

- ▶ customs and practices promoting son preference and encouraging sex-selective abortions and female infanticide be eliminated;
- ▶ studies be commissioned to assess the impact of new technology on violence against women;
- ▶ strategies be developed to combat images perpetuating violence against women, without violating freedom of speech and expression;
- ▶ the concept of hate speech be developed so that speech and expression which are violent and abusive to women become unacceptable in the community; and
- ▶ educational curricula be revised in order to develop sensitive attitudes with regard to violence against women at an early stage of children's development.

On the issue of state responsibility for non-state actors and the basis upon which UN human rights mechanisms may or may not consider abuses by non-state entities and individuals, the SR recalls that, in the past, a strict interpretation of human rights law considered that the state is only responsible for its own actions or that of its agents, and that action by private actors is a matter of criminal justice. In recent times, however, this approach has given way to more realist thinking which holds that states are expected to exercise due diligence in preventing, prosecuting and punishing those who perpetrate violence against women, whether those acts are perpetrated by the state or by private actors. Following on this, the SR reasserted that the emergence of state responsibility for violence in society plays an absolutely crucial role in efforts to eradicate gender-based violence and is perhaps one of the most important contributions of the women's movement to the issue of human rights.

#### **Resolutions of the Commission on Human Rights**

At its 1997 session, the Commission adopted by consensus a number of resolutions on women's human rights generally. Three resolutions addressed the issue of violence against women and one addressed integrating women's human rights throughout the UN system.

#### **Violence against Women**

In the first, on the elimination of violence against women (1997/44), the Commission, *inter alia*: welcomed the adoption, in 1993, of the Declaration on the Elimination of Violence against Women; recalled that the Vienna Declaration and Programme of Action reaffirmed that gender-based violence and all forms of sexual harassment and exploitation must be eradicated; expressed concern that some women are particularly vulnerable to violence, including those belonging to minorities, indigenous women, refugees, migrants, women living in rural or remote communities, women living in destitution, elderly women, women in situations of armed conflict, and girls and women in institutions or detention; expressed alarm at the increase of sexual violence against women and children in situations of armed conflict and reiterated that such acts are grave breaches of international humanitarian law; welcomed progress achieved in the Beijing concluding document in some areas such as violence against women, women and armed conflict and women's human rights; stressed the importance of working towards the elimination of violence against women in public and private life;

commended the SR for her analysis of violence in the family and community; emphasized the duty of governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and punish acts of violence against women, whether perpetrated by the state or by private persons; emphasized the duty of governments to provide access to just and effective remedies and specialized assistance to victims; condemned all violations of women's human rights in situations of armed conflict and recognized them as violations of international human rights and humanitarian law; called for a particularly effective response to violations in situations of armed conflict and particularly murder, systematic rape, sexual slavery and forced pregnancy; encouraged states participating in the drafting of the statute for the International Criminal Court to give full consideration to integrating a gender perspective; requested all governments to cooperate with and assist the SR; requested human rights treaty bodies and other special rapporteurs, UN entities, intergovernmental and non-governmental organizations to cooperate with and assist the SR; stressed the conclusion of the SR that states have a positive duty to promote and protect women's human rights and exercise due diligence; called on states to ratify and/or implement international human rights norms and instruments as they relate to violence against women; called on states to include in their reports to treaty bodies gender-disaggregated information and information on violence against women, and measures to implement the Beijing concluding document; called on states to condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid obligations to eliminate such violence; called on states to take action to eradicate violence in the family and community; called on states to enact and/or enforce penal, civil, labour and administrative sanctions to punish and redress wrongs done to women and girls subjected to any form of violence; called on states to enact and/or enforce legislation protecting girls from all forms of violence, including female infanticide, prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography; called on states to develop age-appropriate safe and confidential programs and medical, social and psychological support services to assist girls subjected to violence; called on states to establish and carry out training programs for judicial, legal, medical, social, education, police and immigration personnel; called on states to enact and/or enforce legislation to ensure effective protection against rape, sexual harassment and all other forms of violence; called on states that are not parties to the Women's Convention (CEDAW) to work actively towards ratification of or accession to it so that universal ratification can be achieved by year 2000; and, continued the mandate of the Special Rapporteur for a further three years.

#### **Violence against Women Migrant Workers**

The second resolution (1997/13) was partially based on the 1996 report of the Secretary-General (A/51/325) on violence against women migrant workers. The Commission, *inter alia*: noted that women migrant workers seek employment abroad because of poverty, unemployment in their home country and other socio-economic conditions; acknowledged the duty of sending states to work for conditions that provide employment and security to their citizens; expressed concern at reports of abuses and violence committed against women