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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL, INCLUDING THE  
RIGHT TO DEVELOPMENT**

**Report of the Special Rapporteur on violence against women,  
its causes and consequences, Yakin Ertürk**

Addendum

**The Next Step: Developing Transnational Indicators on Violence Against  
Women<sup>\* \*\*</sup>**

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<sup>\*</sup> Owing to its length, the report is circulated as received, in the language of submission only.

<sup>\*\*</sup> The report was submitted late in order to reflect the most recent information.

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## Introduction

1. Violence against Women (VAW) can be deemed an issue “whose time has come” (Timothy & Freeman, 2000).<sup>1</sup> Following the designation of VAW in the Beijing Platform for Action as one of twelve priority areas of action it has progressively moved up the political and policy agendas of nations and the United Nations, including now being ‘read into’ human rights thinking and the process of State reporting under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In the Millennium Declaration, heads of State resolved to combat all forms of violence against women, and the twenty-sixth special session of the General Assembly in 2001 emphasized the need to eliminate all forms of violence against women and girls as a way to reduce their vulnerability to HIV/AIDS. The Secretary General’s “In-depth study on all forms of violence against women”,<sup>2</sup> was published in October 2006.

2. Building on gains made at the World Conference on Human Rights (Vienna, 1993), the Beijing Platform for Action stated that VAW violates, impairs or nullifies women’s enjoyment of their human rights (para 112). Three strategic objectives were set:

D.1: Take integrated measures to prevent and eliminate violence against women.

D.2: Study the causes and consequences of violence against women and the effectiveness of preventive measures.

D.3: Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

3. In addition, governments were to: implement international human rights norms and instruments relating to VAW; adopt, implement and periodically review legislation, emphasize prevention of violence and prosecution of offenders. The

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<sup>1</sup> The Special Rapporteur would like to thank Liz Kelly, professor at London Metropolitan University, for her research conducted with the support of Rebecca Davenport, Miranda Horvath and Lorna Kennedy. The result of this research is contained in the present document.

<sup>2</sup> Report of the Secretary General, In depth study on all forms of violence against women. United Nations General Assembly, Sixty-first session. A/61/122/Add.1 Available from <http://daccessdds.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>

Platform for Action also called on national and regional statistical services to develop and improve data on VAW.

4. The United Nations Division for Advancement of Women (UNDAW) has linked the Beijing Platform for Action to CEDAW, drawing attention to: Article 3 take all appropriate measures, including legislation; Article 6 Trafficking; and general recommendation No. 19, which suggests obligations to address violence against women under each Convention article. Limited accountability processes were built into the post-Beijing process, although the Committee on the Elimination of Discrimination against Women and NGO skills using United Nations processes have enhanced existing possibilities.

5. Evaluating claims made by States to have fulfilled their obligations is facilitated where data is gathered systematically, disaggregated into relevant categories and presented over time. For almost two decades through various United Nations processes, the extent to which such data is dramatically lacking in relation to women and girls has been repeatedly highlighted, alongside reports that document progress.<sup>3</sup> Moreover, there is limited formal agreement at the international level as to appropriate indicators or benchmarks for assessing progress over time.<sup>4</sup>

6. In this context the question of indicators on VAW has been raised with increasing regularity in recent years, as a number of actors asserted the necessity of improving monitoring mechanisms on State compliance with obligations. In 1999 the Special Rapporteur on violence against women its causes and consequences (Special Rapporteur on VAW) noted the need to develop indicators to monitor State responses to VAW. UNIFEM summarised these into three areas: firstly inputs – did States have a policy, a legal framework, allocate resources; secondly what was the architecture and extent of services, how aware and skilled were professionals and what efforts were being made to raise awareness and prevent violence; thirdly how is violence

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<sup>3</sup> United Nations Department of Economic and Social Affairs (2005) *The World's Women 2005 Progress in Statistics*. New York, UN.

<sup>4</sup> Timothy, K. and Freeman, M. (2000) *The CEDAW Convention and the Beijing Platform for Action: Reinforcing the Promise of the Rights Framework*. Minneapolis: Hubert H. Humphrey Institute of Public Affairs, University of Minnesota.

measured, what data is collected on its extent and its toleration. These remain key areas of concern, with the possible addition of outcomes and evaluation.

7. This report is a further step in this project, undertaken following a call by Member States in the 2003 resolution of the Commission on Human Rights to develop proposals for indicators on violence against women. The terms of reference for the consultancy mandated by the Special Rapporteur on VAW further stated that:

Informal consultations with women's human rights activists reveals that there is a great need for reliable indicators on violence against women in order to establish systematic data collection methods and to develop indices to measure and monitor the incidence of violence against women. Certain work has already been done on human rights indicators and on indicators on violence against women, at the national, regional and international levels.

8. The Special Rapporteur on VAW's report in 2006 focused on due diligence, and pointed to the necessity of States acting in good faith and taking positive steps to address and eliminate VAW.<sup>5</sup> She elaborated:

A further general principle is the duty to ensure that interventions designed to prevent and respond to violence against women are based on accurate empirical data. To date, there has been very little effort put into monitoring and assessing the impact of initiatives taken to end violence against women. The report of the expert group meeting on good practices, organized in conjunction with the Secretary-General's study on violence against women, notes that while collections of good practices have been established in some areas, the criteria for defining what constitutes a good or promising practice as well as for assessing the effectiveness of these interventions have so far been lacking. There is a glaring need to establish reliable statistics and indicators concerning violence against women and the evaluation of interventions designed to eliminate it. (para 37)

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<sup>5</sup> The Due Diligence Standard As A Tool For The Elimination Of Violence Against Women, Report of the Special Rapporteur on violence against women, its causes and consequences, E/CN.4/2006/61, 20 January 2006

9. The Secretary General, in his 2006 Study,<sup>6</sup> reiterated the responsibilities of State parties. Paragraphs 2 and 4 connect obligations to create and use knowledge and tools, such as indicators, to the goal of eliminating VAW:

States have an obligation to protect women from violence, to hold perpetrators accountable and to provide justice and remedies to victims. Eliminating violence against women remains one of the most serious challenges of our time. The knowledge base and tools to prevent and eliminate violence against women developed over the past decade must be utilized more systematically and effectively to put a stop to all violence against women. This requires clear political will, outspoken, visible and unwavering commitment at the highest levels of leadership of the State and the resolve, advocacy and practical action of individuals and communities... Progress in the development of international legal norms, standards and policies has not been accompanied by comparable progress in their implementation at the national level, which remains insufficient and inconsistent in all parts of the world. Similarly, while data on the nature, prevalence and incidence of all forms of violence against women has increased significantly in recent years, information is not yet comprehensive. (para 185)

10. Urgency with respect to the creation of indicators is noted later in the Secretary General's Study, alongside the range of interests and stakeholders involved. A proposed mechanism for the next steps is presented in the conclusion. The Secretary General makes explicit reference to the need for progress on indicators on violence against women:

Both policymakers and activists have called for the development of a comprehensive set of international indicators on violence against women. These international indicators would need to be based on widely available and credible data collected at the national level, using comparable methods to define and measure violence... These are needed for three main purposes:

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<sup>6</sup> See footnote 4 above.

- (a) To persuade policymakers of the need to take action to address violence against women: the most compelling evidence has been based on household surveys that measure the extent and characteristics of different forms of violence against women...;
- (b) To measure access and quality of services to survivors of violence: this information is generally derived from the administrative records of the criminal justice system, health and social services or of NGOs that provide services to survivors of violence or from research on women's perceptions and use of services. Evaluation research, using both qualitative and quantitative methods, is key to assessing the effectiveness of programmes;
- (c) To monitor the progress of States in meeting their international obligations to address violence against women: relevant indicators would measure the impact of policies through changes in the prevalence and incidence of violence, progress in the establishment of legal and policy reforms, availability of services and budgetary allocations to address violence against women. (Para 236)

11. The key role of the Special Rapporteur on VAW in facilitating the process of developing indicators is acknowledged by the Secretary General, and she is invited to make proposals. The proposal for an indicator on intimate partner violence by The Millennium Project Task Force on Education and Gender Equality is also referred to.

#### **Indicators and research agendas**

12. Research, data and evidence has played a critical part in establishing the scale of VAW nationally and transnationally. What is less recognised is the range of research that has played a part, and the importance of the depth and breadth of the knowledge base at national, regional and global levels. National prevalence surveys built on methodologies developed at community and college levels, and we know most about the dynamics and impacts of abuse from qualitative or multi-



methodological studies with victims and perpetrators. Studies of professionals and institutions have also revealed not only promising practices but also the barriers and resistances to change. Whilst lacking in some dimensions, evaluation and documentation has offered insight and direction with respect to the effectiveness of legal reforms, interventions and innovations in policy and practice. All of these layers of knowledge, the involvement of academics, government statisticians, policy makers, institutions, and NGOs will be needed to create robust and extensive data that can be the foundation for a suite of indicators.

13. The creation of indices to track State progress with respect to internationally agreed goals has developed considerably over the last decade, exemplified by the Millennium Development Goals (MDGs). With respect to VAW the task is challenging and contested, illustrated by the widespread support for the idea, but limited progress made in agreeing what should be measured and how. At the same time, as the role of VAW in maintaining and reproducing gender inequality, including undermining the achievement of the MDGs, has become more widely recognised, interest in indicators has intensified. A number of United Nations agencies such as the World Health Organizations and State parties have expressed interest, and support, for this project, as have bodies such as the European Union. A number of timely initiatives could be harnessed to meet the Secretary Generals request, although there is also a risk of duplication and even competing proposals.

14. No claims are made in this report to resolving longstanding academic debates on how to define and measure forms of violence. Rather a set of issues and questions that are often neglected are foregrounded, and proposals made which recognise both the need for global measurements, alongside appreciation of local contexts and meanings. Most significantly the focus of United Nations policy and the Special Rapporteur on VAW's remit to address all forms of VAW has been taken as the first point of departure. This in turn leads to a stress on the necessity of extending the marked focus to date on intimate partner violence (IPV). Other important themes are the need to document changes over time, and the neglected area of attitudes, tolerance and prevention. All are critical to the United Nations mandate that States should address and eliminate VAW.

15. The report is presented in nine sections which lay out the foundations and thinking behind the proposals for indicators. The sections address: the aims and methodology; indicators and human rights; existing proposals in relation to VAW; measuring violence; assessing State progress; proposals on indicators and conclusions.

## **II. Aims and methodology**

16. The terms of reference for the consultancy specified two linked tasks: to develop indicators on measuring violence against women and on actions taken by States to eliminate violence against women. The terms of reference further specified that the work would comprise:

- Review and analyze existing studies, surveys and reports which relate to indicators on violence against women for mapping out the indicators used to measure prevalence, response and accountability for violence against women and identifying the remaining gaps.
- Carry out consultations with people, institutions and agencies developing indicators on violence against women. Consultations should be wide and could take varying forms, such as an online forum, questionnaires, and targeted email and phone contact. Consultation would be sought with:
  - Member States – a questionnaire to be sent to all Member States seeking information on their efforts at developing indicators and measurement techniques on violence against women, as well as measures to eliminate violence against women
  - United Nations agencies – many United Nations agencies have worked on indicators that are related to violence against women, including World Health Organisation, UNICEF, UNFPA, UNDP human development report team, DESA Statistical Division, and ECLAC. In addition, the Division for the Advancement of Women is currently reviewing work on data and statistics concerning violence against women
  - Other intergovernmental bodies

- NGOs, academic institutions, human rights activists
- Analyze existing work on human rights indicators and assess the degree to which this work could be applied to indicators on violence against women.

The output was to be:

...a technical report including the results of the above mentioned tasks. It should identify types of indicators that are useful in addressing violence against women, explore the challenges posed by indicators, and suggest areas for future research.

17. The Child and Woman Abuse Studies Unit tender included further commitments, including making definite proposals for indicators which were realistic yet revealing of the current realities, and which took account of low resource contexts and the respective histories of State engagements with the issues. Consideration was also to be given to anticipating and avoiding unintended consequences of overly simplistic measurements. The stated aims were to explore indicators that:

- cover all forms of VAW;
- move beyond technical matters to be measured;
- connect to the relevant aspects of international law and human rights principles;
- draw on the current international knowledge base;
- recognise the differential resources and starting points across States parties;
- can act as steering instruments in global efforts to end VAW.

18. If indicators are constructed around the expectation that States should address the full spectrum of VAW, this will a) encourage action on under-addressed forms and b) illuminate whether positive actions have been limited to a narrow range of violence. Linking indicators to State obligations enhances mainstreaming possibilities, including integrating indicators into the reporting processes for CEDAW and other relevant international conventions, alongside regional treaties. Similarly, finding ways not just to recognise intersectional issues, but also assess how far State

responses and research methods can ensure that progress with respect to migrant, rural, indigenous, refugee, displaced and more recently disabled women can be addressed.

19. A key consideration has been not to make the task so onerous that States could argue that producing the data would require an investment of resources they cannot justify, whilst at the same time not being so basic as to offer little in terms of useful information. This report suggests such potentials; further cross-sectoral work will be needed to explore mainstreaming potentials across United Nations and regional bodies.

20. The contested terrain to be studied was acknowledged from the outset. Ongoing and unresolved debates in academia persist with respect to both measuring violence and the value of indicators per se. A recurring theme being the inherent difficulties in translating questions and concepts across contexts, where the meaning of violence, legal provisions and policy approaches vary considerably. Such challenges have led many methodologists, including the UNDAW expert group on statistics<sup>7</sup>, to take a pessimistic position – that it is probably impossible to create workable universal indicators.

21. CWASU took a more optimistic view, since global exchange has also revealed considerable similarities with respect to forms and contexts for VAW, the reluctance of States and civil society to intervene and the kinds of services and reforms that appear to make a difference in protection, prosecution and prevention. That said, however, there are many complexities to be negotiated, including whether indices are primarily intended to track progress and process within States or to enable comparability across societies. In addition, a single measure of minimal standards would set the bar too low for some and too high for others. For these reasons possibilities for a stepped sets of indicators was explored in order not to advantage

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<sup>7</sup> UN Division for the Advancement of Women (2005) *Violence against women: A statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them*. Report of the expert group meeting, 11-14 April, Geneva, Switzerland.

resource rich States, many of which also have longer histories of recognition and response.<sup>8</sup>

### **Methodology**

22. To fulfil the remit and the aims outlined above four strands of work were undertaken.

23. A survey of States through questionnaires addressing: whether they have a Plan of Action, what forms of VAW it covers, mechanisms and indicators for monitoring; what prevalence research has been conducted in the last decade, what forms of violence it covered; any proposals and actions to improve State statistics on VAW; any proposals at national level for indicators, difficulties and barriers; any proposals for transnational comparative indicators; and finally if States were aware of other initiatives in this arena. The Office of the United Nations High Commissioner for Human Rights was responsible for distributing the questionnaires and receiving replies. A total of 63 responses were received, all of which were analysed and annotated, with a technical overview report of over 100 pages submitted to the Special Rapporteur on VAW.

24. An adaptation of this questionnaire was sent by CWASU to over 50 United Nations agencies, individual researchers and NGOs. They were invited to either return the completed document by email and/or make contact to undertake a telephone interview/discussion. 21 responses were received, most of which were less detailed than those from States, and they have not been analysed separately. Constructive proposals with respect to indicators have been absorbed into the text, and reflections on the challenges involved considered and where possible addressed. Input from other United Nations agencies has primarily been through ensuring the literature review included their published proposals, personal contact, attendance at two international seminars and paying close attention to the content of the Secretary General's report.

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<sup>8</sup> One of the problems identified with the MDGs is that most developed countries find it relatively easy to meet the requirements for their own populations.

25. A literature review was undertaken addressing five distinct, whilst overlapping, fields: the theory of indicators; the use of indicators in relation to human rights; State obligations with respect to VAW; literature on measuring violence against women and assessing State progress with respect to obligations; specific proposals for indicators on VAW. The literature on measuring VAW is now extensive, especially if one attempts to cover all forms. No claim is made, therefore, to presenting a comprehensive overview; rather emphasis has been placed on current debates and examples of good practice. Considerable effort has been taken to ensure that discussions and recommendations extend beyond the familiar territory of intimate partner violence.

26. In addition to the above CWASU has taken part in a number of high level seminars on the question of developing indicators on VAW. One at the Royal Statistical Society in London in May 2006 included presentations from a number of European countries; two others were hosted by UNECE in Geneva in September 2006 and October 2007. These meetings, alongside attendance at a technical meeting organised by MEASURE in Washington in September 2007, ensured that that most current debates have been engaged in and potentials for consensus building explored.

27. Rather than take a single point of departure - the international knowledge base or obligations under international law – this report seeks to include both angles of vision, alongside taking account of the views of States and other interested parties. Proposals are often located at the intersections of these perspectives.

### **III. State Responses**

28. All 63 State responses were analysed, with several requiring translation. Over a third came from Europe (5 Western, 7 Central, 4 Eastern, 4 Northern, 3 Southern), almost a fifth from the Americas (5 North America, 4 South American and 4 Central America) and the remaining responses were from other regions including 8 Asia/Pacific, 9 Africa, 3 Middle East and 7 West Asia. This section presents a brief overview of responses and draws on several examples to illustrate key themes and lessons learnt from the exercise.

29. The sample of States responding to the questionnaire is biased towards those that have Plans of Action (PoA) (see Appendix 1), the most basic United Nations requirement which as the Secretary General's report illustrates is still not widely implemented. Looking deeper, however, reveals that almost a third (n=20) had dedicated PoAs that covered all forms of VAW, 25 included violence as one area within broader gender equality policies, a further 25 States reported that not all forms of VAW were addressed. Indeed more States had PoAs that dealt – often separately – with domestic/family violence and trafficking than had the integrated approach to VAW commended by the United Nations. Moreover many PoAs on specific forms of violence were not embedded within either gender equality approaches or understandings of how the issue was connected to gender relations. Thus even when States have PoAs, their reach and content may be narrower than what the United Nations mandates.

30. Very few States could report having detailed monitoring of their PoA, and one volunteered that whilst there was a plan it had yet to be implemented. The content of the PoAs that were attached made clear that it would also be important to know who had responsibility for implementation, whether it is integrated into wider gender equality work, whether and how it addressed the core goal of eliminating VAW.

31. The frequent references in United Nations documentation, often echoed by regional bodies like the Council of Europe, on the lack of progress with respect to gender statistics were challenged by State responses: the majority claimed to have made progress including developing shared definitions and publishing yearly statistics. Exploring this apparent contradiction revealed that a number of States were making reference here to regular processes, such as the publication of crime statistics or a report on women's progress. Far fewer were able to provide evidence of efforts to develop and improve statistics on VAW specifically, and still less that they tracked trends over time. Some relevant examples States noted included: collecting data from a national helpline; collecting data from one stop crisis centres, developing new recording rules for specialist services in the police and for the health sector; developing case management software and having yearly statistical reporting specified in statute to monitor law reforms.

32. State responses revealed considerable disparity with respect to understandings of basic terms. A significant proportion did not understand the terms 'prevalence', 'measuring the extent of violence', 'indicators' or 'assessing State responses'. Many just listed any recent research on violence or gender equality as if these were always relevant, and interpreted indicators to mean any relevant quantitative measurement or statistic. As concerning were States that had interpreted the goal of eliminating VAW as meaning that once they began collecting data it must show a decrease in incidence/prevalence/reporting year on year. These officials were clearly unaware of the global consensus that, at least in the short to medium term, addressing violence should result in increasing levels of reporting in research and to agencies. This highlights the importance of explaining the thinking underlying indicators and their expected trends – for example, that increased reporting to agencies is an indicator of increased confidence in State agencies as a Central Asian State noted in its response. Without clear technical guidance indicator projects run the risk of unintended perverse outcomes, such as reinforcing tendencies to under-record crimes against women.

33. A number of States cited not having specific laws, especially on intimate partner violence, as a reason why it was impossible to provide national statistics. Other States reported that issues like intimate partner violence remain taboo subjects and this limited progress with regards to national statistics. Zambia made reference to the difficulty in breaking the "culture of silence" on such issues. One State reported that there were no statistics available on certain forms of VAW, such as honour-based crime. Others noted that federal structures precluded the compilation of national data. At the same time nations with federal structures and without specific legislation did not present these as major barriers. Similarly, programming systematic data collection into legal reform and service provision meant that relatively little extra investment was needed to upgrade the availability and standard of information.

#### **A. Current proposals**

34. States were asked to provide information on any proposals from their countries or internationally with respect to measuring violence and assessing State responses. Limited evidence of actual proposals was provided, with the most cited proposals



being those made a few years ago by the Danish presidency of the EU (see section 5). Whilst unsurprising given the over representation of Europe in the sample, it is also worth noting that a majority of EU members did not refer to these proposals. The proposals are discussed in the section on VAW and indicators.

35. Nonetheless, there has been an ongoing process in Europe, which several State parties noted. In 2004, the European Union High Level Group on Gender Mainstreaming defined indicators to assess the scope of, and current legislation on, gender-based violence, current preventive measures and ways to target perpetrators. Preparation is underway for a European Commission regulation to encourage more comparable national statistics. The European Union in its Road Map for Gender Equality 2006-2010 made prevention of gender-based violence one of six priorities.

36. Ghana's proposals combined forms of violence recognised transnationally (rape, trafficking, female genital mutilation or cutting (FGM/C), child abuse) and some which were more locally/regionally relevant including: sexual abduction; traditional practices that affect widows (cleansing ceremonies, inheritance, abandonment); polygamy; traditional practices affecting women's nutritional status (food taboos, forced feeding, food restriction). Clearly a number of these would be accepted as falling within VAW, others are less obviously 'violence', albeit undoubtedly forms of gender discrimination. This illustrates two key issues with respect to measuring violence: practices which are regionally but not transnationally common; the boundary between discrimination and violence. To measure the prevalence of violence accurately requires space for more localized practices to be addressed, alongside opportunities for extending the definition of VAW to encompass newly recognized or emerging forms of abuse, as noted in the Special Rapporteur on VAW's report in 2006. At the same time this process has to have limits, otherwise the meanings of violence and discrimination are collapsed into one another. Negotiating and drawing these boundaries is an important task for the Special Rapporteur on VAW and the United Nations, as is ensuring that they are understood by States.

37. The most extensive list of proposed indicators was provided by Nicaragua – the outcome of a joint project between The Nicaraguan Women's Institute and the National Institute of Statistics and Census, under the auspices of the Commission on Women and Children (see Appendix 2). What is noteworthy at this point is the effort to create clearly specified measures which relate to available data. At the time of writing these remain paper proposals, but they include an intention to create an overall measure of 'violence' which is then further specified by type and family/non-family context. These sit alongside efforts to assess reporting and case outcomes. The inclusion of children is unusual, especially since there is no stated intention to disaggregate data on the basis of gender.

38. Cambodia was one of very few countries not only to mainstream VAW indicators into both their gender equality scheme and their MDG measurements, but also to set benchmarks and targets. The MDG proposals are:

- increasing the proportion of the population aware that VAW in unacceptable to XX by XX (insert relevant percentage change and date);
- decreasing the proportion by x by x (date) reporting their first sexual intercourse was coerced/forced.

39. Both can be connected to the gender equality MDG and that on HIV/AIDS. This is an example of the kind of integrated thinking that makes connections between VAW and a range of other policies and programmes, offering routes for mainstreaming and consensus building.

#### **B. Perspectives on the indicator project**

40. States broadly welcomed the indicators project and many expressed strong support for the development of transnational measurements, stating the importance of setting benchmarks, encouraging the collection, collation and publication of data, and most importantly assessing progress by and - some even argued - between States. The importance of selecting 'meaningful' indicators', including ones which addressed 'root causes,' was a recurring theme.

41. At the same time considerable doubts were expressed about existing capacities and political will, alongside the non-comparability of even the most basic quantitative data on gender inequalities between States. This is compounded with respect to VAW where basic data is rarely routinely collected. It is perhaps worth noting that concerns about capacities of countries in the global South was most strongly voiced by developed countries, with developing countries more likely to embrace the indicators project. States were alive to the many challenges inherent in developing a system of indicators that were “comprehensive, meaningful, methodologically and conceptually sound, and widely accepted by international organizations and country governments”. One respondent noted the difficulty of measuring some of the most relevant statistics – for example, the number of cases of FGM/C that were averted.

42. Canada has made considerable contributions internationally to measuring VAW, and to addressing State responses, their detailed response illustrates the concerns expressed by a number of States, broadly echoed by many of the academics.

... any set of indicators designed to measure violence against women should be supported by regional, sex and age disaggregated data, providing a lens from which to conduct robust local level, gender and generational analysis. This would require work with other interested bilateral, multilateral and nongovernmental organizations towards establishing an international consensus on data collection. Support to national government statistical ministries/departments to establish consistent data collection standards and to build capacity, particularly in developing countries, should also be considered a high priority to advancing better indicators measuring violence against women and State responses.

... Developing international indicators to assess State responses to violence against women will help to create a world standard that policy makers, social service providers and governments can measure their own efforts and results against. It will provide a clear focus and specific objectives. However, indicators are typically quantitative and do not measure the quality of results, or the context and dynamics of violence against women. Furthermore, when

applied internationally, there are a number of potential barriers that need to be addressed. For example, collecting data may be challenging for federated States, where various jurisdictions have responsibility for responding to violence against women. Secondly, the political environment of a country may make it difficult for an indicator to be achieved. For example, if there is no freedom of the press it would be challenging to raise public awareness of violence against women. There may be some resistance amongst countries if the indicators are perceived to be incongruent with culture. Finally, if international indicators use the lowest common denominator they may not be useful to countries that already have progressive policies and programs on violence against women in place... Also, the fact that some countries may not have the means to gather information on the indicators would need to be taken into account.

43. To conclude, the State responses raised the following issues:
- Whilst States are beginning to explore the question of indicators, none had implemented a comprehensive set.
  - There was support in principle, alongside a range of concerns about the development of global indicators.
  - To garner consensus across North and South indicators must address all forms of VAW, and include girls.
  - The question of what counts as VAW remains an open one – with some States seeking to expand what is included, and others presenting information on a much narrower range than even that addressed in the Beijing PoA.
  - There is considerable room for capacity building with respect to the basic language and definitions of technical research terms, including indicators.
  - To generate consensus indicators must be methodologically and conceptually sound, meaningful, realisable and more than the lowest common denominator.

#### **IV. In Theory: indicators and human rights, what and why**

44. In this section the concept of indicators is explored, in particular their use and usefulness in the arena of human rights. The chapter concludes with some basic

standards for human rights indicators which sets the context for an exploration of existing proposals for indicators on VAW.

45. Until the late twentieth century human rights were understood as rights citizens had to protect them from actions of the State. Following intense analysis and activism by feminists from across the globe the reach of human rights has extended to non-state actors, including in the private spheres of family and sexuality.<sup>9</sup> The principle of 'due diligence' has made clear that in order for any right to be 'real' and take full effect States, over and above simply refraining from committing any violations as an entity against people, must take positive action to prevent violations and hold non-state actors to account.

46. The enjoyment of human rights imposes a series of obligations on State parties through treaties and conventions, most recently elaborated upon by the Committee on Economic, Social and Cultural Rights (CESCR).<sup>10</sup>

47. **Respecting** rights requires of States that they both refrain from interfering directly or indirectly with a right, and not adopt, or where necessary repeal laws and rescind policies, administrative measures and programmes that do not conform with human rights doctrines.<sup>11</sup>

48. **Protecting** rights requires that States take actions to prevent third parties violating or failing to recognize rights of others. With respect to equality between women and men the ESC Committee elaborated that States had responsibilities:

... to take steps aimed directly at the elimination of prejudices, customary and all other practices that perpetuate the notion of inferiority or superiority of either of the sexes, and stereotyped roles

<sup>9</sup> Kelly, L. (2005) Inside Outsiders: Mainstreaming violence against women into human rights discourse and practice. *International Feminist Journal of Politics*, 7 (4).

<sup>10</sup> General Comment No 16 (the equal right of men and women to the enjoyment of all economic, social and cultural rights article 3) E/C.12/2005/4 paras 17-21 and 27.

