d) Location/country:
- (e) Number of assailants:
- (f) Is the assailant(s) known or related to the victim? If so, how?
- (g) Name or nickname of assailant(s) (if unknown, description, scars or body marks such as tattoos, clothes/uniform worn, title/status, vehicle used):
- (h) Does the victim believe she was specifically targeted because of her sex? If yes, why?
- (i) Has the incident been reported to the relevant State authorities? If so, which authorities? And when?
- (j) Have the authorities taken any action after the incident? If so, which authorities? What action? When?
- (l) If the violation was committed by private individuals or groups (rather than government officials), include any information which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations.
- (m) Has the victim seen a doctor after the incident took place? Are there any medical certificates/notes relating to the incident concerned?

**(iii) Laws or policies which are or are likely to cause or contribute to violence against women:**

- (a) If your submission concerns a law or policy, please summarize it and the effects of its implementation on women's human rights. Provide concrete examples, when available.  
*Please inform the Special Rapporteur of any further information which becomes available after you have submitted this form, including if your concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.*

Please Return To

The Special Rapporteur On Violence Against Women, Office Of The High Commissioner For Human Rights,  
OHCHR-UNOG, 1211 Geneva 10, Switzerland  
Fax: 00 41 22 917 9006, e-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

**2 Questionnaire: Special Rapporteur On Trafficking In Persons, Especially Women And Children**

**1. GENERAL INFORMATION**

- Does the incident/violation involve an individual or a group? (If it involves a group please state the number of people involved and the characteristics of the group: number of women, men, or minors):
- Country(ies) in which the incident took place:
- Nationality(ies) of the victim(s):

**2. IDENTITY OF THE PERSONS CONCERNED** (*Note: if more than one person is concerned, please attach relevant information on each person separately.*)

- Family name:
- First name:
- Sex:
- Birth date or age:
- Nationality(ies):

**3. INFORMATION REGARDING THE ALLEGED VIOLATION**

- Date:
- Place (location - country/countries):
- Time:
- The nature of the incident (please describe the circumstances with reference to the information above)
- Number of perpetrator(s):
- Is the perpetrator(s) known to the victim?
- Nationality of perpetrator(s)
- Agents believed to be responsible for the alleged violation:
- State agents (specify):
- Non-State agents (specify):
- If it is unclear whether they were State or non-State agents, please explain why.
- If the perpetrators are believed to be State agents, please specify (military, police, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.
- If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.

**4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANY ONE ELSE ON HIS/HER BEHALF**

- Indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e, police, prosecutor, court).
- Other steps taken:
- Steps taken by the authorities:
- Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken?
- In case of complaints by the victim or his/her family, how have those authorities of other competent bodies dealt with them? What has been the outcome of those proceedings?

**5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM**

- Family name:
- First name:
- Specify Status: individual, group, non-governmental organization, inter-governmental agency, government.
- Contact number or address (please indicate country and area code):

-Fax:  
-Tel:  
-Email:  
-Please state whether you want your identity to be kept confidential.  
Signature of author and date

The questionnaire should be sent to:  
Special Rapporteur on trafficking in persons  
c/o Office Of the High Commissioner for Human Rights  
United Nations at Geneva  
8-14 avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: (+41 22) 917 90 06  
E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (please include in the subject box: Special Rapporteur on trafficking in persons)

### 3 Questionnaire: Special Rapporteur On The Human Rights Of Migrants

The objective of this questionnaire is to have access to precise information on alleged violations of the human rights of migrants. The Special Rapporteur may raise her concerns about the incidents reported and request Governments make observations and comments on the matter.

Please indicate whether the information provided is confidential (in the relevant sections).

#### 1. GENERAL INFORMATION: (Please mark with an X when appropriate)

Does the incident involve an individual \_\_\_\_\_ or a group\_\_\_\_\_ ?

If it involves a group please state the number of people involved \_\_and the characteristics of the group:

Number of Men \_\_\_\_\_

Number of Women \_\_\_\_\_

Number of Minors \_\_\_\_\_

Country in which the incident took place \_\_\_\_\_

Nationality of the victim(s) \_\_\_\_\_

#### 2. IDENTITY OF THE PERSONS CONCERNED:

Note: if more than one person is concerned, please attach relevant information on each person separately.

1. Family name:

2. First name:

3. Sex: \_\_ male \_\_ female

4. Birth date or age:

5. Nationality(ies):

6. Civil status (single, married, etc.):

7. Profession and/or activity (e.g. trade union, political, religious, humanitarian/solidarity/human rights, etc.)

8. Status in the country where the incident took place:

- Undocumented \_\_\_\_\_
- Transit \_\_\_\_\_
- Tourist \_\_\_\_\_
- Student \_\_\_\_\_
- Work Permit \_\_\_\_\_
- Resident \_\_\_\_\_
- Refugee \_\_\_\_\_
- Asylum seeker \_\_\_\_\_
- Temporary protection \_\_\_\_\_
- Other (please specify) \_\_\_\_\_

**3. INFORMATION REGARDING THE ALLEGED VIOLATION**

1. Date:
2. Place:
3. Time:
4. The nature of the incident (Please describe the circumstances of the incident):
5. Was any consular official contacted by the alleged victim or the authorities? (Please explain)
6. Was the alleged victim aware of his/her right to contact a consular official of his/her country of origin? (Please explain)
7. Agents believed to be responsible for the alleged violation

State Agents (specify)

Non-state Agents (specify)

If it is unclear whether they were state or non-state agents please explain why.

If the perpetrators are believed to be State agents, please specify (military, police, agents of security services, unit to which they belong, rank and functions, etc.) and indicate why they are believed to be responsible; be as precise as possible:

If an identification as State agents is not possible, do you believe that Government authorities, or persons linked to them, are responsible for the incident? Why?

**4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANY ONE ELSE ON HIS/HER BEHALF:**

(a) Indicate if complaints have been filed, when, by whom, and before which organ.

(b) Other steps taken:

(c) Steps taken by the authorities:

Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken?

In case of complaints by the victim or his/her family, how have the organs dealt with them? What is the outcome of those proceedings?

**5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM:**

Institution: \_\_\_\_\_

Individual: \_\_\_\_\_

NAME:

Contact number or address (please indicate country and area code):

FAX :

TEL:

Email:

Date you are submitting this form: \_\_\_\_\_

The questionnaire should be sent to:

Special Rapporteur on the Human Rights of Migrants

Office of the High Commissioner for Human Rights

United Nations

1211 Geneva 10

Switzerland

Fax: (+41 22) 917 90 06

E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (please include in the subject box: Special Rapporteur HR Migrants)