

Information Sheet 1:

Definitions of gender-based violence

The terms **gender-based violence (GBV)**, **violence against women (VAW)** and **violence against women and girls (VAWG)** are sometimes used interchangeably. However, **GBV** is gender neutral, so encompasses violence against a man or a woman that is violence based on their gender or sexual orientation.

VAW and VAWG are terms that recognize that the most prevalent form of GBV is violence against women. The ILO uses the terms GBV, ensuring that measures against violence at work include both men and women and encompasses sexual orientation.

Gender-based violence, the term used by the ILO, is violence that is directed against an individual or group of individuals based on their gender identity. GBV encompasses violence against women and girls as well as against men and boys, people who are lesbian, gay, bisexual, transgender and intersex (LGBTI), and other individuals who do not conform to dominant gender roles.

Intimate partner violence refers to behaviour by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviour. This is sometimes also referred to as domestic violence.

Sexual violence is any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting.

Sexual harassment is a form of GBV particularly found in the world of work. It is sex-based behaviour that is unwelcome and offensive to its recipient.

Violence against women (VAW)

Violence against women and girls (VAWG) is one of the most systematic and widespread human rights violations. It is rooted in gendered social structures rather than individual and random acts; it cuts across age, socio-economic, educational and geographic boundaries; affects all societies; and is a major obstacle to ending gender inequality and discrimination globally. (UN General Assembly, 2006)

The United Nations defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (General Assembly Resolution 48/104 *Declaration on the Elimination of Violence against Women*, 1993).

The term violence against women and girls (VAWG) ensures that the concept covers violence against girls. VAWG includes a broad range of different forms of violence, grounded in particular settings or situations, including (but not limited to) intimate partner violence (“domestic violence”), sexual violence, acid throwing, honour killings, sexual trafficking of women, female genital cutting/mutilation (FGC/M) and child, early and forced marriage (CEFM). (DfID, 2015)

A brief chronology of international instruments on gender-based violence

United Nations

Gender-based violence violates fundamental human rights as established in the 1948 UN Universal Declaration of Human Rights. These fundamental rights further elaborated by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted by the UN General Assembly on 16 December 1966. The latter, in particular, expressly requires States parties to the Covenant to recognize the right of everyone to the enjoyment of “safe and healthy working conditions.”

The 1993 World Conference on Human Rights recognized violence against women as a human rights violation and called for the appointment of a Special Rapporteur on violence against women in the Vienna Declaration and Programme of Action. It contributed to the 1993 Declaration on the Elimination of Violence against Women. The 1993 Declaration on the Elimination of Violence against Women became the first international instrument explicitly addressing violence against women, providing a framework for national and international action. It defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

The 1994 International Conference on Population and Development drew links between violence against women and reproductive health and rights. Its Programme of Action calls on governments to take legal and policy measures to respond to and prevent violence against women and girls.

The UN General Assembly adopts bi-annual resolutions on the issue of violence against women. The most recent resolutions adopted in 2012 include the intensification of efforts to eliminate all forms of violence against women and trafficking in women and girls.

The UN Human Rights Council adopts resolutions on accelerating efforts to eliminate all forms of violence against women, the most recent being in 2012. In 2013, the Commission on the Status of Women (CSW) adopted, by consensus, Agreed Conclusions on the elimination and prevention of all forms of violence against women and girls. This represents an important outcome as there had been no agreed conclusions on this issue when it was last considered by CSW in 2003.

The UN Conventions on the Protection of the Rights of all Migrant Workers and Members of Their Families and on the Elimination of All Forms of Racial Discrimination also address non-discrimination in employment.

CEDAW

Gender-based violence was first addressed in detail at a global level in the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Article 11 requires that ratifying States: “take all appropriate measures to eliminate discrimination against women in the field of employment”. The Committee on the Elimination of Discrimination against Women, the treaty body that interprets and monitors compliance with CEDAW, has affirmed that violence against women is a form of discrimination against women and that States parties should have effective legal, preventive, and protective measures in place to provide justice for victims, hold offenders accountable, and protect society from future acts of sexual violence.