<sup>11</sup> General Comment 16 on Article 3 (ibid.) para 18 "In particular, it is incumbent upon States parties to take into account the effect of apparently gender-neutral laws, policies and programmes and to consider whether they could result in a negative impact on the ability of men and women to enjoy their human rights on a basis of equality".

for men and women, including the respect and adoption of constitutional and legislative provisions, and administrative measures and programmes, as well as the establishment of public institutions, agencies and programmes to protect women against discrimination.<sup>12</sup>

49. The State has an obligation to monitor and regulate the conduct of non-state actors.

50. **Fulfilling** rights places obligations on States to ensure that human rights are enjoyed in practice, and to further *provide, promote* and *facilitate* access to the rights. This in turn requires “appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of the right”.

51. The CESCR Committee provide some specific examples:

- Access to a remedy (compensation, reparation, restitution, rehabilitation, guarantees of non-repetition, declarations, public apologies, educational programmes and prevention programmes), including establishment of appropriate venues for redress.
- Monitoring mechanisms to ensure the implementation of laws and policies aimed at promoting equal enjoyment of the right do not have unintended adverse effects.
- Policies and programmes designed to give long-term effect to the right.
- Rights education and training for professionals and public officials.
- Awareness-raising and training across civil society.
- Integration of human rights in formal and non-formal education.

52. Failure to monitor the realization of rights at the national level, for example by identifying appropriate indicators and benchmarks<sup>13</sup>, can be taken as an example of violation of the obligation to fulfill rights. The CESCR committee suggests that there is a right to indicators and benchmarks.<sup>14</sup> The Maastricht Guidelines<sup>15</sup> also state that

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<sup>12</sup> Ibid Para 19 & 20.

<sup>13</sup> E/C.12/1999/10 General Comment no. 13 The right to education para 52.

<sup>14</sup> E/C.12/2000/4 General Comment No. 14 on The right to the highest attainable standard of health paras 52, 57-58 ; E/C.12/2002/11 General Comment No. 15 The right to water paras 44(c), 53 & 54.

the obligations to respect, protect and fulfill rely on two further elements: conduct - to take actions that ensure the realization of rights; result - to set and achieve measurable targets.

53. There is widespread recognition that human rights indicators need to be anchored in human rights norms and standards, with four key areas that must be explored.

- Do States *respect, protect and fulfill* rights?
- Are the key principles met – *non-discrimination, progress, participation and remedies*?
- Is access assured through *norms, institutions and law*?
- Is the role and contribution of *non-state actors* in realizing rights recognized and supported?

54. UNDP further explicates the critical role of indicators in efforts to assure human rights.

... to capture the additional features of human rights—and to create policy and advocacy tools—indicators are needed that can help create a culture of accountability. Building such a culture means exploring the impact that different actors have on the realization of rights—and assessing whether or not they are meeting their obligations to address them. For the State, these obligations are set out in international law, which provides a framework for developing indicators of legal accountability. But the need to take into account the complex impacts of other actors—locally and globally—calls for developing indicators that extend beyond current legal obligations<sup>16</sup>.

55. Whilst these principles provide a strong foundation for the creation of human rights indicators, they provide limited guidance as to what indicators are or how to construct them.

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<sup>15</sup> *Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, Maastricht, January 22-26, 1997. Section II.

<sup>16</sup> UNDP, 2000, *Human Development Report: Human Rights and Human Development*, p92 [<http://hdr.undp.org/reports/global/2000/en>].

### A. Defining human rights indicators

56. An indicator has a common sense and a technical meaning – in common sense terms an ‘indicator’ indicates, that is, suggests or points in the direction of something.

In technical statistical terms, primarily drawn from economics:

An indicator is an item of data that summarizes a large amount of information in a single figure, in such a way as to give an indication of change over time, and in comparison to a norm. Indicators differ from statistics in that, rather than merely presenting facts, indicators involve comparison to a norm in their interpretation. (Beck, 1997, p.7).

57. Such numeric indicators simplify and abstract from complex data in ways that are useful and relevant for directing policy and political decision making.

58. Both meanings of indicator have been drawn on with respect to human rights. A recent overview<sup>17</sup> notes that human rights indicators encompass a narrow, more technical meaning linked to statistics, and a more ‘thematic’ use that includes any information that suggests specific rights may (or may not) be being observed or enjoyed. The latter might, for example, comprise not only cases which human rights activists collate to document violations, but also checklists to assess the compliance of legal provisions with international standards; here yes/no options, possibly accompanied by written accounts, are sought. Such qualitative responses can not only be scored, but also weighted, and thus transformed into a numeric indicator through a cardinal scale.<sup>18</sup>

59. The Statistical Yearbook of UNECE, World Bank reports and UNDP Human Development Report all draw on a range of numeric indicators. A selection are also used to create composite indices that offer a more aggregate view, such as the Human Development Index (HDI), Health Poverty Index (HPI), Gender and Development

<sup>17</sup> Malhotra, R. and Fasel, N. (2005) *Quantitative Human Rights Indicators – A Survey of Major Initiatives*. Background paper for OHCHR Expert Meeting on Human Rights Indicators, Turku/Åbo 11-13 March.

<sup>18</sup> Whilst not developed in terms of cardinal scales, the End Violence Against Women Coalition in the UK has used a simple scoring scale to conduct a yearly audit of the responses of government ministries to VAW [<http://www.endviolenceagainstwomen.org.uk/documents/MakingtheGrade.pdf>]



Index (GDI) and Gender Empowerment Measure (GEM). Whilst these indices have been levers for change, providing policy signals, UNDP in the Human Development Report 2000, note the necessity of enhancing socio-economic indicators. A pyramid of data is needed to address the realization of rights, with aggregate indices at the apex and contextual and case specific examples forming the base.

60. An overview of gender sensitive indicators<sup>19</sup> critically assesses the GDI and the GEM. The GDI genders basic development measures - income, education and life expectancy – with disparities between women and men the basis of the indicator. It has, however, been criticized for taking male lives as its benchmark, and is not that accessible, given the complex econometrics that underpin its calculation. The GEM was developed as an alternative and it draws on measurements of female literacy, political participation, women in top positions and women's share of earned income. Both are limited in terms of the choice of indicators and their weighting.<sup>20</sup> Measures of gender equality need to be more sophisticated to address changes in gender orders, and to encompass previously excluded areas.

... while there is now considerable data available on the more traditional indicator areas, such as employment, health and education, most countries need to direct greater attention to the collection of gender-sensitive indicators on political participation, empowerment, violence against women and women's work (Beck, 1999, p39).

61. Indicators have been designated the “cutting edge of advocacy”, and increasing links have been made between human rights and development indicators, perhaps best illustrated by the Millennium Development Goals (MDGs), and work by the World Bank to integrate human rights into its work.<sup>21</sup> At the same time UNDP points to overlaps and distinctions between development and human rights indicators.

<sup>19</sup> Beck, T. (1999) *Using Gender – Sensitive Indicators: A Reference Manual for Governments and Other Stakeholders*, Kent, Commonwealth Secretariat.

<sup>20</sup> See, for example, Varkey, S. & Gupta, S.S. (2005) How Gender (In)sensitive are the Gender-Related Indices? *Bulletin of the World Health Organisation*, 83 (12).

<sup>21</sup> There are two overlapping initiatives: Measuring Justice and the Human Rights Indicators Project.

62. They both share the goal of producing information that will give policy signals on how to better realize human freedoms—such as freedom from want, freedom from fear and freedom from discrimination. They both rely on measures of outcomes and inputs to tell the story—not only literacy and infant mortality rates, but also teacher-pupil ratios and immunization rates. And they both use measures of averages and disaggregation, the global and the local, to reveal information at many different levels.<sup>22</sup>

63. They are not, however, conterminous, whilst both assess expansion of people's capabilities, human rights indicators extend beyond this to examine the extent to which critical actors fulfil international obligations with respect to human dignity and freedom, examining policies and public bodies, including judicial institutions and legal frameworks and social norms. Human rights indicators also place greater emphasis on disaggregated data to explore discrimination.

64. The most basic, and widely recognized, human rights indicators are the ratification of international human rights treaties, whether human rights have been constitutionally guaranteed and/or whether there is national human rights machinery. There are, however, a range of mechanisms within the United Nations machinery that extend the potential content of indicators, especially the monitoring mechanisms, which elaborate on international instruments through reporting guidelines, concluding observations and recommendations. Human rights treaty bodies may call for transnational data, undertake investigations and/or require numeric data in reporting from States parties.

65. Sections of treaties may make unambiguous references to the likely content of an indicator: for example, increasing school attendance by girls, repeal of discriminatory laws can ostensibly be relatively easily assessed. Arguably the latter could in principle be answered by a simple yes no, whereas the former requires the establishment of a baseline/benchmark against which subsequent progress can be measured. In fact, more complex formulations would be needed with respect to

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<sup>22</sup> UNDP, 2000, *Human Development Report: Human Rights and Human Development*  
<http://hdr.undp.org/reports/global/2000/en/> p.91

discriminatory law, since the benchmark of the extent of current discriminatory provisions needs to be set in order that reforms can be assessed. An undifferentiated yes/no question without a benchmark might allow States to claim progress for the repeal of a single law, when a further twelve remained unchanged. Changes in the desired direction for both areas would be examples of 'progressive realization' – positive movement towards the fulfillment of human rights obligations. States may set themselves – or be set in the case of the MDGs – time-limited targets which they are expected to meet.

66. The MDGs are perhaps the most developed international agreement with attached indicators and time frames, addressing both development and human rights simultaneously. Agreed in 2000 they comprise 18 targets with accompanying required measurements and designated reporting time lines. Other areas where detailed indices have been developed include HIV/AIDS<sup>23</sup> and maternal health. In each instance there is substantial United Nations programming and donor funding involved, which gave impetus for the development of performance indicators. Nonetheless, concerns have been expressed that the greatest transnational accountability is required of the global South.

67. A number of commentators note that a plethora of indicator projects, with respect to specific topics or mandates within the UN, but that this has yet to provide a coherent or comprehensive framework of human rights indicators.<sup>24</sup> The Office of the United Nations High Commissioner for Human Rights has launched a project seeking to develop an integrated set of quantitative and qualitative "key targets and indicators" for civil, cultural, economic, political and social rights. The project takes place:

.... in the context of the ongoing reform of the treaty bodies in general, and the reporting procedure in particular, it has been argued that the use of appropriate quantitative indicators for assessing the implementation of human rights - in

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<sup>23</sup> For example, UNAIDS, *Guidelines On Construction Of Core Indicators*, Geneva published in 2005 is a 110 page technical report reflecting more than a decade of work on measuring inputs, outputs and outcomes.

<sup>24</sup> See for example, Landman T and Hausermann, J, 2003, *Map-Making and Analysis of the Main International*

what is essentially a qualitative and quasi-judicial exercise - could contribute to streamlining the process, enhance its transparency, make it more effective, reduce the reporting burden and above all improve follow-up on the recommendations and concluding observations, both at the committee, as well as the country, levels.

Indeed, the demand for appropriate indicators is not only for monitoring the implementation of the human rights instruments by States parties, but indicators are also seen as useful tools in reinforcing accountability, in articulating and advancing claims on the duty-bearers and in formulating requisite public policies and programmes for facilitating the realization of human rights. In this attempt ... there is an understanding that one needs to move away from using general statistics, the relevance of which to such tasks is often indirect and lacks clarity, to using specific indicators that, while embedded in the relevant human rights normative framework, can be easily applied and interpreted by the potential users.<sup>25</sup>

68. Initial work built indicators on four basic rights – the right to life, the right to judicial review of detention, the right to adequate food and the right to health. A second layer is currently under way with respect to the right to adequate housing, the right to education, freedom from torture and other cruel, inhuman or degrading treatment or punishment and the right to liberty and security of the person. The methodology has included surveying interested parties, expert groups and commissioning background papers. Four kinds of data have been identified as relevant:

- administrative data, primarily socio-economic, but also administration of justice;
- events-based data, that is, instances of human rights violations (generally collected by civil society, but not very standardized);
- survey/perception-based data;

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*Initiatives on Developing Indicators on Democracy and Good Governance*. Final report for Eurostat. Colchester: Human Rights Centre, University of Essex

<sup>25</sup> OHCHR, 2006a, *Report On Indicators For Monitoring Compliance With International Human Rights Instruments* HRI/MC/2006/7.Paras 2 & 3

- expert judgments, usually on rankings.

69. The first two are defined as objective, the latter two as subjective. The ultimate goal is to extend the framework to embrace 15 fundamental rights providing a harmonised core of indicators that apply across conventions.

70. The report from the second expert meeting in Geneva in March 2006<sup>26</sup> records a number of lessons learnt to date.

- It is possible to create a common approach across all human rights (civil, political, economic, social and cultural).
- Indicators must reflect agreed HR standards and accurate readings of the normative framework.
- Measurement should address efforts and outcomes through a combination of structural, process and outcome indicators.
- Indicators may be quantitative, binary and qualitative.
- The human rights principles of indivisibility, interdependence, non-discrimination and equality, participation, access to effective remedies, empowerment and accountability need to be addressed.
- Provision needs to be made for contextual factors including local challenges and priorities.
- In choosing indicators a balance between simplicity and precision is needed alongside evaluation by some kind of common criteria.
- Documentation must lay out key thinking underpinning each indicator.

71. These proposals go beyond the previously stressed support among States parties for quantitative measures. This preference has been rooted in concerns that comparable and consistent data is used in a transparent process. For example, the CEDAW Committee has noted “statistical information is absolutely necessary in order to understand the real situation of women in each of the States parties to the Convention”. It has also called repeatedly for gender disaggregated socio-economic

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<sup>26</sup> OHCHR, 2006b, *Indicators for Monitoring Compliance with International Human Rights Instruments: Second Expert Consultation Conclusions and Recommendations*, Geneva, 30-31 March.

data, and more recently for data on intimate partner violence along with a number of other data sources relevant to assessing the relative positions of women and men.

72. A key challenge is finding effective and robust sources of data from which to develop indicators. Consensus on sources increases not only transparency but also engagement by States. Increasing interest is evident in harnessing the skills, resources, consistency and legitimacy of official statistical agencies (OSAs). Their role and that of administrative bodies in collecting and analyzing data offers considerable and under-used potential. A number of United Nations processes, included the Beijing Platform for Action, have made the case for official statistical bodies to become more involved in the measurement of human rights indicators. The International Association for Official Statistics picked up these proposals in its conference in Montreux in 2000 on "Statistics, Development and Human Rights". The conference endorsed calls for enhanced indicators and disaggregated data, and made points that have been echoed since about the considerable room for cooperation and development, whilst laying out some concerns about certain forms of data.<sup>27</sup> Mainstreaming human rights into the work of OSAs would have many benefits, not least the ease with which various United Nations agencies<sup>28</sup> could work alongside them to facilitate the development of a coordinated approach. This should also be linked to regional processes, for example, the European Union through EuroStat has been engaged in a process to develop a system of social indicators.

### **B. Appropriate indicators**

73. Support for indicators moves to a discussion of what types of measures are the most appropriate. Assessing compliance with human rights principles and treaties is not the same task as summarising socio-economic data and trends, although there are undoubtedly areas of overlap. Even within the human rights arena indicators may be used for different purposes:

- to assess compliance;
- to undertake diagnostic analysis;
- to produce documentation;

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<sup>27</sup> Especially concerning have been more subjective materials, including the kinds of case based data that many human rights NGOs draw on to indicate violations of human rights.

<sup>28</sup> At minimum UN Statistical Commission, the UN Statistical Division, and UNECE.

- to create comparative and ranking assessments;
- to inform planning and performance.<sup>29</sup>

74. Whilst a few indicators may serve all the above purposes, differentiated measures and subtle variations in time frames, and benchmarks are likely to be tailored to purpose. The focus on human rights compliance leads in turn to more open definitions of HR indicators, as illustrated by two definitions:

Indicators are quantitative or qualitative statements that can be used to describe situations that exist and to measure changes or trends over a period of time. They are pieces of information that may provide insight into matters of larger significance, i.e., they may be seen as small windows that provide a glimpse of a bigger picture.<sup>30</sup>

... human rights indicators are specific information on the state of an event, activity or an outcome that can be related to human rights norms and standards; that address and reflect the human rights concerns and principles; and that are used to assess and monitor promotion and protection of human rights. Defined in this manner, there could be some indicators that are uniquely human rights indicators because they owe their existence to certain human rights norms or standards and are generally not used in other contexts.<sup>31</sup>

75. This more open understanding undoubtedly informs human rights monitoring by the United Nations, Special Rapporteurs, and NGOs. It does, however, create areas of debate with respect to States and OSAs with respect to 'less objective' data sources.

76. Many have argued that the most useful and revealing indicators measure outcomes rather than inputs, women's literacy is often a better measure of women's educational status than female enrolment rates not least because literacy measures the

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<sup>29</sup> Sano, H. (2005) *Human Rights Indicators: Purpose and Validity*. Background paper for OHCHR Expert Meeting on Human Rights Indicators, Turku/Åbo 11-13 March.

<sup>30</sup> Op cit.

impact of enrolment. Similarly, female mortality rates are a better measure of women's health status than access to health facilities. Others take a both/and position, since inputs offer some measure of commitment to positive change and social justice, and there may be complex relationships between inputs and outcomes that a single measure will miss. What kinds of indicators are needed at the State/programme levels and which offer the clearest window at the transnational level are important areas of continued debate.

77. The Office of the United Nations High Commissioner for Human Rights offers a helpful typology for human rights indicators – structural, process and outcome - that is used in subsequent chapters. Whilst there is no direct, one to one correlation these three types of indicators can be constructed to reflect the requirements to respect, protect and fulfill rights.

**Structural** indicators reflect the ratification/adoption of legal instruments and existence of basic institutional mechanisms deemed necessary for facilitating realization of rights. These would include whether national law is compliant with international standards, national policy instruments/statements which reveal the intention and commitment of a State, equality machineries.

**Process** indicators refer to policy instruments, programmes and specific interventions; actions taken by the State and by individuals to protect and fulfill rights. Examples of progressive realization and efforts taken by States to protect rights are relevant here. Mapping the architecture of responses at national levels would form one foundation for such measures.

**Outcome** indicators refer directly or by proxy, to the realization of rights. These are the slowest to move, often due to the interdependence of human rights – realization of one requires the realization of many others. Here measurements of incidence/prevalence of the targeted right (or violations of it) are relevant alongside some forms of national level institutional data.

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<sup>31</sup> OHCHR, 2006, *Report On Indicators For Monitoring Compliance With International Human Rights Instruments* HRI/MC/2006/7. Para 7 following a formulation used by Special Rapporteur Paul Hunt. See, for instance A/58/427, section II.



78. An application of the model with respect to the right to life is presented in Appendix 3<sup>32</sup> illustrating a desire for a limited number of indicators which are nonetheless capable of illuminating current situations.

### **C. Limits of indicators**

79. The limitations of indicators have been widely documented. They should never be considered substitutes for in depth research; indeed many rely on extrapolation from more detailed studies. Achieving abstraction and accessibility means that indicators offer relatively little with respect to processes and explanations. For example, the GDI and GEM give little purchase on why gender relations are as they are, or how they might be changed.<sup>33</sup> The desire amongst some State respondents to the survey for this report that the Special Rapporteur on VAW create indicators that address the 'causes' of VAW, misunderstands the role that these measures play. Explanatory frameworks are more complex, and require gender analysis and social research are needed to complement indicators.

An indicator is designed to provide consistent information about some important area of performance of a system... However, although indicators can show trends, confirm successes, and identify potential problems, they usually don't by themselves provide explanations or permit conclusions to be drawn about cause and effect. More comprehensive research is required to answer complex questions, identify sources of benefits or problems, propose solutions and design appropriate policy responses.<sup>34</sup>

80. A further layer of criticism is found among some human rights scholars<sup>35</sup>, with pessimists arguing not only that the level of aggregation required to create an indicator sacrifices too much information but that this also runs the danger of being viewed as something 'real' rather than a construct. Others view these difficulties as a

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<sup>32</sup> See OHCHR (2006), *Report On Indicators For Monitoring Compliance With International Human Rights Instruments* HRI/MC/2006/7 for a further three applications.

<sup>33</sup> Beck, T. (1999) *Using Gender – Sensitive Indicators: A Reference Manual for Governments and Other Stakeholders*, Kent, Commonwealth Secretariat.

<sup>34</sup> Cleveland, G et al (2003) *State of Data on Early Childhood Education and Care in Canada*.

challenge rather than an inherent weakness.<sup>36</sup> Whilst there is no absolute consensus most human rights activists and scholars concur that carefully constructed indicators offer a route for assessing whether people are living with dignity and freedom, and the extent to which critical actors – most importantly States - have fulfilled their obligations to create and uphold just social arrangements.

81. Some commentators also warn against over-optimism, setting bars unreasonably high with aspirational targets, a theme that appears with respect to the MDGs. A more nuanced approach is evident; however, which has great relevance to the goal of eliminating VAW can be seen in this analysis.

A literal interpretation of the MDGs accepts the goals as real targets. A more nuanced view might see the MDGs as a symbol of the kinds of outcomes toward which the world should strive. This view takes the MDGs as a tool, not a practical target. Goals generate discussion, focus attention, and help assign accountability. The MDGs have doubtlessly served these purposes to some degree.<sup>37</sup>

82. Social scientists and human rights scholars have raised questions about the accuracy of data underpinning indicators, especially where recording of information is the responsibility of the State and State agencies. Concerns include limited resources and capacities and poor practices. Whilst considerable documentation has been found with respect to gross violation of human rights, where poor practice becomes a matter of habit and includes discounting complaints - never recording them, or writing them off as 'not crimes' (all common practices with respect to VAW) – official data is part of the problem. Again the necessity of a strong research culture is illustrated, since such disparities can be exposed – through contrasting the findings between prevalence research and official records and/or detailed investigation of reporting and recording practices.

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<sup>36</sup> Barsch, R.L. (1993) Measuring Human Rights: Problems of Methodology and Purpose. *Human Rights Quarterly*, 15, 87-121.

83. The meaning of indicators is not always obvious. For example, a falling birth rate can be explained in variety of ways, and viewed differently depending on the context of the baseline and socio-economic circumstances. Defining the norm or benchmark implicit in any indicator and against which change may be measured is therefore a critically important process. It is made somewhat easier with respect to aspects of human rights, in that the international treaties supply a foundation for normative framing.

84. The possibility that indicators might have unintended consequences also needs to be considered. The UK has moved further than many governments into measuring the performance of public bodies through a system of Public Service Agreements, under which sit a range of Performance Indicators, which are in turn connected to desired targets. The amount and levels of data to be collected for local governments is extensive. The assessment along one dimension – Best Value Performance Indicators – requires: the local incidence of a phenomena (benchmark/baseline); inputs; outputs; policy implementation; achievement of minimum standards; outcome measures; user views. Publicised headline measures are calculated on the basis of this extensive knowledge base, which can be further mined for policy direction. However, the burden of collecting and compiling the data has not only become onerous but also created distortions of service provision as institutions focus more on meeting specified targets than their core mission. Debate continues as to whether the problem is too many targets, the wrong targets or insufficiently differentiated targets. For example, a target of reducing recorded crime by 15% over 5 years ensured that the main focus was on ‘volume crimes’ – the most common such as petty theft, burglary – at the expense less frequent but more harmful offences – rape and human trafficking. One could argue this was the wrong target – although reducing crime is a laudable aim for any government – or that there should have been a weighting with respect to relative harm – and this is indeed the new focus in the most recent set of targets.<sup>38</sup> This now

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<sup>36</sup> Gupta DK, Jongman AJ & Schmin AP (1994) Creating a Composite Index for Assessing Country Performance in the Field of Human Rights: Proposal for a New Methodology, *Human Rights Quarterly* 15 131-162.

<sup>37</sup> Michael Clemens and Todd Moss, 2005, *What's Wrong with the Millennium Development Goals?* Center for Global Development. p3.

<sup>38</sup> HM Government (2007) *The New Performance Framework for Local Authorities & Local Authority*

has more of a human rights flavour, since it weights as more important crimes such as VAW which are by definition human rights violations and/or those which threaten the right to life.

#### **D. Setting standards**

85. Some of the potential problems in developing indicators have been explored in the previous section. At the same time UNDP note that if the process is to have any worth indicators must be:

- policy relevant — offering a guide for policy action;
- reliable — enabling different people to use them and get consistent results;
- valid — based on identifiable criteria that measure what they are intended to measure.<sup>39</sup>

86. They further warn against: *overuse* of indicators – they are not enough to underpin policy and do not in themselves constitute a knowledge base; *under use* – a failure to collect particular data or present it transparently suggests there may be something to hide; *misuse* – where inaccurate data is used, or bias is introduced into the development or application of an indicator; *abuse* – where the findings underpinning the calculation are deliberately manipulated for political ends.

87. The first principle in the development of indicators therefore, must be that the thinking underpinning them, and the processes by which data is collected and analyzed, are transparent and theoretically grounded.

Care must therefore be taken in defining the norm or benchmark implicit in any indicator and against which change is measured. For example, in examining the status of women, is the norm the situation of men in a particular country, or is it women in other countries? Care must also be taken to ensure that when using indicators to compare gender equity across countries, the

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*Partnerships: Single Set of National Indicators*, London.

[[www.communities.gov.uk/documents/localgovernment/doc/517909](http://www.communities.gov.uk/documents/localgovernment/doc/517909)].

<sup>39</sup> UNDP Human Development Report 2000 'Human rights and human development'  
<http://hdr.undp.org/reports/global/2000/en/>.

indicators have been collected using similar definitions of, for example, economic activity or literacy.<sup>40</sup>

88. A number of United Nations agencies agree that benchmarking and setting time-limited targets accelerate implementation, but this too is not without challenges. On what basis can a country be deemed to have made or not have made sufficient progress? Where progress is measured by rising or falling rates should context - resources, historical constraints, policy options and competing priorities - be taken into account, and if so how? If a country misses an aspirational target, yet has made substantially more progress than in any previous time period, but still compares badly to other countries, is this a success or a failure? How indicators are used is also a political matter, with levers for change capable of being deployed in encouraging or exposing ways.

89. Examples of democratic dialogue with respect to benchmarking are relatively few, but offer examples of the human rights principle of participation in how governments set their ambitions and priorities. In Bolivia a public consultation resulted in a five-year action plan (1997–2002) that included annual benchmarks for 17 easily monitored indicators, including the proportion of births attended by trained personnel and of girls who remain in primary school. A strong argument has been made that such transparency and accountability constitutes a form of political will that politicians should be guided by and civil society can invoke.

90. To be an indicator something has to be 'measurable' in an accurate and relatively accessible way. The structural indicators referred to earlier are not problematic in this sense. The process and outcome ones more so: not only it is not possible to create a yes/no measure of 'women's empowerment' or 'sense of safety', but there are many potential ways of measuring each of these concepts. In such cases 'proxy' measures are used that have to stand for higher order, less specific, concepts: examples of proxies for women's empowerment might be greater choice for women in accessing health care or education, for sense of safety an increased willingness to

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<sup>40</sup> Beck, T. (1999) *Using Gender – Sensitive Indicators: A Reference Manual for Governments and Other Stakeholders*, Kent, Commonwealth Secretariat

be in the public sphere alone in the evening. Academic debate as to the appropriateness of proxies is, and will continue to be lively.

91. Where data is the foundation of an indicator it should be:

- easy to use and understand;
- national coverage;
- relatively reliable;
- possible to use as a time series;
- comparable transnationally, using internationally accepted definitions.

92. The acronym SMART has been used to summarise the key attributes of good indicators:

- Specific
- Measurable
- Attainable
- Relevant
- Time-framed

93. The expert meeting of the Office of the United Nations High Commissioner for Human Rights in Turku 2005 explored whether the SMART requirements were attainable or appropriate for human rights indicators and an alternative list more relevant to the justice sector, developed by the Vera Institute, was proffered.<sup>41</sup> However, the 2006 Geneva meeting had returned to the SMART criteria. Human rights scholars, like their social science counterparts argue that global indicators need to be smart in a further sense – capable of assessing the universal as well as context specific aspects of violation/realisation of rights. The former permits ranking of countries the latter assessment and direction of change within countries, institutions and organisations.

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<sup>41</sup> Valid – measure what they purport to measure; Balanced – reducing ambiguity of measurement; Sensitive – towards desired changes and towards specific groups; Motivating – induce intended performance; Practical – affordable, accurate and available; Owned – legitimate in the eyes of those who are affected by them; Clear – are target groups likely to understand them.