CEDAW requires States parties to take into account the particular problems faced by rural women, and the Committee has made specific recommendations for provision of legal aid, training for police and others working with victims of violence, and counselling services in rural areas. Article 11 of CEDAW specifically protects the “right to protection of health and to safety in working conditions”. The Committee has issued two statements specifically on sexual harassment: Recommendation No. 12 identifies the prevention of sexual harassment as an obligation undertaken by States parties, and Recommendation No. 19 notes that sexual harassment seriously impairs equality in the workplace.

In 1992 CEDAW adopted General Recommendation No. 19 on violence against women and addressed the problem of sexual harassment providing, for the first time, a clear definition of this behaviour and listing actions to be taken against this form of violence by States: “Equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace.” (para. 17)

Definitions of sexual harassment are also given: “Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.” (para. 18)

In light of these comments, the Committee on the Elimination of Discrimination against Women recommended that: (para. 19)

- (i) States parties should include in their reports information on sexual harassment, and on measures to protect women from sexual harassment in the workplace;
- (ii) States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, inter alia:
- (iii) Effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect women against all kinds of violence, including ... sexual harassment in the workplace;
- (iv) Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women.

In June 1993, the World Conference on Human Rights held in Vienna, Austria, stressed the importance of working towards the elimination of violence against women in public and private life. This led to the appointment of a UN Special Rapporteur on Violence against Women, who reports on an annual basis to the UN Commission on Human Rights.

In December 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence against Women. It defines what constitutes an act of violence against women, and calls on governments and the international community to take specific measures to prevent violence against women. Violence against women is defined as:

“any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

The Declaration also lists abuses that are encompassed by the term “violence against women”:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring 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;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

In September 1995, the Fourth World Conference on Women, held in Beijing, confirmed action to be undertaken to combat violence against women.

International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) declares, “Everyone has the right to liberty and security of person.” The ICCPR further prohibits discrimination on “any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” The ICCPR also requires states parties to “ensure ... an effective remedy” when these rights are violated.

The Human Rights Committee's General Comment 31 to the ICCPR notes that states parties must “take appropriate measures ... or exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.”

International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (and article 7 of the ICCPR) guarantee the right to be free from torture and cruel, inhuman, or degrading treatment. International tribunals and other bodies have established that rape is covered by these prohibitions on torture.

Migrant women and girls

The international legal framework to prevent and address violence against migrant women and girls includes the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention on the Rights of the Child (1989); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); and the ILO Convention 189 concerning Decent Work for Domestic Workers (2011). In addition, the Committee on the Elimination of All Forms of Discrimination against Women adopted General Recommendation No. 26 on Women Migrant Workers (2008), and the Committee on Migrant Workers adopted General Comment No. 1 on Migrant Domestic Workers (2011).

International Labour Organization

The ILO has the goal to “promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity.”

There is currently no international standard dealing specifically with the issue of gender-based violence in the world of work. However, the need to address gender-based violence is addressed in the following international labour standards.

ILO’s policy framework on gender-based violence can be found in the 1998 Declaration on Fundamental Rights and Principles at Work. The 2008 Declaration on Social Justice for a Fair Globalization further embedded gender equality and non-discrimination as cross-cutting issues in the four strategic objectives of the fundamental principles and rights at work: employment, social protection and social dialogue. The Conventions relevant to gender equality are:

- Forced Labour Convention, 1930 (No. 29)
- Migration for Employment (Revised) Convention, 1949 (No. 97)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- Workers with Family Responsibilities Convention, 1981 (No. 156)
- Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Maternity Protection Convention, 2000 (No. 183)
- Decent Work for Domestic Workers 2011 (No. 189)

In particular, the 2011 Convention on Decent Work for Domestic Workers covers these highly-vulnerable and predominantly female workers. It requires ratifying States, employers’ and workers’ organizations to take action against any form of violence, abuse and harassment at work.

Under a recently adopted ILO Protocol on Forced Labour, 2014, States should take measures to support due diligence by the private and public sectors to respond to the risk of forced labour and to protect workers, in particular migrant workers, from fraudulent recruitment practices.

Gender-based violence at work is also addressed in two recent ILO Recommendations.