... for human rights indicators to be meaningful, acceptable and effective in meeting the objectives for which they are deployed, it is essential that they are contextually relevant. While it may be possible to have some core human rights indicators that are universal in their relevance and use, there would invariably be a need for a set of indicators that are customized to reflect the unique situation of every country. (Malhotra & Fasel, 2005, p71)

94. Summarizing their work to date the Office of the United Nations High Commissioner for Human Rights provides the following basic standards for international human rights indicators, they need to be:

- relevant, valid and reliable;
- simple, timely and few in number;
- based on objective information and data-generating mechanisms;
- suitable for temporal and spatial comparison and following relevant international statistical standards;
- amenable to disaggregation in terms of sex, age and other vulnerable or marginalize population segments.

Based on the literature review we add:

- grounded in human rights commitments and cross-cutting principles;
- based on internationally accepted definitions;
- and layered – to take account of history, resources and contexts.

### **E. Conclusions**

95. For a suite of indicators to be useful in assessing compliance with human rights obligations they must negotiate several paradoxes: be grounded in current realities whilst having embedded aspirations; draw on available data whilst seeking to enhance its collection and breadth; be universal and transnational whilst capable of local contextualisation. One key issue with respect to the latter is that the burden of accountability is shared across resource rich and resource poor countries. The extent to which proposals 'travel' and are endorsed through their practical application is likely to be a function of how far these apparent paradoxes can be resolved, alongside

the success of consensus building processes in which key stakeholders are able to explore the rationale underpinning proposals, and input with respect to revisions and review processes.

96. It remains an open question how at local, national and transnational levels we might find a way to measure the most foundational human rights measure - an intangible sense of freedom – and the extent to which it is (or is not) shared across social groups and social spaces.

## **V. Current proposals for VAW Indicators**

97. This section explores the proposals that have been made to date on VAW indicators, placing them in the context of the previous discussion of human rights obligations, human rights indicators and the principle of due diligence. Gaps in the knowledge base are identified throughout.

98. The most detailed discussions of, and proposals for, indicators have emerged in Europe through the European Women's Lobby informing discussions in the European Union and the Council of Europe. Specific proposals have also been made by ECLAC and the Canadian government and a range of United Nations agencies; all are discussed later in this chapter. A summary of 19 sets organised around human rights obligations is presented in Appendix 6.

99. In 1995 in *The World's Women*<sup>42</sup>, an overview of global gender statistics by the UN Economic and Social Affairs Statistics Division (UNDESA), proposed the following as key indicators on VAW:

- percentage of adult women who have been physically assaulted by an intimate partner;
- percentage of women in selected large cities who were sexually assaulted in a five-year period;
- numbers of NGOs working on violence against women;
- rape reform laws passed;



- domestic violence reforms passed;
- government body responsible for anti-violence programming.

100. A decade later, revisiting the issue, looking for improvements in light of the call in the Beijing Platform for Action for improved data, UNDESA notes that:

... there have been considerable improvements in statistics on intimate partner violence, that is, violence perpetrated by an intimate partner.... However, reliable statistics on many other forms of violence against women, including trafficking in women and girls and violence against women by agents of the State, remain scarce. This lack of data continues to be a concern at the national, regional and international levels.<sup>43</sup>

101. There is no doubt that the international knowledge base is uneven with respect to intimate partner violence.<sup>44</sup> However, looking beyond developed countries considerable progress is evident in developing and transitional States with respect to research on the prevalence and dynamics of sexual violence, FGM/C and trafficking. Some of this material is drawn on in subsequent chapters.

102. UNDESA also point to the value of administrative records in tracking victims' use of services and system responses, especially with respect to criminal justice and health systems which tend to have large budgets and are required to keep accurate records. The additional costs of producing statistics here are relatively low, but depend upon collection of data on sex and age and the relationship between the victim and perpetrator. A major barrier that UNDESA highlight in terms of creating comparative data transnationally is harmonization of concepts and definitions.

Finding a way of harmonizing concepts used in specialized surveys, criminal justice statistics and other administrative records requires time and innovation,

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<sup>42</sup> United Nations Department of Economic and Social Affairs (1995) *The World's Women*. New York, UN.

<sup>43</sup> UNDESA (2005) *The World's Women 2005: Progress in Statistics* p69

<sup>44</sup> See also, Bott, S., Morrison A. and Elberg, M. (2005) *Preventing and Responding to Gender-Based Violence in Middle and Low Income Countries: A Global Review and Analysis*. World Bank Policy Research Working Paper No. 3618 [[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=754927](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=754927)]

but it is not impossible. A holistic and multi-sectoral response to the problem of violence against women at the State levels is the best route to the integration, harmonization and utilization of data sources. (2005, p.45)

103. The challenge of defining VAW has already been touched on, arguably not helped by the fact that the definition in the Beijing Platform for Action conflates forms and contexts of violence. United Nations documentation from Beijing+10, continues aspects of this conflation, arguing VAW, constitutes:

... sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation/cutting and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; physical, sexual and psychological violence within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; and physical, sexual and psychological violence perpetrated or condoned by the State.

104. Sexual abuse of female children is seldom included in VAW at State level, where it is subsumed within child abuse and child protection.

105. The Secretary General's Study notes that, a decade on, the term 'gender based violence' has been extended in unanticipated ways to encompass forms of violence men are subjected to. In this context they re-affirm a narrower and specific meaning for VAW.

In this study, the term "violence against women" is understood to mean any act of gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately... The term "women" is used to cover females of all ages, including girls under the age of 18. (para 28)

106. The point is also made that forms of violence are "manifested in a continuum

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of multiple, interrelated and sometimes recurring forms... physical, sexual and psychological/emotional violence and economic abuse and exploitation, experienced in a range of settings, from private to public, and in today's globalized world, transcending national boundaries" (Para 104). Here we have somewhat greater clarity about the fact that forms of violence occur across a range of contexts, in combination and often on repeat occasions. The comment also echoes a point made by the Special Rapporteur on VAW in her 2006 report - that as new forms and technologies of violence evolve others may diminish in reach or transform.

107. Limited research and theorization has been undertaken on the process of the changing forms and practices of VAW. The role of the internet and the re-sexualisation of western culture are both key issues, with already documented links with trafficking and sexual exploitation. At more everyday levels mobile phone technology has augmented the recording of physical and sexual assaults and made the distribution of these images possible to local peer networks, and even globally. Some male partners of female migrants to the UK, who are remitting monies to their families, have used the Internet to exercise power and control through posting accounts that undermine women's honour/respect in their community. These are not so much new forms of violence as much as practices which traverse the local and global, private and public.

108. An agreed standardized definition is not something which can be achieved in any absolute or timeless way. Provisional and flexible formulations like those above are needed in global policy statements. Translating this into ways of measuring violence is a technical and analytic question addressed in the next chapter.

#### **A. VAW indicators in context of UN policy mandates**

109. The need to collect and improve data on VAW has been stressed throughout the UN processes. The Platform for Action, for example, calls upon States to develop:

... improved gender-disaggregated and age-specific data on the victims and perpetrators of all forms of violence against women, such as domestic

violence, sexual harassment, rape, incest and sexual abuse, and trafficking in women and girls, as well on violence by agents of the State.<sup>45</sup>

110. This was supplemented by calls for States “to develop crime surveys on the nature of violence against women”.<sup>46</sup> These can be seen as the legal foundations for States being required to invest in research and gender statistics, including indicators, and it is important to note that from the outset calls were made to address the full range of VAW.

111. The due diligence principle strengthens the foundations for developing indicators on State responses. In terms of international recognition of VAW as a key driver of women’s inequality, the language of ‘due diligence’ is first evident within a CEDAW Committee recommendation in 1992 which observed that States could be held responsible for failing to act with due diligence.<sup>47</sup> The following year in the United Nations Declaration on the Elimination of Violence against Women, State parties were enjoined to exercise “due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons”.<sup>48</sup>

112. The Commission of Human Rights has consistently passed resolutions reaffirming member States’ obligations to exercise due diligence and that failure to do so violates, impairs or nullifies the enjoyment of human rights and fundamental freedoms.<sup>49</sup> In the last decade many General Assembly (GA) resolutions confirm the recognition of VAW, and several of the most recent use the language of due diligence.<sup>50</sup> The principle is also recognised in the Inter-American Convention Belem

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<sup>45</sup> United Nations Fourth World Conference on Women (1995) *Platform for Action*. Strategic objective H.3. Para j. Available from <http://www.un.org/womenwatch/daw/beijing/platform/institu.htm>.

<sup>46</sup> Resolution on Elimination of Violence against Women, Sixth Session, United Nations Commission on Crime Prevention and Criminal Justice, 1997.

<sup>47</sup> General Recommendation No. 19 (Eleventh Session) 1992 on Violence Against Women para 9.

<sup>48</sup> 1993 G.A. res. 48/104 art 4 (c).

<sup>49</sup> Since at least 1998, see 1998/52, 1999/42, 2000/45, 2001/49, 2002/52, 2003/45, 2004/46 and 2005/41.

<sup>50</sup> GA/RES/59/166. Trafficking in women and girls; GA/RES/ 59/165, 2005, preamble. Working towards the elimination of crimes against women and girls committed in the name of honour, 2005, preamble; GA/RES/58/147 2004, Para. 5.

Do Para<sup>51</sup> and by the Council of Europe.<sup>52</sup>

113. The Special Rapporteur on VAW has been developing thinking on due diligence and its relevance to research and statistics for some time. The first reference is found in report 1999/68, applying the doctrine that States have due diligence duty to prevent, investigate and punish international law violations and pay just compensation. The second doctrine invoked refers to equality and equal protection. Both have been drawn upon in field visits, using a set of questions rooted in the Declaration on the Elimination of Violence against Women and upon General Recommendation 19 of CEDAW. These could be said to represent a set of preliminary human rights indicators on VAW, addressing the structural and process elements outlined in the previous chapter.

- Has the State Party ratified all international human rights instruments including the Convention on the Elimination of All Forms of Discrimination against Women?
- Is there constitutional authority guaranteeing equality for women or the prohibition of violence against women?
- Are there national legislation and/or administrative sanctions providing adequate redress for women victims of violence?
- Are there executive policies or plans of action that attempt to deal with the question of violence against women?
- Is the criminal justice system sensitive to the issues of violence against women? In this regard, what is police practice? How many cases are investigated by the police? How are victims dealt with by the police? How many cases are prosecuted? What types of judgments are given in such cases? Are the health professionals who assist the prosecution sensitive to issues of violence against women?
- Do women who are victims of violence have support services such as shelters, legal and psychological counselling, specialized assistance and rehabilitation provided either by the Government or by non-governmental organizations?

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<sup>51</sup>Velasquez Rodriguez v Honduras; Inter-American Convention On The Prevention, Punishment And Eradication Of Violence Against Women (Convention Of Belem Do Para) Art 7 (b) states undertake to apply due diligence to prevent, investigate and impose penalties for violence against women.

- Have appropriate measures been taken in the field of education and the media to raise awareness of violence against women as a human rights violation and to modify practices that discriminate against women?
- Are data and statistics being collected in a manner that ensures that the problem of violence against women is not invisible?<sup>53</sup>

114. Whilst offering guidance and structure for field visits, where a combination of quantitative and qualitative material can be gathered from diverse sources, a number of these questions lack the precision necessary for transnational comparability.

115. The due diligence principle has been given fresh impetus in the current Special Rapporteur on VAW's 2006 report<sup>54</sup>, in which she points to the tendency of States to respond reactively – addressing incidents that have taken place through legal reform, procedural changes and service provision (Para 15). This falls short of the positive obligations implicit in due diligence, which on the basis of international jurisprudence, treaty obligations and international declarations obliges States to not just respond but also to prevent. She further outlines the basic principles that underlie the due diligence concept.

- The State cannot delegate its obligations, even in situations where certain functions are being performed by another State or by a non-state actor.
- The principle of non-discrimination implies that State parties are required to use the same level of commitment in relation to prevention, investigation, punishment and provision of remedies for violence against women as they do with regards to the other forms of violence.

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<sup>52</sup> Recommendation Rec (2002) 5 of the Committee of Ministers to Member States on the Protection of Women Against Violence, 30 April 2002, II.

<sup>53</sup> United Nations Economic and Social Council (1999) Integration of the Human Rights of Women and the gender perspective. Violence Against Women. Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1995/85.

<sup>54</sup> Report of the Special Rapporteur on Violence Against Women its Causes and Consequences 'The due diligence standard as a tool for the elimination of violence against women' 20 Jan 2006 E/CN.4/2006/61 para 29.

- Obligations must be implemented in ‘good faith’<sup>55</sup> with respect to both preventing and responding to violence against women, i.e. the ultimate goal of elimination should underpin interventions.
- There is a duty to ensure that interventions are based on accurate empirical and evaluative data.<sup>56</sup>

116. In exploring the themes of prevention, protection, punishment and reparation/remedy, and the ways they intersect in an integrated approach, the SRVAW recalls the ambition of the United Nations for over a decade – that States should be working towards the elimination of VAW. In paragraph 46 she notes that there is limited evidence of States engaging with the kinds of social transformations that will be necessary to significantly decrease, let alone end, VAW.

117. Proposals for indicators on VAW need to be rooted in these legal and policy foundations, in dialogue with what we also know from research and data gathering on measuring violence and State responses. They should also be capable of use in a dynamic way – to highlight newly emerging issues, needs of social groups and service use, and identify levers for change.

### **B. Current proposals for indicators: A critical overview**

118. Sylvia Walby, in a paper prepared for the UNDAW expert group<sup>57</sup> on statistics provided an overview of the key proposals made to date, which this section summarizes and supplements.

119. The most sustained regional initiative comes from Europe, albeit that the various proposals have not been in dialogue or synchronized. The Council of the European Union undertook, in 1998, to create indicators to monitor the Beijing Platform for Action, and VAW comprises one of the 12 priority action areas. The

<sup>55</sup> Vienna Convention on the Law of Treaties 1969 provides the principle of good faith or ‘*Pacta sunt servanda*’ Art 26 ‘Every treaty in force is binding upon the parties to it and must be performed by them in good faith’ and Art 27 ‘A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty’.

<sup>56</sup> Report of the Special Rapporteur on Violence Against Women its Causes and Consequences ‘The due diligence standard as a tool for the elimination of violence against women’ 20 Jan 2006 E/CN.4/2006/61 Para 34-37

<sup>57</sup> Walby S. (2005) *Developing Indicators on Violence Against Women*. New York: UNDAW.

European Women's Lobby (EWL) produced detailed proposals<sup>58</sup> to feed into this process. The extensive list of measurements formed part of a longer-term project to develop 'a common European framework to measure progress on violence against women.' The majority are structural or process measures, across eleven policy dimensions, and many are qualitative rather than quantitative. In addition the vast majority relate to intimate partner violence. In a context where there is currently no regular collection of data on any of these issues this was an extremely optimistic proposal, and no country has adopted the proposals wholesale. Several of the national observatories on VAW organised under the auspices of the EWL have attempted to use the list as a guide to data collection. All have found that much of the information is unavailable and/or that they needed to extend the items to include the range of VAW.

120. Four EU Presidency Conferences have been conducted on VAW, with all but the one in Ireland concentrating on intimate partner violence. At the Presidency Conference in Santiago de Compostela, Spain (2002), the importance of evaluating the efficiency and effectiveness of all the measures undertaken to combat violence against women, including use of common indicators to be used in all Member States, was stressed. Later that year the Danish Presidency adopted seven indicators on domestic violence that were acknowledged by the EU Council and integrated into the overview of implementation by the member States of the Beijing Platform for Action. The indicators were:

- profile of female victims of violence;
- profile of male perpetrators;
- victim support;
- measures addressing the male perpetrator;
- training of professionals;
- State measures to eliminate domestic violence against women;
- evaluation.

121. Each has more specification, termed 'sub-indicators'. Unfortunately these fail

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<sup>58</sup> EWL, 2001, *Proposal for a policy framework and indicators in the areas of legislation, justice, service provision, training of professionals, civil society, data collection and prevention*, Brussels,



the SMART test: they are vague, do not relate to existing data sources; it is unclear how trends over time are to be addressed; the norm or benchmarks and comparable data sources are not specified. Indeed Sylvia Walby notes that whilst national reports from Europe to Beijing+10 stressed policy and practice innovations, there was little evidence provided of effectiveness.<sup>59</sup> Perhaps as a consequence there has been relatively little movement to implement them across Europe.

122. During the Dutch presidency a further three indicators on sexual harassment were proposed as a monitoring mechanism for the EU Directive on Sexual Harassment.<sup>60</sup>

- The number of employees who report incidents of sexual harassment at the workplace, as a percentage of the total workforce.
- The number of private and public enterprises that have a preventive policy regarding sexual harassment at the workplace, as a percentage of the total number of employers.
- The number of private and public enterprises that have procedures for sanctions in place for perpetrators of sexual harassment at the workplace, as a percentage of the total number of employers.

123. These look more like conventional indicators, are amenable to measurement over time, and allow tracking of State progress and transnational comparability.

124. EWL reflecting on these processes in 2004 argued that progressive moves have stalled.

Altogether these different measures, EU legislation, reports, resolutions and initiatives demonstrate that violence against women is

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EWL.

<sup>59</sup> Walby S. (2005) *Developing Indicators on Violence Against Women*. New York: UNDAW. P11

<sup>60</sup> Directive 2002/73/EC of the European Parliament and of the council of 23<sup>rd</sup> September 2002 amending council directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions.

an issue of concern at EU level but the fragmented way in which VAW is addressed precludes an overall coherent EU strategy to combat [it].<sup>61</sup>

125. They further point to an increasing de-politicization of the issue, whereby the analysis of VAW as a manifestation of the unequal power relations between women and men is increasingly absent from policy at regional and national levels.

126. Two years later the EU Commission published its *Roadmap for Equality between Women and Men*<sup>62</sup>, where VAW is identified as one of six priority areas. The Commission for the first time takes a strong stance on the issue<sup>63</sup>, undertaking to:

- issue a Communication on comparable statistics on crime, victims and criminal justice in 2006 and monitor progress at EU level;
- support Member States and NGOs in their efforts to eradicate gender-based violence... by promoting awareness-raising campaigns, supporting networking, exchange of good practices and research, and by implementing programmes for victims as well as perpetrators, encouraging Member States to establish national action plans;
- follow up on the Communication and the EU Action Plan on trafficking in human beings and promote the use of all existing instruments, including the ESF, for the reintegration into society of victims of violence and human trafficking.

127. A parallel process has taken place within the Council of Europe (COE), which unlike the EU has an explicit human rights brief and a broader membership. As part of its lengthy engagement with VAW the COE produced a monitoring framework that could be said to comprise a set of indicators<sup>64</sup>, the list of questions that State parties are asked to respond to is reproduced in Appendix 4. The stated goal was to create “simple, clear and practicable” measurements in order to: “produce regular data informative of progress towards the protection of women against violence”. The more

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<sup>61</sup> EWL (2004) *Beijing+10 1995-2005: Review Of The Implementation Of The Beijing Platform For Action By The European Union*. Brussels: European Women's Lobby. P47

<sup>62</sup> Commission of the European Communities, 2006, *A Roadmap for equality between women and men 2006-2010*, {SEC(2006) 275}, Brussels, European Commission.

<sup>63</sup> Debate has continued for more than a decade on ‘the legal basis’ for the EU undertaking work on VAW.

common sense meaning of indicators is in evidence here, with the list of binary questions presented as 'indicative of a policy and implementation of Rec (2002) 5'. Measurement is limited to violence in the family and sexual violence, with a proposal that member States should respond every two years, and a review after the fourth wave of data collection. The first wave took place in 2006.<sup>65</sup>

128. Whilst the simple and available elements of the SMART criteria were undoubtedly met, the level of simplicity and ease of collection have sacrificed depth – and arguably usefulness – of knowledge. Many of the measures are structural and the binary yes/no can be used here. The use of binary or basic additive measures (how many shelters) for process indicators raises questions about reliability and comparability there are no outcome measures. Data is also presented with no analysis/scoring of individual State progress or comparisons between States. The main point of indicators seems to have been lost in this process, with analysis limited to whether there is progress across Europe in addressing VAW. There is however potential to develop the instrument beyond binary response frames and develop methods for rating State progress.

129. Despite some advocacy it seems likely that the EU and COE processes will continue in parallel rather than connection. Currently only Norway includes violence in its yearly report on gender equality, and VAW has not been mainstreamed into the various attempts at consolidating quality of life studies across Europe.

130. Canada has made major contributions to the question of indicators, beginning with the ground breaking VAW survey in the early 1990s, and more recently with *Assessing Violence Against Women: A Statistical Profile in 2002*, and *Measuring Violence Against Women: Statistical Trends 2006*.<sup>66</sup> Whilst acknowledging the continuum of VAW and the United Nations definition, the vast majority of the data is limited to intimate partner violence, and in 2006 Holly Johnson notes limited progress

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<sup>64</sup> EG-S-MV (2004) RAP FIN rev 49

<sup>65</sup> Council of Europe, 2006, *Combating Violence Against Women: Stocktaking Study on the Measures and Actions taken in Council of Europe Member States*, Strasbourg, COE.

<sup>66</sup> Statistics Canada (2002) *Assessing Violence Against Women: A Statistical Profile*. Federal Provincial Territorial Ministers Responsible for the Status of Women and Statistics Canada. Ottawa:

since the previous report. The 2002 report did, however, set out a range of in principle requirements for indicators, which have been repeated and adapted since.

Six themes have been proposed by Statistics Canada for indicators:

- severity and prevalence;
- impacts;
- risk factors;
- institutional and community-based resources;
- victims' use of services;
- public attitudes and perceptions.

131. Even in Canada, the country which can claim to have made a major contribution to the contemporary VAW survey, regular data collection, that would enable time series and trend analysis, has effectively been reduced in recent years to measuring intimate partner violence/family violence.

132. Movements in the United States echo this narrowed agenda, with proposals for developing common definitions and data collection at a national level limited to:<sup>67</sup>

- the number of people affected by IPV;
- the characteristics of such people;
- the number and type of intimate partner violence episodes;
- associated injuries;
- other consequences.

133. Both the Canadian and US proposals include outcome measures alongside a range of process data. Neither set currently pass the SMART test, since how the measures are to be attained and addressed over time is not explicit. There is also an absence of structural measures.

134. Sylvia Walby notes a proposal from Mary Ellsberg for using attitudes to VAW

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Statistics Canada. Holly Johnson, 2006, *Measuring Violence Against women: Statistical Trends 2006*, Ottawa, Statistics Canada.

<sup>67</sup> Saltzman, Linda E., Fanslow, Janet L., McMahon, Pamela M., and Shelley, Gene A. (1999) *Intimate partner violence Surveillance Uniform Definitions and Recommended Data Elements, Version 1.0*. (2<sup>nd</sup> printing with revisions 2002). National Center for Injury Prevention and Control, Centers for Disease Control and Prevention: Atlanta, USA.

as a proxy measure, since it is easier to collect survey data on this than measuring actual violence. Its usefulness as proxy for violence is problematic since “the relationship between attitudes and practice is not definite and might be expected to vary over time and between countries”. However, measuring attitudes to VAW should be considered an important outcome indicator with respect to levels of tolerance, cultural contexts and the outcomes of awareness raising and prevention efforts.

135. The UK government has been developing policy on a number of forms of VAW, in separation rather than an integrated approach. Nonetheless the action plans do have associated indicators that will be used to measure the effectiveness of policy and practice. Examples of the measures in the domestic violence and sexual violence and abuse action plans include:

- domestic violence homicides\*
- headline prevalence of intimate partner violence and sexual assault\*\*
- percentage of population and young people who think that interpersonal violence is ever acceptable\*\*;
- arrest\* and attrition rates for reported intimate partner violence;
- number of civil protection orders\*;
- local government data on Best Value Performance Indicator with respect to IPV victim services\*;
- victim satisfaction with intimate partner violence interventions;
- increased provision of sexual violence services\*;
- increasing reporting, detection and prosecution of sexual violence cases\*.

136. Data for the indicators marked \* is routinely collected by State agencies, those marked \*\* can be measured regularly through the British Crime Survey, leaving attrition in intimate partner violence cases and a victim satisfaction as measures to be developed. Arguably this list of indicators are the closest of any examined to fulfilling the SMART criteria, albeit again that they are designed to assess national level policy, and are limited to intimate partner violence and sexual violence.

### **C. Proposals from within the United Nations**

137. A range of United Nations agencies have explored the question of VAW indicators, with some making detailed suggestions, and others seeking a single composite measure to be included in more general sets of indicators. The latter is invariably an outcome indicator.

138. The United Nations Economic Commission for Latin America and the Caribbean (ECLAC) commissioned a report on the importance of measuring VAW<sup>68</sup>, albeit limited to intimate partner violence. It overviews prevalence studies in the region, and makes recommendations about future survey content. Five indicators are proposed:

- the rate of violence;
- the rate of physical violence;
- the rate of psychological violence;
- the rate of sexual violence;
- the rate of unreported violence.

139. In addition data should be disaggregated along the dimensions of: geographical area; poverty; age; employment; pregnancy; racial and ethnic group; and relationship with the perpetrator. All of these measures are only available if there are regular surveys to measure violence and collect data on the characteristics of victims and offenders.

140. Additional indicators on demand for services across the three types of violence are proposed, to be calculated as the number of women who receive services as proportion of the population. This is not actually a measure of demand, since it presumes that receipt and demand are the same. This is not the case, since shelters are often full, help lines may be engaged and counselling services have long waiting lists. Additionally intimate partner violence is often a combination of physical, sexual and psychological violence, so it is unclear what is gained through separate measures with respect to service provision.

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<sup>68</sup> Alméras, Diane, Rosa Bravo, Vivian Milosavljevic, Sonia Montañó and Maria Nieves Rico (2004) *Violence Against Women in Couples: Latin America and the Caribbean. A Proposal for Measuring its Incidence and Trends*. Mujer y desarrollo 40. Santiago, Chile: UN Economic Commission for Latin America and the Caribbean.

141. The Office of the United Nations High Commissioner for Refugees (UNHCR) has devoted considerable efforts in recent years to developing policy and practice guidelines on the prevention of, and response to, sexual and gender-based violence (SGBV) against refugees, returnees and internally displaced persons. The necessity of documenting the extent of abuse is a key theme, and a proposed indicator of a 'sexual and gender-based violence report rate', defined as the number of incidents of SGBV in a population during a designated time period (month, year etc.), expressed as a number of incidents per 10,000 persons.

142. The United Nations Statistical Division has developed a database of gender statistics on women – The Women's Indicators and Statistics Database (WISTAT) - covers 63 topics, across nine categories for 200 countries. Many of the data categories are indicators. Wistat 4 incorporates data available up to mid-1999 on population, education, economic activity, households and marital status, health and health status, reproductive health and reproductive rights, public affairs and public participation and has recently added the category of violence. This is currently less developed than other areas, comprising only two measures: a national prevalence rate for intimate partner violence and deaths by sex, age and cause.

143. The UNDAW Expert Group on Good Practices, convened to input into the Secretary General's report made a series of proposals for possible indicators, mainly on the structural and process categories.

*Legal framework:*

- Whether the legal framework reaches minimum standards with respect to gender equality and violence against women, including whether customary laws conflict, or are in harmony, with CEDAW.
- Number of officially recorded cases and the proportion prosecuted and convicted.
- Number of perpetrators completing re-education programmes and the number of these re-offending.
- Number of asylum applications granted and refused on grounds of gender-related persecution.

- Number of trafficked women identified, proportion repatriated and proportion given permission to remain in the country of destination.

*Services*

- Number of NGOs working in the field and their funding.
- Number of shelter places per 100,000 population.
- Extent of provision of services, including sexual assault centres, advocacy projects.
- Number of cases dealt with by services.
- Training of staff: extent to which it takes place.

*Prevention*

- Prevention projects.
- The size and proportion of relevant budgets allocated to prevention.

*Women's Experiences of Provision*

- Women's sense of safety and satisfaction with services.
- Whether length of time from onset of abuse to seeking help is falling.
- Increase in activity and services and in their effectiveness.