- Recommendation 200 concerning HIV and AIDS and the World of Work (2010) sets out steps and “ensuring actions to prevent and prohibit violence and harassment in the workplace”.
- Recommendation 204 concerning the Transition from the Informal to the Formal Economy (2015) requires member States to ensure that an integrated policy framework is included in national development strategies or plans. “This framework should address [...] the promotion of equality and the elimination of all forms of discrimination and violence, including gender-based violence, at the workplace.”

In examining ILO member States’ reports on Convention No. 111, the ILO Committee of Experts on the Application of Conventions and Recommendations has expressed its view that sexual harassment is a form of sex discrimination and should be addressed within the requirements of the Convention. The Committee noted that sexual harassment undermines equality at work by calling into question integrity, dignity and the well-being of workers. Sexual harassment also damages an enterprise by weakening the bases upon which work relationships are built and impairs productivity.

In its ILO's 2002 general observation on sexual harassment urged governments to take appropriate measures to prohibit sexual harassment in employment and occupation. It highlighted the most commonly used definition as:

1. (quid pro quo): any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job;
2. (hostile work environment): conduct that creates an intimidating, hostile or humiliating working environment for the recipient.

The 2009 report of the ILO Committee of Experts on the Application of Conventions and Recommendations noted:

"...[an] important implementation gap concerns sexual harassment, which is a serious form of sex discrimination and a violation of human rights at work. The Committee therefore recalls its 2002 general observation highlighting the importance of taking effective measures to prevent and prohibit both quid pro quo and hostile environment sexual harassment at work. Laws on sexual harassment often lack clear definitions and appropriate responses in terms of remedies and complaints mechanisms. Confining sexual harassment to criminal procedures has generally proven inadequate, as they may deal with the most serious cases, but not with the range of conduct in the context of work that should be addressed as sexual harassment, the burden of proof is higher and there is limited access to redress".

In 2015 the ILO agreed to discuss the introduction of a new international labour standard on **gender-based violence in the workplace** in response to the need for a specific instrument to address this growing problem. A standard-setting item on "Violence against women and men in the world of work" has been placed on the agenda of the 107th Session of the ILO Conference (June 2018). This will be the first of a two-year process of agreeing a (possible) new international standard to cover gender-based violence in the world of work. The ILO Conference 2018 decision may lead to a new standard (e.g. a Recommendation or a Convention) being set at the 2019 ILO (centenary) conference. For further information see: http://www.ilo.org/gb/decisions/GB325-decision/WCMS_425655/lang--en/index.htm

Other relevant ILO instruments:

- Resolution concerning Gender Equality at the Heart of Decent Work, adopted in June 2009.
- Resolution concerning the Promotion of Gender Equality, Pay Equity and Maternity Protection, adopted in June 2004.
- Governing Body's March 2005 Decision on Gender Mainstreaming in Technical Cooperation which mandates attention to gender equality in all aspects of the ILO's technical cooperation.
- The ILO's gender equality mandate is also set in the context of a number of international instruments advancing equality between women and men. These include the UN Charter itself, numerous resolutions of the General Assembly, the 1997 UN Economic and Social Council's Agreed Conclusions on gender mainstreaming, the Convention on the Elimination of Discrimination against Women (CEDAW), the 1995 Beijing Platform for Action and its follow-up, and the Millennium Development Goals.

Specific codes of practice and conventions on violence against women and girls at work (including sexual harassment) include:

- The ILO's Governing Body code of practice on workplace violence in services sectors and measures to combat this phenomenon (adopted in 2003) is a non-binding instrument which offers guidance in addressing workplace violence in these sectors and which makes specific reference to sexual harassment.
- ILO's decent work mandate compels it to act against violence at work and to foster workplace environments founded on gender equality and respect.

Towards a new ILO instrument on violence against women and men in the world of work?

Over the last decade, the pervasiveness and the cost of sexual harassment and GBV, a manifestation of sex-based discrimination, has become a growing concern at the national and international level.