144. Here an explicit attempt is made to move beyond the narrow intimate partner violence frame of previous proposals and to explore in the final section some additional outcome measures to prevalence rates. Further specification would be needed to make these into actual indicators.

145. The involvement of World Health Organisation in survey work to measure VAW and of UNECE in analysing methodological strengths and weaknesses will be addressed in the next section. IOM is also deeply connected to efforts to improve methodological approaches to assessing the extent of trafficking in women, and to create a transnational database for its own casework. UNDOC has also invested resources in exploring better ways to measure the extent of human trafficking.

146. The author of the present report was also made aware of work currently underway in UNAIDS and UNFPA on VAW indicators, but this work is in process, with no published information. Further proposals come from United Nations agencies whose remit touches VAW, but for whom it is not a central concern. Here interest is



in finding a small number of, or single indicator, that will add a needed dimension to existing indices. The Office of the United Nations High Commissioner for Human Rights has within its above mentioned project on indicators proposed and discussed some indicators on VAW in lists of illustrative indicators developed with respect to various human rights, such as the right to physical and mental health and or the right to liberty and security of person. There is a proposal on the table to include a VAW indicator – currently limited to the rate of intimate partner violence – in the MDG measurements. Several proposals have been made to include violence in the gender statistics indicators – the Gender and Development Index and/or Gender Empowerment Measure. Such mainstreaming would take VAW into the human rights, development and gender equality agendas and act as a spur for States to collect data. The desire to act immediately is leading proponents to focus on the prevalence of intimate partner violence in the last 12 months, as the most available measurement. The next section argues that this understandable pragmatic decision should be reconsidered.

147. The most developed system of United Nations indicators are probably those associated with the MDGs, a number of which have strong associations with VAW. The most obvious and direct would be the way that increasing the proportion of girls in education up to 14 would decrease early/child marriage. The others which may have direct and indirect influence are the equalization of land holding<sup>69</sup>, increasing women's financial autonomy<sup>70</sup> and the proportion of women in national and local government<sup>71</sup>. However, we currently lack the underlying research to link indicators in this way. What is most significant for this discussion is that the gender equality index for the MDGs should include at least one indicator on VAW, and be wider than the proposed intimate partner violence measure. Cambodia has begun moving in this direction linking VAW into not only MDG 7, but also HIV/AIDS.

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<sup>69</sup> One research project in Kerala, India has found that ownership of land decreased levels of intimate partner violence, but we lack data from other countries to demonstrate that this has wider implications.

<sup>70</sup> Whilst this theoretically increases women's capacity to refuse harassment, and to leave violent relationships, some research suggests that changes in local gender relations can, in the short term at least, result in higher levels of violence as some men use it as a strategy to resist moves towards more equitable relationships and distribution of resources.

<sup>71</sup> Potentially this might result in more commitment to legal reform and allocation of resources to VAW.

#### **D. Conclusions and reflections**

148. This chapter has provided an overview of current proposals for indicators on VAW. Analysis illustrates not only that there is no consensus, but also that many share significant limitations when assessed using the criteria outlined at the end of the previous chapter. Few are anchored in the relevant human rights jurisprudence; few are specified in sufficient clarity that their validity and reliability can be assessed. It is also apparent that the focus within States, regions and United Nations agencies has increasingly narrowed to an intimate partner violence agenda. Whilst the availability criteria might be used to justify this in terms of outcome measures, structure and process indicators have no such limitations.

149. This narrowed agenda contains huge danger if, as this kind of proposal is followed.

With sufficient investment of resources and effort an internationally comparable database could be built within the next five to seven years showing 12-month prevalence estimates of physical intimate partner violence for the majority of countries.<sup>72</sup>

150. If it will take almost a decade to reach this minimal goal, how long - if ever - will it take to address the wider VAW agenda, so recently affirmed in the Secretary General's report? This issue is explored further in the next chapter. What is relevant at this point is the dictum that what is measured gets addressed. If indicators are limited to intimate partner violence, this will not only reinforce but institutionalise the narrowed agenda, thus marginalising all other forms of VAW. If there is to be investment of resources and effort, it should surely go into progressive realisation of improved measurement and indicators on all forms of VAW.

151. To conclude, many but by no means all of the proposals to date have significant deficits, with respect to at least two of the basic criteria for good

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<sup>72</sup> Report of the Secretary General In depth study on all forms of violence against women. United Nations General Assembly, Sixty-first session. A/61/122/Add.1 Available from <http://daccessdds.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>.

indicators. In other words, they failed in the following tests as they were not:

- relevant, valid and/or reliable;
- simple, timely and few in number;
- based on existing information and data-generating mechanisms;
- suitable for temporal and spatial comparison and following relevant international statistical standards;
- amenable to disaggregation in terms of sex, age and other vulnerable or marginalize population segments;
- grounded in human rights commitments and cross-cutting principles;
- based on internationally accepted definitions.

152. Some proposals undoubtedly offer the beginnings of an approach, but further exploration of measuring violence and State responses is needed in order to develop proposals that overcome identified weaknesses. The next two sections explore these challenges.

## **VI. Measuring violence**

153. Of all the topic areas indicators might cover, measuring violence has undoubtedly been the one that has been most extensively discussed, with detailed, continuing and unresolved academic debates, alongside more policy based explorations.<sup>73</sup> In this section the current state of play is overviewed and connected to the discussion of human rights indicators.

154. Deliberations are most comprehensive with respect to intimate partner violence, but lengthy engagements are also evident with respect to rape/sexual assault, sexual abuse of children and trafficking. In each instance the issues of definition, how to formulate questions, appropriate sampling frames and technical decisions about how to collect data have attracted considerable scrutiny.

155. A series of elisions, already addressed, between the reach of terms such as

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<sup>73</sup> See, for example, *Statistical Journal of the United Nations Economic Commission for Europe*, 2005, 22:3&4.

measure sexual violence methodological insights from intimate partner violence research needs to be connected with those from recent studies of sexual initiation/early sexual experiences from North America and Africa.

192. Whilst the revised Sexual Experiences Survey (SES) offers a strong starting point, the implications of the three primary legal definitions of rape need more in depth consideration, since they have implications for how questions are worded. Most countries define rape as penetrative sex<sup>91</sup> which takes place because of force or without consent. The International Criminal Court worked with wider definition, which is for instance also national law in South Africa – sex in coercive circumstances. We know too little currently about the impact these variations have on the number of cases that are categorized as 'rape' in official statistics and how these local definitions affect perceptions of whether to disclose experiences of unwanted sex in prevalence surveys.

193. We do, however, know that using the words rape and force in questions decreases disclosure. The range of other forced/coercive sexual assaults has yet to be fully addressed in methodological debates. Sexual violence is the clearest example of how an internationally agreed definition exists, but is rarely the basis for national law. Whilst research seeks to explore the extent of rape that would 'fit' into existing definitions, a tension emerges. Should the international or national standard apply?

194. Measuring trafficking has specific challenges, not only are the practices more hidden, but the international definition is complex, requiring a combination of recruitment, movement and exploitation. This is as difficult for researchers to operationalize as it is proving for officials and lawyers to work with. If our interest is in identifying victimisation the continuum between irregular migration, smuggling and trafficking<sup>92</sup> presents major difficulties, since the agreements victims believe they are making are never to be trafficked, with exploitation sometimes only becoming apparent at a late stage, perhaps when someone returns home to find that no money was remitted. Methodological innovation is only beginning to emerge as trafficking is

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<sup>91</sup> Further complexities emerge here with respect to what forms of penetration are included, whether it only applies to a penis or includes fingers and objects, and whether husbands can be charged.

<sup>92</sup> Kelly, L. (2005) *Fertile Fields: Trafficking in persons in Central Asia*. IOM TCC, Vienna.

increasingly recognised. Bearing in mind these limitations, researchers are including revealing questions in both VAW surveys<sup>93</sup> and studies of irregular migrants. It is unlikely that including questions on trafficking in national random sample VAW surveys will produce significant findings, but that does not preclude using random sampling with respect to 'at risk' populations – defined geographically and in terms of age – or surveying migratory flows at relevant borders.

195. The preoccupation with international trafficking for sexual exploitation has limited research on trafficking for domestic work and labour exploitation – both areas in which women are strongly represented, and where they face the potential of sexual abuse. The extent to which internal trafficking forms a common practice in prostitution, and especially the ways in which minors and young women are introduced to selling sex by pimps/third parties, is another area where the knowledge base is weak.

196. An important process in the development of research on FGM/C was reaching transnational agreement not only on a definition, but a specification of different forms. This not only enabled more accurate documentation, but also tracing of trends away from the most extreme form of the practice.<sup>94</sup> There are also efforts underway within the World Health Organization to develop statistical approaches to estimating prevalence in diaspora communities. A study in Switzerland using this approach has recently suggested around 6,400 women/girls living in Switzerland have undergone FGM, a third of whom have Somali heritage<sup>95</sup>.and one in the UK (Dorkenoo et al, 2007) estimated that 66,00 women who have undergone FGM live in England and Wales that 33,000 girls were at risk.

197. Whilst not intended as a study of marriage practices the World Health Organisation multi-country study contains a series of questions that could form the basis for a module addressing forced, child and early marriage. Whether it is possible to connect these to the practices of dowry, bride price and polygamy, which in some

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<sup>93</sup> See for example: African Child Policy Forum, 2006, *Violence Against Girls in Africa: A Retrospective Survey in Ethiopia, Kenya and Uganda*, Addis Ababa, African Child Policy Forum

<sup>94</sup> <http://www.unicef-icdc.org/publications/pdf/fgm-gb-2005.pdf>

<sup>95</sup> Op cit

perspectives are considered forms of violence against women, is a matter for further reflection and innovation. Even if one does not include all forms of harmful marriage practices as VAW, investigating the extent to which they correlate with levels of physical and sexual assault is an important element in exploring causes, consequences and intersections.

198. Most emphasis has been placed on measuring the extent of violence in the population, with less on specific groups and even less on the histories of violence individuals sustain over the life course. Surveys of specific populations, however, have revealed that some life contexts include increased risk of violence – this is implicitly acknowledged in the focus on the family and heterosexual partnerships, and in the issue of sexual violence in the contexts of conflict and being held in custody. A common finding in studies that measure the extent of a range of forms of violence in women's lives is that repeated sexual abuse in childhood constitutes a powerful risk factor for sexual and physical abuse as an adult.<sup>96</sup> Specialist VAW surveys, which are not linked to intimate partner violence enable measuring the continuum in individual lives, allowing documentation of re-victimisation. Understanding the contours of re-victimisation is important for protection, prevention and limiting harm.

199. There is increasing evidence that some groups of women appear to be at greater risk of multiple experiences. The human rights principle of non-discrimination is relevant here, making the study of vulnerable populations – migrants, women in prison, with mental health problems, displaced and refugee women, and women in the sex industry – a critical aspect to measurement. Here the focus is on differential prevalence rates, and exploring if there are additional needs for services and policy responses. It is possible to include sub-samples of identified population in VAW surveys, or to undertake more directed studies of vulnerable groups. Recent research in the UK and Germany<sup>97</sup> has documented the levels of violence sustained by women in prostitution – both prior to and post entry into the sex industry. Rates are considerably higher than within the general population for

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<sup>96</sup> Changing a harmful social convention. Female Genital mutilation/cutting. *Innocenti Digest*, 12, 2005.

<sup>97</sup> In both countries a programme of research has been funded by government, to inform policy development.

physical and sexual violence, with repeat victimisation most evident for those based on the street.<sup>98</sup>

200. Prevalence research provides the headline rates of victimisation, but studies can also measure a range of other things, including reporting rates. Where this data is collected for lifetime victimisation it is possible to analyse whether reporting has increased over time – and for age cohorts and social groups. Willingness and barriers to reporting can also be investigated – offering guides to inform public policy. Analysis of the Finnish data suggests that younger women are reporting more, and reporting lower level incidents. Both these findings suggest increasing awareness of intimate partner violence, and decreased tolerance amongst female victims.

### **G. Methodological debates and variation<sup>99</sup>**

201. The range of prevalence findings is considerable, with variations across States and between studies in the same country. Increasing prevalence rates have been attributed to both methodological innovation which has become more adept at identifying violence and the lifting social taboos on disclosure.<sup>100</sup> Whilst technical measurement issues and social change undoubtedly play a part, the possibility of variations in levels of violence has to also be taken into account. Indeed this sits underneath the promise of prevalence as an outcome measure documenting falls in violence in the future.

202. This section explores the major technical issues which are seen to contribute to variations in findings, offering pointers to current good practice in prevalence research.

#### ***Number and format of questions***

203. The limited attention afforded VAW in social policy, alongside the social processes which conspired to ‘silence’ women’s accounts, ensured that only a

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<sup>98</sup> See also Farley, M., Cotton, A., Lynne, J., Zumbach, S., Spiwak, F., Reyes, M.E., Alvarez, D., Sezgin, U. (2003) Prostitution and Trafficking in 9 Countries: Update on Violence and Posttraumatic Stress Disorder.

*Journal of Trauma Practice* 2 (3/4): 33-74.

<sup>99</sup> The analysis presented here draws on papers at two international meetings London, RSS and Geneva, UNECE.

minority of cases were reported to official agencies. Cases that were reported were likely to be the most serious, and which fitted orthodox understandings of crime: assaults by strangers that result in visible injuries. Social research, therefore, faced the challenge of developing innovative ways of documenting hidden violence.

204. The number, format and content of questions have been shown to be important in limiting or facilitating disclosure. Single questions are less effective than multiple probes, and the most effective are behaviourally specific lists which avoid using terms such as 'rape', 'assault', 'violence'. The extent to which questions do and do not correlate with common sense and/or legal categories has been a matter of debate, with some commentators arguing that there is 'over-counting', whilst methodologists continue to stress under-reporting.

205. Most studies of intimate partner violence employ some variation of the Conflicts Tactics Scale: a measure about which there have been extensive debates. The revised measure now constitutes a seven-item scale for physical violence, with smaller numbers of questions on controlling behaviours and sexual violence. It is not, however, without critics, since on its own it tends to over-count conflict as violence, including by women to men. It is only where the additional measures of frequency, seriousness and impact are included that gendered patterns are visible. These significant limitations are disguised when the study sample is confined to females.

206. The most widely used instrument for measuring sexual violence is the Sexual Experiences Survey: a series of 13 binary questions which produces a lifetime prevalence rate. There is, however, no measure of frequency, if events are recent or historic.<sup>101</sup> Such limitations make levels of analysis across age cohorts impossible, and limit the extent to which patterns of reporting can be tracked. It also stunts knowledge of the fact that sexual violence may also involve repeat victimization by the same perpetrator and patterns of subsequent re-victimization.

207. Questions may or may not specify particular contexts/relationships – such as

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<sup>100</sup> *Statistical Journal of the United Nations Economic Commission for Europe*, 2005, 22:3&4.

<sup>101</sup> This instrument has been used most often with college students, making such distinctions less important.



only investigating violence by intimate partners or by family members. Whether the survey is constructed through a health, crime or human rights framework will determine what other questions are asked, and even what kinds of violence are investigated. A health framing will include acts that are likely result in psychological harm and is likely to emphasize intimate/familial relationships; crime surveys are narrower seeking to document victimization that correlates with legal frameworks; and a human rights focus would include State tolerated and State sponsored acts, with violence as a form of discrimination.

208. Previous sections have highlighted limited methodological development with respect to many forms of VAW, where single or no questions are currently included in VAW surveys. Whilst there has been considerable progress a technical brief for the German survey<sup>102</sup> noted that more behavioral specification is still needed in questions in order to make distinctions between:

- physical aggression and physical violence;
- sexual aggression, sexual coercion, rape;
- emotional and psychological abuse;
- single and repeated acts;
- relationship to perpetrator;
- harms.

209. The final concept of harm seeks to move beyond the measurement of injury and health impacts to include the social and economic costs of victimisation to individuals. Carol Hageman-White (2005) also notes the limitations to date in measurements that seek to address the causes/roots of violence, with little sophistication in measures of dominance. It is indeed the case that such measurements tend to be rooted in psychological models of gender roles, rather than sociological understandings of gender relations, gender regimes and notions of entitlement.

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<sup>102</sup> Hagemann-White, C. (2005) Surveying prevalence of violence against women in the context of the German National Action Plan. *Statistical Journal of the United Nations Economic Commission for Europe*, 23 (3-4), 301-309.

***Reference period***

210. The period of time that survey data covers has a considerable influence on prevalence findings. Most obviously a lifetime prevalence rate will be considerably higher than one only taking the last 12 months into account. Justification for limiting the time period has been that recall is better, making findings more reliable, and current cases are a better guide to service needs. The latter argument, however, neglects the legacies of abuse that can extend over long periods of time.

Simultaneously, where data relates to the last year, it can also be connected to official reporting and current policy regimes. There is a trade off, methodologically however, as reliability and generalisability for 12-month measures requires considerably larger samples, increasing the costs of undertaking the study. Most researchers and commentators concur that both lifetime and last 12 months measures should be included in prevalence studies.

***Sample size and composition***

211. Having larger samples increases both the number of cases detected and the strength of claims to representativeness, especially where accepted standards for random selection are used. The latter are, however, difficult to implement in societies where the tools for undertaking selection – census data, voting registration and/or high telephone ownership – are unavailable or inaccurate. Whilst geographic spread across a nation State is the most preferable, funds, transport and political contexts may make this impossible. Decisions such as that made in the World Health Organisation survey to randomly sample in two areas – one urban and one provincial/rural – represent the best possible compromise where resources are limited.

212. The age range of samples is also significant, with most beginning at 15, 16, 18 and having age cut offs at 45–60. Some studies of intimate partner violence have further limited their sample to ever-married women. All of these distinctions influence the calculation of prevalence rates. Girls and elderly women are, therefore, seldom included in VAW surveys. This is also the case for those who speak other languages and have disabilities which affect communication. Most random sampling pools are household based, excluding anyone living in an institution, or who is homeless. Thus groups of women amongst whom there are higher than average

prevalence rates are often not included in sampling frames. This is just one way in which prevalence rates are likely to be underestimates. If these groups are excluded, and there may be a case for having targeted sub-samples of groups for whom aspects of the methodology have to be adapted. Men are much more likely to be included where the research is a module within a crime victimization study, posing the challenges addressed in the previous section.

### **Definitions**

213. The way something is defined determines both how questions are formulated and analysis undertaken: definitions can be narrower or wider, with obvious implications for measurements of how common VAW is found to be.

214. The foundation of definitions can be experiential, analytic or legal, and most surveys are based on one of these variants. Increasingly researchers<sup>103</sup> are exploring the possibility of analyzing data using a range of definitions, asking questions to make this possible. For example, sexually coercive acts can be captured by a series of questions with their content designed to narrow the definition along specific dimensions, including force. In this model research could operationalize a series of definitions, including those in local legal statutes and any international agreements.

215. The emergence of gender-neutral definitions of family/domestic violence creates tensions with United Nations and human rights approaches, and has implications for the continued lack of disaggregated data.

### **Administration of research**

216. How surveys are administered has implications for disclosure. The orthodoxy with respect to the early community VAW surveys was that face to face interviews, with interviewers matched for gender age and ethnicity increased disclosure. Since that time, however, high disclosure rates have been created through postal surveys

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<sup>103</sup> See, for example, Tjaden, P. (2005) Defining and measuring violence against women: Background, issues and recommendations. *Statistical Journal of the United Nations Economic Commission for Europe*, 23 (3-4), 217-224.

(Sweden), telephone surveys (Canada) and most recently using CASI technology<sup>104</sup> for the VAW section of crime victimisation surveys. The British Crime Survey found that the privacy and anonymity CASI increased reporting of violence by five times.<sup>105</sup> The technology has also been used in Kenya, where in the context of studies of sexual practices it decreased both under-reporting by young women and exaggeration of sexual activity by young men. For both groups it increased reporting of stigmatized behaviour, such as paying for or selling sex. Recent studies, therefore, are suggesting that rapport is not the only important aspect of administration to increase disclosure, and that certain forms of confidentiality may be even more facilitative.

217. The framing of the entire survey - health, crime, safety, relationships, human rights – also affects disclosure rates, as people make decisions as to whether their experiences ‘count’.

218. What ‘counts’ and is counted can also vary across survey framings, with, for example, injuries and health consequences of major concern for those located within public health/epidemiology. In contrast crime victimisation studies are more interested in the frequency of criminal victimization, the identity of perpetrators whether events were formally reported. Crime victimization surveys, often limited to the past 12-18 months, tend to measure ‘incidents’ – the number of times respondents have been victims of crime. This contrasts with prevalence in VAW surveys, and indeed may be difficult to record with accuracy where there is extensive repeat victimisation, given that such surveys tend to require incident forms to be completed for each crime. However, as Sylvia Walby has noted, were this to be undertaken for VAW it might reveal that intimate partner violence is far more common, when measured by incidents, than violence between young men in the public sphere. Undoubtedly an incident measure will be most accurate for the narrower time frame of 12 months, at the same time it is important and relevant to questions such as sexual abuse in childhood.

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<sup>104</sup> Computer Aided Survey Instrument – this involves passing laptop computers to participants who answer the module/questions in complete privacy. When complete they press a key which automatically stores their responses and not even the interviewer sees them.

<sup>105</sup> S. Walby, 2006, ‘Developing indicators of gender based violence’ *Development of indicators and official statistics of gender based violence*, London, Royal Statistical Society

*Specialist survey or mainstreamed module*

219. A further orthodoxy to emerge over the last decade has been that only specialist VAW surveys can deliver high levels of disclosure. Several recent modules with other studies have questioned this with respect to intimate partner violence, sexual assault, stalking and FGM/C. There is no doubt that specialist surveys, have played key roles in raising awareness about the extent of VAW, and provided contexts in which methodological innovation could take place. At the same time they are expensive ad hoc activities with no State committing itself to regular waves over time. This makes them unsuited to providing the regular measurement required for indicators. Mainstreaming modules into mainstream reoccurring surveys enables tracking of trends over time.

220. Angela Me, within UNECE, has undertaken a detailed comparison of the two approaches. She concludes that specialist surveys can:

- be more comprehensive in the forms of violence covered;
- provide a backdrop of detailed data behind the headline figures which can inform policy and practice;
- enable complex analyses;
- be more accurate, if samples are large and better training is provided to data gatherers;
- have higher rates of disclosure;<sup>106</sup>
- be more conducive to maintaining high ethical standards.

Modules on the other hand can:

- be cheaper, and easier to mainstream;
- be developed and adopted by national statistics offices;
- be repeated on a regular basis;
- enable tracking of trends over time;
- be included rapid assessment studies.

221. The drawbacks of modules are a progressive reduction across two dimensions

of what we currently know to be good practice – multiple questions and coverage of a range of forms of VAW. We already have evidence of these processes. In Canada, the VAW Survey which was widely recognised as international best practice in the 1990s has never been repeated and measurement is now limited to a module, limited to intimate partner violence, in a victimisation survey every five years. The interpersonal violence module in the British Crime Survey is arguably the most comprehensive of the modules to date, but in subsequent waves has been shortened. The women who provided expertise in the development of both instruments note that some of their strengths have been compromised, and in particular Holly Johnson (2005) points to the loss of measurement of sexual harassment, lifetime prevalence measures and serious attention to sexual assault as serious limitations in the current Canadian approach.

222. Modules are certainly increasing, however, with Cambodia adding one with 12 questions on intimate partner violence into a DHS survey in 2000. The interest in the UN on indicators is just one of the factors that make the use of modules more likely in the future. Angela Me<sup>107</sup> concludes that modules are acceptable only where: a full instrument is used; ethical guidelines on women's safety are followed; the survey they are included in deals with a connected topic (health, crime). In the context of the UN and SR-VAW, the coverage of a range of forms of VAW might also be included in these minimum standards.

223. The next period of methodological development will involve negotiating the tensions between the advantages of specialist surveys and mainstreamed modules. Rather than address this as an either/or it could more productively be discussed as a both/and. There will continue to be needs for specialist surveys to address understudied forms of violence and explore the impacts, consequences. This will arguably be enhanced if modules produce findings which cannot be adequately explained through more limited data.

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<sup>106</sup> An example here is the successive Finnish studies, where the specialist VAW survey had considerably higher prevalence findings than the Finnish National Victimisation Survey (Heiskanen, 2006).

<sup>107</sup> Angela Me, 2006, 'Challenges in measuring violence against women within the framework of official statistics across countries'

224. One strong example that deserves wider recognition is the FGM/C module<sup>108</sup>, used now in 19 African societies within Demographic and Health Survey (DHS) and Multiple Cluster Indicator Survey (MICS)<sup>109</sup>, both rapid assessment tools, in contexts where reliable data is not available. This module produces data for five key outcome and process indicators, and address trends over time. The indicators are:

- *Prevalence of FGM/C*  
The key outcome measure, calculated across five year age bands 15-49
- *FGM/C status of all daughters*  
A second outcome measure, tracking recent change, including the current age of daughters, and age when they were cut
- *Percentage of "closed" FGM/C (infibulation, sealing) and "open" FGM/C (excision)*

225. Addressing trends in the forms of FGM/C for adult women and their daughters

- *Performer of FGM/C*  
Is there a move towards more medicalized procedures?
- *Support of, or opposition to, FGM/C by women and men age 15-49*  
An attitude measure to explore changing norms

226. Two structural indicators are measured at local levels: whether any public declarations of intent by villages to abandon the practice have been made and whether there are community-based surveillance mechanisms for girls at risk.

227. The combinations of outcome, process and structural indicators, rooted in awareness of current policy processes and efforts to track change over time make this a commendable example of the kind of modules that could and should be developed. A strong argument could be made for developing a similar module to assess sexual violence, using the ICC definition, in contexts of conflict and humanitarian crisis.

228. As the use of modules increases new opportunities present themselves for methodologists to examine the best combination of questions and the extent to which

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<sup>108</sup> African Child Policy Forum, 2006, *Violence Against Girls in Africa: A Retrospective Survey in Ethiopia, Kenya and Uganda*, Addis Ababa, African Child Policy Forum

number and context of questions affects disclosure.

### *Lessons and good practice*

229. Whilst mindful that new approaches and methodological reflection are always in process, and that local contexts determine how questions can be asked and what modes of administration are feasible, it is possible to draw some provisional conclusions. Highlighted below are the elements of surveys which need to be similar in order ensure comparability. VAW surveys will produce more accurate and useful findings where there are:

- multiple opportunities to disclose;
- behaviourally specific questions that avoid the use of words such as 'rape', 'force', 'violence' and 'assault';
- coverage of a range of forms of VAW;
- questions constructed to explore multiple definitions of forms of violence, especially where there are recognized international standards;
- recent and lifetime time frames for prevalence findings;
- representative and inclusive sampling frames;
- measurements of frequency and severity where relevant;
- measurements of impacts beyond injury;
- strong ethical practices.

### *Gaps and issues to be addressed*

230. One of the tasks specified in the Terms of Reference for this piece of work was to highlight gaps, a number of which have been touched on in this section already. The major issue has to be that progress in measurement is most evident with respect to intimate partner violence. It is impossible to fulfill the United Nations mandate which stretches across all forms of VAW if this is cemented through proposals that limit indicators to this single form. The importance of sexual violence as a mechanism for controlling women has long been recognized, and appears in findings on fear of crime. A focus on intimate partner violence also has the unintentional consequence of limiting attention to girls, older women, minority women, women in custody etc. There is a danger, therefore, of failing the non-

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<sup>109</sup> UNICEF Study - [http://www.unicef.org/infobycountry/stats\\_popup9.html](http://www.unicef.org/infobycountry/stats_popup9.html)



discrimination test if indicators are narrowed in this way from the outset.

231. There is undoubtedly a need for more attention to be given to how to measure sexual violence, including how to develop a module which would permit analyses across the various definitions of rape, including sex in coercive circumstances across child and adulthood. There will undoubtedly be cultural variations in the prevailing coercive circumstances, with, for example, material factors such as withholding/giving resources such as access to shelter, food and/or water being more salient in some contexts.

232. Some researchers doubt that prevalence measures can be used as an indicator of policy effectiveness, others argue that so long as there is confidence that findings are reliable and regular such inferences are possible. Specialist VAW surveys also need to extend their reach from simply exploring the extent of violence as key outcome measure, but also to patterns of reporting, help-seeking, repeat and re-victimization.

233. The potentials and accuracy of survey methods for addressing changes over time, impacts of reforms and awareness campaigns have also been neglected. The FGM/C module offers an example of a design to assess prevalence, attitudes and trends over time. Investment of time and expertise to extend this approach is a potential next step for the United Nations. Attention must be paid here to the ways in which policy priorities influence what is measured, and the necessity of including the wider VAW agenda.

234. More emphasis would also be welcome on the longer-term consequences of VAW, including on women's well-being, aspirations, quality of life and sense of security. Extending narrow health measures to explore consequences with respect to social and cultural capital, social networks and relationships would enhance understanding of the ways in which victims of violence incur harms and costs. An Estonian study found lower standards of living for women victims of intimate partner

violence<sup>110</sup>, and the BCS found higher rates of social exclusion.<sup>111</sup> This might move research into more longitudinal studies of samples who have experienced violence, one of which is ongoing in Canada.<sup>112</sup> Such studies need to explore why, for some women, legacies of violence form the foundation for life trajectories which propel them into prisons and mental hospitals, whereas for others they are the backdrop to substantial achievements.

235. If we are to fulfil the remit of non-discrimination research must explore issues of intersectionality, how violence intersects with questions of identity and meaning, social divisions and interventions. This might encompass exploration of how the contours of what constitutes empowerment in the aftermath of victimisation are affected by social position.

236. Limited study of perpetration, the cause and roots of violence, is also evident, with a necessity not just of finding ways to undertake more sophisticated research with men, but also to operationalize concepts such gender orders/regimes, gender relations, notions of entitlement and human rights.

237. A question which arose in the research for this paper is the extent to which survey data generated by governments and NSOs is, and should be, publicly available, in order that academics can undertake further analysis.

238. At the level of theory and conceptual clarity exploring conducive contexts that facilitate VAW is a neglected area. What is it about certain societies, institutions or socio-economic changes that create contexts in which violence is more common and/or less sanctioned? This offers one route for including under-documentation of VAW in contexts such as custody, closed institutions, violence by the State, or State-sanctioned.

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<sup>110</sup> Proos, I. and Pettai, I. (2001) *Violence Against Women in Estonia. According to Data from a Sociological Research*. Tallinn: Estonian Open Society Institute. [Available online at: [http://www.childcentre.info/research/researchpr/violence\\_in\\_estonia.doc](http://www.childcentre.info/research/researchpr/violence_in_estonia.doc).]

<sup>111</sup> Walby, S. & Allen, J. (2004) *Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey*. Home Office Research Study 276. (London: Home Office). <http://www.homeoffice.gov.uk/rds/pdfs04/hors276.pdf>

239. The next generation of survey instruments need to recognise that a number of forms of VAW are not as complex as intimate partner violence, and could be explored with fewer carefully constructed questions. One only needs to show for example if FGM/C has taken place.

***Will agreeing indicators resolve methodological debates?***

240. One of the barriers to developing, let alone agreeing indicators has been a tendency to assume that methodological debates in the academy, and preferences in practice between researchers – for specialist survey or modules, for example – have to be resolved in the process. This is neither possible nor desirable since differentiation in approaches is a route to new discoveries and progress. What is essential is clarity about what is to be measured and whether the point is to create comparable surveys, comparable modules, comparable questions or comparable data. This overview concludes that whilst the first three might be desirable, and are emerging in some instances, they are not necessary for comparability. Rather the basic requirement is *comparative data across shared definitions*.

241. The latter is more complex than it first appears, since there are incompatible legal framings of forms of VAW across societies, and it is important for legitimacy purposes that surveys can provide data related to national statutes. Just as prevalence studies can provide rates across different time frames, they must be designed to do the same across several definitions. This in turn may allow the United Nations to set an international definition of VAW, which national level prevalence measures will be expected to operationalize. At least one methodologist has already made the point that variable definitions should inform both the design and analysis of surveys to measure VAW.<sup>113</sup> There is also a challenge to overcome fragmentation, of studies addressing child and adulthood, of violence in private and public. VAW surveys need to be able to capture multiple victimization over the life course and across life contexts.

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<sup>112</sup> Being conducted by Jane Ussel at the RESPONSE research centre in Winnipeg.

<sup>113</sup> Tjaden, P. (2005) Defining and measuring violence against women: Background, issues and recommendations. *Statistical Journal of the United Nations Economic Commission for Europe*, 23 (3-4), 217-224.

242. The conclusion, therefore, is that comparable indicators on measuring violence can be produced through data analysis which leaves open possibilities for improvements and developments in methodology. Specific proposals are made in Chapter 8. Whilst considerable work will be needed to reach agreement on an agreed, operational, definition we believe that this is more realisable than the other approach which would require harmonising both survey methods and national laws. The indicator definitions should be rooted in their role underpinning measurement linked to existing United Nations positions on VAW, international law and the current knowledge base. These moves will not replace specialist VAW surveys, but rather are entirely dependent upon the knowledge and findings embedded within them.

## **VII. Assessing State progress**

243. Developing indicators to assess State progress is, in a number of ways, less complex than measuring violence. Firstly, there are clear responsibilities set out in international law. Secondly, there is no separate academic debate on the parameters and approaches. Thirdly, many States have accepted responsibilities as evidenced through law reform and policy development. Conclusions of previous sections on human rights indicators and the current proposals with respect to VAW are built on. Section 4 outlined State responsibilities to respect, protect and fulfil rights, drawing on the key human rights principles of non-discrimination, progress, participation and remedies.

244. The concepts of structural, process and outcome indicators are re-visited, with State progress most connected to structural and process measures of human rights commitments within the due diligence principles, with changes in reporting and prosecution rates arguably both process and outcome indicators. At the structural level compliance with existing international law, including through the creation of relevant legal and institutional infrastructures must be assessed. Here relevant minimum standards are often set out in conventions. These need to be supplemented by routes to assess implementation, 'good will' and future orientation to the elimination of VAW. Process indicators address specific interventions, illustrating progressive realization of rights through measures on protection, remedies and prevention.

245. The question of whether indicators are designed to assess State progress over time and/or provide comparative data across States is a clear concern. The former is the primary concern of the United Nations – assessing the extent to which individual States are complying with existing commitments. At the same time comparisons can and will be made between States, raising the question of fairness given the vast differentials in resources and histories of addressing VAW.

246. Access to remedies is a core aspect in responses, providing not only redress for violations that have already taken place, but also protection from repetition. Remedies can take the form of: compensation; reparation; restitution; rehabilitation; guarantees of non-repetition; declarations and public apologies. The latter two have been understood in terms of States and State agents making clear public statements that they take responsibility for violations of rights. There are, in fact, a number of demands for such actions with respect to VAW, with the most well known probably the long-standing campaign by the Comfort women with respect to the Japanese government. In civil society similar processes have been sought with respect to the Christian churches and residential institutions with respect to child abuse. At both levels there has been a reluctance to take responsibility and make unequivocal apologies. Whether declarations and apologies are to be sought from individual actors is a matter of contestation within NGOs, with many pointing to the extent to which men already make private apologies in bad faith. Of more interest are the increasing public/collective commitments, perhaps best illustrated by the use of declarations between villages to not subject girls to FGM/C.<sup>114</sup>

247. The creation or reform of statute law and development of policy is insufficient to ensure rights are protected and fulfilled, implementation is critical as are mechanisms for evaluation and monitoring mechanisms to ensure rights are enjoyed equally, without discrimination, and unintended consequences are recognized and addressed. Access to remedies requires the promotion of awareness and education and training for officials, and professionals.

248. Indicators must also fulfill a number of requirements, if they are to be useful in

tracking these processes. Previous sections have presented the following basic tests:

- relevant, valid and/or reliable;
- simple, timely and few in number;
- based on existing information and data-generating mechanisms;
- suitable for temporal and spatial comparison and following relevant international statistical standards;
- amenable to disaggregation in terms of sex, age and other vulnerable or marginalize population segments;
- grounded in Human Rights commitments and cross-cutting principles;
- based on internationally accepted definitions;
- comparative across time for and between States.

249. This section draws on the above conclusions standards to explore the areas where State progress might be best addressed through indicators, beginning with an exploration of recommendations made by the review and by stakeholders, followed by sections exploring core obligations.

#### **A. Previous recommendations**

250. Section 4 documented the large number of indicators that have been already proposed with respect to State progress. Most failed one or more element of the above standards. Specifically, many are not rooted in HR commitments, and were neither simple nor reliable.

251. The Special Rapporteur on VAW has already outlined some minimum areas indicators must address:

- Ratification of CEDAW and other international human rights instruments.
- Constitutional guarantees of women's equality, with violence understood as a driver of inequality.
- Plan of action/executive policy on VAW, implemented in good faith and linked to the ambition of eliminating VAW.

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<sup>114</sup> Kelly, L., Lovett, J. & Regan, L. (2006) *Violence against women: A briefing document on international issues and responses*. British Council. Available from [www.britishcouncil.org/vaw.pdf](http://www.britishcouncil.org/vaw.pdf)

- An appropriate and effective legal framework – statute and procedural that provides redress including:
  - repeal of discriminatory laws;
  - responses that encourage reporting, accurately record, efficiently investigate and prosecute cases of VAW, mindful of the principles of dignity, integrity and privacy.
- Awareness and sensitivity of professionals and officials.
- Resources allocation to ensure provision of support and advocacy services by NGOs, including shelters and counselling and specialist services.
- Awareness raising and prevention programmes.
- Collection, collation and publication of data, including evaluations of new policies.

252. These clearly span structure and process indicators and offer a framework for further development. Addressing them all, however, may prove impractical, and some need adaptation to fulfill the technical requirements of indicators.

253. In her most recent report the Special Rapporteur on VAW draws on the themes of prevention, protection, punishment and reparation/remedy to further underline the content and contours of State actions. She also highlights that these themes would intersect in an integrated approach, and that prevention should be the underpinning principle for State responses. She further points out in paragraph 46 that there is limited evidence of States engaging with the necessary social transformations that will significantly decrease, let alone end, VAW. If States did a) address all forms of VAW in a coherent and connected way b) locate the work with equalities and human rights and c) provide resources for oversight and innovation we might see more evidence of the kind hoped for. These principles underpin the exploration in this section.

#### **B. Structural Indicators**

254. Taking the Special Rapporteur's proposals as a starting point whilst the ratification of CEDAW is recorded currently by the United Nations Statistical Division, constitutional guarantees of women's equality, and whether VAW is located within an equalities agenda is not. The latter is critical in assessing whether VAW is

to be understood as a driver of inequality, and addressed through appropriate gender analysis. These are less likely if the issues are addressed primarily through crime or health agendas.

255. Whether there is a Plan of Action appears to be relatively simple to assess, but the Special Rapporteur on VAW added in two further requirements – that it is implemented in good faith and linked to the ambition of eliminating VAW. Assessing these two requirements could include whether there is a body with responsibility for implementation and evaluation, and whether plans have time limits and are renewed. A further critical issue is whether PoA's or policies adopt the integrated approach to VAW she envisages and was specified in the Platform for Action, or are limited to one or more forms of violence. Many plans are focused on intimate partner violence/domestic/family violence and trafficking – the areas which have received most attention internationally - with limited infrastructural support to ensure implementation. Clearly only assessing whether a plan exists is too low a standard.<sup>115</sup>

256. For a plan to be effective it must extend out from the centre of government through ministries and down to local levels. Having co-ordination bodies and leads/champions in agencies provides routes whereby policies can be implemented and innovation encouraged. Again the most developments here are evident with respect to intimate partner violence, and in some countries trafficking. Rarely are these more local activities integrated approaches to VAW, despite the potentials of saving money and being more effective through a holistic approach.<sup>116</sup>

257. There are also mechanisms in many countries for auditing the performance of public bodies, having VAW integrated into one of the measures of implementing a gender equality strategy would provide a powerful mainstreaming tool. Such bodies, alongside investments in research and evaluation might also identify variations in provision and current promising practices.

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<sup>115</sup> Lovett, J. (unpublished) *Briefing document on strategic approaches to addressing Violence Against Women*. London, Amnesty UK.

<sup>116</sup> End Violence Against Women (2005 & 2006) *Making the Grade: An independent analysis of government initiatives on violence against women*.  
[<http://www.endviolenceagainstwomen.org.uk/documents/Making%20the%20Grade.pdf>]



258. The Platform for Action and subsequent documents required that States undertake an audit of their legal framework, taking whatever measures necessary to ensure that all forms of violence are covered by criminal and civil law. Specific requirements here have involve ensuring:

- rape is a crime against the person/sexual autonomy rather than against morals, and cannot be erased through marriage;
- domestic violence/intimate partner violence is a criminal offence;
- trafficking and sexual exploitation of children are criminalised;
- harmful traditional practices are addressed.

259. Reforming legal codes is a first step to ensure redress and access to justice for women, when the crimes they have been subjected to have tended to be normalised and under-prosecuted. Process measures (see below) are needed to address reporting, recording and procedural matters.

260. The Special Rapporteur on VAW noted the importance of political will, high level support for setting the target of eliminating VAW. This can be evidenced by actions such as recognising 25 November as International Day to End Violence Against Women, strong statements on the issues by heads of government, lead ministers, and supreme court judges. The extent to which VAW is mainstreamed across relevant policy priorities, for example: public health, human security, poverty reduction, maternal mortality, drugs and alcohol and mental health, is strong evidence of an integrated approach and the extent to which findings from research are used as evidence in policy development.

### **C. Process indicators**

261. Here a range of issues, all highlighted specifically in UN documentation are explored and the extent to which indicators can be built in relation to them are addressed.

#### ***Data and record keeping***

262. Assessing State responses at the process level relies on administrative data. Far less attention has been paid to this area, compared to prevalence research. Angela

Me (2006) stressed that such research “should provide policy-makers with the data needed for good governance under the principles of independence, integrity, impartiality, confidentiality”.

263. Much of the data that would be required either does not exist, or is seldom brought together across States, especially where aspects of administrative law operate at federated levels. Such barriers are surmountable, since Australia, Canada and Germany have all, on occasion, compiled national level statistics on aspects of VAW. Again the familiar over-emphasis on intimate partner violence is evident, with the inclusion of some data on sexual assault.

264. The problem here is that historically many forms of VAW have been ignored, trivialised, normalised, meaning that cases were both under-reported and under-recorded. Administrative records tell us about how far these factors were in operation in specific contexts. The continued failure to accurately record has been evidenced in many research studies, from those which document professionals, especially police officers, discouraging complaints, to others where data is simply lost due to poor record keeping. Efforts to address these failures have ranged from the special police cells in Brazil and India, through to efforts to track repeat victimisation and case progress using specially designed databases and case tracking systems in some local areas in Australia, North America and the UK.

265. Whilst accepting the limitations of official data we already know that large-scale surveys are not well suited to documenting less common forms of violence, but which represent grave violations of human rights, killings in the name of honour and acid attacks are examples here. Accurate official figures are critical, and Ministries of Justice and Equality should improve systems to record and track such cases. Triangulating police and court records with media reports and evidence from human rights NGOs could provide more accurate national pictures.

266. Homicide data is considered amongst the most exact of criminal statistics, although even here criminologists have pointed to the social construction of the term ‘homicide’. There is a potential here to explore femicide – defined by Diana Russell

(2001) as the killing of women by men because they are women. Awareness of ways in which deaths of women represent specific and gender-based patterns would need to better inform how homicides are investigated and designated. Challenges here also include the 'missing girls and women' across Asia.

267. Records are most accurate where there is a specific law against forms of VAW, or at least where it is relatively simple to disaggregate data along gender lines. Where neither is the case significantly more difficulties are encountered in accurately measuring reported crimes and their disposition. This is one of the advantages in creating, for example, specific offences of domestic violence, trafficking for sexual exploitation, forced marriage. Where such clarity does not exist cases in more generic categories – such as assault, kidnapping - need to be 'flagged' in some way, with increasing likelihood of under-counting.

268. There is an additional challenge where there have been moves away from concepts such as VAW or gender based violence, to more neutral terms such as family violence. Here who is being violent to whom and in what circumstances is in danger of being disguised through a spurious justification of equal treatment. Rape is an important example here, with the vast majority of all forced sex against women, men and children committed by males. Only disaggregation reveals this gendered nature of perpetration. Where States make such decisions, they must also fulfil responsibilities under CEDAW to explore whether, and what ways, gender is an underlying factor in patterns of not just victimisation and offending, but also the processing and outcomes of cases.

269. Much data on VAW sits within the NGOs that women and girls turn to for support and advocacy. Most have to produce statistics of some kind to support funding bids, and where resources have permitted the creation of networks and coalitions, yearly overviews of capacity and use are becoming more frequent. These are important elements in assessing unmet needs, but must be based on clear definitions of a 'case'. Cases are individuals/families who may have multiple contacts with a service, whereas measuring interventions will count the same case a number of times. States should encourage, and if necessary, resource regular audits of the

extensiveness and use of the support systems.

270. Data management is now far easier given the power and relative cheapness of IT hardware. That first and second world States still fail to establish effective mechanisms for gender disaggregating basic statistics suggests that the issue here is not simply one of resources. In any PoA, therefore, there should be a commitment to building capacity and reliability across administrative data on VAW. The basic data should include:

- reported cases, legal processing and outcomes across all forms of VAW;
- protection orders – across forms of VAW, type, breaches;
- services – extent, distribution, use and unmet demand;
- prevention – awareness raising campaigns – national and local, education programmes in schools, colleges and for adults;
- evaluation and research – including promising practices and plans for mainstreaming;
- cases taken against the State through human rights mechanisms;
- resources, including for research.

271. At the State level data gathering and management must go beyond simple yes/no questions to explore process, resources and outcomes. Such data systems could be managed by National Statistical Offices in partnership with researchers or research centres with expertise in VAW, performing the functions envisaged by the European Women's Lobby 'Observatories' on VAW.<sup>117</sup> The United Nations could facilitate regional and international cooperation in order to develop the most extensive and effective data monitoring systems. These should be much more extensive than the global indicators, connected to the goals set out in national PoAs.

### ***Reporting***

272. The traditional discounting of VAW has meant not only that agencies have not recorded cases, but that women have not seen themselves as deserving of protection and redress. United Nations recognition of VAW as a human rights violation is one

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<sup>117</sup>[[www.womenlobby.org/site/1abstract.asp?DocID=674&v1ID=&RevID=&namePage=&pageParent=&DocID\\_sousmenu=](http://www.womenlobby.org/site/1abstract.asp?DocID=674&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=)]

element in challenging the stigma and discounting that has been attached to women's encounters with violence. In addition, local factors, such as corruption and disruption of the State, can undermine willingness to report and accuracy of records. If rights are to be fulfilled, States must encourage reporting and ensure access to remedies.

Special attention needs to be paid here to the needs of vulnerable groups of women, especially those for whom access will be more difficult – those living in remote areas or who are displaced, women with disabilities, migrant women, ethnic minorities and indigenous women.

273. There is a responsibility, therefore, to increase consistency in agency response, provide contexts where reports will be taken in confidence and referred for further action, and where support will be forthcoming. It is not, for example, sufficient to provide a special location for reports to be made, if there is no accompanying commitment to process the cases effectively, as appears to have happened in some of the special cells.

274. The principles of dignity, integrity, privacy and respect also need to be born in mind with respect to reporting – with provisions for confidentiality and being able to make reports to female staff key basic measures.

275. Considerable debate has taken place with respect to screening questions in health settings enabling early identification of violence. Again the focus has been on intimate partner violence, but certainly in the contexts of mental health and pregnancy this should extend across all forms of VAW. From the perspective of professionals concern has been voiced about having appropriate referrals if abuse is disclosed, and good practice here is undoubtedly to link routine enquiry to the provision of support through one-stop shops or advocacy projects based in hospitals.<sup>118</sup>

### ***Remedy and reparation***

276. The point of encouraging reporting and disclosure is to provide remedy and intervention, with immediate safety and protection the most urgent, followed by justice and reparation. Access to remedies relies in some part on the education of

women and NGOs in the rights they actually have. Moreover, good practice also indicates procedural reforms that encode rights for victims of crime into procedural law. A number of countries now have 'victim laws', statutory rights to support and information, a recognition that to be victimised is to have power and agency removed, and that an aspect of redress is to restore agency. One aspect of this in a number of countries is the right to separate legal advice and legal representation. Other jurisdictions allow a statement at sentencing in which the victim can inform the court about the impacts and meanings of the crime for them.

277. Ensuring victims are treated with respect and dignity, with their rights enjoyed is probably best effected by specialists, and many jurisdictions now recognise the importance of professionals with enhanced expertise, whether this be police officers, forensic examiners, prosecutors, paediatricians, midwives, nurses and victim advocates.

278. What has become increasingly evident across developed and developing countries is the importance of advocates and advocacy in ensuring access to, and exercise of, rights. This can begin through services such as help lines and proceed through to a range of services having advocacy as a key element of their provision. Specific advocacy projects often work with far higher numbers of women and girls than shelters and counselling services – although holistic provision would combine these and other services.<sup>119</sup> The practice of advocacy, especially as developed in the disability field, has a relevance to VAW and human rights, since it has been defined as:

... stating a case, influencing decisions, ending assumptions, getting better services, being treated equally, being included, protecting from abuse, redressing the balance of power, becoming more aware of and exercising rights. (Dunning, 1995)

279. Such practice includes rights education, but also acting as an advocate for someone, ensuring that their rights are enjoyed. Some NGOs perform these functions

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<sup>118</sup> UNDAW (2005) *Good Practices in combating and eliminating violence against women* Report of the Expert Group meeting in Vienna. Paper prepared for UN Secretary Generals Report.

<sup>119</sup> Op cit

by acting as 'one stop shops', pro-actively holding other agencies accountable for fulfilling rights and delivering remedies.

280. An aspect of reparation which is rarely explored is what, in criminology, is termed 'procedural justice': that the process is a just one, within which being treated as a human being deserving of belief and respect restores agency and challenges the sense of being 'worth less'. Recent research in the US<sup>120</sup> on reported rape demonstrates that bad practice has greater impacts than good, compounding the harms of victimisation. The right to remedy and reparation, must, therefore be understood in terms of procedural justice – that the process affects the outcome.

281. Indicators here need to move beyond the obvious measures of types of provision and amounts of compensation to assess the underlying principles of responses and what efforts are made to ensure that rights – including to dignity and privacy - are understood, fulfilled and enjoyed.

#### ***Protection and prosecution***

282. Protection has tended to be understood in terms of ongoing violence from partners, but it also applies to girls where they face violence within their families, and may have relevance in any context where the perpetrator is known and can place pressure on a victim. Protections should be from further assaults, threats or harassment and in some instances may require the removal of residence rights from perpetrators of violence.

283. Concerns have been voiced about the extent to which women are made responsible for making the applications, with some jurisdictions allowing for third parties (police, social workers, NGOs) to initiate the process. Whilst NGOs have voiced concerns about removing women's agency, victims of violence when asked have welcomed the practices, which made them feel protected. Such powers can also be used to protect children by application to remove the person who is abusing them. Child protection procedures have also been used in contexts where girls face forced

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<sup>120</sup> Campbell, R., Ahrens, C.E., Sefl, T., Wasco, S.M., & Barnes, H.E. (2001). Social reactions to rape victims: Healing and hurtful effects on psychological and physical health outcomes. *Violence & Victims*, 16, 287-302.

marriage or FGM/C, but here they may be removed from their families and taken into the care of the State.

284. Stalking laws have tended to include protections, and also offer integration between civil and criminal law which are sometimes missing in intimate partner violence provisions, where breach of a protection order may not constitute a criminal offence. The impact of protection orders and the extent to which they are enforced should also be measured – how many are broken, and what are the consequences for breach. If there are, for example, no sanctions, one can ask what level of protection is actually being offered.

285. NGOs often do work that offers protection in a different way, through practices such as safety planning and self-defense courses. Both seek to increase women's space for action and offer protective strategies which are in their control. Another practice which has emerged in different ways across developed and developing countries is building support and surveillance networks in neighbourhoods – in the case of developed countries it has emerged in relation to intimate partner violence, and has been called 'cocooning' – linking protection orders with awareness amongst neighbors and friends. In the developing world local surveillance mechanisms have emerged in relation to a range of forms of VAW, including child marriage and trafficking, and are often implemented at local levels by informal networks of women. For some girls and women, however, such measures are insufficient and they need a safe place to flee to – something shelters/refuges have always provided (see next section).

286. Another form of protection which should be available as of right is the protection from additional health consequences of violence, included here would be: access to abortion, post-intercourse contraception, tests and treatment for STIs and HIV, medical treatment for fistula in the case of FGM/C. Provision of support and counseling can be preventative of the more lasting and damaging mental health consequences associated with violence.

287. As the Special Rapporteur on VAW argued, holistic responses shade into one



another, so prosecution can be considered a form of protection in at least two ways. Where a perpetrator has a history of violence against a number of girls/women, a custodial sentence ensures that at least for this time he cannot continue offending. In cases such as intimate partner violence and stalking, for some individuals, the intervention of the State and the clear message that the behaviour is unacceptable, is enough to change behaviour. For many, additional intervention is needed, including participation and the full range of sanctions available to the court.

288. Access to justice through prosecution requires ensuring that processes for gathering evidence are fair, and removing any of the discriminatory evidentiary rules that have historically served to protect husbands, fathers and men accused of sexual crimes. Many countries have removed discriminatory rules, but the attitudes that underpin them remain, with legacies evident in judges' comments, rulings and decisions.

289. In many jurisdictions strong statements have been made, and policies developed, to increase prosecution of VAW cases, including intimate partner violence. Positive arrest and prosecution policies, enhanced evidence gathering, training and specialist teams have all been introduced to improve responses. They have not, however, always delivered intended outcomes. Prosecution and conviction rates remain low, and in the case of rape, in many developed countries have actually fallen.<sup>121</sup>

290. Attrition – the proportion of cases which fall out of the system before being decided by the court offers a powerful indicator across a number of dimensions: the reporting rate shows whether efforts to ensure remedies are enjoyed are being effective in increasing reports; the proportion of cases that are prosecuted and which result in convictions act as a measure of whether the impediments in how cases are processed and discriminatory procedural rules have been removed. Measuring attrition is easiest where there is a specific criminal offence. Appendix 6 contains

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<sup>121</sup> Kelly, L. & Regan, L. (2003) Rape: Still a forgotten issue. Available from <http://www.rcne.com/downloads/RepsPubs/Attritn.pdf>

Kelly, L. And Regan, L. (2001) *Rape: The Forgotten Issue? A European Research And Networking Project*. London: Child and Woman Abuse Studies Unit, University of North London.

graphs tracking attrition over time across several European countries for reported rape cases.

291. It ought to be possible to track through indicators whether the introduction, both experimentally and as a matter of national policy, of innovative responses increase the effectiveness of prosecutions. Examples here would be procedural reforms offering protections in the court room, issuing police officers with digital cameras to take photographs of injuries or scenes of crime which can be made immediately available to the court, specialist courts, and female forensic examiners. Such measures are undoubtedly indicative of political will – albeit sometimes only at the level of particular courts or regions and have some support as promising practices in academic research. To assess their impact over time requires evaluation and then mainstreaming to ensure all citizens have access to good practice.

292. One element of a PoA might be mapping a women protection system, which will overlap at various points with the child protection system. This would make clear where minimum standards should apply. It would also provide a route for addressing unintended consequences of policy and change, including ensuring that women are not held responsible for men's violence, through concepts such as 'failure to protect' children.

### ***Support and rehabilitation***

293. We know that support, often from informal networks, plays a critical role in enabling women and girls to resist, escape and deal with violence. Too often the support of friends and family is either ambivalent or insufficient to ensure that rights and entitlements are fulfilled. NGOs play a critical role in providing expertise and support, and acting as a bridge between victims and State agencies.

294. Support offers the possibility of naming violence, seeking protection and redress alongside routes to address and overcome the legacies of abuse and its costs. Most emphasis has been placed on the economic costs for States and the psychological costs for victims. But victims also suffer financially and socially.

295. Whilst shelters/refuges have been the most publicised form of support, many women say the most important source for them is a helpline number. It offers the possibility of anonymity in the first instance, exploring possibilities and options. Help lines are also able to reach far more women than shelters and access whilst limited to those who have and can use a phone is more equitable geographically. Help lines have operated across a range of forms of VAW, including trafficking and providing support to minors. They are a keystone of provision.