There is no single international human rights treaty prohibiting violence against women in the workplace. The adoption of a new ILO standard on gender-based violence at work would provide, for the first time, a broad definition of gender-based violence at work and the diverse forms of violence endured by workers at their workplace; provisions to prevent gender-based violence at work; measures to protect and support workers affected by gender-based violence; and a description of the groups most affected by gender-based violence. It would contribute to the realization of women's rights by reducing women's vulnerability and increasing economic independence and productivity at work.

If introduced a new ILO instrument would mark an important milestone in preventing violence against women and men in the workplace, improving women's working conditions, saving significant costs in health care, lower productivity and sick leave resulting from sexual harassment and violence in the workplace.

Source: ILO http://www.ilo.org/gb/decisions/GB325-decision/WCMS_425655/lang--en/index.htm

Examples of forms of violence against women

The following list provides a detailed but not exhaustive list of the numerous forms that violence against women can take.

Physical Violence:

Physical violence occurs when someone uses a part of their body or an object to control your actions. Physical violence includes, but is not limited to, the following:

- pushing;
- pinning or holding a person down;
- confinement;
- pinching;
- hair-pulling;
- slapping;
- punching;
- arm twisting;
- kicking;
- biting;

- choking;
- burning;
- overmedication;
- assault or threats with an object or weapon;
- stabbing; and
- murder.

Sexual Violence:

Sexual violence occurs when someone forces you against your will to take part in sexual activity. Sexual violence includes, but is not limited to, the following:

- touching you in a sexual manner against your will (i.e. kissing, grabbing, fondling); forced sexual intercourse;
- forcing you to perform sexual acts you find degrading or painful;
- use of a weapon to make you comply with a sexual act;
- beating sexual parts of your body;
- exhibitionism (need to expose body parts to others);
- denial of a woman's sexuality;
- humiliating, criticizing or trying to control a woman's sexuality;
- denial of sexual information and education (i.e. birth control);
- withholding sexual affection;
- exposure to HIV or other sexually transmitted infections;
- forced abortion or sterilization;
- forced prostitution; and
- unfounded allegations of promiscuity and/or infidelity.

Emotional Violence:

Emotional violence occurs when someone says or does something to make you feel stupid or worthless. Emotional violence includes, but is not limited to, the following:

- name calling;
- destruction of your personal property;
- constant criticism;
- blaming all relationship problems on you;
- humiliating or belittling you in front of others;
- confinement to the home;
- using silent treatment;
- jealousy; and
- intimidation.

Psychological Violence:

Psychological violence occurs when someone uses threats and causes fear in you to gain control. Psychological violence includes, but is not limited to, the following:

- threatening to harm you, your children or your family if you leave;
- threats of violence;
- threats of abandonment;
- social isolation from your family and friends;
- threatening to take the children;

- stalking;
- verbal aggression and
- threatening to harm themselves.

Spiritual Violence:

Spiritual violence occurs when someone uses your religious or spiritual beliefs to manipulate, dominate, or control you. Spiritual violence includes, but is not limited to, the following:

- trying to prevent you from practicing your religious or spiritual beliefs;
- making fun of your religious or spiritual beliefs;
- forcing you to raise your children in another religion or spiritual choice; and
- using your religious or spiritual beliefs to manipulate, dominate or control you.

Cultural Violence:

Cultural violence occurs when you are harmed as a result of practices condoned by your culture, religion or tradition. Cultural violence includes, but is not limited to, the following:

- female circumcision;
- early marriage (under the age of 18);
- marital rape;
- dowry murder;
- sexual slavery; and
- honour crimes.

Financial Abuse:

Financial abuse occurs when someone controls your financial resources without your consent. Financial abuse includes, but is not limited to, the following:

- destruction of your personal property;
- not allowing you to attend school;
- refusing to let you work outside the home;
- controlling your choice of occupation;
- forbidding you to have access to the family income and bank accounts;
- giving you an allowance and requiring justification for all money spent;
- taking money needed for the care of the family;
- refusal to contribute financially to family; and
- denying access to basic needs such as food and health care.

Neglect:

Neglect occurs when someone has the responsibility to provide care or assistance for you but does not. Neglect includes, but is not limited to, the following:

- not paying your bills; and
- not providing needed medication, food, shelter or clean clothing.

Source: ITF: http://www.itfglobal.org/media/1169/womens_violence_guide_english.pdf