296. Holistic/integrated responses may offer a range of services in one place and/or work across a range of forms of VAW. Whilst shelters are associated with intimate partner violence, such sanctuary is also required by girls and young women escaping, for example, sexual abuse/forced marriage/FGM/sexual exploitation and for women who have been trafficked across or within borders. Health care and forensic evidence may be relevant across each of these crimes, making the provision of health-based provision such as sexual assault centres<sup>122</sup>, which in some jurisdictions are extending to intimate partner violence and children.

297. Help lines, shelters and sexual assault centres may all also offer advocacy and counselling, but these services may be separate. Counselling provides the space to explore the meanings and legacies of abuse, which for some are extensive and limit their ability to exercise their rights as citizens. The longer-term support that many victims of violence need in order to deal with the consequences seldom receives the investment or publicity of crisis services. Here investment in skill and knowledge about the impacts of trauma and how it influences social networks and social support is essential. For many women and girls violence interferes with their education, may result in the loss of employment and they may face the challenge of how to survive without the support of families or partners. This is difficult for all women, but is even more so where they belong to a minority and/or live in countries where there is no welfare net. Enabling women to live free of violence requires integration of their needs into programmes for women's empowerment, education, training and micro credit.

298. Community based services in remote, low resource contexts are often linked in to existing services – be they health or development NGOs. Here mainstreaming VAW into the opportunities that exist is the most likely to be effective, with support from specialist NGOs that work through coalition and cascade models. There are many such examples in the developing world, offering models of social change which are potentially more extensive than those developed to date in developed countries. Examples include the We Can network<sup>123</sup>, linking NGOs working on violence across Asia, and Raising Voices in Uganda<sup>124</sup>, which combine holistic responses to women victims with a conceptually grounded model of prevention. Both are based in human rights frameworks and endeavour not just to educate civil society, but to build mass organisations committed to decreasing the tolerance and prevalence of VAW.

299. A recurring debate within the service sector is whether support services should be specialised or integrated, with the former sometimes focused on the needs of particular groups of women: those from ethnic minorities, with disabilities, recent migrants, lesbians. There are also specialist needs – for those who have sustained high levels of harm through abuse and have mental health and/or substance misuse issues. Here secure therapeutic services are needed. Many women, especially in the developing world, contract HIV/AIDS and other life threatening diseases, through violence. Some NGOs also view providing the possibility to die in dignity, through hospices, an aspect of reparation and social justice.

300. Measuring support services must move beyond the number of shelters to embrace the range of necessary services, their distribution per head of population and across the geography of States. There is also the question of unmet demand – many NGOs report much more need for their services than they can fulfill – shelters are full, help lines engaged, waiting lists to see advocates and counselors. Cambodia has stated it intends to measure ‘demand’ for support services; a laudable aim but there is no detail of how this might be achieved. This is a challenge for NSOs, to enable all service providers to measure unmet demand. Whilst some national help lines and

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<sup>122</sup> UNDAW (2005) Good Practices in combating and eliminating violence against women Report of the Expert Group meeting. Paper prepared for Secretary General Report, Vienna, Austria.

<sup>123</sup> See <http://www.wecanendvaw.org>

<sup>124</sup> See <http://www.raisingvoices.org/>

shelters collect such data a methodology for extrapolating at national levels is yet to be developed.<sup>125</sup>

301. Much of the United Nations documentation about VAW argues that hardly any evaluation has been undertaken; this is inaccurate, since many NGOs have to undertake at minimum monitoring and often also evaluation for donors. Other countries have made evaluation a key part in developing innovative responses, especially with respect to intimate partner violence. The effectiveness of agencies in addressing VAW can, in part, be seen in increased reporting and service use. We also have a body of rigorous evaluation data, all of which tells us that it is not simply what is done, but how, that makes a difference to women. Being made to feel 'worth' protection and intervention is critical for many women, affirming the human rights principles of being treated with dignity and non-discrimination. This shows that simple input, output, outcome measures will not capture the complex dynamics of good practice.

302. Development programmes that "successfully" empower women, mirrored in developed countries by female achievements in education and employment that exceed those of their partner, may increase the use of violence in particular relationships. This should not be used as an excuse to decrease efforts to address women's unequal access to resources, but be a lesson that there can be short term unintended consequences as gender relations are re-negotiated. The complex connections between gender equality and VAW need to be addressed in policy, with the simplistic assumption that increasing equality in terms of education, employment and political participation will produce a corresponding decrease in violence replaced by more nuanced understandings. Violence may be used to resist changes in gender relations, and may, in the short term, see moves towards formal gender equality measures accompanied by increases in violence.

303. The Secretary General's Study also illustrates possibilities for multi-country studies exploring service provision. One recent study (Sagot, 2005) on help seeking has produced findings that inform coordinated community interventions against

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<sup>125</sup> This is an example of 'mapping' support services, demonstrating gaps both geographically and

intimate partner violence in 25 pilot communities throughout Latin America. A study is underway across ten European countries to examine the factors underlying different rates of prosecution and conviction for reported rape cases.<sup>126</sup>

### ***Prevention***

304. Whilst prevention is at the heart of United Nations approaches to VAW, with elimination the eventual goal, it has been the poor relation in State responses. What efforts have been made are ad hoc, with an emphasis on awareness raising rather than primary prevention. In addition in most instances responses have focused on specific forms of VAW. Notable exceptions of integrated programmes include the Zero Tolerance campaign in Scotland, and We Can in Asia.

305. Attitudes underpinning VAW are resistance to change, and require long-term investment in alternatives, alongside clear actions by government to make perpetrators accountable. No government to date has effectively combined these actions over periods of time longer than a couple of years. VAW has not become a matter of public health concern reflected in concerted global efforts such as we see with respect to HIV/AIDS, malaria and maternal health.

306. Still fewer have committed to integrated education programmes across all forms of VAW which are mainstreamed throughout not only children's education, but also professional training. A multitude of curricula and interventions have been created, but most are limited to specific forms of violence, and have been implemented at local levels, often by NGOs. The extent to which States can be seen to be committed to long term work in prevention could be seen as an indicator of the good will with which policies and PoAs are implemented. That so few resource rich countries have done this, focusing instead on the incident based management of current cases suggests a combination of short termism and limited faith in the possibility of prevention.

### **D. Reflections**

307. The broad-brush overview in this section has illustrated a range of ways in

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across forms of violence.[ <http://www.endviolenceagainstwomen.org.uk/publications.asp>]

which indicators could be used to assess State progress, whilst highlighting common failings alongside differentiation between resource rich and resource poor countries.

308. Critical reflections on progress to date have identified a number of common themes with respect to State responses including:

- poor and inconsistent implementation of international commitments, national laws and minimum standards;
- a failure to shift stigma and shame from victims to perpetrators;
- continued attitudes, cultures and practices which support a sense of gendered entitlement among men;
- a relative neglect in the last decade of sexual violence;
- poor resourcing of VAW compared to other issues/sectors;
- limited investment in primary prevention;
- absence of effective oversight mechanisms at national levels;
- under-investment in research/data/monitoring, especially with respect to benchmarking and tracking whether new practices are effective.

309. It is also evident that there is no consistency in how VAW is understood and addressed, with both differential attention and responses to specific forms of violence, despite similarities and connections in the root causes and consequences. Whilst some variations can be justified in terms of the relative prevalence of forms of violence across space and time, the lack of consistent and coherent approaches to all forms of VAW within each State is concerning, and makes fulfilling commitments problematic.

310. There are also very limited examples of the mechanisms developed by NGOs of holding governments accountable. Only a minority have used the shadow report system from CEDAW to produce a thematic report on VAW; violence is often excluded from gender budgeting processes. Moreover, the limited use of human rights frameworks in the global north means the richest States escape the kinds of scrutiny that those in south are subjected to internally and internationally. Very few NGOs have developed their own indicators through which to assess State responses

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<sup>126</sup> A Daphne funded study. See [www.cwsu.org](http://www.cwsu.org).

and enhance accountability.<sup>127</sup>

311. Justice systems across the globe have failed to hold perpetrators of VAW accountable, except in a minority of cases, effectively creating a system of global impunity. Tracking attrition across all forms of VAW offers one of the most powerful and revealing indicators of State responses, assessing the effectiveness of laws, actions of State officials in fulfilling rights and the good will of governments in implementation.

312. Sanctioning of perpetrators is a matter of ongoing debate with calls for stronger sentences risking decreased reporting and convictions when the sentences are draconian, and differentially allocated to minority men. At the same time women loose faith in justice systems where sentences are minimal and fail to offer them any protection. Negotiating a route through these extremes requires skill and dexterity by governments, the judiciary and NGOs.

313. What counts as female empowerment is also contested, with some NGOs insisting that this means all decisions must be in women's hands, and others arguing that the State and services should take responsibility for aspects of women's protection. The position and participation of complainants in legal processes are also at issue here, including whether the role as witness in adversarial systems can ever be anything other than disempowering, especially in sexual assault cases. In some investigative systems victim laws have sought to strengthen the position of victims and afford them rights.

314. In some jurisdictions alternative forms of justice such as women's tribunals and the increasing promotion in adversarial systems of 'restorative justice' models is evident. At issue here is whether VAW should be taken out of the mainstream, and what the implications of this would be for the ambition to move it out of the private and into the public and accountable realm of criminal justice. These are debates with most relevance to developed countries, where treating VAW as crime has yet to

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<sup>127</sup> One interesting exception here is the work of the End Violence Against Women Coalition in the UK, which has audited government ministries on three occasions in a process termed 'Making the Grade'.



deliver hoped for changes, and where, especially in the US, it has accompanied the mass incarceration of minority men.<sup>128</sup> Across most of the globe, however, VAW has yet to exit the private sphere. Here the kinds of community-based mediation extolled in restorative justice have historically failed to fulfil women's rights to live in safety and have access to remedies. The debates will continue.

### VIII. Gaps in knowledge

315. Previous sections have highlighted the deficiencies in the knowledge base, especially with respect to forms of VAW other than intimate partner violence. United Nations documents have already highlighted the lack of evaluation, and whilst this study argues that this statement has been too totalising, there is not enough evaluative work. Of particular interest would be to undertake transnational studies, since what counts as a shelter, a helpline, an advocacy service is not the same, nor is what they do and how they do it. Looking at effectiveness across models and contexts would be revealing, not only in de-centering approaches from resource rich countries, but also offering the potential for approaches in resource poor contexts to be found more effective! Within such studies service users' participation is critical: discovering what did and did not make a difference for them, and what additional services they need and want. Despite rhetorical claims, too little research treats women as experts in their own lives, with more to offer than simply accounts of their victimisation.

316. Further documentation is needed on the range of ways in which violence affects women's lives – from their sense of personal safety and how this feeds into their routine decision-making, through to ways in which 'being a victim' carries forms of stigma that operate as negative cultural capital. Local small-scale ethnographic studies can provide insight and findings which can be built on. For example, focus groups in a single refugee camp revealed that rapes were most common when women went to collect firewood. Changing practice to undertake this task in groups was relatively simple, extending rapidly beyond one setting and to encompass collection of water and other essential daily tasks.

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<sup>128</sup> Stark, E. (2005) Reconsidering state intervention in domestic violence cases. *Social Policy & Society*, 5, 149-159.

317. We currently have limited understanding of attitudes to, and toleration of, violence or how these might be transformed. If we are ever to move towards eliminating VAW, addressing factors that promote, or conversely constrain, it becomes critical. This in turn requires that we understand in deeper and more sophisticated ways how violence is structured into, and supported by, contemporary gender orders. This will then inform thinking about the attitudes, behaviours and practices which need to be targeted for transformation. It is evident from a number of research projects that whilst women are increasingly willing to name and object to VAW, men's perceptions and actions have been more resistant to change. Such studies should include investigations of: understanding and awareness; levels of tolerance<sup>129</sup>; whether respondents know someone who has been victimized; willingness to intervene/report. Mainstreaming VAW into the work of organisations investigating norms at regional and transnational levels - Eurobarometer, Afrobarometer, Global Barometer – needs to extend beyond the limited attention given to date to intimate partner violence.

318. Our learning in this area are least developed, but we do know that messages in prevention campaigns need to be challenging – at the same time they lose power if they are inaccurate. Practices, primarily in Africa and Asia, which bring large groups of people together to make collective commitments to change, are relatively new and deserve more detailed attention and evaluation. Similarly men, in their positions as leaders of faith communities or of other mass membership organisations such as trade unions, are increasingly joining anti-VAW movements. Assessing these contributions and the potential damage if individuals are subsequently exposed as having perpetrated violence, is unfamiliar and delicate territory. Understanding the conditions in which community action and women's leadership is enhanced, or undermined, effective or not are critical new questions, and those projects which are addressing this form of intersectionality should be supported to document the processes, outcomes and unintended consequences.

## **IX. Proposed Indicators**

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<sup>129</sup> Recent studies suggest that whilst tolerance measured at the most basic level is not that high, it

319. This section presents proposals for an initial suite of indicators on VAW, developed with the following issues in mind:

- to not overburden States;
- to reflect the wider VAW agenda;
- to link to obligations under international law;
- to connect to what we know about measuring violence and promising practices.

320. The proposed indicators provide a route to assess compliance and increase engagement with the goal of eliminating VAW. They are summarised below in Table 1, presented across five levels to encourage movement and set the bar higher for States with high resources and longer histories of addressing the issues. The high activity States will be expected to be making progress at levels 4/5. A scoring system with weightings could be developed which gives higher recognition to low resource States able to address indicators above level 2.

321. An overtaxing set of indicators, which require extensive currently unavailable data, will prompt minimal cooperation. There is a tension here between what is available/possible and what is needed. To decide at the outset to limit outcome measurements to intimate partner violence, as many current proposals do, will embed the current imbalance in knowledge in international guidance, fixing a State of affairs which many argue should be overcome.<sup>130</sup> Data and argumentation in the discussion of measuring violence raised questions as to whether intimate partner violence is the most common form of VAW, suggesting at the very least that other forms need to be included in prevalence measures.

322. Several commentators have suggested benchmarking indicators, using a time series of 1980, 1990, 1995 and 2000, with annual or bi-annual reporting subsequently. Whilst undoubtedly desirable, much of the data required for the proposed indicators is unlikely to exist in the forms needed before 1995, and may even need to be collated for the first time for this process. Whilst it is possible to provide time series,

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increases once context is introduced in questions.

<sup>130</sup> See also Walby, 2006

especially with respect to crime data, it may not be easily available or comparable, due to changes in recording practices and legal definitions. Such data will be encouraged where possible, but not required, since this would place the bar extremely high.

323. The proposals made here, therefore, are viewed as a starting point for developing monitoring and reporting processes, setting minimum standards for fulfilling rights and obligations. They are not a substitute for local research and evaluation, which should expand in parallel to the tracking of global indicators.

#### **A. Outcome indicators**

324. Outcome indicators involve negotiating a tension between the desire to capture as much information as possible and practicality and comparability. To decide at the outset to limit outcomes measures to intimate partner violence will ensure that the current imbalance in the knowledge base will not only continue but deepen. Not being able to track progress with respect to most forms of VAW would mean that there was no way to assess whether interventions are having any impact on the UN goal of eliminating VAW.<sup>131</sup>

325. In Section 6 the claim that harmonising concepts used in surveys, criminal justice statistics and other administrative records only requires time and innovation was disputed. Rather than wasting time attempting to get an unlikely consensus across countless academics and legal codes, an alternative was proposed: to reach international agreement on a definition of 'grave VAW' which can be applied statistically across a range of data sources. Bearing in mind the availability of data a system of layered compliance could be developed. The first layer would include intimate partner violence, sexual assault and FGM/C – the most commonly measured. Others would also cover additional forms of VAW which are less often measured: harmful marriage practices; sexual harassment; stalking; sexual exploitation. Technical notes will be needed with respect to sampling and time frames, whether girls/minors are included and how some specific forms (intimate partner violence, stalking and sexual harassment) are to be defined for this exercise.

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<sup>131</sup> See also Walby, 2006.

326. Whilst some may regard this as 'fudge' the proposal is made to enable progress from the current confusion and impasse, and draws on the model we have seen work with respect to FGM/C. It was the agreement on international definitions which has enabled research, policy development and indicators to proceed in a cooperative way. This is not to say all debates have been resolved, but rather that they have moved forward from an impasse around definition and measurement. Clearly further work will need to be undertaken to reach consensus on this matter, but it is proposed that intimate partner violence be understood in this definition as 'a pattern of coercive control' rather than any incident.

327. It is also proposed that the prevalence measure be both lifetime prevalence as the headline figure, but also the last 12 months. The latter allows setting benchmarks and tracking trends over time, including willingness to report and availability of support, both proxies for improvements in State responses and decreased tolerance/normalisation. The prevalence of grave VAW is the most likely indicator to be used in other indices, such as Gender and Development Index, Gender Empowerment Measure, and by agencies such as UNFPA and UNAIDS.

328. Measures are also included to assess the tolerance of violence, the extent to which it is seen to shame the victim and/or perpetrator, and the availability of support and acceptance of women's autonomy. Questions on these issues can be included within prevalence surveys, especially if they include male respondents. Otherwise, a module can be developed for inclusion in recurrent social attitude surveys.

329. Homicide data is considered the most accurate of criminal justice statistics, and there does seem to be a connection between falling rates of women killing abusive partners and the availability of protection and resources such as shelters.<sup>132</sup> This suggests that a Femicide Index could provide a proxy indicator for the effectiveness of State responses. It would, however, need to move beyond domestic homicide to include sexual murders of women and girls, so called 'honour' killings and the targeting of specific categories of women such as prostitutes and the young

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<sup>132</sup> This pattern has been observed recently in the US and Canada, and in London, England.

migrants in Ciudad Juarez. Creating a Femicide Index requires gender disaggregating current homicide data and developing coding for other killings of women which meet the international definition of VAW. It might be possible to link in the Child maltreatment death index currently held by UNICEF and the deaths by cause maintained by the United Nations Statistical Division. It is, however, unlikely that these are up to date or include all the data necessary to categorise cases as femicide. Coding may, therefore, need to take place at the nation State level. Whilst some initial investment will be needed to develop and then apply the categories, this can become a routine process with significant purchase on not only transnational patterns, but also local variations. It may, for example, prove possible to integrate dowry deaths and female infanticide into regional variations. Challenges which will require more thought involve the extent of unidentified maternal deaths and suicides which are attributable to VAW, and whether the 'missing women' (falling sex ratios) constitute a form of VAW.

330. Using attrition as an outcome indicator offers not only a common measure across the range of forms of VAW, but also one that comprises three key dimensions – reporting, prosecution and convictions. It is also one of the few measures which is used systematically to track trends over time. In the first instance attrition will be assessed with respect to areas that constitute named crimes. Where there is no crime of intimate partner violence/DV, for example, more complex methods will need to be devised for capturing data. The relevance of these measures as indicators, however, is a strong argument for encouraging States to do this.

- Increased reporting can be used as a proxy for decreased tolerance and increased confidence in the justice system. Comparing recorded crime to the reporting rates in prevalence studies also offers a way to trace progressive realisation of access to remedy and justice.
- Prosecution rates should not only mirror increases in reporting, but also grow independently if legal and procedural reforms are having the desired impacts.
- Conviction rates should, similarly, stay at minimum constant and increase if procedural reforms are effective. They should not be lower than for other crimes, especially since in many cases the identity of the perpetrator is known.

331. No proposal is made for an indicator with respect to sentencing/sanctions, since there are such wide variations globally in thinking about appropriate minimum and maximum sentences. Working out whether they are appropriate, therefore is entirely context specific.<sup>133</sup>

#### **B. Structural indicators**

332. This set of indicators is the least contentious and the easiest to measure. That also means they are the easiest for States to achieve with minimum effort. They need to be constructed, therefore, in ways that limit evasion. Some of the data is already collected by the UN Statistics Division.

333. The most obvious here is whether the State has ratified CEDAW and its optional protocol. This might be supplemented with ratification of the Convention on the Rights of the Child (CRC), the Protocol to prevent, suppress and punish trafficking in persons, especially women and children (Palermo Protocol), and any regional conventions on VAW. Where reservations are in place States could be asked to document recent efforts to remove them. The timeliness of reporting to the CEDAW committee is also relevant. A qualitative measure of the extent to which States are acting in good faith is its response to cases taken against it for failure to exercise due diligence to prevent/protect citizens from VAW by State/non State actor: if they were found to have failed obligations what actions have been taken address the issues.

334. Whether respecting human rights and promoting gender equality are embodied with a State constitution is a further basic indicator, possibly enhanced by exploration of machinery to fulfill rights according to accepted international standards and whether VAW is integrated into this work. A basic requirement in the Beijing Platform for Action was that States should take integrated measures to address VAW, preferably through a Plan of Action (PoA). Simply asking if States have a PoA is, however, insufficient, since it may be a paper policy, may be limited to particular forms of VAW and may have no resources attached. Here the indicators must assess the 'integrated' element and the extent to which the PoA has been implemented in

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<sup>133</sup> The death penalty, for example, is problematic for human rights defenders.

good faith and evaluated. Does it include gender analysis, timeframes, targets and benchmarks, short and medium term aims and objectives?

335. Some kind of oversight body with responsibility for monitoring implementation of the PoA is an indicator of good will. The extent of inter-agency/multi-sectoral coordination at national, regional and local levels suggests that roll out is taking place. At the same time care has to be taken here to address whether these networks work across all forms of VAW, or are limited to specific forms.

336. Other measures of good faith could include formal endorsement of The International Day for the Eradication of Violence against Women, 25 November and high-level political statements condemning male violence against women in all its forms made by the leader of government and/or relevant ministers, the extent to which legal reforms have been evaluated and adapted.

337. If indicators are to be taken seriously, and to have local as well as transnational meaning, they must be published in country on a regular basis. Whilst requiring annual publication is likely to be too burdensome, a bi-annual 'stock take' is a further 'good faith' due diligence indicator, giving this process life outside of UN mechanisms.

338. Another basic requirement, which has been re-iterated, is that States ensure that all forms of VAW are criminalized, and that individuals have access to justice. Gender discriminatory laws are also to be repealed, and steps taken towards this are a measure of good will. The extent to which existing legislation addresses the different forms of VAW in accordance with international agreed understandings/definitions is not easy to assess quantitatively. There are however some measures which would indicate moves towards positive human rights and gender equality standards. These might include:

- a specific offence of domestic violence/ intimate partner violence has been created;
- psychological violence has been criminalized;



- a course of conduct offence for intimate partner violence and/or stalking has been introduced;
- rape and other sexual offences defined as offences against sexual autonomy, with no exemptions with respect to marital status;
- rape shield laws to protect the privacy of victims;
- criminal offences of FGM/C, forced and child marriage;
- an offence of sexual harassment in criminal and labour laws;
- an offence of trafficking for sexual, and other forms of, exploitation
  - revision for a reflection period for detected victims.

### **C. Process indicators**

339. Here ongoing work on VAW is assessed, especially the areas of protection, reparation, compensation and reintegration. Of particular importance is the extent of service provision, assessed across forms of violence and the population base. Efforts to assess unmet needs are in their infancy. The Secretary Generals' report on violence against children reports on the development of a methodology to assess the sensitivity of systems to identify, report and refer cases of child maltreatment, which includes audits, investigations by professional bodies, original data collection on speed of response and judicial backlogs. Whilst undoubtedly a model worth exploring for undertaking assessments of country systems, this data is too complex to require of States to produce on a regular basis.

### ***Protection***

340. A key process area is protection, with most focus on the civil law protection orders which many jurisdictions have introduced with respect to intimate partner violence. Such provisions can, however extend beyond this to other forms of violence, including stalking as well as protecting girls from sexual abuse, forced marriage<sup>134</sup>, FGM/C, although in some instances this may require protections through removal of the child, rather than the perpetrator from the family home. Other potential protective actions include:

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<sup>134</sup> The recent legislation on forced marriage in the UK provides a civil protection route rather than creating a new criminal offence.

- reflection periods for trafficked women and speedy routes to settlement in their home or the destination country;
- VAW as a form of gender persecution being considered grounds for asylum claims;
- ensuring no procedural law or rules discriminates in terms of protections, examples here being rules that exclude recent migrants, including those who come to marry, from welfare provision for a set number of years, and which set differential ages of marriage.

341. Protection orders may simply require perpetrators to refrain from abuse and threats; they can also prohibit any kind of contact. Stronger forms act as exclusion/barring orders from a shared home. Their effectiveness is, to some extent, a function of whether they are enforced and meaningful sanctions applied in the case of a breach.

342. Some European jurisdictions<sup>135</sup> have introduced a 'removal law' which gives police the powers to remove perpetrators of violence from households for 10-14 days. Such powers enable the creation of immediate protection, with the courts and other agencies responsible for subsequent interventions. Still other jurisdictions allow for third party applications – so that police and social workers take the responsibility for protecting women and children.

343. Policies that address safety, and which seek to prevent assaults, are forms of protection. Additional measures here include:

- the proportion of residential facilities, including those for the disabled, prisons, children's homes, that have policies VAW;
- the proportion of schools, public services, workplaces and private sector organizations with policies on the prevention of sexual harassment.

#### *Training and reporting/disclosure*

344. It has long been recognized that the enjoyment of rights and ensuring non-discrimination and procedural justice depends upon the practices of individual

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<sup>135</sup> Austria, Germany, Switzerland and Norway.

professionals, who act as gatekeepers into remedies and support services. Training and monitoring of these people, therefore, is a key element in due diligence. Training has a number of dimensions – ensuring curricula on VAW is automatic for all newly qualified personnel must be backed up by in service training for existing staff. Basic training is necessary for all, with specialists requiring more depth. Creating a transdisciplinary core curriculum and ensuring it is delivered offers the strongest potential for ensuring rights are enjoyed.

345. If rights are to be realized increasing reporting, especially in contexts where issues have been trivialized and ignored, is vital. The most common policy response here has been routine enquiry in health settings, albeit again that too often this is limited to intimate partner violence. The exception here is in Africa where concerns about HIV/AIDS have led to enquiry about both sexual violence and intimate partner violence. This has enabled tracking not just of patterns of infection, but also the ways in which VAW can prevent women with HIV from practicing safe sex and further that revealing one's HIV status can result in additional assaults.

346. Research suggests that multiple experiences of VAW compound harm, and are more evident in the lives of women in prison, with mental health and/or substance misuse problems. Asking about all forms of VAW, including those occurring in childhood, is vital in these contexts.

### **Specialization**

347. Specialization is considered good practice in State agencies offering more potential for justice and reparation. Again whether the provision applies only to one or many forms of violence needs addressing. Examples of evaluated promising practices here include:

- specialist police or spaces to take complaints, specialist investigators;
- specialist prosecutors;
- specially trained judges and magistrates;
- specialist courts – for intimate partner violence and sexual violence;
- provision for advocacy (by lawyers and/or trained civilian advocates) – not just legal aid, but support throughout the process.

348. The medico-legal system has specific responsibilities which have been overlooked and under-developed in provision of services in the aftermath of violence. These include:

- forensic examination and evidence gathering;
- treatment for immediate injuries and tests for infections and unwanted pregnancy;
- access to emergency contraception, prophylaxis for sexually transmitted infections/HIV and safe abortion;
- understanding violence as a potential underlying cause of mental health problems.

349. A qualitative indicator of change within the legal system would be landmark/precedent setting cases which set new standards for women's human rights and their rights.

350. It is unclear whether there needs to be specific legislative measures to prosecute State agents including police and security forces who engage in VAW in the course of their professional activities. There is certainly a need for transnational jurisdiction with respect to troops, peacekeepers and internationals undertaking work on behalf of the State, United Nations and international agencies. Perpetrators of trafficking and child sexual abuse are already, under some legal codes, responsible wherever the assaults take. Very little data, however, exists, on the extent of prosecutions undertaken with respect to extra-territorial jurisdiction. Separate indicators on this area are not included here, and represent an area for further discussion.

### ***Support services***

351. Virtually no State can claim to have comprehensive support systems across all forms of VAW with equality of access between urban, provincial and rural areas and across all social groups. Minimum standards here are relative to the size of the population, and potentially the extent of VAW. It may be, for example, that a small number of shelter places is actually appropriate for a small population. In many

jurisdictions responses have developed catering for specific forms of abuse, whereas in others provision is more holistic. In many countries shelters are specific to intimate partner violence, whereas in others they provide safe housing across a range of forms of VAW. Similarly help lines may be specialized or holistic, available over limited times or 24/7. Each of these variations will affect what basic levels of provision will be needed. Proposed indicators to date have not been comprehensive across all support services, and there are, as yet, limited suggestions with respect to geographic spread.<sup>136</sup>

352. NGOs are anxious to address more complex matters such as whether services are available free of charge, 24/7, and accessible by all women. The COE stock taking study uses a binary yes/no to assess these questions, but it is uncertain what is being measured. Does 'yes' mean that a/some/most/all services fulfill these standards? It is not possible to operationalize a meaningful national indicator on these matters, but this in turn raises the possibility that there may be a need for measures to be undertaken at the national level to assess access and non-discrimination in more complex formulations. It matters that there are specialist services for minority women, that services are accessible across a range of disabilities, for women in prostitution and for those with drug and alcohol problems. At the same time these are standards that apply most directly to developed countries and require more detailed consideration before being set as global indicators. The possibility of creating an indicator on steps taken to address provision for minorities should be explored.

353. The provision of advocacy/holistic responses is important along a number of dimensions, not least that there is strong evidence that women find a 'one stop' project helpful, and they are able to provide support services to far larger numbers. These kinds of provision are more common than shelters in resource poor contexts. Counselling/support centres are included because they offer longer term, not just crisis support, and include provisions such as rape crisis centres. Whilst less likely to be found in developing countries, all women deserve access to rehabilitation if their rights are to be realised and their self-worth restored.

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<sup>136</sup> See Coy, M; Kelly, L and Foord, J (2007) *Map of Gaps*, for a methodology of how to map the availability of VAW support services. Available at [http://www.endviolenceagainstwomen.org.uk/documents/Map\\_of\\_Gaps.pdf](http://www.endviolenceagainstwomen.org.uk/documents/Map_of_Gaps.pdf)

**Prevention**

354. Prevention measures are potentially wide ranging with community-based and mass media campaigns to reduce tolerance for violence against women to whole school policies that promote nonviolence, human rights and more equitable gender roles. These variations are probably best addressed at the national level with the current proposals reflecting measures of the extensiveness of interventions in terms of the proportion of populations reached and whether they deal with VAW as an integrated issue.

355. It is, however, not enough to count the number of children or adults reached by single ad hoc projects. VAW is not something which requires a one off inoculation, but is connected to deeply embedded attitudes and practices. Long-term interventions which seek to transform gender relations are needed, so proposals here address the sustainability of change and the investment in the future which this represents. It might also be worth considering the extent to which school based programmes also include peer and other kinds of support for children and young people who disclose victimization.

356. An emerging approach, especially with respect to FGM/C is the use of mass declarations of entire villages who pledge not to cut their daughters. This model has huge potential and has, in some contexts also been applied to intimate partner violence.

## STRUCTURAL INDICATORS

Indicator	Level 1	Level 2	Level 3	Level 4	Level 5	Notes/comments
<b>Conventions, human rights and equality</b>	Ratification of relevant United Nations and regional treaties and conventions – CEDAW, CRC, Palermo Protocol	Human rights and gender equality embedded in constitution/statute, including in personal law frameworks	Specific human rights and gender equality machinery, with adequate/increasing resources	VAW embedded within human rights and gender equality machinery	High level lead on VAW in government and external oversight body	
	Number of reservations originally, number now Number and timelines of reports to CEDAW Committee					
<b>Plan of Action</b>	Plan of Action on VAW (1), within a gender analysis, timeframes, targets, benchmarks, short and medium term	PoA covers Prevention, Protection, Punishment and Reparation/remedy	PoA implemented, evaluated and renewed  Commitment to annual/bi-annual	Budget lines allocated to PoA, gender budget analysis of proportion of expenditure	VAW mainstreamed into relevant government policies and priorities  Proportion of local multi-agency	(1) It is not full compliance for this to cover one or two forms of violence, or for there to be a multiple, disconnected plans

	objectives		publication of data of VAW indicators	allocated to VAW, including proportion on prevention	coordinating bodies working to an integrated VAW agenda  Specific legislation on domestic violence	
<b>Legal Framework</b>	Review of legal framework, identification of discriminatory laws and procedures	Evidence that the legal framework criminalizes all forms of VAW  Procedural and technical measures to identify and track all reported cases	Removal of all mitigations which treat VAW differently from other violent offences (2)  Landmark/precedent setting cases which assert women's human rights	Criminalisation of rape in marriage  Measures to protect women's dignity and privacy in the legal process	Encoding of legal rights for victims in statute, including rights to legal aid and advice	(2) This would preclude treating crimes in the name of honour differently, 'crimes of passion', removing a rape charge through marrying the woman
<b>Good Will</b>	Official recognition of 25 November	Actions taken to implement any human rights ruling against the State for failing to act	Gender audit of immigration and labour law and practices	Number of high level statements against VAW made by leader	Proportion of legal reforms in last decade that have been evaluated, proportion	



		with due diligence	Proportion of State agencies/ministries with human resources policies covering all forms of VAW	of government and relevant ministers  Increasing rate of expenditure on VAW, and on prevention	where amendments made to statute or procedure	
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beyond the most basic headline figures.

173. The UNECE Taskforce on VAW has a series of objectives, within which is a detailed methodological audit of 25 surveys from 17 countries. Common features are considered the basis for a standard minimum module, and strong efforts are underway to engage national statistical offices (NSOs). All studies examined included measures of lifetime prevalence, and almost two thirds (60%) 12 month measurements.

174. There are also two transnational studies, with the potential of a third under discussion in the European Union. This might move in new directions, with Eurostat strongly involved and seeking the cooperation of national statistical bodies in member States. The two existing studies have not had the benefit of such arrangements.

175. The World Health Organization Multi-country Study on Women's Health and Domestic Violence has been long in the making, with substantial piloting before it was operationalised in ten countries (Bangladesh, Brazil, Ethiopia, Japan, Namibia, New Zealand, Peru, Samoa, Serbia and Montenegro, Tanzania, Thailand) with 24000 women taking part overall. Whilst intimate partner violence and health are the main foci, there are some questions on sexual assault and sexual abuse in childhood, and a series of questions on marriage practices. The questionnaire has ensured greater methodological consistency than has previously been the case. The questions on intimate partner violence comprise seven items on physical violence and five for sexual, three of which specifically use the word 'force'. Samples have been constructed through an urban (capital) and province/rural area. Wide variations in prevalence findings across the countries are evident from 69 per cent ever experiencing physical or sexual violence to a low of 15 per cent. Given that methodological differences have been minimized, but not deleted such wide variations must reflect some combination of differential disclosure and/or differential prevalence rates.

176. The International Violence Against Women Survey (IVAWS) was established to study "the causes and consequences of violence against women and the effectiveness of preventive measures". It is administered by HEUNI – the European

Institute for Crime Prevention and Control - linked to United Nations Office on Drug and Crime (UNODC) and Interregional Crime and Justice Research Institute (UNICRI) and has drawn on the expertise of Statistics Canada.

177. The primary focuses are domestic violence and sexual assault, with the intention of creating an instrument to “assess the level of victimisation of women in a number of countries world-wide, on a repeatable basis”. Following extensive piloting data collection began in 2003 with 11 countries (Australia, China [Hong Kong], Costa Rica, the Czech Republic, Denmark, Greece, Italy, Mozambique, Poland, Philippines and Switzerland).

178. Findings from both studies have been presented at international meetings and published more widely. Both studies have addressed logistical, ethical and cultural challenges in collecting cross-cultural prevalence and incidence data. In both cases, despite a common research instrument, questions have varied since terms do not easily translate and cultural contexts determine how questions are asked. Local funding has also produced variations in implementation, especially sample size and construction.

179. Whilst the field of prevalence research has grown considerably, we know most about intimate partner violence, and the majority of countries in the world have not undertaken a survey. It is in one sense a cliché to point out that if you do not ask you will not find, but this is an important issue with respect to claims about what we know and what forms of violence are most common in women’s lives. Recent studies in the UK and US, for example, which include questions on stalking found that it was much more common than anticipated. There are also complex debates about what exactly are we measuring.

#### **D. What are we measuring?**

180. The fact that some forms of violence are rarely included in prevalence studies has already been noted. In a global context, and globalising world, it is not possible to argue that forms of VAW such as forced and early marriage, FGM, and crimes in the name of honour are rare, and can, therefore, be excluded from prevalence

methodology. Sexual harassment spans adult and girlhood, contexts and continents, but is rarely included. Furthermore the reality and threat of violence in public and private translates into levels of fear, routine personal safety actions that inhibit the exercise by women of fundamental rights and freedoms. Again surveys rarely address these issues. Debates about, and innovative responses to, measurement must expand to include these aspects of the continuum of VAW.

181. The naming and defining of certain forms of violence means that measurement is sometimes about context, not just forms of violence. Physical, sexual and psychological violence can occur across many contexts – intimate partner violence combines all within the context of particular relationships. Some argue that these elisions cause confusion, prioritise some contexts – most particularly the private sphere of family and heterosexual relationships – and that contexts should be separated from forms of violence. Were prevalence research to be constructed through this lens questions might explore experiences of physical, sexual, psychological abuse across contexts. The most recent French study is the closest to taking this approach investigating verbal, psychological, physical and sexual violence by any perpetrator, across the domains of the public sphere, work and household.<sup>84</sup>

182. The proposal by many commentators that the basic VAW outcome indicator should be limited to intimate partner violence has been justified in two ways. Firstly, that it more available and secondly, that it is the most common form of VAW. Taking this route will ensure that it continues to be the most researched, and is only justifiable if the second justification is accurate. There is a danger of creating a truism – intimate partner violence is measured most, the measures have become more sophisticated, its prevalence is therefore greater. There are at least two reasons why intimate partner violence may not be the most common form of VAW: under-researching of other forms of VAW; disjunctions between research and policy definitions of intimate partner violence.

183. In principle, it is possible, for example, that sexual harassment is more

<sup>84</sup> Fougeyrollas-Schwebel, D. (2005) Violence against women in France: the context, findings and impact of the Enveff survey? *Statistical Journal of the United Nations Economic Commission for Europe*, 23 (3-4), 289-300.

common, especially if we measure it across girl and womanhood, at work, in public and in education. We already have studies in which half of women recall harassment at work, and arguably methodological developments are less strong in this area. The recent German VAW study, which does include sexual harassment, records higher rates than for other forms of violence: four times greater than for physical or sexual violence from a current partner.<sup>85</sup>

#### **E. Measuring intimate partner violence**

184. The headline rates for intimate partner violence, cited earlier in this section are calculated from answering 'yes' to any one of a list of behaviours during a specified time period. To 'count' as a domestic violence victim, therefore, one needs only to have been pushed, for example, on a single occasion. Whilst accuracy of measurement is important methodologically, and the headline figures have undoubtedly raised awareness, it is an open question whether every person reporting a single incident should be understood as a victim of intimate partner/domestic violence. Within the NGO and practice sectors, intimate partner violence/domestic violence has always been understood as a course of conduct, 'patterns of coercive control', with repetition part of the definition. Social policy is also most concerned with current, rather than historic violence, albeit that there are undoubtedly legacies of harm that persist. The question here is whether current prevalence measures of intimate partner violence may 'over-count' its extent. Several typologies and ways of distinguishing different patterns have been suggested, with one of the most well-known distinguishing between 'common couple violence' and 'intimate terrorism'.<sup>86</sup> It is certainly an important and relevant question whether single incidents which are not repeated would count as VAW as defined in the 2006 Secretary General's Study since crime victimisation studies that include women and men (as opposed to specialist VAW surveys which only include female respondents) tend to find symmetry in victimisation between women and men at the lowest level of infrequent behaviours such as pushing and slapping. It is only when frequency, seriousness and impacts are included that the gendered distribution of victimisation and offending is

<sup>85</sup> This study also found higher rates of intimate partner violence for migrant women, and higher rates of all forms of VAW for women in prostitution, female prisoners and female refugees/asylum seekers (Hageman-White, 2005, p305).

<sup>86</sup> Johnson, M.P. (2006) Conflict and control. Gender Symmetry and asymmetry in domestic violence. *Violence Against Women*, 12 (11), 1003-1018.

clear.

185. We currently lack the longitudinal research which would allow us estimate with accuracy how many of the single incidents are recent events that may convert in time to a pattern of coercive control. We do have some information, however, about the proportions of violence which are current, and which include the most serious levels. Statistics Canada<sup>87</sup> found that 40 percent of those reporting any violence had been beaten up, had a weapon used against them and/or been sexual assaulted. For over a third, therefore, there is at least one incident that would cause injury and/or fear for life.

186. Some studies have begun to use data analysis to explore more complex patterns; with important illustrations from Finland and Ireland. Prevalence rates do fall when some of the single and less series events are excluded. The Finnish data (Piipisa, 2002), for example, reveal that in over a third of cases (39%) the violence was a single episode in the past, a third report a short history of violence (33 %), for a fifth it was psychological torture (18 %) and a tenth experienced partnership terrorism (10 %).

187. The Irish study<sup>88</sup> explores gendered patterns using latent class analysis to examine analytic distinctions and definitions. *Severe domestic abuse* is defined as a 'pattern of physical, emotional or sexual behaviour between partners in an intimate relationship that causes, or risks causing, significant negative consequences for the person' and as distinguished from minor incidents – defined as isolated with little or no impact. This approach includes the relationships where there are few extremely serious incidents, whilst recognising that in most cases intimate partner violence is a pattern of behaviour. Applying these definitions reduces both the prevalence findings and the findings that men are victims as commonly as women: the headline prevalence figure decreases from 28 to 11 percent, with 15 percent of women experiencing severe forms of violence, 14 percent minor compared to 6 percent of

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<sup>87</sup> Cited in UNECE Task Force on Measurement of Violence Against Women (2006) Analysis of national surveys carried out by the countries of the conference of European statisticians to measure violence against women.

<sup>88</sup> Dorothy Watson and Sara Parsons, 2005, *Domestic Abuse of Women and Men in Ireland*, Dublin, National Crime Council

men experienced serious forms, 20 percent minor. A 1 in 10 prevalence figure, whilst less arresting than the commonly used 1 in 4, more accurately reflects understandings of intimate partner violence among service providers, and provides a clearer guide for policy decisions.

188. Prevalence rates, therefore, differ depending on whether impact and repetition are taken into account. Further research is needed to explore the extent to which, 'minor' incidents are a different phenomena (common couple violence) or form part of a context in which severe abuse can become normalised.

189. The connections between separation and violence are also important – since it appears to operate as both a trigger for, and consequence of, violence. A Swedish study<sup>89</sup> of separated women has also revealed that forms of violence have greater and lesser significance at different stages in the relationship: physical and sexual violence are more common when couples live together, whereas threats and psychological abuse continue and even increase during separation.

190. For intimate partner violence, therefore, we need measurements not just of an 'incident' but its frequency, seriousness, we also need to distinguish between single events and patterns of coercive control, especially in crime victimization studies which include men. Where this more complex analysis is not undertaken women can appear to be as violent as men.

#### **F. Measuring sexual violence**

191. Whilst it is undoubtedly progress that surveys are increasingly documenting rape by current and ex partners, this may have the unintended consequence understating the scale of rape in other contexts. Whilst seldom the stranger stereotype, sexual assault and rape occur in many situations and contexts including conflict, institutions and being held in custody. Mary Koss maintains that her analysis of under-detection of rape in surveys the early 1990s still stands.<sup>90</sup> To more accurately

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<sup>89</sup> Ekbrand (2006) 'Divorces and men's violence against women'. Unpublished Doctoral Thesis, Goteborg University.

<sup>90</sup> Koss, M. (1996) The measurement of rape victimisation in crime surveys. *Criminal Justice and Behaviour*, 23, 55-69.

domestic violence, intimate partner violence, family violence and violence against women return to the fore. Most prevalence research has addressed a limited range of forms of VAW, and few surveys have included the full range. One overview<sup>74</sup> notes that sexual violence research is far less extensive, with limited understanding of the contexts and roots of violence and over-reliance on samples of students and women accessing health services.

156. Some forms of violence have been considered less amenable to measurement, especially those termed 'harmful traditional practices'. Western researchers have most commonly argued this case in terms of their relative rarity, but this has less purchase when considering global patterns and indicators, as in some countries the practices are widespread. They should arguably also be addressed in diaspora communities along the dimension of non-discrimination. A key question therefore remains how to ensure that not only are all forms of VAW measured, but also that the design of measurement tools can be sensitive to local contexts.

157. These issues are explored in more depth in this chapter, which begins summarising the current knowledge base, explores basic methodological and measurement issues, including comparability. The question of whether intimate partner violence is the most common form of VAW is raised, and methodological variations that account for different results overviewed. The debate about specialist surveys versus modules is summarised and the chapter concludes by proposing an original route to develop indicators on measuring violence.

#### **A. The current knowledge base**

158. The Secretary General's report<sup>75</sup> represents one of the most comprehensive overviews to date of what we know. The major conclusions are present below.

- Population based prevalence studies of intimate partner violence have been undertaken in over 50 countries, with 68 taking place after 1995. Two international comparative studies are ongoing.

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<sup>74</sup> Family Health International (2005) *Non-Consensual Sex. Network*, 23, 4.

<sup>75</sup> Report of the Secretary General In depth study on all forms of violence against women. United Nations General Assembly, Sixty-first session. A/61/122/Add.1 Available from <http://daccessdds.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>



- Lifetime prevalence rates for intimate partner violence range from 13-62 percent, with the majority of studies within the 23-49 percent range.
- Adult female homicide is most likely to take place in the context of intimate partner violence, with further significant layers being sexual murder and localized patterns of serial murders targeting specific groups such as prostitutes and migrant workers.
- Far fewer studies have addressed the spectrum of sexual violence, but all concur that it is far more likely to be committed by known men, including partners, with lifetime prevalence rates ranging from 2-23 per cent, rising to 6-59 per cent in the context of intimate partner violence. High levels of sexual coercion for young women are evident, including in the context of sexual initiation. Sexual violence can take mass and public forms, with additional meanings and consequences, in the context of conflict and displacement. The greater variation in findings on sexual violence is in part due to the greater variation in survey content and design.
- Studies of sexual harassment in the workplace were widespread in the 1980s, but have declined since then. An overview from 1998 notes that between 40 and 50 per cent of women in the European Union report some form of sexual harassment or unwanted sexual behaviour in the workplace. Smaller scale studies reveal high prevalence rates in schools and colleges across the Americas, Asia and Africa, with peers, teachers and sports coaches featuring prominently as harassers. Harassment can range from verbal abuse through to sexual assault.
- Research on the prevalence of FGM/C has increased significantly in the last decade, with prevalence rates varying from 5-99 percent across 19 African countries.
- Early marriage takes place across the globe but is most common in parts of sub-Saharan Africa and South Asia. Forced marriage is possibly less common but limited research has been undertaken to date.<sup>76</sup>

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<sup>76</sup> A recent study (Kleinbach, 2003) of 1,322 marriages across six villages in Kyrgyzstan found that one half of ethnic Kyrgyz marriages were the result of kidnappings, and that as many as two thirds were non-consensual for the female party.

- Crimes in the name of honour occur within the family and the community. Whilst increasingly recognized they remain under-documented, with incidence most obvious in South Asia and the Middle East, and diaspora communities.
- Whilst many conclude trafficking in women for sexual exploitation has increased in the last decade accurate data remains elusive.

159. Whilst the report makes clear that for the United Nations 'women' includes girls, there was limited data presented on sexual abuse in childhood, presumably because of overlaps with the Secretary General's report on violence against children. There is data presented in the independent expert report, but with limited exploration of gendered patterns. Indeed studies on the prevalence of sexual abuse have decreased over the last decade. An overview found prevalence rates varying between 14-32 percent<sup>77</sup>, with considerable variation in the definitions of abuse.

160. The data summarized above has been made possible by the development of new methodologies and the establishment – by academics and activists – of VAW as a legitimate and important field of study. Prevalence research – measuring the extent of previously hidden forms of violence – has played a key role in awareness raising.

161. At least four generations of studies have been identified<sup>78</sup>, beginning with community-based surveys in the late 1970s and early 1980s, moving through to large-scale national random sample studies, conducted by independent researchers, national statistical offices and/or government ministries. The latest generations involve the development of specialist modules which can be mainstreamed and transnational VAW surveys.

162. A further generation may emerge through dialogues between researchers, who continue to search for more accurate measurement, and the interests of governments and policy makers in national and transnational indicators that can trace trends over time.

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<sup>77</sup> Heise, L.L. (1998) Violence against women: An integrated ecological framework. *Violence Against Women*, 4, 262-290.

<sup>78</sup> Walby, S. & Myhill, A. (2001) New Survey methodologies in researching violence against women. *British Journal of Criminology*, 41, 502-522.

### **B. Measuring violence: back to basics**

163. Understanding debates on measuring violence necessitates exploration of key aspects of methodology and analysis. One of the major challenges has been how to measure accurately behaviours that are under-reported, and even normalised in some contexts. Strategies to increase disclosure have been explored in considerable detail. Researchers are also aware that the wider context can facilitate the process, especially where media attention and the provision of support services increases recognition and decreases stigma. Non-disclosure remains a dilemma, however, and most methodologists believe that findings continue to underestimate the scale of VAW. Prevalence studies have also revealed the gap between the extent of violence suffered and that which is reported to official agencies.

164. Processes of normalisation make asking apparently straightforward questions, such as, 'have you ever experienced violence/been assaulted?' problematic. The importance of naming violence in feminist theory has been two-fold: to give social definition and recognition to harms that have been ignored and/or trivialised; to simultaneously enable women to locate their own experiences within these new and/or revised categories.

165. Asking questions has, therefore, become something of an art in VAW research – seeking to avoid assumptions, not using words which may be interpreted narrow and restrictive ways. Rape within marriage, for example, is not criminalized in many countries, yet research reveals that current and ex-partners are a significant category of perpetrators. The strategy adopted to identify hidden violence has been to ask behaviourally specific questions, such as 'have you ever been punched [by a partner]?', 'Have you ever had sex with someone when you did not want to?', 'Have you ever been forced to have sex'.

166. The extent of violence is assessed through two different measurements: prevalence and incidence. Both terms have been variously defined<sup>79</sup>, and have subtly

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<sup>79</sup> Helie, S., Clement, M. and Larrivee, M. (2003) Epidemiological Considerations in the Conceptualization and Utilization of "Prevalence" and "Incidence Rate" in Family Violence Research: A Reply to Browning and Halli (1999). *Journal of Family Violence*, 18(4): 219-225.

different meanings in health epidemiology and crime victimisation methodology. Prevalence is the amount of something in a population, and can be measured over a lifetime, or more limited time frames, most commonly the last 12 months.<sup>80</sup> It is presented as a rate, calculated by dividing the number of individuals affected by those in the population. Such rates are more reliable where research samples are selected to be as 'representative' of the entire population as possible. The headline percentages from the Secretary General's Study presented earlier are prevalence rates.

167. Incidence is conventionally understood as the number or rate of new cases in a population occurring in a specified time period, often a year or a month. Incidence is an important health measure, allowing the tracking of the spread of disease over time and space. It is sometimes conflated or confused with *incidents*, a more crime-based concept, referring to the number of crimes committed in an area, or experienced by an individual over a specified time period. In victimisation studies, for example, individuals may experience multiple incidents of harassment, or theft, with each constituting an incident. These studies have tended to measure crime over the preceding year, or slightly longer period. This interest in recent events contrasts somewhat with the lifetime prevalence figures most commonly used in VAW research, and very few VAW surveys have sought to document every incident – albeit some methodologies have asked about the first, worst and most recent.

168. The amount of violence – variously understood as frequency/recurrence/chronicity – is an important area of measurement for forms of VAW which tend to be 'courses of conduct', with significant repeat victimisation: intimate partner violence, stalking and sexual harassment are the most obvious examples here but sexual violence is often repeated. Such documentation is important for a number of reasons:

- to measure women's victimisation in the same way other crime is measured;<sup>81</sup>
- to demonstrate that ostensibly low level incidents form part of a wider pattern with cumulative impacts and meanings.

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<sup>80</sup> Op cit p220

<sup>81</sup> See Walby 2005 for a strong argumentation.

169. On the other hand, some forms of VAW are single events – femicide, FGM/C<sup>82</sup>, child and forced marriage. Each undoubtedly constitutes, by definition, grave violations of human rights. Other forms may be single or repeated events, with gravity and impacts a combination of intrinsic harms and repetition. Measurements of frequency and seriousness are, therefore, only necessary, for some forms of VAW.

### **C. Comparing data and comparative surveys**

170. Assessing good practice in measuring violence requires comparing the methodological approaches underpinning different surveys. Creating comparable data is probably most possible where the same methodology is used. In this section examples of both approaches are considered.

171. Two projects, both focused on Europe, are currently analyzing the commonalities and differences across prevalence studies to explore comparative methodology; one has also addressed the question of whether post hoc analysis can create comparable data.

172. The Coordination Action on Human Rights Violations (CAHRV) is a network of researchers with expertise in interpersonal violence from 14 countries. One sub-network, comprised of methodologists who had undertaken prevalence studies, has addressed identifying and profiling victimization. Two substantial reports have been produced<sup>83</sup>, the first documenting the range of prevalence studies across Europe. It confirms that most is known about intimate partner violence, with far more limited study of sexual violence, including in childhood, and other forms of VAW. A second report explored the extent to which comparative data can be created post hoc. Based on five completed surveys only certain intimate partner violence findings could be compared, and new data sets had to be developed to ensure comparable samples (for example, that the same age range were included) and new variables were required to create comparable definitions of assault. Whilst demanding, what this process revealed was that question construction and content varies in complex ways, and new analytic processes are required if one seeks to make more accurate comparisons

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<sup>82</sup> There are documented cases of the procedure being done more than once, if it was deemed incomplete or was reversed.

<sup>83</sup> <http://www.cahrv.uni-osnabrueck.de/>

**PROCESS INDICATORS**

<b>Indicator</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>	<b>Notes/comments</b>
<b>Knowledge base</b>	Conducting survey module on extent of VAW, ever	Conducting survey module on extent of VAW that includes a wide range of forms of violence	Conducting survey module on extent of VAW that includes a wide range of forms of violence, every year/bi-annually	Resourcing a research programme on VAW – basic research and evaluation	Conducting survey module on extent of VAW that includes a wide range of forms of violence, and measures of prevalence, incidents and severity, every year, to UN standards, and integration of findings into national plan	
<b>Reporting</b>	Reported cases of all forms of VAW by 100,000 female population(1)	Increased rates of reporting	Proportion of A&E, maternity and health centres using routine enquiry for IPV and	Proportion of mental health services using routine enquiry for all forms of VAW	Proportion of sites using routine enquiry across all forms of VAW  Proportion with	(1) Will require gender disaggregation of crime statistics, including for child sexual abuse

			FGM/C		specialist support services on site	
<b>Support services</b>	8 hours helpline provision per day per 10,000 (2)  Advocacy/one stop service per 100,000	A national audit of support services, including their geographic distribution and accessibility (4)  Number of shelter places for girls escaping sexual abuse, forced marriage, FGM/C per 100,000	Number of shelter places for trafficked women per 100,000  Proportion of urban centres with prostitution harm reduction projects  Proportion with exit projects	Shelter places for IPV per 10,000 (3)  Percentage of shelters with children's programmes, outreach, advocacy  Proportion of communities 250,000+ with a Sexual Assault Centre	Proportion of communities 300,000+ with specialist counselling projects  Proportion of shelters and advocacy services adapted for women with disabilities	(2) To be designated across integrated VAW or IPV, sexual violence, trafficking  (3) Details must be given as to whether shelters cover minors and adults, single or multiple forms of VAW, are run by NGOs or the State, and allow women to determine their entry/exit and engagement. Shelters must deny access to the perpetrator and/or his family members.  (4) To explore non-discrimination with respect to rural women, disabled, migrant and BME women and indigenous women

Specialisation	Specialist police and prosecutor teams per police administrative area (5)	Proportion of judges and magistrates hearing cases that have received more than 2 days training	Specialist courts for domestic violence	Number of specialist services for minority women x size of minorities	Specialist sexual violence courts	(5) This includes specialist police cells, and should include a measure of the availability of female police to take statements/reports and of private space in which to give/take VAW reports



Indicator	Level 1	Level 2	Level 3	Level 4	Level 5	Notes/comments
<b>Protection</b>	Protection orders issued for IPV, proportion breached (6)  All residents having the same rights to protection under national law (7)  Independent residence rights for immigrant women	Prosecutions/sanctions for breach of orders  Proportion of asylum applications granted and refused on grounds of gender-based persecution.  Average length of time it takes before cases are heard in court (8)	Proportion of orders that remove perpetrators from the family home  Proportion of identified trafficked women given reflection period  Proportion who apply for asylum that have it granted	Proportion of orders where police use powers to 'remove' perpetrators  Proportion of trafficked women who are returned that stay in a shelter in country of origin and receive at least 2 weeks rehabilitation	Proportion of applications made by third parties  Falling rates of fear of crime for women	(6) Details must be specified as to the forms of violence this applies to, if it is only IPV  (7) This refers to rules which require that recent migrants live in the country for a number of years before they can have 'recourse to public funds'.  (8) To be calculated across forms separately and for criminal and civil processes
<b>Prevention</b>	One off	Integrated VAW awareness	Proportion of	Proportion of	Proportion of	(9) These are most likely in

awareness raising campaigns – local or national	campaigns- local or national  Mass declarations to refrain from forms of VAW (9)	children in school receiving an input on any form of VAW  Number of communities with large scale participatory prevention projects and numbers involved	children in school receiving an integrated curriculum across all forms of VAW  Number of perpetrators on re-education programmes, proportion completing (10)  Proportion of residential institutions where women and children are housed – including prisons – with VAW	children in school who will receive integrated VAW inputs throughout their education  Proportion of public and private employers with a policy on sexual harassment which includes a responsibility for prevention	the case of FGM/C, but are also being used for IPV. The indicator should specify number of declarations and number of participants.  (10) This should specify forms of violence, whether programmes are in the community, prison or other settings
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	Proportion of training initiatives which cover all forms of VAW, or one form	Proportion of new police, social workers, health professionals and educators who have training on VAW (11)	Proportion of existing police, social workers, health professionals and educators who have training on VAW	Development of core curricula on VAW for all professional training	Proportion of new professionals receiving the core curriculum	(11) Levels 2, 3 and 4 require specification of whether training is VAW, or particular forms of it
<b>Training</b>						

## OUTCOME INDICATORS

Indicator	Level 1	Level 2	Level 3	Level 4	Level 5	Notes/comments
<b>Prevalence</b>	Proportion of female population reporting grave VAW (1) ever	Proportion of adult female population reporting grave VAW in last 12 months  National databases for tracking cases of less common forms of VAW, triangulating data from police, NGOs and media reports (2)	Proportion of female population reporting serious VAW in the last 12 months who made an official report	Falling rate of child/early marriage (3)	Falling rates of femicide (4)  Declining rates of other forms of VAW in youngest cohorts	(1) Agreed international definition of grave VAW, with some forms included by definition – rape, FGM/C, forced marriage – and others through a combination of injury and frequency  Will require technical report on sampling, questions etc  (2) What these are will vary between countries  (3) To be assessed by world Bank Gender Stats, age at first marriage  (4) Possibly through gender analysis of UN Statistics division death

						by cause and UNICEF child maltreatment deaths
<b>Prosecution/Attrition</b>			Proportion of reported VAW cases, analysed by forms of violence, that result in charge, prosecution and conviction (5)	Increasing proportion of reported cases prosecuted		(5) Will require technical report on procedural rules for recording, prosecution and conviction. Also some assessment of the reliability of the data
<b>Tolerance</b>		Proportion of population that thinks VAW is unacceptable in any circumstances	Proportion of population that thinks VAW is unacceptable in most circumstances	Proportion of population that thinks VAW is unacceptable in all circumstances  Increasing acceptance of women establishing lives independent of	Decreased tolerance of all VAW in all contexts	Will require local specification of justifications and excuses

				men in the aftermath of VAW		
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**Optional modules**

UNICEF FGM/C Module: A module for use in humanitarian disaster/post-conflict, with refugee/displaced women to both assess current risks and the level of unmet need for support and remedies

## **XI. Conclusions**

357. During the conduct of this study the Secretary General's Study on VAW was published, containing a number of recommendations directly relevant to the task of creating indicators and improving data and research more generally: they are reproduced below.

400. As a priority, the United Nations system should undertake to:

- Provide technical support to countries and promote existing methodologies and good practices to ensure that existing standards of excellence on data collection are met.
- Support the development of unified methods and standards for data collection on all forms of violence against women that are under-documented.
- Support evaluation research and impact analysis of interventions to prevent and redress violence against women
- Develop common indicators for evaluating and monitoring State compliance with international agreements.
- Build capacity of national statistical offices, women's national machineries, international and national research institutions and NGOs and strengthen links between them.
- Link efforts to collect data on violence against women to existing and ongoing data collection efforts, including planning processes for poverty reduction strategies and human rights monitoring.
- Establish a coordinated and easily accessible United Nations database within the Department of Economic and Social Affairs, involving in particular the Division for the Advancement of Women and developed in collaboration with the Statistics Division of the Department of Economic and Social Affairs, the regional commissions and all other relevant parts of the United Nations system on statistics, legislation, training models, good practices, ethical guidelines and other resources regarding all forms and manifestations of violence against women.

- Convene a United Nations working group to develop and propose a set of international indicators for assessing the scope, prevalence and incidence of violence against women, monitoring progress in addressing such violence and assessing the impact of different measures and interventions. This work should build on existing proposals for indicators on violence against women, as well as on the work of the Special Rapporteur on violence against women, its causes and consequences, called for in resolution 2004/46 of the Commission on Human Rights.

358. This report contributes to the Special Rapporteur on VAW's work referred to above, laying out the rationale for indicators, and the standards they need to meet in order to be a useful tool in work towards eliminating VAW. It also makes specific proposals for a suite of indicators that address key aspects of outcome, structural and process measurements, reflecting moves towards common core human rights indicators across all treaties. The proposals seek to trace a path through concerns about not over-burdening States to ensure maximum involvement, whilst gathering useful and reliable information across the spectrum of VAW.

359. The proposals offer a foundation for the expert group referred to above to build on and develop. The work would be most efficiently developed if this were a small group, across developed and developing nations with different patterns of response to VAW. Their task should be to work up the existing proposals, make appropriate amendments and create technical notes to accompany an agreed suite of indicators.

360. Pilots should then take place in resource rich and resource poor States, with long and more recent histories of engaging with VAW. Simultaneously consultation with relevant stakeholders should take place, including the United Nations agencies most likely to use one or more of the indicators in their work. Drawing on lessons from the pilots and feedback from stakeholders the working group should reconvene and make the final decisions on the first wave of VAW indicators. A process for revisiting and adjusting them should also be planned. The timelines for the



developmental process should be no less than 12 and no more than 24 months.

361. This document has drawn and built on promising steps already underway, specifically the workshops on developing indicators in London and Geneva, the inventories of VAW surveys undertaken by CAHRV and UNECE, the COE stocktaking process, and the interests and work from a range of United Nations agencies on human rights indicators. The continuation of such transnational and interdisciplinary dialogue, coordination and networking will enable further exploration of the impact of methodology on prevalence findings. These and other groupings will continue to contribute to a collaborative project, the cumulative outcomes of which seeks to build systematic, intelligent and comparative data from various sources, which combined with population based studies can identify trends in the extent of violence, reporting behaviour, intervention outcomes and the impact of political and policy changes on protection, reparation and prevention of VAW.

362. Among the recommendations in the Secretary General's Study is to build the capacity of NSOs, and there is significant support for NSOs having the responsibility for compiling indicator data. There will undoubtedly be a need for a national focal point to undertake this work, and NSOs may be the best placed to play this role. On the other hand in some States, other bodies may have the required expertise, resources and credibility. What is undoubtedly needed are partnerships for mutual benefit – combining the legitimacy and credibility of the NSOs in many (but not all) States with the understanding and creativity of researchers and NGOs who have specialized in the field of VAW. One possibility here would be standing committees, linking statisticians, VAW researchers, national machineries on gender equality and service providers with the task of ensuring indicator data is collated and that a rich research culture is encouraged and enabled. An instructive example comes from Brazil, where two government agencies working alongside UNDP produced an Atlas of Human Development in 1998.<sup>137</sup> This CD-Rom included disaggregated data by local area, lodging in libraries and obtaining widespread media coverage, provided people with data through which to compare the performance of their local government with other areas. Data can be an important tool for debate and social change. Developing

something similar with respect to VAW – the performance of local State agencies and provision of support services - increases accountability at the local level through comparable data and indicators.

363. The meaning of trends in indicators cannot simply to read off from the statistics/numbers. For example, both Canada and North America have recently witnessed falling rates of domestic homicide. Are these attributable to changes in criminal justice processes, shelters, and declining rates for homicide more generally? Similarly does a fall in reported sex crimes represent decreased prevalence, falling confidence in the criminal justice system or changes in recording practices? Each of these, and other alternatives, are feasible explanations: which is correct in a given context can only be determined by further study. This is just one of the reasons why indicators do not supersede the need for investment in research: not only do some indicators, like prevalence data, rest in rigorous and validated research methodologies, but others when looked at over time raise new questions that can only be answered by further study.

364. Prevention has received less attention than other aspects of process, and often in ad hoc ways. More work is needed to address entrenched attitudes and beliefs that condone, justify or tolerate violence against women. To create change will be challenging long-term work, requiring sustained efforts and commitment from all sectors and actors. Efforts need to be integrated into human rights and public health agendas, target young people, the next generations of professionals and men and boys as both potential perpetrators and potential allies in social change. There is also considerable ground to be covered in exploring the role of communities, informal networks, in challenging tolerance. These kinds of activities may move responses closer to the transformations envisaged by the Special Rapporteur on VAW if we are to eliminate VAW and create cultures of peace.

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<sup>137</sup> New Atlas of Human Development in Brazil 1991-2000 (2000) Available at: [www.hfr.udp.org/reports/detail\\_reports.cfm?view=743](http://www.hfr.udp.org/reports/detail_reports.cfm?view=743)

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## Appendix 1: State respondents with Plans of Action on VAW

Table 1: Plans of Action and monitoring				
All forms of VAW	VAW within Gender equality	Specific forms of VAW	No Plan	Monitoring Mechanisms
			ALBANIA	N/A
			ALGERIA	N/A
		AUSTRALIA – Trafficking		? Not provided
AUSTRIA				Yes - Basic
BAHRAIN				Yes - Basic
BELIZE				Yes- Detailed
	BULGARIA			No
	BRAZIL			Yes- Detailed
		CAMBODIA		Yes - Basic
		CANADA		Yes?
	COLOMBIA*			Yes - Unknown
	COMMONWEALTH OF DOMINICA (COD)			Yes - Basic
CROATIA	CROATIA	CROATIA – Trafficking, Family Violence		Yes – Detailed & Basic
			CYPRUS	N/A
		DENMARK		Yes- Basic
	DOMINICAN REPUBLIC (DR)*	DOMINICAN REPUBLIC (DR)*		Yes- Basic
	EQUADOR	EQUADOR		Yes - Detailed
		ESTONIA - Trafficking		Yes - Basic
	FINLAND	FINLAND –DV& Trafficking		Yes- Basic
GEORGIA		GEORGIA		No – not implemented
GERMANY				Yes- Detailed
	GHANA			Yes- Basic
	GREECE	GREECE – Trafficking		Yes - Basic
	GUATEMALA*	GUATEMALA*		Yes- Basic
HAITI				Yes - Basic
		HUNGARY		Yes- Basic
			IRAQ	N/A

	JAPAN			Yes - Detailed
	JORDAN			Yes- Basic
	KAZAKHSTAN			Unknown
			KUWAIT	N/A
			LEBANON*	N/A
	LIBYA			Yes- Basic
			LIECHTENSTEIN	N/A
	LUXEMBOURG*			Yes - Detailed
			MALTA	N/A
	MAURITIUS	MAURITIUS		No
		MEXICO		Yes - Basic
	MOLDOVA			Yes - Basic
			MONACO	N/A
MOROCCO*				Yes – Not stated
NICARAGUA*	NICARAGUA*	NICARAGUA*		Unknown
			OMAN	N/A
	PANAMA	PANAMA		No
PARAGUAY*	PARAGUAY*			Yes- Basic
PHILIPINES	PHILIPINES	PHILIPINES		Yes - Basic
POLAND				Yes - Basic
	PORTUGAL	PORTUGAL		Yes - Basic
		REPUBLIC OF KOREA – Prostitution		Yes- Detailed
ROMANIA				Yes - Basic
			RUSSIAN FEDERATION (draft)	N/A
RWANDA				Yes- Detailed
			SAUDI ARABIA	N/A
		SINGAPORE		Yes - Basic
		SLOVAKIA		Yes - Detailed
SPAIN (2006)				Unknown
		SWEDEN		No
	SWITZERLAND*	SWITZERLAND*		No
SYRIA				Unclear
SUDAN				Yes - Detailed
THAILAND				Yes - Basic
TUNISIA				N/A
ZAMBIA	ZAMBIA	ZAMBIA		Yes - Basic
20	25	25	12	63

## **Appendix 2: VAW indicators in Nicaragua**

1. Rate of violence against women 12 years and older by other family members during the last year, by type of violence and age groups- Rate of violence against women 12 years and older by non-family members during the last year.
2. Rate of violence against children by family members during the last year by type of violence and age groups.
3. Rate of violence against children by non-family members during the last year.
4. Rate of violence against women 12 years and older by family members during their lifetime, by type of violation and age groups
5. Rate of violence against women 12 years and older by non-family members during their lifetime, by type of violation and age groups
6. Rate of violence against children by family members during their lifetime, by type of violation and age groups
7. Rate of violence against children and older by non-family members during their lifetime, by type of violation and age groups
8. Rate of non-reported violence against women 12 years and older by age groups
9. Rate of non-reported violence against children by age groups
10. Rate of detection of violence against women 12 years and older committed by current or former partner in the last year, by type of violence and age groups
11. Rate of detection of violence against women and children committed by family members in the last year, by type of violence and age groups
12. Rate of detection of violence against women and children committed by non-family members in the last year, by type of violence and age groups
13. Rate of reporting of violence against women aged 12 years and older committed by the current or former partner, by type of violence and age groups
14. Rate of reporting of violence against women and children by non-family members, by type of violence and age groups
15. Percentage of victim support, by type of attention

16. Rate of demand for support to women aged 12 years and older, who have suffered violence at the hands of their current or former partner in the last year, by type of violence and age of victim
17. Rate of demand for support to women and children, who have suffered violence at the hands of family members in the last year, by type of violence and age of victim
18. Rate of demand for support to women and children, who have suffered violence at the hands of non-family members in the last year, by type of violence and age of victim.
19. Percentage of Judgments rendered in cases of reported violence
20. Cases of reported violence that are concluded through mediation
21. Percentage of Sanction in judged cases
22. Funds designated for VAW by origin and institution

### Appendix 3: OHCHR example of proposed structural, process and outcome indicators for the right to life

#### Annex

Table 1

List of illustrative indicators on the right to life (ICCPR, art. 6) (\* MDG indicators)

	Arbitrary deprivation of life	Disappearance of individuals	Health and nutrition	Death penalty
Structural indicators	<ul style="list-style-type: none"> <li>International human rights instruments, relevant to the right to life, ratified by the State</li> <li>Period of application and coverage of a domestic bill of rights including the right to life in the Constitution or other forms of superior law</li> <li>Period of application and coverage of domestic laws relevant to the implementation of the right to life</li> </ul>	<ul style="list-style-type: none"> <li>Period of application and coverage of habeas corpus provision in the Constitution</li> <li>Period of application and coverage of habeas corpus provision in the Constitution</li> </ul>	<ul style="list-style-type: none"> <li>Period of application and coverage of state national policy statement on health and nutrition</li> <li>Number of sub-national administrative entities that have established death penalty</li> </ul>	<ul style="list-style-type: none"> <li>Number of sub-national administrative entities that have established death penalty</li> </ul>
	<ul style="list-style-type: none"> <li>Number of complaints on the right to life received, investigated and adjudicated by the national human rights institution/human rights ombudsman/specialized institution and other administrative mechanisms (created to protect interests of specific population groups including minorities, ethnic groups, migrants, refugees, etc.) in the specified period</li> <li>Number of communications transmitted by Special Rapporteur on extrajudicial, summary or arbitrary executions and proportion of communications responded substantively by Government</li> <li>Proportion of police/military personnel trained in international standards on arrest and detention</li> <li>Proportion of perpetrators of the reported cases of arbitrary deprivation of life pursued/identified/adjudicated/sentenced</li> </ul>	<ul style="list-style-type: none"> <li>Number of communications transmitted by Working Group on Enforced or Involuntary Disappearances and proportion identified by the Government</li> <li>Average time spent in police custody by detainees before being brought before a judge</li> <li>Number of arrests corpus and similar petitions filed in courts</li> <li>Proportion of perpetrators of the alleged cases of disappearances pursued/identified/adjudicated/sentenced/serving sentence</li> </ul>	<ul style="list-style-type: none"> <li>Proportion of population below minimum level of dietary energy consumption*</li> <li>Proportion of vulnerable population covered under public programmes for nutrition supplementation</li> <li>Proportion of population with sustainable access to an improved water source*</li> <li>Proportion of population with access to improved sanitation*</li> <li>Proportion of one-year-olds immunized against vaccine-preventable diseases (e.g. measles)*</li> <li>Proportion of disease cases detected and cured (e.g. tuberculosis)*</li> <li>Infant under-five mortality rate*</li> <li>Life expectancy at birth/age one</li> <li>Death rates associated with diseases (e.g. HIV/AIDS/malaria/tuberculosis)*</li> </ul>	<ul style="list-style-type: none"> <li>Number of courts on death row</li> <li>Average time spent by convicted on death row</li> <li>Proportion of convictions respecting the right to have their sentence reviewed by higher court</li> <li>Proportion of accused facing capital punishment receiving free legal aid</li> <li>Number of cases of expulsion or imminent expulsion of persons to a country where they may face death penalty</li> </ul>
Outcome indicators	<ul style="list-style-type: none"> <li>Incidence of homicides and life-threatening crimes reported per 100,000 population</li> <li>Incidence of criminal death</li> <li>Reported cases of arbitrary deprivation of life (e.g. as reported in the Special Rapporteur on extrajudicial, summary or arbitrary executions)</li> </ul>	<ul style="list-style-type: none"> <li>Reported cases of disappearances (e.g. as reported to the Working Group on Enforced or Involuntary Disappearances)</li> <li>Proportion of disappearance cases identified, by status of person at the date of identification (at liberty/in detention/dead)</li> </ul>		<ul style="list-style-type: none"> <li>Executions under death penalty in the reporting period</li> <li>Proportion of death sentences confirmed</li> </ul>

## Appendix 4: Edited Council of Europe Stock Taking Questions

### I. General indicators

1. Have you established a national action plan for combating violence against women?

yes no

If so, has it been publicized?

yes no

What is the time frame?

Does your action plan address all the areas of violence against women as defined in the Recommendation Rec(2002)5?

yes no

- rape and sexual violence;

yes no

- violence within the family;

yes no

- sexual harassment;

yes no

- genital mutilation;

yes no

- violence in conflict and post-conflict situation;

yes no

- violence in institutional environment;

yes no

- failure to respect freedom of choice with regard to reproduction;

yes no

- killings in the name of honour;

yes no

- forced marriages

yes no

2. Do you have a governmental co-ordinating body for implementation and evaluation, as specified in paragraph I (3) of the Recommendation Rec(2002)5 and paragraph 4 of its appendix?

yes no

3. Are specific funds allocated at

- national,

yes no

- and/or regional,

yes no

- and/or local level

yes no

of government for activities to combat violence against women?

If so, how much?

Euros

Do NGOs receive financial support from public authorities for their activities in addressing violence against women?

yes no

### II. Legislation and judicial procedures

4. Is every act of violence against women penalized, in particular:

yes no

a. all forms of physical violence to spouses, regular or occasional partners and cohabitants?

yes no

b. all forms of sexual violence to spouses, regular or occasional partners and cohabitants?

yes no

c. psychological violence within the family?

yes no

d. sexual harassment at work?

yes no

5. Is the police required to record all cases of violence within the family by law, by regulation or by written instruction?

yes no



Is the police required to investigate all cases reported? yes no

6. Has the State made provisions to ensure that the public prosecutor can initiate criminal proceedings in cases of:

- violence within the family yes no
- and sexual violence yes no

7. Are judicial protection orders for the victims of violence within the family available under your legal system? yes no

### III. Support and protection for victims

8. How many shelters exist where women who are victims of any form of violence can find safe temporary accommodation with their children and receive counseling and support by specifically trained staff?

How many places are available?

- Are they accessible around the clock (24 /7) for all women, yes no
- in sufficiently wide geographical distribution yes no
- and free of charge? yes no
- Are minimum standards established? yes no

9. Are there services with specifically trained staff for women who are victims of sexual assault, including 24-hour rape crisis centres that ensure

- immediate medical care yes no
- and documentation? yes no
- Are they accessible to all women, yes no
- in sufficiently wide geographical distribution yes no
- and free of charge? yes no

10. Are children who witness violence against their mothers given protection and assistance by specifically trained staff to meet their needs? yes no

Is it free of charge? yes no

11. Is information about women rights and the measures to protect them against violence, about police and legal intervention, and about services for victims disseminated

- in all relevant languages yes no
- on a regular basis yes no
- and using media and methods suited to reach all women throughout the country? yes no

### IV. Perpetrators

12. Are there specifically designed intervention programmes, conducted by professionals, offered to men perpetrators of violence against women? yes no

How many programmes exist?

### V. Public awareness and the media

13. Has a code of conduct concerning violence against women been drawn up for media professionals? yes no

14. Is there a body serving as a media watch dealing with issues concerning violence against women and sexism as well as with stereotyped portrayal of women?                      yes no

## **VI. Education and training**

15. Have there been any programmes or activities to educate children in the public schools about violence against women within the past two years?                      yes no

16. Which of the following groups of professionals receive appropriate specific training on violence against women, prevention and intervention? Initial; Vocational training; Further education

- Police
- Lawyers
- Judges
- Social workers
- Physicians
- Psychologists and therapists
- Nurses and midwives
- School teachers
- Pre-school teachers
- Media professionals

## **VII. Data collection and research**

17. Do police statistics systematically record in standardized categories according to criminal offences:

- |   |        |
|---|--------|
| - sex of victim                                 | yes no |
| - sex of perpetrator                            | yes no |
| - relationship of perpetrator to victim         | yes no |
| If so, are they available in a national report? | yes no |

18. Is there any systematic medical data collection on contacts made with health care services identified as due to violence inflicted to women?                      yes no

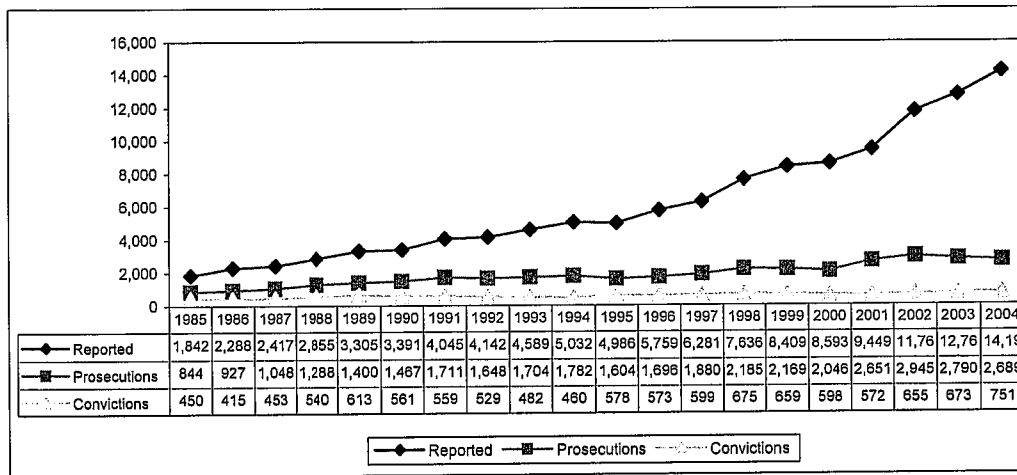
19. Are questions on violence against women integrated in a regular representative national survey?                      yes no

20. Has there been a representative national survey focusing on the prevalence and effects of all forms of violence against women?                      yes no  
When?

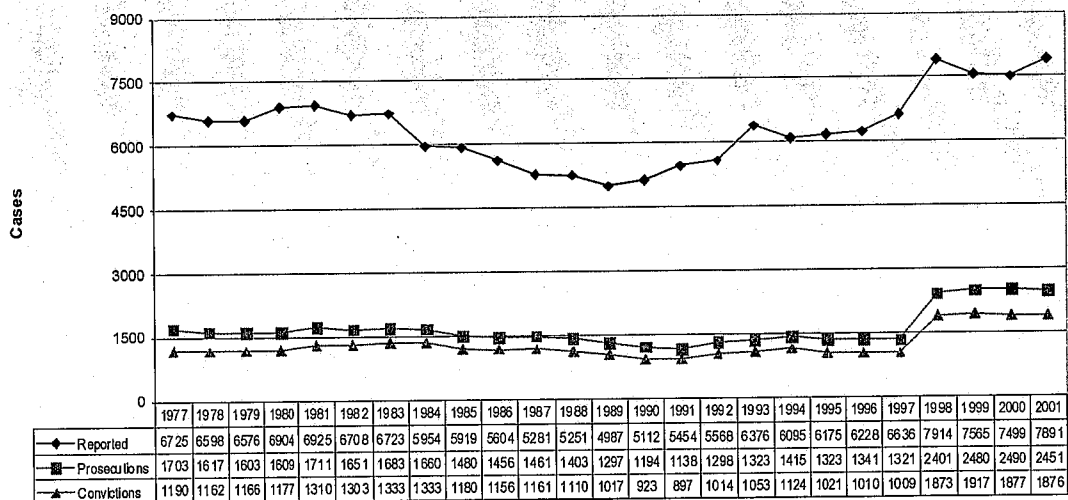
A set of explanatory notes accompanies the questions.

## Appendix 5: Attrition in reported rape cases for selected European countries

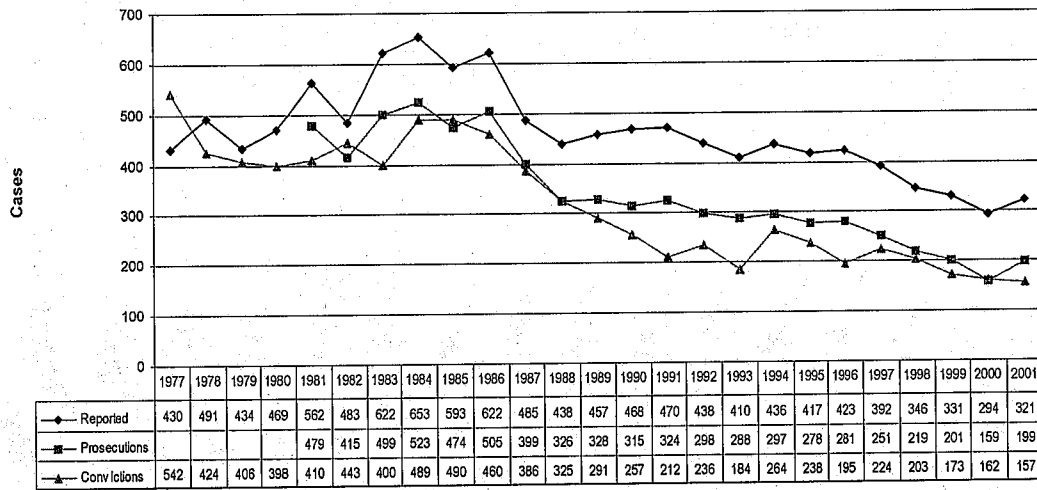
### Attrition in England and Wales



### Attrition in Germany (Cases include Minors)



### Attrition in Hungary (Cases include Minors)



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